

ENACTMENT

SECTION 1 TITLE

1.1 This bylaw may be referred to or cited as the “Municipal District of Willow Creek No. 26 Land Use Bylaw”.

SECTION 2 SCOPE

2.1 No development shall hereafter be carried out within the boundaries of the municipality except in conformity with the provisions of this Bylaw.

SECTION 3 PURPOSE

- 3.1 The purpose of this Bylaw is to, amongst other things:
- (a) divide the municipality into land use districts;
 - (b) prescribe and regulate the use(s) for each district;
 - (c) establish the role of approving authorities;
 - (d) establish a method for making decisions on applications for redesignations and development permits, including issuing development permits for a development;
 - (e) provide the manner in which notice of the issuance of a development permit is to be given; and
 - (f) implement the Municipal Development Plan and other statutory plans of the municipality, as may be developed.

SECTION 4 REPEAL OF FORMER BYLAW

4.1 The Municipal District of Willow Creek No. 26 Land Use Bylaw No. 1826 and amendments thereto are hereby repealed.

SECTION 5 METRIC AND IMPERIAL MEASUREMENTS (NEW)

- 5.1 All units of measure contained within this Bylaw are metric (SI) standards. Imperial measurements and conversions are provided for convenience and information only.
- 5.2 Any measurement greater than the exact regulation prescribed in this Bylaw shall be considered in excess of the requirement and shall not be rounded down.
- 5.3 The following notations may be used in place of whole words within this Bylaw:

“m” shall mean metre(s);	“ft” shall mean feet;
“m ² ” shall mean square metre(s);	“ft ² ” shall mean square feet;
“km” shall mean kilometre(s);	“ha” shall mean hectare(s);
“mi” shall mean mile(s);	“ac” shall mean acre(s).

SECTION 6 DEFINITIONS

- 6.1 For “Administrative Definitions” refer to Section 66.
- 6.2 For “Use and Use Related Definitions” refer to Schedule 17.

SECTION 7 FORMS AND FEES

- 7.1 For the purpose of administering the provisions of this Bylaw, Council may authorize by separate resolution or bylaw, the preparation and use of such fee schedules as it may deem necessary. Any such fee schedules are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they are designed, authorized and issued.
- 7.2 For the purpose of administering the provisions of this Bylaw, the Municipality may prepare and use such forms it may deem necessary. Any such forms are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they are designed, authorized and issued. Forms are included in Appendix A.
- 7.2 The reduction, refund, or any matter related to application fees requires the approval of Municipal Planning Commission.

SECTION 8 COMPLIANCE WITH LEGISLATIVE AND BYLAW REQUIREMENTS (NEW)

***NOTE TO READER:** Where a reference to an applicable provincial, federal, or other regulatory requirement is listed in this Bylaw, it is for the convenience of the reader only, and is not meant to be a comprehensive source for all applicable requirements. Further, where a reference to an applicable provincial, federal, or other regulatory requirement is listed in a particular district or section, the absence of a similar reference for a different development is not intended to imply that an applicable requirement does not exist. It is intended that all statutory plans will align with the Land Use Bylaw. However, where an inconsistency exists, the Development Authority's decision shall prevail, while considering all relevant plans, this Bylaw and the MGA.*

- 8.1 This Bylaw is enacted under Part 17 of the Municipal Government Act. This bylaw is to be read in conjunction with the Alberta Land Stewardship Act and the South Saskatchewan Regional Plan.
- 8.2 Notwithstanding that a development permit may not be required by this Bylaw, nothing in this Bylaw relieves a person or corporation of their duty or obligation to comply with the provisions and requirements of this Bylaw, or to obtain any other permit, license or other authorization required by the Government of Canada, the Province of Alberta, or any regulation pursuant to provincial or federal legislation, nor any bylaw of Municipal District of Willow Creek No. 26.
- 8.3 Compliance with the provisions and requirements of this Bylaw does not exempt any person or corporation from complying with any easement, covenant, agreement or contract affecting the development.
- 8.4 For those developments requiring approval by provincial agencies, a local decision shall be provided by the Development Authority prior to or after a decision by the relevant provincial agency (at the sole discretion of the Development Authority).

SECTION 9 SEVERIBILITY

- 9.1 If one or more provisions of this Bylaw are, for any reason, declared to be invalid, all remaining provisions are to remain in full force and in effect.

SECTION 10 RULES OF INTERPRETATION

- 10.1 Unless otherwise required by the context, words used in the present tense include the future tense; words used in the singular include the plural; and the word person includes a corporation as well as an individual. The Interpretation Act, as amended, shall be used in the interpretation of this Bylaw. Words have the same meaning whether they are capitalized or not.
- 10.2 The written regulations of this Bylaw take precedence over any graphic or diagram if there is a perceived conflict.
- 10.3 The Land Use Districts Map takes precedence over any graphic or diagram in the district regulations if there is a perceived conflict.

- 10.4 Where a reference to another document or piece of legislation is made in this Bylaw, it is intended that the reference apply to include any amendments or a successor document or legislation that replaces the original.

SECTION 11 APPENDICES

- 11.1 Appendices attached hereto, are for information purposes only, and may be amended from time to time as they do not form part of this Bylaw.

APPROVING AUTHORITIES

SECTION 12 DEVELOPMENT AUTHORITY

NOTE TO READER: The term “Development Authority,” where used in this Bylaw, refers to either the Development Officer or the Municipal Planning Commission (as the case may be), depending on the classification of a “use” in a specific land use district or where Council has chosen to specifically authorize one entity or the other, or both. Where the Development Officer or the Municipal Planning Commission are specifically named, the relevant provision is meant to apply specifically to that individual entity.

- 12.1 The Development Authority is established by separate bylaw pursuant to the Municipal Government Act (MGA) and for the purposes of this Bylaw.
- 12.2 Council shall be the Development Authority within any Direct Control District, unless specifically delegated to the Municipal Planning Commission, the Development Officer, or another designate(s) as stipulated in the particular Direct Control land use district.
- 12.3 In the absence of the Development Officer, the following are authorized to act in the capacity of Development Officer:
- (a) Municipal Planning Commission;
 - (b) Chief Administrative Officer; or
 - (c) a designate(s) in accordance with the MGA.
- 12.4 The Development Officer is an authorized person in accordance with section 624 of the MGA.
- 12.5 The Development Authority shall perform such powers and duties as are specified:
- (a) in the Municipal District of Willow Creek No. 26 Municipal Planning Commission Bylaw;
 - (b) in this Bylaw;
 - (c) in the MGA; or
 - (d) where applicable, by resolution of Council.

SECTION 13 SUBDIVISION AUTHORITY

- 13.1 The Subdivision Authority is authorized to make decisions on applications for subdivisions pursuant to the Subdivision Authority Bylaw, and may exercise only such powers and duties as are specified:
- (a) in the Municipal District of Willow Creek No. 26 Municipal Planning Commission Bylaw;
 - (b) in this Bylaw; or
 - (c) by resolution of Council.
- 13.2 The Subdivision Authority may delegate, through any of the methods described in Section 13.1 above, to any individual, municipal staff, or a regional services commission, any of its required functions or duties in the processing of subdivision applications. In respect of this:
- (a) the delegation of duties by the Subdivision Authority may include the authorized entity being responsible for determining the completeness of a submitted subdivision application; and
 - (b) the Subdivision Authority delegate is authorized to carry out the application process with subdivision applicants as described in the Subdivision Rules and Procedures section of the Bylaw, including the task of sending all required notifications to applicants as stipulated.

SECTION 14 DEVELOPMENT OFFICER – POWERS AND DUTIES

- 14.1 The office of the Development Officer is hereby established and such office shall be filled by one or more persons as appointed by resolution of Council.
- 14.2 The Development Officer:
- (a) shall receive and process all applications for development permits and determine whether a development permit application is complete in accordance with Section 32;
 - (b) shall maintain for the inspection of the public during office hours, a copy of this Bylaw and all amendments thereto and ensure that copies of the same are available for public purchase;
 - (c) shall also establish and maintain a register in which shall be recorded the application made for a development permit and the decision made on the application, and contain any such other information as the Municipal Planning Commission considers necessary;
 - (d) shall consider and decide on “permitted use” and “discretionary use – Development Officer” applications that comply with this Bylaw;
 - (e) shall refer to the Municipal Planning Commission, with recommendations, all development permit applications for which decision making authority has not been assigned to the Development Officer;
 - (f) may refer any development application to the Municipal Planning Commission for its review, comment or advice;
 - (g) shall refer all development applications in a Direct Control district to Council for a decision, unless Council has specifically delegated approval authority to the Development Officer or the Municipal Planning Commission;
 - (h) shall notify adjacent landowners and any persons who are likely to be affected by a proposed development in accordance with Section 43 of this Bylaw;
 - (i) shall receive, review, and refer any applications to amend this Bylaw to Council;
 - (j) shall issue the written notice of decision and/or development permit on all development permit applications and any other notices, decisions or orders in accordance with this Bylaw;
 - (k) may receive and consider and decide on first time requests for time extensions, up to one year, for Development Permits which the Development Officer or the Municipal Planning Commission has approved;
 - (l) shall provide a regular report to the Municipal Planning Commission summarizing the applications made for a development permit and the decision made on the applications, and any other information as the Municipal Planning Commission considers necessary; and

- (m) shall perform any other powers and duties as are specified in this Bylaw, the Municipal Planning Commission Bylaw, the MGA or by resolution of Council.

SECTION 15 MUNICIPAL PLANNING COMMISSION – POWERS AND DUTIES

- 15.1 The Municipal Planning Commission may exercise only such powers and duties as are specified in the MGA, the Municipal Planning Commission Bylaw, this Bylaw, or by resolution of Council.
- 15.2 The Municipal Planning Commission shall be responsible for:
 - (a) considering and deciding upon development permit applications referred to it by the Development Officer;
 - (b) providing recommendations on planning and development matters referred to it by the Development Officer or Council;
 - (c) considering and deciding upon requests for time extensions on development permit applications referred to it by the Development Officer;
 - (d) considering and deciding upon applications for subdivision approval; and
 - (e) any other powers and duties as are specified in this Bylaw, the Municipal Planning Commission Bylaw, the MGA or by resolution of Council.

SECTION 16 COUNCIL

- 16.1 Council shall be responsible for considering development permit applications within any Direct Control district, except where the decision making authority has been delegated to the Municipal Planning Commission or the Development Officer.

SECTION 17 SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

- 17.1 The Subdivision and Development Appeal Board (SDAB) is established by separate bylaw pursuant to the MGA, and may exercise such powers and duties as are specified in this Bylaw, the MGA and the Subdivision and Development Appeal Board Bylaw.

DEVELOPMENT AND SUBDIVISION IN GENERAL

SECTION 18 LAND USE DISTRICTS

- 18.1 The Municipal District is divided into those land use districts as specified in Schedule 1 and shown on the Land Use Districts Maps found in Schedule 1.
- 18.2 The one or more uses of land or buildings that are:
 - (a) permitted uses in each district, with or without conditions; and/or
 - (b) discretionary uses in each district, with or without conditions;are described in Schedule 2, Land Use District Regulations.
- 18.3 A land use that is not listed as a permitted or discretionary use but which is reasonably similar in character and purpose to a permitted or discretionary use in that district may be deemed a similar use by the Development Authority in accordance with Section 39.

- 18.4 A land use not listed as a permitted or discretionary use or not deemed a similar use, in a district is a prohibited use and shall be refused.
- 18.5 Each land use district contains the rules and policies regarding the subdivision of land and the reconfiguration of existing titles.

SECTION 19 SUITABILITY OF SITES

- 19.1 Notwithstanding that a use of land may be permitted or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Development Authority may refuse to approve a subdivision or issue a development permit if the Development Authority is made aware of or if, in their opinion, the site of the proposed building or use is not safe or suitable based on the following:
- (a) does not have safe legal and physical access to a maintained road in accordance with the Land Use Bylaw, other municipal requirements or those of Alberta Transportation of a controlled highway and a public road;
 - (b) has a high water table or soil conditions which make the site unsuitable for foundations and/or sewage disposal systems in accordance with provincial regulations;
 - (c) is situated on an unstable slope;
 - (d) consists of unconsolidated material unsuitable for building;
 - (e) is situated in an area which may be prone to flooding, subsidence or erosion;
 - (f) does not comply with the requirements of the South Saskatchewan Regional Plan, Subdivision and Development Regulation or any other applicable statutory plans;
 - (g) is situated over an active or abandoned coal mine or oil or gas well or pipeline that has not been sufficiently remediated;
 - (h) would expose the structure itself and/or people living and working there to risk from the operations of a nearby airport or airstrip;
 - (i) is unsafe due to contamination by previous land uses;
 - (j) does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility;
 - (k) is situated closer to a confined feeding operation than the minimum distance separation recommended by the Natural Resources Conservation Board;
 - (l) does not have an adequate (quality or volume) water supply;
 - (m) does not have an adequate means of wastewater (i.e. sewage) disposal;
 - (n) does not have an adequate means of stormwater disposal;
 - (o) does not meet an applicable measurable standard (i.e. lot size or setback requirements) or any other applicable standards or requirements of this Bylaw;
 - (p) would prevent or interfere with the natural and economic extension of a nearby developed area including but not limited to an oil or gas field, a sewage treatment plant, a waste disposal or transfer site, a gravel pit, a pipeline or a road system;
 - (q) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site.
- 19.2 Nothing in this section shall prevent the Development Authority from issuing a development permit or approving a subdivision if the Development Authority is satisfied that there is no risk to persons or property or that these concerns will be met by appropriate engineering measures or other mitigating measures and approvals from provincial and/or federal agencies have been obtained, as applicable.

SECTION 20 NUMBER OF DWELLING UNITS ON A PARCEL

- 20.1 No person shall construct or locate or cause to be constructed or located more than two dwelling unit on a parcel unless authorized by the Development Authority through the issuance of a development permit and only where allowed in the land use district for which the application was made.
- 20.2 For the purpose of this section, if a parcel contained more than one dwelling unit on the date that this Bylaw was adopted, all the dwellings on that parcel are deemed to conform.
- 20.3 If a certificate of title describes a parcel containing two or more quarter sections or portions thereof, each one of the quarter sections will be considered a parcel for the purposes of the provisions under this section.

SECTION 21 NON-CONFORMING BUILDINGS AND USES

- 21.1 A non-conforming building or use may only be continued in accordance with the provisions outlined in section 643 of the MGA.
- 21.2 The Development Officer and the Municipal Planning Commission are authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to section 643(5)(c) of the MGA. (Old Sec. 28)

SECTION 22 DEVELOPMENT ON NON-CONFORMING SIZED LOTS

- 22.1 Development on an existing registered non-conforming sized lot that does not meet the minimum requirements for lot length, width or area specified in the applicable land use district in Schedule 2 may be permitted at the discretion of the Development Authority.
- 22.2 The Development Officer is authorized to approve development on existing registered non-conforming sized lots for permitted uses where the Municipal Planning Commission issued a variance(s) to the minimum requirements for lot length, width and/or area as part of a subdivision approval.

SECTION 23 DEVELOPMENT AGREEMENTS

- 23.1 The Development Authority may require, with respect to a development that as a condition of issuing a development permit, the applicant enter into an agreement with the municipality, pursuant to section 650(1) of the MGA, to do any or all of the following:
 - (a) to construct or pay for the construction of a road required to give access to the development;
 - (b) to construct or pay for the construction of a pedestrian walkway system to serve the development and/or connect with existing or proposed pedestrian walkway systems that serves or is proposed to serve an adjacent development;
 - (c) to install or pay for the installation of public utilities, other than telecommunication systems or works, that are necessary to serve the development, whether or not the public utility is, or will be, located on the land that is the subject of the development;
 - (d) to construct or pay for the construction of off-street, or other parking facilities and/or loading and unloading facilities;
 - (e) to pay an off-site levy or redevelopment levy;
 - (f) to give security to ensure that the terms of the agreement under this section are carried out.
- 23.2 The Municipal Planning Commission may require, with respect to a subdivision, that as a condition of issuing an approval for a subdivision, the applicant enter into an agreement with the municipality, pursuant to section 655(1)(b) of the MGA.
- 23.3 An agreement referred to in this section may require the applicant for a development permit or subdivision approval to oversize improvements in accordance with section 651 of the MGA.

- 23.4 The Municipal District may register a caveat under the Land Titles Act with respect to an agreement under this section against the certificate of title for the land that is the subject of the development, or for the parcel of land that is the subject of the subdivision.
- 23.5 If the Municipal District registers a caveat under this section, the municipality must discharge the caveat when the agreement has been complied with.

SECTION 24 GUARANTEED SECURITY TRIGGERED BY DEVELOPMENT PERMITS

- 24.1 The Development Authority may require a guaranteed security upon evaluation of the scale and the type of a proposed development. The purpose of the guaranteed security is to ensure the completion of the development including any attached conditions including decommissioning of a use. The security may take the form of a cash deposit or an irrevocable letter of credit.
- 24.2 The projected amount of the guaranteed security shall be estimated by the applicant/developer and shall be based on information provided in the development permit application. If, in the opinion of the Development Authority, the projected costs utilized by the applicant/developer to calculate the guaranteed security are inadequate, the Development Authority may establish a higher projected cost for the required work for the purposes of determining the acceptable amount of the required security. The Development Authority retains the right to stipulate the amount of guaranteed security.
- 24.3 The Municipal District shall hold the guaranteed security, without interest payable, until the development permit has been completed, including any attached conditions, to the satisfaction of the Development Authority.
- 24.4 Once the development is complete and all conditions of the development permit have been met, to the satisfaction of the Development Authority, the guaranteed security will be released back to the applicant/developer within thirty (30) days from the date the Development Authority verifies completion.
- 24.5 In the event that the development, including any attached conditions, is not completed to the satisfaction of the Development Authority, in accordance with the terms of the development permit, the Municipal District is entitled to draw from the guaranteed security, sufficient funds to undertake the activities necessary to complete the outstanding items of the development. The Municipal District shall provide an accounting to the applicant/developer indicating how the proceeds of the security were applied within 60 days from the date of completion.

SECTION 25 MINIMUM DISTANCE SEPARATION CALCULATIONS

- 25.1 For the purpose of this Bylaw, unless specified otherwise, all minimum distance separation calculations that apply between residential uses and neighbouring Confined Feeding Operations shall be consistent with the processes and formulas established in the Agricultural Operation Practices Act and regulations thereto. Variances of the application of the minimum distance separation may be considered by the Municipal Planning Commission with consideration for the applicable land use district, and/or the applicable subdivision criteria.

SECTION 26 ARCHITECTURAL CONTROLS

- 26.1 Some areas within the Municipal District may have architectural control guidelines in place for the construction of new buildings and other matters. Architectural control review of plans must be approved by the Developers' Architectural Control Approval Officer prior to the Municipal District accepting a development permit application.
- 26.2 The Municipal Planning Commission may require, as a condition of subdivision approval:
 - (a) architectural control guidelines to be submitted for review and approval by the municipality prior to subsequently being registered on title; and

- (b) may stipulate specific development standards, land or building restrictions to be applied or included in the covenants.
- 26.3 The Municipal District shall not be held responsible for private covenants with regard to the enforcement of any applicable architectural controls.
- 26.4 The developer shall be responsible for private covenants and shall designate an authorized agent to review and enforce any applicable architectural controls and a written approval shall be required to be submitted as part of an application for development.

SECTION 27 MUNICIPAL APPROVAL FOR ENCROACHMENTS

- 27.1 A landowner or developer is required to obtain permission from the Municipal District for any improvement or structure that may be located over an easement or utility right-of-way in favour of the Municipal District or one of its utility agencies designates.
- 27.2 In situations where a development may be exempt from obtaining a development permit, the landowner or developer is still required to obtain permission from the municipality for any improvement or structure that may be located over an easement or utility right-of-way in favour of the municipality or one of its utility agencies designates. Notwithstanding that no permit may be required, the Municipal District may deny the placement of structures or improvements over an easement or right-of-way and may also order the removal or relocation of such.
- 27.3 The Municipal District may enter into an encroachment agreement for the encroachment of a building or structure onto a Municipal District owned parcel, pursuant to section 72 of the Land Titles Act, or onto a municipal road right-of-way, pursuant to section 651.2 of the MGA, where it is satisfied that the interest of the public will not be adversely affected.

SECTION 28 CERTIFICATE OF COMPLIANCE

- 28.1 A certificate of compliance letter respecting the categorization of a land use(s) (i.e. permitted or discretionary), building setbacks on a parcel of land, and consistency with an approved development permit(s), may be issued by the Development Officer upon receipt of a real property report, a complete application form and the applicable fee. The real property report must not be more than 12 months old. If older than 12 months, it must be accompanied by a statutory declaration stating that no new buildings or structures have been erected on the property.

DEVELOPMENT PERMIT RULES AND PROCEDURES

SECTION 29 DEVELOPMENT PERMIT – WHEN REQUIRED

- 29.1 Except as otherwise provided for in Schedule 3 (Development Not Requiring a Development Permit), no development shall be commenced unless a development permit application has been approved, a development permit issued, and the development is in accordance with the terms and conditions of a development permit issued pursuant to this Bylaw.
- 29.2 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ascertain, obtain and comply with all other approvals and licenses that may be required by other federal, provincial or municipal regulatory departments or agencies.

SECTION 30 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- 30.1 For the list of uses and developments not requiring a development permit, see Schedule 3.

SECTION 31 DEVELOPMENT PERMIT APPLICATION

- 31.1 Except as provided in Section 30 and Schedule 3, no person shall commence a development unless issued a development permit in respect of the proposed development.
- 31.2 An application for a development permit shall be made by submitting to the Development Officer the following, which must be of a sufficient quality and content adequate (see Section 32.3 for more information) to properly evaluate the application:
- (a) a completed development permit application, signed by the registered owner or authorized by the owner;
 - (b) the prescribed non-refundable application fee, as set by Council;
 - (c) a description of the existing and proposed use of the land, building(s) and/or structures and whether it is a new development, an alteration/addition, relocation or change of use and whether the use is temporary in nature;
 - (d) a description of the proposed method of providing necessary services including water and sewage disposal;
 - (e) a site plan acceptable to the Development Officer indicating:
 - the location of all existing and proposed buildings and structures and registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale;
 - the location of necessary services including a private sewage disposal system, water service (i.e. well, cistern, dugout), stormwater management areas, and bulk fuel storage;
 - where applicable, the location of existing and proposed approaches, driveways, parking and loading areas, abutting streets, avenues and lanes, culverts and crossings, surface drainage patterns, and proposed municipal or private local improvements;
 - (f) drawings depicting the exterior elevations of a building and indicating height, horizontal dimensions, finishing materials and architectural features;
 - (g) a floor plan illustrating the use of rooms or spaces within buildings and structures;
 - (h) a parcel grading plan or storm water management plan;
 - (i) any additional information as may be stipulated in the general standards of development in Schedule 4 or the use-specific in Schedule 5;
 - (j) any such other information as may be required by the Development Authority to evaluate an application including but not limited to: conceptual schemes, landscaping plans, drainage plans, servicing and infrastructure plans, soil analysis, geotechnical reports, environmental site assessment, environmental impact assessment, and/or other reports regarding site suitability; Real Property Report; or a surveyors sketch;
 - (k) a statement of disclosure from the applicant regarding anticipated sequencing and phasing of a development;
 - (l) a statement of disclosure prepared by a qualified professional (licensed to practice in Alberta) if there are any known environmental contaminants existing on the site; and
 - (m) documentation from the Alberta Energy Regulator (AER) identifying the presence or absence of abandoned oil and gas wells as required by the Subdivision and Development Regulation and a professional plot plan of the proposed development if the presence of an abandoned well is found.
- 31.3 The Development Officer may determine that not all the information listed in Section 31.2 is required, while having regard for the criteria in Section 32.3.
- 31.4 An application for a development permit must be made by the registered owner of the land on which the development is proposed. An application may be made by a person who is not the registered owner of the land only with written consent of the owner. The Development Officer may request a current title documenting ownership and copies of any registered encumbrance, lien or interest registered on title.

- 31.5 In the case of a development permit application made for a parcel of land within a Direct Control district, all requirements and procedures pertinent to the development permit application will be at the direction and to the satisfaction of Council.

SECTION 32 DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION

NOTE TO READER: *For the purposes of guidance on this section, “necessary to review” means sufficient information investigating and addressing the issues required to assess the suitability of a proposed land use, which includes but is not limited to: assessing land use impacts like odours, noise, glare, traffic generation; investigating environmental matters; addressing the type of servicing and appropriateness of the proposed method of servicing.*

- 32.1 A Development Officer shall, within 20 days after the receipt of an application in accordance with Section 31 for a development permit, determine whether the application is complete.
- 32.2 The Development Officer may refer an application to the Municipal Planning Commission in order for the Municipal Planning Commission to determine if the application is complete.
- 32.3 An application is complete if, in the opinion of the Development Officer, the application contains the documents and other information necessary to review.
- 32.4 The time period referred to in Section 32.1 may be extended by an agreement in writing between the applicant and the Development Officer.
- 32.5 If the Development Officer does not make a determination referred to in Section 32.1 within the time required under Section 32.1 or 32.4, the application is deemed to be complete.
- 32.6 If a Development Officer determines that the application is complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.
- 32.7 The Notice of Completeness in Section 32.6 may be contained within a Notice of Receipt of an application under Section 41, or with a Notice of Decision under Section 42.
- 32.8 If the Development Officer determines that the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information to be provided. A submittal deadline for the outstanding documents and information shall be set out in the notice. A later date may be agreed on between the applicant and the Development Officer in writing to extend the deadline.
- 32.9 When the Development Officer determines that the information and documents required to be submitted under Section 32.8 are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.
- 32.10 If the required documents and information under Section 32.8 have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under Section 32.8, the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused and the reasons for refusal.
- 32.11 Despite issuance of a Notice of Completeness under Section 32.6 or 32.9, the Development Authority in the course of reviewing the application may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

SECTION 33 PERMITTED USE APPLICATIONS

- 33.1 Upon receipt of a completed application for a development permit for a permitted use, the Development Officer shall approve an application for a permitted use where the proposed development conforms to this Bylaw, with or without conditions, and may require:
- (a) the applicant to enter into a development agreement;
 - (b) the payment of any applicable off-site levy or redevelopment levy;
 - (c) access to be provided so the site will be legally and physically accessible to a developed municipal road or if within 300 m (984 ft) of a provincial highway will meet the requirements of Alberta Transportation;
 - (d) a geotechnical investigation to confirm that the site is suitable in terms of topography, soil characteristics, flooding, subsidence, erosion and treatment of sanitary sewage;
 - (e) an alteration of a structure or building size or location to ensure any setback requirements of this Land Use Bylaw or the Subdivision and Development Regulation can be met;
 - (f) any measures to ensure compliance with the requirements of this Land Use Bylaw or any other statutory plan adopted by the Municipal District;
 - (g) necessary easements and/or encroachment agreements;
 - (h) the provision of public utilities, other than telecommunications systems or works, and vehicular and pedestrian access;
 - (i) to provide security to ensure the terms of the permit approval under this section are carried out;
 - (j) repairs or reinstatement of original road condition of roads or approaches which have been damaged or destroyed or otherwise altered by development or construction activities upon the site;
 - (k) time periods stipulating completion of development;
 - (l) a lot and/or construction stakeout conducted by an approved surveyor or agent to ensure a building is situated as per an approved site plan;
 - (m) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and approvals.
- 33.2 Where an application is for a permitted use in the land use district for which the parcel is designated, the application shall not be refused by the Development Authority on the basis of use alone.
- 33.3 Upon receipt of a completed application for a permitted use that requests a variance, as stipulated in Section 39.1, the Development Officer:
- (a) may grant the variance if, in the opinion of the Development Officer, the variance would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or
 - (b) may refer the development application involving a request for a limited variance to the Municipal Planning Commission for a decision;
 - (c) is not required to notify adjacent landowners or persons likely to be affected prior to issuance of a decision on a development permit granting a limited variance under this section.
- 33.4 Upon receipt of a completed application for a permitted use, the Development Officer may refer the application to the Municipal Planning Commission for a decision.
- 33.5 Where a use is listed as a permitted use, but is noted within the individual land use district or elsewhere in this Bylaw as being discretionary in a certain situation (i.e. timing relative to the establishment of another use, exceeding a certain size or threshold etc.), the use is discretionary.

SECTION 34 DISCRETIONARY USE APPLICATIONS

- 34.1 Upon receipt of a completed application for a development permit for a discretionary use for which the Municipal Planning Commission is authorized to decide upon, the Development Officer shall:
 - (a) notify adjacent landowners and other persons likely to be affected in accordance with Section 41; and
 - (b) refer the application to the Municipal Planning Commission for a decision.

- 34.2 Upon receipt of a completed application for a development permit for a discretionary use for which the Development Officer is authorized to decide upon, the Development Officer shall:

- 34.3 When making a decision on a development permit for a discretionary use, the Development Authority must take into account:
 - (a) any statutory plans or non-statutory plans or studies affecting the parcel or type of development;
 - (b) the purpose statement in the applicable land use district;
 - (c) the appropriateness of the location and parcel for the proposed development;
 - (d) the land use compatibility and impact of the proposed development with respect to adjacent land uses and the greater community;
 - (e) the merits of the proposed development;
 - (f) access, transportation and servicing requirements.

- 34.4 After consideration of any response to the notifications of adjacent landowners and other persons likely to be affected, including government departments and referral agencies as applicable, compatibility and suitability of the proposed use, Section 34.3, and any other relevant matters, the applicable Development Authority may:
 - (a) approve a development permit with or without conditions, stating reasons; or
 - (b) refuse to approve the development permit, stating reasons.

- 34.5 The Development Authority may place any of the conditions stipulated in Section 33.1 on a development permit for a discretionary use in any land use district, in addition to any other conditions necessary to ensure the quality, suitability and compatibility of a development with other existing and approved uses in the area, or to achieve a logical land use planning objective.

- 34.6 The Development Authority may issue a development permit for a discretionary use granting approval of some portion, aspect or use of the proposed development, and refusing another portion, aspect or use of the proposed development, and shall provide reasons for the partial refusal.

SECTION 35 ADDITIONAL PLANNING REQUIREMENTS

- 35.1 A conceptual scheme may be required, at the discretion of the Municipal Planning Commission, prior to determining that an application for a discretionary use is complete (in accordance with Section 32.2), when in the opinion of the Municipal Planning Commission a development is not at its full build out stage.

- 35.2 The Municipal Planning Commission may require, as a condition of development permit, that the conceptual scheme forms part of the development permit and, if desired to be deviated from in the future, shall require a subsequent application for a development permit in order to approve the deviation, along with a revised conceptual scheme.

SECTION 36 DIRECT CONTROL DISTRICTS

- 36.1 Upon receipt of a completed application for a development permit in a Direct Control district, the Development Officer shall:

- (a) refer the application to Council for a decision, except where the decision making authority has been delegated to the Municipal Planning Commission or the Development Officer; and
 - (b) notify adjacent landowners and other persons likely to be affected in accordance with Section 41.
- 36.2 After considering any response to notifications issued under Section 43, Council or the delegated decision making authority may:
- (a) approve a development permit with or without conditions, stating reasons; or
 - (b) refuse to approve the development permit, stating reasons.
- 36.3 Where Council chooses to redistrict a parcel to Direct Control, it shall establish, within the Direct Control bylaw, site specific direct control information which may include standards and procedural direction.
- 36.4 In accordance with section 685(4)(a) of the MGA, there is no appeal to the Subdivision and Development Appeal Board on a decision of an application for a development permit in a Direct Control district made by Council.

SECTION 37 SIMILAR USE

- 37.1 Upon receipt of an application for a development permit for a use that is not specifically defined in the Use Definitions in Schedule 7, but which may be similar in character and purpose to other uses of land and structures in the land use district in which such use is proposed, the Development Officer may classify the use as either similar to a permitted use or similar to a discretionary use.
- 37.2 Where a use has been classified similar to a permitted use, the Development Officer may process the application accordingly as a permitted use or refer the application to the Municipal Planning Commission for a decision. The notice of the decision shall be subject to Section 44.
- 37.3 Where a use has been classified similar to a discretionary use for which the Municipal Planning Commission is authorized to issue a decision, the Development Officer shall:
- (a) notify adjacent landowners and other persons likely to be affected in accordance with Section 41; and
 - (b) refer the application to the Municipal Planning Commission for a decision.
- 37.4 Upon referral of an application by the Development Officer for a use that may be similar in character and purpose to a permitted or discretionary use, the Municipal Planning Commission:
- (a) shall rule whether or not the proposed use is similar to a use in the land use district in which it is proposed;
 - (b) if the proposed use is deemed similar to a use in the land use district in which it is proposed, the application shall be reviewed as a discretionary use application;
 - (c) if the proposed use is not deemed similar to a use in the land use district in which it is proposed, the development permit shall be refused.

SECTION 38 TEMPORARY USE

- 38.1 The Development Authority may issue a temporary development permit for that development if:
- (a) the proposed development is of a temporary nature and a listed use in the land use district; or
 - (b) the Development Authority wishes to ensure the suitability or compatibility of a multi-phase project prior to allowing full build out of the project by only allowing one or more phases to commence; or
 - (c) the Development Authority wishes to ensure that the development authorized by the permit will cease by a specified date or will not be ongoing indefinitely.

- 38.2 Temporary use applications shall be subject to the following conditions:
- (a) the applicant or developer is liable for any costs involved in the cessation or removal of any development at the expiration of the established time period;
 - (b) the Development Authority may require the applicant to submit security guaranteeing the cessation or removal of the temporary use; and
 - (c) any other conditions as deemed necessary in accordance with Section 33.1.
- 38.3 A use deemed temporary in nature shall be processed in accordance with the corresponding Sections 33 and 34 of this Bylaw. Notification of adjacent landowners and other persons likely to be affected shall be in accordance with Section 41 of this Bylaw.

SECTION 39 APPLICATIONS REQUIRING A VARIANCE

- 39.1 The Development Officer may, in deciding upon an application for a permitted use, or a discretionary use – Development Officer, allow a minor variance:
- (a) up to 20 percent of any one numeric standard of this Bylaw and/or;
 - (b) up to 25 percent of one yard requirement (front, rear or side) for existing development within the Hamlet Residential – HR Land Use District and up to 50 percent of one yard requirement (front, rear or side) for existing development within the Rural General – RG Land Use District to bring development into compliance;
- provided it is in accordance with the criteria in Section 39.3(a) and (b).
- 39.2 The Development Officer is authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to Section 21.2 of this Bylaw and section 643(5)(c) of the MGA. The Development Officer may refer a matter respecting a non-conforming building to the Municipal Planning Commission for a decision.
- 39.3 The Municipal Planning Commission may approve or conditionally approve a permitted use referred to the Municipal Planning Commission pursuant to Section 33.4 or, a discretionary use that does not comply with this Bylaw if, in the opinion of the Municipal Planning Commission, the use complies with the following tests:
- (a) the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels; and
 - (b) the proposed development conforms to the use intended for that land or building as described in the district within this Bylaw.

SECTION 40 LIMITATIONS ON VARIANCE PROVISIONS

- 40.1 In approving an application for a development permit, the Development Authority shall have regard for the following:
- (a) the general purpose and intent of the appropriate land use district; and
 - (b) a variance shall normally only be considered in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not, generally, common to other land in the same land use district.

SECTION 41 NOTIFICATION OF ADJACENT LANDOWNERS AND PERSONS LIKELY AFFECTED

- 41.1 Where notification of adjacent landowners and other persons likely to be affected is required, the Development Officer shall, at least 10 days before the meeting of the Municipal Planning Commission or the decision of the Development Officer:
- (a) mail (postal service or electronic mail) or hand deliver written notice of the application to:

- (i) adjacent landowners and other persons likely to be affected by the issuance of a development permit;
 - (ii) affected municipalities if, in the opinion of the Development Authority, the proposed development could have an impact upon land uses adjacent to the Municipal District boundary or if required by an applicable intermunicipal development plan;
 - (iii) any other persons, government departments, advisory committee, homeowner association or referral agency that is deemed to be affected; or
- (b) publish a notice of the application in a newspaper circulating in the municipality where the application is located; or
 - (c) post a notice of the application in a conspicuous place on the property; or
 - (d) post a notice on the municipal website or social media account(s); or
 - (e) any combination of the above.
- 41.2 In all cases, notification shall:
- (a) describe the nature and location of the proposed use or development;
 - (b) state the place and time where the Municipal Planning Commission will meet to consider the application; and
 - (c) state the process for the submission of written or oral comments on the application.
- 41.3 When considering applications for which notices have been served, the Development Authority may afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.
- 41.4 The notification of immediately adjacent landowners is always required, while the notification of non-adjacent landowners and other persons is at the discretion of the Development Authority. In evaluating the extent of notification required for a particular development permit, the Development Officer shall use discretion (except where a specific notification standard is required in respect of a particular use or situation in this Bylaw) while aiming to notify all persons likely to be affected by a development.

SECTION 42 NOTICE OF DECISION FOR DEVELOPMENT PERMITS

- 42.1 **Permitted use permits (not requiring a variance):**
 Upon the issuance of a development permit for a permitted use that complies with this Bylaw, the Development Officer shall:
- (a) provide a written notice of decision to the application in accordance with Section 42.4; and
 - (b) post a copy of the decision in a prominent place in the Municipal District Office for at least 21 days; or
 - (c) publish a copy of the decision on the official municipal website.
- 42.2 **Permitted use permits involving a variance:**
 Upon the decision on a development permit for a permitted use that involves a variance of a standard of this Bylaw, the Development Officer shall:
- (a) provide a written notice of decision to the application in accordance with Section 42.4; and
 - (b) publish a copy of the decision on the official municipal website; or
 - (c) notify the persons and the referral agencies that were originally notified in accordance with Section 41.1 using the same method(s) that was originally used for the notification.
- 42.3 **Discretionary use permits:**

Upon the decision by the Municipal Planning Commission on a development permit for a discretionary use the Development Officer shall:

- (a) provide a written notice of decision to the application in accordance with Section 42.4; and
- (b) publish a copy of the decision on the official municipal website; or
- (c) notify the persons and referral agencies that were originally notified in accordance with Section 43.1 using the same method(s) that was originally used for notification.

42.4 The Development Officer will give or send a copy of the written decision, which includes the date on which the decision was given and containing any other information required by the regulations, to the applicant on the same day the written decision is made in accordance with MGA section 642(3). The decision shall state whether the appeal lies with the local subdivision and development appeal board or the Land and Property Rights Tribunal in accordance with MGA section 685(1.1).

42.5 For the purposes of Section 42.4, the “date on which the decision was given” means the date the Development Authority signs the notice of decision or development permit.

SECTION 43 COMMENCEMENT OF DEVELOPMENT

43.1 Despite the issuance of a development permit, no development is authorized to commence within 21 days after the date on which the decision was made.

43.2 If an appeal is made, no development is authorized pending the outcome of the appeal.

43.3 Any development occurring prior to the dates determined under Sections 43.1 and 43.2 is at the risk of the applicant.

SECTION 44 FAILURE TO MAKE A DECISION – DEEMED REFUSED

44.1 In accordance with the MGA, an application for a development permit is, at the option of the applicant, deemed to be refused if the decision of the Development Authority is not made within 40 days of receipt of the completed application unless the applicant has entered into an agreement with the Development Authority to extend the 40-day period.

SECTION 45 DEVELOPMENT PERMIT VALIDITY

45.1 Unless a development permit is suspended or cancelled, or if an alternative timeline is provided in the approval conditions of the development permit in accordance with Section 45.2, the development must be commenced and carried on with reasonable diligence in the opinion of the Development Authority within 12 months from the date of issuance of the permit, otherwise the permit is no longer valid.

45.2 The Development Authority may establish, as a condition of approval, that the development must be reasonably completed within a set period of time, not less than 24 months from the date of the approval.

45.3 A development permit must be carried out in accordance with approved plans and conditions of approval.

45.4 A request to withdraw a development permit shall be made in writing to the Development Officer.

SECTION 46 DEVELOPMENT PERMIT EXTENSION

46.1 An application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit in accordance with Sections 45.1, except for a permit for a temporary use which shall not be extended.

- 46.2 Upon receipt of a request to extend the validity of a development permit, the validity of a development permit may be extended for up to a period of 12 months, by:
- (a) the Development Officer if the permit was issued by the Development Officer or the Municipal Planning Commission;
 - (b) the Municipal Planning Commission if the permit was approved on appeal by the Subdivision and Development Appeal Board.
- 46.3 Notification of adjacent landowners and persons likely affected is not required for an extension request, or the decision on an extension request.
- 46.4 An extension request, where approved, must be granted “as is” with the original content of the development permit application and conditions of approval.
- 46.5 When any use has been discontinued for a period of 6 months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued. This section does not apply to non-conforming uses which are regulated under section 643 of the MGA and Section 21 of this Bylaw.
- 46.6 A development permit is valid only for the location for which it has been issued.

SECTION 47 CHANGES TO AN APPROVED DEVELOPMENT PERMIT

NOTE TO READER: *The allowance for post-approval minor, non-material modifications to a development permit is intended to improve the efficiency of the development process which may include the minor relocation of a building, a change of landscaping materials, or a similar change.*

- 47.1 The Development Officer may accept in writing minor, non-material modifications to an approved development permit. Where minor, non-material modifications are proposed and accepted by the Development Officer, revised drawings shall be submitted to the satisfaction of the Development Officer.
- 47.2 Where, in the opinion of the Development Officer, a proposed post-approval change to a development permit exceeds the threshold described in 47.1, a new development permit shall be required to consider the change.
- 47.3 A new development permit to consider a change to an existing approved development permit shall be processed in the same way as the original development permit.
- 47.4 Where a new development permit proposing to change an existing approved development permit is approved, the new development permit shall supersede the original development permit to the extent that they deal with the same matter.

SECTION 48 TRANSFERABILITY OF DEVELOPMENT PERMIT

- 48.1 A valid development permit is transferable where the use remains unchanged and the development is affected only by a change of ownership, tenancy, or occupancy, of the land or building.
- 48.2 A home occupation permit is non-transferable and is invalidated by a change of ownership, tenancy, or occupancy.

SECTION 49 REAPPLICATION FOR A DEVELOPMENT PERMIT

- 49.1 If an application for a development permit is refused by the Development Authority or, on appeal the Subdivision and Development Appeal Board, the submission of another application for a development permit on the same parcel of land for the same or for a similar use of the land may not be accepted by the Development Officer for at least 6 months after the date of refusal.

- 49.2 If an application was refused solely because it did not comply with the standards of this Bylaw or was refused as an incomplete application under Section 32.10, the Development Officer may accept another application on the same parcel of land for the same or similar use before the time period referred to in Section 49.1 has lapsed, provided the application has been modified to comply with this Bylaw.

SECTION 50 SUSPENSION OR CANCELLATION OF A PERMIT

50.1 If, after a development permit has been issued, the Development Authority determines that:

- (a) the application contained a misrepresentation;
- (b) facts were not disclosed which should have been at the time of consideration of the application for the development permit;
- (c) the development permit was issued in error; or
- (d) the applicant withdrew the application by way of written notice;

the Development Authority may suspend or cancel the development permit by giving notice in writing to the holder of it and stating the reasons for any suspension or cancellation.

50.2 Upon receipt of the written notification of suspension or cancellation, the applicant must cease all development and activities to which the development permit relates.

50.3 A person whose development permit is suspended or cancelled under this section may appeal within 21 days of the date the notice of cancellation or suspension is received to the Subdivision and Development Appeal Board.

50.4 If a development permit is suspended or cancelled, the Subdivision and Development Appeal Board shall review the application if an appeal is filed by the applicant and either:

- (a) reinstate the development permit;
- (b) cancel the development permit if the Development Authority would not have issued the development permit if the facts subsequently disclosed had been known during the consideration of the application; or
- (c) reinstate the development permit and may impose such other conditions as are considered necessary to ensure that this Bylaw or any statutory plan is complied with.

SUBDIVISION RULES AND PROCEDURES

SECTION 51 SUBDIVISION APPLICATIONS

- 51.1 An applicant applying for subdivision shall provide the required material and information as requested by the Subdivision Authority or its designate. A complete application shall consist of:
- (a) an official application, in the manner and form prescribed, clearly and legibly completed with all the required information and signatures provided as requested on the form;
 - (b) the applicable fees paid;
 - (c) an up-to-date and current copy of the certificate of title to the subject land;
 - (d) a surveyor's sketch or tentative subdivision plan with dimensions, structures, location of private sewage disposal system, professionally prepared;
 - (e) provincial abandoned gas well information required by Alberta Energy Regulator Directive 079;
 - (f) for vacant parcels, a soils analysis which indicates the ability of the proposed parcel to be privately serviced, and/or a letter from a certified Private Sewage Disposal Systems installer;
 - (g) any such other information as may be required at the discretion of the Subdivision Authority in order to accurately evaluate the application and determine compliance with the Land Use Bylaw and other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, soil or slope stability analysis, drainage information, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of a conceptual scheme or an area structure plan may be required from the applicant prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use; and
 - (h) the consent to authorize the Subdivision Authority or its designate to carry out a site inspection on the subject land as authorized in accordance with the MGA must also be provided on the submitted application form unless determined not to be needed by the Subdivision Authority.
- 51.2 In accordance with the MGA, the Subdivision Authority or those authorized to act on its behalf, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be deficient what information is required to be submitted by a specified time period, by sending notification in the following manner:
- (a) for an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter;
 - (b) for an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority;
 - (c) in respect of subsection (b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding or required information items are that must be submitted by the time specified in the notice.
- 51.3 Notwithstanding Section 51.2, the applicant and Subdivision Authority may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the MGA to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.
- 51.4 A determination made by the Subdivision Authority that an application is complete for processing does not preclude the ability for the Subdivision Authority to request other information or studies to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as condition of subdivision approval.

SECTION 52 INCOMPLETE SUBDIVISION APPLICATIONS

- 52.1 The Subdivision Authority may refuse to accept and process a subdivision application where the information required under Section 51 and/or as described in a Notification of Incompleteness has not been submitted, is determined to be deficient, is still incomplete, or in the opinion of the Subdivision Authority the quality of the material supplied is inadequate to properly evaluate the application.
- 52.2 If the Subdivision Authority determines that the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in Section 51.2.
- 52.3 The notification provided for in Section 51.2(b) shall include for the applicant the required information on the filing of an appeal and to which appeal board body the appeal lies, either the local appeal board or provincial Municipal Government Board, in accordance with the parameters of the MGA.

SECTION 53 SUBDIVISION APPROVAL VALIDITY

- 53.1 Upon being satisfied that a plan of subdivision or other instrument complies with a subdivision approval and that any conditions have been met within 1 year from the date on which the subdivision application is approved, the Subdivision Authority must, in accordance with section 657 of the MGA, endorse the plan or other instrument.
- 53.2 The Municipal Planning Commission is hereby authorized to decide upon applications for subdivision approval endorsement extensions.
- 53.3 An application to extend the 1-year endorsement period of a subdivision approval may be made at any time to the Municipal Planning Commission.
- 53.4 An extension request must be denied or granted “as is” with the original content of the subdivision application and conditions of approval.
- 53.5 Where granted, an individual subdivision approval endorsement extension shall be for a period not exceeding 1 year and the total time from the date of the original approval shall not exceed 3 years.

SECTION 54 APPLICATION OF SUBDIVISION POLICIES

- 54.1 The policies of this section serve two functions:
- (a) they indicate the municipality’s overall policies in respect to subdivision; and
 - (b) they provide a framework for the “subdivision design standards” that will be incorporated into the land use bylaw in accordance with the MGA.
- 54.2 The policies of this part apply to the municipality (as defined) unless the lands are subject to an area structure plan or an intermunicipal development plan, in which case the policies of the applicable area structure plan or intermunicipal development plan apply to those lands.
- 54.3 The municipality shall not approve a subdivision application that does not comply with the policies of this plan unless the lands which are the subject of an application are subject to an area structure plan or an intermunicipal development plan and either of these plans, where applicable, allows the subdivision.
- 54.4 Where a habitable residence needs to be determined, a safety codes inspection may be required as part of the application and the results utilized in determining the completeness of the application in accordance with the administrative section of the land use bylaw.

- 54.5 If a subdivision application does not meet the use provisions of the Land Use Bylaw, the Subdivision Authority shall refuse the application or request the applicant to apply for a land use redesignation.

SECTION 55 GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

- 55.1 All subdivision applications shall be processed in accordance with section of the land use bylaw.
- 55.2 A subdivision application shall not be approved unless:
- (a) the services provided by the municipality can and will be coordinated with the creation of any new lots without undue public expenditure;
 - (b) each lot or parcel resulting from the subdivision, including any residual or parent parcel, has:
 - (i) each lot or parcel, including any residual parcel, has access to a public roadway; or
 - (ii) the lot has a means of access satisfactory to the Subdivision Authority which includes a panhandle, a registered easement, a registered access, right-of-way plan, or access derived through the municipality's Private Driveway Policy.;
 - (c) each lot meets the minimum lot size provided in the land use bylaw; and
 - (d) each lot or parcel resulting from the subdivision contains a suitable development area (as defined).
- 55.3 Subdivision applications shall be reviewed taking into consideration Alberta Environment's applicable guidelines that are established under the Water for Life Strategy, Stepping Back from the Water, Wetlands Policy, Public Lands Act, Water Act and any other or subsequent Act or Guide. The results of this review shall be considered by the municipality's Subdivision Authority prior to making a final decision on a subdivision application.
- 55.4 In order to determine the land's suitability for subdivision, pursuant to Section 654(1) of the Municipal Government Act, the Subdivision Authority may require the applicant to provide additional information, including but not limited to, percolation tests, slope stability reports, ground, soil and surface water tests, and the preparation of an area structure plan or conceptual scheme.
- 55.5 Applications for subdivisions which require geotechnical analysis or involve environmental matters shall be reviewed in accordance with the provincial "Environmental Reference Manual for the Review of Subdivisions in Alberta".

SECTION 56 VARIANCE OF MEASURABLE STANDARDS

- 56.1 Adherence to minimum lot size and measurable standards may be varied by the Subdivision Authority or the Subdivision and Development Appeal Board if:
- (a) the applicant has proven to the Subdivision Authority or Subdivision and Development Appeal Board the existence of a special or extenuating circumstance;
 - (b) the effect of the variance would not, in the Subdivision Authority's opinion, conflict with the agricultural or adjacent land uses in the area; and
 - (c) reasons for the variance are clearly stated in the decision made by the Subdivision Authority or the Subdivision and Development Appeal Board.
- 56.2 During the subdivision approval process, any variance granted for a required setback is for subdivision purposes only and does not apply to development. Development variances must be sought through the Development Authority under the land use bylaw.

APPEALS AND ENFORCEMENT

SECTION 57 APPEALS AND PROCEDURES

- 57.1 In accordance with the MGA, any person receiving a decision on a development permit or any other person affected by any order, decision or development permit made or issued by an approval authority may appeal to the Subdivision and Development Appeal Board or the provincial Land & Property Rights Tribunal, as the case may be within 21 days after the date on which the written decision is given.
- 57.2 Notwithstanding Section 57.1, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted pursuant to section 685(3) of the MGA.
- 57.3 In accordance with the MGA and the procedures outlined, any landowner who applied for subdivision and was refused an approval or had conditions attached to the approval, may appeal the decision to the Subdivision and Development Appeal Board, or the provincial Land & Property Rights Tribunal, as the case may be. Adjacent or affected landowners have no right to appeal a subdivision under the MGA.
- 57.4 An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal to the Subdivision and Development Appeal Board and shall be accompanied by the applicable fees.
- 57.5 The Subdivision and Development Appeal Board must hold an appeal hearing within 30 days of the receipt of a notice of appeal, and give its decision in writing together with reasons within 15 days after concluding the hearing, in accordance with the provision of the MGA.
- 57.6 Any decisions made by Council with respect to a Direct Control district are not subject to appeal to the Subdivision and Development Appeal Board pursuant to section 685(4) of the MGA.

SECTION 58 NOTICE OF VIOLATION

- 58.1 Where the Development Authority finds that a development or use of land or buildings is not in accordance with the MGA, the Subdivision and Development Regulation, a development permit or subdivision approval, or this Bylaw, the Development Officer may, prior to issuing a Stop Order, issue a notice of violation to the registered owner or the person in possession of the land or buildings or to the person responsible for the contravention.
- 58.2 Such notice shall state the following:
- (a) nature of the violation;
 - (b) corrective measures required to comply; and
 - (c) time period within which such corrective measures must be performed.

SECTION 59 STOP ORDERS

- 59.1 As set forth in the MGA, the Development Authority is authorized to issue an Order under section 645 of the MGA if a development, land use or use of a building is not in accordance with the MGA, the Subdivision and Development Regulation, a development permit or subdivision approval, or this Bylaw.
- 59.2 A person who receives a Stop Order under Section 59.1 may appeal the order to the Subdivision and Development Appeal Board within 21 days after the date on which the order is made.

SECTION 60 ENFORCEMENT OF STOP ORDERS

- 60.1 Pursuant to section 646 of the MGA, if a person fails or refuses to comply with an order directed to the person under section 645 or an order of a Subdivision and Development Appeal Board under section 687, the designated officer may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.
- 60.2 The Municipal District may register a caveat under the Land Titles Act in respect of an order referred to in Section 56.1 against the certificate of title for the land that is the subject of an order.
- 60.3 If a caveat is registered under Section 60.2, the Municipal District must discharge the caveat when the order has been complied with.
- 60.4 If compliance with a stop order is not voluntarily affected, the Municipal District may undertake legal action, including but not limited to, seeking injunctive relief from the Alberta Court of King's Bench pursuant to section 554 of the MGA. In accordance with section 553 of the MGA, the expenses and costs of carrying out an order under section 646 of the MGA may be added to the tax roll of the parcel of land.

SECTION 61 PENALTIES AND RIGHT OF ENTRY

- 61.1 Any person who contravenes any provision of this Bylaw is guilty of an offence in accordance with the applicable provincial legislation.
- 61.2 In accordance with section 542 of the MGA, a designated officer may, after giving reasonable notice to and obtaining consent from the owner or occupier of land upon which this Bylaw or MGA authorizes anything to be inspected, remedied or enforced or done by a municipality:
- (a) enter on that land at a reasonable time and carry out inspection, enforcement, or action authorized or required by the enactment or bylaw;
 - (b) request anything to be produced to assist in the inspection, remedy, enforcement or action; and
 - (c) make copies of anything related to the inspection, remedy, enforcement or action.
- 61.3 If a person refuses to grant consent or refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 542 of the MGA, the municipality under the authority of section 543 of the MGA may obtain a court order.

AMENDMENTS

SECTION 62 AMENDMENTS TO THE LAND USE BYLAW

- 62.1 Subject to section 692 of the MGA, any Section or Part of this Bylaw may be amended in accordance with Section 61 of this Bylaw.
- 62.2 Any person may apply to amend this Bylaw by making an application using the application form provided in Appendix A for a site-specific or textual amendment and submitting it to the Development Officer for processing and referral to Council. For a site-specific amendment, a signed authorization of the registered owner(s) consenting to the application for amendment shall be required.
- 62.3 As part of the application referred to in Section 62.2, the applicant must provide the information required under Section 63 of this Bylaw.

- 62.4 A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall be required to:
- (a) pay the Municipal District an application fee as set by Council; and
 - (b) provide, in writing, authorization and the right of entry for the Development Authority to such lands or buildings as may be required for investigation of the proposed amendment.
- 62.5 Upon receipt of an application to amend, the Development Authority shall:
- (a) initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment;
 - (b) prepare a report for the Council on the proposed amendment; and
 - (c) submit a copy of the report and all supporting materials to Council.
- 62.6 If it appears that the proposed amendment is one which is applicable to and for the benefit of Municipal District of Willow Creek No. 26 at large, or most of the persons affected in one area, or to the entire district, then Council may direct that the application fee be returned to the applicant.
- 62.7 The Municipal Planning Commission may, at any time on its own motion, present for the consideration of Council any proposed amendment to this Bylaw.
- 62.8 Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Development Authority for their report and recommendations.
- 62.9 Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the MGA regarding enactment of bylaws, section 692 specifically.

SECTION 63 LAND USE REDESIGNATION APPLICATION REQUIREMENTS

- 63.1 A request for redesignation from one land use district to another or text amendment which proposed to change criteria found in the land use bylaw shall be accompanied by the following information:
- (a) a completed application form and fee;
 - (b) a narrative describing the:
 - (i) proposed designation and future use(s);
 - (ii) consistency with the Municipal Development Plan and applicable statutory plans;
 - (iii) consistency with the South Saskatchewan Regional Plan and any applicable provincial legislation or policies (i.e. Water Act, Wetland Policy, etc.);
 - (iv) compatibility of the proposal with surrounding uses and zoning;
 - (v) the suitability of the site, including identification of any constraints and/or hazard areas, (i.e. easements, soil conditions, topography, drainage, etc.);
 - (vi) viability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property; and
 - (vii) access considerations including potential impacts on public roads;
 - (c) a diagram containing the following information prepared by a professional:
 - (i) the dimensioned development potential of the site, including proposed location of structures, access point, and any constraints and/or hazard areas (i.e. easements, soil conditions, topography, drainage, etc.) and a conceptual subdivision design;

- (ii) proposed location of facilities and services (sewage disposal, domestic water, gas, electricity) to serve the subject property dimensioned to property lines and structures;
- (d) a report prepared by a certified Private Sewage Disposal System (PSDS) installer or another qualified consultant that includes:
 - (i) a drawing that shows:
 - locations of springs, dugouts or well accessing ground water;
 - location of proposed system;
 - locations of test pit or bore hole;
 - location and size of the PSDS reserve system (if any);
 - (ii) documentation identifying soil characteristics and results of laboratory soil texture classification;
 - (iii) comments on the ability of a proposed system to be sited on the property and maintain required clearance distances;
- (e) an evaluation of surface drainage which may include adjacent properties; and
- (f) any other information deemed necessary by Council or the Municipal Planning Commission to properly evaluate the application and to understand the impacts and/or merits of the application.

63.2 Council or the Municipal Planning Commission may determine that some or all of the information under Section 63.1 is not necessary to be submitted with an application.

63.3 A determination that a redesignation application is complete by the Development Authority does not preclude the ability of Council to request additional information or studies to be submitted during the review and processing period, prior to a public hearing being held and closed.

SECTION 64 AREA STRUCTURE PLAN REQUIREMENT

64.1 An area structure plan may be required to be prepared, at the discretion of Council or the Municipal Planning Commission, in conjunction with a redesignation application or on its own, when any of the following apply (see Appendices C and D for more information):

- (a) more than four lots are proposed or could be created; or
- (b) developments with include multi-unit dwellings; or
- (c) mixed use developments; or
- (d) large isolated industrial or commercial uses; or
- (e) private recreation proposals; or
- (f) grouped commercial or industrial development; or
- (g) the proposed development is of a size, intensity, location, or any combination of the three, that warrants the benefit of a plan prepared pursuant to sections 633, 636 and 692 of the MGA;

if otherwise required by Council.

SECTION 65 DECISIONS ON AMENDMENTS TO THE LAND USE BYLAW

65.1 After considering the application and its supporting information, and representations made at the public hearing, and having regard for the South Saskatchewan Regional Plan, Municipal Development Plan, any other applicable statutory plan and this Bylaw, Council may, in accordance with section 216.4 of the MGA:

- (a) pass the proposed bylaw as is;
- (b) amend the proposed bylaw, without the need for further advertising or hearing, and then pass it;
- (c) refer the proposed bylaw back to administration for further review and/or changes, and reschedule the application for further consideration;
- (d) amend the proposed bylaw and then refuse it;
- (e) refuse the proposed bylaw as is.

SECTION 66 LAND USE REDESIGNATION REAPPLICATION

- 66.1 Where an application for an amendment to this Bylaw has been defeated by Council, another application that is the same or similar in nature may not be accepted until at least six (6) months after the date of defeat, unless Council applies its discretion in accordance with Section 66.2
- 66.2 Council, at its sole discretion, may accept another application for an amendment to the Land Use Bylaw on a bylaw that was defeated, prior to the six months described in Section 66.1, if the applicant applies in writing to Council and describes how the circumstances or proposal has changed to address Council's concerns on defeat of the previous bylaw, and Council is of the opinion the revised application may be accepted.

SECTION 67 RESCINDING LAND USE REDESIGNATIONS AMENDING BYLAWS (old Sec. 34)

- 67.1 Council, at its sole discretion, may rescind an amending bylaw which has redesignated certain lands within the municipality to accommodate a specific proposed subdivision and/or development. Council may rescind the said redesignation bylaw and rezone (redesignate) the lands back to their original designation if:
- (a) the proposed subdivision has not been applied for, decided upon or extended; and/or
 - (b) the proposed development has not been applied for, decided upon, commenced or extended; and
 - (c) Council is satisfied that, to the best of their determination, the developer has no intentions to proceed with the proposal that was the purpose of applying for the redesignation application,
- within 24 months of the redesignation bylaw being given third and final reading.
- 67.2 The rescinding of the redesignation bylaw shall be undertaken in accordance with section 191 of the MGA.

ADMINISTRATIVE DEFINITIONS

SECTION 68 ADMINISTRATIVE DEFINITIONS

The following definitions shall apply to the entire bylaw.

A

ABUTTING means to have a common boundary; to border on.

ACCESS, CONGRUENT LEGAL AND PHYSICAL means access to a parcel of land has both legal and physical access at the same location.

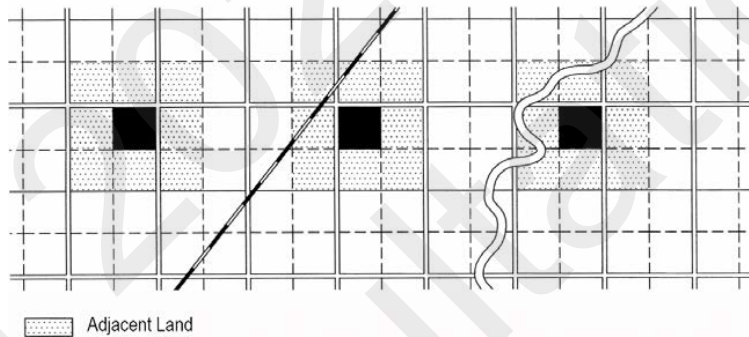
ACCESS, LEGAL means the right vested in an owner of a parcel of land the ability, opportunity, permission, or right to enter or pass to and from the land, without interference or obstruction. Legal access may be achieved directly for lands that abut a road or highway or by an access easement which allows one or more persons to access or use or travel across another's land to reach one or more parcels of land.

ACCESS, LEGAL AND PHYSICAL means a parcel of land abuts a road or highway or an access easement has been granted and that the legal access is developed, constructed or improved so that vehicles or persons can freely enter and exit the parcel.

ACCESS, PHYSICAL means a driveway, approach or other method of immediate ingress and egress, developed, constructed or improved so that vehicles or persons can go and return to a parcel(s) of land. Physical access may be achieved directly for lands that abuts a road by way of an approach from a developed and maintained municipal road or a highway.

ADDITION means construction that increases the footprint of an existing building or structure on a parcel of land. Typically, there will be a common connection from the existing building to the addition.

ADJACENT LAND OR ADJACENT means land that is contiguous to a parcel of land proposed for development, subdivision or redesignation and includes land that would be contiguous if not for a road, railway, walkway, water body, utility lot, right-of-way, reserve land or other similar feature.



ALTERATION means any structural change to a building that results in an increase or decrease in the area or the volume of the building; any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this Bylaw; structural change to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

AMENITY AREA means an area(s) within the boundaries of a development intended for recreational or leisure purposes. These may include landscaped areas, patios, balconies, swimming pools, beaches, and other similar items that are intended for public use.

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

APPROVED USE means a use of land and/or building for which a development permit has been issued by the Development Authority or the Subdivision and Development Appeal Board.

ARCHITECTURAL CONTROLS means a set of development guidelines or standards that have been established by the developer and registered on a certificate of title for the purpose of creating and maintaining a higher quality of development/construction than is the norm for a particular subdivision and/or development project. Standards normally address, but are not limited to, design diversity, square footage, roof slopes and materials, building cladding, landscaping, accessory buildings, setbacks, driveway materials and other appealing neighbourhood aesthetics and may also address building lot restrictions, special setbacks and lot grading.

AREA, BUILDABLE means the space created on a lot or parcel within which a building may be constructed once the setback requirements for a specific zoning district, and any site-specific limitations, have been considered. The portion of a lot remaining after all undevelopable areas, setbacks from property boundaries and other development constraints, and minimum yard dimensions have been deducted. The area on a lot that will accommodate the proposed development of a building. Also referred to as "building envelope."

AREA, FLOOR means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centerline of fire walls but not including the floor areas of basements, unfinished attics, passageways of a building, cellars, attached garages and open porches. All dimensions shall be outside dimensions.

AREA, LOT means the total area of a lot. Also called “gross area.”

AREA REDEVELOPMENT PLAN means a statutory plan, prepared in accordance with sections 634 and 635 of the *MGA* for the purpose of all or any of the following:

- (a) preserving or improving land and buildings in the area;
- (b) rehabilitating buildings in the area;
- (c) removing buildings from the area;
- (d) constructing or replacing buildings in the area;
- (e) establishing, improving or relocating public roadways, public utilities or other services in the area;
- (f) any other development in the area.

AREA STRUCTURE PLAN means a statutory plan prepared for the purpose of providing a framework for subsequent subdivision and development of an area of land (*MGA*, section 633) and that may be adopted by a Council by bylaw.

AS REQUIRED BY THE DEVELOPMENT AUTHORITY means that a standard or requirement of the Land Use Bylaw may be established or varied by the Development Officer or the Municipal Planning Commission, as the case may be, dependent on which entity has jurisdiction.

AS REQUIRED BY THE DEVELOPMENT OFFICER means that a standard or requirement of the Land Use Bylaw may be established or varied by the Development Officer.

AS REQUIRED BY THE MUNICIPAL PLANNING COMMISSION means that a standard or requirement of the Land Use Bylaw may be established or varied by the Municipal Planning Commission.

B

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

BARELAND CONDOMINIUM means a condominium in which the units are defined in relation to the land rather than in relation to a structure, created specifically through subdivision and registered as a condominium plan in accordance with the *Condominium Property Act*.

BARELAND CONDOMINIUM UNIT means a bareland unit as defined in the *Condominium Property Act*.

BASEMENT means the portion of a building or structure, which is partially or wholly below grade.

BED AND SHORE OF A WATER BODY means the land covered so long by water as to wrest it from vegetation or as to mark a distinct character on the vegetation where it extends into the water or on the soil itself.

BERM means a barrier, typically constructed of mounded earth, used to separate incompatible areas, uses, or functions, or to protect a site or development from noise. Furthermore, the Development Authority may require the berm to be landscaped.

BOULEVARD means that portion of a public road right-of-way that lies between a curb and the boundary of a lot or parcel.

BRID means the Bow River Irrigation District.

BUFFER means the systematic and careful planting of vegetation, placed to provide visual screening and/or physical separation between uses, buildings, sites or areas that the Development Authority has determined to be incompatible. If deemed necessary, the Development Authority may require a berm as part of the buffer.

BUILDING includes anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road (*MGA*, section 616a.1).

BUILDING CONVERSION means the adaptation of a building from the occupancy it was originally designed for to another occupancy.

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

BUILDING INSPECTOR means the person or persons hired to be the chief building inspector or building inspectors in and for Municipal District of Willow Creek No. 26.

BUILDING PERMIT means a certificate or document issued by the Safety Codes Officer pursuant to provincial legislation authorizing commencement of construction.

BUILDING SETBACK means the shortest distance between the exterior foundation wall of the building and the nearest lot line. Depending on the zoning district, the minimum setback will vary.

BUILDING WIDTH, MINIMUM means the minimum horizontal distance of the building's living space measured parallel to the shortest exterior wall of the building and perpendicular to the longest exterior wall of the building and excludes porches, decks, patios, balconies, carports, garages, unheated storage space, porte-cochere and other similar architectural features.

BYLAW means the current Land Use Bylaw of the Municipal District of Willow Creek No. 26.

C

CERTIFICATE OF COMPLIANCE means a document signed by the Development Authority, certifying that a development complies with this Bylaw with respect to yard requirements and insofar as represented on an Alberta Land Surveyors' Real Property Report.

CHANGE OF USE means the conversion of land or building, or portion thereof from one land use activity to another in accordance with the Permitted or Discretionary Uses as listed in each land use district.

COMMON WALL means a vertical separation completely dividing a portion of a building from the remainder of the building and creating in effect a building which, from its roof to its lowest level, is separate and complete unto itself for its intended purpose, such wall being owned by one party but jointly used by two parties, one or both of whom is entitled to such use by prior arrangement.

COMMUNITY CONSULTATION means the process and its documented information gathered from the public to record their opinion on development applications.

CONCEPTUAL SCHEME means a detailed site layout plan for a parcel of land and which describes the following elements:

- (a) the location of all existing and proposed buildings;
- (b) the location of all existing and proposed uses;
- (c) the anticipated relationship between the proposed development with the surrounding area;

- (d) the potential effect of the proposed development on the surrounding area;
- (e) the proposed layout of all access roads, interior roads, utility services, easements, landscaping and other amenities, parking, and fencing;
- (f) desired future development/phases until the project reaches its full build out stage;
- (g) any other elements deemed necessary for approval, to the satisfaction of the Development Authority.

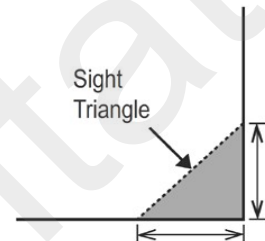
A comprehensive conceptual scheme shall be accompanied by a written overview which shall include an evaluation of impacts on adjacent land uses and how any impacts will be mitigated.

CONDOMINIUM means a building or structure where there exists a type of ownership of individual units, generally in a multi-unit development or project where the owner possesses an interest as a tenant in common with other owners in accordance with the provisions of the *Condominium Property Act*.

CONDOMINIUM PLAN means a plan of survey registered at a Land Titles Office prepared in accordance with the provisions of the *Condominium Property Act, Revised Statutes of Alberta 2000, Chapter C-22*.

CONTIGUOUS means the development of areas immediately adjacent to one another without intervening vacant land or undevelopable lands.

CORNER VISIBILITY OR CLEAR SIGHT TRIANGLES means a triangular area on a corner lot that comprises two sides which are measured from the intersection corner for a distance specified in this Bylaw. The third side of the triangle is a line joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.



COUNCIL means Council of Municipal District of Willow Creek No. 26.

MUNICIPAL DISTRICT means Municipal District of Willow Creek No. 26, either as a whole, with reference to its geographic extent, or as corporate body, including its administration and elected Council.

CRITICAL WILDLIFE ZONE means an area which is essential to a significant number of individuals of a species during at least part of the year. This can include, for example, wintering areas for ungulates, nesting or staging areas for waterfowl, colony sites for colonial nesters, and over-wintering areas for upland birds.

CUMULATIVE EFFECT means the resulting combined impacts of past, present and reasonably foreseeable future actions on the landscape. They are the total effect, both direct and indirect impacts, to any resource, ecosystem or human community no matter who has taken the action.

CUT-OFF PARCEL means a parcel of land that is separated from the remainder of the quarter section by:

- (a) a permanent irrigation canal;
- (b) a watercourse;
- (c) a railway;
- (d) a graded public roadway or highway;
- (e) an embankment.

The affected parcel must be cut off in such a way that it is impractical to operate as part of an agricultural operation.

D

DECK means an uncovered or covered horizontal structure off the first storey floor level of a building and intended for use as a private outdoor amenity space.

DEMOLITION means the pulling down, tearing down or razing of a building or structure.

DEVELOPED RESIDENCE means a legal dwelling (with a development permit) that is both habitable (defined by Alberta Health) and structurally sound (defined by the Alberta Building Code).

DEVELOPED RESIDENTIAL SITE means a parcel of land that includes the following:

- (a) a legally approved dwelling;
- (b) developed legal access;
- (c) the provision of a reliable supply of potable water;
- (d) a functional sewage disposal system;
- (e) electrical utilities available to the site; and
- (f) may include natural gas utilities available to the site.

DEVELOPER means a person or an owner of land who wishes to alter the title to the property and change the use of the property from its existing use.

DEVELOPMENT has the same meaning as section 616(b) of the *MGA* which defines development in the following way:

- (a) an excavation or stockpile and the creation of either but does not include turning over soil with no immediate activity on the land in the near future;
- (b) a building or an addition to, or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;
- (c) a change of use, 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.

DEVELOPMENT AGREEMENT means a contractual agreement completed between the municipality and an applicant or developer, which specifies the services and infrastructure that are to be provided by the applicant or developer as a condition of development approval. The agreement must be in accordance with sections 648, 650, 654 and 655 of the *MGA*. As directed by section 650(2) or sections 655(2) of the *MGA*, the Municipal District may register a development agreement as a caveat on the title for the parcel of land to which the agreement applies.

DEVELOPMENT AUTHORITY means the Municipal Planning Commission or the Development Officer, as provided for within this Bylaw.

DEVELOPMENT COMMENCEMENT means the instigation of physical, on the ground activities required to carry out a development permit, evidencing appreciable intent to complete the development in accordance with an approved development permit.

DEVELOPMENT OFFICER means a person authorized by Council to act as a Development Authority, as directed by section 624(2) of the *MGA* and in accordance with the municipality's Municipal Planning Commission Bylaw.

DEVELOPMENT PERMIT means a document that is approved under this Land Use Bylaw by the Development Authority, and authorizes development on a parcel as directed by the permit.

DEVELOPMENT STANDARDS are regulations prescribed in this Bylaw governing the manner in which development is to be effected, including the scale, placement, spacing and quality of development. Development standards that can be accurately measured are often referred to as "dimensional standards" or "measurable standards."

DESIGN GUIDELINES refer to policies established and adopted by Council, separate from this Bylaw, that prescribe technical requirements respecting the design, construction and maintenance of roads, infrastructure, and other matters.

DISCONTINUED means the time at which, in the opinion of the Approving Authority, substantial construction activity has stopped, or a non-conforming use or conforming use has ceased.

DISTRICT means an area of land use zoning established under Schedule 2 and the Land Use Districts Maps in this Land Use Bylaw.

DOMESTIC PET means an animal that is kept for domestic purposes. A domestic pet may include the following: cat, dog, ferret, gerbil, guinea pig, hamster, rabbit, iguana or small non-poisonous amphibians, reptiles, caged birds, and other similar animals typically sold in pet stores and kept as pets. The Development Authority may include other animals as domestic pets on a case-by-case basis after due consideration of the potential impact on neighbouring property and residents.

E

EASEMENT means a right held by one party on land owned by another (a dominant and servient tenement), typically for access thereto or to accommodate a utility over the parcel, and is typically registered on title.

EAVE means the overhang or extension of a roof line beyond the vertical wall of a building.

EFFLUENT means the liquid discharged from any on-site wastewater treatment system component.

EMBANKMENT means an earth bank constructed so that it is raised above the immediately surrounding land, with the specific purpose to redirect water or prevent flooding by a river, lake, canal, or other water body, or to carry a road, railway, or canal across a low-lying area.

ENVIRONMENTAL ASSESSMENT, IMPACT (EIA) means a comprehensive report professionally prepared by a qualified professional (i.e. engineer, biologist) assessing the impacts a proposed development may have on the environment, as well as the mitigation measures that can be taken to minimize these impacts.

ENVIRONMENTAL ASSESSMENT, SITE (ESA) means a comprehensive report professionally prepared by a qualified professional (i.e. engineer, biologist) to determine the environmental condition of a property and its suitability to support development. This includes a Phase 1 ESA, Phase 2 ESA or a Phase 3 ESA.

ENVIRONMENTALLY SIGNIFICANT AREA means

- (a) areas identified in the Environmentally Significant Areas of Municipal District of Willow Creek No. 26 (1989) Cottonwood Consultants Study;
- (b) areas which perform a vital environmental, ecological or hydrological function such as aquifer recharge;
- (c) areas which contain a unique geological or physiographic features;
- (d) areas which contain significant, rare or endangered species;
- (e) areas which are unique habitats with limited representation in the region or a small remnant of once large habitats which have virtually disappeared;
- (f) areas which contain large and relatively undisturbed habitats and provide shelter habitat for species which are intolerant of human disturbance;
- (g) areas which contain plants, animals, or landforms which are unusual or of regional, provincial or national significance; and
- (h) areas which provide an important linking function and permit the movement of wildlife over considerable distance.

ENVIRONMENTAL RESERVE means any parcel of land specified as environmental reserve by the Subdivision Authority (*MGA*, section 664) and designated in a certificate of title in the name of Municipal District of Willow Creek No. 26.

ENVIRONMENTAL RESERVE EASEMENT means any parcel of land specified as environmental reserve by the Subdivision Authority (*MGA*, section 664) where the ownership of land stays with the landowner but an easement is registered in favour of Municipal District of Willow Creek No. 26.

EXCAVATION means the process of altering the natural elevation of the ground by grading, cutting, stripping, filling or breaking of ground, but does not include common household gardening and ground care, excavation made for the building of basements, structures, landscaping, or parking for which a development permit has been issued, or extensive agriculture. Gravel pit, mineral extraction and any other similar extractive use are not classified as excavation and are a separate use.

EXCLUSIVE USE AREA means an area not exceeding 140 m², pursuant to the *Condominium Property Act* and the *Planning Exemption Regulation* respectively, leased to a person for his or her sole use and exclusive possession.

EXISTING PARCEL means a parcel of land in Municipal District of Willow Creek No. 26. A parcel of land is defined in the *MGA* (section 616) as follows: the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a Land Titles Office. Where the lot size for a certain use is listed as “existing parcels,” it is meant that this parcel is not eligible for subdivision.

EXOTIC ANIMALS means an introduced, alien, non-indigenous, or non-native animal, which has arrived by human activity, either deliberate or accidental. Examples of exotic animals in the Municipal District may include, but are not limited to, llamas, alpacas, ostriches, and other non-native species that may be owned and maintained as part of an agricultural operation.

F

FARM HELP means a person(s) who is engaged in an agricultural operation on agricultural lands.

FARMSTEAD means a part of a parcel:

- (a) that is presently or was formerly used as the site for a dwelling as part of an agricultural operation;
- (b) that typically includes agricultural buildings such as quonsets, grain bins, sheds, and ancillary structures such as corrals, dugouts, storage areas for farm machinery, equipment and products;
- (c) that is relatively compact and well defined by topography, shelterbelts or other physical characteristics;
- (d) that does not include any cultivated farmland, pasture land or lands unsuitable for agricultural production unless included within the shelter belt and/or physically defined area. Fencing alone shall not constitute a physically defined area if it encompasses agricultural land or other lands that are not necessary for habitation, unless it is proven to be impractical to do so.

FENCE means a vertical physical barrier constructed to prevent visual intrusions, unauthorized access, to confine or exclude livestock, to private sound abatement, or to delineate property lines.

FIRE PROTECTION includes fire detection, prevention and suppression.

FLOOD, DESIGN refers to the water level reached in a flooding event that has a defined chance (i.e. 1%) of being equalled or exceeded in any year, as determined in accordance with the technical criteria established by Alberta Environment and Parks.

FLOOD FRINGE refers to the portion of the flood hazard area outside of the floodway. Water in the flood fringe is generally shallower and flows more slowly than in the floodway. Where allowed, new development in the flood fringe should be floodproofed.

FLOOD HAZARD AREA is the area of land that will be flooded during a design flood, as determined by Alberta Environment and Parks or Municipal District of Willow Creek No. 26. The flood hazard area is divided into two zones: floodway and flood fringe.

FLOOD INUNDATION MAPS show areas at risk for different sized floods, including ice jam floods in some communities. These maps also identify areas that could be flooded if local berms fail, and are typically used for emergency response planning and to inform local infrastructure design. In flood hazard studies that have been completed since the 2013 Alberta floods, as many as 13 scenarios have been modelled for a specific community, spanning the 1:2 flood to the 1:1000 flood.

FLOODWAY means the inner portion of a flood risk area where the risk of flood is greatest and floodwaters are the deepest, fastest, and most destructive. The floodway typically includes the main channel of a stream as well as the adjacent overbank area necessary to effectively convey floodwaters. New development in the floodway is prohibited.

FOOTPRINT means the shape of the building/structure where it sits on the parcel. If an outline of the building could be drawn on the ground where it sits and then the building removed, the footprint is the shape that was drawn around the building. Changing the footprint of the building means adding to it or removing from it in such a way that this outline would be altered.

FOUNDATION means the supporting base structure of a building which has been designed and engineered to support the associated weight of the building or structure.

FRONTAGE means the length of a roadway boundary measured along the front parcel line. On double fronting lots all sides of a parcel adjacent to roadways shall be considered frontage.

FULL BUILD OUT STAGE means the point at where a development, as conceived and disclosed by the developer in keeping with the carrying capacity of the land and the limitations in the applicable land use district, has reached its final outcome/stage to the extent known at the time of disclosure. The ability or intention to develop an accessory building(s) or use(s) shall not normally elicit an interpretation that a development has not reached its full build out stage.

G

GEOTECHNICAL REPORT means a report prepared by a qualified and registered professional with the Association of Professional Engineers and Geoscientists of Alberta (APEGA) summarizing a comprehensive subsurface investigation of a parcel. All geotechnical reports should contain certain basic essential information, including:

- (a) summary of all subsurface exploration data, including subsurface soil profile, exploration logs, laboratory or in situ test results, and ground water information;
- (b) interpretation and analysis of the subsurface data;
- (c) specific engineering recommendations for design;
- (d) discussion of conditions for solution of anticipated problems; and
- (e) recommended geotechnical special provisions.

GRADE, BUILDING (as applied to the determination of building height) means the average level of finished ground adjoining the main front wall of a building (not including an attached garage), except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

H

HAMLET means a rural settlement, generally too small to be incorporated as a Village, which has been designated as a Hamlet by the Municipal District. From the MGA, section 59(2), an unincorporated community may be designated a hamlet if the community:

- (a) consists of five or more buildings used as dwellings, a majority of which are on parcels of land smaller than 1850 m² (0.5 acre) (20,000 ft²);
- (b) has generally accepted boundary and name; and
- (c) contains parcels of land that are used for non-residential purposes.

HIGHWAY means a public road that is designated as a provincial highway and is under provincial jurisdiction. Within the Municipal District, such highways include the following: Highway 2, 3, 507, 511, 519, 520, 527, 529, 533, 785, 810, and 811,.

HOLDING TANK means a tank designed to retain wastewater or effluent until transferred into mobile equipment for treatment offsite.

HOMEOWNERS' ASSOCIATION means a non-profit organization that requires membership for residential property owners in a specific development area, that secures its membership fees by a caveat or encumbrance on each residential property title and that is established for the purpose of:

- (a) managing and maintaining the common property, facilities and amenities of the development area for the benefit of the residents of the development area;
- (b) enhancing the quality of life for residents of the development area or enhancing the programs, public facilities or services provided to the residents of the development area; or
- (c) providing non-profit sporting, educational, social, recreational or other activities to the residents of the development area.

L

LAGOON means a man-made pond for the storage, treatment, and stabilization of wastewater or effluent.

LAND CAPABILITY refers to the ability of the land to support a given land use, based on an evaluation of the physical, chemical and biological characteristics of the land, including topography, drainage, hydrology, soils and vegetation.

LAND-LOCKED PARCEL means a parcel does not have a means of physical access.

LANDSCAPING means creating a desired condition on a parcel of land by combining introduced plants with existing site features and/or introduced elements such as fences, walls, berms, paths, and other similar features. Landscaping is often required as a condition of a development permit to improve the quality of the site.

LAND USE DISTRICTS are specifically delineated planning areas within Municipal District of Willow Creek No. 26. Regulations prescribed in this Bylaw govern the use of land within the districts, as well as provide minimum standards for development through stipulations pertaining to the scale, placement, spacing and quality of buildings and structures. All land use districts referred to in this Bylaw are shown on the Land Use Districts Map found in Schedule 1 of this Bylaw.

LANE or LANEWAY means a public thoroughfare, which provides a secondary means of access to a lot or lots.

LICENSED AIRSTRIP means land licensed as an airstrip as determined by the appropriate federal department.

LOT in accordance with the *MGA*, means:

- (a) a quarter section;
- (b) a river lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a Land Titles Office;
- (c) a settlement lot shown on an official plan as defined in the *Surveys Act*, that is filed or lodged in a Land Titles Office;
- (d) a part of a parcel where the boundaries of the parcel 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.

LOT, CORNER means a lot located at the intersection of two or more streets.

LOT FRONTAGE means the front lot line or that side of a lot abutting a public roadway, but does not include any side abutting a lane, unless said lane is the only means of physical access to a lot.

LOT, INTERIOR means a lot situated between two lots or another lot and a lane and having access to not more than one street.

LOT LENGTH means the horizontal distance between the front and the rear lot lines measured along the median between the side lot lines.

LOT LINE means a legally defined boundary of any lot. The term property line and boundary line have the corresponding meaning.

LOT WIDTH means the horizontal distance between the side lot lines measured at a point perpendicular to the front property line.

M

MAINTENANCE means the upkeep of a building or property that does not involve structural change, the change of use, or the change in intensity of use.

MATTERS RELATING TO SUBDIVISION AND DEVELOPMENT REGULATION means regulations established by order of the Lieutenant Governor in Council pursuant to section 694 of the *MGA* that governs the subdivision application process.

MAY is a discretionary term, providing notification that the regulation in question can be enforced if the Municipal District chooses to do so, and is usually dependent on the particular circumstances of the specific parcel and application.

MEASURABLE STANDARD means a dimensional standard stipulated in the current Land Use Bylaw.

MOTOR VEHICLE means a motor vehicle that, at the point of its original manufacture, meets the definition as defined in the *Traffic Safety Act*.

MOTOR VEHICLE, UNREGISTERED AND/OR INOPERATIVE means a motor vehicle as defined by this Bylaw that is either not registered through the *Traffic Safety Act* or is inoperative, or both. For the purposes of this definition, inoperative means the motor vehicle cannot be used in its present condition for the purpose for which it was manufactured.

MUNICIPAL DEVELOPMENT PLAN means a statutory plan, formerly known as a General Municipal Plan, adopted by Bylaw (*MGA*, section 632).

MUNICIPAL GOVERNMENT ACT (MGA) means the *Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26*.

MUNICIPAL HISTORIC RESOURCE means a heritage resource, together with any land in or on which it is located, designated by Council as a Municipal Historic Resource by bylaw, whose preservation is considered to be in the public interest.

MUNICIPAL PLANNING COMMISSION (MPC) means the committee authorized by Council to act as the Subdivision Authority pursuant to section 623 of the *MGA* and Development Authority pursuant to section 624 of the *MGA*, and in accordance with the Municipal Planning Commission Bylaw.

MUNICIPAL/SCHOOL RESERVE means the land specified to be municipal and school reserve by a subdivision approving authority (*MGA*, section 666).

MUNICIPAL SERVICING INSTALLATIONS means the installation of municipal services such as, water and sewer, roads, storm water drainage facilities, parks, and fire protection.

N

NOISE EXPOSURE FORECAST means a system which provides a measurement of the actual and forecasted aircraft noise near airports. This system factors in the subjective reactions of the human ear to the specific aircraft noise stimulus: loudness, frequency, duration, time of occurrence and tone.

NOISE IMPACT ASSESSMENT means a detailed noise survey which establish the environmental noise impacts of a development.

NON-COMPLIANCE means a development constructed, or use undertaken after the adoption of the current Land Use Bylaw and does not comply with the current Land Use Bylaw.

NON-CONFORMING BUILDING means a building:

- (a) that is lawfully constructed or lawfully under construction at the date of a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective; and
- (b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw. [MGA, Part 17, section 616(q)]

NON-CONFORMING USE means a lawful specific use:

- (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date of a Land Use Bylaw or any amendment thereof affecting the land or building becomes effective; and
- (b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the Land Use Bylaw. [MGA, Part 17, section 616(r)].

NON-SERVICED means in respect to a lot or parcel that neither a municipal water system nor a municipal sewage system services it.

NUISANCE means anything that is obnoxious, offensive or interferes with the use or enjoyment of property, endangers personal health and safety, or is offensive to the senses. This could include that which creates or is liable to create a nuisance through emission of noise, smoke, dust, odour, heat, light, fumes, vibration, fire or explosive hazard; results in the unsightly or unsafe storage of goods, salvage, junk, waster or other material; or poses a hazard to health and safety.

O

OFF-SITE LEVY means the rate established by a separate bylaw of Council (MGA, section 648(1)) that will be imposed upon owners and/or developers who are increasing the use of utility services, traffic services, and other services directly attributable to the changes that are proposed to the personal property. The revenues from the off-site levies will be collected by the municipality and used to offset the future capital costs for expanding utility services, transportation network, and other services that have to be expanded in order to service the needs that are proposed for the change in use of the property.

OFF-STREET LOADING SPACE means an open area, typically located in the rear yard space, designed expressly for the parking of haulage vehicles while loading or unloading.

OFF-STREET PARKING means a lot or portion thereof, excluding a public roadway which is used or intended to be used as a parking area for motor vehicles.

OFF-STREET PARKING SPACE means an off-street area available for the parking of one motor vehicle. Every off-street parking space shall be accessible from a street, lane or other public roadway.

ON-SITE WASTEWATER TREATMENT SYSTEM means a system for the management and/or treatment of wastewater at or near the development that generates the wastewater, including that portion of the building sewer, including the final soil-based effluent dispersal and treatment system but does not include the plumbing building drain from the development, which ends 1 m (3.25 ft) outside a building.

ORIENTATION means the arranging or facing of a building or other structure with respect to the points of the compass.

OWNER means:

- (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:
 - (i) the purchase of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or
 - (ii) in the absence of a person described in paragraph (i), the person registered under the *Land Titles Act* as the owner of the fee simple estate in the land;
- (c) the person shown as the owner of land on the assessment roll.

P

PACKAGED SEWAGE TREATMENT PLANT means a manufactured unit that is used to substantially improve the effluent quality beyond the quality of effluent expected of a septic tank.

PARCEL means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a Land Titles Office (*MGA*, section 616(s)).

PARTIALLY SERVICED LOT means a lot that is provided water or sewer serviced by either:

- (a) a municipal water line or a municipal sewer line; or
- (b) an incorporated organization or co-operative, recognized by the municipality, that is operating a provincially approved water or sewer system.

PATIO means an outdoor area with an uncovered horizontal structure with a surface height no greater than 0.61 m (2 ft) above grade and intended for use as a private outdoor amenity space.

PLAN OF SUBDIVISION means a plan of survey prepared in accordance with the relevant provisions of the *Land Titles Act* for the purpose of effecting a subdivision.

PLANNER OR PLANNING ADVISOR means the person or organization retained by Municipal District of Willow Creek No. 26 to provide land use planning-related advice and services.

PLANNING EXEMPTION REGULATION means *Alberta Regulation 223/2000* or its successor.

PRINCIPAL BUILDING means a building which:

- (a) occupies the major or central portion of a lot;
- (b) is the chief or main building on a lot; or
- (c) constitutes, by reason of its use, the primary purpose for which the lot is used.

PRINCIPAL USE means the primary purpose for which a lot, parcel, or building is used or intended to be used in the opinion of the Development Authority.

PRIOR TO RELEASE means a provision where a development permit condition must be completed prior to a development permit becoming effective.

PRIVATE SEWAGE DISPOSAL SYSTEM means the whole or any part of a system for the management, treatment and disposal of sewage on the site where the sewage is generated but does not include anything excluded by the regulations.

PRIVATE SEWAGE INSTALLER means a person who holds a private sewage installer certificate of competency issued pursuant to the *Safety Codes Act*.

PROHIBITED USE means one or more uses of land or buildings that are either described in a land use district as prohibited uses or are not listed as either permitted or discretionary uses and are not deemed to be similar in nature to either a permitted or discretionary use within a particular land use district.

PROPERTY LINE means any boundary of a parcel.

PROPERTY LINE, FRONT means the property line adjacent to:

- (a) the public roadway other than a lane, and, in the case of more than one property line adjacent to the public roadway, the front property line shall be the side that gains access to the property; and
- (b) the internal subdivision road when the parcel abuts an internal subdivision road.

PROPERTY LINE, REAR means the property line furthest from opposite the front property line.

PROPERTY LINE, SIDE means a property line other than a front or rear property line.

PROVINCIAL OR FEDERAL REGULATION AUTHORITY means any provincial or federal regulatory body which may have guidelines, permit requirements, and/or restrictions on land and/or development.

PUBLIC ACCESS means a parcel of land, easement, or other method that is used by the public to enter or exit a parcel, subdivision or other feature.

PUBLIC OPEN SPACE means land, which is not in private ownership and is open to use by the public.

Q

QUALIFIED PROFESSIONAL means a professional educated in their field of practice or study and whom can demonstrate appropriate knowledge, expertise and abilities and one who practices the principle of professional accountability (architect, landscape architect, land use planner, municipal planner, biologist, civil engineer, geotechnical engineer, municipal engineer, Alberta Land Surveyor, agrologist, geoscientist, hydrologist). A qualified professional can be described as an expert with specialized knowledge in the field which one is practicing professionally and practices a high standard of professional ethics, behaviour and work activities while carrying out one's profession.

QUARTER SECTION means a titled parcel of land approximately 64.8 ha (160 acres) in size and originally established by the Dominion Land Survey.

QUARTER SECTION, UNSUBDIVIDED means a titled area of 64.8 ha (160 acres) more or less and originally established by the Dominion Land Survey, but excluding road widening, previous subdivision for school sites and other public uses.

R

REAL PROPERTY REPORT (RPR) means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries prepared by a registered Alberta Land Surveyor.

REGIONALLY SIGNIFICANT AREA means a public park, designated historic or archaeological site, environmentally sensitive area, forest reserve or any similar facility owned and/or administered by any level of government, including provincial highways.

RESIDUAL LOT means the portion of a parcel which is not the primary objective of a subdivision and will be the remainder area of the original title once a subdivision has occurred.

RIGHT-OF-WAY means an area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines).

RIPARIAN AREAS are vegetative and wildlife areas strongly influenced by water that occur adjacent to streams, shorelines and wetlands which are delineated by the existence of plant species normally found near freshwater.

ROAD means land:

- (a) established as a statutory roadway that may or may not have been constructed to the municipality's standard and which may or may not be maintained for public transport;
- (b) shown as a road on a plan of survey that has been filed or registered in a Land Titles Office that may or may not have been constructed to the municipality's standard and which may or may not be maintained for public transport;
- (c) used as a public road, and includes a bridge forming part of a public road and any structure incidental to a public road.

S

SAFETY CODES means a code, regulations, standard, or body of rules regulating things such as building, electrical systems, elevating devices, gas systems, plumbing or private sewage disposal systems, pressure equipment, fire protection systems and equipment, barrier free design and access in accordance with the *Safety Codes Act*.

SCREENING means a fence, earth berm, hedge or trees used to visually and/or physically separate areas or functions.

SEASONAL means a term as defined by the Development Authority and typically not exceeding six months in a calendar year.

SECURITY means a cash deposit or an irrevocable letter of credit provided by a developer to ensure the conditions of a development agreement, subdivision condition or development permit condition are carried out to the satisfaction of the Development Authority.

SEPTIC TANK means a tank or chamber(s) within a tank used to provide primary treatment of wastewater through the process of settling and floating of solids and in which digestion of the accumulated sludge occurs.

SERVICE ROAD means a road located adjacent to a provincial highway or local road, which is intended to provide access to one or more subdivided parcels.

SERVICED means a parcel or a lot that is or will be connected to a municipal water system and municipal sewage system.

SETBACK means the minimum distance required between a property line of a lot and the nearest part of any building, structure, development, excavation or use on the lot, with the exception of grazing, and is measured at a right angle to the lot line.

SHALL means that an action is mandatory.

SHELTERBELT means one or more rows of trees or shrubs planted for the purpose of providing protection from wind and preventing the erosion of soils.

SHOULD means that an action is recommended but not mandatory.

SIMILAR USE means a use of land or building(s) for a purpose that is not provided in any district designated in this Bylaw, but is deemed by the Development Authority to be similar in character and purpose to another use of land or buildings that is included within the list of uses prescribed for that district.

SITE means that part of a parcel or a group of parcels on which a development exists or which an application for a development permit is being made.

SITE COVERAGE means the percentage of the lot area which is covered by all buildings and structures on the lot.

SITE COVERAGE, ACCESSORY means the percentage of the lot area which is covered by the combined area of all accessory buildings and structures and includes uncovered decks.

SITE COVERAGE, PRINCIPAL means the percentage of the lot area which is covered by the principal building including any structure attached to the principal building by an open or enclosed roofed structure, including but not limited to attached garages, carports, verandas, covered balconies, covered decks, and porches.

SITE PLAN means a plan drawn to scale illustrating the proposed and existing development prepared in accordance with the requirements of this Bylaw.

SLOPE-ADAPTIVE DEVELOPMENT refers to development effected on hillsides and other comparably steep lands that is planned and designed in accordance with the existing terrain to achieve compatibility with the physical environment.

SOIL HORIZON means a layer of soil or soil material approximately parallel to the land surface; it differs from adjacent genetically related layers in properties such as colour, structure, texture, consistence, and chemical, biological, and mineralogical composition.

SOUTH SASKATCHEWAN REGIONAL PLAN means the regional plan and regulations established by order of the Lieutenant Governor in Council pursuant to the *Alberta Land Stewardship Act*.

STATUTORY PLAN means a Municipal Development Plan (MDP), Intermunicipal Development Plan (IMDP), Area Structure Plan (ASP) or Area Redevelopment Plan (ARP) prepared and adopted pursuant to the requirements of the *MGA*.

STICK BUILT BUILDINGS means structures or buildings that are built on site with one piece of lumber at a time.

STOCKPILE means the temporary storage of materials on or off a hard surface including but not limited to soil, manure, forage or feed crops, or machinery.

STOP ORDER means an order issued by the Development Authority pursuant to section 645 of the *MGA*.

STOREY means the space between the top of any floor and the top of the next floor above it and if there is no floor above it, the portion between the top of the floor and the ceiling above it, but does not include a basement.

STORM WATER means water discharged from a surface as a result of rainfall or melting snowfall.

STRUCTURE means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards and poster panels.

SUBDIVISION means the division of a parcel by an instrument that creates separate titles according to the *MGA, Part 17, Division 7*. Subdivide has a corresponding meaning.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD means an appeal board established by Council pursuant to the *MGA*, or the provincial Land & Property Rights Tribunal, as the case may be.

SUBDIVISION APPROVAL means the approval of a subdivision by the Subdivision Authority.

SUBDIVISION AUTHORITY means the body established by bylaw to act as the subdivision authority (*MGA*, section 623).

SUBSIDENCE means a localized downward settling or sinking of a land surface, whether caused by natural processes such as geological faulting or by human-induced activities such as groundwater depletion or subsurface mining.

SURFACE, HARD means an asphalt or concrete surface or other similar surface approved by the Development Authority but excludes rocks, gravel and dirt.

SURFACE, IMPERMEABLE means a surface that is not porous and does not allow fluids to pass through the surface.

SURFACE, PERMEABLE means a surface that is porous and will allow fluids to filtrate through the surface.

T

TEMPORARY DEVELOPMENT means a development for which a development permit has been issued for a limited time period as established by the Development Authority, or as set out in this Bylaw.

TREATMENT FIELD means a system of effluent dispersal and treatment by distributing effluent within trenches containing void spaces that are covered with soil and includes conventional, chamber system, gravel substitute, and raised treatment fields.

TREATMENT MOUND means a system where the effluent is distributed onto a sand layer and is built above grade to overcome limits imposed by depth to seasonally saturated soil or bedrock, or by highly permeable or impermeable soils.

U

URBAN MUNICIPALITY means the area of a city, town or village, defined by a specified boundary.

USE means the purposes for which land or a building is arranged or intended, or for which either land, a building or a structure is, or may be, occupied and maintained.

USE, DISCRETIONARY means those uses as prescribed in Schedule 2 of this Bylaw for which a development permit may be issued with or without conditions by the Development Authority at its discretion upon application having been made to the Development Authority if the proposed use conforms to this Bylaw. Since the merit of these uses may vary depending on location and other mitigating circumstances, permit applications must be reviewed by the Municipal Planning Commission, or, in certain instances, the Development Officer.

USE, EXISTING means a use that was in existence prior to the passing of this Bylaw.

USE, PERMITTED means those uses as prescribed in Schedule 2 of this Bylaw for which a development permit shall be issued with or without conditions by the Development Authority provided the use complies with any applicable standards. All Permitted Uses require the issuance of a development permit, unless exempted under this Bylaw.

V

VIEWSCAPE means the area visible from a point, line, arc, or specific locality that is of scenic or historic value deemed by Council to be in the broader public interest worthy of preservation.

W

WAIVER means the relaxation or variance of a development standard as established in this Bylaw.

WASTE MANAGEMENT TRANSFER STATION means a facility for the collection and temporary holding of solid waste in a transferable storage container.

WASTEWATER TREATMENT PLANT has the same meaning as referred to in the *Subdivision and Development Regulation* and as in the *Environmental Protection and Enhancement Act*. This definition also includes a wastewater treatment stabilization plant.

WATER BODY means any location where water flows or is present, whether or not the flow or the presence of water is continuous or intermittent.

WATER TREATMENT PLANT AND RESERVOIRS means any facility used in the collection, treatment, testing, storage, pumping, or distribution of water for public water system.

WATER WELL means an opening in the ground, whether drilled or altered from its natural state, that is used for the production of groundwater for any purpose, and includes any related equipment, buildings, structures and appurtenances.

WATERCOURSE means a naturally occurring, flowing water body.

WETLAND means those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs and similar areas.

Y

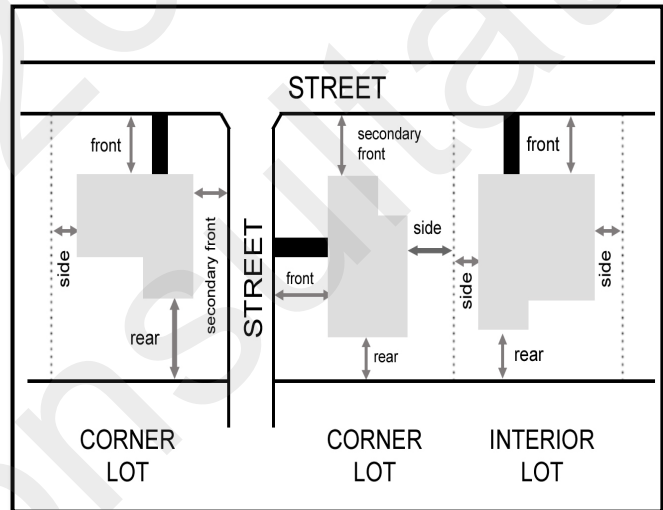
YARD means the area between a lot line and the nearest part of any building, structure, development, excavation or use on the lot. See figure.

YARD, FRONT means a yard extending across the full width of the site and measured, as to depth, at the least horizontal distance between the front street line and the nearest projection of the principal building. For waterfront parcels, the front yard of the parcel may be interpreted to be the yard that butts or is immediately adjacent to a reservoir, or water body. See figure.

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

YARD, SECONDARY FRONT means a yard on a corner lot with street frontage but which is not the frontage where the main entrance to the building or development is oriented or is the yard which is designated the secondary front by the Development Authority. See figure.

YARD, SIDE means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the principal building. See figure.



Z

ZONING – see **LAND USE DISTRICTS**

Draft 2024
For Consultation