

Municipal District of Wainwright

LAND USE BYLAW



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GUIDE TO USING THE LAND USE BYLAW



The Land Use Bylaw establishes regulations for how land can be developed within the Municipal District of Wainwright. Regulations vary depending on the location and type of development. A development permit must be obtained prior to any new construction, structural renovations, opening of a new business and/or changing the use of an existing building. Development permits provide municipal approval for the use of land as well as the placement, size and location of new buildings or structures. In addition to the Land Use Bylaw, other bylaws, regulations, and policies of the Municipal District of Wainwright, Provincial and Federal governments must also be followed.

The following steps may assist the user of the Land Use Bylaw:

1

LOCATE

Locate the subject property on the Land Use Districts Map.

This map divides the Municipal District of Wainwright into five different land use districts. Take note of which land use district the subject property is located in. Note that land use districts are often referred to as “Zones” or “Zoning.”

To conform to the language of the Municipal Government Act, this Land Use Bylaw uses the terms “district” and “districting.”

2

CHECK

Check the Table of Contents and locate the land use district you are interested in. Each land use district is listed in Section 11.

In each land use district you will find a list of permitted and discretionary uses, subdivision regulations, development regulations and other miscellaneous regulations. This determines how and what can be developed in any given land use district. There are definitions in Part 2 that should also be reviewed to ensure that the words and terms used in the Land Use Bylaw are understood.

3

REVIEW

Review the Table of Contents to see if there are any regulations that apply to the situation or use in question.

For example, Sections 9 and 10 contain regulations affecting accessory buildings, recreational vehicles, guest cabins, and alternate home occupations, among many others.

4

DISCUSS

Discuss your proposal or concern with Municipal District of Wainwright Administration.

Administration is trained and eager to assist you with your development, subdivision, or general inquiry issues and to explain procedures. They can also assist with other situations such as enforcement or Land Use Bylaw amendments.

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1. INTRODUCTION



1.1 TITLE

- 1.1.1 The title of this Bylaw shall be the Municipal District of Wainwright Land Use Bylaw (Bylaw XXXX).

1.2 REPEAL

- 1.2.1 Bylaw No. 1318, the former Municipal District of Wainwright Land Use Bylaw (as amended) is repealed and shall cease to have effect on the day that this Land Use Bylaw comes into effect.

1.3 COMMENCEMENT

- 1.3.1 This Bylaw comes into effect upon the date of its third reading by Council.

1.4 PURPOSE

- 1.4.1 The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose, amongst other things:
- a. to divide the municipality into land use districts;
 - b. to prescribe and regulate for each land use district the purposes for which land and buildings may be used unless the district is designated as a Direct Control District pursuant to section 641 of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended;
 - c. to establish the office of the Development Authority;
 - d. to establish a method of making decisions on applications for development permits including the issuing of development permits;
 - e. to provide the manner in which notice of the issuance of a development permit is to be given;
 - f. to establish a system of appeals against the decisions of the Subdivision Authority and the Development Authority;
 - g. to establish the number of dwelling units permitted on a parcel;
 - h. to protect important natural and ecological features of the municipality; and
 - i. to follow:
 - i. adopted statutory plans and policies;
 - ii. the Municipal Government Act, R.S.A. 2000, c.M-26, as amended;
 - iii. the Subdivision and Development Regulation, AR43/2002, as amended; and
 - iv. the Provincial Land Use Policies (or, where applicable, a regional plan adopted under the Alberta Land Stewardship Act, S.A. 2009, c. A-26.8, as amended).

1.5 APPLICATION

- 1.5.1 The provisions of this Bylaw apply to all land and buildings within the boundaries of the Municipal District of Wainwright.

1.6 CONFORMITY

- 1.6.1 No person shall commence any subdivision or development unless it is in accordance with the terms and conditions of this Bylaw.

1.7 COMPLIANCE

- 1.7.1 Compliance with the requirements of this Bylaw does not exempt a person from:
 - a. The requirements of any federal or provincial legislation;
 - b. The policies and regulations of the municipality's statutory plans and bylaws;
 - c. Complying with any easement, covenant, agreement or contract affecting the development.
- 1.7.2 Nothing in this Bylaw removes the obligation of a person to obtain other permits, licenses or approvals required by other legislation, statutory plans, or bylaws.

1.8 SEVERABILITY

- 1.8.1 Each separate provision of this Bylaw shall be deemed independent of all other provisions.
- 1.8.2 If any provision of this Bylaw be declared invalid, that provision shall be severed and all other provisions of the Bylaw shall remain in force and effect.

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2. INTERPRETATION

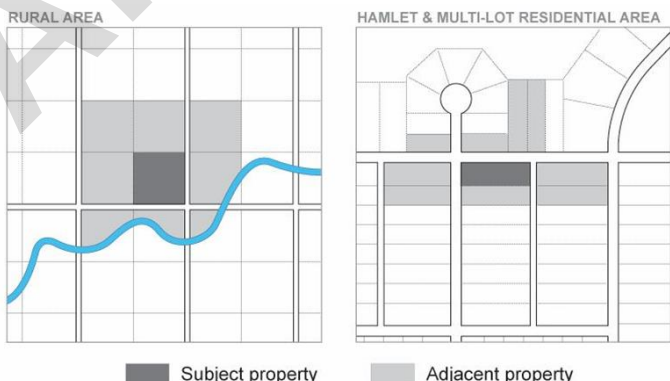


2.1 MEASUREMENTS

- 2.1.1 The metric measurement shall take precedence for the purposes of interpretation of this bylaw.
- 2.1.2 The imperial measures are approximate and are provided only for information.
- 2.1.3 Unless specified elsewhere in this bylaw, measurements shall be rounded to the tenth decimal place.

2.2 DEFINITIONS

- 2.2.1 Where a term is defined in both provincial legislation and this bylaw, the definition in the legislation shall prevail.
- 2.2.2 For the purpose of the interpretation of this bylaw:

1.	ABATTOIR	Means the use of land or buildings as a facility for the slaughtering of animals and the processing of meat products.
2.	ABUT/ABUTTING	Means immediately contiguous or physically touching, and, when used with respect to a parcel or site, means that the parcel or site physically touches upon another parcel or site, and shares a property line or boundary line with it.
3.	ACCESSORY BUILDING	Means a building separate and subordinate to the main building, the use of which is incidental to that of the main building and located on the same parcel.
4.	ACCESSORY USE	Means a use incidental and subordinate to the main use or building and located on the same parcel with such main use or building.
5.	ACT	Means the Municipal Government Act, R.S.A. 2000, as amended.
6.	ADJACENT	<p>Means land that is immediately contiguous to a site, or would be immediately contiguous to a site if not for a road, lane, walkway, watercourse, utility lot, pipeline right-of-way, power line, railway, or similar feature.</p> 
7.	AERODROME	Means any area of land, water (including the frozen surface thereof) or other supporting surface used or designed, prepared, equipped or set apart for use either in whole or in part for the arrival, departure, movement or servicing of aircraft and includes any buildings, installations and equipment situated thereon or associated therewith. Aerodromes include water aerodromes and heliports.
8.	AGRI-TOURISM	Means an agriculturally based operation or activity that brings visitors to a farm or ranch. Agri-tourism includes, but is not limited to, buying produce direct from a farm stand, navigating a corn maze, picking fruit, feeding animals, and may include overnight accommodations as secondary uses with appropriate permits.

9.	AGRICULTURAL OPERATION	Means an agricultural operation as defined in the Agricultural Operation Practices Act, R.S.A. 2000, c. A-7, as amended.
10.	AGRICULTURAL USES	means farming activities including: , extensive agriculture, intensive agriculture, agri-tourism, industrial agriculture, value-added agriculture, and confined feeding operations. Agricultural uses do not include cannabis production and distribution facilities.
11.	AGRICULTURE, EXTENSIVE	Means the use of land or buildings, excluding dwellings, for an agricultural operation, which requires large tracts of land (usually in the order of 32.4 ha (80.0 ac.) or greater in area), but not including intensive agriculture, confined feeding operations, or cannabis production and distribution facilities.
12.	AGRICULTURE, INDUSTRIAL	Means an industrial activity involving the processing, cleaning, packing or storage of agricultural products, or providing products or services directly related to the agricultural industry. Agricultural industry includes, but is not restricted to, seed cleaning and/or processing plants, feed mills, bulk fertilizer distribution plants, crop spraying, a licensed industrial hemp production facility, and grain elevators, but does not include the manufacture of processed foods from agricultural products or abattoirs. This use does not include cannabis production and distribution facilities.
13.	AGRICULTURE, INTENSIVE	Means a commercial agricultural operation which raises crops on a land-intensive basis. Without restricting the generality of the foregoing, this shall include commercial nurseries, greenhouses, market gardens, apiaries, silviculture and sod farms, but not confined feeding operations. This use does not include cannabis production and distribution facilities.
14.	AGRICULTURE, SMALL SCALE OPERATION	means a less land intensive agricultural operation that operates on a smaller agricultural parcel (typically less than 16.2 ha (40.0 acres). Value Added Agriculture does not include intensive agriculture, cannabis production and distribution, or confined feeding operations.
15.	AGRICULTURE, VALUE ADDED	means an agricultural industry which economically adds value to a product by changing it from its current state to a more valuable state.
16.	AIRPORT	Means an aerodrome for which, under Part III of the Canadian Aviation Regulations, an airport certificate has been issued by the Minister. Within the context of the Airport Vicinity Protection Overlay portion of this land use bylaw, airport means the Wainwright Airport.
17.	AIRPORT ZONING REFERENCE POINT ELEVATION	Means the airport zoning reference point elevation of the runway as the Airport Vicinity Overlay of this land use bylaw.
18.	AIRPORT RUNWAY	Means the area of land within the airport that is used or intended to be used for the take-off and landing of aircraft.
19.	ALCOHOL RETAIL SALES	Means an establishment or that part of an establishment possessing a Class D liquor license which is used for the retail sales of any and all types of alcoholic beverages to the public for consumption off premises. This use may include, as well as the sale of alcohol, the retail sales of related products such as soft drinks and snack foods. This does not include licensed cannabis retail sales establishments.
20.	ALTERNATE ENERGY SYSTEM	Means a use producing energy fueled from sources such as sunlight, water, wind, geo-thermal, or organic materials, but not fossil fuels (liquids, gases, or solids), either directly, via conversion, or through biochemical / bio-mechanical / chemical mechanical / bio-chemical mechanical processes. Examples of such uses are, but not limited to, anaerobic digester, biodiesel, bioenergy, composting, gasification, geo-thermal facility, microhydro, solar energy conversion, wind energy conversion, and waste to energy.

21.	ALTERNATE ENERGY SYSTEM, COMMERCIAL	Means a use producing energy fueled from sources such as sunlight, water, wind, geo-thermal, or organic materials, but not fossil fuels (liquids, gases, or solids), either directly, via conversion, or through biochemical / bio-mechanical / chemical mechanical / bio-chemical mechanical processes for distribution offsite and/or commercially . Examples of such uses are, but not limited to, anaerobic digester, biodiesel, bioenergy, composting, gasification, geo-thermal facility, microhydro, solar energy conversion, wind energy conversion, and waste to energy.
22.	ALTERNATE ENERGY SYSTEM, INDIVIDUAL	Means a use producing energy fueled from sources such as sunlight, water, wind, geo-thermal, or organic materials, but not fossil fuels (liquids, gases, or solids), either directly, via conversion, or through biochemical / bio-mechanical / chemical mechanical / bio-chemical mechanical processes for distribution on the site the facility is located . Examples of such uses are, but not limited to, anaerobic digester, biodiesel, bioenergy, composting, gasification, geo-thermal facility, microhydro, solar energy conversion, wind energy conversion, and waste to energy.
23.	ANAEROBIC DIGESTER	Means a facility or system designed to process animal manure, organic matter, or septic waste into a bio-gas fuel.
24.	ANIMAL UNIT	Means in the context of minor farming, the following numbers of livestock: <ul style="list-style-type: none"> a. 1 head of cattle or cow; b. 2 horses, elk, or deer; c. 5 goats or sheep; d. 10 fowl; e. 5 pigs; f. Exotics and others – at the discretion of the Development Authority.
25.	APIARY	Means the keeping of honey bees for honey production, and includes a place where bee colonies (beehives) are kept on a site and where raw honey is processed and stored.
26.	ARTERIAL ROAD	Means a road designated as such in the Municipal Development Plan.
27.	BARELAND CONDOMINIUM	Means housing units administered under the Condominium Property Act, R.S.A. 2000, c. C-22, as amended, which allows for the division of a parcel of land into parcels and common property, and where “joint control” is applied to a parcel of land (as distinct from a building) in which there are a number of individually owned parcels of land (parcels) with the joint control being applied to the entire parcel of land owned by those owning a “parcel”. Condominium title is conferred upon those owning individual parcels with the Condominium Association being responsible for the common property.
28.	BASEMENT	Means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (5.9 ft) of its clear height which lies below the finished level of the floor directly above.
29.	BASIC STRIP	Means a rectangular area measured 60.0 m (196.8 ft.) out from each end of the runway, 30.0 m (98.4 ft.) on each side of the centre line of the runway, and with a total length of 1,034.4 m (3,393.7 ft.).
30.	BED AND BREAKFAST ESTABLISHMENT	Means an accessory use within a single detached, owner occupied dwelling where temporary sleeping accommodations, excluding those used by the owner/operator/primary resident(s)), with or without meals, are provided for remuneration to members of the public.
31.	BERM	Means a landscaped mound of earth.
32.	BIOENERGY	Means the development of energy stored in biological raw materials (wood, wood chips, bark, agricultural residue, animal manure, paper, cardboard, food and food waste, and organic yard waste, etc.), using mechanical, thermal, aerobic, anaerobic biological or chemical processes into solid, liquid or gas fuels.
33.	BIODIESEL	Means a form of diesel fuel produced from animal fat or vegetable oil using chemical processes.

34.	BREEDING FACILITY	Means a commercial facility where domestic animals are kept, bred, bought, and/or sold.
35.	BUFFER	Means berms, fencing and planting for the purpose of screening noise, views, dust, sprays and uses between properties where off-site impacts may occur.
36.	BUILDING	Means anything, whether temporary or permanent, constructed or placed on, in, over, or under land but does not include a highway or road or a bridge forming part of a highway or road.
37.	BUILDING AREA	See 'Floor Area.'
38.	BUILDING HEIGHT	Means the vertical distance measured from the average grade level at the subject building to the higher of the highest point of a flat roof, or the average level between the eaves of the subject building and the top ridge of a pitched roof on the subject building.
39.	BULK FUEL STORAGE AND SALES	Means lands, buildings and structures for the storage and distribution of fuels and oils including retail sales and key/card lock operations.
40.	CAMPGROUND	Means a development on a parcel of land which has been planned and improved for seasonal accommodation for tents and/or recreational vehicles. A campground includes related accessory buildings including, but not limited to, administrative offices, security suite, washrooms and shower facilities, playgrounds, laundry facilities, firewood storage, water supply, sewage disposal facilities, waste collection facilities, recycling facilities and may also include day use areas and seasonal cottage rentals. The use of manufactured homes on a year-round basis is not included.
41.	CANNABIS	Means cannabis, as defined in the federal Cannabis Act.
42.	CANNABIS, MEDICAL	Means cannabis that is intended for medical purposes in accordance with applicable federal law;
43.	CANNABIS ACCESSORY	Means an object that is commonly used in the consumption or production of cannabis. A cannabis accessory includes, but is not limited to, rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers;
44.	CANNABIS ACCESSORY RETAIL SALES	Means a retail outlet which specializes in the sale of cannabis accessories, drug paraphernalia related to consumption of cannabis, other recreational drugs, and new age herbs, as well as art, magazines, music, clothing and home décor. This does not include cannabis retail sales or cannabis production and distribution.
45.	CANNABIS LOUNGE	Means a development where the primary purpose of the facility is the sale of cannabis to the eligible public, for consumption within the premises that is authorized by provincial or federal legislation. This use does not include cannabis production and distribution facilities.
46.	CANNABIS PRODUCTION AND DISTRIBUTION FACILITY	Means a development used principally for one or more of the following activities relating to cannabis: <ol style="list-style-type: none"> 1. the production, cultivation, and growth of cannabis; 2. the processing of raw materials; 3. the making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods or products; 4. the storage or shipping of materials, goods, or products, or; 5. the distribution and sales of materials, goods, and products to the Alberta Gaming, Liquor, and Cannabis Commission.
47.	CANNABIS RETAIL SALES	Means a development used for the retail sales of cannabis that is authorized by provincial or federal legislation. This use may include retail sales of cannabis accessories, as defined in the <i>Cannabis Act, S.C. 2018, c. 16, as amended</i> or replaced. This use does not include cannabis production and distribution facilities.

48.	CARPORT	Means a roofed structure used for storing or parking not more than two (2) vehicles and which has not less than forty percent (40%) of its total perimeter open and unobstructed.
49.	CAR WASH	Means a building or part of a building where mechanical equipment is used for the washing of automobiles.
50.	CEMETERY	Means a development for the entombment of the deceased, which may include the following accessory developments: crematories, cineraria, columbaria, and mausoleums. Typical uses include memorial parks, burial grounds, gardens of remembrance, and pet cemeteries.
51.	CHILD CARE FACILITIES	Means a provincially licensed development providing daytime personal care, maintenance and supervision of seven (7) or more children under the age of eleven (11) years. Child care facilities include day care centres, day nurseries, kindergartens, nursery schools, play schools and after school or baby-sitting programs which satisfy this definition. Child care facilities shall not include a day home, a family care facility, a group care facility, or a school operated by a School Division.
52.	COGENERATION	The joint production, in a sequential process, of electricity (or mechanical energy) and useful thermal energy (hot water or steam).
53.	COLLECTOR ROAD	Means a road designated as such in the Municipal District of Wainwright Municipal Development Plan.
54.	COMMERCIAL USE	Means a business through which products, services, or entertainment are available to consumers, whether the general public or other commercial establishments. Commercial use shall include: bus depots, business services, drive-in businesses, funeral homes, retail stores, greenhouses, medical clinics, hotels, mail and parcel delivery services, office uses, and personal services. This use does not include: the manufacturing of products, cannabis lounges, cannabis accessory retail sales, or cannabis retail sales establishments.
55.	COMMERCIAL USE, RURAL	Means an establishment which retails or distributes goods or services relating to farming or other agricultural activities, but which does not include the processing of raw materials or operation of an industry. This use includes farm stores.
56.	COMMUNICATION TOWER	Means radio communication and broadcasting antenna systems as defined by Industry Canada and mandated under the Radio Communication Act, R.S.C., 1985, c. R-2, as amended. These structures may include an antenna and some type of supporting structure, often called an antenna tower and equipment shelter. The antenna system is used to receive and/or transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas.
57.	CONFINED FEEDING OPERATION	Means a confined feeding operation as defined in the Agricultural Operation Practices Act, R.S.A. 2000, c. A-07, as amended.
58.	CONTRACTING SERVICES	Means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require onsite storage space for materials, construction equipment or vehicles normally associated with general contracting services.
59.	COUNCIL	Means the Council of the Municipal District of Wainwright.
60.	COUNTRY RESIDENCE	Means any dwelling intended to be used for a rural residential purpose, an existing developed rural residence, or a farmstead, which has been subdivided out of a quarter section.
61.	DAY HOME	Means an accessory use within a dwelling unit used to provide care and supervision, for adults or children in accordance with the Child Care Licensing Act, S.A. 2007, c. 10.5, as amended, as well as any other applicable Provincial or Federal legislation.
62.	DECK	Means any open structure having a height greater than 0.6 m (2.0 ft.) above grade, thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act, R.S.A. 2000, c. S-01, as amended. A deck shall not have walls higher than 1.2 m (4.1 ft.) from the surface of the deck floor, or a roof.

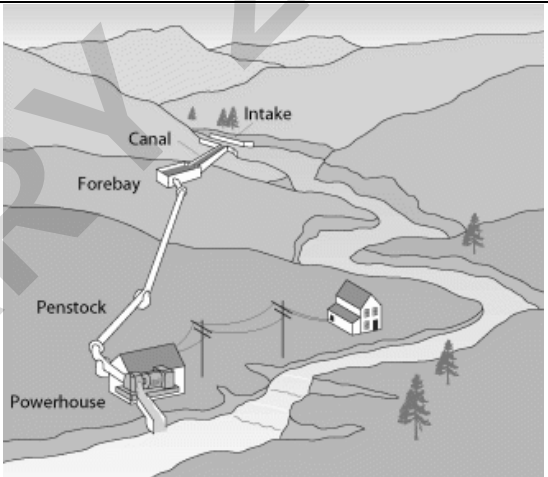
63.	DEVELOPER	Means an owner, proponent, agent or any person, firm or company required to obtain or having obtained a development permit or subdivision approval.
64.	DEVELOPMENT	Means: <ul style="list-style-type: none"> a. an excavation or stockpile and the creation of either of them; or b. a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land; or c. a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or d. a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building; or e. those definitions of development included in the Act.
65.	DEVELOPMENT AUTHORITY	Means the Development Authority established by the municipality's Development Authority Bylaw.
66.	DEVELOPMENT AUTHORITY OFFICER	Means the Development Authority Officer established by the municipality's Development Authority Bylaw and appointed by Council.
67.	DEVELOPMENT PERMIT	Means a document authorizing a development issued pursuant to this Bylaw.
68.	DIRECT ACCESS WITHIN A RESIDENTIAL BUILDING	Means that access can be gained to every room in the dwelling from within the dwelling.
69.	DISCONTINUED	Means the time at which, in the opinion of the Development Authority, substantial construction activity or use, whether conforming or not conforming to this Bylaw, has ceased.
70.	DISCRETIONARY USE	Means the use of land or a building provided for in this Bylaw for which a development permit may or may not be issued, at the discretion of the Development Authority. Discretionary uses are listed in the districts in which they may be considered.
71.	DRIVE-IN BUSINESS	Means an accessory use that provides rapid customer service to patrons in a motor vehicle and may have outdoor speakers provided. This land use includes, but is not limited to, drive through financial institutions, drive through/in food services and similar developments providing drive through/in service in which patrons generally remain within their vehicles.
72.	DWELLING	Means any building used exclusively for human habitation. This definition shall include single detached dwellings, duplexes, row housing, apartments, and manufactured dwellings. This use does not include recreational vehicles, hospitals, hotels or motels.
73.	DWELLING, APARTMENT	Means a dwelling containing three (3) or more dwelling units, but shall not mean row housing.
74.	DWELLING, DUPLEX	Means a dwelling containing two (2) dwelling units which share a common wall, and which are located either side by side or one above the other.
75.	DWELLING, MANUFACTURED HOME	Means a dwelling which conforms to Canadian Standards Association Z240 Standard or any successor, whether ordinarily equipped with wheels or not, that is designed to be transported, and upon arriving at the site for location is, apart from incidental operations such as placement of foundation supports and connections of utilities, ready for year round use as accommodation for a single household.

		This definition shall include a building that would otherwise be considered to be a one family dwelling if the roof pitch were greater than 1:4, if the depth of eaves were greater than 30.4 cm (12.0 in.), or if the ratio of depth vs. width (or width vs. depth) were less than 2.5:1. If the roof pitch is less than 1:4, if the eaves are less than 30.4 cm (12.0 in.), or if the ratio noted above is more than 2.5:1, the building shall be considered to be a manufactured home. (Bylaw-14-50)
76.	DWELLING, ROW HOUSE	Means a building consisting of at least three (3) dwelling units with each unit having direct access to the outside grade, but shall not mean apartment.
77.	DWELLING, SEASONAL	Means a dwelling that lacks one or more of the basic amenities or utilities required for year-round occupancy or use such as: a permanent heating system, insulation, and/or year-round usable plumbing.
78.	DWELLING, SINGLE DETACHED	Means a building consisting of one (1) dwelling unit. A single detached dwelling is a dwelling which is normally constructed on-site. However, a single detached dwelling may be constructed in pieces offsite, or even in one piece, with the piece(s) being transported to the site for assembly on-site, and thus may be a modular dwelling.
79.	DWELLING UNIT	Means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms in a non-residential building which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit.
80.	ESTABLISHED GRADE	Means the average of the highest (A) and lowest (B) elevation of finished surface of the ground where it meets the exterior main walls of a building or the average elevation of the finished grade of the ground immediately surrounding a structure, exclusive in both cases of any artificial embankment or entrenchment. 
81.	EXTERIOR WALL	Means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, bow windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2.0 ft.).
82.	FAMILY CARE FACILITY	Means a facility, which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, group homes and family homes.
83.	FARMING	See "Extensive Agriculture"
84.	FARMSTEAD	Means the currently inhabited or formerly inhabited residence or other improvements connected with a farm or other agricultural use. Farmstead also includes a currently vacant site, which is intended to be used as a country residence.
85.	FENCE	Means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access.
86.	FERMENTATION	Means the process of extracting energy from the oxidation of organic compounds

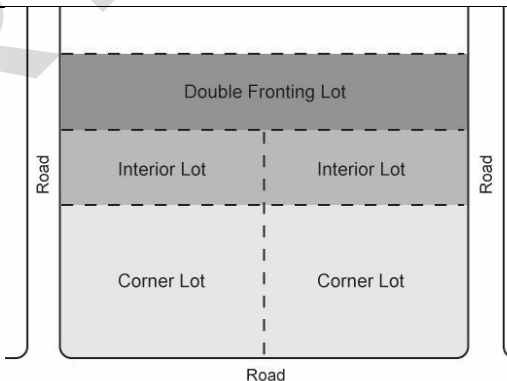
87.	FINISHED GRADE	Means the ground elevation established for the purpose of determining the number of stories and the height of a building or structure. Finished grade, or grade, shall be determined by averaging finished level of the ground adjacent to the foundation of the principal building.
88.	FLOOR AREA	Means the total gross floor area of a building, or portion of building, measured from the exterior walls. Floor area includes basements but does not include exterior balconies, decks or patios.
89.	FRAGMENTED PARCEL	Means a parcel of land or a part of a parcel of land that is separated from the balance of the parcel of land by a natural barrier such as a river or coulee a permanent naturally-occurring waterbody, a railroad, or a road, but not an undeveloped road on a Road Plan, or a barrier to the crossing of cultivation equipment created by substantial topography, such as a ravine, gulley or small, possibly intermittent, watercourse. The determination that such a topographic barrier is a fragmenting feature for the purpose of subdivision shall be at the discretion of the Subdivision Authority.
90.	FRONT LINE	Means the boundary line of a parcel lying adjacent to a highway or road or, in the case of a parcel lying adjacent to a water body or a Reserve parcel adjacent to a water body, the boundary line of the parcel lying adjacent to the water body of the Reserve parcel. In the case of a corner parcel, the shorter of the two boundaries.
91.	GASIFICATION	Means the process of converting organic or fossil fuel-based materials into nitrogen, carbon monoxide, hydrogen, and carbon dioxide to produce Syngas.
92.	GENERAL COMMERCIAL USE	Means an establishment which retails or distributes goods or services, or which provides personal services or entertainment, but which does not include the processing of raw materials or operation of an industry.
93.	GEOTHERMAL, INDIVIDUAL	Means an individual alternate energy system consisting of a complete system required to convert the heat content of geothermal fluid into mechanical power in order to drive a generator and produce electric power for private use, including loop system and additional conversion electronics required for use on the site that the AES is located.
94.	GOVERNMENT SERVICES	Means a development where municipal, provincial or federal government services are provided directly to the public. Government services do not include protective and emergency services, major and minor utility services and public education facilities. Government services may include government administration offices, courthouses, postal distribution offices, manpower and employment offices and social services offices.
95.	GREENHOUSE/PLANT NURSERY	Means development for the growing, acclimating, propagating, harvesting, displaying and retail sale of fruits, vegetables, bedding plants, household, and ornamental plants, including trees for landscaping or decorative purposes, and that are not accessory to an agricultural use. It may include accessory uses related to the storing, displaying, and selling of gardening, nursery and related products. This use does not include cannabis production and distribution facilities, cannabis retail sales establishments, or industrial hemp production and distribution facilities.
96.	GROUP CARE FACILITY	Means a facility, which provides resident services to seven (7) or more individuals of whom one or more may be related. These individuals are handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or boarding homes.
97.	GROUP HOME	Means a development consisting of the use of a dwelling as a facility which is authorized, licensed or certified by a public authority to provide room and board for foster children or disabled persons, or for persons with physical, mental, social or behavioral problems and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance or supervision. The residential character of the development shall be primary with the occupants living together as a single housekeeping group and using cooking facilities shared in common. This does not include drug or alcohol addiction treatment centres.

98.	GUEST CABIN	Means an accessory building to single detached dwelling, which contains a dwelling unit or part of a dwelling unit, which is used solely by members of the family or by temporary guests of the family occupying the single detached dwelling.
99.	HAMLET	Means the unincorporated communities of the municipality.
100.	HEAVY INDUSTRIAL USE	Means manufacturing, warehousing, or transshipment establishments which may become obnoxious to surrounding properties by way of noise, odours, smoke, dust, or fumes.
101.	HEIGHT, WIND ENERGY CONVERSION FACILITY	Means the height from grade to the highest vertical extension of a wind energy conversion facility. In the case of a wind energy conversion facility with a horizontal axis rotor, total height includes the distance from grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc. (Bylaw 1491)
102.	HELIPORT	Means an aerodrome or a defined area on a structure intended to be used wholly or in part for the arrival, departure and surface movement of helicopters.
103.	HIGHWAY	Means a highway as defined in or designated in accordance with the Public Highways Development Act or any successor legislation. (Bylaw 1450)
104.	HIGHWAY COMMERCIAL USE	Means a commercial use intended to serve the motoring public and includes, but is not limited to, service or gas stations, drive-in restaurants, and motels.
105.	HOME OCCUPATION	Means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the parcel, and which does not significantly change the character thereof. A home occupation may include business conducted within accessory buildings developed on the parcel.
106.	HORIZONTAL ACCESS ROTOR	Means a wind energy conversion system, typical of conventional or traditional windmills, where the rotor is mounted on a downward 5 percent angle to the earth's surface. (Bylaw 1491)
107.	HOTEL	Means a commercial development used to provide temporary sleeping accommodation to the public, and which may also contain a restaurant, bar or pub. This use includes motels.
108.	HOUSEHOLD	Means: a. a person; or b. two (2) or more persons related by blood, marriage, or adoption; or c. a group of not more than three (3) persons who are not related by blood, marriage, or adoption; all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants.
109.	INDUSTRIAL HEMP	Means a cannabis plant – or any part of that plant – in which the concentration of THC is zero point three percent (0.3%) w/w or less in the flowering heads and leaves, as defined in <i>Industrial Hemp Regulations</i> , SOR/2018-145, as amended or replaced.
110.	INDUSTRIAL HEMP PRODUCTION FACILITY	Means the use of land, buildings, or structures licensed and/or authorized to possess, sell, provide, ship, deliver, transport, destroy, produce, export and/or import industrial hemp, including related research, under the <i>Industrial Hemp Regulations</i> , SOR/2018-145, as amended, or replaced. This does not include cannabis retail sales or cannabis production and distribution facility, or the outdoor cultivation of industrial hemp.
111.	INDUSTRIAL USE, LIGHT	Means manufacturing, warehousing, or transshipment establishments which will not become obnoxious to surrounding properties by way of noise, odours, smoke, dust, or fumes, usually because all of the operations are carried out indoors and there is no external evidence of the industrial use.

112.	INDUSTRIAL USE, RURAL	Means an industrial development involving: <ol style="list-style-type: none"> 1. the initial processing or storage of forestry or mineral product which because of odour, noise or inflammable material require large tracts of land for environmental protection; or 2. warehousing or storage of forestry or mineral material, goods and processing or transportation equipment; or 3. natural resources processing industries whose location is tied to the resource; or 4. provision of large scale transportation and vehicle service facilities involved in the transportation of forestry or mineral products.
113.	INSTITUTIONAL USE	Means use types including but is not limited to public offices, educational facilities (schools), cemeteries, funeral homes, libraries and cultural exhibits, places of worship and churches.
114.	LANDFILL	Means a waste management facility at which waste is disposed of by placing it on or in land, but does not include a land treatment facility, a surface impoundment, a salt cavern or a disposal well.
115.	LANDSCAPING	Means the modification and enhancement of a site through the use of any or all of the following elements: <ol style="list-style-type: none"> 1. vegetation such as lawns, trees, shrubs, hedges, ground cover, ornamental plantings, or similar; 2. architectural such as fences, screening, walks, or other structures and materials used in landscape architecture.
116.	LANE	Means a narrow roadway intended chiefly to give access to the rear of buildings and parcels of land, also known as an alley as defined by the Traffic Safety Act, R.S.A. 2000, c. T-6, as amended.
117.	LIVESTOCK	Means livestock as defined in the Agricultural Operation Practices Act, R.S.A. 2000, c. A-07, as amended.
118.	LIVESTOCK SALES YARD	Means any enclosed area of land, with or without accessory buildings or structures, upon which livestock is collected for sale or for market distribution.
119.	LOT	See "Parcel."
120.	PARCEL, CORNER	Means a parcel with boundary lines on two separate roads or highways or a single road or highway that curves at an angle of sixty (60) degrees or more at the subject parcel. For the purposes of this definition, a road or highway shall not include a lane.
121.	PARCEL, DOUBLE FRONTING	Means a parcel which abuts two (2) roads (except alleys or lanes as defined in the <i>Traffic Safety Act, R.S.A. 2000, c. T-06, as amended</i>) which are parallel or nearly parallel where abutting the parcel, but does not include a corner parcel.
122.	PARCEL, INTERIOR	Means a parcel, which abuts a road only on the front line.
123.	PARCEL, LAKEFRONT	Means a parcel adjacent to a waterbody or would be adjacent to a waterbody if not for a reserve parcel.
124.	PARCEL AREA	Means the area of a parcel as shown on a plan of subdivision or described in a certified copy of a Certificate of Title. Parcel area includes any area dedicated to an easement or a right-of-way.
125.	PARCEL COVERAGE	Means the percentage (%) of parcel area covered by buildings and structures 0.6 m (2.0 ft) above finished grade including any covered projections. Parcel coverage does not include uncovered swimming pools or uncovered porches, patios (decks less than 0.6 m (2.0 ft) above finished grade), or driveways.
126.	PARCEL DEPTH	Means the average horizontal distance between the front parcel line and the rear parcel line.

127.	PARCEL WIDTH	Means the length of a line parallel to the front line or, in a parcel with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard.
128.	MAIN BUILDING	Means a building in which is conducted the main or principal use of the parcel on which it is erected.
129.	MAIN USE	Means the principal use of the parcel on which it occurs.
130.	MAINTENANCE	Means the upkeep of the physical form of any building which does not require a permit pursuant to the Safety Codes Act, R.S.A. 2000, c. S-01, as amended. Maintenance will include painting, replacing flooring, replacing roofing materials, but will not include any activity that will increase the habitable floor area of any dwelling unit or the internal volume of any building.
131.	MANUFACTURED HOME PARK	Means a parcel of land used for multiple manufactured dwellings where the development is planned and divided into stalls for long term accommodation.
132.	MANURE STORAGE FACILITY	Means a manure storage facility as defined in the Agricultural Operation Practices Act, R.S.A. 2000, c. A-07, as amended.
133.	MEDICAL CLINIC	Means a development used for the provision of physical and mental health services on an outpatient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counseling nature. Typical uses include doctors' offices, diagnostic services, laboratories, chiropractic services, and hospitals.
134.	MICRO-HYDRO	<p>Means a type of individual alternative energy system that consists of a hydroelectric power facility, producing up to 100kW of electricity, using the natural flow of water.</p> 
135.	MINOR FARMING	Means, in the context of the Country Residential (CR) District, the keeping of livestock. Minor farming shall include a maximum number of livestock based on the size of the parcel of land on which the minor farming is being carried out. That maximum shall be one (1) animal unit of livestock for every 1.2 ha (3.0 ac.) of land or part thereof.
136.	MIXED USE DEVELOPMENT	Means a building including more than one land use, which are uses listed within the same Land Use District, on the same site, such as residential and retail stores, residential and office uses, or restaurant and office developments.
137.	MUNICIPALITY	Means the Municipal District of Wainwright.
138.	MUNICIPAL PLANNING COMMISSION	Means the municipal planning commission of the Municipal District of Wainwright established by the municipality's Municipal Planning Commission Bylaw.
139.	NATURAL RESOURCE EXTRACTION AND PROCESSING	Means an industry engaged in the extraction of natural resources such as clay, sand, gravel, coal, peat, and other minerals including petroleum and natural gas, and which may include the processing of these through primary treatment into a raw marketable form. Natural resource

		extraction does not include: industrial agriculture, forestry services, pulp mills or large scale transportation and vehicle service facilities involved in the transport of forestry or mineral products.
140.	NON-CONFORMING BUILDING	Means a building: <ul style="list-style-type: none"> a. that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective; and b. that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw.
141.	NON-CONFORMING USE	Means a lawful specific use: <ul style="list-style-type: none"> a. being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective; and b. that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw.
142.	NUISANCE	Means any act or deed, or omission, or thing, which is or could reasonably be expected to be annoying, or troublesome, or destructive or harmful, or inconvenient, or injurious to another person and/or their property, or anything troublesome or bothersome to other people whether or not such act or deed or omission or thing constitutes nuisance at common law. For the purposes of this bylaw nuisance shall not include activities associated with agricultural operations provided that they do not contravene generally accepted agricultural practices as defined in the Agricultural Operations and Practices Act R.S.A. 2000, c. A-07, as amended.
143.	OBNOXIOUS	Means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, or which may create noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials which, in the opinion of the Development Authority, may be or may become a nuisance, or which adversely affect the amenities of the neighbourhood, or which may interfere with the normal enjoyment of any land or building. For the purposes of this bylaw obnoxious shall not include activities associated with agricultural operations provided that they do not contravene generally accepted agricultural practices as defined in the Agricultural Operations and Practices Act R.S.A. 2000, c. A-07, as amended.
144.	OCCUPANCY	Means the use or intended use of a building or part thereof for the shelter or support of persons or property.
145.	OCCUPANT	Means any person occupying or having control over the condition of any property and the activities conducted on the property, and includes the owner, lessee, tenant or agent of the owner.
146.	OFFICE USE	Means a development used to provide professional, management, administrative and consulting services in an office environment, but does not include financial services or medical clinics. Typical office uses include: accounting, architectural, employment, engineering, insurance, investment, legal, real estate, secretarial and travel agent services.
147.	OFFENSIVE	Means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become hazardous or injurious to health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land or building. For the purposes of this bylaw obnoxious shall not include activities

		associated with agricultural operations provided that they do not contravene generally accepted agricultural practices as defined in the <i>Agricultural Operations and Practices Act R.S.A. 2000, c. A-07, as amended</i> .
148.	OPEN SPACE	Means land and water areas which are retained in an essentially undeveloped state and often serve one or more of the following uses: conservation of resources; ecological protection; recreation purposes; historic or scenic purposes; enhancement of community values and safety; maintenance of future land use options.
149.	OUTDOOR STORAGE	Means an outdoor area for the storage of equipment, goods, materials, motor vehicles, recreational vehicles, or products associated with a business on that same parcel.
150.	OUTER SURFACE	Means lands that exist immediately beyond the boundaries of an airport take-off/approach surface.
151.	OUTLINE PLAN	Means a detailed land use plan for an area that provides a framework for subsequent subdivision and development of that land, and which conforms to all approved Statutory Plans. An Outline Plan or (Site Development Plan) is adopted by resolution of Council, Pursuant to Part 17 of the Act, and is otherwise equivalent to a "Conceptual Scheme" as described in the Act.
152.	OVER SPEED CONTROL	Means a device which prevents excessive rotor speed of a wind energy conversion facility.
153.	OWNER	Means <ul style="list-style-type: none"> a. in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or b. in the case of any other land, the person shown as the owner of the parcel on the municipality's assessment roll.
154.	PATIO	Means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft) above ground level.
155.	PARCEL	<p>Means:</p> <ul style="list-style-type: none"> a. a quarter section; or b. a river or settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a Land Titles Office; or c. a settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a land titles office; d. a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision; or e. a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision; or <p>a unit in a Bare Land Condominium Plan.</p> 
156.	PARK MODEL RECREATIONAL UNIT	Means a recreational vehicle intended for only occasional relocation, which requires connection to on-site utilities and services. It is not capable of "dry camping" as it does not have any water or sewer storage tanks and must be used with servicing connections or hookups. A park model does not meet the requirement of the Alberta Building Code and is not a dwelling.
157.	PARKING LOT	Means a development for the storage and/or parking of vehicles and includes parking stalls, aisles, entrances and exits and may include loading spaces, traffic islands and landscaping.

158.	PERMITTED USE	Means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made if the proposal satisfies the regulations of this Bylaw or provides the requirements as established by the Development Authority where, in this Bylaw, the Development Authority is given the authority and responsibility to establish requirements or regulations.
159.	PLACE OF WORSHIP	Means a building wherein people regularly gather for worship and related religious, philanthropic or social activities. Typical uses include churches, chapels, convents, kingdom halls, manses, monasteries, mosques, synagogues and temples. Places of worship may also contain facilities for eating and drinking establishments as an accessory use and, from time to time, part of a place of worship may be used as an entertainment establishment.
160.	PET, DOMESTIC	Means an animal commonly kept as a pet in a household but does not include livestock.
161.	PRINCIPAL BUILDING	Means a building in which is conducted the main or principal use of the site on which it is erected. There shall only be one principal building on a site.
162.	PRINCIPAL USE	Means the primary or main purpose for which a building or land is used.
163.	PRIVATE CAMP	Means social or recreational activities of members of a religious, philanthropic, athletic, business or non-profit organization or their guests, with or without on-site campsites or dwelling units, but generally with an outdoor emphasis. Private camps may include facilities for eating, drinking and assembly purposes associated with the camp.
164.	PRIVATE CLUB	means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, with neither on-site dwellings nor hotel or motel rentable units. Private clubs may include eating and drinking establishments and rooms for assembly.
165.	PROTECTIVE AND EMERGENCY SERVICES	Means a development where the administration of the protection of persons and property from injury, harm or damage takes place, and where the equipment necessary for such activities is stored, maintained, and supplied. Protective and emergency services include police stations, detention centres, fire stations, and accessory training facilities.
166.	PUBLIC EDUCATION FACILITY	Means a development where educational, training, or instruction occurs under the auspices of a School Division or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Division. Public education facilities include the administration offices, storage, and maintenance operations of the School Division. Public education facilities include public and separate schools, community colleges, universities, technical and vocational schools, and private academies or "charter schools", and their administrative offices and maintenance facilities;
167.	PUBLIC PARK	Means land providing outdoor public recreation space;
168.	PUBLIC OR QUASI-PUBLIC BUILDING	Means a building which is owned or leased by a department or agency of the federal or provincial government, or the municipality for purposes of public administration and services and shall also include a building for the purpose of assembly, instruction, culture or enlightenment, or for community activities;
169.	PUBLIC OR QUASI-PUBLIC USE	Means a use undertaken by a department or agency of the federal or provincial government, or the municipality, for public administration and services and shall also include uses for the purpose of assembly, instruction, culture or enlightenment, or for community related activities;
170.	PUBLIC UTILITY	Means a public utility, as defined in the Act.
171.	PUBLIC UTILITY BUILDING	Means a building in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in conjunction with the public utility.

172.	REAR LINE	Means the boundary line of a parcel lying opposite to the front line of the parcel and/or farthest from a highway or road. For lakefront parcels, the rear parcel line is the parcel line farthest from the lake.
173.	RECREATIONAL USE	Means a recreational development conducted on a unified basis on a single site where the prime reason for location is to take advantage of natural physical features including the availability of large areas of land to provide day-to-day sporting and athletic facilities and the structures incidental thereto, and includes ski slopes, golf courses, archery, trap and rifle ranges, drive-in theaters, race tracks, boating, riding, swimming, picnicking, and similar uses, and may include a refreshment stand incidental to the primary use.
174.	RECREATIONAL VEHICLE	Means a portable unit designed for travel, camping or recreation that provides sleeping and other facilities for temporary accommodation. A recreational vehicle (RV) is designed for road travel, and either has its own motor or can be mounted or drawn by another vehicle. It is equipped with land-to-vehicle service connections (electricity, water and/or sewer). A recreational vehicle may be, but is not limited to, a tent trailer, travel trailer, park model trailer, truck camper or motor home. A recreational vehicle is not a dwelling, but shall be considered to be a dwelling unit when calculating parcel density.
175.	RECREATIONAL VEHICLE STORAGE FACILITY	Means a development used for the indoor or outdoor commercial storage of tent trailers, travel trailers, motor homes, boats, and other similar recreational vehicles.
176.	RELOCATED BUILDING	Means a building that was constructed off-site in one (1) piece or in pieces and relocated to another site but does not include manufactured homes.
177.	RENOVATION	Means an addition to, deletion from, or change to any building which does not require a permit other than a plumbing, gas or an electrical permit pursuant to the <i>Safety Codes Act, R.S.A. 2000, c. S-01, as amended</i> .
178.	RENTABLE UNIT	Means a separate unit of a hotel or motel used or intended to be used for the temporary accommodation of one or more persons.
179.	RESIDENTIAL USE	Means the occupation and use of land and buildings by and as dwellings, whether on a seasonal or year-round basis.
180.	RESORT AND RECREATIONAL DEVELOPMENT	Means a recreational vehicle park, a campground, or a similar facility, and includes associated recreational facilities such as golf courses, riding stables, trails, marinas, etc.
181.	RESTAURANT	Means a development where foods and beverages, including alcoholic beverages, are prepared and served for consumption on site by the public and may include a take-out component as an accessory development.
182.	RETAIL STORE	Means a development used for the retail sale of a wide range of consumer goods. Typical uses include grocery stores, plumbing and hardware stores, clothing stores, shoe stores, sporting goods stores, furniture stores, cannabis accessory retail sales, appliance stores, jewelry stores, second hand stores or pharmacies. This use does not include liquor stores or cannabis retail sales establishments.
183.	ROOF	Means the top of any enclosure, above or within the vertical walls of a building.
184.	ROTOR'S ARC	Means the largest circumferential path travelled by a wind energy conversion facility's blade.
185.	SAFETY CODES ACT	Means the <i>Safety Codes Act, RSA 2000 c. S-1, as amended</i> , and includes the regulations enacted and codes adopted thereunder from time to time.

186.	SEA CAN/SHIPPING CONTAINER	Means a container originally used for intermodal cargo for marine, rail and truck transport that is repurposed for use as an accessory building for storage.
187.	SECURITY SUITE	Means a self-contained dwelling unit, either detached or within a building, used to provide accommodation for security personnel in commercial or industrial development.
188.	SERVICE STATION	Means development used for the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories and may include cardlock facilities. Service stations may include a convenience retail store and/or car wash.
189.	SETBACK	Means, depending on the context of the term, the minimum horizontal distance between buildings or a parcel boundary and buildings.
190.	SHORELINE	Means the bank of the body of water as determined pursuant to the Surveys Act, R.S.A. 2000, c. S-26, as amended.
191.	SIDE LINE	Means the boundary line of a parcel lying between a front line and a rear line of a parcel. In the case of a corner parcel, the longer of the two boundary lines adjacent to the highway or road shall be considered a sideline.
192.	SIGN	Means any word, letter, model, picture, symbol, device, or representation used, wholly or in part, as an advertisement, announcement, or direction, and its supporting structure.
193.	SIGN AREA	Means the total surface area within the outer edge of a sign, and, in the case of a sign comprised of individual letters, numerals, or symbols, shall be the area of a rectangle enclosing the letters, numerals, or symbols. Frames and structural members not bearing advertising matter shall not be included in the computation of the area of a sign.
194.	SIMILAR USE	Means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment.
195.	SITE	Means a parcel or parcel on which a development exists or for which an application for a development permit is made.
196.	SOLAR ARRAY	Means multiple solar panels used in conjunction to produce electricity.
197.	SOLAR ENERGY CONVERSION SYSTEM	Means a system using solar panels to collect and convert solar energy into electricity.
198.	SOLAR ENERGY CONVERSION SYSTEM, INDIVIDUAL	Means an individual alternate energy system consisting of a complete system required to convert solar rays into useable electricity for private use, including solar panels, mounting equipment and additional required conversion electronics for use on the site that the AES is located.
199.	SOLAR FARM	Means an type of commercial alternate energy system which consists of an installation of solar energy conversion systems that is designed to provide for the commercial distribution of electricity to a utility or other intermediary through connection to the electrical grid or that occupies greater than 162.5 m ² (1,750 ft. ²) of surface area.
200.	SOLAR PANEL, FREE STANDING	Means a device which is used to convert energy contained within the sun's rays into electricity, which is not mounted or attached to any other structure for support.
201.	STALL	Means an area of land upon which a manufactured home is to be located, and which is reserved for the exclusive use of the residents of that particular manufactured home, located within a manufactured home park or campground.

202.	STRUCTURAL ALTERATIONS	Means the addition to, deletion from, or change to any building which requires a permit other than a plumbing, gas or an electrical permit pursuant to the Safety Codes Act, R.S.A. 2000, c. S-01, as amended.
203.	SUBDIVISION AND DEVELOPMENT APPEAL BOARD	Means the Joint Subdivision and Development Appeal Board (JSDAB) established by the Council by the Subdivision and Development Appeal Board Bylaw adopted pursuant to the Act. In addition to appeals referred to it by the Municipal District of Wainwright, the JSDAB shall hear appeals referred to it from decisions made by the Town of Wainwright and the Villages of Irma, Chauvin, and Edgerton, as identified in the participating municipalities' Joint Subdivision and Development Appeal Board bylaws.
204.	SUBSTANDARD PARCEL	Means any parcel, which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the land use district in which the parcel is located.
205.	TAKEOFF/APPROACH SURFACE	Means the surfaces abutting and extending out from each end of an airport's basic strip; in each case the surface is an imaginary surface consisting of an inclined plane, as calculated in the Airport Vicinity Overlay section of this land use bylaw.
206.	TEMPORARY DEVELOPMENT	Means a development for which a development permit has been issued and which is to exist for a limited time only, as determined by the Development Authority and indicated in the conditions of the development permit.
207.	TOWER, WIND ENERGY CONVERSION FACILITY	Means the structure of a wind energy conversion facility, which supports the rotor above grade.
208.	TRANSFER STATION	Means a facility that receives waste and recycling materials from a community where it is consolidated by transferring it to a larger vehicle for more efficient and economical transport to a distant waste disposal or recycling facility.
209.	UNDEVELOPED PARCEL	See 'Vacant Parcel.'
210.	UNSUBDIVIDED QUARTER SECTION	Means a quarter section, lake parcel, river lot or settlement lot that has not been subdivided or had a parcel of land removed from it except for a public or a quasi-public use or solely for a purpose exempted from Part 17 of the Act.
211.	VACANT PARCEL	Means a parcel which does not contain a residence, building, or structure.
212.	VEHICLE AND EQUIPMENT REPAIR SHOP, HEAVY	Means a development where new or used vehicles, trucks, recreational vehicles and other vehicles and equipment with a gross vehicle weight rating equal to or greater than 6,000.0 kg (13,227.7 lbs) undergo service and maintenance, including body repair, sandblasting, and/or painting. This land use includes transmission shops, muffler shops, tire shops, automotive glass shops and upholstery shops;
213.	VEHICLE AND EQUIPMENT REPAIR SHOP, LIGHT	Means a development where new or used vehicles, trucks, recreational vehicles and other vehicles and equipment with a gross vehicle weight rating less than 6,000.0 kg (13,227.7 lbs) undergo service and maintenance, including body repair, sandblasting, and/or painting. This land use includes transmission shops, muffler shops, tire shops, automotive glass shops and upholstery shops.
214.	VEHICLE AND EQUIPMENT SALES/RENTAL ESTABLISHMENT, HEAVY	Means a development where new or used heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield, mining, construction, manufacturing, assembling, and processing operations and/or agricultural operations are sold or rented, together with incidental maintenance services and sale of parts.

215.	VEHICLE AND EQUIPMENT SALES/RENTAL ESTABLISHMENT, LIGHT	Means a development where new or used vehicles, motor homes, and recreational vehicles are sold or displayed for the purpose of sale, lease, or rental, together with incidental maintenance services and sale of parts. This use may include: car, truck and recreational vehicle sales/rental establishments, recreational vehicle dealerships, and vehicle rental agencies, and may include refueling and/or washing facilities as an integral part of the operation.
216.	VERTICAL ACCESS ROTOR	Means a wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.
217.	VETERINARY CLINIC, SMALL ANIMAL	Means a development used for the medical care and treatment of animals, including outpatient care or medical procedures involving hospitalization and may include the keeping of animals on site for periods of greater than twenty-four (24) hours. This land use may also include the training, grooming, impounding/ quarantining facilities and retail sale of associated products.
218.	VETERINARY CLINIC, LARGE ANIMAL	Means a development used for the medical care and treatment of animals, including outpatient care or medical procedures involving hospitalization and may include the keeping of animals on site for periods of greater than twenty-four (24) hours. Veterinary clinics shall not have any outside enclosures including paddocks and other accessory buildings or outbuildings required for sheltering livestock. This land use may also include the training, grooming, impounding/ quarantining facilities and retail sale of associated products.
219.	WAREHOUSE SALES ESTABLISHMENT	Means a development where bulky goods are sold from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Warehouse sales establishments include furniture stores, carpet stores, major appliance stores, and building materials stores.
220.	WASTE TO ENERGY	Means a use that creates electricity and / or heat from the incineration of waste materials.
221.	WIND ENERGY CONVERSION SYSTEM	Means a type of individual alternative energy system or commercial alternative energy system that consists of facilities designed to convert wind energy into mechanical or electrical energy. If the mechanical energy is used directly by machinery (pump or grinding stones) the machine is known as a Windmill. If the mechanical energy is converted to electricity, the machine is called a WECS.
222.	WIND ENERGY CONVERSION SYSTEM, INDIVIDUAL	Means a type of individual alternative energy system consisting of a small scale WECS designed to generate mechanical or electrical energy for a property owner's use on the site the WECS is located or adjacent to the site of use.
223.	WIND ENERGY CONVERSION SYSTEM, MICRO	Means a type of individual alternative energy system, that consists of one or more structures designed to convert wind energy into mechanical or electrical energy which has a rated capacity of less than 0.5 kW. Micro wind energy conversion systems are small in height and diameter and may be installed on the roof of a building.
224.	WIRELESS COMMUNICATIONS FACILITY	Means a facility that provides communication service using radio frequency (RF) technology to transmit and receive voice, picture, text and data, in either digital or analogue form, on a system of elevating support structures. These structures include monopoles, lattice towers (self-supported or guyed) or other configurations as well as, although not limited to, shelters, transmitters, receivers, antennas, antenna mounts, transmission lines, waveguides, transmission line supporting equipment and material, aeronautical obstruction lights, antenna de-icing equipment, antenna power dividers and matching equipment, combiners, utility power equipment, conditioners, and backup systems.
225.	WORK CAMP	Means a complex used to provide housing on a temporary basis, which may consist of mobile units that provide sleeping, eating, and other basic living facilities;

226.	WRECKING AND SCRAP METAL YARD	Means a land use or development that is for the disassembling, crushing, or storing of used motor vehicles and other metal parts and objects. This may include the sale of parts or scrap metal.
227.	YARD	Means a part of a parcel upon or over which no main building is erected; and all other words and expressions have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.
228.	YARD, FRONT	Means that portion of the site extending across the full width of the site and lying between the front parcel line and the exterior wall(s) of the main building situated on the site. For lakefront parcels, the front yard is the yard closest to the lake.
229.	YARD, REAR	Means that portion of the site extending across the full width of the site and lying between the rear parcel line and the exterior wall(s) of the main building situated on the site. For lakefront parcels, the rear yard is the yard furthest from the lake.
230.	YARD, SIDE	Means that portion of the site extending from the front yard to the rear yard and lying between the side parcel line and the nearest portion of the exterior wall(s) of the main building.

- 2.2.3 All other words and expressions shall have the meanings assigned to them in the Act, other applicable provincial legislation, and/or the Municipal District of Wainwright Municipal Development Plan.

3. AUTHORITIES



3.1 COUNCIL

- 3.1.1 Council shall perform such duties as are specified for it in this Bylaw.
- 3.1.2 In addition, Council shall decide upon all development permit applications within a Direct Control Districts, as stated in the Act.

3.2 DEVELOPMENT AUTHORITY

- 3.2.1 The office of the Development Authority is hereby established.
- 3.2.2 The Development Authority shall be:
 - a. the Municipal Planning Commission; and
 - b. the Development Authority Officer.
- 3.2.3 The Development Authority shall perform such duties that are specified in this Bylaw.
- 3.2.4 The Development Authority shall:
 - a. keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; and
 - b. keep a register of all applications for development, the decisions thereon and the reasons therefore.
- 3.2.5 The Development Authority may create and amend forms as required and provided for in the Act.

3.3 DEVELOPMENT AUTHORITY OFFICER

- 3.3.1 The position of designated officer for the limited purpose of exercising the powers, duties and functions of a Development Authority Officer is hereby established.
- 3.3.2 The Development Authority Officer shall be appointed by resolution of the Council.
- 3.3.3 The Development Authority Officer may sign, on behalf of the Development Authority, any order, decision, approval, notice or other thing made or given by it.
- 3.3.4 The Development Authority Officer is hereby declared to be a designated officer for the purposes of Section 542 of the Act.

3.4 MUNICIPAL PLANNING COMMISSION

- 3.4.1 The Municipal Planning Commission shall perform such duties as are specified in this Bylaw.
- 3.4.2 The Municipal Planning Commission:
 - a. Is authorized to act as the Development Authority in those matters prescribed in this Bylaw and the Municipal Planning Commission Bylaw No. 206-12, as amended;
 - b. Shall consider and if necessary state terms and conditions on any other planning or development matter referred by the Development Officer or Administration;
 - c. May direct the Development Officer or Administration to review, research or make recommendations on any other planning and development matter; and
 - d. Make recommendations to Council on planning and development matters.

3.5 SUBDIVISION AUTHORITY

- 3.5.1 The Subdivision Authority shall be established by the municipality's Subdivision Authority Bylaw (Bylaw 1289), as amended or replaced.
- 3.5.2 The Subdivision Authority shall be appointed by resolution of Council.
- 3.5.3 The Subdivision Authority shall perform such duties as are specified in this Bylaw and the Subdivision Authority Bylaw, as amended or replaced.

3.6 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- 3.6.1 The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are specified in of this Bylaw.

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4. AMENDMENTS



4.1 APPLICATION

- 4.1.1 Subject to the Act, any section in this Land Use Bylaw may be amended. All amendments to this Bylaw shall be made by Council by Bylaw and in conformity with the Act.
- 4.1.2 Notwithstanding this section, the Land Use Bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical, or typographical errors and does not materially affect the Land Use Bylaw in principle or substance.
- 4.1.3 Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefore. Depending on the complexity of the application, the Development Authority could undertake the application, or use the municipality's planning services provider.
- 4.1.4 A person may apply to have this Bylaw amended by applying in writing, providing reasons in support of the application, and paying the fee identified in the municipality's Development Fees Policy.
- 4.1.5 All applications for amendment to this Bylaw shall be made to the Council on the form provided by the municipality and shall be accompanied by:
- A statement of the specific amendment requested;
 - The purpose and reasons for the application;
 - If the application is for a change of a land use district:
 - the legal description of the lands;
 - a plan showing the location and dimensions of the lands; and
 - a copy of the Certificate of Title for the land affected or other documents satisfactory to the Development Authority indicating the applicant's interest in the said land that is dated within thirty (30) days of application;
 - The applicant's interest in the lands; and
 - An application fee as established by Council
- 4.1.6 If the amendment is for the redistricting of land, the Development Authority may require:
- A conceptual scheme (or area structure plan) for the area to be redistricted, to the level of detail specified by the Development Authority that provides Council with information to determine:
 - If the site is suitable for the intended use;
 - If the site can be reasonably and cost effectively services; and
 - That the proposed amendment will not unduly impact the rights of adjacent landowners to use and enjoy their property; and
 - Payment of a fee equal to the costs incurred by the municipality to review the proposed redistricting and/or related conceptual scheme, or if necessary to prepare a conceptual scheme; and
 - Technical studies requested by the Development Authority to assess site suitability and servicing requirements.
- 4.1.7 Upon receipt of an application to amend this Land Use Bylaw, the Development Authority may refer the application to the municipality's planning and engineering service providers, who shall analyze the potential impacts on local land use, development, infrastructure, and servicing that would result from the proposed amendment. This analysis must consider the full development potential for the proposed amendment and shall, among other things, consider the following impact criteria:
- Relationship to and compliance with approved statutory plans and Council policies;
 - Relationship to and compliance with approved statutory plans, outline plans, or plans in preparation;
 - Compatibility with surrounding development in terms of land use function and scale of development;
 - Traffic impacts;
 - Relationship to, or impacts on, water and sewage systems, and other public utilities and facilities such as recreation facilities and schools;
 - Relationship to municipal land, right-of-way, or easement requirements;

- g. Effect on stability, retention and rehabilitation of desirable existing land uses, buildings, or both in the area;
 - h. Necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant; and
 - i. Relationship to the documented concerns and opinions of area residents regarding development implications.
- 4.1.8 Upon receipt of an application to amend the Land Use Bylaw, the Development Authority shall:
- a. prepare a report with recommendations on the proposed amendment for Council and an amending Bylaw for consideration of first reading by Council;
 - b. mail notify or deliver in person a written notice to landowners who are adjacent to the parcel of land affected by the proposed amendment or to a larger area as directed by Council;
 - c. provide notice of the Public Hearing to the applicant, the owner of the subject land if different than the applicant, to all directly adjacent property owners, and any other individuals or organizations identified by Council;
 - d. prepare a report and recommendation, including maps and other material, on the application, prior to a Public Hearing on the application for amendment; and
 - e. inform the applicant of the recommendation to Council.
- 4.1.9 At the same time as forwarding the application for amendment to Council, the Development Authority may, at its sole discretion, refer the application for further information to any person or agency it wishes.
- 4.1.10 In considering an application for amendment to this Bylaw, Council may, at its sole discretion:
- a. Refuse the application; or
 - b. Refer the application for further information; or
 - c. Pass first reading to a bylaw to amend this Land Use Bylaw, with or without amendments; or
 - d. Defeat first reading of a bylaw to amend this Land Use Bylaw; or
 - e. Pass first reading of an alternative amendment to this Land Use Bylaw.
- 4.1.11 Following its first consideration, the Council shall establish the date, time and place for a Public Hearing on the proposed amendment.
- 4.1.12 Following establishment of the date, time and place for a public hearing, the Development Authority shall issue a notice of the public hearing by:
- a. Publishing notice at least once a week for two (2) consecutive weeks in at least one (1) newspaper or other publication circulating in the area to which the proposed bylaw relates; or
 - b. Mailing or delivering notice to every residence in the area to which the proposed bylaw relates. A notice of a public hearing must be advertised at least five (5) days before the public hearing occurs.
- 4.1.13 A notice must contain:
- a. A statement of the general purpose of the proposed bylaw and public hearing;
 - b. The address where a copy of the proposed bylaw and any document relating to it or the public hearing may be inspected; and
 - c. The date, place and time where the public hearing will be held.
- 4.1.14 In the case of an amendment to change the land use district designation of a parcel of land, the Development Authority must, in addition to the requirements of section 4.1.13:
- a. Include in the notice:
 - i. The municipal address, if any, and the legal address of the parcel of land; and
 - ii. A map showing the location of the parcel of land;
 - b. Give written notice containing the information described in Section 4.1.13.a to the owner of that parcel of land at the name and address shown on the certificate of title (or tax roll); and
- 4.1.15 Give written notice containing the information described in Section 4.1.13 and 4.1.14 to each owner of adjacent land at the name and address shown for each owner on the tax roll of the municipality.
- 4.1.16 If the land referred to in section 4.1.14 is in an adjacent municipality, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of that municipality.
- 4.1.17 In the public hearing, Council:
- a. Must hear any person, group of persons, or person representing them, who claim(s) to be affected by the proposed bylaw and who has complied with the procedures outlined by Council; and
 - b. May hear any other person who wishes to make representations and whom the Council agrees to hear.
- 4.1.18 After considering any representations made at the Public Hearing, and any other matter it considers appropriate, Council may:
- a. Pass the bylaw;

- b. Defer it for further information or comment;
- c. Make any amendment to the bylaw it considers necessary and proceed to pass it without further advertisement or hearing; or
- d. Defeat the bylaw.

4.1.19 Prior to third reading of the proposed Bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.

4.1.20 After third reading of the Bylaw, the Development Authority shall send a notice of a decision of the amendment to the applicant, and shall send a copy of the Bylaw to:

- a. the registered owner of the land (if different from the applicant);
- b. The municipality's subdivision and planning services provider; and
- c. the adjacent municipality, if it received a copy of the proposed bylaw pursuant to section 4.1.16.

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5. DEVELOPMENT



5.1 CONTROL OF DEVELOPMENT

- 5.1.1 No development other than that designated in Section 5.2 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.
- 5.1.2 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ensure and obtain other required provincial and federal approvals, permits and/or licenses.
- 5.1.3 Further, in addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ensure that their development is consistent with the conditions of any registered easements or covenants which affect the subject site.
- 5.1.4 Notwithstanding 5.1.1 above, where a variance to any regulation in this Bylaw is required for any development listed in Section 5.2 below, a development permit shall be required.

5.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- 5.2.1 The following development shall not require a development permit if the development otherwise complies with all the regulations of this Bylaw:
 - a. The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation that would require a building permit.
 - b. The completion of a building which was lawfully under construction at the date of the adoption of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of adoption.
 - c. The use of any such buildings as referred to in 5.2.1.b for the purpose for which construction was commenced.
 - d. The erection, construction, or maintenance, improvement or alteration of gates, fences, walls or other means of enclosure less than 1.0 m (3.3 ft) in height in front yards and less than 1.9 m (6.2 ft) in side and rear yards, unless the fencing material is razor wire.
 - e. Notwithstanding 5.2.1.d, a development permit shall not be required for the erection or construction of fences or other means of enclosure which are accessory to agricultural operations.
 - f. A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw.
 - g. The maintenance and repair of public works, services and utilities carried out by or on behalf of federal (including the Department of National Defence), provincial and municipal public authorities on land, which is publicly owned or controlled.
 - h. Extensive Agriculture including the carrying out of construction, excavation, or other operations, including the planting or removal of trees, for agricultural purposes, but not including the construction or placement of any dwelling. This provision does not apply to:
 - i any development within the Controlled Urban Development District; or
 - ii within 40.0 m (134.0 ft.) of the centre line of a road; or
 - i. The keeping of 1 animal unit on lands a minimum 1.2 ha (3.0 acres) in area within the Country Residential (CR) District.
 - j. The keeping of 2 animal unit on lands a minimum 2.4 ha (6.0 acres) in area within the Country Residential (CR) District.
 - k. A building or structure with a gross floor area of under 14.0 sq. m (150.7 sq. ft.), which is not on a permanent foundation.

- l. A deck or patio on a parcel over 0.8 ha (2.0 ac.) in size, provided that such deck or patio does not require a building permit, and further that such deck or patio satisfies the requirements of this Bylaw for the setback of accessory buildings from parcel lines.
- m. Grading and/or landscaping where the proposed grades will not adversely affect the drainage of the subject or adjacent parcels of land, including the hard surfacing of part of a parcel for the purposes of providing vehicular access from a road to an attached or detached garage or carport, provided that, in the Agricultural District, such grading or landscaping is located a minimum of 40.0 m (134.0 ft.) from any road right-of-way.
- n. Other than on corner parcels or where abutting on a road used by vehicular traffic, the erection/construction, maintenance, improvement and other alterations of any gates, fences, walls or other means of enclosure including hedges where the height is expected to be less than the maximum of 1.0 m (3.3 ft.) in front yard and 2.0 m (6.6 ft.) in side and rear yards.
- o. Dugouts except where the dugout is proposed within:
 - i 37.8 m (124.0 ft) of the right of way of a road); or
 - ii the required setback from a highway right of way as determined by Alberta Transportation.
- p. The parking, storage and temporary use of recreational vehicles for personal use.
- q. The erection of campaign signs for federal, provincial, municipal, or school board elections on privately-owned parcels for no more than thirty (30) days, or such time as regulated under provincial or federal legislation provided that:
 - i such signs are removed within one (1) day after the election date;
 - ii such signs do not obstruct or impair vision or traffic; and
 - iii such signs indicate the name and address of the sponsor and the person responsible for removal.
- r. The placement of one (1) sign on internal sites, or two (2) signs on corner parcels and double fronting parcels advertising a residential property for sale or rent displayed on the property to which it (or they) pertain(s) during the time the property is being offered for sale, with removal to be within one (1) day after the sale or rental agreement has been entered into, provided that such signs are a maximum of 0.6 m² (6.5 ft²) in size and are placed or erected no closer than 3.0 m (9.8 ft.) to a road right-of-way;
- s. The erection of a wireless communication facility.
- t. Roof mounted solar energy panels.
- u. Micro wind energy conversion systems.
- v. Minor home occupations.
- w. Up to six (6) sea cans on parcels greater than 6.06 ha (15.0 acres) within the Agricultural District.
- x. The development of land for a confined feeding operation or a manure storage facility within the meaning of the Agricultural Operation Practices Act if the confined feeding operation or the manure storage facility is the subject of an approval, registration or authorization under Part 2 of that Act.
- y. The demolition or removal of any building or structure for which erection a development permit would not be required pursuant this section of the bylaw.

5.3 NON-CONFORMING BUILDINGS AND USES

- 5.3.1 Buildings and uses which do not conform to this Bylaw are subject to the provisions of the Act respecting non-conforming uses and buildings, which define the conditions under which they may be continued or altered.
- 5.3.2 A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform to this Bylaw.
- 5.3.3 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building may not be enlarged or added to and no structural alterations may be made thereto or therein.
- 5.3.4 A non-conforming use of part of a parcel may not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings may be constructed upon the parcel while the non-conforming use continues.
- 5.3.5 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
 - a. to make it a conforming building,
 - b. for the routine maintenance of the building, if the Development Authority considers it necessary, or

- c. in accordance with the powers possessed by the Development Authority pursuant to the Act and ~~Section 3.4(11)~~ this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.

- 5.3.6 If a non-conforming building is damaged or destroyed to the extent of more than seventy-five percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- 5.3.7 The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.
- 5.3.8 If the Development Authority has reasonable basis to believe a building or development on a parcel encroaches onto an adjacent parcel the Development Authority may require the owner to provide a Real Property Report at their expense. The Development Authority may require the removal of the building or development that encroaches onto the adjacent parcel, and (if necessary) can arrange for the removal of the building or development at the owner's expense. The Development Authority may require a parcel owner to erect permanent, visible markers at the corners of any parcel, to a standard approved by the Development Authority.

5.4 APPLICATION FOR DEVELOPMENT

- 5.4.1 Only the owner of a parcel or their agent may make an application for a development permit.
- 5.4.2 An application for development permit shall be completed and submitted to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
 - a. a non-refundable application fee, as established by Council;
 - b. a site plan showing:
 - i front, side and rear yards;
 - ii north point;
 - iii legal description of the property;
 - iv access and egress points to the property; and
 - v the location and dimensions of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided;
 - c. a statement of the proposed use(s) or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Authority;
 - d. a statement of ownership of the land and the interest of the applicant therein; and
 - e. a declaration indicating that the information supplied is accurate.
- 5.4.3 A Real Property Report prepared by an Alberta Land Surveyor (or some other sketch or form of Report prepared by an Alberta Land Surveyor which serves the same purpose as a Real Property Report) may be required at the discretion of the Development Authority if the development involves an addition to an existing building, or if the Development Authority believes that fences on the parcel do not correspond with the legal boundaries of the parcel.
- 5.4.4 In making a decision, the Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include (but not limited to):
 - a. the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
 - b. the height and horizontal dimensions of all existing and proposed buildings;
 - c. outlines of roof overhangs on all buildings;
 - d. existing and proposed elevations on the site and on adjacent sites, roads and lanes;
 - e. post construction site and building elevations;
 - f. floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
 - g. reports, plans, and studies prepared by qualified professionals, including:
 - i Arborist Report;
 - ii Erosion and Sediment Control Plan;
 - iii Geotechnical Report;
 - iv Landscaping Plan;

- v Slope Stability Analysis;
 - vi Wetland Assessment; and
 - vii Any other reports, plans, and studies that provides information requested by the Development Authority;
 - h. the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
 - i. future development plans for a site which is to be partially developed through the applicable development permit;
 - j. in the case of a proposed major home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week; and
 - k. for a moved-in (relocated) building, pictures of the exterior of the structure which provide information relating to the age and condition of the building and its compatibility with the land use district in which it is to be located.
- 5.4.5 In addition to the information requirements indicated above, an application for a development permit for the excavation or stripping of land that is proposed without any other development on the same land, may include with the application, the following information:
- a. location and area of the site where the excavation is to take place;
 - b. existing land use and vegetation;
 - c. the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site;
 - d. the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
 - e. identification of potential for outdoor noise and the discharge of substances into the air;
 - f. the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the site;
 - g. an indication of all municipal servicing costs associated with the development; and
 - h. the proposed haul route, dust control plan and expected hours of operation.
- 5.4.6 In addition to the information requirements indicated above, each application for a sign may be accompanied by additional information at the discretion of the Development Authority.
- 5.4.7 In addition to the information requirements indicated above, the Development Authority may also require any phase of an environmental assessment to determine the possible contamination of the subject site and the mitigating measures necessary to eliminate such contamination. Alternative to or in addition to the foregoing, the Development Authority may require a biophysical assessment to determine the potential effects of a proposed development on the natural environment, and the measures necessary to mitigate such effects.
- 5.4.8 At the sole discretion of the Development Authority, any new development within an existing subdivision may be required to provide to the Development Authority, for approval, an elevation plan of the subject site which indicates where the stormwater is to be directed. Stormwater from the subject site is not to be directed onto adjoining properties unless appropriate drainage easements or rights-of-way are in place. If the applicant for a development permit indicates that the municipality is to verify compliance with the elevation and/or stormwater management plan, the cost to verify that the parcel grades have been completed according to the plan shall be included in the cost of the development permit.
- 5.4.9 Notwithstanding any other application requirement in this section, development permit applications for:
- a. Natural resource extraction and processing;
 - b. Solar energy collection systems and solar farms; and
 - c. Wind energy collection systems (large);
- shall be required to include a reclamation plan to the satisfaction of the Development Authority.
- 5.4.10 The Development Authority may refer any application for a development permit to any municipal, provincial or federal department, or any other person or agency considered affected by the Development Authority for comments and recommendations.
- 5.4.11 When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, deem the application incomplete and request the applicant provide further details or make a decision on the application with the information it has available.

- 5.4.12 The Development Authority may refuse to accept an application for a development permit if the application is for a similar development on the same property as a development permit which has been applied for and refused by the Development Authority or the Subdivision and Development Appeal Board within the last six (6) months.
- 5.4.13 Where a development permit for an accessory building has been applied for before a principal building or principal use has been developed on a parcel, the applicant must provide a site plan which identifies the proposed location for the principal building or principal use on the parcel as part of the application.
- 5.4.14 As a condition of issuing a development permit, the Development Authority may require the applicant to post a \$10,000 bond to cover the cost of repairing roads and other municipal improvements damaged as a result of the work authorized in the permit.

5.5 PERMISSION FOR DEMOLITION

- 5.5.1 The demolition of a structure not identified in Section 5.2 shall require a development permit.
- 5.5.2 The demolition of any structure must be done in accordance with the Alberta Building Code and Canadian Standards Association Standard S350-M1980, "Code of Practice for Safety in Demolition of Structures" and/or any subsequent Alberta Building Code or Canadian Standards Association Standards.
- 5.5.3 Before consideration of a development permit application for demolition, the Development Authority may also require the applicant to:
- Identify proposed haul routes and final destination for the demolition materials;
 - Complete a Hazardous Materials Assessment Report; and/or
 - Complete any phase of an environmental site assessment in order to determine whether the site is contaminated and the mitigation measures necessary to eliminate such contamination.
- 5.5.4 As a condition of approving a development permit for the demolition of a building, the Development Authority may, in addition to other requirements:
- Require that the applicant undertake any and all actions the Development Authority deems necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site clean-up; and
 - Require the applicant to post a \$10,000 bond to cover the cost of repairing roads and other municipal improvements damaged as a result of the work authorized in the permit.

5.6 NOTICE OF COMPLETE OR INCOMPLETE APPLICATIONS

- 5.6.1 The Development Authority shall, within 20 days of the receipt of an application for a development permit, determine whether the application is complete.
- 5.6.2 The time period referred to in Part 5.6.1 may be extended by an agreement in writing between the applicant and the Development Authority.
- 5.6.3 An application is complete if:
- in the opinion of the Development Authority, the application contains the documents and other information necessary to review the application; or
 - the Development Authority does not make a determination within 20 days after receipt of an application for a development permit.
- 5.6.4 If the Development Authority determines that the application is complete, the Development Authority shall issue to the applicant, by means of posted letter or electronic notification, an acknowledgment that the application is complete.
- 5.6.5 If the Development Authority determines that the application is incomplete, the Development Authority shall issue, to the applicant a notice, in writing or electronically, that the application is incomplete. This notice shall list any outstanding documents and information required to review the application, and provide a date by which the documents or information must be submitted in order for the application to be considered complete.
- 5.6.6 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Part 5.6.5, the application is deemed refused.
- 5.6.7 Despite that the Development Authority has issued an acknowledgment under Part 5.6.5 or Part 5.6.6, in the course of reviewing the application, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

5.7 DEVELOPMENT PERMITS AND NOTICES

- 5.7.1 A decision of the Development Authority on an application for a development permit must be in writing and a copy of the decision, together with a written notice specifying the date on which the written decision was given and containing any other information required by the regulations, must be given or sent to the applicant on the same day the written decision is given.
- 5.7.2 When a development permit has been issued for a permitted use and no variance to any regulation has been granted, the Development Authority shall (on the same day the decision is given) give (or send) a decision on a development permit application send a notice by regular mail of the decision to the applicant and post a notice on the Municipal District of Wainwright's website, indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision.
- 5.7.3 In addition to 5.7.1 and 5.7.2, within five (5) working days after a decision on a development permit application for a discretionary use or after a variance to any regulation has been granted, the Development Authority shall:
- send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected adjacent land owners (as determined by the Development Authority), as identified on the municipality's Assessment Roll, to provide notice of the decision and right of appeal; and
 - post notice of the decision on the municipality's website; and may
 - send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal.
- 5.7.4 The notice indicated in Parts 5.7.2 and 5.7.3 shall state:
- the legal description and the street address of the site of the proposed development;
 - the uses proposed for the subject development;
 - any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority when the development permit was approved;
 - the date the development permit was issued; and
 - how an appeal might be made to the Subdivision and Development Appeal Board and the deadline for such appeal.
- 5.7.5 Except for those permits described in Part 5.7.2 hereof, a permit granted pursuant to this Part does not come into effect until twenty-one (21) days after the date that notice of an order, decision, or development permit is received. For the purposes of this Bylaw, notice is deemed to be received on the 5th day after the date of the issuance of the order, decision, or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- 5.7.6 Where an appeal is made, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- 5.7.7 If the development authorized by a permit is not substantially commenced within twelve (12) months from the date of the date of the issue of the development permit, and completed within twelve (12) months of the commencement of the development, the permit is deemed to be void; unless an alternate time frame has been identified in the conditions, or an extension to this period is granted by the Development Authority.
- 5.7.8 A development, once begun, shall not be abandoned or left for an extended period of time in what the Development Authority considers to be an unsightly or unsafe condition.
- 5.7.9 The application may be responsible for any damages to public or private property occurring as a result of development.
- 5.7.10 A decision of the Development Authority on an application for a development permit shall be given in writing.
- 5.7.11 When a Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

5.8 CONDITIONS AND DEVELOPMENT AGREEMENTS

- 5.8.1 For rural residential and country residential developments, the Development Authority may require (as a condition of a development permit) the connection of the development to a private sewage disposal system satisfactory to the Development Authority.
- 5.8.2 For natural resource extraction and processing developments:
- The developer may be required to enter into a development agreement with the municipality, unless the development is exempt by provincial legislation.

- b. The Development Authority may require (as a condition of a development permit and/or as part of a development agreement) the submission of a reclamation plan satisfactory to the Development Authority.
 - c. The developer may be required to provide a performance bond in an amount determined by the Development Authority as a condition of a development permit approval.
- 5.8.3 The Development Authority may require that as a condition of issuing a development permit, the applicant to enter into an agreement to:
 - a. Construct or pay for the construction of culverts, public roadways, pedestrian walkways, or parking areas; and/or
 - b. Install or pay for the installation of utilities; and/or
 - c. Pay for an off-site levy or redevelopment levy imposed by bylaw.
- 5.8.4 To ensure compliance with the development agreement, the Municipal District of Wainwright may register a caveat against the certificate of title of the property that is being developed. This caveat shall be discharged when conditions of the development agreement have been met.
- 5.8.5 The Development Authority may require the following conditions as part of development permit for a proposed development within a multi-lot subdivision or a subdivision near or adjacent to a lake:
 - a. Compliance with an approved Erosion and Sediment Control Plan;
 - b. Compliance with an approved Landscaping Plan;
 - c. Compliance with an approved Lot Grading and Drainage Plan;
 - d. Compliance with an approved Stormwater Management Plan; and/or

5.9 VALIDITY OF PERMITS

- 5.9.1 A Development Permit does not come into effect until at least twenty—one (21) days have elapsed from the date it is granted and in any event does not come into effect until the plans for the building have been approved by an accredited Safety Codes Inspector and all necessary permits pertaining to the construction of the Building have been obtained and copies sent to the Municipality, and posted on site.
- 5.9.2 If an appeal (which includes an appeal to the Subdivision and Development Appeal Board, the Land and Property Rights Tribunal, and the Court of Appeal of Alberta) is filed against a Development Permit, the permit is suspended until the appeal is heard or abandoned.
- 5.9.3 A Development Permit is valid for one (1) year from the date it comes into effect and work authorized pursuant to a Development Permit must be commenced within six (6) months and completed within twelve (12) months from the date the Development Permit comes into effect. Extensions may be granted at the sole discretion of the Development Authority.
- 5.9.4 If it appears to the Development Authority that a Development Permit has been obtained by fraud or misrepresentation, or has been issued in error, the Development Authority may suspend, revoke or modify the development permit and shall have the right to suspend all construction activity on the site.

5.10 VARIANCES

- 5.10.1 The Development Authority may grant a variance to reduce the requirements of any use of the Land Use Bylaw and that use will be deemed to comply with this bylaw.
- 5.10.2 The Development Authority may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in his opinion the proposed development would not:
 - a. unduly interfere with the amenities of the neighbourhood; or
 - b. materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
 - c. the proposed development conforms to the use prescribed for that land or building in the Land Use Bylaw.
- 5.10.3 A variance shall be considered only where warranted by the merits of the proposed development and in response to irregular parcel lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setback or in meeting the usual bylaw requirements.
- 5.10.4 Where a variance is granted, the nature of the approved variance shall be specifically described in the Development Permit approval.
- 5.10.5 Where the issuance of a Development Permit involves the exercise of any specified discretion of the Development Authority to relax a regulation of a district or any other regulation of this bylaw, the Development Authority shall not permit any additional variance from that regulation.

6. SUBDIVISION



6.1 SUBDIVISION OF LAND

- 6.1.1 Where the development of land involves a subdivision of land, no development permit shall be issued until an application for subdivision has been submitted to the Subdivision Authority and written evidence has been received by the Development Authority that the necessary subdivision has the approval of the Subdivision Authority.

6.2 APPLICATION REQUIREMENTS

- 6.2.1 All subdivision applications for lands within the municipality shall comply with the provisions under this Section.
- 6.2.2 A subdivision application may be submitted by:
- the registered owner of the land to be subdivided; or
 - a person with written authorization to act on behalf of the registered owner.
- 6.2.3 Subdivisions shall be developed in accordance with the provisions of the land use district affecting the subject site at time of application.
- 6.2.4 If the proposed subdivision requires an environmental assessment under the Canadian Environmental Assessment Act, the applicant shall file an environmental assessment in accordance with the Canadian Environmental Assessment Act. A copy of the environmental assessment shall be submitted with the subdivision application.
- 6.2.5 If the proposed subdivision is required to obtain assessments and/or approvals from relevant Federal or Provincial agencies and organizations, the applicant shall file and obtain the appropriate reports and/or approvals with relevant agencies and organizations. A copy of the required reports and/or approvals or licenses shall be submitted with the subdivision application.
- 6.2.6 Information on abandoned oil and gas wells as required by the Subdivision and Development Regulations and Alberta Energy Regulator Directive 079 shall accompany every subdivision application.
- 6.2.7 The tentative plan of subdivision shall:
- clearly outline the location, dimensions, and boundaries of the land which the applicant wishes to subdivide;
 - show the location, dimensions and boundaries of:
 - each new parcel to be created;
 - reserve land(s), if required;
 - the rights-of-way of each public utility, if required; and
 - other rights-of-way, if required;
 - indicate the use, location, and dimensions of existing buildings on the land that is the subject of the application, if any, and specify whether the buildings are proposed to be demolished or moved;
 - show the location of any river, stream, watercourse, lake, or other body of water (natural or man-made) that is contained within the boundaries of the proposed parcel of land;
 - for developed parcels, identify the location of any existing or proposed water wells, the locations and type of any private sewage disposal system(s), and the distance from these to existing or proposed buildings and property lines;
 - include information provided by the Alberta Energy Regulator identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision; and
 - identify the existing and proposed access to the proposed parcels and the remainder of the titled area.
- 6.2.8 The Subdivision Authority may also require an applicant to submit any or all of the following where the site has been identified as including hazard features that may impact the suitability of the site for development:
- a figure showing topographic contours at no greater than 1.5 m (4.9 ft.) intervals;
 - if the proposed subdivision is not to be served by a water distribution system, information supported by the report of a qualified professional, registered in the Province of Alberta, respecting the provision, availability, and suitability of potable water on or to the land to be subdivided;

- c. an assessment of subsurface characteristics of the land that is to be subdivided including, but not limited to, susceptibility to slumping or subsidence, depth to water table, and suitability for any proposed on-site sewage disposal system(s), prepared and signed by a qualified professional registered in the Province of Alberta;
- d. reports, plans, and studies prepared by qualified professionals, including:
 - i. Ground Water Report;
 - ii. Geotechnical Report;
 - iii. Lot Grading and Drainage Plan or Stormwater Management Plan;
 - iv. Slope Stability Analysis;
 - v. Water Report;
 - vi. Wetland Assessment;
 - vii. Any other reports, plans, and studies that provides information requested by the Subdivision Authority;
- e. if the land that is the subject of an application is located in a potential flood plain, a figure showing the 1:100-year flood plain or highest and most frequent rain event series relevant to flooding of the land;
- f. information respecting the land surface characteristics of land within 0.8 km (0.5 miles) of the land proposed to be subdivided;
- g. where the proposed subdivision is staged or includes only a portion of the developable area within the subject site, an approved Area Structure Plan or Outline Plan that relates the application to future subdivision and development of adjacent lands.

6.3 PROCESS

- 6.3.1 The Subdivision Authority shall:
- a. participate in a pre-application submission meeting with development proponents (as requested);
 - b. receive all applications for subdivision applications;
 - c. assess and provide notice of a complete or incomplete application; and
 - d. issue notices in writing as required in the Act.

6.4 NOTICE OF COMPLETE OR INCOMPLETE APPLICATION:

- 6.4.1 The Subdivision Authority shall within twenty (20) days of the receipt of an application for subdivision, determine whether the application is complete.
- 6.4.2 The time period referred to in Section 6.4.1 may be extended by an agreement in writing between the applicant and the Subdivision Authority or, if applicable, in accordance with the Land Use Bylaw made pursuant to section 640.1(a) of the Act.
- 6.4.3 An application is complete if, in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application.
- 6.4.4 If the Subdivision Authority determines that the application is complete, the Subdivision Authority shall issue to the applicant, in writing or electronically, an acknowledgment that the application is complete.
- 6.4.5 If the Subdivision Authority determines that the application is incomplete, the Subdivision Authority shall issue to the applicant a notice, in writing or electronically, that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Subdivision Authority in order for the application to be considered complete.
- 6.4.6 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 6.4.5, the Subdivision Authority must deem the application to be refused.
- 6.4.7 Despite that the Subdivision Authority has issued an acknowledgment under Section 6.4.5 or 6.4.6, in the course of reviewing the application, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

6.5 DUTIES OF THE SUBDIVISION AUTHORITY

- 6.5.1 Upon receipt of a completed subdivision application, the Subdivision Authority:
- a. shall approve, with or without conditions, a subdivision application for a permitted use where the proposed subdivision conforms to:

- i this Bylaw;
 - ii applicable statutory plans; and
 - (i) the Act and the Regulations thereunder;
- b. shall refuse an application for a subdivision if the proposed subdivision does not conform with:
 - i applicable statutory plans; and/or
 - ii the Act and the Regulations thereunder;
- c. shall refuse an application for a subdivision if the proposed subdivision does not conform with this Bylaw, subject to Section 6.51.d;
- d. may approve, with or without conditions, an application for subdivision that does not comply with this Bylaw if, in the opinion of the Subdivision Authority, the proposed subdivision:
 - i would not unduly interfere with the amenities of the neighbourhood;
 - ii would not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
 - iii conforms to the use prescribed for that land in this Bylaw;
- e. prior to making a decision, shall refer the subdivision application to any external agencies and adjacent landowners for comment and may refer the subdivision application to any municipal department as required.

6.6 REQUIREMENTS AND CONDITIONS OF SUBDIVISION

- 6.6.1 The Subdivision Authority shall abide by the requirements of and consider the matters indicated in Sections 652 to 670 of the Act.
- 6.6.2 Subdivision approvals must comply with Part 17 and 17.1 of the Act and the Regulations therein.
- 6.6.3 For the purposes of this Bylaw, an unsubdivided quarter section shall include those quarter sections where a separate title exists for a public utility or an institutional use.
- 6.6.4 Where the development involves a subdivision of land, no development permit shall be issued until the subdivision has been registered with Alberta Land Titles.
- 6.6.5 Only the owner of a parcel or their agent may make an application for a subdivision.
- 6.6.6 More than one active subdivision application will not be allowed affecting a single titled area. Where a subdivision is proposed for a titled area which is, at time of receipt of the new application, affected by an active subdivision file, the new application will not be accepted and processed until the existing open file has been closed or finalized to the satisfaction of the Subdivision Authority.
- 6.6.7 The Subdivision Authority shall not approve a subdivision which is inconsistent with the Municipal District of Wainwright Municipal Development Plan and/or the provisions of any statutory plans that affect the land proposed to be subdivided.
- 6.6.8 The proponent of a subdivision application may be required to enter into a development agreement with the MD of Wainwright. The development agreement shall identify that all costs associated with servicing the proposed subdivision will be the responsibility of the proponent.
- 6.6.9 As a condition of subdivision approval, Environmental Reserves or an Environmental Reserve Easement may be required as a condition of Subdivision Authority Approval as provided for in Section 664 of the Act.
- 6.6.10 As a condition of subdivision approval, the Subdivision Authority may require that the proponent provide hazard lands as Environmental Reserve.
- 6.6.11 As a Condition of subdivision approval, the Subdivision Authority may require the proponent enter into a land acquisition agreement for the purpose of a road widening to service the proposed development.
- 6.6.12 Where a subdivision is proposed on lands adjacent to a water body, a watercourse, or wetland, reserves shall be required as a condition of subdivision approval as provided for in the Act. When determining the width and size of the Environmental Reserve the following shall be taken into consideration:
 - a. Recommendations by qualified professionals; and/or
 - b. Riparian Setback Matrix Model (RSMM); and/or
 - c. The Government of Alberta's Stepping Back from the Water: A Beneficial Management Practices Guide for New Development Near Water Bodies in Alberta's Settled Region.
- 6.6.13 Property taxes must be up to date prior to final endorsement of any subdivision within the municipality.
- 6.6.14 All proposed parcels being created shall be designed to not, in the opinion of the Subdivision Authority, prejudice the future efficient development of the remnant lands.

- 6.6.15 The Subdivision Authority may require the following conditions as part of subdivision approval for a multi-lot subdivision or a subdivision near or adjacent to a lake:
- a. Compliance with an approved Lot Grading and Drainage Plan;
 - b. Compliance with an approved Stormwater Management Plan; and/or
 - c. Any other conditions requested by the Subdivision Authority.

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FEBRUARY 2023

7. APPEALS



7.1 DEVELOPMENT APPEALS

- 7.1.1 An appeal may be made if the Development Authority:
- fails or refuses to issue a development permit;
 - issues a development permit subject to conditions; or
 - issues a stop order under Section 645 of the Act;
- by the applicant of the development permit or any person affected by the order.
- 7.1.2 In addition to Section 7.1.1, any person affected by an order, decision or development permit made or issued by the Development Authority may appeal the decision in accordance with Section 685(2) of the Act.
- 7.1.3 Despite Sections 7.1.1 and 7.1.2, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under Section 683.1(8) of the Act.
- 7.1.4 Despite Sections 7.1.1, 7.1.2 and 7.1.3, if a decision with respect to a development permit application in respect of a direct control district:
- is made by a council, there is no appeal to the Subdivision and Development Appeal Board; or
 - is made by a Development Authority, the appeal is limited to whether the Development Authority followed the directions of council, and if the board hearing the appeal finds that the Development Authority did not follow the directions it may, in accordance with the directions, substitute its decision for the Development Authority's decision.
- 7.1.5 An appeal of a decision of the Development Authority for lands identified in Section 685(2.1)(a) of the Act shall be made to the Land and Property Rights Tribunal and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.
- 7.1.6 An appeal of a decision of the Development Authority for lands identified in Section 685(2.1)(b) of the Act shall be made to the Joint Subdivision and Development Appeal Board.
- 7.1.7 An appeal with respect to an application for a development permit may be made by a person identified in Section 7.1.1 may be made by serving a written notice of appeal to the board hearing the appeal:
- within 21 days after the date on which the written decision is given; or
 - if no decision is made with respect to the application within the 40-day period (or within any extension to that period under Section 684 of the Act), within 21 days after the date the period or extension expires; or
 - With respect to an order under Section 645 of the Act, within 21 days after the date on which the order is made.
- 7.1.8 An appeal with respect to an application for a development permit may be made by a person (identified in Section 7.1.2) by serving a written notice of appeal to the board hearing the appeal within 21 days after the date on which the written decision is given.
- 7.1.9 An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.
- 7.1.10 An appeal to the Joint Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:
- the appeal application fee as identified in the municipality's Development Fees Policy;
 - the legal description and/or the municipal address of the property to which the decision, order or issuance of the development permit relates;
 - the name, contact information and address of the appellant; and
 - the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.
- 7.1.11 Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if:

- a. in the case of a person referred to in Section 7.1.1 the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal; or
- b. in the case of a person referred to in Section 7.1.2, the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

7.2 SUBDIVISION APPEALS

- 7.2.1 The decision of a Subdivision Authority on an application for subdivision approval may be appealed:
 - a. by the applicant for the approval;
 - b. by a government department if the application is required by the Subdivision and Development Regulations to be referred to that department;
 - c. by the council of the municipality in which the land to be subdivided is located if the council, a Designated Officer of the municipality or the Municipal Planning Commission of the municipality is not the Subdivision Authority; or
 - d. by a school board with respect to:
 - i the allocation of municipal reserve and school reserve or money in place of the reserve;
 - ii the location of school reserve allocated to it; or
 - iii the amount of school reserve or money in place of the reserve.
- 7.2.2 An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(a) of the Act shall be made to the Land and Property Rights Tribunal, and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.
- 7.2.3 An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(b) and 678(2.1) of the Act shall be made to the Joint Subdivision and Development Appeal Board.
- 7.2.4 An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.
- 7.2.5 An appeal to the Joint Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:
 - a. the appeal application fee as identified in the municipality's Development Fees Policy;
 - b. the legal description and/or the municipal address of the property to which the decision, order, or issuance of the development permit relates;
 - c. the name, contact information, and address of the appellant; and
 - d. the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.
- 7.2.6 If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

7.3 HEARING AND DECISION

- 7.3.1 Hearings for development appeals and decisions made by the board hearing the appeal shall be in accordance with Section 686 and 687 of the Act.
- 7.3.2 Hearings for subdivision appeals and decisions made by the board hearing the appeal shall be in accordance with Section 679, 680 and 681 of the Act.

8. ENFORCEMENT



8.1 PROVISION OF ENFORCEMENT

- 8.1.1 Enforcement may be conducted by a Designated Officer through the issuance of a violation warning, warning notice, final warning notice, stop order, violation tags or any other authorized action to ensure compliance.

8.2 PROHIBITION

- 8.2.1 No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development, use, or sign that is not permitted by this Bylaw.
- 8.2.2 No person shall contravene a condition of a development permit or subdivision approval issued under this Bylaw.
- 8.2.3 No person shall authorize or undertake any development that is not compliant with the description, specifications or plans that were the basis for the issuance of a development permit.
- 8.2.4 No person shall modify any description, specifications, or plans that were the basis for the issuance of any permit by the Development Authority.

8.3 RIGHT OF ENTRY

- 8.3.1 After reasonable notice (generally to mean 48 hours) to the owner or occupant in accordance with the Municipal Government Act, a Designated Officer may enter the property at reasonable times (generally to mean between the hours of 7:30 a.m. and 10:00 p.m.) to ascertain if Bylaw requirements are being met.
- 8.3.2 A Designated Officer may enter the property outside of the identified time period if, in their opinion, a possible violation constitutes an immediate health, safety, or environmental concern.

8.4 VIOLATION WARNINGS

- 8.4.1 A Designated Officer may issue a violation warning for minor offences by outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures.
- 8.4.2 A Designated Officer may issue a warning notice or a final warning outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures, or both.

8.5 OFFENCES AND FINES

- 8.5.1 A person who violates the provisions of this Bylaw or permits a contravention of this Bylaw, is guilty of an offence and is liable to a fine for a first offence and for each subsequent offense as specified in the Development Fees Policy.
- 8.5.2 If the fine is not paid, the person is liable for imprisonment for not more than one year, or to both fine and imprisonment.
- 8.5.3 Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land, **as provided for in Section 646 of the Act.**

8.6 STOP ORDERS

- 8.6.1 On finding that a development, land use, or use of a building does not conform to the Municipal Government Act or its regulations, a development permit or subdivision approval or the conditions of either, or this Bylaw, the Development Authority may, by written notice, direct the owner of the property, the person in possession of the land, building, or sign, or the person responsible for a contravention or any or all of them, to:
- stop the development or use of the land or building in whole or part as directed by the notice;
 - demolish, remove, or replace the development or landscaping; or

- c. carry out any other actions required by the notice for compliance.
- 8.6.2 The notice shall specify a deadline for compliance.
- 8.6.3 A person named in a stop order may appeal to the Subdivision and Development Appeal Board.
- 8.6.4 Subject to Section 542 of the Municipal Government Act, if a person fails to comply with the order of the Development Authority, a Designated Officer, or the Subdivision and Development Appeal Board, a Designated Officer may enter on the land or building and take any action necessary to carry out the order.
- 8.6.5 The Municipality may register a caveat against the certificate of title for the land that is subject to the order, provided that the caveat is discharged when the order has been complied with.
- 8.6.6 The Municipality's costs of carrying out any actions required for compliance may be added to the tax roll of the land subject to the order.

8.7 VIOLATION TAGS AND TICKETS

- 8.7.1 In accordance with the Provincial Offences Procedures Act, a Designated Officer may issue a violation tag to a person for specific offences in contravention of a violation issuing a warning notice, a final warning notice, or stop order where there is reasonable and probable grounds to believe there is a contravention of this Bylaw.
- 8.7.2 The Development Authority is hereby authorized and empowered to issue a violation tag to any person who the Development Authority has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 8.7.3 A violation tag may be issued to a person either:
 - a. personally or
 - b. By mailing a copy by registered mail to such person at their last known address or address indicated on the development permit issued to that person
- 8.7.4 The violation tag shall be in a form approved by the municipality and shall include:
 - a. the name of the person thought to have created the contravention,
 - b. The offence,
 - c. the penalty for the offence,
 - d. a requirement that the penalty be paid within 30 days of issuance of the violation tag,
 - e. the method by which the tag may be paid, and
 - f. other information as may be required by the municipality.
- 8.7.5 Offences and related fines are as specified in the municipality's Development Fees Policy.
- 8.7.6 Where a contravention is of a continuing nature, further violation tags may be issued by the Development Authority, provided however that no more than one violation tag shall be issued for each day that the contravention continues.
- 8.7.7 The person to whom the violation tag is issued may, in lieu of being prosecuted, sign the plea of guilty on the violation tag and pay the specified fine to the location indicated on the violation tag.
- 8.7.8 If payment is not made within the time specified on the tag, a Designated Officer may issue a violation ticket requiring the person to whom the violation ticket is issued to appear in court on the date specified in the summons portion of the ticket.
- 8.7.9 Nothing in this Bylaw shall prevent a Designated Officer from immediately issuing a violation ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.

9. GENERAL PROVISIONS



9.1 ACCESS AND PARKING

- 9.1.1 In all Districts, off-street parking spaces shall be provided in accordance with the minimum requirements of each use.
- 9.1.2 Unless otherwise approved by the Development Authority, a parking space shall not be less than 2.5 m (8.2 ft.) in width nor less than 5.5 m (18.0 ft.) in length, and shall be located on the same parcel as the main building or use.
- 9.1.3 Off-street loading space shall be provided in accordance with the minimum requirements of each use.
- 9.1.4 Unless otherwise approved by the Development Authority, a loading space shall be located on the same parcel as the main building or use.
- 9.1.5 In all Districts, if not otherwise provided for, in regulating the facilities for off-street parking, the owner of the land to be developed may, subject to the approval of the Development Authority;
- provide the required off-street parking on land other than that to be developed, or
 - at his option and in lieu of providing off-street parking, pay to the municipality such amount of money on such terms, as the Development Authority considers reasonable in return for the equivalent public parking space to be provided by the municipality elsewhere in the District. Any money so received by the municipality shall be used only for the development of municipal off-street parking facilities.

9.2 ACCESSORY BUILDINGS

- 9.2.1 All proposed accessory buildings shall require a development permit, except as noted in [Section 5.2](#).
- 9.2.2 Accessory buildings shall be located such that the minimum distances shown on Figure 1 below between the accessory buildings and main buildings, parcel lines, and other buildings, structures, and uses are provided.

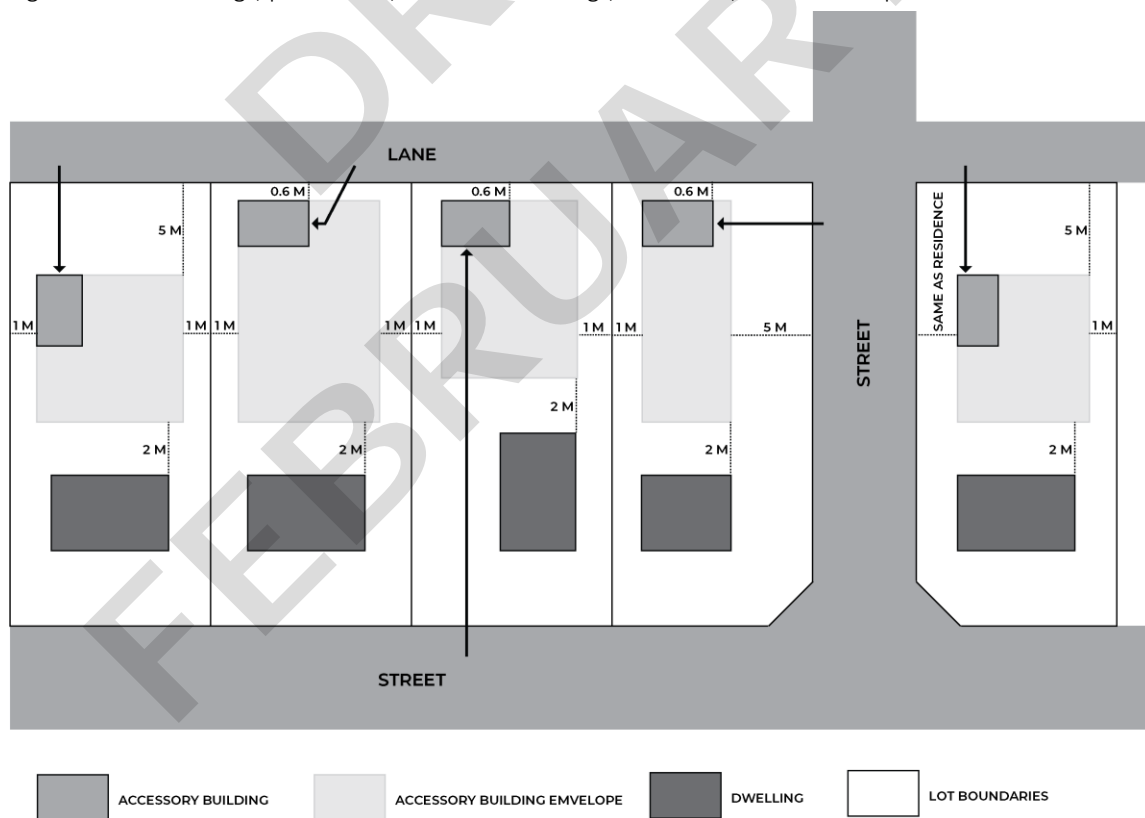


Figure 1: Accessory Building Envelope

- 9.2.3 An accessory building shall not be used as a dwelling.
- 9.2.4 The siting of an accessory building on an irregularly shaped parcel shall be as required by the Development Authority.
- 9.2.5 In the Urban General (UG) District, the Country Residential (CR) District, and the Resort and Recreational (RR) District, any accessory buildings shall not be located in the front yard.
- 9.2.6 An accessory building shall not be located closer than 2.0 m (6.6 ft.) to a main building.
- 9.2.7 Where a structure is attached to the main building on a parcel by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the main building and is not an accessory building.
- 9.2.8 Notwithstanding any regulation in this Section to the contrary, a fence or hedge may be constructed along a boundary line of a parcel or immediately adjacent to a main building.

9.3 ENVIRONMENTAL CONSIDERATIONS

- 9.3.1 Notwithstanding any other provision in this Bylaw to the contrary, no wintering of livestock shall be permitted so as to allow animal manures to directly enter any watercourse or water body.
- 9.3.2 Development which is proposed adjacent to a wetland shall comply with the provisions of the Alberta Wetland Policy.
- 9.3.3 Development or water diversion may not occur in waterbodies, watercourses or Public Lands without prior consultation and approval from Alberta Environment and Parks.
- 9.3.4 Development shall be discouraged from locating on sites with exhibit the following features:
- Steep Slopes,
 - Slope Instability,
 - High Ground Water Table, or
 - Flood Plain or Flood Fringe areas.

The Subdivision or Development Authority may require that these features be delineated on the site plan when evaluating the suitability of parcels subject to a subdivision or development permit application.

9.4 EXISTING SUBSTANDARD PARCELS

- 9.4.1 Development on existing substandard parcels may be considered by the Development Authority. Compliance with the Plumbing and Drainage Regulations and any other Provincial legislation or regulations will be required.

9.5 HIGHWAYS AND COLLECTOR ROADS

- 9.5.1 No development permit shall be issued for development within 200.0 m (656.0 ft.) of the boundary of the right-of-way of a highway until a permit for the development has been issued by Alberta Transportation and Utilities.
- 9.5.2 All applications for development permits on a parcel adjacent to a collector road shall be referred to the Municipal District transportation superintendent for comments prior to the consideration of the permit for approval.
- 9.5.3 On a parcel located at the intersection of a collector road with a rural road, no development shall be permitted within the areas illustrated in [Figure 2](#).
- 9.5.4 On a parcel located at the intersection of a two collector roads, no development shall be permitted within the areas illustrated in [Figure 3](#).
- 9.5.5 On a parcel located in the inside of a road curve, no development shall be permitted within the areas illustrated in [Figure 4](#).
- 9.5.6 No development shall be located so that access or egress to a collector road is within 150 m (492 ft.) of the beginning or end of a road curve of greater than twenty (20) degrees curvature or within 300 m (984.25 ft.) of the intersection of two (2) roads as illustrated in [Figures 3, and 4](#).
- 9.5.7 Every effort will be made to not allow access or egress from a collector road:
- within 150 m (492 ft.) of an existing access or egress on the same side of the road;
 - within 150 m (492 ft.) of a bridge;
 - within 150 m (492 ft.) of an at-grade railway crossing;
 - when the existing surveyed road has been constructed to collector road standards, where the gradient of the road is in excess of three percent (3%); and
 - when an existing collector road is not constructed to collector road standards, unless construction to collector road standards is expected within two (2) years, and the grade will then be less than three percent (3%).

- 9.5.8 The planting of trees adjacent to collector roads shall be in accordance with the requirements in Figures 3, and 4.
- 9.5.9 Where a collector road intersects a highway, provincial regulations shall apply to development adjacent to the collector road where it intersects.
- 9.5.10 Approaches onto highways or collector roads shall not exceed 20.0 m (66.0 ft.) in width.

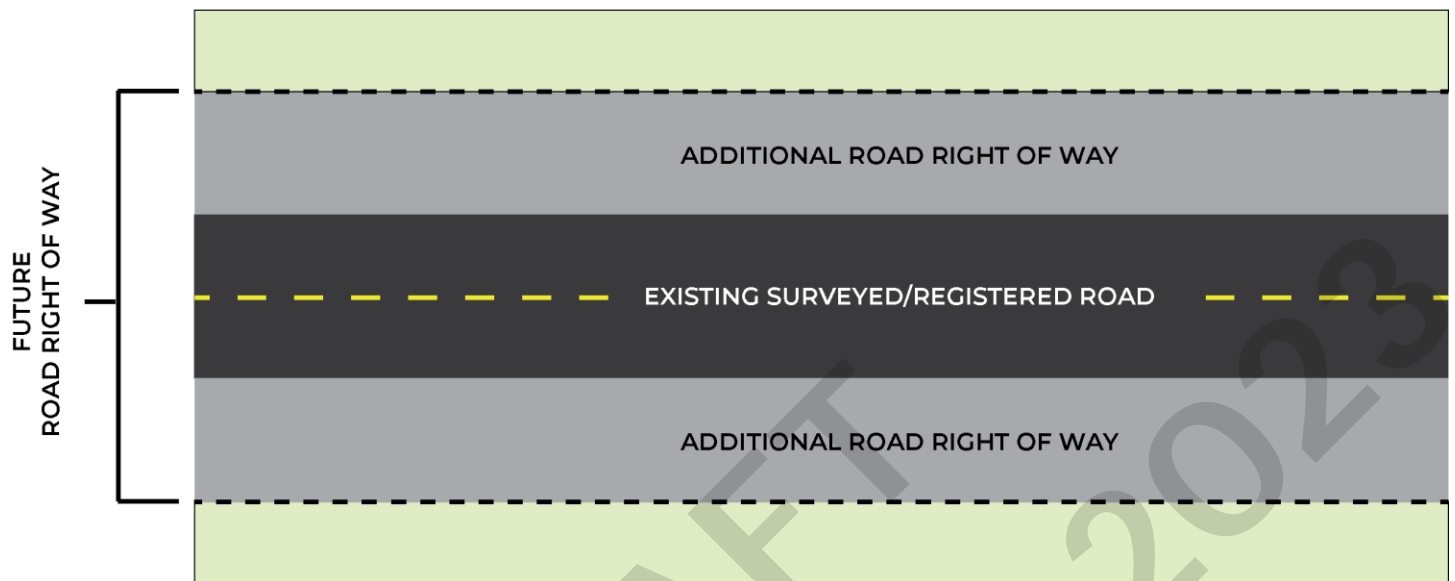


Figure 2: Boundaries of Collector Roads

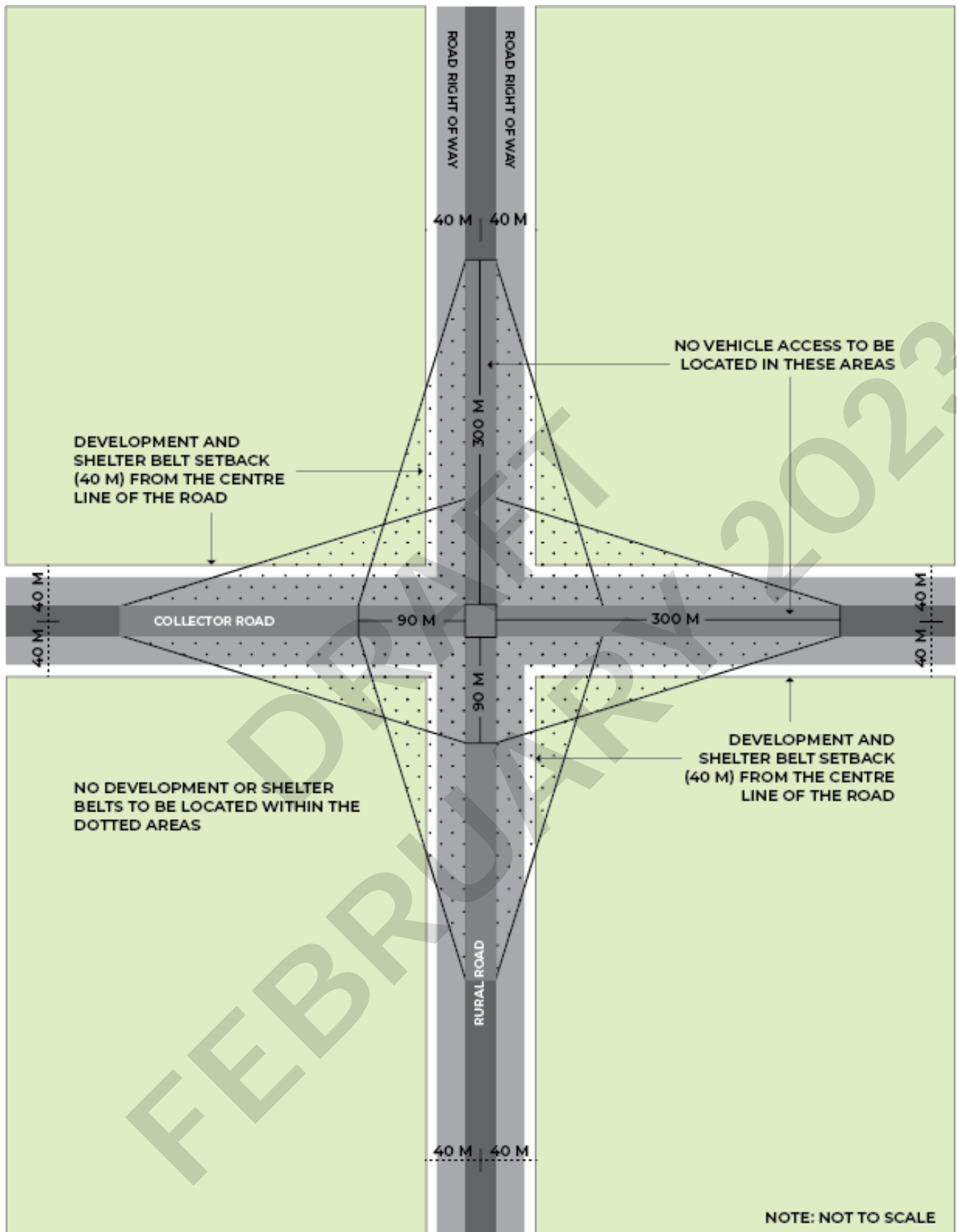


Figure 3: Setbacks at Collector Road & Rural Road

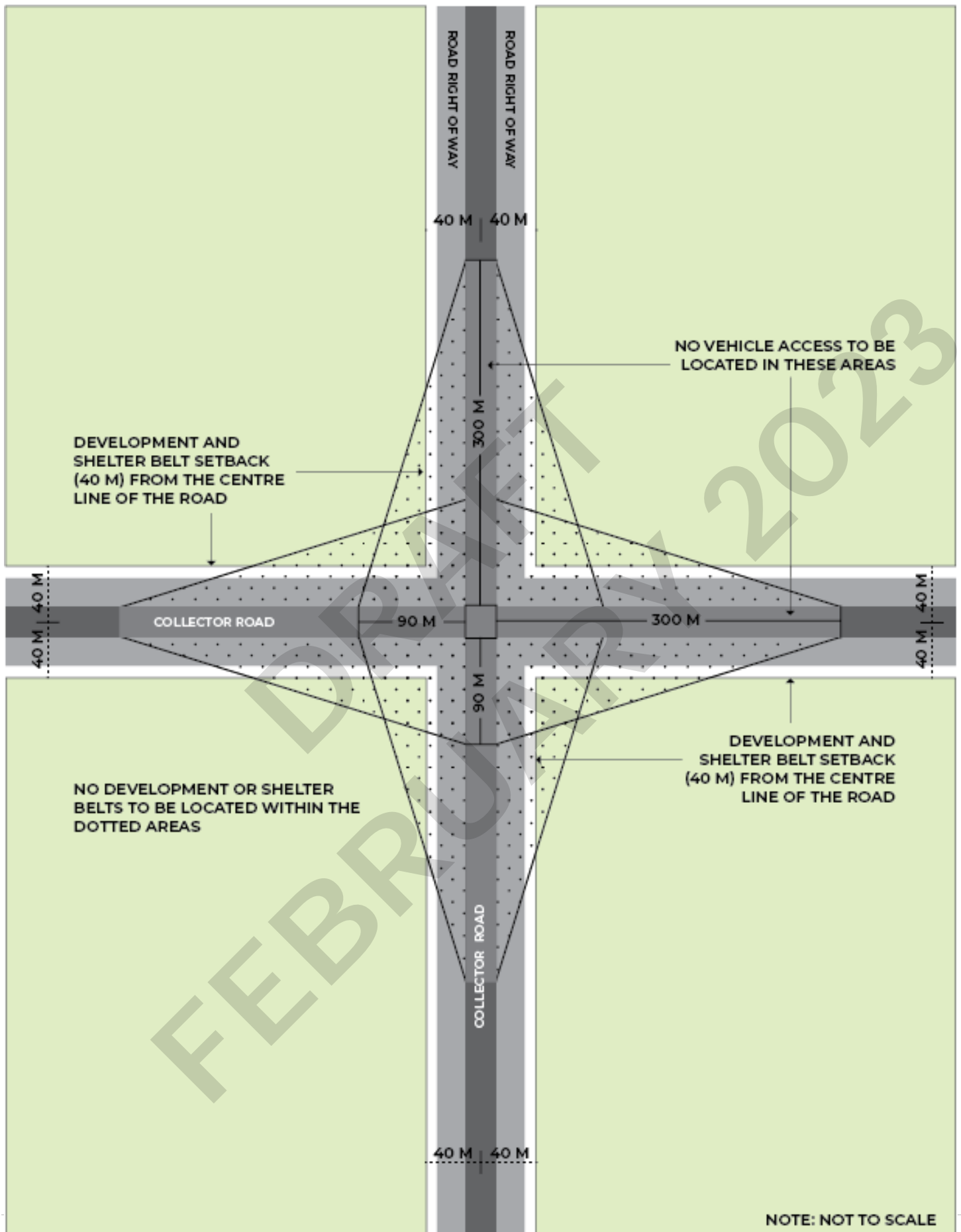


Figure 4: Setbacks at Collector Road and Collector Road

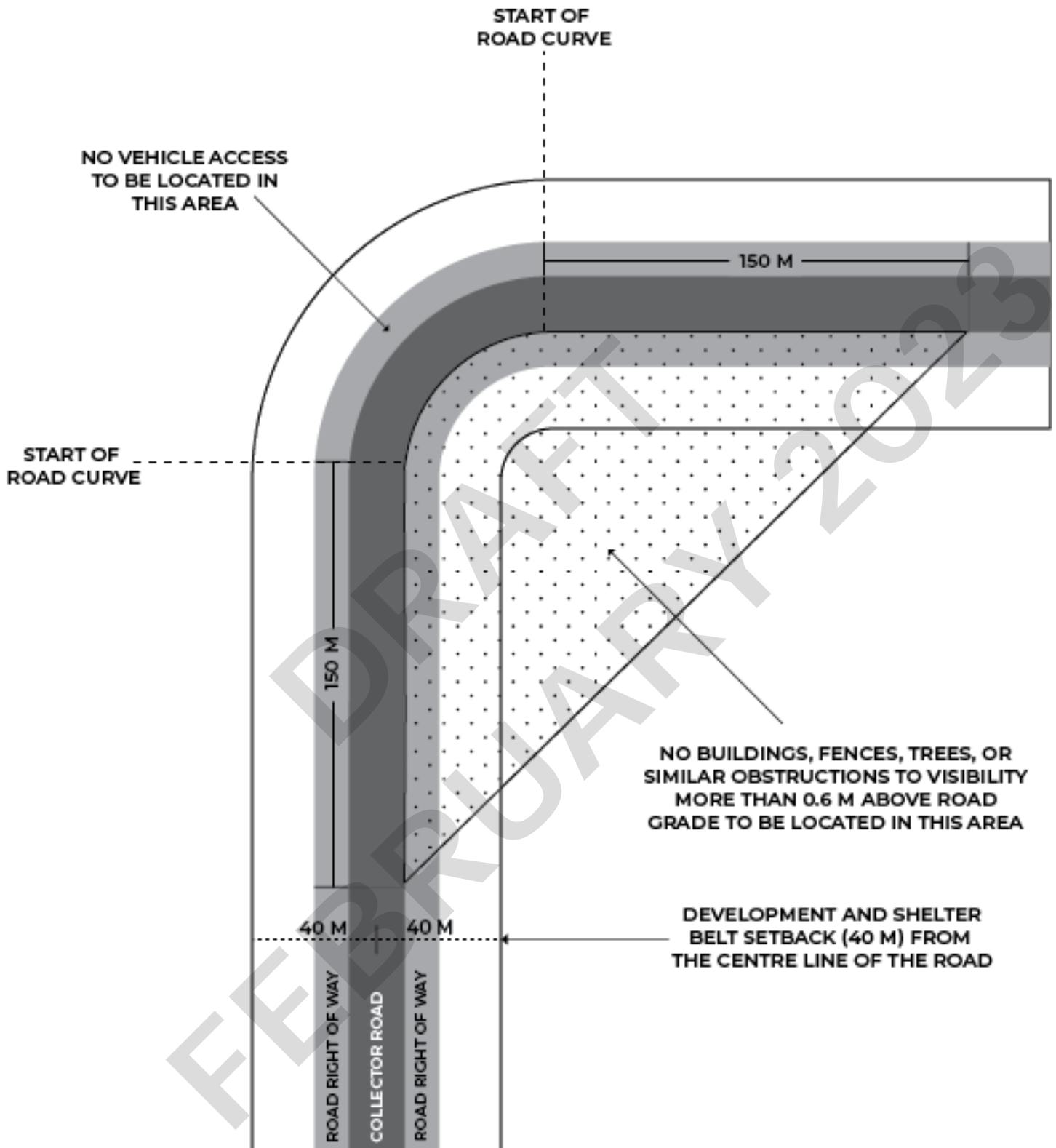


Figure 5: Setbacks at Collector Road Curve

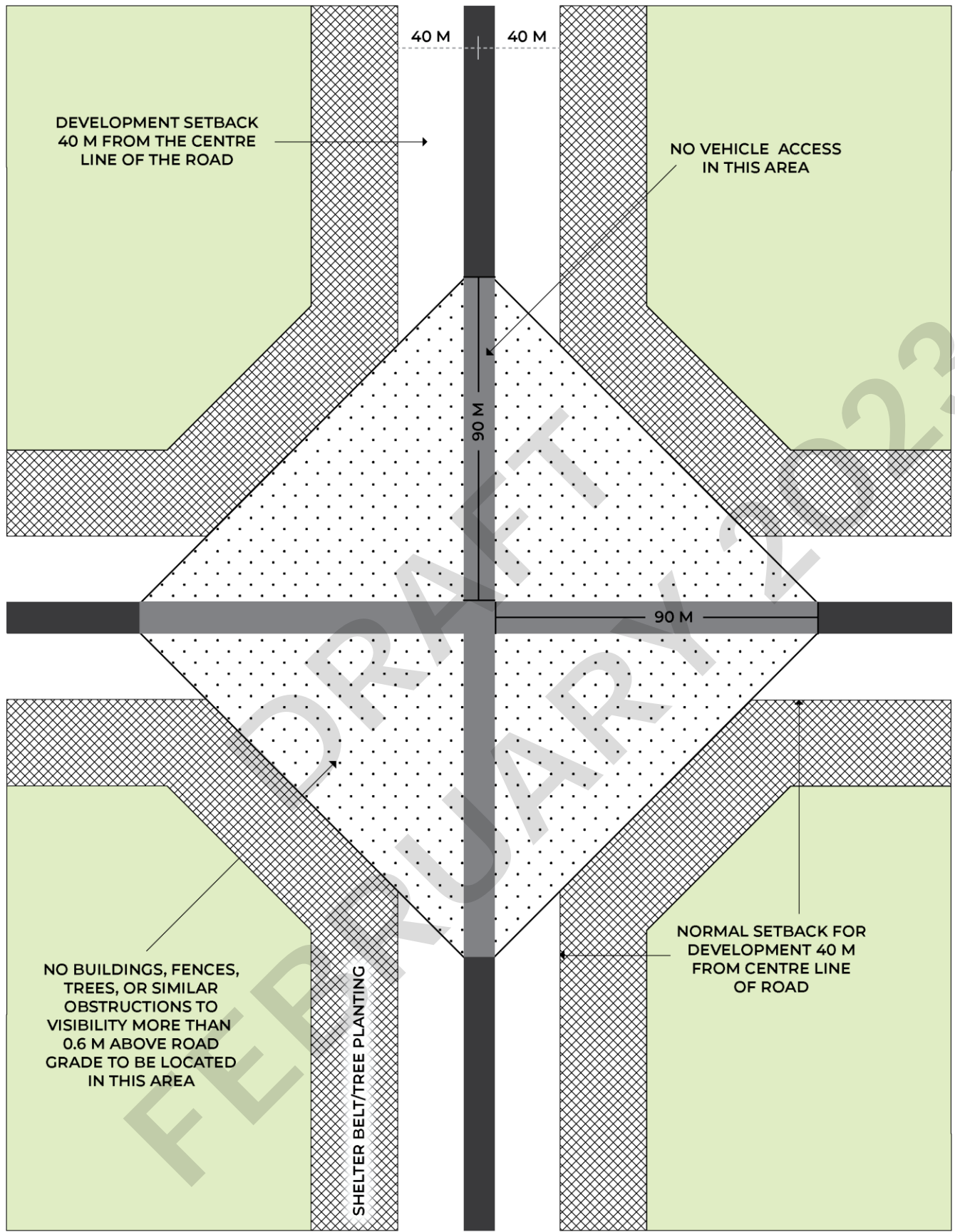


Figure 6: Setbacks at Rural Road and Rural Road

9.6 NUMBER OF DWELLINGS ON A PARCEL

- 9.6.1 The maximum number of dwelling units permitted on any parcel of land shall not exceed one (1) except when the second or additional dwelling units are proposed to be constructed or located on a parcel of 1.6 ha (4.0 ac.) in area or more.
- 9.6.2 The maximum number of dwelling units permitted on any parcel of land exceeding 1.6 ha (4 ac.) in size shall be at the sole discretion of the Municipal Planning Commission.
- 9.6.3 Subject to the minimum parcel size requirement provided in subsection (2) above, the development of a second or additional dwelling on any parcel of land shall be allowed provided that:
- a. a physical separation of a minimum of 45 m (147.6 ft.) is provided between dwellings,
 - b. the dwellings are situated such that a subdivision placing the two dwellings on separate parcels could be easily undertaken,
 - c. all the residential development on the subject site adheres to the Plumbing Code Regulation with respect to sanitary sewage disposal, and
 - d. if the second or additional dwelling is to utilize the same water well, power supply, or other services as the first or another building, all such services and the dwellings are to be developed and located such that all the requirements of both private service companies and Provincial Regulations are met.
- 9.6.4 The above subsections (1), (2), and (3) shall not apply when the second or any additional dwelling or dwelling unit:
- a. Is a guest house,
 - b. is to be occupied by a person who is employed in an existing agricultural operation,
 - c. is contained in a building designed for or divided into two (2) or more dwelling units, or
 - d. is a manufactured home as defined in this Bylaw, located within a manufactured home park, or
 - e. is in a building that is the subject of a condominium plan registered in a Land Titles Office under the Condominium Property Act.
- However, this regulation shall not apply within the Lakeside Residential District. In that District, only one dwelling shall be allowed on a parcel.
- 9.6.5 If approving a development permit under the circumstances described in subsection (4) above all the other regulations of this Bylaw together with all requirements regarding the provision of water supply and the disposal of sanitary sewage must be met by the development to the satisfaction of the Development Authority.

9.7 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- 9.7.1 No person shall keep or permit in any part of any yard in any Country Residential, Urban General, or Lakeside Residential District:
- a. any dismantled or wrecked vehicle for more than fourteen (14) successive days;
 - b. any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district in which it is located;
 - c. any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.
- 9.7.2 No fur bearing animals, fowl or livestock other than domestic pets shall be permitted on parcels lying within the Urban General, the Country Residential, or the Lakeside Residential Districts unless the parcel is greater than 1.21 ha (3.0 ac.) in area.
- 9.7.3 No wild boar shall be kept, reared, or bred within the Municipal District.
- 9.7.4 The matters of pollution and adverse effects on other properties shall be such that no use be allowed which may be offensive to a neighbouring owner or municipality. The word "offensive" here implies sight, smell and/or anything, which may adversely affect a neighbouring owner or municipality.

9.8 PROTECTION FROM EXPOSURE HAZARDS

- 9.8.1 The location of any anhydrous ammonia (AA) or liquefied petroleum gas (LPG) storage tank with a water capacity exceeding 9000 l (1980 gal.) shall be in accordance with the requirements of the Development Authority, but in no case be less than a minimum distance of 120 m (393.7 ft.) from assembly, institutional, commercial or residential buildings.
- 9.8.2 AA or LPG containers with a water capacity of less than 9000 l (1980 gal.) shall be located in accordance with regulations under the Gas Protection Act.
- 9.8.3 Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Fire Prevention Act.
- 9.8.4 Setbacks from pipelines and other utility corridors shall be at the discretion of the Development Authority and be in accordance with the appropriate Provincial legislation or regulations. Generally these setbacks will be 15 m (49.2 ft.) from the rights-of-way of high-pressure lines and 5 m (16.4 ft.) from the rights-of-way of low-pressure lines.

9.9 RURAL ROADS

- 9.9.1 Development permits are required for development within 40.0 m (134.0 ft.) of the centre line of a rural road.
- 9.9.2 On a parcel located at the intersection of a rural road with a rural road, no development shall be permitted within the areas illustrated in Figure 5.
- 9.9.3 No development shall be located so that access or egress to a rural road is within 90 m (295 ft.) of the beginning or end of a road curve of greater than twenty (20) degrees curvature.
- 9.9.4 Every effort will be made to not allow access or egress from a rural road:
 - a. within 150 m (492 ft.) of an existing access or egress on the same side of the road;
 - b. within 150 m (492 ft.) of a bridge;
 - c. within 150 m (492 ft.) of an at-grade railway crossing;
 - d. when the existing surveyed road has been constructed to secondary road standards, where the gradient of the road is in excess of three percent (3%); and
 - e. when an existing secondary road is not constructed to secondary road standards, unless construction to secondary road standards is expected within two (2) years, and the grade will then be less than three percent (3%).
- 9.9.5 There may not be more than two (2) approaches developed per 0.8 km (0.5 miles), except at the discretion of the Development Authority.
- 9.9.6 Prior to any new approach being developed, the owner shall enter into an approach agreement with the municipality.
- 9.9.7 Whenever possible and at the discretion of the Development Authority, joint accesses shall be encouraged.
- 9.9.8 Approaches onto Rural Roads shall not exceed 20 m (66 ft.) in width.

9.10 SETBACKS FROM OIL AND GAS WELLS

- 9.10.1 All dwellings shall be set back a minimum of 100.0 m (328.1 ft.) from active or abandoned oil and gas wells.
- 9.10.2 All development shall comply with current AER setback requirements.

9.11 SIGNS

- 9.11.1 All proposed signs within 40.0 m (134.0 ft.) of the centre line of a road require a development permit prior to construction.
- 9.11.2 No signs or advertising structures of a commercial, directional or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.
- 9.11.3 No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant.
- 9.11.4 No signs, billboards, advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.
- 9.11.5 Notwithstanding the generality of subsections (1) and (2) above, nor the provisions of subsections (3) and (4) above, the following signs may be erected on land or affixed to the exterior surface of a buildings or structure without application for a development permit provided that no such signs shall be illuminated and provided that any necessary permits have been obtained as required by Provincial regulations:

- a. signs for the purpose of identification, direction and warning or relating to a person, partnership or company carrying on a profession, business or trade, or relating to an institution of a religious, educational, cultural, recreational or similar character or to an apartment, to a club, or to a similar institution, not exceeding 3 sq. m (32 sq. ft.) and limited to one (1) two-sided sign per parcel;
 - b. temporary advertisement relating to the sale or letting of land, the sale of goods or livestock, the carrying out of building or similar work, announcement of any local event of a religious, educational, cultural, political, or similar character not exceeding 1.9 sq. m (20.5 sq. ft.), provided that all such temporary advertisements shall be removed by the advertiser within fifteen (15) days of the completion of the event or works to which such advertisements relate;
 - c. advertisements or signs in relation to the function of local authorities, utility boards, or other public or quasi-public bodies.
- 9.11.6 Especially within the setback areas shown on Figures 1 to 5, no sign or advertisement shall resemble or conflict with a traffic sign, nor shall it be traffic hazard.
- 9.11.7 All signs shall be kept in a safe, clean and tidy condition, and may, by direction of the Development Authority, be required to be renovated or removed.
- 9.11.8 No signs or advertising structures of any kind shall be permitted within the vicinity of a Primary Highway without the prior approval of Alberta Transportation and Utilities.

9.12 SITE CONDITIONS

- 9.12.1 The Development Authority may prescribe or approve screening for uses which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials, and other similar uses.
- 9.12.2 In considering the approval of an application, the Development Authority may impose conditions requiring the retention of trees or additional planting of such a type and extent that he, in his sole discretion, considers necessary.
- 9.12.3 A minimum buffer strip of 25.0 m (82.0 ft.) shall be preserved from the top of the bank of any river, creek, watercourse or water body. No structures of any kind shall be permitted within this strip except for boathouses and except along Clear Lake. The Development Authority may require a soil analysis, and additional setbacks may be required at his sole discretion.
- 9.12.4 The location of any shelterbelts shall be determined by the Development Authority.
- 9.12.5 No buildings, fences, trees, haystacks or other similar obstructions to visibility shall be permitted at the intersection of two rural roads (see Figure 5).
- 9.12.6 A permit is required before the commencement or continuation of the removal of topsoil and such permits shall only be granted where it is shown to the satisfaction of the Development Authority that the land will not be adversely affected by removal. The Development Authority may refer any application for removal of topsoil to any appropriate Provincial agency for comment before consideration.

9.13 SOUR GAS FACILITIES

- 9.13.1 No development shall be permitted within 100 m (328.0 ft.) of a Level 1 sour gas facility (consisting of a well) as determined by the Alberta Energy Regulator (AER).
- 9.13.2 In the case of a Level 2 sour gas facility as determined by the AER:
- a. no permanent dwelling shall be permitted within 100.0 m (328.0 ft.) of the facility;
 - b. no rural public facility shall be permitted within 500.0 m (1,640.4 ft.) of the facility.
- 9.13.3 In the case of a Level 3 or 4 sour gas facility as determined by the AER:
- a. no permanent dwelling shall be permitted within 100.0 m (328.0 ft.) of the facility;
 - b. no country residential development at a density of more than 8 dwellings per quarter section shall be permitted within 500.0 m (1640.4 ft.) of the facility;
 - c. no rural public facility shall be permitted within 1,500.0 m (4,921.2 ft.) of the facility.

9.14 WASTEWATER FACILITIES

- 9.14.1 All buildings erected, placed or moved into land use districts established by this Bylaw to be used for a dwelling or a commercial or industrial purpose shall be provided with wastewater facilities that meet current provincial requirements and comply with the current Alberta Private Sewage Systems Standard of Practice.
- 9.14.2 As a condition of subdivision or development approval, on parcels which have access to municipal wastewater services, the development proponent shall be required to connect to the service as a condition of approval.

DRAFT
FEBRUARY 2023

10. SPECIAL PROVISIONS



10.1 ALTERNATE ENERGY SYSTEM, COMMERCIAL (CAE)

The Province of Alberta and its agencies, regulates large scale / commercial energy projects. Under Sections 619 and 620 of the Municipal Government Act (MGA), the MD's regulatory role is very limited. The MGA (Sec. 619(2)) is very clear that "A license, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC prevails ..." over "... any statutory plan, land use bylaw, subdivision decision or development decision ..." of a municipality.

The purpose of this section is to establish local standards for Commercial Alternate Energy (CAE) System developments, including but not limited to solar, wind, biofuel, geo-thermal, fuel cell, micro-hydro, and other energy producing technologies whose purpose is to produce energy for the commercial market.

- 10.1.1 Where Provincial or Federal Government or other Agency approval has been received for a CAE, a copy of the said approval and supporting documents, shall be submitted to the Municipal District. The supporting information provided to the Province, Federal Government or other Agency may be used to satisfy some or all the requirements of the Municipal District. Protection of Agricultural Lands
- 10.1.2 The siting of an CAE should take place on lands considered to be low production, or on poor agricultural land to minimize the conversion of high-capability agricultural soils to other uses.

General Requirements

- 10.1.3 A development permit application shall be made for every title upon which the CAE is proposed.
- 10.1.4 A site plan(s) shall be required for each title but a single, master set of supporting documents may be submitted for the overall project.
- 10.1.5 No signage for the purpose of advertising, other than the name of the system provider, shall be allowed on a CAE.

Public Consultation

- 10.1.6 Prior to the submission of a development permit application the Applicant shall:
 - a. Arrange and host at least one (1) open house or public meeting, in the general area of the site proposed for the development;
 - b. Advertise the time, date, and place of the open house or public meeting:
 - i in a newspaper circulating in the area of the proposed development, with the advertisement appear a minimum of two (2) weeks in advance of the public meeting,
 - ii mail a written notice of the time, date, and place of the open house to all landowners within the area proposed for the development, and all landowners within 2 km (1.2 miles) of the boundary of the area proposed for the development;
 - a. The information provided at the public meeting shall be all the information that would be required as part of a Development Permit application for the proposal;
 - b. Opportunities for questions and input from the public shall be allowed;
 - c. A summary of the presentation and the public input shall be recorded.
- 10.1.7 If public consultation was held as part of the Provincial approval process, the Applicant may submit the details of that consultation to the Municipal District to satisfy the requirements of Section 10.1.5.

Safety

- 10.1.8 All applications shall include:
 - a. An emergency response plan; and
 - b. A detailed safety plan identifying any special rescue needs for workers that is beyond the local emergency responders' equipment and training capability.
- 10.1.9 All applicable Safety Codes permits are required to be obtained.

Transmission Lines

10.1.10 All collector lines, (less than 69kV) on the site of a CAE generating electrical power, shall be underground, except where the Development Authority approves otherwise.

Color and Finishes

- 10.1.11 The buildings, blades, supporting structures, and accessory buildings shall be painted or coated in non-reflective and non-glossy tones and / or colors which minimize the obtrusive impact of a CAE.
- 10.1.12 No brand names, lettering or advertising shall appear on buildings, towers, blades, support structures or accessory buildings and structures.
- 10.1.13 The lettering or imagery that may appear on the lowest 3 m (10 ft.) of a tower or building of a CAE are the manufacturer's identification and contact information, the operator's identification and contact information, emergency contact information, and municipal symbol.

MD Standards

10.1.14 All roads, approaches, culverts, fences, or other Municipal District infrastructure to be replaced, constructed, upgraded, or reconstructed, shall be built to the MD's standards current at the time of construction.

Referral

- 10.1.15 Prior to deciding upon an application for a CAE, the Development Authority may refer for the review, comment, and any input provided from any of the following entities:
- Alberta Utilities Commission,
 - Alberta Transportation,
 - Transport Canada,
 - NavCanada,
 - Alberta Electrical Systems Operator,
 - Adjoining municipal boundary if the application area is within 2 km (1.2 miles) of the municipal boundary, and,
 - any other person, departments, agency, commission, or government the Development Authority deems necessary.

Decommissioning

- 10.1.16 Decommissioning and reclamation shall take place in compliance with the applicable provincial standards of the day the site is decommissioned. If no standards are in place at the time of a development permit application, the Applicant shall provide a plan outlining how the site will be decommissioned and reclaimed to the site's predevelopment state as part of the Development Permit application. The decommissioning plan shall include information on the following:
- Treatment of buildings, footings, foundations, structures, and wires;
 - Reclamation of access roads, driveways, pathways, storm ponds, drainage systems, and other similar disturbances;
 - The type and suitability vegetation and / or ground cover to be planted and / or seeded;
 - Notice to be given to landowners and the Municipal District;
 - Containment of hazardous materials;
 - Site security;
 - Haul routes for disposal materials;
 - Control of noise, dust, particulates, and weeds;
 - Discussion of the timetable for decommissioning plan.

Financial Security

10.1.17 As a condition of development approval, the Municipal District may require financial security, in the form satisfactory to the Development Authority, to ensure the Reclamation / Decommissioning Plan is implemented and to cover assignment and bankruptcy. The condition may include a periodic review of the security to ensure the amount is sufficient to implement the Reclamation / Decommissioning Plan.

Discontinuance

10.1.18 Should an Alternate Energy Development discontinue producing power for a minimum of two consecutive years, or two cumulative years over a five-year period, the operator shall provide a report on the status of the System to the Municipal District. A review of the status report by the Municipal District may result in the request for the System to be decommissioned. Failure to comply with a decommissioning request may result in the issuance of a stop order by the Municipal District in accordance with the provision of the Municipal Government Act.

Solar Energy Conversion Systems

Applications

10.1.19 Development Permit applications for a solar collector system shall be accompanied by the following information:

- a. A plan showing the location of overhead and / or underground utilities on or adjacent to the subject lands;
- b. A detailed site plan showing:
 - i the titled parcel(s),
 - ii the location of the system on the parcel(s),
 - iii the required setbacks,
 - iv existing structures, if any,
 - v the existing or proposed approach(es), and,
 - vi the orientation of the solar collectors;
- c. The application shall also include details regarding:
 - i the system type,
 - ii number of structures,
 - iii height of structures,
 - iv energy process,
 - v grid connection,
 - vi rated output in megawatts,
 - vii signage,
 - viii public safety,
 - ix security measures,
 - x topography,
 - xi stormwater management plan,
 - xii the results of the public consultation process, and
 - xiii weed control plan

Glare

10.1.20 Solar panels must be located such that they do not create glare on neighboring properties or public roadways.

Height and Setbacks

10.1.21 The maximum heights and setbacks of building mounted or ground mounted solar collection systems shall be subject to the height and setback requirements of the applicable Land Use District.

Fire Protection

10.1.22 The spacing and height of solar collectors shall be designed to provide access for firefighting.

Density

10.1.23 The location of and maximum number of solar collectors per Title may be regulated by the Development Authority.

Wind Energy Conversion Systems (WECS)

Applications

7.ZZ.26 An individual development permit application shall be submitted for each titled parcel.

7.ZZ.27 Development Permit applications for a wind energy conversion system shall be accompanied by the following information :

- a. An accurate site plan showing and labeling the information outlined in this section and the location of overhead and / or underground utilities on or adjacent to the subject lands;
- b. A digital version of the site plan showing the exact location and base elevation of each WECS in UTM coordinates with NAD datum, Zone X;
- c. A visual representation of the WECS project including scale elevations, photographs and / or digital projections of the project showing height, rotor diameter, color and landscape;
- d. A digital version of the site plan showing the exact location and base elevation of each WECS in UTM coordinates and NAD datum, Zone AA;

- e. Reclamation plan;
- f. The manufacturer's specifications indicating:
 - i the proposed systems rated output in megawatts,
 - ii the safety features,
 - iii the type of material used in the tower, blade, and rotor construction, iv. foundation design and / or anchor design, including the location and anchoring of any guy wires;
- g. An analysis of the potential for noise and shadow / flicker effect, both at the site of the installation, at the boundary of the property containing the development, and at any habitable residence within 2 km (1.2 miles) of any WECS in accordance with Alberta Utilities Commission Rule 12;
- h. The results of the public consultation process;
- i. The potential for electromagnetic interference;
- j. The nature and function of over speed controls which are provided;
- k. The status of the Applicant's circulation to NavCanada, Transport Canada, Alberta Utilities Commission, and any other government department or agency required for provincial approval;
- l. Information on public safety;
- m. Identification of any roads to be used or constructed for use during construction of the project and any impacts to the existing road system including required approaches from public roads;
- n. A copy of the Wire Service Provider (WSP) approval if the WECS is proposed to be connected to the provincial power grid;

Setbacks

- 10.1.24 The setback distance between a WECS and a dwelling, within and without the project boundary, shall be as established by the Alberta Utilities Commission through the calculations of AUC Rule 12.
- 10.1.25 The WECS's tower shall be setback from the boundary of all Municipal District Road rights of way (developed or undeveloped), a minimum distance equal to the total height of the tower plus 10 percent.
- 10.1.26 A WECS shall be setback not less than 7.5 m (24.6 ft.) from all other property lines, as measured from the rotor's arc (rotor diameter).
- 10.1.27 If the tower utilizes guy wire anchors, the anchors, but not the tower, may be located no closer than 3.0 m (10 ft.) to the property lines.

Minimum Blade Clearance

- 10.1.28 The minimum vertical blade clearance from grade shall be 7.6 m (25 ft.) for a WECS employing a horizontal rotor.

Tower Access and Safety

- 10.1.29 To ensure public safety, the Development Authority may require that:
 - a. If the tower is climbable, a security fence with a lockable gate, not less than 1.9 (6 ft.) in height, shall be installed around a WECS tower;
 - b. No ladder or permanent tower access device shall be located less than 3.7 m (12 ft.) from grade;
 - c. A locked device shall be installed on the tower to preclude access to the top of the tower;
 - d. Additional access control features or such additional safety mechanisms or procedures may be required by the Development Authority;
 - e. The use of tubular towers, with locked door access, will preclude the above requirements.

Other Energy Systems

Application

- 10.1.30 Development Permit applications for all other types of Alternate Energy production systems shall be accompanied by the following information:
 - a. An accurate site plan showing and labelling:
 - i the legal location(s) of the proposed system,
 - ii the location of the proposed system on the property or properties in relation to property lines and existing or proposed buildings or structures,
 - iii the location of the existing or proposed access,

- iv the identification of any sensitive environmental features,
- v the topography of the site,
- vi the method of exporting the energy off site – power lines, pipelines, vehicles, etc.
- vii Detailed information on the type of facility, structure, or system of the energy process involved
- viii The manufacture's specifications, indicating: (if applicable)
- ix the rated output in megawatts or gigajoules, and,
- x the safety features;
- b. Any information regarding public safety; e. Information or verification of:
 - i the volume of water, if required,
 - ii the source of the water, if required,
 - iii the reclamation process of any water utilized by the system,
 - iv the stormwater management system, if required,
 - v the method of disposal of any waste material generated by the system,
 - vi the generation and mitigation of any noise, vibration, odor, light, particulate that results from the production process;
- c. An analysis of the potential fire, explosive, or other hazards of the proposed system;
- d. A Traffic Impact Assessment or other information / analysis of traffic volumes and any impacts to the local road system;

Setbacks

- 10.1.31 The buildings and structures of non-solar and non-wind based Alternate Energy Development(s) shall comply with all the setbacks established in the district in which it is located with the following modifications:
- a. A minimum of 250 m (820 ft.) from any residential dwelling, food establishment, institutional use or public use, facility or building;
 - b. A minimum of 100 m (328 ft.) from the boundary of any creek, stream, river, lake shore or water body.

Geothermal Systems

- 10.1.32 All geothermal systems shall be Closed Loop systems. Open Loop systems (pump & dump) are not allowed.
- 10.1.33 All geothermal systems shall comply with CSA-C448 and subsequent amendments. Exceptions may be allowed, at the discretion of the Development Authority, provided documented proof is provided showing that the exception meets or exceeds CSA-C448 standard.
- 10.1.34 Installations must be stamped by a qualified Professional Engineer registered under the "Engineering, Geological, or Geophysical Professions Act" of Alberta or have the system and installer certified by the Canadian GeoExchange Coalition (CGC) or other future governing body having jurisdiction within the Province of Alberta.
- 10.1.35 In no case may an ethylene glycol-based fluid be used nor shall any flammable or combustible agent such as methanol, ethanol, natural gas, or propane be used as a heat transfer fluid.

Conditions of Approval for Any CAE

- 10.1.36 Depending on the type of CAE proposed, the Development Authority shall consider, as limited by Sections 619 and 620 of the Municipal Government Act, or not as the case may be, in addition to any other conditions authorized under other sections of this Bylaw or Statutory Plan, attaching conditions related to any of the following:
- a. Entering into a development agreement with the Municipal District in accordance with the Municipal Government Act;
 - b. Preparing by qualified professionals and at the Applicant's expense, all the necessary studies, maps, diagrams, reports, and analysis, whether printed and / or digital, required in support to their application;
 - c. Confining all surface drainage on site and protecting any adjacent water bodies from run-off;
 - d. Treating any wastewater on site and / or disposing of any wastewater as required by the Municipal District;
 - e. Disposing of any non-wastewater liquids in accordance with the requirements of the Municipal District;
 - f. Storing / containing all feedstock and materials within buildings or containment facilities;
 - g. Disposing of any other waste materials;
 - h. Restricting vehicle / truck traffic, whether owned or contracted by the Applicant, that transport construction material, raw material or feedstock or finished / processed goods associated with the development to designated haul routes and times through an agreement and the provision of securities;
 - i. Dust control measures;
 - j. Sound control measures;

- k. Installing underground all energy transmission (whether electrical, liquid or gas) lines from the site to the applicable collection point;
- l. Securing all necessary approvals from any other agency with jurisdiction on the type CAE proposed and providing the Municipal District with a copy of the approval required;
- m. Identifying and providing for a staged or phased development;
- n. Constructing or paying for the construction of any new or the upgrading of any existing municipal infrastructure related to the project, such as but not limited to roads, approaches, signage, water lines, and sewage lines;
- o. Requiring ground cover, weed control, grading, soil erosion control emergency / fire suppression, and drainage measures;
- p. Specifying time periods to:
 - i start, suspend, and complete construction activities,
 - ii trigger decommissioning activities;
- q. Providing for the amenity of the site or development through improvements such as landscaping, berming, and buffering; and,
- r. Any other condition or conditions necessary to give form and effect to the project.

10.2 ALTERNATE ENERGY SYSTEMS, INDIVIDUAL (IAE)

The purpose of this section is to establish standards for Individual Alternate Energy (IAE) developments, including but not limited to solar, wind, biofuel, geo-thermal, fuel cell, micro-hydro, for use by households, agricultural operators, or individual business to meet some or all of their energy needs on the subject site, or a site immediately adjacent to the subject site.

General Requirements for All Individual Systems

- 10.2.1 No re-districting is required for a parcel or site for an Individual Alternate Energy System (IAE).
- 10.2.2 A development permit is required for any IAE.
- 10.2.3 All applicable Safety Codes permits are required.
- 10.2.4 If the subject site is located within lands subject to Alberta Transportation's jurisdiction, an approved Roadside Development Permit from Alberta Transportation shall be required and included with the Development Permit application. (For the purposes of Section 683.1(1) of the Municipal Government Act, an application shall not be considered as received unless the Roadside Development Permit is included with the application.)

Solar Energy Conversion Systems Applications

Application

- 10.2.5 In addition to the requirements of Part 3 of this Bylaw, the application may be required to include:
 - a. Information of any impacts to the Municipal District road system such as, but not limited to
 - i Identification of the roads to be used to construct and operate the development,
 - ii number, type of vehicle movements, and load weights,
 - iii expected time-period of movements: short-term, periodic, or ongoing,
 - b. For systems that are to be tied into the grid, evidence that the Utility Operator has been informed of the Applicant's intent to install an interconnected customer-Owner generator.
 - c. Documentation demonstrating that the system is designed to produce energy primarily for the sole use and consumption on-site by the landowner, resident, occupant, or business;
 - d. The manufacturer's specifications for the proposed system and rated output in kilowatts;
 - e. A site plan showing the location, setbacks, and orientation of the solar collectors;
 - f. For panels to be affixed to the wall of a building or accessory structure,
 - i a description of how the panels are to be mounted or affixed,
 - ii the maximum projection from the wall, and,
 - iii the structural capacity of the building and / or wall to support the proposed development;
 - g. For free-standing solar panels,
 - i a description of the proposed ground mount design,
 - h. the clearance to the bottom of the collectors,

- i the maximum height from existing grade, and,
- ii the method of vegetation / weed control.

Glare

- 10.2.6 Solar panels must be located such that they do not create glare onto neighboring properties or public roadways. Mounting and Projection
- 10.2.7 Solar collectors mounted to the roof of a building or structure shall not extend beyond the outermost edge of the roof.
- 10.2.8 The maximum projection of any solar collectors affixed to a wall of a building or structure in a residential District shall be:
 - a. 1.5 m (5 ft.) from the surface of a wall that faces a rear parcel line; and,
 - b. In all other cases 0.6m (2 ft.) from the surface of any other wall.

Setbacks

- 10.2.9 Freestanding solar collectors shall be subject to the setback requirements of the applicable Land Use District or as required by Alberta Transportation, whichever is greater.

Height

- 10.2.10 The maximum height of a freestanding solar collector shall not exceed 2.4 m (8 ft.).
- 10.2.11 For freestanding solar collectors, sufficient clearance shall be retained under the structure to allow for weed control, grass cutting and for fire suppression.

Density

- 10.2.12 The location of and maximum number of solar collectors per Title may be regulated by the Development Authority.

Wind Energy Conversion Systems (WECS)

Application

- 10.2.13 Development Permit applications for a wind energy conversion system shall be accompanied by the following information:
 - a. Documentation demonstrating that the system is designed to produce energy primarily for the sole use and consumption on-site by the landowner, resident, occupant, or business;
 - b. The manufacturer's specifications indicating:
 - i the proposed systems rated output in kilowatts,
 - ii the safety features,
 - iii the sound characteristics,
 - c. A site plan showing the location and setbacks of the WECS on the property;
 - d. Drawings, drawn to scale, of the wind turbine structure, including the tower, base, footings, and anchoring method. An engineering analysis of the Wind Turbine Tower showing compliance with the International Building Code and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted.
 - e. The specifications on the foundations and / or anchor design, including the location and anchoring of any guy wires;
 - f. The location of any existing buildings or improvements on the property in relation to the WECS;
 - g. Evidence of compliance with applicable air traffic safety regulations. (Transport Canada must be notified of the location – latitude and longitude – and height of all wind turbine installations through the aeronautical clearance application process.)
- 10.2.14 Prior to deciding upon an application for a WECS, the Development Authority may refer for the review and comment, and consider any input received from the following entities:
 - a. Alberta Utilities Commission,
 - b. Alberta Transportation,
 - c. Alberta Utilities Commission and the Alberta Energy Systems Operator for applications proposing to connect to the grid,
 - d. Transport Canada,
 - e. Navigation Canada, and
 - f. Any other person, departments, agency, or commission the Development Authority deems necessary.
- 10.2.15 Individual WECS shall comply with the following standards:
- 10.2.16 There shall be a limit of one WECS per Titled area.

Setbacks

- 10.2.17 The WECS's tower shall be setback from all property lines a minimum distance equal to the height of the tower, or the minimum setbacks set out in the applicable Land Use District, or as required by Alberta Transportation, whichever is greater.
- 10.2.18 If the tower utilizes guy wire anchors, the anchors, but not the tower, may be located no closer than 3.0 m (10 ft.) to the property lines.

Height

- 10.2.19 A WECS tower shall not exceed a maximum height of:
- 12.1 m (40 ft.) on a parcel of less than 0.4 ha (less than 1 acre),
 - 19.8 m (65 ft.) on a parcel 0.4 – 2.0 ha (1 – 5 acres),
 - 24.4 m (80 ft.) on a parcel greater than 2.0 ha (5 acres).

Finish and Markings

- 10.2.20 The tower and supporting structures shall be painted or coated in tones and / or colors matching the existing tones and / or colors of the principal building that are non-reflective and non-glossy.
- 10.2.21 Brand names or advertising associated with the system or the system's installation shall not be visible from any public place.
- 10.2.22 Small Wind Turbine Towers shall not be artificially lit except as required by NavCanada.

Tower Access and Public Safety

- 10.2.23 If the tower is climbable, a security fence with a lockable gate, not less than 1.9 (6 ft.) in height, shall be installed around a WECS tower;
- 10.2.24 No ladder or permanent tower access device shall be located less than 3.7 m (12 ft.) from grade;
- 10.2.25 A locked device shall be installed on the tower to preclude access to the top of the tower;
- 10.2.26 Additional access control features or such additional safety mechanisms or procedures may be required by the Development Authority;
- 10.2.27 The use of tubular towers, with locked door access, will preclude the above requirements. Electro-magnetism;
- 10.2.28 The system shall be operated such that any electro-magnetic interference is dealt with as per the permit issued by the AUC. If electromagnetic interference is determined during operation, the developer will work with the affected stakeholder (s) to mitigate any issues.

Output

- 10.2.29 The system's maximum power output shall not exceed 5 kilowatts.

Noise Level

- 10.2.30 The noise generated by the system shall not exceed 60dB(A) or exceed more than 5dB(A) above background sound, as measured at the exterior of the closest inhabited Dwelling (at the time of installation or during operation), for wind speeds below 10 m per second (22 mph) and except short-term event such as utility outages and / or severe windstorms.

Discontinuance

- 10.2.31 Upon abandonment or termination of the system's use, the entire facility, including the system's tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its preWECS condition.

Other Individual Alternate Energy Systems

Application

- 10.2.32 Development Permit applications for all other types of Alternate Energy production systems shall be accompanied by the following information:
- 10.2.33 Documentation demonstrating that the system is designed to produce energy primarily for the sole use and consumption on-site by the landowner, resident, occupant, or business;
- 10.2.34 An accurate site plan showing and labelling:
- the location of the proposed system on the property,
 - the location of the proposed system in relation to any other buildings or structures on the property,
 - the location of the existing or proposed access,
 - detailed information on the type of facility, structure, or system, and
 - the energy process involved;
 - The manufacture's specifications, indicating (if applicable)
 - the rated output in megawatts or gigajoules,

- h. the safety features, and,
 - i. the sound characteristics;
- 10.2.35 Information on public safety regarding such aspects as fire hazards, chemicals used, storage of hazardous materials, exposure to corrosive or and hazardous fumes;
- 10.2.36 Information or verification of:
- a. the volume of water, if required,
 - b. the source of the water, if required,
 - c. the reclamation process of any water utilized by the system,
 - d. the stormwater management system, if required, and,
 - e. the method of disposal of any waste material generated by the system;

Geothermal Systems

- 10.2.37 All geothermal systems shall be Closed Loop systems. Open Loop systems (pump & dump) are not allowed.
- 10.2.38 Must comply with CSA-C448 and subsequent amendments. Exceptions may be allowed, at the discretion of the Development Authority, provided documented proof is provided showing that the exception meets or exceeds CSA-C448 standard.
- 10.2.39 Installations must be stamped by a qualified Professional Engineer registered under the "Engineering, Geological, or Geophysical Professions Act" of Alberta or have the system and installer certified by the Canadian GeoExchange Coalition (CGC) or other future governing body having jurisdiction within the Province of Alberta.
- 10.2.40 In no case may an ethylene glycol-based fluid be used nor shall any flammable or combustible agent such as methanol, ethanol, natural gas, or propane be used as a heat transfer fluid.

Conditions of Approval

- 10.2.41 Depending on the type of IAE proposed, the Development Authority may consider, as limited by Sections 619 and 620 of the Municipal Government Act, or not as the case may be, in addition to any other conditions authorized under other sections of this Bylaw or Statutory Plan attaching conditions related to the following:
- a. Entering into a development agreement with the Municipal District in accordance with the Municipal Government Act;
 - b. Preparing by qualified professionals and at the Applicant's expense, all the necessary studies, maps, diagrams, reports, and analysis, whether printed and / or digital, required in support to their application;
 - c. Confining all surface drainage on site and protecting any adjacent water bodies from run-off;
 - d. Treating any wastewater on site and / or disposing of any wastewater as required by the Municipal District;
 - e. Disposing of any non-wastewater liquids in accordance with the requirements of the Municipal District;
 - f. The methods of disposing of any other waste material;
 - g. Storing / containing all feedstock and materials within buildings or containment facilities;
 - h. Restricting vehicle / truck traffic, whether owned or contracted by the Applicant, that transport construction material, raw material or feedstock or finished / processed goods associated with the development to designated haul routes and times;
 - i. Require the entering of a road use agreement and the provision of security;
 - j. Constructing or paying for the construction on any new road or approach required for the development and / or upgrading or paying for the upgrading of an existing road or existing approach required for the development;
 - k. Dust control;
 - l. Sound control;
 - m. Installing underground all energy transmission (whether electrical, liquid or gas) lines from the site to the applicable collection point;
 - n. Compliance with necessary approvals from any other agencies with jurisdiction on the type IAE proposed and providing the Municipal District with a copy of the approval required;
 - o. Identifying and providing for a staged or phased development;
 - p. Placing restrictions on parts or elements of the proposed development, such as but not limited to locations, heights, colors, densities, setbacks, etc.;
 - q. Constructing or paying for the construction of non-municipal infrastructure related to the project;
 - r. Requiring ground cover, weed control, grading, soil erosion control emergency / fire suppression, and drainage measures;
 - s. Specifying time periods to:
 - i start, suspend, and complete construction activities,

- ii trigger decommissioning activities;
- t. Providing for the amenity of the site or development through improvements such as landscaping, berming, and buffering; and,
- u. Any other condition or conditions necessary to give form and effect to the project.

10.3 BED AND BREAKFAST ESTABLISHMENTS

- 10.3.1 A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved, or interfere with the residential community of the area in which it is located.
- 10.3.2 A bed and breakfast shall generally have a maximum of five (5) sleeping bedrooms, though this number may be more or less, at the discretion of the Development Authority, on the basis of the impact of the proposed bed and breakfast establishment on its surrounding neighbours. For instance, in a small residential cul-de-sac in a hamlet, it may be that only one (1) or two bedrooms may be approved by the Development Authority. In the Agricultural District, on a Secondary Highway, where there is no intensive livestock operation for a great distance from the site, it may be that seven (7) or eight (8) bedrooms may be approved by the Development Authority.
- 10.3.3 Cooking facilities shall not be located within the sleeping units.
- 10.3.4 In addition to any other parking requirements of this Bylaw, one (1) additional parking space shall be provided for each sleeping unit.
- 10.3.5 A bed and breakfast establishment shall comply with all of the requirements for a home occupations described in this Bylaw.

10.4 CANNABIS PRODUCTION AND DISTRIBUTION

- 10.4.1 Regulations within this section apply to the production and development of licensed cannabis for medical and non-medical purposes.
- 10.4.2 No cannabis production and distribution facility shall be permitted unless all applicable licensing and approvals have been provided for by the provincial and federal governments.
- 10.4.3 A cannabis production and distribution facility shall comply with all applicable Federal and Provincial regulations.
- 10.4.4 A cannabis production and distribution facility must comply with the following requirements, in addition to any other municipal, provincial or federal regulations and requirements:
 - a. must meet all applicable requirements of the identified district, which allows for the use;
 - b. a copy of the current license(s) for the cannabis production and distribution development as issued by the provincial and/or federal government shall be provided to the Development Authority with the application or as a condition of development permit approval.
- 10.4.5 A cannabis production and distribution facility shall meet security and premises requirements as required under provincial and federal legislation and any additional security requirements imposed as a condition of the development permit issued by the Development Authority.
- 10.4.6 The design of the building(s) and the landscaping on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- 10.4.7 The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
- 10.4.8 No outdoor storage of goods, material, or supplies shall be permitted.
- 10.4.9 Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- 10.4.10 All activities related to the cannabis production and distribution facility shall occur within fully enclosed stand-alone building(s), including but not limited to loading, receiving, and shipping of cannabis and any other goods, materials, and supplies.
- 10.4.11 Hours of operation shall be restricted as a condition of the development permit issued by the Development Authority.
- 10.4.12 Exterior lighting and noise levels shall satisfy the following requirements:
 - a. the illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under provincial and federal regulations; and
 - b. noise from facilities shall not exceed the levels allowed under the Land Use Bylaw or any other bylaw and/or policy of the municipality and the requirements under provincial and federal regulations.
- 10.4.13 Minimum parcel size shall be at the discretion of the Development Authority.

- 10.4.14 Minimum setback from any watercourse or waterbody shall be 30.0 m (98.4 ft).
- 10.4.15 Maximum parcel coverage shall be at the discretion of the Development Authority.
- 10.4.16 Maximum height of the principal building shall be 10.0 m (32.8 ft).
- 10.4.17 A building or structure used for security purposes for a cannabis production and distribution facility may be located in the front yard and must comply with the required minimum setbacks.
- 10.4.18 On site buffering measures shall be required for all cannabis production and distribution facilities. Buffers may include a combination of: setbacks, landscaping and fencing to mitigate the impacts on adjacent parcels.
- 10.4.19 Parking and loading requirements for a cannabis production and distribution facility shall be provided at the discretion of the Development Authority and any applicable requirements in provincial and federal regulations, as amended or replaced.

10.5 CANNABIS RETAIL SALES

- 10.5.1 Regulations within this section apply to the retail sale of cannabis.
- 10.5.2 No cannabis retail sales establishment may be allowed unless all applicable licensing and approvals have been provided for by the provincial and federal governments.
- 10.5.3 Cannabis retail sales establishments shall comply with all Land Use Bylaw and policy requirements as well as all applicable Federal and Provincial regulations including the Cannabis Act and the Gaming Liquor and Cannabis Act.
- 10.5.4 Any cannabis retail sales development must comply with the following requirements, in addition to any other municipal or provincial regulations or requirements:
- must meet all applicable requirements of the identified district which allows for the use;
 - only facilities licensed by the provincial or federal governments will be permitted; and
 - a copy of the license(s) for the cannabis retail sales establishment, as issued by the provincial government, shall be provided to the Development Authority or made a condition of the Development Permit issued by the Development Authority.
- 10.5.5 Cannabis retail sales establishments must include suitable landscaping and parking requirements, as determined by the Development Authority. Parking shall comply with regulations of this Bylaw and meet all servicing standards of the municipality.
- 10.5.6 The design of the buildings and the landscaping on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- 10.5.7 Cannabis retail sales establishments shall meet security and premises requirements as required under provincial and federal legislation.
- 10.5.8 The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
- 10.5.9 No outdoor storage of goods, material, or supplies shall be permitted.
- 10.5.10 Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- 10.5.11 Hours of operation shall be restricted as a condition of the development permit issued by the Development Authority.
- 10.5.12 Exterior lighting and noise levels shall satisfy the following requirements:
- the illumination of parking areas, walkways, signs, and other structures associated with cannabis retail sale development shall be arranged to meet the requirements under provincial and federal regulations.
- 10.5.13 Cannabis retail sales establishments as defined in this Bylaw shall be setback from locating near the following sensitive uses:
- within 100.0 m (328.1 ft) of a public education facility, a provincial health care facility, a school reserve or a municipal and school reserve.
- 10.5.14 A public education facility, provincial health care facility, school reserve or municipal and school reserve constructed or created after the approval of a cannabis retail sales establishment shall not retroactively impact the cannabis retail sales establishment.
- 10.5.15 The separation distance between the cannabis retail sales establishment and the uses listed in subsection 10.2.13 shall be determined by measuring a straight line from the outer wall of the proposed cannabis retail sales establishment to the closest point on the parcel containing the sensitive use.
- 10.5.16 A site, building or structure established, operated, or maintained as a cannabis retail sales establishment shall comply with the provisions made for in any applicable municipal, provincial, and federal regulations as per this Bylaw.
- 10.5.17 Applications for subdivision of land for this use shall include the information required by the Development Authority.

10.6 CONFINED FEEDING OPERATIONS AND MANURE STORAGE FACILITIES

- 10.6.1 Confined feeding operations and manure storage facilities for which an approval or a registration is required pursuant to the Agricultural Operations Practices Act are not regulated by this Bylaw but by that Act.

10.7 GENERAL COMMERCIAL USES

- 10.7.1 Applications for general commercial uses may be considered by the Development Authority within the Agricultural (A) District, Controlled Urban Development (CUD) District, or a land use district prepared to address general commercial uses.
- 10.7.2 Proposals for general commercial uses may be considered for lands within the Urban General District if the proposed use requires connections to existing water and/or wastewater services.
- 10.7.3 General commercial uses shall not be allowed within multi-lot country residential developments.

10.8 GUEST HOUSE

- 10.8.1 Guest Houses shall meet all Alberta Safety Code requirements for their use as habitable dwelling units.
- 10.8.2 Where a guest house is proposed in an accessory building such as a garage or shop the guest house shall be constructed to have an entrance that is separate from the vehicle entrance to the detached garage or shop from a common indoor landing or direction from the exterior of the structure.
- 10.8.3 The Maximum height shall be as determined by the Development Authority who shall have regard for the location of the guest house in relation to building on adjacent parcels.
- 10.8.4 Guest houses shall conform to the setback requirements for an accessory building.
- 10.8.5 Where a guest house is two storeys or located on the second storey of an accessory building, the upper storey windows contained within the guest house portion of the building shall be placed and sized such that the minimize overlook into yards and windows of abutting properties.

10.9 HOME OCCUPATIONS

- 10.9.1 No person other than the occupants, the occupants' immediate family, and one (1) paid assistant (approved in principle by the Development Authority) shall be engaged in such occupations on the premises.
- 10.9.2 The use should not involve the display or storage of goods or equipment upon or inside the premises such that these items are exposed to public view from the exterior.
- 10.9.3 No variation in the residential character and appearance of the dwelling, ancillary residential building, or land shall be permitted.
- 10.9.4 Advertising signs may be limited in size and number by the Development Authority.
- 10.9.5 The use shall not generate substantially more vehicular and/or pedestrian traffic and vehicular parking than normal within the District.
- 10.9.6 No offensive noise, vibration, electrical interference, smoke, dust, odours, heat or glare shall be produced by the use.
- 10.9.7 No use shall cause an increase in the demand placed on one or more utilities (water, sewer, electricity, telephone, garbage, etc.) such that the combined total consumption for a dwelling and its home occupation substantially exceeds the average for residences in the area.
- 10.9.8 No use requiring electrical or mechanical equipment shall cause a substantial fire rating change in the structure or the area in which the home occupation is located.
- 10.9.9 The development permit shall be valid only for the period of time the property is occupied by the applicant for such permit.
- 10.9.10 All development permits issued for home occupations shall be subject to the condition that the permit is renewable annually and may be revoked at any time if, in the opinion of the Development Authority, the use is or has become detrimental to the residential character and amenities of the neighbourhood.
- 10.9.11 Council may, by resolution, declare certain uses to be undesirable as home occupations.

10.10 INDUSTRIAL PARKS

- 10.10.1 The uses within an industrial park may include:
- a. a workshop used by any of the following:

- i Carpenter
 - ii Painter
 - iii Electrician
 - iv Plumber
 - v Gas Fitter
 - vi Tinsmith
 - vii Launderer
 - viii Upholsterer
 - b. Light manufacturing, assembling and processing
 - c. Machine shops
 - d. Printing plants
 - e. Repair and service shops
 - f. Truck depots
 - g. Warehouses and supply depots
 - h. Commercial garages
 - i. Service stations and gas bars
 - j. Storage and/or sale of:
 - i Automobiles
 - ii Fertilizer
 - iii Building supplies
 - iv Light trucks
 - v Bulk oil, fuel & propane
 - vi Lumber
 - vii Farm machinery
 - k. Other uses which, in the opinion of the Development Authority, are similar in nature to the above-mentioned uses.
- 10.10.2 All developments within an industrial park shall be approved at the discretion of the Development Authority.

10.11 MANUFACTURED HOMES

- 10.11.1 Manufactured homes should have Canadian Standard Association Z240 Certification or an equivalent industry certification. Those homes which do not have such certification may be allowed in those Districts where manufactured homes are a discretionary or a permitted use, at the discretion of the Development Authority, who shall take into account in their decision whether and under what conditions the manufactured home which does not have Z240 certification can be made to comply with the regulations under the Safety Codes Act.
- 10.11.2 All accessory structures, such as patios, porches, additions and skirting, shall be:
- a. designed and erected as to harmonize with the manufactured homes,
 - b. considered as part of the main building, and
 - c. erected only after obtaining a Development Permit.
- 10.11.3 A manufactured home shall be skirted from the floor level to the ground level and should be connected to the ground with screw pilings or some other permanent foundation..
- 10.11.4 No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home.

10.12 MANUFACTURED HOME PARKS

- 10.12.1 Application Requirements
- a. All development permit applications for a manufactured home park must, in addition to the requirements of subsections 3.4(1), (2), and (3) of this Bylaw, include a site plan showing the following:
 - i location and dimensions of stalls,
 - ii internal roadway systems,
 - iii parking and storage areas,
 - iv recreation areas,
 - v the location of water supply and sewage disposal facilities, and garbage collection areas,

- vi existing topography, vegetation, and watercourses,
 - vii landscaped areas,
 - viii existing structures on the site,
 - ix common areas and facilities, such as garbage collection areas, and
 - x uses of land on surrounding properties.
- b. All development permit applications for manufactured home parks must also demonstrate that satisfactory sewage disposal, water supply, and storm drainage facilities will be provided.
- c. To determine whether there is sufficient quantity and quality of water, applicants must:
- i conduct aquifer tests in accordance with Alberta Environmental Protection's guidelines, and
 - ii conduct a water analysis to determine levels of dissolved materials, suspended solids, and bacteriological content

10.12.2 Each application for the establishment or expansion of manufactured home parks in rural areas shall be referred to appropriate authorities to determine the required water supply, sewage disposal and storm drainage facilities. No development permit shall be issued until necessary approvals to construct the proposed facilities have been issued.

10.12.3 All costs of developing and maintaining a manufactured home park shall be at the expense of the developer.

10.12.4	Minimum Parking Parcel Area	2.0 ha (5.0 acres)	
10.12.5	Minimum Manufactured Home Stall Size	370 sq. m (4,000 sq. ft.)	
10.12.6	Minimum Area for Playgrounds and Recreational Uses	5% of the gross parcel area	
10.12.7	Maximum Density	20 stalls per gross developable ha (8.0 stalls per gross developable acre.) of the area being developed at each stage of the development.	
10.12.8	Minimum Setback from All Stall Boundaries	3.0 m (10.0 ft.)	
10.12.9	Minimum Yards	Front	7.5 m (25.0 ft.)
		Rear	4.5 m (15.0 ft.)
		Side	4.5 m (15.0 ft.)
		Corner Parcels	4.5 m (15.0 ft.)

10.12.10 All roads shall be hard surfaced, gravelled or dust-controlled, well drained, and maintained to the satisfaction of the Development Authority. Minimum right-of-way width within the manufactured home park shall be 9.0 m (30 ft.).

10.12.11 Parking and Storage

- a. A minimum of one (1) parking space shall be provided on each manufactured home stall.
- b. Visitors' parking spaces shall be provided at a ratio of a minimum of one.
- c. (1) space for every two (2) manufactured home stalls. These spaces shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.
- d. Adequate storage area shall be provided for the storage of recreational vehicles, boats, etc.
- e. Individual manufactured homeowners may construct storage sheds on their stalls for outdoor equipment, tools, etc.

10.12.12 Safe, convenient, all-season pedestrian access ways of at least 1 m (3.3 ft.) in width must be provided between homes, on roadways, and to facilities.

10.12.13 The design of the manufactured home park shall be to the satisfaction of the Development Authority.

10.12.14 All municipal utilities shall be provided underground to stalls.

10.12.15 All areas not occupied by manufactured homes and their additions, internal roadways, sidewalks, driveways, buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected around laundry yards, refuse collection points and playgrounds where deemed necessary by the Development Authority.

10.12.16 No part of a manufactured home park shall be used for non-residential purposes except such uses as are required for the direct servicing and well-being of the park residents and for the management and maintenance of the park.

10.12.17 Each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.

10.12.18 Street lighting should be to the same standard as that in a conventional residential neighbourhood.

10.12.19 The manufactured home park operator must provide a central collection area for garbage within the park. Also, the operator is responsible for regularly transferring the garbage from the park to a waste disposal site. The location of the central collection area must be clearly indicated on the site plan.

10.12.20 Signs

- a. Only one (1) main free-standing identification sign of residential character and appearance shall be erected at the entrance unless the Development Authority is of the opinion that a further and similar sign shall be allowed under exceptional circumstances involving the layout, location and size of the park in relation to the surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the Development Authority.
- b. Directional signs within the park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.

10.13 MOTELS

10.13.1	Minimum Parcel Area per Rentable Unit	One Storey	140 sq. m (1507 sq. ft.)
		Two Storey	140 sq. m (1507 sq. ft.)
10.13.2	Minimum Floor Area per Rentable Unit	All Types	26 sq. m (280 sq. ft.)
10.13.3	Minimum Required Yards	Front	7.5 m (25.0 ft.)
		Side	3.0 m (10.0 ft.)
		Rear	3.0 m (10.0 ft.)
10.13.4	Minimum Required Parking Spaces	Per Rentable Unit	1
10.13.5	Space between Buildings	Except where connected by a continuous roof to form a shelter for motor vehicles, not less than 3.6 m (12 ft.) shall be provided between the rentable units and other building on the parcel.	
10.13.6	Entrances and Exits	Not more than two (2) motor vehicle accesses, each with a minimum width of 7.5 m (25 ft.), shall be permitted; however, if one (1) one motor vehicle access is provided, that access may be not more than 12.5 m (40 ft.) in width.	

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

- a. maintain the parcel and the buildings, structures and improvements thereon in a clean, neat, tidy and attractive condition and free from rubbish and debris;
- b. maintain garbage facilities to the satisfaction of the Development Authority;
- c. maintain an appropriate fence, where required by the Development Authority, not less than 0.75 m (2.5 ft.) in height around the boundaries of the parcel; and
- d. shall landscape and keep the parcel landscaped to the satisfaction of the Development Authority.

10.14 NATURAL RESOURCE EXTRACTION AND PROCESSING

10.14.1 Unless except by provincial legislation, natural resource extraction and processing developments shall be required to enter into a development agreement with the Municipal District.

10.15 RELOCATED OR MOVED IN BUILDINGS

10.15.1 No person shall:

- a. place on a parcel a building which has previously been erected or placed on a different parcel, unless the Development Authority approves the placement; or
- b. alter the location on a parcel of a building which has already been constructed on that parcel unless the Development Authority approves the alteration.

10.15.2 In addition to the requirements of Section 5.5, an applicant for a development permit to relocate a building may be required to provide:

- a. colour photograph(s) of the building;
- b. a statement of the present location of the building;

- c. notification of the relocation route, date, and time that the relocation is to take place; and
 - d. a complete site plan showing all buildings located or to be located on the lot.
- 10.15.3 In the case of a building to be relocated, it shall, in the opinion of the Development Authority, be compatible, with respect to age and appearance, with the buildings in the receiving neighbourhood once all required renovations and improvements have been completed.
- 10.15.4 An approval shall not be granted unless the Development Authority is satisfied that:
 - a. the placement or location of the building would meet the requirements of this Bylaw; and
 - b. the building and the parcel meet the requirements of this Bylaw and the Land Use District in which the building is proposed to be located as well as all applicable building standards of the Alberta Government.
- 10.15.5 The Development Authority may, at their discretion, inspect the building or cause the building to be inspected by a person they appoint, and shall determine the suitability of the building for the proposed use.
- 10.15.6 The Development Authority may, at their discretion, require that any modification, renovations or improvements required to the design, construction, sighting, finishing or cladding of the relocated building shall comply with this Bylaw and the Alberta Building Code and shall be listed as conditions of the Development Permit.
- 10.15.7 If the work required under 10.15.6 is to be done after the building is moved to the new site, the Development Authority may require that a performance bond be posted, equal to the estimated cost of the necessary work as a condition of a development permit approval. The bond shall be released when the work is satisfactorily completed to the satisfaction of the Development Authority, but shall otherwise be forfeited.
- 10.15.8 Any renovations and any conditions imposed by the Development Authority to a relocated building shall be completed within one (1) year of the issuance of the development permit. Non-compliance shall result in the forfeiture of the performance bond.

10.16 SEA CANS

- 10.16.1 The permanent placement of a sea can or shipping container shall not be allowed on a parcel within the Lakeside Residential District
- 10.16.2 Notwithstanding the above, the placement of a maximum of one (1) sea can may be allowed temporarily on a parcel within the Country Residential District, at the discretion of the Development Authority, during the construction phase of a permitted or discretionary use for which an approved development permit has been issued, with the condition that within 30 days of:
 - a. the completion of construction; and/or
 - b. occupancy being permitted within the new development; and/or
 - c. the temporary permit expiring;
 - d. the sea can must be removed from the site to the satisfaction of the Development Authority.
- 10.16.3 A maximum of 6 sea cans may be placed on a parcel greater than 6.06 ha (15.0 acres) in the Agricultural District without a development permit. The placement of additional sea cans shall require a development permit, and shall be at the discretion of the Development Authority.
- 10.16.4 The maximum number of sea cans allowed on a commercial, institutional or industrial use parcel shall be at the sole discretion of the Development Authority.
- 10.16.5 Sea cans cannot be stacked. The maximum height for a sea can allowed on any parcel is 3.0 m (9.8 ft).
- 10.16.6 No human or animal habitation shall be allowed within a sea can.
- 10.16.7 In all other districts, sea cans or shipping containers shall not be placed on any lot without a development permit.

10.17 SERVICE STATIONS AND GAS BARS

- 10.17.1 Service stations or gas bars shall be developed in such a manner that:
 - a. no entrance or exit thereto for motor vehicles shall be located within 60.0 m (200 ft.) of an entrance to or exit from a residential or institutional use;
 - b. no part of any building or any pump or other accessory building, structure, or use shall be located within 6.0 m (20 ft.) of a side or rear line; and
 - c. there shall be a front yard of not less than 12.0 m (40 ft.), provided, however, that gasoline pumps may be located as little as 6.0 (20 ft.) from the front line.
- 10.17.2 The minimum parcel area for a service station or gas bar shall be 743 sq. m (8000 sq. ft.)

- 10.17.3 All parts of the site to which vehicles may have access shall be hard surfaced and drained to the satisfaction of the Development Authority.
- 10.17.4 No activity may be carried on which constitutes a nuisance or annoyance to persons occupying land in the immediate vicinity of the site, by reason of dust, noise, gases, odours, smoke or vibration.
- 10.17.5 The site shall be maintained in a clean and tidy condition and free from all rubbish and debris.

10.18 SINGLE PARCEL COUNTRY RESIDENTIAL DEVELOPMENTS AND FARMSTEAD PARCELS

- 10.18.1 Subdivision applications for the purpose of creating more than two (2) country residential use parcels per quarter section of land shall not be considered until such time as the subject land has been reclassified to the Country Residential District of this Bylaw.
- 10.18.2 Development for country residential purposes may be prohibited:
- on lands currently under agricultural production that are classified in farmland assessment as either arable or improved pasture;
 - on sites where adequate year-round access is not available by either a paved or a gravelled all-weather road in good condition; and
 - on sites where necessary services are not provided at the sole expense of the developer.
- 10.18.3 Notwithstanding the above-noted criteria, the Development Authority may approve a development permit application for country residential use on existing registered parcels.
- 10.18.4 Country residential and farmstead parcels shall generally be from 0.8 ha (2 ac.) to 6.06 ha (15.0 ac.) in size. However, such parcels may exceed the 6.06 ha (15.0 ac.) criterion where the applicant has demonstrated to the satisfaction of the Subdivision Authority that the additional land is required to incorporate within their boundaries:
- those natural and man-made features that form part of the residence-related portion of a farm operation, such as shelterbelts, small tree stands, gardens, small corrals, driveways, fences, buildings, structures, water supply and sewage disposal facilities, and other features which are normally considered to be part of the farmstead. By including those above-named features, or
 - undeveloped, poor capability agricultural lands such as sloughs, bush and even low quality pasture associated with a farmstead; or
 - land which because of natural topography such as sloughs, ravines, or water bodies, would otherwise be cut off from the remainder of the farm unit.
- 10.18.5 When new residences and farmsteads are established on an agricultural parcel, every effort shall be made to locate them in areas of poorer quality farmland on the subject agricultural parcel.

10.19 WAINWRIGHT AIRPORT

- 10.19.1 An airport is located within NE 18-44-6-W4. Within that airport, the following special regulations apply to airport hangars, which are buildings designed to be used exclusively for the storage of aircraft, the undertaking of minor repairs to the aircraft, and accessory uses therefore.
- 10.19.2 The airport hangars are not situated on separate parcels, as defined in this Bylaw, but on separately identified areas of land, which like stalls in a manufactured home park, are rented to the occupiers. For the purpose of this Section and for simplicity, these airport hangar areas of land shall be called “stalls”.

10.19.3	Minimum Setbacks for Buildings within the ‘Stalls’ on the Airport Property	Front Yard	4.5 m (15.0 ft.)
		Rear Yard	3.0 m (10.0 ft.)
		Side Yard	3.0 m (10.0 ft.)

- 10.19.4 An application for a development at the airport shall include a letter from the Town of Wainwright indicating that the Town has no objections to the proposed development.

11. LAND USE DISTRICTS



11.1 ESTABLISHMENT OF LAND USE DISTRICTS AND OVERLAYS

11.1.1 For the purpose of this Bylaw, the Municipal District of Wainwright is divided into the following land use districts:

LAND USE DISTRICT NAME	SYMBOL	MAP COLOUR
AGRICULTURAL	A	
URBAN GENERAL	UG	
CONTROLLED URBAN DEVELOPMENT	CU	
COUNTRY RESIDENTIAL	CR	
LAKESIDE RESIDENTIAL	LR	
RECREATIONAL	RC	
INDUSTRIAL	M	
CLEAR LAKE DIRECT CONTROL	DC	

11.1.2 The Land Use District Map in this Land Use Bylaw divides the Municipal District of Wainwright into land use districts.

11.1.3 The regulations of sections 9 and 10 of this bylaw apply to land use and development within all land use districts in the municipality.

11.1.4 Regulations for lands in the vicinity of the Wainwright Airport shall be as set forth in the Wainwright Airport Vicinity Overlay. These regulations shall apply in addition to any other regulations of this Bylaw to the areas identified as within the Wainwright Airport Vicinity Overlay on the Land Use District Map.

11.2 BOUNDARIES

The boundaries of the Land Use District Map shall be interpreted as follows:

- Where a boundary is shown as following a highway, road, lane, or watercourse, it shall be deemed to follow the centre line thereof.
- Where a boundary is shown as approximately following a parcel line, it shall be deemed to follow the parcel line.
- In circumstances not covered by 11.2.1.a or 11.2.1.b, the location of the boundary shall be determined:
 - by measurement of, and use of the scale shown on the Land Use District Map; and/or
 - the municipality's geographic information system mapping information.

11.2.2 Where the application of the rules outlined in Section 11.2.1 does not determine the exact location of the boundary of a land use district, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.

11.2.3 After the Council has fixed a District boundary pursuant to the provisions of Section 11.2.2, the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.

11.2.4 The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

12. AGRICULTURAL (A)



12.1 PURPOSE

- 12.1.1 To allow activities associated with primary production, and to preserve valuable agricultural land as much as possible for future agricultural use. It is also intended that this District recognize the need to regulate development in the vicinity of primary highways.

12.2 BOUNDARIES

- 12.2.1 This land use district comprises all the land in the Municipal District of Wainwright within the area so designated on the Land Use District Map.

12.3 PERMITTED USES

- | | |
|--|---|
| 12.3.1 Agriculture, extensive | 12.3.4 Dwelling, single detached |
| 12.3.2 Agriculture, small scale operation | 12.3.5 Dwelling, manufactured homes |
| 12.3.3 Alternate Energy System, Commercial | 12.3.6 Buildings and uses accessory to permitted uses |

12.4 DISCRETIONARY USES

- | | |
|--|--|
| 12.4.1 Abattoirs | 12.4.17 Home occupations, |
| 12.4.2 Agri-tourism | 12.4.18 Institutional uses |
| 12.4.3 Agriculture, intensive | 12.4.19 Light industrial uses |
| 12.4.4 Agriculture, value added | 12.4.20 Natural resource extraction and processing |
| 12.4.5 Airports and aerodromes | 12.4.21 Office Use |
| 12.4.6 Alternate Energy System, Individual | 12.4.22 Places of worship |
| 12.4.7 Apiaries | 12.4.23 Public or quasi-public buildings and uses |
| 12.4.8 Bed and breakfast establishments | 12.4.24 Public utilities |
| 12.4.9 Cemeteries | 12.4.25 Recreational uses (includes drive-in theatres) |
| 12.4.10 Day homes | 12.4.26 Rural commercial uses |
| 12.4.11 Family care facilities | 12.4.27 Rural industrial uses |
| 12.4.12 General commercial uses | 12.4.28 Security suite |
| 12.4.13 Greenhouse/Plant Nursery | 12.4.29 Service Station |
| 12.4.14 Guest House | 12.4.30 Vehicle and Equipment Repair Shop, Heavy |
| 12.4.15 Group care facilities | 12.4.31 Vehicle and Equipment Repair Shop, Light |
| 12.4.16 Highway commercial uses | 12.4.32 Veterinary clinics, small animal and large animal |
| | 12.4.33 Warehouse Sales Establishment |
| | 12.4.34 Workcamps |
| | 12.4.35 Wrecking and scrap metal yards |
| | 12.4.36 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses |
| | 12.4.37 Buildings and uses accessory to discretionary uses |

12.5 REGULATIONS

12.5.1	Minimum Parcel Area	Extensive Agriculture	One (1) quarter section or less as per one of the following: a. if a developed road would access both lots, an unsubdivided quarter section may be split so that both parts are of equal area or one part is no more than five percent (5%) larger than if an equal split occurred; b. where a discretionary use is allowed, c. where the parcel is fragmented by a natural or physical barrier.
12.5.3		Country Residential Use	Normally, 0.8 ha (2.0 ac.) of developable area.
12.5.5		All other uses	At the discretion of the Subdivision Authority
12.5.8	Maximum Parcel Area	Country Residential Use	Normally 6.06 ha (15.0 ac.) with exceptions as provided for in 10.18 of the LUB.
12.5.9		All other uses	At the discretion of the Subdivision Authority
12.5.10	Maximum Parcel Density	Agricultural Uses	2 parcels per quarter section
12.5.11		Country Residential Use	2 parcels per quarter section
12.5.12		All other uses	At the discretion of the Subdivision Authority
12.5.13	Minimum Yards	Front	40.0 m (131.2 ft) from the centre line of any adjoining road or highway.
12.5.14		Rear	7.5 m (25.0 ft.)
12.5.15		Side	Ten percent (10%) of the mean parcel width provided that no side yard need exceed 6.0 m (20.0 ft.), except for a corner parcel where the side yard requirement shall be at the discretion of the Development Authority.
12.5.16		Rural Industrial Uses	Notwithstanding the minimum front, rear and yard provisions above, the required minimum front, rear and side yard setbacks for rural industries shall be 40.0 m (131.2 ft)

13. URBAN GENERAL (UG)



13.1 PURPOSE

13.1.1 To allow a wide variety of urban-type uses within hamlets in the Municipal District.

13.2 BOUNDARIES

13.2.1 This land use district comprises all the land in the Municipal District of Wainwright within the area so designated on the Land Use District Map and includes the hamlets of Fabyan, Greenshields, Heath, Jarrow, and Ribstone.

13.3 PERMITTED USES

13.3.1 Dwellings, single detached

13.3.2 Buildings and uses accessory to permitted uses

13.4 DISCRETIONARY USES

13.4.1 Alcohol Retail Sales

13.4.19 Manufactured home parks

13.4.2 Alternate Energy System, Individual

13.4.20 Mixed-Use Development

13.4.3 Bed and breakfast establishments

13.4.21 Office Use

13.4.4 Cannabis Retail Sales

13.4.22 Places of worship

13.4.5 Cemeteries

13.4.23 Private Camp

13.4.6 Commercial, general

13.4.24 Private Club

13.4.7 Day homes

13.4.25 Public Park

13.4.8 Drive-in Business

13.4.26 Public or quasi-public buildings and uses

13.4.9 Dwellings, duplexes

13.4.27 Public utilities

13.4.10 Dwellings, manufactured homes

13.4.28 Recreational uses

13.4.11 Family care facilities

13.4.29 Retail stores

13.4.12 Greenhouse/Plant Nursery

13.4.30 Service Station

13.4.13 Group care facilities

13.4.31 Vehicle and Equipment Repair Shop, Light

13.4.14 Guest House

13.4.32 Warehouse-Sales Establishment

13.4.15 Highway commercial uses

13.4.33 Other uses which, in the opinion of the Development Authority, are similar to the above-mentioned permitted and discretionary uses

13.4.16 Home occupations

13.4.34 Buildings and uses accessory to discretionary uses

13.4.17 Institutional uses

13.4.18 Light industrial uses

13.5 REGULATIONS

13.5.1	Minimum Parcel Dimensions	One Family Dwellings	Service Level	Width	Area
			Unserviced	30.0 m (99.0 ft.)	1,860 sq. m (20,022 sq. ft.)
			Water Only	30.0 m (99.0 ft.)	1,400 sq. m (15,070 sq. ft.)
			Sewage Only	30.0 m (99.0 ft.)	930.0 sq. m (10,011 sq. ft.)
			Both Services	15.0 m (50.0 ft.)	560.0 sq. m (6,028 sq. ft.)
		Unserviced Commercial Uses			1,860 sq. m (20,022 sq. ft.)

		All Other Uses	As required by the Development Authority.	
13.5.4	Minimum Yards	Residential Uses	Front	7.5 m (25.0 ft.) Or as required by the Development Authority.
			Rear	7.5 m (25 ft.) Or as required by the Development Authority.
			Side	10% of parcel width, but not less than 1.5 m (5.0 ft.) each, or as required by the Development Authority, except that for corner parcels, the minimum side yard on the side adjacent to the road shall be 4.6 m (15 ft.) or as required by the Development Authority.
		Commercial Uses	All Yards	Retail stores constructed adjacent to existing similar uses may be built without front or side yards where there is lane access. Where there is no lane access, one side yard of at least 4.5 m (15.0 ft.) shall be provided.
		All Other Uses	All Yards	As required by the Development Authority.
13.5.5	Minimum Construction Standards	All development must have sanitary sewage disposal facilities as required by Provincial regulations.		
13.5.6	Fencing	No barbwire or electrified fences shall be allowed in the Urban General (UG) District.		
13.5.7	Ribstone	In Ribstone, no development on parcels south of the railroad track adjacent to the highway will be permitted until such time that a re-subdivision occurs or until a service road is dedicated.		
13.5.8	Fabyan	In Fabyan, the area west of Day Street excluding Lots 1 to 11, Block 1; and Lots 1 to 5, Block 2, Plan 1556CL and Lots 1 to 3, Plan 832-2726 will be developed only for light industrial, business and commercial uses only.		
13.5.9	General Commercial Uses	Proposals for general commercial uses may be considered for lands within the Urban General District if the proposed use requires connections to existing water and/or wastewater services.		
13.5.10	Obnoxious Uses	No discretionary use shall be allowed that is, or may, in the opinion of the Development Authority, become obnoxious by way of noise, odour or fumes.		

14. CONTROLLED URBAN DEVELOPMENT (CU)



14.1 PURPOSE

14.1.1 To manage development around Towns, Villages, and hamlets.

14.2 BOUNDARIES

14.2.1 This [land use](#) district comprises all the land in the Municipal District of Wainwright within the area so designated on the Land Use District Map.

14.3 PERMITTED USES

14.3.1 Agriculture, extensive

14.3.2 Agriculture, small scale operation

14.3.3 Agriculture, value added

14.3.4 Buildings and uses accessory to permitted uses

14.4 DISCRETIONARY USES

14.4.1 Agriculture, intensive

14.4.2 Alternate Energy System, Individual

14.4.3 Bed and breakfast establishments

14.4.4 Cemeteries

14.4.5 Bulk fuel Storage and Sales

14.4.6 Day homes

14.4.7 Dwellings, single detached

14.4.8 Family care facilities

14.4.9 Group care facilities

14.4.10 Guest House

14.4.11 Home occupations

14.4.12 Institutional uses

14.4.13 Places of worship

14.4.14 Public Parks

14.4.15 Public or quasi-public buildings and uses

14.4.16 Public utilities

14.4.17 Recreational uses

14.4.18 Rural commercial uses

14.4.19 Rural industrial uses

14.4.20 Other uses which, in the opinion of the Development Authority, are similar to the above-mentioned permitted and discretionary uses

14.4.21 Buildings and uses accessory to discretionary uses

14.5 REGULATIONS

14.5.1	Minimum Parcel Area Permitted Uses	Extensive Agriculture	One (1) quarter section or less as per one of the following: d. if a developed road would access both parcels, an unsubdivided quarter section may be split so that both parts are of equal area or one part is no more than five percent (5%) larger than if an equal split occurred; e. where a discretionary use is allowed, f. where the parcel is fragmented by a natural or physical barrier.
14.5.3	Minimum Parcel Area Discretionary Use	All	As required by the Development Authority.
14.5.5	Minimum Yards	Front	40.0 m (134.0 ft.) from the centre line of any adjoining road or highway.
		Rear	7.5 m (25.0 ft.)
		Side	Ten percent (10%) of the mean parcel width provided that no side yard need exceed 6 m (20 ft.), except for a corner parcel where the side yard requirement shall be at the discretion of the Development Authority.

14.5.6	Minimum Yards Rural Industries	All Yards	Notwithstanding the above, the minimum front, side and rear yards for Rural industries shall be 40 m (132 ft.) from the property line.
14.5.7	Keeping or Livestock		No fur bearing animals, fowl or livestock other than domestic pets shall be permitted on parcels within the Urban General District less than 1.21 ha (3.0 ac.) in area.

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15. COUNTRY RESIDENTIAL (CR)



15.1 PURPOSE

15.1.1 To regulate multi-lot country residential development in the Municipal District.

15.2 BOUNDARIES

15.2.1 This [land use](#) district comprises all the land in the Municipal District of Wainwright within the area so designated on the Land Use District Map.

15.3 PERMITTED USES

15.3.1 Dwellings, single detached

15.3.2 Public Par

15.3.3 Buildings and uses accessory to permitted uses

15.4 DISCRETIONARY USES

15.4.1 Alternate Energy System, Individual

15.4.2 Day homes

15.4.3 Dwellings, manufactured home

15.4.4 Family care facilities

15.4.5 Group care facilities

15.4.6 Guest House

15.4.7 Home occupations

15.4.8 Institutional uses

15.4.9 Minor Farming

15.4.10 Public or quasi-public buildings and uses

15.4.11 Public utilities

15.4.12 Recreational uses

15.4.13 Solar Energy Conversion System, Individual

15.4.14 Other uses which, in the opinion of the Development Authority, are similar to the above-mentioned permitted and discretionary uses

15.4.15 Buildings and uses accessory to discretionary uses

15.5 REGULATIONS

15.5.1	Parcel Area		Minimum	Maximum
		Single Detached Dwellings	0.8 ha (2.0 acres)	2.0 ha (5.0 acres)
		Single Detached Dwellings Where Minor Farming is Permitted	1.2 ha (3.0 acres)	4.0 ha (10.0 acres)
		All Other Uses	As required by the Development Authority.	

15.5.7	Minimum Yards Single Detached Dwellings with access via an internal subdivision road	Front	7.5 m (25.0 ft.)
		Rear	7.5 m (25.0 ft.)
		Side	6.0 m (20.0 ft.)

15.5.8	Minimum Yards Single Detached Dwellings with access via other roads	Front	40.0 m (131.0 ft.)
		Rear	As required by the Development Authority
		Side	As required by the Development Authority
15.5.9	Minimum Yards All Other Uses	All Yards	As required by the Development Authority.
15.5.10	Minimum Construction Standards	All development must have sanitary sewage disposal facilities as required by Provincial regulations.	
15.5.11	Keeping of Livestock	No fur bearing animals, fowl or livestock other than domestic pets shall be permitted on parcels within the Country Residential District less than 1.21 ha (3.0 ac.) in area.	

16. LAKESIDE RESIDENTIAL (LR)



16.1 PURPOSE

16.1.1 To regulate multi-lot country residential developments near Lakes.

16.2 BOUNDARIES

16.2.1 This land use district comprises all the land in the Municipal District of Wainwright within the area so designated on the Land Use District Map.

16.3 PERMITTED USES

16.4 DISCRETIONARY USES

- | | | | |
|--------|------------------------------------|---------|--|
| 16.4.1 | Bed and breakfast establishments | 16.4.9 | Public or quasi-public buildings and uses |
| 16.4.2 | Day homes | 16.4.10 | Public utilities |
| 16.4.3 | Dwellings, single detached | 16.4.11 | Recreational uses |
| 16.4.4 | Family care facilities | 16.4.12 | Solar Energy Conversion System, Individual |
| 16.4.5 | Group care facilities | 16.4.13 | Other uses which, in the opinion of the Development Authority, are similar to the above-mentioned permitted and discretionary uses |
| 16.4.6 | Guest House (excluding Clear Lake) | 16.4.14 | Buildings and uses accessory to discretionary uses |
| 16.4.7 | Home occupation | | |
| 16.4.8 | Institutional uses | | |

16.5 REGULATIONS

		Minimum	Maximum
16.5.1	Single Detached Dwellings	0.8 ha (2.0 acres)	2.0 ha (5.0 acres)
16.5.4	Single Detached Dwellings at Clear Lake	Notwithstanding 16.5.1, because of the existing layout of cabins and dwellings in the subject lands, there shall be no minimum parcel size at Clear Lake	
16.5.5	All Other Uses	As required by the Development Authority.	

16.5.6	Minimum Yards Single Detached Dwellings	Front	7.5 m (25.0 ft.)
		Rear	7.5 m (25.0 ft.)
		Side	1.5 m (5.0 ft.)
16.5.7	Clear Lake	Since much of the existing development at Clear Lake does not meet setback yard requirements the Development Authority will use reasonable discretion in allowing developments where the setbacks of the Bylaw cannot be met.	

16.5.8	Minimum Yards All Other Uses	All Yards	As required by the Development Authority.
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16.5.9	Minimum Construction Standards	All development must have sanitary sewage disposal facilities as required by Provincial regulations.
16.5.10	Keeping of Animals	The keeping of non-domestic animals shall be prohibited within this land use district.
16.5.11	Bed and Shore	The approval of any development that may affect the bed and shore of the lake shall be subject to any necessary approvals from any Provincial or Federal agencies having jurisdiction.
16.5.12	Use of Railway Ties	The use of railway ties shall not be permitted within 100.0 m (330.0 ft.) of the lake shore.
16.5.13	Clearing of Vegetation	The Municipal District of Wainwright shall encourage landowners to strictly limit the clearing of vegetation, the construction of new driveways, and the alteration of slopes on the lands.
16.5.14	Private Onsite Sewage Disposal Systems	As a condition of subdivision or development permit approval existing sewage disposal facilities located on the subject site shall be required to provide certification from an accredited inspector that the system on the site is operational and compliant with the current standards.
16.5.15		All sewage disposal facilities shall be required to conform to current standards. No new septic fields, mounds, pit toilets or surface discharge systems shall be allowed. New sewage disposal facilities must be enclosed holding tank systems.
16.5.16	Additional Information	Notwithstanding any other provision of this Bylaw to the contrary, in its sole discretion, the Development Authority may require additional engineering information accompany an application for any development, including a parking pad, a retaining wall, a dwelling, a garage, or any other development in which there may be re-grading, extensive landscaping, or modification of the existing topography or grades that, in the sole opinion of the Development Authority, warrants additional review. This engineering information may include plans and specifications prepared by a qualified professional engineer within which the means of ensuring slope and soil stability and of mitigating any slope slumping, erosion, or negative impact on the topography or on adjacent properties is indicated. In these instances, the Development Authority may establish as a condition of approval that the developer undertake the works recommended by the engineer and agree to do so within a development agreement which shall be registered against the title of the subject lands.

Provisions For Lots at Clear (Barnes) Lake

16.5.17	Construction of New Dwellings	No new cabins will be permitted; however, redevelopment of existing cabins may be allowed, at the discretion of the Development Authority if the development proponent can demonstrate to the satisfaction of the Municipal District that the site is not susceptible to flood risk or other geotechnical hazards. This may require the submission of a geotechnical report and/or hydrogeological study with the application for redevelopment.
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16.5.18		Only one cabin or dwelling shall be allowed on each parcel of land or Bare Land Condominium unit.
16.5.19		"Guest cabins or cottages" shall not be allowed.
16.5.20	Maximum Density	The maximum number of bareland condominium parcels allowed adjacent to Clear Lake within this District shall be 137.

16.5.21	Road Maintenance	The municipality shall maintain the Circle Road, and the parcel owners shall be responsible for the maintenance of all other access roads.
16.5.22		In order to limit the effect of cutting new driveways into the landscape, Existing private driveways providing access to the individual cabins around Clear Lake shall be incorporated into access easements if the subdivision proceeds by "fee simple" or into common property if the subdivision proceeds by Bare Land Condominium. These driveways shall not become the responsibility of the Municipal District. The municipality shall not require any alterations to these driveways, except where necessary where they access public roadways, and shall encourage the owners of the land on which the driveways are located to alter the driveways only minimally, so as to not deleteriously affect the sensitive landscape.
16.5.23		Some of the existing driveways traverse the Municipal Reserve parcels surrounding Clear Lake. Where this occurs, in order to provide access, the Municipal District shall consider either cancelling those narrow portions of the Reserve lands on which the driveways are located and transferring the affecting lands to the affected landowners or the Condominium corporations, or providing access easements across the Municipal Reserve lands, or some other appropriate solution to provide adequate access.
16.5.24		Each parcel in a "fee simple" subdivision shall have direct access to a municipal roadway right-of-way. Alternatively, each unit in a Bare Land Condominium shall have direct access to common property, which itself shall have direct access to a municipal roadway right-of-way. This is to ensure that each individual landowner can obtain access to his property directly from a public roadway should the access easement arrangements noted above break down.

17. RECREATIONAL (RC)



17.1 PURPOSE

- 17.1.1 To provide a specific land use district for privately owned campgrounds and recreational vehicle parks, with associated uses, within the Municipal District.

17.2 STATEMENT OF INTENT

- 17.2.1 As the demand for recreational land for both public and private use continues to increase, so does the need for planned recreational uses based on the capabilities of an area to sustain intensive or extensive development.

17.3 BOUNDARIES

- 17.3.1 This land use district comprises all the land in the Municipal District of Wainwright within the area so designated on the Land Use District Map.

17.4 PERMITTED USES

- | | |
|-------------------------------|---|
| 17.4.1 Agri-Tourism | 17.4.5 Public Parks |
| 17.4.2 Agriculture, Extensive | 17.4.6 Recreational uses |
| 17.4.3 Campgrounds | 17.4.7 Buildings and uses accessory to permitted uses |
| 17.4.4 Surveillance suites | |

17.5 DISCRETIONARY USES

- | | |
|--|--|
| 17.5.1 Alternate Energy System, Individual | 17.5.8 Public or quasi-public buildings and uses |
| 17.5.2 General commercial uses related to the recreational use | 17.5.9 Public utilities |
| 17.5.3 Dwellings, single detached | 17.5.10 Recreational Vehicle Storage Facility |
| 17.5.4 Guest House | 17.5.11 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses |
| 17.5.5 Institutional uses | 17.5.12 Buildings and uses accessory to discretionary uses |
| 17.5.6 Private Camp | |
| 17.5.7 Private Club | |

17.6 REGULATIONS

17.6.1

Site Plan Requirement for Campgrounds

1. A comprehensive site plan shall be provided to the satisfaction of the Development Authority that shows the location, design standards and site requirements of any common accessory uses and services, such as washrooms, laundromat, recreational buildings, retail store, food concession, fire pits, fire wood storage, lighting, water supply, wastewater disposal facilities and any other similar uses or services that may be associated with or required within a campground. The following regulations be applied in designing the campground site plan:
 - a. a minimum site area of 0.40 ha (1 acre)
 - b. a minimum of 10% of the total site shall be set aside in a location acceptable to the Development Authority as a common open space recreation area.
 - c. each stall shall be accessed by an internal road

	<ul style="list-style-type: none"> d. The road system shall be properly signed for users and for emergency response vehicles, and shall be sensitive to the topography and environmental characteristics of the site e. Access to the satisfaction of the Development Authority shall be provided from all stalls to all service buildings and facilities, refuse areas and recreation areas f. Roads shall be surfaced to the satisfaction of the Municipal District of Wainwright No. 61 road standard. g. Fires will be permitted only in designated fire pits or other facilities as approved h. Potable water and wastewater disposal facilities are required to the satisfaction of the Development Authority or Alberta Environment as the case may be i. Fences shall be allowed within the recreational vehicle park only if they are erected and maintained by the park operator to a uniform standard throughout the park j. All stall boundaries shall be clearly defined on the ground by permanent flush stakes or markers, with stall number or other identification system k. Suitable ground cover and a flat area for each stall shall be provided l. Minimum camping stall size shall be: <ul style="list-style-type: none"> i 7.62 meters (25.0 ft) wide ii 18.29 meters (60.0 ft) in depth m. Minimum distance between stalls shall be 3.05 meters (10.0 ft.) n. Visitor parking shall be provided in a common area. <ul style="list-style-type: none"> 2. Campgrounds are considered temporary occupancies 3. One on-site security/operator suite may be permitted
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18. INDUSTRIAL (M)



18.1 PURPOSE

- 18.1.1 To allow the development of industries that require large tracts of land and that may not be appropriate to develop within an urban municipality.

18.2 BOUNDARIES

- 18.2.1 This land use district comprises all the land in the Municipal District of Wainwright within the area so designated on the Land Use District Map.

18.3 PERMITTED USES

- 18.3.1 Alternate Energy System, Commercial
18.3.2 Alternate Energy System, Individual
18.3.3 Light industrial uses
18.3.4 Rural industrial uses
18.3.5 Outdoor storage
18.3.6 Vehicle and equipment sales/rental establishment, light
18.3.7 Warehouse sales establishment
18.3.8 Buildings and uses accessory to permitted uses

18.4 DISCRETIONARY USES

- 18.4.1 Bed and breakfast establishments (see Special Provisions)
18.4.2 Commercial uses
18.4.3 Heavy industrial uses
18.4.4 Natural Resource Extraction and Processing
18.4.5 Office Use
18.4.6 Public or quasi-public buildings and uses
18.4.7 Public utilities
18.4.8 Recreational uses
18.4.9 Service Station
18.4.10 Vehicle and Equipment Sales/Rental Establishment, Heavy
18.4.11 Vehicle and Equipment Repair Shop, Heavy
18.4.12 Vehicle and Equipment Repair Shop, Light
18.4.13 Veterinary clinics, small animal and large animal
18.4.14 Wrecking and Scrap Metal Yard
18.4.15 Other uses which, in the opinion of the Development Authority, are similar to the above-mentioned permitted and discretionary uses
18.4.16 Buildings and uses accessory to discretionary uses

18.5 REGULATIONS

18.5.1	All Site Regulations	All site regulations and requirements shall be based upon the type of industrial development proposed and shall be at the discretion of the Development Authority.
18.5.2	Offsite Impacts	Some developments may produce, directly or indirectly, noise, odour, fumes, dust, smoke unsightly appearance, or other effects that may be detrimental to other land uses in or outside this District. These uses may be restricted by the Development Authority to particular areas of the Municipal District, or may be subject to special regulations or conditions of approval.

19. CLEAR LAKE DIRECT CONTROL (CL-DC)



19.1 PURPOSE

- 19.1.1 To allow for the orderly development and redevelopment of recreational and residential uses near Clear Lake.

19.2 BOUNDARIES

- 19.2.1 This land use district comprises all the land in the Municipal District of Wainwright within the area so designated on the Land Use District Map.

19.3 PERMITTED USES

- 19.3.1 None

19.4 DISCRETIONARY USES

- 19.4.1 Agriculture, Extensive
19.4.2 Buildings and Used Uses Accessory to Discretionary Uses
19.4.3 Bed and breakfast establishments
19.4.4 Day homes
19.4.5 Dwellings, single detached
19.4.6 Family care facilities
19.4.7 Guest House
19.4.8 Group care facilities
19.4.9 Home occupations, Major
19.4.10 Institutional Uses
19.4.11 Public Park
19.4.12 Public or quasi-public buildings and uses
19.4.13 Public utilities
19.4.14 Recreational Uses
19.4.15 Solar Energy Conversion System, Individual

19.5 SUBDIVISION REGULATIONS

- 19.5.1 Subdivision regulations for this district shall be as established in the Residential Conservation Area in the Clear Lake Area Structure Plan.

19.6 DEVELOPMENT REGULATIONS

- 19.6.1 Council has delegated the authority to issue Development Permit decisions within this district to the Municipal Planning Commission.
19.6.2 The Municipal Planning Commission may grant relaxations to the specified regulations contained therein, the Land Use Bylaw and the provisions of this District, if in its opinion such a variance would be in keeping with the District and would not adversely affect the amenities, use, and enjoyment of neighbouring properties.
19.6.3 Setbacks for all developments shall be as determined by the Municipal Planning Commission who shall have regard for the policies the Residential Conservation Area in the Clear Lake Area Structure Plan and the development regulations in the Agriculture District.

- 19.6.4 Each parcel in a “fee simple” subdivision shall have direct access to a municipal roadway right-of-way. Alternatively, each unit in a Bare Land Condominium shall have direct access to common property, which itself shall have direct access to a municipal roadway right-of-way. This is to ensure that each individual landowner can obtain access to their property directly from a public roadway should the access easement arrangements noted above break down.
- 19.6.5 The Municipal District of Wainwright shall encourage landowners to strictly limit the clearing of vegetation, the construction of new driveways, and the alteration of slopes on the lands within this district on lots which are not utilized for extensive agriculture.

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20. AIRPORT VICINITY PROTECTION OVERLAY



20.1 HEIGHT LIMITATIONS

- 20.1.1 Notwithstanding any other provision of this Bylaw to the contrary, the Development Authority may only issue a development permit for a development if no point of the development will exceed the height of any of the following surfaces:
- the take-off/approach surfaces;
 - the transitional surfaces.
- 20.1.2 For the purposes of this Section:
- if the proposed development is a railway, the highest point of the development shall be deemed to be 6.0 m (19.7 ft.) higher than the actual height of the rails; and
 - if the development is a highway or road, the highest point of the development shall be deemed to be 4.5 m (14.76 ft.) higher than the actual height of the part of the highest part of the highway or road on which vehicles travel.

20.2 RUNWAY AND SURFACE DESIGN REQUIREMENTS

- 20.2.1 Basic Strip
- The basic strip is a rectangular area measured 60.0 metres out from each end of the runway, 30.0 metres on each side of the centre line of the runway and with a total length of 1,034.4 metres.
- 20.2.2 Take-off/Approach Surfaces
- There are take-off/approach surfaces abutting and extending out from each end of the basic strip and in each case the surface is an imaginary surface consisting of an inclined plane:
 - the commencement of which coincides with the end of the basic strip,
 - that rises at a slope ratio of 1:25 (4%) measured from the end of the basic strip,
 - that diverges outward on each side as it rises, at a rate of 10% measured from the respective projected sides of the basic strip, and
 - that ends at its intersection with the outer surface.
- 20.2.3 Transitional Surfaces
- There is a transitional surface associated with each side of the basic strip, and in each case the transitional surface is an imaginary surface consisting of an inclined plane that:
 - commences at and abuts the sides of the basic strip;
 - rises at a slope ratio of 1:5 (20%) from an elevation at the centre point of the runway opposite the proposed development, and measured from the sides of the basic strip; and
 - ends at its intersection with the outer surface or take-off/approach surfaces.

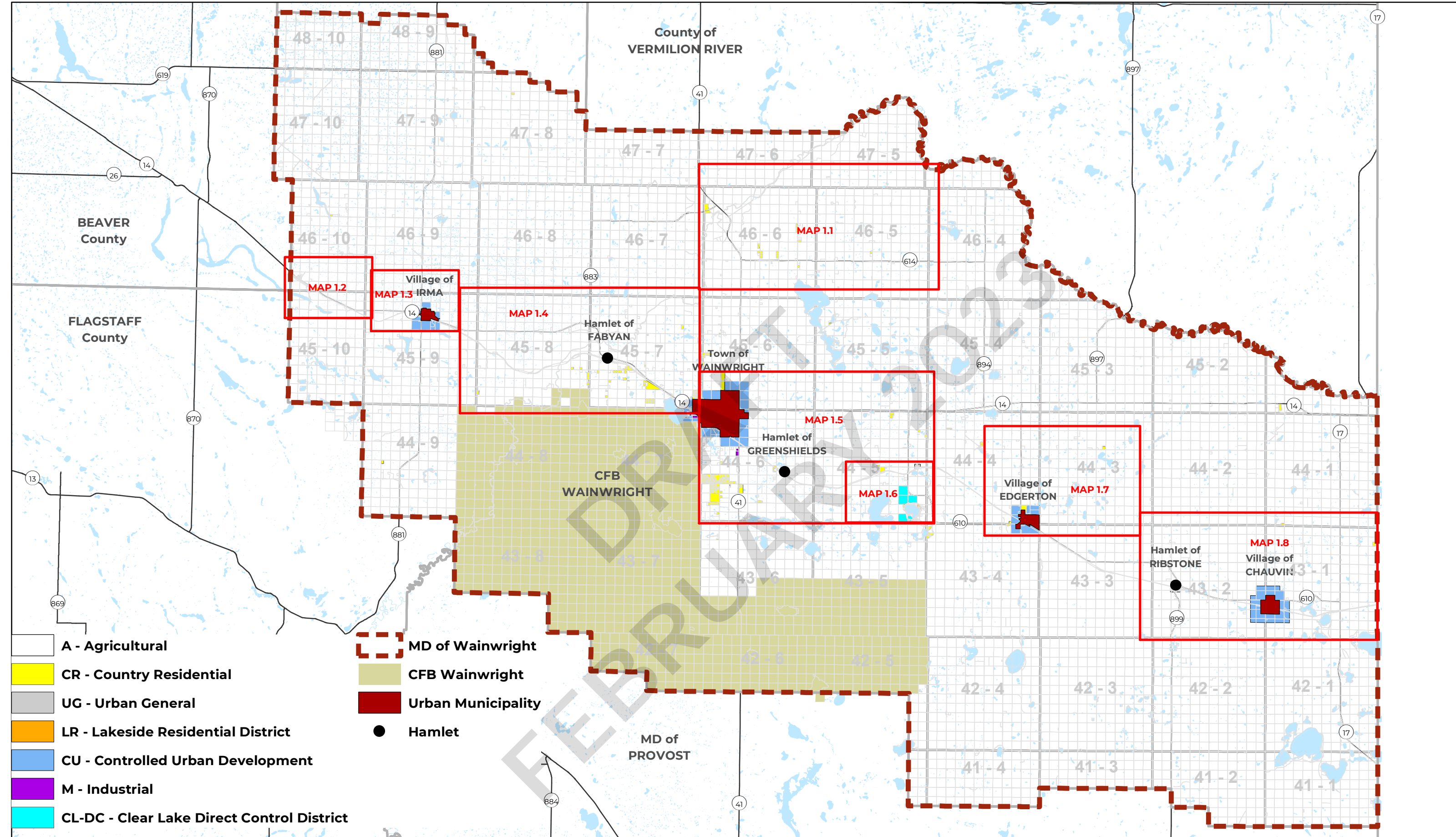
20.3 AIRPORT ZONING REFERENCE POINT ELEVATION

- 20.3.1 The airport zoning reference point elevation is the elevation used to establish the height of the outer surface and for the purpose of this Section is deemed to be 679.6 metres above sea level.

21. LUB MAPS

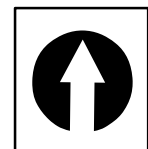
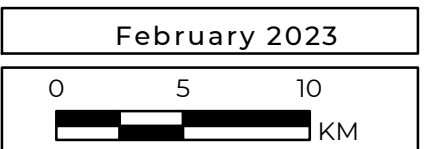


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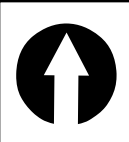
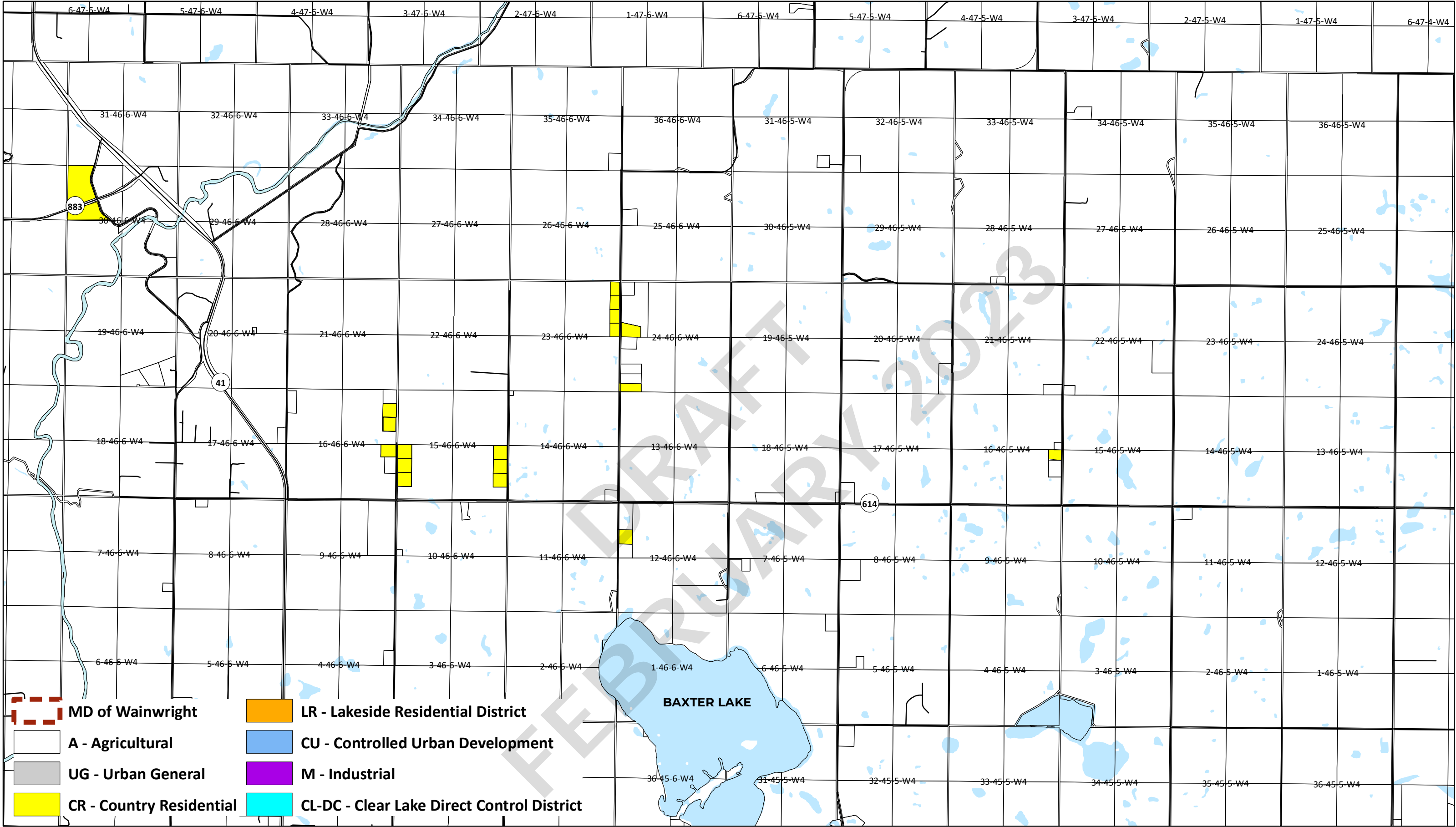
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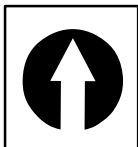
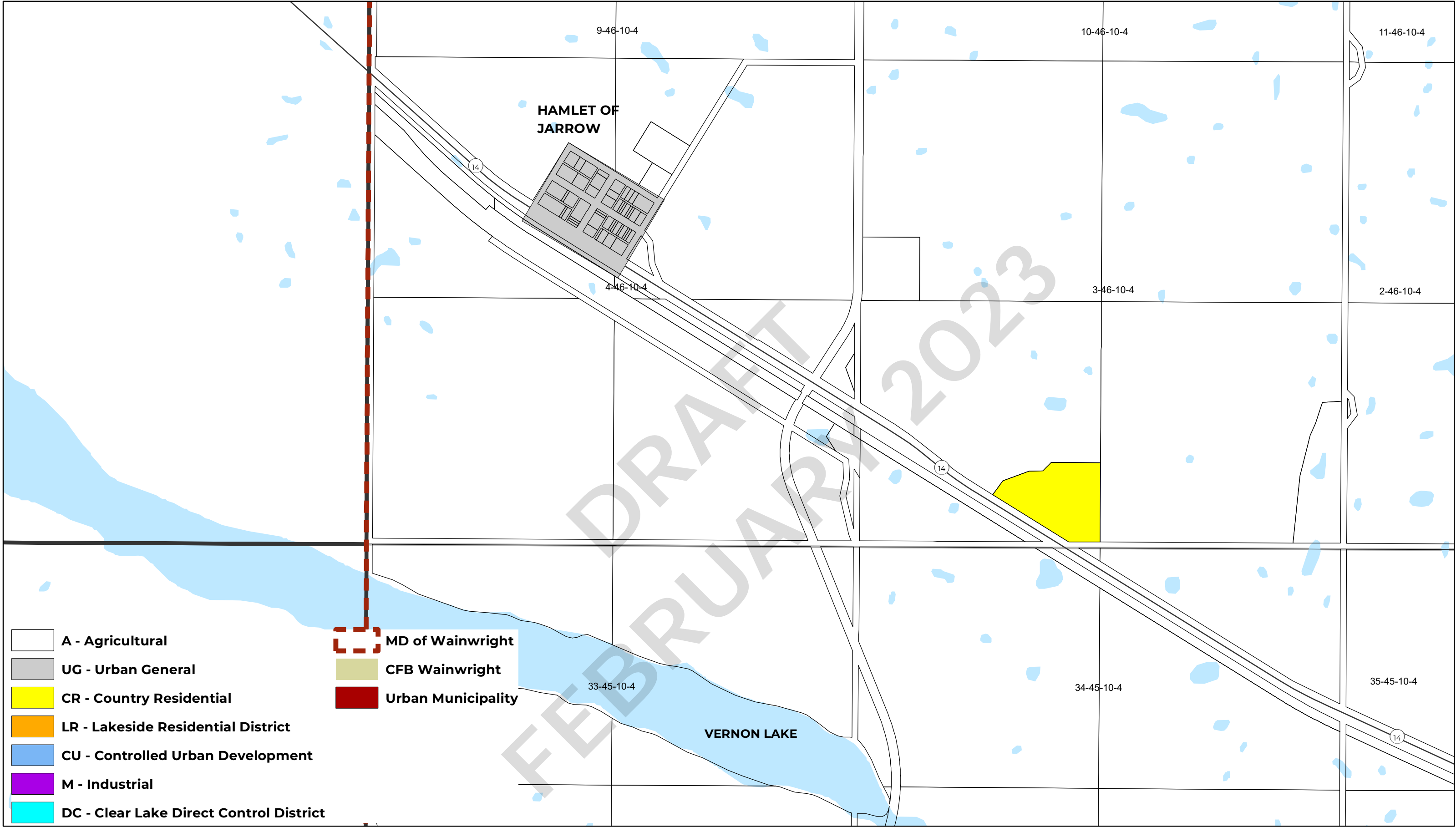
Land Use District Map DRAFT

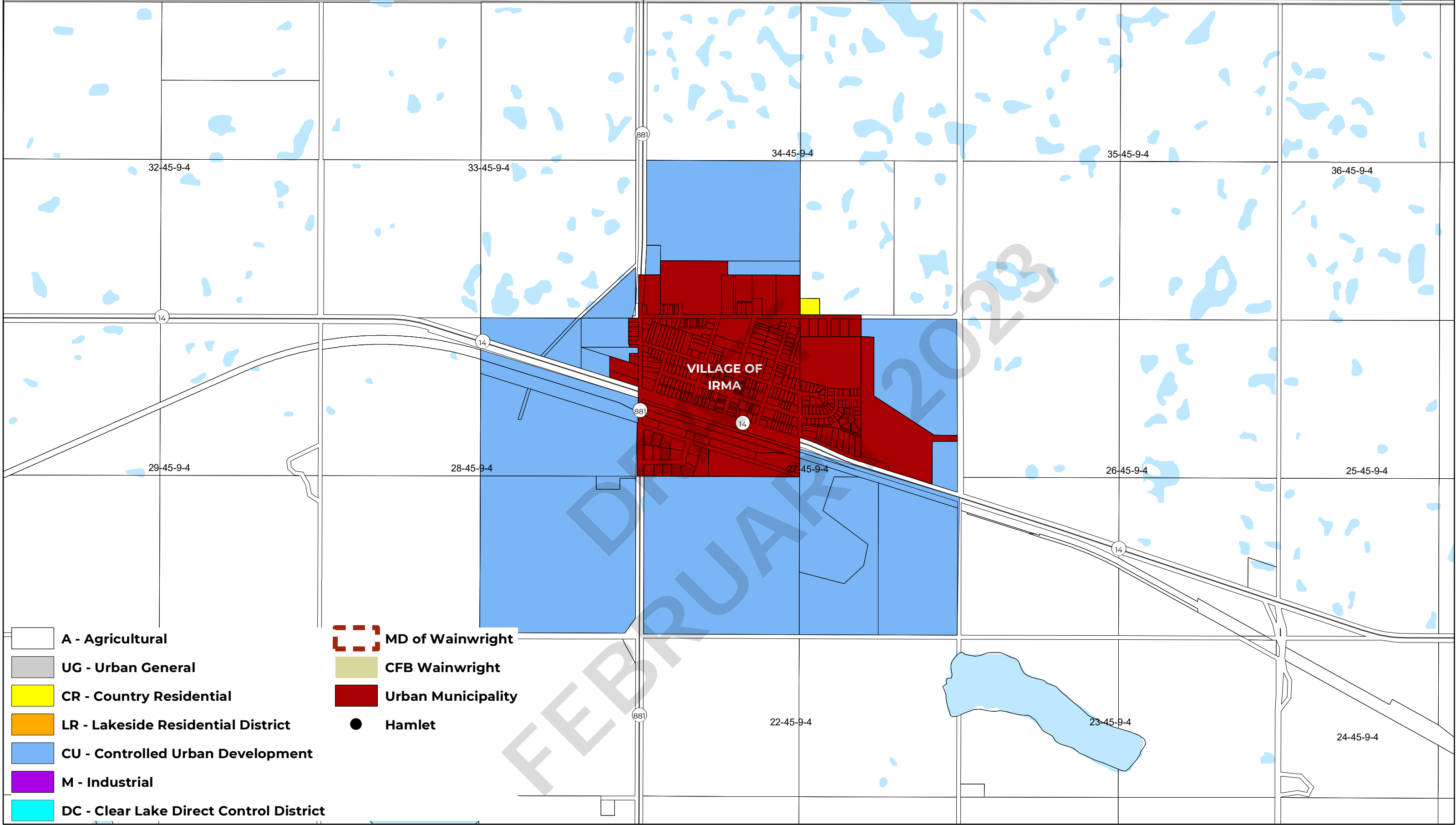


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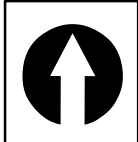
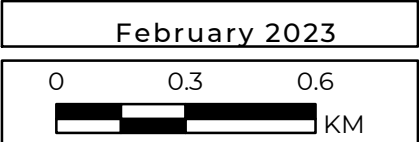






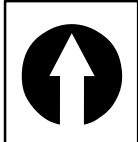
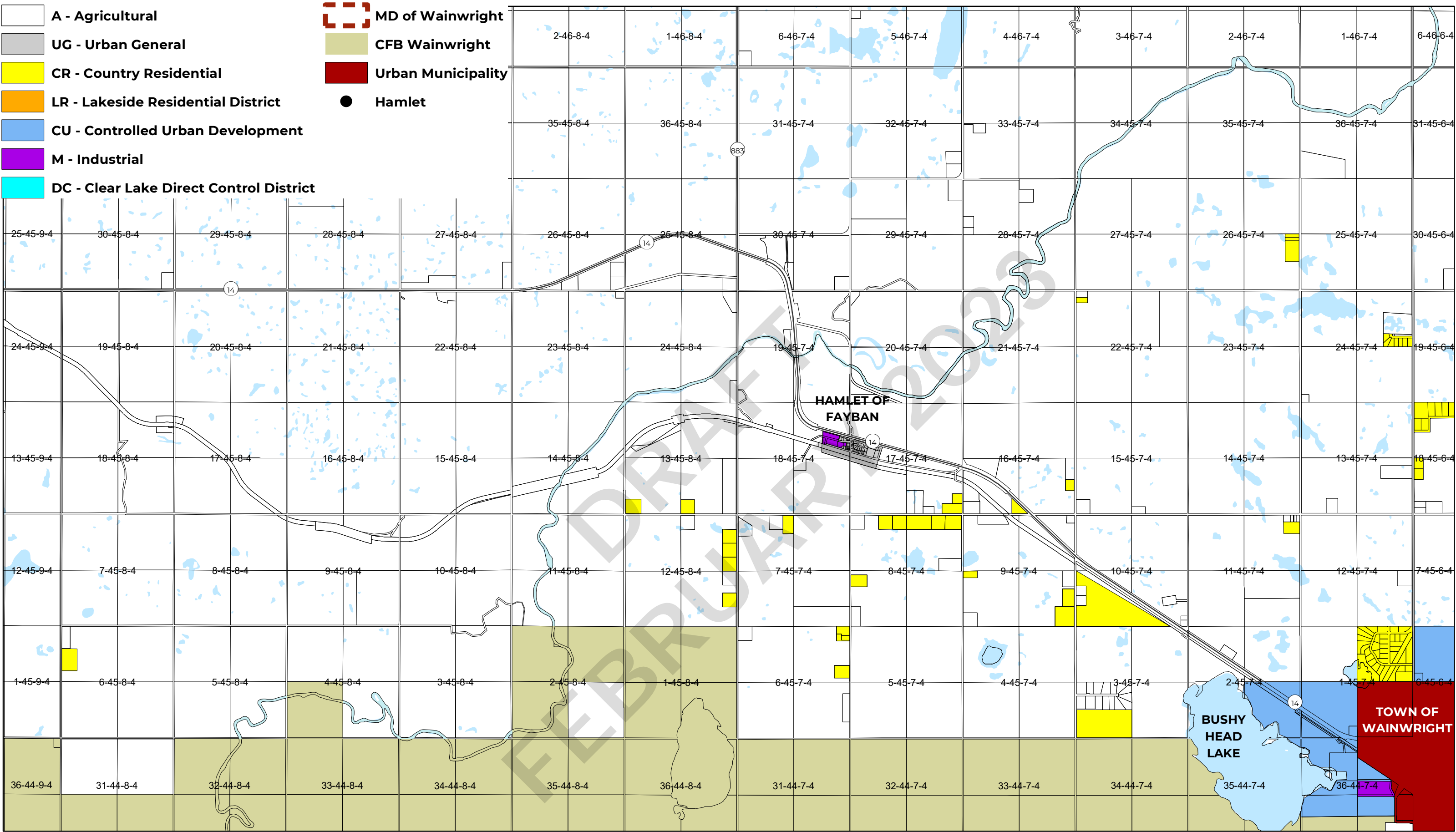
MAP 1.3

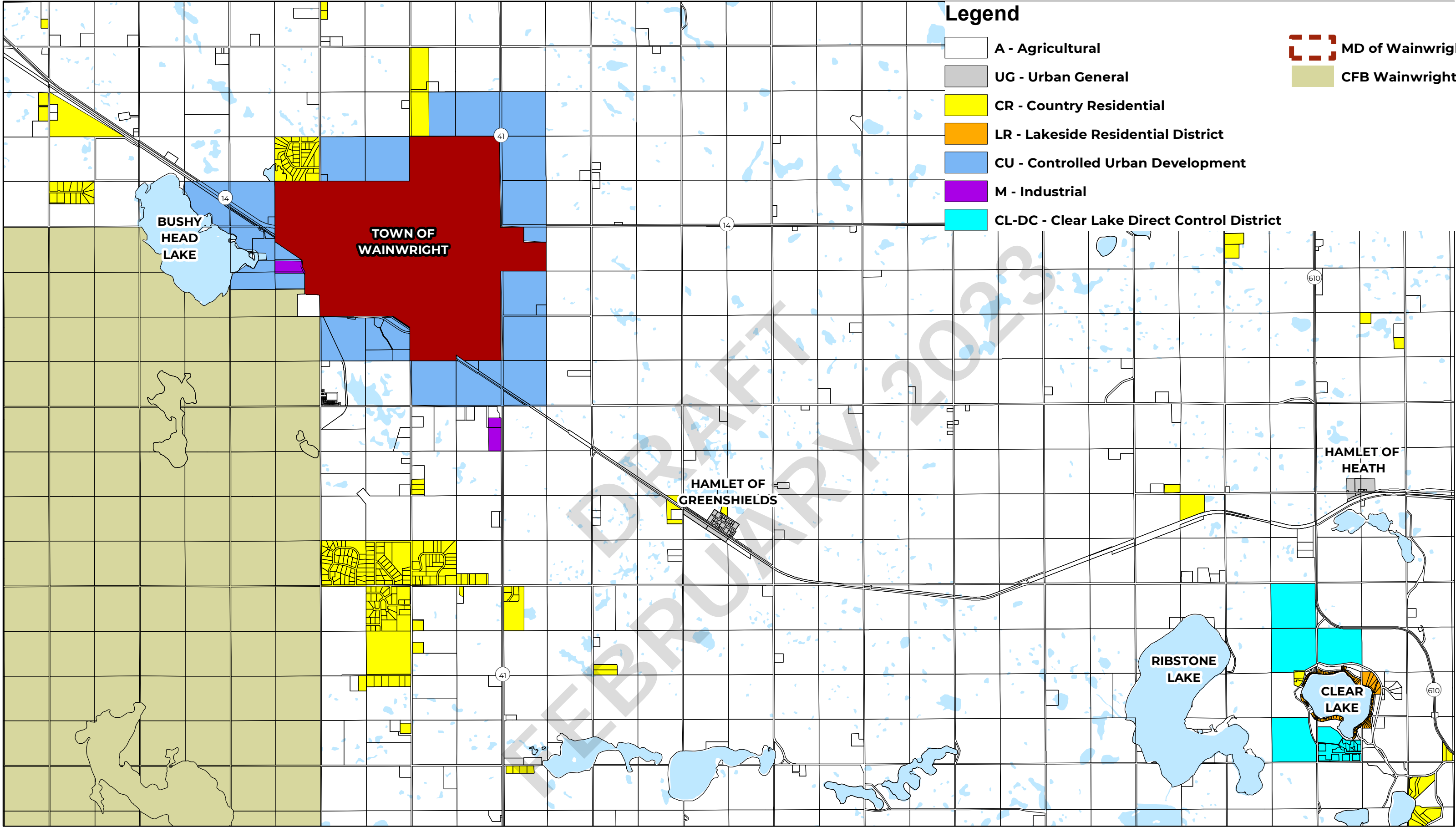
Land Use District Map DRAFT



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Projection: UTM NAD 83 12N

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Legend

A - Agricultural

UG - Urban General

CR - Country Residential

LR - Lakeside Residential District

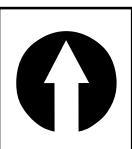
CU - Controlled Urban Development

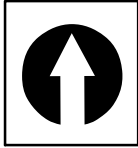
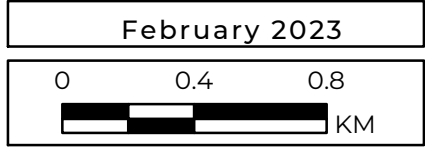
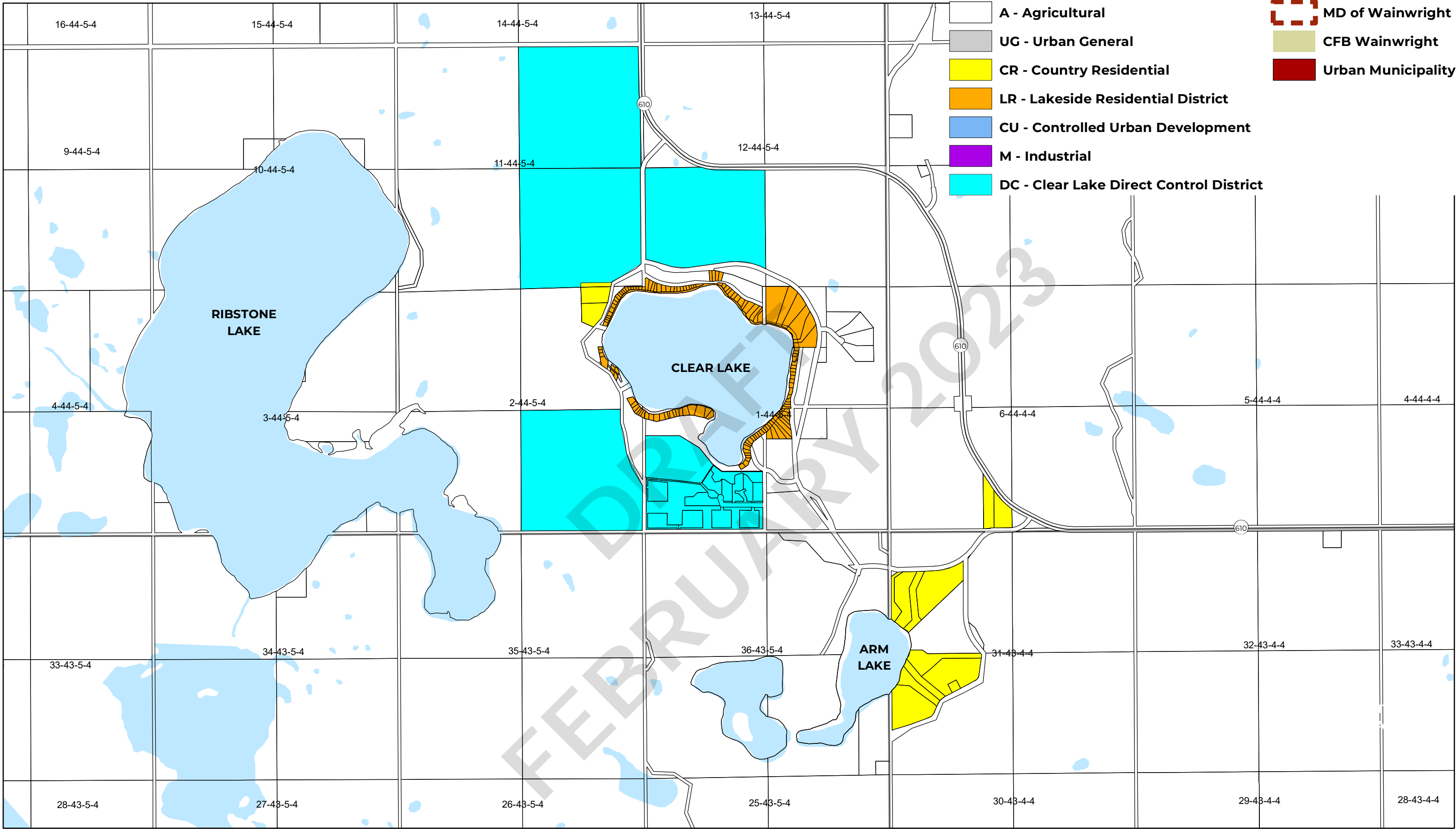
M - Industrial

CL-DC - Clear Lake Direct Control District

MD of Wainwright

CFB Wainwright





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Geodiscover, Altalis, AEP,
Municipal District of Wainwright
Projection: UTM NAD 83 12N

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