GUIDE TO USING STURGEON COUNTY LAND USE BYLAW 819/96

The Land Use Bylaw establishes the regulations on how land can be developed in Sturgeon County. Regulations vary depending on the location and types of development. Other Bylaws or regulations of the County, Province or Federal Government also have to be followed.

There are several parts of the Land Use Bylaw that need to be examined to understand how it works. Firstly, the Land Use Bylaw maps divide the County into various Land Use Districts. Secondly, the text of the Land Use Bylaw details the uses that are allowed in each Land Use District. Thirdly, the text provides additional regulations that apply to certain uses. The following steps may assist the user:

1) Locate the subject property on the Land Use District maps. These maps divide the County into various Land Use Districts. Each Land Use District has a designation such as “AG” for AGRICULTURE or “CR-1” for COUNTRY RESIDENTIAL – ONE. Take note of which Land Use District the subject property is located in. Also note if the subject property is affected by an area structure plan which may modify some of the uses and regulations of the Land Use Bylaw or impose additional regulations.

2) Check the table of contents and locate the Land Use District you are interested in. Each Land Use District is listed alphabetically starting in Part 8.0. In each Land Use District you will find a list of permitted and discretionary uses, subdivision regulations, development regulations and other miscellaneous regulations. This determines how and what can be development in any given Land Use District. There are definitions in Part 10.0 that may help with unfamiliar terminology.

3) Review the table of contents to see if there might be any general regulations that apply to the situation or use in question. For example Part 5.0 describes the enforcement procedure. Part 6.0 contains general regulations about such items as accessory developments and Home Based Business’s just to name two. Part 7.0 describes the regulations for signage.

4) Discuss your proposal/concern with Planning and Development staff. Staff are more than willing to assist you with your development/subdivision or general inquiry issues and explain procedures. They can also assist with other situations such as enforcements or a Land Use Bylaw amendment.

NOTE: THIS PAGE IS INTENDED ONLY TO ASSIST USERS AND DOES NOT FORM PART OF THIS BYLAW.
PART 1.0: GENERAL

1.1 PURPOSE

.1 The purpose of this Bylaw is to regulate and control the use and development of land and buildings within Sturgeon County to achieve orderly and economic development of land, and for that purpose amongst other things:

(a) divides Sturgeon County into districts;

(b) describes purposes for which land and buildings may be used within each district;

(c) establishes the office of the Development Approving Authority;

(d) establishes a method of making decisions on applications for development permits including the issuance of development permits; and

(e) identifies the manner in which notice of the issuance of a development permit is to be given.

.2 The Bylaw shall be applied in a manner that serves to implement statutory plans which have been adopted by the County, as well as the Municipal Government Act, 1994, the Subdivision and Development Regulation 43/2002 and the Provincial Land Use Policies.

1.2 COMPLIANCE WITH OTHER LEGISLATION

In addition, to the requirements of this Bylaw, an applicant must comply with any federal, provincial or municipal legislation including the requirements of a Development Permit or Agreement. The applicant/landowner must also comply with the conditions of any easement or covenant which affects the development or subdivision.

1.3 REPEAL

This Bylaw comes into force on receiving third reading by Council and repeals Land Use Bylaw 636/89 and any resolutions made thereunder as amendments thereto, which shall cease to have effect on the day this Bylaw comes into force.

1.4 APPROVING AUTHORITIES - ESTABLISHMENT AND DUTIES

.1 Development Approving Authority

(a) The Development Approving Authority is the Development Authority created by Bylaw 1094/06 (Establishment of a Development Authority) and by Bylaw 960/02 (Council Committees and Boards, Schedule 1 – Municipal Planning Commission).

(b) A Development Officer, acting as the Development Authority
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Part 1.0 General

1.1 (i) shall receive and review *development permit* applications to determine if they are complete;

(ii) shall refer to the Municipal Planning Commission for decision on an application for a *development permit* for a discretionary use;

(iii) may refer a *development permit* application to any municipal, federal, or provincial department or any other agency or body deemed appropriate. Any comments received are not binding;

(iv) shall consider and decide upon a *development permit* application for a temporary use;

(v) may, at his discretion, refer to the Municipal Planning Commission for a decision of any application for a permitted use, in which case the Municipal Planning Commission shall consider and decide upon the application;

(vi) shall keep and maintain, for inspection by the public, during normal office hours, a copy of this Bylaw, as amended, a register of all *development permit* applications and the decisions; and shall ensure that copies of the Bylaw and amendments are available to the public at the fee prescribed by Council;

(vii) shall perform other such duties as described or implied elsewhere in this Bylaw;

(viii) shall perform such duties as are established under this Bylaw to enforce this Bylaw in conformance with the Act, the Subdivision and Development Regulations and the Provincial Land Use Policies; and

(ix) with respect to a Specific Development Control District, consider and make a decision on an application where Council has delegated the decision-making authority with direction that it considers appropriate.

(c) The Municipal Planning Commission, as Development Authority shall:

(i) decide upon all development permit applications referred to it by a Development Officer; and

(ii) perform other such duties as described or implied in this Bylaw or as may be assigned to it by Council.

.2 Subdivision and Development Appeal Board

The *Subdivision and Development Appeal Board* shall perform such duties as are specified in the Subdivision and Development Appeal Board Bylaw 798/95 and Part 3.0 of this Bylaw.
PART 2.0: DEVELOPMENT APPLICATION PROCESS

2.1 CONTROL OF DEVELOPMENT

Subject to Section 2.3 no development shall be undertaken within Sturgeon County unless an application for it has been approved and a development permit has been issued.

2.2 PERMIT FEES

A schedule of the current permit fees which are established by Council Resolution shall be available at the County office.

2.3 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

The following developments do not require a development permit or a development (building) permit provided that the proposed development is in conformance with the applicable regulations of this Bylaw:

(a) development (building) permits having a value less than $5,000.00 in an Agricultural, Fringe or Heavy Industrial District,

(b) the maintenance or repair of a building if the work does not include structural alterations;

(c) the completion of a development which was under construction in accordance with a lawful development permit issued at the effective date of this Bylaw provided that the development is completed within the time limit of such a permit unless an extension to this period has been granted by the Development Approving Authority;

(d) the completion, alteration, maintenance or repair of a street, lane or utility, undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land;

(e) a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided that the temporary building is removed within thirty (30) days of substantial completion;

(f) the erection of a fence or other enclosure which is no higher than 1.8 m (6 ft.) in height provided that there is no contravention of this or any other bylaw of the municipality and provided that such a fence or enclosure does not obstruct the visibility at roadway intersections pursuant to Section 6.11.3;

(g) any use, building or structure associated with extensive agricultural use or grazing fences, except for dwellings;

(h) the erection of towers, flagpoles, satellite dishes and other poles not exceeding 4.5 m (14.76 ft.) in height from grade;
(i) landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where landscaping forms part of a development which requires a development permit;

(j) the use of a building or part thereof as a temporary voting station, a candidate’s campaign office or any other official temporary use in connection with a federal, provincial or municipal election or referendum;

(k) hardsurfacing of any yard area on a residential lot for the purposes of providing vehicular access from a public roadway to an on-site parking stall, provided that such hardsurfacing does not exceed 7.5 m (25 ft.) in width, and does not drain onto adjacent properties;

(l) decks which are less than 0.6 metres above grade, that do not project into the front or side yard; and

(m) stripping, site grading or excavating that is part of a development for which a development permit has been issued.

(n) Shipping containers within the Agricultural (AG), Agricultural Heartland (AG-H), Agricultural – Calahoo/Villeneuve (A-CVA), Agricultural – No Gravel Extraction (A-NGE), Agricultural – Nature Conservation (A-NC), Agricultural – Nature Conservation Heartland (A-NC-H), Gravel Extraction (GE), Intermunicipal Fringe – A (IMF-A), Intermunicipal Fringe – B (IMF-B), Urban Fringe (UF), Hamlet Commercial (HC), Hamlet Residential (HR), Business Industrial (B-I), Industrial Heavy (I-H), Highway Commercial (HWYC), Airport (AP), Industrial Rural (I-R) District, and the Industrial Service Centre – Heartland (ISC-H) district. (Bylaw 1229/10)

.2 The following developments do not require a development permit provided that the proposed development is in conformance with applicable regulations of this Bylaw, but do require a development (building) permit;

(a) In all districts, a detached building of a size listed in the right hand column and used as accessory to the residence located on a lot of a size listed in the left hand column of the table below:

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Accessory Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Under 3.0 acres</td>
<td>One building up to 14.0 m² (150 sq. ft.)</td>
</tr>
<tr>
<td>(ii) 3.01 to 10.9 acres</td>
<td>One building up to 111.5 m² (1,200 sq. ft.)</td>
</tr>
<tr>
<td>(iii) 11.0 to 20.9 acres</td>
<td>One building up to 223.0 m² (2,400 sq. ft.)</td>
</tr>
<tr>
<td>(iv) Over 21.0 acres</td>
<td>One building up to 297.0 m² (3,200 sq. ft.)</td>
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</tbody>
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(b) In addition to 2.3.2(a) one private vehicle garage having an area less than 111.5 m² (1,200 ft²) (attached or detached) where there is an existing permitted dwelling.

(c) The repair or replacement of a building that is destroyed by an act of God or fire providing;

(i) the original building was not a non-conforming use,

(ii) the original building was permitted,

(iii) the replacement building will be located in the same location as the original,
(iv) the replacement building will be of the same size and footprint as the original,
(v) the replacement building will be used for the same purpose(s) as the original.

(d) A concert or festival for which a valid assemblage permit is issued pursuant to the Assemblage Control Bylaw 476/83, and which does not involve the construction of any permanent structures or buildings and does not exceed seven (7) consecutive days in duration. *(Bylaw 1236/11)*

(i) All applicable Federal or Provincial legislation, regulations and policies are still valid and shall be complied with.

### 2.4 APPLICATION FOR DEVELOPMENT PERMIT

.1 An application for a *development permit* or a *development (building) permit* shall be made to the Development Approving Authority by submitting the following:

(a) an application with the signature of the registered owner of the land or an agent authorized by the owner to make application;

(b) a site plan in duplicate showing: the legal description, *front, rear and side yard setbacks*, the location of existing and proposed *buildings*, outlines of roof overhangs and dimensions, provision for off-street loading and vehicle parking and access and egress points to the site, other *structures* including *accessory buildings*, garages, *fences* and sour gas lines;

(c) foundation plans, *floor plans*, *elevations* and cross-sections;

(d) a statement of uses;

(e) the estimated commencement and completion dates;

(f) the estimated cost of the project or contract price;

(g) the approximate location and boundaries of the bed and shore of any stream or water body that is contained or bounds the property;

(h) where *development* is proposed near the 1:100 year flood plain of the North Saskatchewan River or the Sturgeon River, the precise location of the 1:100 year flood contour as certified by a qualified, registered professional Engineer.

(i) any other pertinent information or tests required by the Development Approving Authority respecting the site or adjacent lands;

(j) a north arrow and the scale and date of the drawings; and

(k) such fee as is prescribed by resolution of Council from time to time.

.2 In addition to the above, the Development Approving Authority may require an application for a *development permit* or a *development (building) permit* to include site plans in duplicate at a scale
of 1:2000 or such other scale satisfactory to the Development Approving Authority, showing the following:

(a) all roads and highways;

(b) all rights-of-way and easements within or abutting the subject property;

(c) the existing and proposed services;

(d) landscape information, including the vegetation that is to be retained and removed clearly identified and detailed planting plan with general type, size, number, spacing and height of plantings;

(e) related proposed development such as sidewalks, patios, playgrounds, and other similar) features; and

(f) other information that may be required by the Development Approving Authority to determine how a proposed development may impact land uses in the vicinity.

.3 Lands Subject to Flooding, Erosion, or Other Hazards

In addition to the requirements of Sections 2.4.1 and 2.4.2, when considering an application for a development on lands that may be prone to flooding, erosion, subsidence or other naturally occurring hazard, the Development Approving Authority may require the applicant to provide a site assessment. The site assessment shall be prepared by a qualified professional confirming that the property is suitable for the proposed development and prescribing preventative engineering measures to be taken to make the site suitable for the proposed development or the proposed development suitable for the site.

.4 Environmental Site Assessment

In addition to the requirements of Sections 2.4.1 and 2.4.2, where the potential for prior contamination of a site exists, the County may require that a Phase 1.0 Environmental Site Assessment be conducted in accordance with the Canadian Standards Association as part of an area structure plan, subdivision or development permit application process. Some activities that can cause soil and groundwater contamination include former landfills, improper waste disposal practices associated with industrial, commercial and government operations, faulty storage materials, on-site spills and leaking storage tanks, distribution lines and machinery. Follow-up assessments and remedies may be required based on the results of the Phase 1.0 assessment. A Phase 1.0 Environmental Site Assessment is primarily qualitative in nature and is intended to ascertain the likelihood of potential contamination on the property.

.5 Home Based Business Application

In addition to the requirements of Section 2.4.1 and 2.4.2, an application for a Home Based Business shall include detailed information regarding the scope and nature of the proposed business as follows:

(a) a detailed description of the business;

(b) the materials, equipment and/or vehicles that will be used and where they will be stored;
(c) the number of resident and non-resident employees;
(d) the number of business visits per day to the property;
(e) the number of parking spaces on the property; and
(f) the type of signage pursuant to Section 7.2.

.6 Industrial Uses

In addition to the requirements of Sections 2.4.1 and 2.4.2, the Development Approving Authority may require the applicant of an application of a rural industrial, agricultural industrial or heavy industrial use to provide the following information, in addition to the general requirements of the development permit:

(a) location;
(b) type of industry;
(c) size of building;
(d) number of employees;
(e) estimated water demand and proposed source;
(f) type of effluent and method of treatment,
(g) transportation routes to be used;
(h) the need for any ancillary work (pipelines, railway spurs, roadways, etc.);
(i) any such other information as may be reasonably required by the Development Approving Authority.

.7 Natural Resource Extraction

In addition to the requirements of sections 2.4.1 and 2.4.2, the Development Approving Authority will require the applicant of an application of a natural resource extraction use to provide the following information, in addition to the general requirements of the development permit:

(a) site analysis – geology, groundwater, surface water, natural vegetation and wildlife
(b) groundwater monitoring and groundwater protection program;
(c) extraction and operations plan;
(d) reclamation and end use plan, including surface drainage plan;
(e) proposed mitigation measures for dust and visual impacts;
(f) noise monitoring and mitigation plan;
(g) haul road plan;
(h) community benefits plan;
(i) community and neighbourhood consultation;
(j) satisfactory compliance to setback distances, or agreement as per the Calahoo/Villeneuve Sand and Gravel Extraction Area Structure Plan;
(k) emergency response plan;
(l) groundwater mitigation and preparedness plan;
(m) statement of provincial and federal regulatory compliance;
(n) cost estimates breakdown of project;
(o) additional information as per Section 6.10; and
(p) any such other information as may be reasonably required by the Development Approving Authority.

For additional information refer to the Calahoo/Villeneuve Sand and Gravel Extraction Area Structure Plan.

.8 Intensive Types of Agricultural Uses

In addition to the requirements of Sections 2.4.1 and 2.4.2, an application for a specialty agricultural use, intensive agricultural use or a sod farm shall be accompanied by a copy of the business plan for the operation.

.9 Historical Resources

In addition to the requirements of Sections 2.4.1 and 2.4.2, the Development Approving Authority may require an applicant of an application for development within a historically significant area to have a historical resources consultant prepare a brief overview of the development area and where required by Cultural Facilities and Historical Resources Division a Historical Resources Impact Assessment.

2.5 REFERRALS

.1 Referrals

(a) Any development permit applications for a discretionary use which is located within the fringe districts shall be referred to the appropriate municipality and any other authorities as the Development Approving Authority considers necessary for comment and advice respecting the application. Referrals to adjacent municipalities shall be in accordance with the provisions established in the Sturgeon County Municipal Development Plan.
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(b) Municipalities such as Strathcona County, County of Thorhild, County of Barrhead, County of Lac St. Anne, County of Lamont, Parkland County, the M.D. of Westlock and Fort Saskatchewan, with whom the County has a reciprocal ½ mile notification policy shall be referred development permit applications for discretionary uses.

(c) Development permit applications for discretionary uses which are within a ½ mile of the Edmonton Garrison shall be referred to the Edmonton Garrison.

2.6 DECISION PROCESS

.1 An application for a development permit shall be considered by the Development Approving Authority who shall:

(a) approve with or without conditions an application for a permitted use where the proposed development conforms to this Bylaw;

(b) approve with or without conditions an application for a discretionary use, where the proposed development conforms to this Bylaw;

(c) refuse an application for a discretionary use, where the proposed development does not conform to this Bylaw; or

(d) refuse an application for a use which is neither a permitted use nor a discretionary use.

.2 Notwithstanding Section 2.6.1 (d), the Development Approving Authority may approve or conditionally approve an application for a development that does not comply with this Bylaw if in his/her opinion,

(a) the proposed development would not:

(i) unduly interfere with the amenities of the neighbourhood, or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and

(b) the proposed development conforms with the prescribed use for the land or building in this Bylaw.

2.7 DEVELOPMENT PERMIT CONDITIONS

.1 In making a decision, the Development Approving Authority may impose such conditions as are considered appropriate, permanently or for a limited time period, for the approval of a development application.

.2 As a condition of a development permit approval, the Development Approving Authority may require that, the applicant enter into an agreement with the municipality to do any or all of the following:

(a) to construct or pay for the construction of:
(i) a road required to give access to the development;

(ii) a pedestrian walkway system to serve the development or to give access to an adjacent development; or both

(iii) off-street or other parking facilities and loading and unloading facilities;

(b) to enter into an agreement with the Municipality to construct, install or pay for any local improvements and/or utilities which will be needed to serve the development;

(c) to pay an off-site levy or redevelopment levy imposed by bylaw; and

(d) to provide an irrevocable letter of credit to secure performance of the conditions of the approval.

.3 To ensure compliance with a development agreement, the County may register a caveat under the Land Titles Act against the certificate of title of the property being developed. This caveat shall be discharged when the obligations to be assumed by the applicant under the agreement have been fulfilled.

.4 While not limiting the generality of the Development Approving Authority’s discretion as outlined herein, in making a decision regarding sand and gravel extraction the Development Approving Authority may require the following conditions:

(a) adherence to a groundwater monitoring and groundwater protection program;

(b) adherence to an extraction and operations plan;

(c) adherence to a reclamation and end use plan, including surface drainage plan;

(d) adherence to proposed mitigation measures for dust and visual impacts;

(e) adherence to noise monitoring and mitigation plan;

(f) adherence to haul road plan;

(g) adherence to community benefits plan;

(h) adherence to community and neighbourhood consultation;

(i) adherence to satisfactory compliance to setback distances, or agreement as per the Calahoo/Villeneuve Sand and Gravel Extraction Area Structure Plan.

(j) adherence to emergency response plan;

(k) adherence to groundwater mitigation and preparedness plan;

(l) adherence to provincial and federal regulatory compliance;

(m) adherence to specified hours, days, months or years of operation;
2.8 NOTICE OF DECISION

.1 The decision of the Development Approving Authority on an application for a development permit shall be given to the applicant in the form of a Notice of Decision - Development Permit Application.

.2 Where a permit has been issued for a permitted use, the Development Approving Authority shall sign the development permit and subject to Section 2.9.1, release it to the applicant.

.3 Where a permit has been issued for a discretionary use, a Specific Development Control District or a variance to a regulation, the Development Approving Authority shall send a notice by regular mail to the applicant, adjacent landowners and municipalities to whom the application was referred under Section 2.5, advising of the decision, the right of appeal and the name of the board to whom an appeal can be made; and publish a notice once in a newspaper(s) circulating in the County, indicating the legal description, municipal address, the nature of the development, the right of appeal and to whom appeal should be served.

The notices referred to in Sections 2.8.2 and 2.8.3 above shall indicate that a permit does not come into effect until 14 days after the date the notice is published in a local newspaper(s).

.4 Where an appeal has been made on a development permit, it shall not come into effect until a decision allowing the development has been made by the Subdivision and Development Appeal Board.

.5 When the Development Approving Authority refuses an application for a development permit, the decision shall outline the specific reasons for the refusal, the time periods in which the applicant can make an appeal and to whom.

2.9 ISSUANCE OF DEVELOPMENT PERMIT

.1 The Development Approving Authority shall issue a development permit after completion of the following:

(a) approval or conditional approval of the application;

(b) the delivery of an irrevocable letter of guarantee or letter of credit, if required;

(c) the execution and delivery of a development agreement pursuant to Section 2.7.1 if applicable; and

(d) the payment of the development permit fee.
2. If the development authorized by a permit is not commenced within 12 months from the date of its issuance, or is not carried out with reasonable diligence, the permit approval ceases and the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Approving Authority.

2.10 PERMIT DEEMED REFUSED

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

2.11 RE-APPLICATION

Where an application for a development permit has been refused, another application for a development permit on the same site for the same or similar use of land may not be submitted by the same or any other applicant until at least six months after the date of the refusal or such lesser time period as determined by the Development Approving Authority.
PART 3.0: APPEAL PROCESS

3.1 APPEAL PROCEDURE

1. The person applying for the permit or affected by an order under Section 645 of the Act may appeal to the Subdivision and Development Appeal Board, if a Development Approving Authority:

   a. refuses or fails to make a decision on a development permit within forty (40) days of receipt of a completed application,

   b. issues a development permit subject to conditions; or

   c. issues an order under Part 5.0 - Enforcement of this Bylaw.

2. In addition to an applicant under Subsection .1, any person affected by an order, decision or development permit made or issued by a Development Approving Authority may appeal to the Subdivision and Development Appeal Board.

3. Notwithstanding Subsection .1 and .2, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw are relaxed, varied or misinterpreted pursuant to Section 685(3) of the Act.

4. Pursuant to Section 641(4) of the Act, if a decision on a Specific Development Control permit is made by a Council, there is no appeal to the Subdivision and Development Appeal Board.

5. If a decision on a Specific Development Control permit is made by a Development Approving Authority, the appeal is limited to whether the Development Approving Authority followed the direction of Council. If the Subdivision and Development Appeal Board finds that the Development Approving Authority did not follow the direction made by Council, it may substitute its decision for that of the Development Approving Authority.

6. An appeal by an applicant may be commenced by filing a notice of the appeal containing specific reasons, with the Secretary of the Appeal Board within fourteen (14) days after:

   a. notification in writing of the issuance of the development permit by the Development Approving Authority; or

   b. the 40-day period referred to in Section 2.10 has expired.

7. An appeal by an affected person may be commenced by filing a notice of the appeal containing reasons, with the Secretary of the Appeal Board within fourteen (14) days after the date on which the notice of issuance of the permit was published in accordance with Section 2.8.

3.2 PUBLIC HEARING

1. Pursuant to Section 686(2) of the Act, the Subdivision and Development Appeal Board must hold an appeal hearing within thirty (30) days of the receipt of a notice of appeal.

2. The Subdivision and Development Appeal Board must give at least five (5) days notice in writing of the hearing.
(a) to the appellant;

(b) to the Development Approving Authority whose order, decision or development permit is the subject of the appeal; and

(c) to those required to be notified pursuant to Section 2.8.3 of this Bylaw and any other person that the Subdivision and Development Appeal Board considers to be affected by the appeal and should be notified.

\[.3\]

The Subdivision and Development Appeal Board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including:

(a) the application for the development permit, the decision and the notice of appeal; or

(b) the order under Part 5.0.

\[.4\]

In Subsection .2 owner(s) refers to the person(s) shown as the registered owner of the land on the assessment roll.

3.3 PERSONS TO BE HEARD AT THE HEARING

.1 At the hearing the Subdivision and Development Appeal Board must hear:

(a) the appellant or any person acting on behalf of the appellant;

(b) a municipality or any of those to whom the application was referred under Section 2.5;

(c) the Development Approving Authority from whose order, decision or development permit the appeal is made, or the person acting on his/her behalf,

(d) any other person who claims to be affected and that the Subdivision and Development Appeal Board agrees to hear or someone acting on that person’s behalf.

3.4 DECISION OF THE BOARD

.1 In determining an appeal, the Subdivision and Development Appeal Board:

(a) must comply with the provincial land use policies, statutory plans and subject to Subsection (d) of this Bylaw;

(b) must have regard for but is not bound by the Subdivision and Development Regulations;

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to it or may make or substitute an order, decision or permit of its own.

(d) may make an order or decision or issue or confirm the issuance of a development permit even though the proposed development does not comply with this Bylaw if, in its opinion:
(i) the proposed development would not:
   (a) unduly interfere with or affect the use, enjoyment or value of neighbouring properties, and
   (b) materially interfere with or affect the use, enjoyment or value of neighbouring properties,

(ii) the proposed development conforms with the prescribed use for the land or building as defined in this Bylaw.

.2 The Subdivision and Development Appeal Board must give its decision in writing together with reasons for the decision within fifteen (15) days of concluding the hearing.

3.5 COURT OF APPEAL

.1 Pursuant to Section 688 of the Act, an appeal lies to the Court of Appeal on a question of jurisdiction or law with respect to:
   (a) a decision of the Subdivision and Development Appeal Board, or
   (b) the Municipal Government Board on a decision of an appeal under Section 619 of the Act, an intermunicipal dispute under Division 11 of the Act or a subdivision appeal.

.2 An application for leave to appeal pursuant to Subsection 3.5.1 must be made to a judge of the Court of Appeal within thirty (30) days after the issue of the decision sought to be appealed, and notice of the application must be given to:
   (a) the Municipal Government Board or the Subdivision and Development Appeal Board, and
   (b) any other person(s) that the judge directs.
PART 4.0: BYLAW AMENDMENT PROCESS

4.1 APPLICATION FOR AMENDMENT

.1 Any amendment to this Land Use Bylaw shall be made by an amending bylaw pursuant to Section 692 of the Act, following a public hearing in accordance with Section 230 of the Act. If the proposed amendment is at variance with adopted statutory plans or an area structure plan is required, the Development Approving Authority shall advise the applicant that an amendment must be made to the statutory plans prior to or concurrently with the amendment to the Land Use Bylaw.

.2 An owner of a site, or his authorized agent, or other person(s) having a legal interest in the site may apply in writing to the Development Approving Authority for an amendment.

.3 Council may initiate an amendment to this Bylaw by directing the Development Approving Authority to prepare an application using an Application to Amend the Land Use Bylaw.

.4 An applicant may be required to submit an area structure plan for approval by Sturgeon County prior to Council considering redistricting the land.

.5 An applicant shall sign a reclassification agreement and submit an irrevocable letter of credit, if required by Council.

.6 Where an amendment to change this Land Use Bylaw is refused another application with respect to the same lot, for a change in land use designation may not be submitted until at least six (6) months after the date of refusal, unless otherwise directed by Council pursuant to Section 640(5) of the Act.

4.2 PLANS AND INFORMATION REQUIREMENTS

All applications for amendment to the Land Use Bylaw shall be made to the Development Approving Authority in writing and shall be accompanied by the following:

.1 a certified copy of the Certificate of Title for the lands affected, copies of any restrictive covenant(s) or caveats registered by the municipality and any other documents required by the Development Approving Authority to verify that the applicant has a legal interest in the land for at least the period of time necessary to process the application to a final decision on the amendment.

.2 a statement of the reasons for the request to amend the Bylaw;

.3 a properly dimensioned map of an appropriate scale indicating the site to be amended, its relationship to existing land uses within a 1 km (0.6 mile) radius of the boundaries of the site and any prominent geographic or natural features;

.4 the appropriate fee as amended from time to time by Council Resolution; and

.5 where the applicant is an agent acting for the owner, a letter from the owner(s) verifying the agent's authority to make the application.
4.3 ADVERTISING REQUIREMENTS

.1 Pursuant to Section 606 of the Act, on receipt of an application for amendment to this Bylaw and prior to second reading of the amending bylaw, the Development Approving Authority shall cause to be published once a week in two consecutive issues of a newspaper circulating in the local municipality, a notice containing:

(a) the purpose of the proposed amending bylaw and the purpose of the public hearing;
(b) the address where the proposed amending bylaw may be inspected by the public;
(c) in the case of the public hearing the time, date and place of the public hearing which date shall not be less than five (5) days following the second newspaper publication date.

.2 In addition to the notice requirements identified in Subsection .1, the following additional information shall be provided for an amendment to change the district designation of a parcel of land pursuant to Section 692(4) of the Act:

(a) the municipal and legal address of the parcel of land;
(b) a map showing the location of the parcel of land;
(c) written notice containing information described in Subsection .1 and .2 shall be sent to:
   (i) the assessed owner(s) of that parcel of land shown on the assessment roll; and
   (ii) each owner of adjacent land at the name and address shown on the assessment roll.

.3 Technical Amendment
Notwithstanding Sections 4.3.1 and 4.3.2, a bylaw referred to in this section may be amended without giving notice or holding a public hearing, if the amendment constitutes a clerical, technical, grammatical or typographical error or does not materially affect the Land Use Bylaw in principle or substance.

4.4 THE PUBLIC HEARING

.1 Pursuant to Section 230 of the Act, in the public hearing, Council:

(a) must hear any person, group of persons or person representing them, who claims to be affected by the proposed bylaw and who has complied with the procedures outlined by the Council, and

(b) may hear any other person who wishes to make representations and whom Council agrees to hear.

.2 After considering the representations made to it and any other matter it considers appropriate, the Council may:

(a) pass the bylaw;
(b) make an amendment to the bylaw and proceed to pass it without further advertisement or hearing(s); or

(c) defeat the bylaw.
PART 5.0: ENFORCEMENT

5.1 GENERAL PROVISIONS

.1 A Designated Officer may enforce the provisions of the Municipal Government Act and its regulations, the conditions of a permit or subdivision approval, and this Bylaw. Enforcement may be by notice of violation, stop orders, or any other authorized action to ensure compliance.

5.2 PROHIBITIONS

.1 No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development, use or sign that is not permitted by this Bylaw.

.2 No person shall contravene a condition of a permit issued under this Bylaw.

.3 No person shall authorize or do any development that is at variance with the description, specification or plans that were the basis for the issuance of a development permit. No person shall modify any description, specifications, or plans that were the basis for the issuance of any permit by a Development Approving Authority.

5.3 RIGHT OF ENTRY

.1 Pursuant to Section 542 of the Municipal Government Act, the Bylaw Enforcement Officer may enter into or upon any land and or within the Municipal Boundary for the purpose of ensuring compliance with the law.

.2 After reasonable notice (generally taken to mean 48 hours) to the owner or occupant in accordance with the Municipal Government Act, a designated officer may enter the property at reasonable times (generally taken to mean 7:30 a.m. to 10:00 p.m.) to ascertain if the Bylaw requirements are being met.

.3 A person shall not prevent or obstruct a designated officer from carrying out any official duty under this Bylaw. If consent is not given, Sturgeon County may apply for an authorizing order.

5.4 CONTRAVENTION

.1 Pursuant to Section 645 of the Municipal Government Act, where a designated officer finds that a development or use of land or building(s):

   a) contravenes the Municipal Government Act, the Subdivision and Development Regulations or this Bylaw;

   b) contravenes a development permit or subdivision approval;

   c) The designated officer may by notice or writing, order, the registered owner, the person in possession of the land or building or the person responsible for the contravention or any or all of them to:
(i) stop the development or use of the land or building(s) in whole or in part as directed by the notice;

(ii) demolish, remove or replace the development; or

(iii) carry out any other actions required by the notice to ensure compliance.

.2 The notice shall specify a deadline for compliance.

.3 A person named in an order may appeal to the Subdivision and Development Appeal Board.

.4 If, after a development permit has been issued, the Development Approving Authority becomes aware that:

a) the application for the development permit contains a misrepresentation; or

b) facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered; or

c) the development permit was issued in error; or

d) the application was withdrawn by way of written notice from the applicant; or

e) if the conditions imposed in the development permit have not been complied with, the Development Approving Authority may cancel, suspend, or modify as considered appropriate, the development permit by notice, to the holder of the permit.

.5 A development permit suspended pursuant to 5.4.4 above may be reinstated upon compliance with this Bylaw, the Municipal Government Act or any other relevant legislation or the development permit conditions.

.6 A person whose development permit is cancelled, suspended or modified pursuant to 5.4.4 above may appeal to the Subdivision and Development Appeal Board in accordance with Part 3.0 of this Bylaw.

5.5 PENALTIES AND FINES

.1 A person who violates the provisions of this Bylaw or permits a violation of this Bylaw, is guilty of an offence and is liable to a fine for a first offence and for each subsequent offence.

.2 Where a person is found guilty of an offence pursuant to this Bylaw, the Alberta Court of Appeal may in addition to any other penalty imposed, order the person to comply with the Municipal Government Act and any other regulations, a development permit, an order or decision of the Subdivision and Development Appeal Board, or this Bylaw.

.3 The above penalties and offences are supplementary to the Municipal Government Act, under which any person who commences a development and fails to obtain a development permit or comply with a condition of a permit, is guilty of an offence.
5.6 ENFORCEMENT OF ORDERS

.1 Subject to Section 542 of the Municipal Government Act, if a person fails to comply with the order of a Development Approving Authority, Bylaw Enforcement Officer, or the Subdivision and Development Appeal Board, a designated officer may enter the land or building(s) and take any action necessary to carry out the order.

.2 Sturgeon County may register a caveat against the Certificate of Title for the land that is subject to the order, provided that the caveat is discharged when the order has been complied with.

.3 Sturgeon County’s costs of carrying out any actions required for compliance shall be added to the tax roll of the land subject to the order (Bylaw 1202/09)
PART 6.0: GENERAL REGULATIONS

6.1 NON-CONFORMING USES AND BUILDINGS

.1 If a development permit has been issued on or before the day on which this Bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building the development permit continues in effect in spite of the coming into force of the Bylaw.

.2 A non-conforming use of land or a building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with the Land Use Bylaw then in effect.

.3 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations shall be made to it or in it.

.4 A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

.5 A non-conforming building may continue to be used, but the building may not be enlarged, added to, rebuilt or structurally altered except:

(a) to make it a conforming building, or

(b) as the Development Approving Authority considers necessary for the routine maintenance of the building,

in accordance with the variance powers provided for in Section 2.6.2.

.6 If a non-conforming building is damaged or destroyed by more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.

.7 Notwithstanding clauses 6.1.5 and 6.1.6, within the lands encompassed by the Alberta’s Industrial Heartland Area Structure Plan boundary, with the exception of the Heartland Industrial Policy Area and the Agricultural Policy Area, no new dwellings, agricultural or family care shall be permitted on previously undeveloped land. Where a dwelling unit existed prior to the date of passing this Bylaw, the dwelling shall be allowed to be upgraded, expanded or rebuilt if destroyed.

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

.9 Where a proposed lot contains different dimensions than those prescribed within the land use district in effect, or will result in an existing or future building not conforming with the height or setback requirements prescribed within the district in effect, it may be approved where in the opinion of the Development Approving Authority, the noncompliance with the district regulations is:

(a) minor in nature;
(b) consistent with the general character of the area; and

(c) does not interfere with the use, enjoyment or value of the neighbouring properties.

6.2 DWELLING UNITS ON A PARCEL

.1 The number of permanent dwelling units on any parcel shall not exceed one.

.2 Notwithstanding Section 6.2.1 a Development Approving Authority may allow only one temporary dwelling unit on a parcel as a family care dwelling in a CR-1 Country residential District, and a temporary dwelling unit on a parcel as a family care dwelling or agricultural dwelling in an agricultural and fringe district if in his/her opinion, it would not:

(a) unduly interfere with the amenities or change the character of the area; and

(b) materially interfere with or affect the use and enjoyment of adjacent properties; and

(c) adversely impact on the environment; and

(d) result in excessive demand on municipal services, utilities and public roadway access.

.3 Notwithstanding and subject to Section 6.2.2, the Development Approving Authority may issue a development permit for the construction or location of a second temporary dwelling as a discretionary use in an agricultural and fringe district on a parcel that is greater than 32.4 ha (80 ac.+/-)

.4 In addition to the above, the following regulations shall apply to temporary dwelling units:

(a) The temporary dwelling unit shall be detached from the principal building and shall not have a permanent foundation.

(b) Temporary dwelling units shall not exceed the height requirements of the district in which they are located.

(c) A temporary dwelling unit shall not be located on an unserviced parcel which is less than 0.6 ha (1.5 ac.) in size and shall utilize the same water/sewer system as the principal dwelling.

(d) The minimum setback from the exterior side property boundary of a corner lot shall not be less than the setback from the road to the main side wall of the house on the same property.

(e) Mobile home units used as a temporary dwelling unit may at the discretion of the Development Approving Authority be located in Turfside Park, Rol-anna Park, Golden Heights, Hansen’s, Clearview Acres, and Gibbonslea.

(f) A temporary dwelling unit is not considered as an accessory development; however the provisions of Sections 6.14.2 and 6.14.3 shall apply with respect to the siting of a temporary dwelling unit on a parcel.
(g) A permit for temporary dwelling unit shall be valid for a period up to five years after which time the Development Approving Authority may at its discretion seek renewal of the permit on a 5-year basis provided that the dwelling complies with the provisions of Section 6.2.2. The applicant shall be responsible to renew the permit every five years.

(h) The Development Approving Authority may require as a condition of the development permit that the applicant provide a letter of credit in the amount required to remove the temporary dwelling unit from the subject parcel and may register a caveat in respect of the condition against the Certificate of Title for the land that is the subject of the development. Where the applicant disagrees with the letter of credit amount, he/she will be required to provide two written estimates prepared by independent, qualified, bonded moving experts in the field for consideration by the Development Approving Authority.

6.3 EASEMENTS

Despite the fact that a development may conform to the regulations of this Bylaw, a development permit may not be issued for a development, other than a fence, that encroaches into or over a utility easement or right of way without the written consent of the easement owner or the person whose utility line is found in the easement, or both.

6.4 PIPELINE AND OTHER UTILITY CORRIDOR SETBACKS

Any development involving pipeline and/or power line transmission rights-of-way shall be sited to comply with all relevant Federal and Provincial legislation. Setbacks from pipelines and other utility corridors shall be in accordance with appropriate Provincial Regulations or Acts and any regulations or directives established by the Energy Utilities Board (EUB).

6.5 MINIMUM SETBACK DISTANCES FROM SOUR GAS WELLS AND PIPELINES

Table 6.0 below summarizes the minimum distance setback requirements between sour gas wells and pipelines and residential and other types of developments.

<table>
<thead>
<tr>
<th>Level</th>
<th>Well Release Rate (metres³/second)</th>
<th>Pipeline Release Volume (metres³)</th>
<th>Minimum Separation Distances</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>≥ 0.01 to &lt; 0.30</td>
<td>&lt; 300</td>
<td>100 metres (except for pipelines which have a right of way setback).</td>
</tr>
</tbody>
</table>
| 2     | ≥ 0.30 to < 2.0                   | 300 to 2000                     | 100 metres - individual dwellings.  
                                        |                                   | - country residential development having 8 or more dwellings.  
                                        |                                   | 500 metres - urban centre, hamlet or public facility. |
| 3     | ≥ 2.0 to < 6.0                    | 2000 to 6000                    | 100 metres - individual dwellings.  
                                        |                                   | 500 metres - country residential development having 8 or more dwellings.  
                                        |                                   | 1500 metres - urban centre, hamlet or public facility such as a hospital or school. |
4  > 6.0  > 6000  As specified for Level 3 but no less. EUB states that these setbacks may be acceptable because they meet the minimum, however they encourage operators to locate sour facilities as far away as possible.

6.6  PUBLIC UTILITY BUILDING

.1  Utility lots, utility buildings and publicly owned buildings may be permitted in any district except as specifically regulated elsewhere in this Bylaw.

.2  Notwithstanding other regulations in this Bylaw, a person erecting a public utility building or placing utility equipment on a site shall cause it to be placed in a location and with yard setbacks which are satisfactory to the Development Approving Authority.

6.7  SITE CONDITIONS

.1  Site grades shall prevent drainage from one site to the next except where drainage conforms to an acceptable local standard or a subdivision drainage plan.

.2  The Development Approving Authority in considering an application may impose conditions requiring the retention of trees, or additional plantings of such a type and extent that are considered necessary for the approval of the development.

.3  The Development Approving Authority may prescribe setback and/or screening requirements for uses, which may be incompatible with adjacent land uses.

.4  The quality of the exterior treatment and design of all buildings shall be to the satisfaction of the Development Approving Authority and must be compatible with other buildings existing in the vicinity, unless the building is intended to set a new standard of design, character or appearance.

.5  Where the owner that is subject of a subdivision and the municipality agree that land that is to be taken as environmental reserve is instead to be subject of an environmental reserve easement, a caveat may be registered against the land.

.6  The Development Approving Authority may impose conditions requiring screening for uses which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials, and other similar uses.

.7  The Development Approving Authority shall be satisfied that the design, finish and appearance of the building is compatible with the amenities and character of existing neighbouring development.

.8  In accordance with the Highway Traffic Act, no person shall park on a highway, a vehicle displayed for sale or a vehicle displaying advertising. Neither shall a person display any goods for sale, offer or sell any goods on a highway right-of-way.
6.8 OBJECTS PROHIBITED IN COUNTRY RESIDENTIAL AND HAMLET RESIDENTIAL YARDS
(Bylaw 1202/09)

No person shall keep, maintain or permit in any Country Residential or Hamlet residential yard;

(a) Any vehicle(s) parked for more than three (3) consecutive days on a public road right-of-way;
(b) Any dismantled, wrecked or abandoned vehicle(s) for more than 14 consecutive days on a site;
(c) Any commercial vehicle loaded or unloaded of a maximum weight exceeding 8,000 kg (17,600 lbs.) gross weight pursuant to axle loading ratio on a site or in a public road right-of-way.

6.9 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

No person shall keep in any yard in any district:

(a) any object or chattel which, in the opinion of the Development Approving Authority, is unsafe, unsightly or adversely affect the amenities of the district. This includes but is not limited to dismantled or wrecked motor vehicles, and any stockpiling or storage of materials, explosives, flammable liquids, toxic chemicals, diesel fuel, gasoline products, disassembled equipment or machinery, household appliances, or broken household chattels or goods. (Bylaw 1202/09)

(b) any excavation, storage or piling up of materials required during the construction stage unless: all necessary safety measures are undertaken; and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

6.10 NATURAL RESOURCE EXTRACTION

.1 Gravel extraction operations within the Calahoo/Villeneuve Sand and Gravel Extraction Area Structure Plan identified in Part 9.0 Land Use District Map and elsewhere in Sturgeon County shall comply with the following regulations and the policies of the Municipal Development Plan.

.2 For the purpose of this section, excavation shall mean, excavation other than for construction or building purposes, including but not limited to, sand and gravel mining, topsoil stripping and construction of artificial bodies of water.

.3 An application for a development permit for the excavation, stripping or grading of land, which is proposed without any other development on the same land, shall include the following information:

(a) the location and area of the site where the excavation is to take place;
(b) the expected life of the deposit if applicable;
(c) the type and dimensions including average depth of the excavation to be done, and the effect on existing drainage patterns on and off the site;
Part 6.0 General Regulations

(d) the depth and variation in depth of any ground water encountered in the test holes (the Development Approving Authority may refer any application to the Land Reclamation Division of Alberta Environmental Protection for comment);

(e) identification of the outdoor noise and the discharge of substances into the air; and

(f) the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening the creation of erosion or dust from the site.

.4 Where, in the process of development, areas require leveling, filling or grading, the topsoil shall be removed before work commences, stockpiled and replaced following the completion of the work.

.5 The applicant shall ensure that dust and noise control measures are undertaken to prevent such items from becoming an annoyance to neighbouring land owners. The applicant shall conduct dust control procedures at the request of and to the satisfaction of the Development Approving Authority, acting reasonably. In this regard stock piles shall be located in a position to act as a sound barrier. Also, the applicant shall apply methods of minimizing the noise created from machinery and equipment.

.6 The applicant shall keep the area subject to the development permit in a clean and tidy condition free from rubbish and non-aggregate debris.

.7 The applicant shall locate appropriate traffic and safety signage on and about the subject site and road accesses.

.8 Access routes into extraction areas shall be located away from residential areas.

.9 All operations shall be in accordance with Alberta Environmental Protection and Enhancement Act and Regulations for conservation and reclamation.

.10 The Development Approving Authority may impose a condition on a development permit requiring the applicant to post a sign on the quarter section(s) or general area in which extraction is occurring or is expected to occur within the next 10 years. The sign shall identify the following:

(a) the purpose for which the lands are to be used;

(b) the approximate time over which extraction of the lands will take place; and

(c) the location where additional information may be obtained.

.11 A disturbed area shall be reclaimed to a land capability equivalent to the pre-disturbance land capability (e.g. agricultural land) or a post-disturbance condition and land use (e.g. conversion to wetland) which are satisfactory to the Development Approving Authority.

.12 Sand and gravel extraction operations shall not be permitted within 0.8 km (0.5 mi.), or such greater distance as established in the Fringe districts, a multi-lot country residential area, urban centre or hamlet.
For pits which are less than 5 ha (12.35 ac.) in size, the Development Approving Authority may impose a condition on a development permit requiring the applicant to enter into a surface restoration agreement with the County and post security based on the cost of reclamation to the satisfaction of the Development Approving Authority.

Development permits for the purpose of sand and gravel extraction in Sturgeon County will have an expiry date of up to five years.

**PUBLIC ROADWAYS**

Subject to Section 16 of the Subdivision and Development Regulation, any development permit issued for a development within 0.8 km (0.5 mile) of the boundary of the right-of-way of a highway with a speed limit of 80 kilometres or more shall be issued subject to the approval of Alberta Transportation and Utilities (AT&U) unless the land is:

(a) to be used for agricultural purposes;

(b) to be used for an undeveloped single residential parcel created from an unsubdivided quarter section and is located at least 300 m (1000 ft.) from the right-of-way of a highway; or

(c) contained and permitted within an area structure plan satisfactory to AT&U or within an area where a highway vicinity management agreement is in place.

The location of any shelterbelts shall be determined by the Development Approving Authority but shall be located no closer than a minimum of 20 m (65 ft.) from the centre line of the adjoining public roadway, or 30 m (100 ft.) from the centre line of the adjoining public roadway where two roads intersect.

No buildings, fences, signs, trees, haystacks or other similar obstructions to visibility which are more than 1.0 m (3.28 ft.) above road grade shall be permitted within 30 m (100 ft.) of the intersection of two rural roads as illustrated in Figure 6.0.

Access to a municipal grid roadway shall not be permitted where it would be:

(a) less than 152 m (500 ft.) from the edge of the carriageway of the existing access on the same side of the road;

(b) less than 152 m (500 ft.) from a bridge; or

(c) less than 152 m (500 ft.) from the right-of-way of any at grade railway crossing.

Where a secondary road intersects a highway, the Highway Development Control Regulations shall apply to development adjacent to the secondary road.

There shall be no more than two approaches per 0.8 km (0.5 mile) of municipal grid road. Where special circumstances warrant, this number may be varied at the discretion of the County subject to Section 2.6.2.
Figure 6.0: Location of Development at Rural Road Intersections

No buildings, signs, fences or similar obstructions to visibility more than 1.0 m (3.28 ft) above road grade to be located within 30 m (100 ft) of the intersection of two rural roads (Policy 6.11.3).
6.12 OFF-STREET PARKING AND LOADING

.1 In all districts with the exception of the agricultural and fringe districts, vehicular entrances and exits onto roads shall only be permitted at locations approved by the Development Approving Authority.

.2 In all districts off-street parking spaces shall be provided in accordance with the minimum requirements for a particular land use as stated in Section 6.11.6.

.3 Unless otherwise approved by the Development Approving Authority a parking space shall not be less than 2.6 m (8.5 ft.) in width or 5.5 m (18 ft.) in length and shall be located on the same lot as the main building or use.

.4 All off-street parking facilities shall be so constructed that:

   (a) curb cuts are located and flared to the satisfaction of the Director, Infrastructure Services;

   (b) they are not located within 1m (3.28 ft.) of a lot line;

   (c) every off-street parking space provided, and the access thereto shall be hard surfaced if the access is from a street or lane which is hard-surfaced; parking areas must be paved or of a gravel mixture in accordance with the Municipal Servicing Standards Plan of Sturgeon County;

   (d) each parking area shall be so graded and drained as to dispose of all storm water runoff. In no case shall drainage be allowed to cross a sidewalk or site boundary unless otherwise approved by the Development Approving Authority;

   (e) parking for the physically handicapped shall be provided as provincial regulations require and shall be considered as part of the number of stalls required for the project. A maximum of 2% of the total number of stalls shall be provided and clearly identified for use by the physically disabled, with a minimum stall width of 3.7 m (12 ft.).

.5 The minimum dimensions of maneuvering aisles and parking stalls shall be in accordance with the regulations identified in Table 6.1.
Table 6.1: Minimum Parking Standards

<table>
<thead>
<tr>
<th>(a) Parking Angle in Degrees</th>
<th>(b) Width of Stall in Metres</th>
<th>(c) Depth of Stall Perpendicular to Maneuvering Aisle in Metres</th>
<th>(d) Width of Stall Parallel to Maneuvering Aisle in Metres</th>
<th>(e) Overall Depth in Metres</th>
<th>(f) Width of Maneuvering Aisle in Metres (one-way)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>2.7 (8.86 ft.)</td>
<td>2.7 (8.86 ft.)</td>
<td>7.0 (22.97 ft.)</td>
<td>9.1 (29.86 ft.)</td>
<td>3.6 (11.81 ft.)</td>
</tr>
<tr>
<td>30</td>
<td>2.7 (8.86 ft.)</td>
<td>5.2 (17.06 ft.)</td>
<td>5.5 (18.04 ft.)</td>
<td>14.0 (45.93 ft.)</td>
<td>3.6 (11.81 ft.)</td>
</tr>
<tr>
<td>45</td>
<td>2.7 (8.86 ft.)</td>
<td>5.8 (19.03 ft.)</td>
<td>4.0 (13.12 ft.)</td>
<td>15.2 (49.87 ft.)</td>
<td>3.6 (11.81 ft.)</td>
</tr>
<tr>
<td>60</td>
<td>2.7 (8.86 ft.)</td>
<td>6.1 (20.01 ft.)</td>
<td>3.1 (10.17 ft.)</td>
<td>18.2 (59.71 ft.)</td>
<td>6.0 (19.68 ft.)</td>
</tr>
<tr>
<td>90</td>
<td>2.7 (8.86 ft.)</td>
<td>6.1 (20.01 ft.)</td>
<td>2.7 (8.86 ft.)</td>
<td>19.5 (63.98 ft.)</td>
<td>7.3 (23.95 ft.)</td>
</tr>
</tbody>
</table>

The minimum number of off-street parking spaces required for each building or use shall be as identified in Table 6.2. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Approving Authority. Where the development falls within more than one class, the required number of spaces shall be the sum of the requirements for each of the development classes. The minimum number of off-street parking spaces are:

TABLE 6.2: Minimum Off-Street Parking Requirements

<table>
<thead>
<tr>
<th>(a) Places of Public Assembly</th>
<th>1 per 10 seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) Eating &amp; drinking facilities</td>
<td>1 per 4 seats plus 1 space per 2 employees on maximum shift</td>
</tr>
<tr>
<td>(c) Commercial Development</td>
<td>Less than 2000 m² (21,528 ft²) - 2.2 per 100 m² of gross floor area. 2000 m² (21,528 ft²) to 20,000 m² (215,279 ft²) - 3.2 per 100 m² (1076 ft²) of gross floor area.</td>
</tr>
<tr>
<td>(d) Overnight Accommodation</td>
<td>1 per guest room</td>
</tr>
<tr>
<td>(e) Industrial Development</td>
<td>1 per 100 m² (1076 ft²) of gross floor area or 3 per establishment, whichever is the greater.</td>
</tr>
<tr>
<td>(k) Single detached, secondary dwellings, mobile homes</td>
<td>1 per dwelling.</td>
</tr>
<tr>
<td>(f) Multiple Dwelling Unit Development</td>
<td>2 per unit or 1.5 per unit where 5 or more units exist</td>
</tr>
<tr>
<td>(g) Elementary &amp; Junior High Schools</td>
<td>1 per 20 students based on projected capacity plus 1 per employee as well as a student drop-off area.</td>
</tr>
</tbody>
</table>
(h) Senior High Schools 1 per employee, plus 1 for every 4 students including a student drop-off area.

(i) Motels 1 per sleeping unit plus one per 2 employees on maximum shift.

(j) Drive-In Establishment 1 per 4 seats and required space for 5 car stackup per window or bay.

(l) Professional, Financial Offices 1 per 46.5 m² of gross floor area.

(m) Day cares, Family Day Homes 1 per two employees.

### 6.13 HOME BASED BUSINESS

.1 General

All Home Based Businesses, Level 1, 2 and 3, shall comply with the following general regulations;

(a) No offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance detectable beyond the property boundary shall be produced by the business, at all times, the privacy and enjoyment of adjacent residences and land shall be preserved and the amenities of the neighbourhood preserved;

(b) A Home Based Business shall not occupy more than 30% of the gross floor area of the principal dwelling plus the area of accessory buildings except as noted in Section 6.13.2, 6.13.3 and 6.13.4.

(c) There shall be no exterior signage, display or advertisement other than a business identification sign not exceeding 0.2 m² (2 ft.²) in size.

(d) Interior or exterior alterations, additions or renovations to accommodate some other residential function in the principal dwelling so that some of the existing space may be utilized for Home Based Business, may be permitted, providing that such alterations, additions or renovations comply with the Land Use Bylaw, the Safety Codes Act and/or any applicable Bylaws of Sturgeon County.

(e) A Home Based Business shall not generate business related vehicle trips between the hours of 10:00 p.m. and 7:00 a.m., Monday to Sunday inclusive.

(f) A Home Based Business shall provide for one (1) on site parking space for each non-resident on site employee working on the property at the same time. Such spaces are in addition to the residential parking space, which must be provided pursuant to Section 6.12.2 of this Bylaw. There shall be adequate on site parking and/or storage space provided for all vehicles associated with the Home Based Business. All commercial vehicles associated with the Home Based Business shall be parked in doors or outdoors in a location that is not generally visible from a public place, roadway or adjacent properties.
.2 Level 1 Home Based Business

In addition to the requirements identified in Subsection 1(a) to 1(f) a Level 1 Home Based Business shall comply with the following:

(a) A Level 1 Home Based Business shall not occupy more than 30% of the gross floor area of the principal dwelling.

(b) Any storage of materials or goods related to the operations of a Level 1 Home Based Business must be located within the principal dwelling. No exterior storage is permitted.

(c) There shall be no on site visiting of clients.

(d) A Level 1 Home Based Business shall be operated by the permanent resident(s) of the principal dwelling and shall not employ any non-resident on site employees.

(e) There shall be no commercial vehicles used in conjunction with a Level 1 Home Based Business.

.3 Level 2 Home Based Business

In addition to the requirements identified in Subsection 1(a) to 1(f) a Level 2 Home Based Business shall comply with the following:

(a) A Level 2 Home Based Business shall not occupy more than 30% of the gross floor area of the principal dwelling plus the area of accessory building(s) at the discretion of the Development Approving Authority.

(b) Any storage of materials or goods related to the operation of the Home Based Business must be located within the principal dwelling and/or accessory building(s) at the discretion of the Development Approving Authority. No exterior storage is permitted.

(c) Up to eight (8) on site client visits per 24 hour period in an agricultural district or fringe district, and up to four (4) on site client visits per 24 hour period in all other district shall be permitted.

(d) A Level 2 Home Based Business shall be operated by the permanent resident(s) of the principal dwelling, and no more than (2), non-resident on site employees.

(e) Up to one (1) commercial vehicle used in association with a Level 2 Home Based Business may be parked and/or stored on site. (See also 6.8(c)).

.4 Level 3 Home Based Business

In addition to the requirements identified in Subsection 1(a) to 1(f) a Level 3 Home Based Business shall comply with the following:

(a) A Level 3 Home Based Business shall not occupy more than 30% of the gross floor area of the principal dwelling plus the area of accessory buildings.
(b) Outside storage of goods, materials, commodities or finished products shall be at the discretion of the Development Approving Authority. Such outside storage where permitted shall satisfy the minimum setback requirements for buildings in the district and shall not exceed 1% of the parcel size.

(c) Up to ten (10) on site client visits per 24 hour period in an agricultural or fringe district and up to six (6) on site client visits per 24 hour period in all other districts shall be permitted.

(d) A Level 3 Home Based Business shall be operated by the permanent resident(s) of the principal dwelling, and no more than four (4), non-resident on site employees.

(e) Up to three (3) commercial vehicles used in association with a Level 3 Home Based Business may be, parked, stored and/or maintained on site.

.5 A Level 1 Home Based Business does require a development permit and must satisfy all the criteria in Sections 6.13.1 and 6.13.2 of these regulations.

.6 A Level 2 and Level 3 Home Based Business does require a development permit and must satisfy all the relevant criteria in Sections 6.13.1, 6.13.3 and 6.13.4 of these regulations.

.7 A permit issued for a Home Based Business is valid for one (1) year or longer as determined by the Development Approving Authority. It is the obligation of the operator to seek renewal of a development permit issued for a Home Based Business prior to the expiry of the time period for which the initial permit was issued. The Development Approving Authority shall consider the renewal on its merits.

.8 A stop order may be issued at any time if in the opinion of the Development Approving Authority, the operator of the Home Based Business has violated any provisions of this Bylaw or conditions of the permit and/or complaints based on the operation of the Home Based Business have been received.

6.14 ACCESSORY BUILDINGS

.1 An accessory building shall not be used as a dwelling and shall only be constructed after the principal dwelling has been constructed except in the case of an agricultural and fringe district, where an accessory building may be constructed prior to the principal dwelling.

.2 An accessory building shall be set back a minimum of 1.9 m (6.0 ft.) from the dwelling.

.3 An accessory building shall not be located in a front yard or on an easement except as provided in Section 6.3.

.4 No accessory building shall be aesthetically incompatible with other buildings and landscaping on-site or materially interfere with or affect the use and enjoyment of adjacent properties.

.5 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the principal building and is not an accessory use.
.6 Within the following districts, the maximum height for accessory buildings when measured from pitch to grade shall be:

(a) CR -1 Country Residential One - 5.8 m (19 ft)
(b) CR -2 Country Residential Two & hamlet districts - 4.6 m (15 ft)
(c) AG Agricultural & fringe districts - No limit
(d) All other districts - As specified in the district in which the land use is to be located.

.7 The Development Approving Authority may at his/her discretion vary the side and rear yard setback requirements on an accessory building which is less than 10 m² (110 sq. ft²) and is not on a permanent foundation.

6.15 PERMITTED YARD ENCROACHMENTS

.1 The following may project over or onto a required yard:

(a) an eave, canopy, bay window, a cantilevered wall section or chimney to a maximum of 0.6 m (2 ft.).

.2 With the exception of hamlet districts, the following may project over or onto a required rear yard:

(a) decks which are less than 0.6 m (2 ft.) in height, steps or a porch to a maximum of 1.5 m (5 ft.).

6.16 BED AND BREAKFASTS AND GUEST RANCHES

Bed and breakfast homes shall comply with the following:

.1 A bed and breakfast shall be operated by a live-in owner(s) as a secondary use only, with a maximum of four (4) commercial accommodation units in each development in an agricultural or fringe district or two (2) accommodation units in a CR-1 - Country Residential One District and shall not change the residential character and external appearance of the dwelling involved.

.2 The only meal to be provided to registered guests shall be breakfast. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent. All facilities shall meet public health regulations and be kept in a manner satisfactory to the health regulatory authority.

.3 In addition to any other parking requirements identified in Section 6.12 of this Bylaw, 0.5 additional parking space shall be provided on site for each accommodation unit. Where there is a fractional number of parking stalls, the number required shall be rounded up and the next highest number of stalls shall be provided.

.4 No accommodation unit shall include a kitchen.
.5 A guest ranch shall be operated by a live-in owner(s) as an accessory use only, with a maximum of four (4) commercial accommodation units in each development in an agricultural and fringe district. Subsections .2 -.4 shall also be applicable in the case of guest ranches.

.6 Only one bed and breakfast or one guest ranch use will be allowed within a dwelling on an agricultural, fringe or country residential parcel.

6.17 DAY CARE FACILITIES AND FAMILY DAY HOMES

.1 Locational Factors

In determining the appropriate location for a day care facility or a family day home the Development Approving Authority should consider the following:

(a) staff parking requirements associated with the proposed development pursuant to Section 6.11.6;
(b) the distance between the proposed site and other residential uses; and
(c) techniques being proposed by the applicant to buffer existing adjacent land uses, if required.

.2 All day care facilities shall comply with the provisions of the Provincial Day Care Regulations concerning site requirements and development standards and licensing.

6.18 GROUP HOMES

.1 Licensing Approval - a group home must comply with the specific district regulations and where necessary must be licensed or approved by the appropriate provincial agency.

.2 A group home shall not be permitted to locate within 500 m (1640 ft.) of another group home.

6.19 SURVEILLANCE SUITES

.1 In districts where a surveillance suite (caretaker or watchman residence) is permitted as a discretionary use under this Bylaw, a maximum of one surveillance suite per parcel may be approved by the Development Approving Authority. If approval for the surveillance suite is given, the following special provisions shall be adhered to:

(a) where a surveillance suite is attached to the principal building on a site, by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the principal building;

(b) unless otherwise provided in this Bylaw, detached surveillance suites shall be located to the satisfaction of the Development Approving Authority, and shall comply with the following minimum setbacks:
(i) a minimum of 2 m (6.5 ft.) from the rear property line and 2 m (6.5 ft) from the side property line; and

(ii) no closer to the front property line than the leading edge of the principal building.

.2 Where the surveillance suite is a mobile home unit, the unit shall have a Canadian Standards Association Certification Number or an Alberta Labour Number. Acceptable evidence of these shall be submitted with the Development Permit application. The skirting shall be factory prefabricated or the equivalent thereof and so designed and erected to harmonize with the mobile home. The mobile home unit shall be skirted from the floor level to the ground level.

.3 The maximum floor area of any surveillance suite shall be a maximum area of not more than 33% of the total area of the principal building, or as required by the Development Approving Authority.

.4 The quality of exterior treatment and design for all surveillance suites shall be to the satisfaction of the Development Approving Authority. The design, character and appearance of all surveillance suites shall be compatible with any other building existing on the property.

6.20 RADIOCOMMUNICATION ANTENNA TOWERS

.1 Decision Making Authority

(a) Industry Canada is responsible for regulating radio communication in Canada and for authorizing the location of radio communication facilities.

(b) In making its decision regarding the radio communication antenna tower and related facilities Industry Canada considers the following:

(i) the input provided by the land-use authority;

(ii) compliance with Transport Canada’s painting and lighting requirements for aeronautical safety;

(iii) Health Canada’s safety guidelines respecting limits of exposure to radio frequency fields; and

(iv) an environmental assessment may be required in order to comply with the Canadian Environmental Assessment Act

(c) The participation of the County in the consultation process does not transfer any federal decision-making authority, nor does it confer a right of veto in the location of the radio communication facility.

.2 Applicability

(a) An antenna and supporting structure for the following uses are permitted in any district if accessory to a permitted use and if they comply with applicable regulations of the district in which situated:

(i) ham radio;
Land Use Bylaw 819/96 Part 6.0 General Regulations

(ii) citizen band radio; and

(iii) a telecommunication device that only receives signals

(b) An antenna and supporting structure for the following uses are discretionary in all districts:

(i) radio and television transmission;

(ii) two-way radio;

(iii) common carriers;

(iv) land-mobile systems; and

(v) fixed point microwave

.3 Guidelines for New Communication Facilities or Modified Facilities

(a) Unless demonstrated to be impractical, transmission antennae shall be mounted on existing structures (including buildings or towers) or within transportation and utility corridors.

(b) The tower base shall be set back from abutting parcels and roadways by a distance of 20 percent of the tower height or the distance between the tower base and guy wire anchors, whichever is greater.

(c) Guy wire anchors shall be set back at least 1 m (3.3 ft.) from the property line.

(d) Transmission towers must have the least practical adverse visual effect on the environment. This may be mitigated through landscaping and/or fencing, etc.

(e) Sites for commercial communication towers shall be fenced with suitable protective anti-climb fencing as required by the County.

.4 Parabolic Satellite Dishes

(a) No parabolic satellite dish, which is accessory to the principal use, shall be located in or encroach on a front or side yard in a hamlet district, or in the front yard of a CR-2 - Country Residential Two District.

(b) A parabolic satellite dish shall not exceed 4.6 m (15 ft.) in height when measured from finished grade on the site to the top of the dish.

(c) Parabolic satellite dishes shall meet the district regulations for accessory buildings in the district in which they are provided unless a relaxation has been approved by the Development Approving Authority.

(d) If a dish is to be placed on a rooftop, efforts shall be made to blend it with the surrounding area through screening and placing it as far back from the front of the building as possible.
.5 Application Requirements

(a) Communication antennae and structures to be located in all districts shall obtain a development permit where they exceed 4.6 m (15 ft.) in height.

(b) An application for a development permit shall include a site plan drawn to scale and identifying the site boundary; tower; guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed, or replaced; and uses and structures on the site and abutting properties.

6.21 INDUSTRIAL USES

For the purposes of this section, residence means a permanent dwelling, single detached dwelling or a semi-detached dwelling.

.1 (a) The Development Approving Authority will not approve a development permit unless satisfied that any noise, smoke, dust and ash, smell, toxic gases, glare or heat, or industrial waste generated by any proposed industrial development will not be a health hazard. Where an application for a Development Permit for a site zoned I-H Industrial Heavy District for industrial activities designated for either approval or registration under the Environmental Protection and Enhancement Act, the Development Approving Authority shall require the application to contain Environmental Nuisance and Health Impacts Assessment prepared by a qualified environmental professional such as an engineer, biologist, planner, geologist or hydrogeologist.

(b) The Development Approving Authority will provide notification of an application to affected property owners within a minimum of one mile of the subject site to allow opportunities for public consultation prior to the Development Approving Authority rendering its decision.

(c) The Environmental Nuisance and Health Impacts Assessment shall:

i) identify the nature and quantities of substance releases;

ii) identify the provincial standards for the proposed industrial operation;

iii) identify any sensitive land uses or zoning that could contain sensitive land uses, existing or proposed, which could be detrimentally impacted by the substance releases;

iv) demonstrate what remedial and mitigative measures shall be undertaken; and

v) identify and recommend any separation distances or other land use planning measures that could be undertaken.

.2 Any development involving the storage or transmission of hazardous substances shall be sited to comply with all relevant federal and provincial legislation. A license, permit approval or other authorization granted by a Federal or Provincial agency or Crown-controlled organization may prevail over this Bylaw or a development decision by a Development Approving Authority, and/or Subdivision and Development Appeal Board pursuant to Federal or Provincial Legislation. When an application is received by the County for a Land Use Bylaw amendment or development permit and
the application is consistent with such a license, permit, approval or other authorization granted by a Federal or Provincial agency or Crown-controlled organization, the County must approve the application to the extent that it complies with the license, permit, approval or other authorization granted.

.3 (a) When an application for a Development Permit on a site zoned I-H Industrial Heavy District is for an activity involving the use or storage of hazardous substances, the Development Approving Authority shall require the application to be supported by a Risk Assessment prepared by a qualified environmental professional such as an engineer, biologist, planner, geologist or hydrogeologist, to the satisfaction of the County. In applying this requirement, the Development Approving Authority(s) shall be guided by guidelines developed by the major Industrial Accidents Council of Canada (MIACC), such as but not limited to the following publications: “Risk-based Land Use Planning Guidelines.” “Hazardous Substances Risk Assessment: a Mini-Guide for Municipalities and Industry,” and “MIACC Lists of Hazardous Substances.”

(b) The Risk Assessment shall:

(i) identify hazardous substances and their quantities;

(ii) estimate the expected frequency of the occurrence of a hazardous event;

(iii) assess the possible consequences of such an event;

(iv) determine annual individual risk and compare to MIACC’s risk acceptability criteria;

(v) demonstrate how the proposed facility and operations shall contribute to the following risk management objectives:

A) risk reduction at source (siting of facilities, modifications to processes, conformity to legislation e.g. The Safety Codes Act, the Dangerous Goods Act, monitoring, technical changes, training, etc.);

B) risk through land use planning around industrial sites and pipeline and dangerous goods corridors;

C) emergency preparedness;

D) emergency response;

E) risk communication and public participation; and

F) identify and recommend risk-based separation distances and other mitigative measures to reduce risk.

.4 To avoid unnecessary duplication and streamline the development review and approval process, Sturgeon County will coordinate the instances when it requires an Environmental Nuisance and Health Impacts Assessment and/or Risk Assessment by consulting with provincial and federal agencies regarding requirements for the subject application.
.5 The siting of isolated rural industrial developments shall be in accordance with the policies of the Municipal Development Plan.

.6 An applicant is required to submit an area structure plan for approval by Sturgeon County prior to the development of a new industrial park or the significant expansion of an existing industrial park, pursuant to the Municipal Development Plan.

.7 A minimum separation distance of 457 m (1,500 ft.) shall be maintained between the wall or edge of the heavy industrial use and a residence. The following diagram generally illustrates the minimum separation distance:

.8 A minimum 1.6 km (1 mile) reciprocal separation distance shall be maintained between the boundary of a multi-lot subdivision and the boundary of the parcel of land zoned I-H Industrial Heavy. Suitable uses within this separation distance would be agriculture. Residential densities need to be kept to a minimum and educational facilities, hospitals and other institutional land uses shall be prohibited. The following diagram generally illustrates the minimum reciprocal separation distance:
6.22 KENNELS, BOARDING AND BREEDING USES

The keeping of more than three (3) dogs may be considered as a discretionary use in an agricultural district, fringe district and I-R - Industrial - Rural District, in accordance with the following regulations:

.1 The maximum number of dogs to be kept on-site shall be at the discretion of the Development Approving Authority.

.2 In determining the number of dogs, pups less than 6 months of age shall not be included.

.3 No building or exterior exercise area(s), to be used to accommodate the dogs shall be allowed within 300m (1000 ft.) of any dwelling located on adjacent lots, or such greater distance as established in a fringe district.

.4 All dog facilities, including buildings and exterior exercise areas, shall be sited behind the principal building unless otherwise approved by the Development Approving Authority.

.5 All dog facilities shall be visually screened from existing dwellings on adjoining lots.

.6 No dog, including pups, shall be allowed outdoors between the hours of 10:00 p.m. to 7:00 a.m. daily. During this time period, all dogs shall be kept indoors.

.7 A boarding use shall at no time unduly interfere with the character of the neighbourhood or the general enjoyment of adjoining sites.

.8 All permits issued shall be valid from the date of issuance and shall be subject to cancellation by the Development Approving Authority for due cause.

.9 Failure to comply with any of the above regulations or the conditions of a development permit may result in the revoking of the permit by the County.
6.23 CONFINED FEEDING OPERATIONS

.1 The minimum setback between a new or expanding Confined Feeding operation and a multi-lot country residential development, any urban centre, school, hospital, hamlet, or a Specific Direct Control District shall be the greater of:

(a) the distance as established in a fringe district, where applicable; or

(b) 0.8 km (0.5 mile); or

(c) the Minimum Distance Separation (MDS) as outlined in the Code of Practice.

6.24 MULTI-LOT COUNTRY RESIDENTIAL SUBDIVISIONS

.1 Multi-lot country residential subdivisions, where permitted, shall be developed in accordance with the development and locational criteria identified in Sturgeon County Municipal Development Plan.

.2 Multi-lot country residential subdivisions shall not be permitted:

(a) within the 1:100 year flood plain;

(b) within the 30 NEF (noise exposure forecast) contour or higher of an aerodrome which is certified or registered by Transport Canada including Edmonton Garrison;

(c) within 0.8 km (0.5 mile) from the boundary of a parcel of land containing a resource extraction operation.

.3 Notwithstanding Section 6.24.2 (c), the County may support subdivision of land and development in the Calahoo/Villeneuve Sand and Gravel Extraction Area Structure Plan for other than resource extraction uses, if it can be established to the satisfaction of the municipality that one or more of the following apply:

(a) the subdivision or land use change will not be detrimental to the existing or future use of the land for resource extractive purposes, or to the existing or future use of adjacent lands for resource extraction purposes;

(b) the resource yield is proven to be of a low quality and/or uneconomic to extract; or

(c) the proposal meets the County’s policy with respect to subdivision of agricultural land.

.4 The minimum setback between a multi-lot country residential development or a Specific Direct Control District and a new Confined Feeding operation or an expansion shall be the greater of:

(a) 0.8 km (0.5 mile); or

(b) the Minimum Distance Separation (MDS) as outlined in the Code of Practice.

.5 Prior to submitting an application for a multi-lot country residential subdivision, an area structure plan, pursuant to Section 633 of the Municipal Government Act, shall be prepared by the developer.
and approved by the County and adjacent municipalities in accordance with the fringe districts, for the creation of a new country residential subdivision.

.6 Development of areas considered by the County or Alberta Environmental Protection to be environmentally significant should minimize habitat destruction and preserve unique topographical features through innovative subdivision and site design.

6.25 DEVELOPMENT SURROUNDING AIRPORTS

The following criteria shall be applied to subdivision and development near all aerodromes which are certified or registered by Transport Canada or are used for flight training or chartered flights including Edmonton Garrison:

.1 Multi-lot residential subdivision or a development which houses people shall be prohibited on land located within 2 km (1.25 mile) of either end of a fixed wing airport runway and within 330 m (1100 ft.) distant from the lateral sides of the runway. The setback requirements between Edmonton Garrison and multi-lot residential shall be in accordance with the Zoning Regulations for Edmonton Garrison which will house a helicopter training centre.

.2 Development adjacent to and in the vicinity of an airport shall not exceed in height the structural height limitation requirements as prescribed by Edmonton Garrison Heliport Zoning Regulations and/or the Regional Controller of Transport Canada, Civil Aviation Branch.

.3 The use or operation of a development on any land situated within the vicinity of the Airport District or the Edmonton Garrison shall not cause any objectionable or dangerous condition that would interfere with the safe and efficient operation of the aerodrome. A development application shall be referred to Transport Canada and Edmonton Garrison for comment prior to issuance of a development permit, if that development could result in: emissions of steam, smoke, dust or other atmospheric conditions; an accumulation of any materials or waste which is edible or attractive to birds; or, the use of extensive exterior lighting; or if the development includes any device, apparatus, equipment or other thing that is operated for industrial, scientific, medical or similar purpose, that produces and utilizes radio frequency energy in its operation, excluding radio communication.

.4 Construction shall conform to Canada Mortgage and Housing Corporation Standards for sound insulation for buildings situated in Noise Exposure Forecast (NEF) Areas.

6.26 SOD PRODUCTION

The removal and harvesting of sod shall be in accordance with the Code of Practice for Turfgrass Sod Farming developed by the Landscape Alberta Nursery Trades Association.

6.27 RECREATIONAL VEHICLE AND EQUIPMENT STORAGE

The following criteria will be considered in deciding upon applications to site and operate Recreational Vehicle and Equipment Storage:

.1 Such uses shall be sited and designed so as to ensure minimal disturbance to adjacent land uses.
.2 Access and egress to the site shall be via a local road where possible. Access and egress via a provincially controlled road or a major County road is discouraged.

.3 The site shall be designed such that all vehicles shall enter and exit the site in a forward direction.

.4 The storage/maneuvering surface of the site shall be designed and constructed to the satisfaction of Sturgeon County Infrastructure Services Department. The surface shall be capable of withstanding all weather movement and storage of vehicles and shall not generate a dust nuisance.

.5 Perimeter fencing and landscaping shall be required. An application for a Development Permit will include a detailed fencing and landscaping plan designed to ensure protection of the uses and amenity of adjacent lands.

.6 Lighting shall be designed, installed and operated in such a manner so as not to cause disturbance to adjacent lands and or interfere with the safe movement of traffic on nearby roads.

.7 Signage is subject to Part 7.0 of Bylaw 819/96 as amended.

6.28 EXPLOSIVES STORAGE AND DISTRIBUTION

.1 The following criteria shall be applied to applications involving explosives storage and/or distribution:

(a) All storage, handling and distribution of explosives materials shall be in accordance with federal legislation and regulations, including the Explosives Act.

(b) All explosives storage sites shall be fenced with security type fencing to the satisfaction of the Development Approving Authority so designed as to restrict entrance by unauthorized persons.

(c) All setbacks from adjacent uses shall be in accordance with federal legislation and regulations, including the Explosives Act.

(d) All built form regulations, access, drainage, parking, landscaping and other site conditions shall be to the satisfaction of the Development Approving Authority and subject to Section 6.7 Site Conditions.

(e) While reviewing a development permit application the Development Approving Authority may also consider the following:

(i) Submission of an Environmental Impact Assessment,

(ii) Submission of a copy of any federal applications and evidence of federal approvals,

(iii) Preparation and submission of a copy of an Emergency Response Plan and Risk Assessment,
(iv) Identification of truck haul routes,
(v) Details of security measures to be undertaken,
(vi) Any other conditions as deemed required by the Development Approving Authority.

.2 Lands redistricted for the purposes of Explosives Storage and Distribution shall be redistricted back to their previous zoning once the Explosives Storage and Distribution use has ceased.

6.29 SHIPPING CONTAINERS (Bylaw 1229/10)

.1 Shipping containers shall not be allowed on CR-1 parcels less than 1 acre. Shipping containers shall be considered as a permitted use within the CR-1 districts on parcels equal to or greater than 1 acre. Shipping Containers in the CR-1 district shall not be located in the front yard and shall not be located on an undeveloped parcel unless a development permit has been issued for a permanent building or structure on the property. The maximum number of containers that shall be allowed on a CR-1 parcel is one (1).

.2 Shipping Containers shall not be allowed within CR-2 and CR-E districts.

.3 Shipping Containers shall meet district regulations.

.4 Shipping Containers shall have an exterior finish to match or compliment the exterior finish of the principal dwelling; or shall be screened from view to the satisfaction of the Development Officer.

.5 Shipping Containers shall be used for storage purposes only, excluding any dangerous or hazardous materials.

.6 Shipping Containers shall not be stacked one upon another.

.7 Altered or modified Shipping Containers may require a building permit.

.8 Shipping Containers shall be allowed for construction purposes for a maximum of 18 months.

.9 The provisions of Section 2.3.1 apply to existing shipping containers located in the following districts: Agricultural (AG), Agricultural Heartland (AG-H), Agricultural – Calahoo/Villeneuve (A-CVA), Agricultural – No Gravel Extraction (A-NGE), Agricultural – Nature Conservation (A-NC), Agricultural – Nature Conservation Heartland (A-NC-H), Gravel Extraction (GE), Intermunicipal Fringe – A (IMF-A), Intermunicipal Fringe – B (IMF-B), Urban Fringe (UF), Hamlet Commercial (HC), Hamlet Residential (HR), Business Industrial (B-I), Industrial Heavy (I-H), Highway Commercial (HWYC), Airport (AP), Industrial Rural (I-R) District, and the Industrial Service Centre – Heartland (ISC-H) district.

.10 Existing shipping containers located in a district where that use is a permitted use and the existing shipping container complies with the requirements of this bylaw are exempt from requiring a development permit.
PART 7.0: SIGN REGULATIONS

Any person applying to erect, enlarge or structurally alter a sign shall comply with the provisions of this Part.

7.1 SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

The following signs do not require a development permit provided that they comply with other bylaws and regulations:

.1 campaign signs for federal, provincial, municipal, regional health authority, or school board elections on private property to a maximum of 1 sign per frontage provided that:

(a) such signs are removed within three (3) days after the election;
(b) the consent of the property owner or occupant is obtained;
(c) such signs are not attached to fences, trees or utility poles; and
(d) the sign indicates the name of the sponsor.

.2 Functional signs including but not limited to traffic and directional signs.

.3 Signs relating to the sale, lease or rental of a building or land to which they are attached, provided that:

(a) a sign is not illuminated; and
(b) each sign shall not exceed 0.6 m² (6.5 ft²) in area and shall be set back 1.5 m (4.9 ft.) from the property line.

.4 Signs indicating the address and/or owner of a residence or the name of a Home Based Business, provided that the signs do not exceed 0.2 m² (2.0 ft²) in area.

.5 Signs on land or buildings for religious, educational, cultural, recreational, medical or similar public or quasi-public purposes and relate to the use of the land or buildings on which they are displayed, provided that:

(a) the sign shall not exceed 2.5 m (8 ft.) in height or 5.9 m² (64.0 ft²) in area; and
(b) there shall be a limit of one sign per property frontage.

.6 Temporary signs which are displayed on the interior or exterior of the building with which such sales will be or are being conducted, provided that signs shall be constructed of paper, canvas, cardboard or other light materials or painted on the glass and intended to be displayed for a short time period. Such advertisements shall be removed within 14 days of the completion of the said sale.

.7 A development permit shall not be required to clean, repair or repaint any sign.
.8 Signs specified in this Part are deemed permitted provided that the proposed sign is in accordance with the regulations specified in this Part. Where the proposed sign does not conform, it shall be deemed to be discretionary and shall be advertised in accordance with Section 2.8.3.

7.2 SIGN APPLICATION REQUIREMENTS

.1 An application for a permit to structurally alter or erect a sign shall be made to the Development Approving Authority and shall include the following:

(a) a letter of consent from the land or building owner;
(b) two copies of the sign drawings with dimensions, height, thickness and sign area;
(c) materials, finishes, colours, size of lettering and graphics;
(d) mounting or installation details;
(e) the location of all existing and proposed signs on the building facade or on a site plan of the parcel indicating the front and side property lines, setbacks and distances from existing buildings;
(f) mounting height or clearance to grade; and
(g) the appropriate fee as amended from time to time by Council Resolution.

.2 Where an applicant wishes to deviate from the terms of the development permit, he/she shall notify the Development Approving Authority, submit amended drawings and if required by the Development Approving Authority make application for a new development permit and submit the prescribed fee.

7.3 GENERAL REGULATIONS

.1 All proposed signs shall meet the following general provisions:

(a) Pursuant to Section 6.11.3 a sign shall not be located such that it obstructs visibility at roadway intersections.
(b) No signs shall be erected on or affixed to public property without the consent of the appropriate public body.
(c) No signs shall be erected on or affixed to private property without the consent of the owner.
(d) Flashing or animated signs or signs illuminated from within shall not be permitted in developments where, in the opinion of the Development Approving Authority, they might:

(i) affect residents in adjacent housing or residential districts and are visible from any residential property within a distance of 90 m (295 ft.); or
(ii) interfere with the interpretation of traffic signs or controls.

(e) Temporary signs shall be removed by the advertiser within 14 days after completion of the sale, event or work to which the sign relates.

(f) Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Approving Authority.

(g) Pursuant to Section 5.2, where a sign is not kept in a safe, clean state of repair, the Development Approving Authority may, by written notice, require the person responsible for the sign or the owner of the property or both to remove the sign or alter or refurbish the sign within a certain specified time period. Where no action is taken, the Development Approving Authority may enter upon the land and take such action as is necessary to carry out the order and cause the costs incurred in carrying out the order to be placed on the tax roll as an additional tax against the person responsible for the sign or the property owner.

(h) No sign, notice or advertising device shall be erected within 300 m (984 ft.) from the limit of a controlled highway without a permit from the Minister of Transportation and Utilities pursuant to Section 5 of the Highway Development Control Regulation, Alberta Regulation 242/90.

.2 In accordance with Section 7.4, the number of signs per title

(a) in an agricultural, fringe, airport or industrial district shall be:

(i) one sign per property frontage along a highway or public road allowance to a maximum of two signs; and

(ii) one temporary sign.

(b) in a commercial district shall be:

(i) one sign, per property frontage where the site has a minimum business frontage of at least 18 m (60 ft.); and

(ii) one temporary sign where the site has a minimum business frontage of at least 18 m (60 ft.).

(c) in a hamlet residential or multi-parcel country residential district shall be:

(i) one Home Based Business sign and an address or name sign, per title in accordance with Sections 7.1.4 and 7.4.6.; and

(ii) one temporary sign in accordance with Section 7.1.1 and 7.1.3.

(d) on an institutional site shall be in accordance with Sections 7.1.5 and 7.4.5.

.3 One free-standing sign per residential subdivision may be installed in accordance with Sections 7.4.5.
.4 No portable signs shall be permitted in a residential district.

.5 The owner of a gravel or sand extraction operation shall install a sign to identify the general area where extraction is presently occurring or is to occur within 10 years.

### 7.4 SIGN REGULATIONS BY TYPE OF SIGN

The following table identifies the regulations for each type of sign for the purpose of this Bylaw.

<table>
<thead>
<tr>
<th>Sign</th>
<th>Districts</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>.1 Fascia Sign</td>
<td>AG, HWYC, I-R, AP, HC, A-NC, UF, IMF - A&amp;B</td>
<td>Fascia Signs shall:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) not project more than 0.8 m (2.6 ft.) above the top of the vertical face of the wall to which they are attached.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) not exceed in sign area the equivalent of 25% of the area of the wall comprising the business frontage;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) be located on the business frontage;</td>
</tr>
<tr>
<td>.2 Functional Sign</td>
<td>All districts</td>
<td>No limits.</td>
</tr>
<tr>
<td>.3 Roof Sign</td>
<td>HWYC, AG, I-R, A-NC, UF, IMF - A&amp;B</td>
<td>In addition to the provisions of Subsections .1 (a) - (c), roof signs shall comply with the following provisions:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) roof signs shall be set back at least 1 m (3.28 ft.) from the edge of the building;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>supporting wires and stays shall be designed or concealed to appear as an integral part of the overall sign design and shall not be visible from the street;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) fascia signs shall not be used in conjunction with roof signs.</td>
</tr>
<tr>
<td>.4 Portable Sign</td>
<td>HWYC, AG, I-R, I-H, AP, A-NC, UF, IMF - A&amp;B</td>
<td>A portable sign shall be permitted for a period not exceeding sixty (60) days.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) If the business being advertised is of a seasonal or temporary nature, operating for 6 months or less and if the portable sign is the only sign used to identify the business, the sign may be permitted for the duration of the operation of the business at the discretion of the Development Approving Authority.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) A portable sign shall not be located within 1.5 m (4.9 ft.) of any property line nor within 3 m (9.8 ft.) of any access to the site.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(d) A portable sign shall have a maximum height of 2.4 m (8 ft.) above grade and a sign area not exceeding 3.0 m² (32 ft.²).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(e) A portable sign shall be removed on or before the expiry date specified in the permit.</td>
</tr>
<tr>
<td>.5 Free-standing Sign</td>
<td>Commercial &amp; Industrial HWYC, I-R, I-H, AP,</td>
<td>Free-standing signs shall not be located within 1.5 m (4.9 ft.) of any property line.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) The total sign area of all freestanding signs on each site shall not exceed 0.3m² (3.23 ft.²) for each lineal meter of roadway frontage of the developed site to a</td>
</tr>
</tbody>
</table>

Sturgeon County Land Use Bylaw 819/96
Notes/Amendments:
Land Use Bylaw 819/96

Part 7.0 Sign Regulations

<table>
<thead>
<tr>
<th>S-DC, HC, AG, UF, IMF - A&amp;B</th>
<th>maximum of 12 m² (129 ft²) for each sign. (c) The maximum height for a freestanding signs shall be as specified in the district in which they are located.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutional CR-1, HR, CR-2, AG, UF, HC, A-NC, IMF - A&amp;B</td>
<td>(d) In any district where a place of worship, school or other public institution is permitted, one sign per frontage of not more than 2.5 m (8 ft.) in height or 5.9 m² (64 ft²) in sign area shall be permitted to be created on the parcel occupied by the place of worship, public institution or school.</td>
</tr>
<tr>
<td>Residential CR-1, HR, CR-2, S-DC</td>
<td>(e) Within a residential district, one freestanding sign per frontage may be allowed for the purpose of identifying the name of a multi-family complex, a mobile home park or a country residential subdivision. The structure shall not exceed 2.5 m (8 ft.) in height nor shall the sign area exceed 5.9 m² (64 ft²) in area.</td>
</tr>
</tbody>
</table>

.6 Home Based Business Sign

| HR, AG, UF, CR-1, CR-2, A-NC, S-DC, UF, IMF - A&B | There shall be no exterior signage, display or advertisement other than a business identification sign which shall not exceed 0.2 m² (2 ft²) in sign area. |

.7 Directional Sign

| HWYC, RI, HI, AP, S-DC, HC, EFA, A-NC, UF, IMF - A&B | (a) The sign structure shall not exceed 1.8 m (6 ft.) in height. (b) Directional signs shall not exceed 1.0 m² (10.76 ft²) in sign area and may be temporary or permanent in nature. |

.8 Billboard Sign

| AG, A-NC, I-H, I-R, UF IMF - A&B | (a) The erection of billboards will be considered by the Development Approving Authority on the merits of each application. (b) Each application approved shall be subject to the following conditions: (i) The structure shall not exceed 6 m (20 ft.) in height nor 15 m (49 ft.) in length; (ii) The vertical posts supporting the structure shall not project above the upper edge of the boarding; (iii) The minimum radial distance between billboards facing the same traffic direction along a public roadway shall be 0.8 km (0.5 mile); (iv) The sign area for a billboard sign shall not exceed 90 m² (980 ft²). |
7.5 DEFINITIONS

For the purpose of these regulations, certain words and expressions are defined as follows:

**Billboard Sign** means a sign, primarily self-supporting and permanently affixed to the ground, that advertises goods, products, services, events or facilities which are at a location other than the property on which the sign is located.

**Directional Sign** means a sign which is required to provide direction to a business, trade or institution and advertises goods or services which are at a location other than the property on which the sign is located. A directional sign may also be a temporary sign depending on how it is to be used.

**Fascia Sign** means a sign placed flat and parallel to the face of a building so that no part projects more than 0.3 m (1 ft.) from the building.

**Free-standing Sign** means a sign on a standard base or column permanently fixed to the ground and not attached to any building or other structure. The sign advertises goods and services which are at the location on which the sign is located.

**Frontage** the lineal distance measured along the front lot line. On double fronting lots all sides of a lot adjacent to a public roadway shall be considered frontage.

**Functional Sign** means a sign which is not intended to be used for promotional purposes. It is required by public authorities, utility companies and other companies. Its sole purpose is for the direction and control of traffic, pedestrians or parking. e.g. identification of service locations and on-site hazards.

**Portable Sign** means a sign on a standard, column or A-frame boards fixed to its own self-contained base and capable of being moved manually. It is not attached to a building or to the ground.

**Roof Sign** means any sign erected upon, against, or directly above a roof or on top of or above the parapet wall of a building.

**Sign** means any device or structure used for the display of advertisements and without, in any way, restricting the generality of the foregoing, includes posters, notices, panels and boarding.

**Sign Area** means the total surface within the outer edge of a frame or border; or where a sign is composed of individual letters, numerals or graphics, the sum of the area of the smallest rectangle enclosing the letters, numerals or graphics.

**Temporary sign** means a sign which is not permanently anchored to the ground or affixed to a building, advertising goods, services or activities for a limited time basis and which by their nature, could readily be relocated to serve a similar purpose in another location. These include:

- garage sale signs
- banners
- portable signs
- pennants
- signs advertising a demonstration of agricultural methods
- signs announcing the sale of goods or livestock on land not normally used for commercial purposes
- signs referred to in Sections 7.1.1 - 7.1.3 and 7.1.6