

The purpose of this district is to provide for special or innovative developments which in the opinion of Council require specific regulations that are generally unavailable in other land use districts. This district is not intended to be used in substitution for any other land use district in this Bylaw that could be used to achieve the same result.

**A. PERMITTED USES OF LAND AND/OR BUILDINGS**

- 1) Agriculture Extensive
- 2) Ancillary Uses & Buildings

**B. DISCRETIONARY USES OF LAND AND/OR BUILDINGS**

- 1) Waste Management Facility
- 2) Mobile Home Parks
- 3) Sewage Lagoon & Sewage Treatment Plant
- 4) As determined by the Council

**C. DEVELOPMENT STANDARDS**

Development standards such as: yard setbacks, building heights, landscaping and screening, minimum lot area, off street parking and other relevant requirements are as determined by the Council or as otherwise delegated to the Municipal Planning Commission.

**D. REGULATIONS**

Upon the designation of an area to DC - Direct Control District, Council may assign the site a Direct Control Number and either generally or specifically provide statements of the uses that may be allowed on the site either with or without conditions. Subject to those guidelines established by Council, the Municipal Planning Commission may issue development approval and establish development standards as deemed suitable and appropriate for the intended use of the subject property.

- 1) Direct Control No. 1 - (Pt. SW. 5-33-5-5) is established to contain a large lot mobile home park development which may contain associated ancillary industrial and commercial uses.
- 2) Direct Control No. 2 - (Pt. N.W. 32-32-5-5) is established to contain two lots with the southerly lot being used for industrial purposes and the northerly lot being used for residential purposes for the interim period with the long term use to be for industrial or commercial purposes.
- 3) Direct Control No. 3 (Pt. N.E. 34-31-5-5) is established to contain a use such as a private campground.
- 4) Direct Control No. 4 (Pt NE 27-29-5-5) is established to contain a mobile home park

5) Direct Control No. 5 (Pt. SW 24-29-1-5) is established for a fertilizer outlet.

6) Direct Control No. 6 (Pt. SE 3-33-5-W5) is established for a campground.

**E. UNSAFE, HAZARDOUS, OR NOXIOUS DEVELOPMENTS**

Any Development pursuant to Section 17 may be considered to be a Discretionary Use where such use is deemed to be unsafe, hazardous, noxious, or otherwise inappropriate for the intended location.

**F. DEFINITIONS - FOR THE PURPOSE OF THIS SECTION**

**"MOBILE HOME PARK"** means any lot on which three or more occupied mobile homes are located or are permitted to be located without regard as to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for uses as a part of the equipment of such mobile home park and which complies with the Provincial Department of Public Health Regulations governing mobile home parks except that the expression "mobile home park" shall not be deemed to include industrial and construction camps of a temporary nature;

**"SEWAGE LAGOON"** means a shallow, artificial pond created for the collection and storage of sewage effluent. (Private Sewage Disposal Code of Practice; Alberta Labour)

**"WASTE MANAGEMENT FACILITY"** means a facility, including property, equipment and buildings, used for the collection, storage, recycling, treatment and/or disposal of waste material. (Waste Management Manual; Air and Waste Management Association)

**COUNTY OF MOUNTAIN VIEW NO. 17**  
**NE 34-31-5-W5 / Bergen Springs**  
**Direct Control Regulations**

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**WHEREAS** Section 641 of the Municipal Government Act as amended provides for the establishment of Direct Control Districts to enable Council to exercise control over the use and development of land or buildings within an area of the County; and

**WHEREAS** Council wishes to provide for the regulation and control of the use and development of the land area for recreational purposes.

**WHEREAS** these Regulations shall be known as the **Bergen Springs Direct Control District Regulations**.

**WHEREAS** these Regulations shall apply to that portion of the **NE 34-31-5-W5**, contained within Condominium Plan 911145.

**WHEREAS** these Regulations allow Council to regulate all aspects regarding the development of these lands for recreational purposes and **not** for use as permanent residences.

**NOW THEREFORE BE IT RESOLVED** that pursuant to the Municipal Government Act Section 641, the following Regulations be adopted:

1. PERMITTED USES OF LAND AND/OR BUILDINGS

The following uses shall be permitted with or without conditions providing the application complies with the Direct Control District and these Regulations.

Location Permit

- a) Ancillary Buildings and Uses
  - Maximum of One (1) Ancillary Building per Condominium Unit
- b) Deck and Roof Covers
- c) Fire Pit Covers
- d) Cottage/Cabin/Chalet
- e) Recreational Vehicle (Subject to 6(f))

Development Permit

- a) Recreation Facility

2. REGULATIONS - SETBACKS AND SIZE

- a) Floor Area - Condominium Unit

- i. Cottage/Cabin/Chalet – maximum floor area – 1,000 square feet
- ii. Ancillary Building - maximum 80 square feet
- iii. Recreation Vehicle Deck and Roof Covers - Decks shall not be greater than 12 feet wide nor longer than the Recreation Vehicle. Roof covers shall be limited to the extent of the recreation vehicle with a maximum overhang of one foot.
- iv. Deck Enclosure – Maximum 50%.
- v. Fire Pit Covers – maximum 16 ft. X 16 ft. (256 square feet) with all metal construction with proper screening to control sparks; and shall not be enclosed.
- vi. Recreation Facilities - At Discretion of Municipal Planning Commission.

b) Minimum Yard Setbacks - Condominium Unit

- i. Minimum Front Yard Setback  
– 10 feet (3.05 metres) or as otherwise may be required by the Municipal Planning Commission
- ii. Minimum Side and Rear Yard Setbacks  
- 6.6 feet (2.0 metres) or as may be otherwise required by the Municipal Planning Commission.

c) Lot Coverage

- i. Maximum lot coverage – 10%

d) Building Height

- i. Maximum Height of Cottage/Cabin/Chalet – 26 feet

e) Habitable Space

- i. Maximum habitable space of Cottage/Cabin/Chalet – 1,000 square feet

6. SUPPLEMENTARY REGULATIONS

- a) All Cottages/Cabins/Chalets or Ancillary Buildings approved by the County prior to November 9, 2005 shall be subject to the provisions of the Municipal Government Act regarding nonconforming buildings.
- b) Mobile Homes shall not be permitted.
- c) Potable water shall be provided through a common water system or individual water wells.
- d) Sanitary sewage collection and disposal shall be by CSA approved holding tanks only. Septic tank and field systems shall not be allowed. Owners shall be responsible for registering the installation of a holding tank with the Condominium Association. Upon request, the Condominium Association shall provide this information to the County and/or the Health Authority.
- e) Basements and garages shall not be allowed.

- f) All recreational vehicles, excluding recreational vehicle park models, shall not require the issuance of a location permit provided all provisions of this district are adhered to.
- g) Not more than one (1) recreational vehicle or one (1) Cottage/Cabin/Chalet shall be permitted on any condominium unit at any one time. This provision does not apply to a recreational vehicle belonging to people visiting, provided the length of stay does not exceed one (1) month in duration which shall be regarded as a cumulative thirty days within one calendar year.
- h) Prior to the submission of a Location Permit or Development Permit to the County, approval must first be obtained from the Condominium Association. A letter of approval from the Condominium Association must accompany all permit applications submitted to the County.
- i) For purposes of these Regulations the floor area shall be calculated using outside wall measurements, and shall include **all** livable floor area, including enclosed decks.
- j) Development of new recreation facilities or the expansion of existing recreation facilities may require screening, which could include landscaping and/or fencing as a condition of development approval.
- k) Outside storage shall not be permitted except for the storage of firewood or other purposes consistent with the recreational use of the property.
- l) These regulations shall apply to all condominium plans within those lands designated direct control contained within Pt. NE 34-31-5-W5M.

7. DEFINITIONS - FOR THE PURPOSE OF THIS SECTION

- a) **"ANCILLARY BUILDING AND/OR USE"** means a building or use of land which is separate, incidental and subordinate to the primary use of the land and/or building located on the same lot. For the purpose of this district ancillary buildings shall include such structures as a portable shelter, sheds, and/or wood storage units.
- b) **"BUILDING"** means any thing constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road;
- c) **"DEEMED APPROVED"** means any development or use of buildings or land that does not require any approval, if in compliance with the Land Use Bylaw.
- d) **"DEVELOPMENT PERMIT"** means a document authorizing a development issued pursuant to a land use by-law;
- e) **"DRY CAMPING"** means camping without water, power or sewage hookups.

- f) **"ENCLOSURE"** means those elements forming permanent enclosure of a portion of a deck. Such elements shall include but not limited to walls, window and doors. Elements such as a railing, and mesh (nylon or metal) screening for the purposes of repelling insects shall not be regarded as forms of enclosure.
- g) **"FLOOR AREA"** means the total floor area of every room and passageway contained but not including the floor areas of basements, attached garages, shed, open porches, patios, open decks or verandahs, or breezeways.
- h) **"MOBILE HOME"** means a transportable single family dwelling unit intended for year round occupancy designed to be transported on its own wheels and arriving at the site ready for occupancy apart from incidental operations such as location of foundation supports and connection to utilities. Mobile homes are generally greater than four metres in width and under the Alberta Safety Codes Act require the issuance of a building permit.
- i) **"RECREATION VEHICLE"** means a transportable unit, including tents and related structures, designed, constructed or re-constructed to be used or intended to be used for travel, recreational and vacation uses. Such uses shall include a travel trailer, pick up camper, motorized camper or tent trailer. Recreational vehicles are generally less than four metres in width and the siting and location of a recreational vehicle does not require a building permit under the Alberta Safety Codes Act.
- j) **"RECREATION VEHICLE – PARK MODEL"** means a recreational vehicle intended for seasonal, vacation or recreational occupancy that is not self-contained. It is designed for park camping only, and while it is easily moved from site to site, as a normal recreational vehicle, it is not capable of "dry camping" as it does not have any water or sewage storage tanks and must be used with hookups. It is not a mobile home.
- k) **"LOCATION PERMIT"** means a document authorizing a development or use of buildings or lands that are not deemed approved or requiring a Development Permit.
- l) **"RECREATION FACILITY"** means parks, playgrounds, public campgrounds, war games and rifle and archery ranges, lodges, resorts, church camps.
- m) **"HABITABLE SPACE"** means all floor area including attic space with windows within a Cottage, Cabin or Chalet used for human occupancy including working, assembling, living, sleeping, eating cooking or recreational purposes.
- n) **"HEIGHT"** means the vertical distance as measured from the average ground elevation of the lot and highest point of the Cottage, Cabin or Chalet exclusive of any accessory roof construction such as a chimney, steeple or antenna.
- o) **"LOT COVERAGE"** means the percent of the lot area covered by the cottage, cabin or chalet excluding parking areas, driveways and walkways.

**WHEREAS** Section 641 of the Municipal Government Act as amended provides for the establishment of Direct Control Districts to enable Council to exercise control over the use and development of land or buildings within an area of the County; and

**WHEREAS** Council now wishes to provide for the regulation and control of the use and development of the land area for industrial uses, including a value added wood processing establishment;

**NOW THEREFORE BE IT RESOVLED** that pursuant to the Municipal Government Act, Section 641, the following Regulations be adopted:

1. These Regulation shall be known as the NE 27-29-5-W5M Direct Control District Regulations.
2. The purpose of these Regulations is to allow for the establishment of a range of industrial uses, including a value added wood processing establishment, with indoor manufacturing and outdoor storage.
3. PERMITTED USES OF LAND AND/OR BUILDINGS

The following uses shall be permitted with or without conditions providing the application complies with the Direct Control District and these Regulations.

Deemed Approved

- (a) Extensive Agriculture

Location Permit

- (a) Ancillary buildings and uses.

DISCRETIONARY USES OF LAND AND/OR BUILDINGS

The following uses may be permitted with our without conditions providing the application complies with the Direct Control District and these Regulations.

Development Permit

- (a) Signs
- (b) A value added wood processing establishment with indoor manufacturing and outdoor storage
- (c) Caretakers Residence

- (d) Waste Management Facility
- (e) Natural resource extraction
- (f) Industrial-Manufacturing
- (g) Industrial- Processing
- (h) Industrial-Sales and Distribution
- (i) Industrial-Service and Repair

#### 4. REGULATIONS-SETBACKS AND SIZE

- (a) Minimum Floor Area
  - (i) permitted and discretionary uses - 500 square feet.
  - (ii) caretakers residence - 800 square feet.
- (b) Minimum Front Yard Setback
  - (i) 250 feet from the center line of the County road allowance.
  - (ii) Property line for signs, fences and gates.
- (c) Minimum Side and Rear Yard Setbacks
  - (i) no development will be allowed within 1000 feet of the north side of the quarter, within 250 feet of the west side of the quarter, and within 50 feet of the south side of the quarter.
  - (ii) property line for signs, fences and gates.

#### 5. SUPPLEMENTARY REGULATIONS

- (a) The removal of any trees within 250 feet of the east, west and south sides of the quarter and within 1000 feet of the north side of the quarter will require the approval of the Development Officer.
- (b) Off-street parking shall be provided in accordance with the size of development proposed and shall be determined by the Municipal Planning Commission.
- (c) No development shall be allowed to interfere with sight distances so as to be hazardous to vehicular traffic.
- (d) No permanent buildings or permanent structures will be allowed over the reclaimed landfill site.
- (e) The height of buildings may be limited to such height as is deemed suitable and appropriate for the intended use.
- (f) The Municipal Planning Commission may require that a development agreement be entered into addressing among other things, sound attenuation, environmental monitoring, and road improvements to the site.
- (g) No burning of waste or by products will be allowed without proper approval from Mountain View County and any other regulatory agencies.



- (h) Any Development pursuant to Section 3 may be considered to be a Discretionary Use where such use is deemed to be unsafe, hazardous, noxious, or otherwise inappropriate for the intended location.

**COUNTY OF MOUNTAIN VIEW No. 17  
SW 24-29-1-5 / Fertilizer Outlet  
Direct Control Regulations**

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**WHEREAS** Section 641 of the Municipal Government Act, provides for the establishment of Direct Control Districts to enable Council to exercise control over the use and development of land or buildings within an area of the County; and

**WHEREAS** by By-Law No. 74/95, Council has amended the County of Mountain View No. 17 Land Use By-Law No. 55/95 to designate an area of land as a Direct Control District; and

**WHEREAS** Council now wishes to provide for the regulation and control of the use or development of land or buildings within the said area of land to allow Council to restrict the use and development of the land area for the sale of fertilizers and agricultural chemicals and the sale and service of fertilizer application equipment.

**NOW THEREFORE BE IT RESOLVED** that pursuant to the Municipal Government Act, Section 641 (2), the following Regulations be adopted:

1. These Regulations shall be known as the "Fertilizer Outlet Direct Control District Regulations".
2. These Regulations shall apply to a portion of the **SW 24-29-1-5**.
3. The range of uses shall be limited to the sale of fertilizers and agricultural chemicals and the sale and service of fertilizer application equipment.
4. As outlined in the Public Highways Development Act, Alberta Transportation and Utilities requires a permit for use of the existing highway access arrangement, prior to development of the site for a bulk fertilizer distribution facility. In addition, pursuant to the Act, access to and from Highway 2 is considered temporary and shall be closed whenever required by Alberta Transportation and Utilities.
5. In reviewing any development permit application for the site, consideration will be given to, among other things, dust abatement measures on access roads.

WHEREAS Section 641 of the Municipal Government Act as amended provides for the establishment of Direct Control Districts to enable Council to exercise control over the use and development of land or buildings within an area of the County; and

WHEREAS by Bylaw No. 36/96, Council has amended Land Use Bylaw No. 55/95 to designate an area of land as a Direct Control District; and

WHEREAS Council now wishes to provide for the regulation and control of the use or development of the land area for recreational purposes;

NOW THEREFORE BE IT RESOLVED that pursuant to the Municipal Government Act, Section 641, the following Regulations be adopted:

1. These Regulations shall be known as the "Tall Timber Direct Control District Regulations".
2. These Regulations shall apply to a portion of the **SE 3-33-5-W5M**
3. The intent of these Regulations is to allow Council the flexibility and control necessary to plan and regulate all aspects of the development of these lands for recreational purposes and not for use as permanent residences. It is the intent of these Regulations to recognize the existing use of the site as a campground and to allow for an increase in the number of seasonal recreational vehicle sites.
4. No permanent dwellings of any type are permitted pursuant to these Regulations on any recreational vehicle site. As well, no permanent occupancy in any recreational vehicle is allowed.
5. The minimum size of any new site is 1600 square feet and the recreational vehicle sites may abut the property line. All recreational vehicles and any decks must be located at least 5 feet from the side and rear boundary of each site. The number of new sites allowed will be determined through the development permit process.
6. All developments existing at the time of passing these Regulations are hereby permitted.
7. Recreational vehicles shall not require a location permit; however decks and roof covers will require a location permit. Decks that are greater than 8 feet wide or longer than the vehicle itself and roof covers with more than a one foot overhang over the deck are not permitted. No more than one (1) recreational vehicle and a maximum 8 by 10 foot metal prefabricated storage shed shall be permitted on any site at any time. However, where two adjacent lots are owned by the same party, additional development may be permitted if a development permit is obtained. The County, as a condition of the permit, may place a condition that the development be removed if the lot is sold. Decks are not to be enclosed and no more than 30 percent screening is permitted.

8. Notwithstanding Number 4 above, the following ancillary buildings and services are permitted: resident manager's mobile home(no size restrictions), owners' residences, storage garage, machine shop, swimming pool, ice cream shop, convenience store, and indoor/outdoor washroom, shower, and laundry facilities. Other building and services which in the opinion of the County of Mountain View are ancillary to the purpose of these Regulations are also permitted, provided proper permits are obtained. Permanent residency will be permitted for a resident manager and assistant manager only.
9. Any location or development permit in a new development area will carry a condition that development is 0.5 metres freeboard above the 1:100 design flood level. Other methods to achieve flood protection may also be considered by the County. Larger floods may occur or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These Regulations or any permits issued pursuant to them do not imply that areas outside the flood hazard area boundaries will always be totally free from flooding or flood damages. Nor shall these Regulations create a liability on the part of, or be a cause of, action against the County of Mountain View or any officer or employee thereof for any flood damages that may result from the reliance on these Regulations or permits.
10. The site area for these Regulations is the titled area existing at the time of adoption of these Regulations.
11. All animals must be kept on a leash at all times.
12. All new developments will require a location or development permit. The County of Mountain View may require screening, which may include landscaping and fencing, as a condition of development approval.

**WHEREAS** Section 641 of the Municipal Government Act as amended provides for the establishment of Direct Control Districts to enable Council to exercise control over the use and development of land or buildings within an area of the County; and

**WHEREAS** Council wishes to provide for the regulation and control of the use and development of the land area for **private recreational** purposes,

**NOW THEREFORE BE IT RESOLVED** that pursuant to the Municipal Government Act Section 641, the following Regulations be adopted:

1. These Regulations shall be known as the **SE 21-30-1 W5M Direct Control District Regulations**.
2. These Regulations shall apply to that portion of the **SE 21-30-1 W5M**, contained within Plan 9813056; Lot 1.
3. The purpose of these Regulations is to allow for the establishment of a recreational land use to include recreational vehicles for use on a year round basis.
4. **PERMITTED USES OF LAND AND/OR BUILDINGS**

The following uses shall be permitted with or without conditions providing the application complies with the Direct Control District and these Regulations.

**Location Permit**

- (a) Recreational Vehicle / Recreational Vehicle (Park Model) (Subject to 6 (a))
- (b) Deck and Roof Covers

**Development Permit**

- (a) Recreation / Storage Building  
- Maximum of One (1)
- (b) Recreation Facility

**5. REGULATIONS - SETBACKS AND SIZE**

- (a) Maximum Floor Area
  - (i) Recreational Vehicle
  - (ii) Recreational Vehicle (Park Model) – 600 square feet

- (iii) Recreation / Storage Building- At Discretion of Municipal Planning Commission.
- (iv) Deck and Roofs Covers:

- Recreational Vehicle / Recreational Vehicle (Park Model): Decks shall not be greater than 8 feet wide nor longer than the Recreational Vehicle and roof covers with more than a one foot overhang over the deck are not permitted.
- Decks are not to be enclosed and no more than 30 percent screening is permitted.

(b) Minimum Yard Setback Requirement from the boundaries of Plan 9813056; Lot 1 are as follows:

- (i) Minimum Front Yard Setback – 150 feet from the centre line of the County road allowance.
- (ii) Minimum Side and Rear Yard Setback – 20 feet.
- (iii) Minimum setback required from the crest of the slope shall be as determined by the Municipal Planning Commission. In order to determine a minimum setback, a slope stability report prepared by a qualified professional may be required of the developer.

## 6. SUPPLEMENTARY REGULATIONS

- (a) The maximum number of recreational vehicles or recreational vehicles (park model) permitted on a permanent basis shall not exceed five (5). For the purposes of these Regulations, the area surrounding a recreational vehicle / recreational vehicle (park model) permanently situated on the property shall constitute a "site". Mobile homes are not permitted.
- (b) The maximum number of sites permitted on the subject property shall not exceed five (5).
- (c) Notwithstanding 6.(a) above, there may be a maximum of two (2) recreational vehicles belonging to person (s) visiting, provided the length of stay does not exceed two (2) weeks.
- (d) Potable water shall be provided through a common water system or individual water wells.
- (e) Sanitary sewage collection and disposal is subject to all legislation, regulations, and guidelines of Alberta Labour, Alberta Provincial Board of Health and Alberta Environmental Protection.
- (f) Development of recreation facilities or the expansion of an existing recreation facility may require screening, which could include landscaping and/or fencing as a condition of development approval.
- (g) Outside storage shall not be permitted except for the storage of firewood or other purposes consistent with the recreational use of the property. The storage of recreational vehicles, other than provided by 6.(a), is not permitted.
- (h) All animals must be kept on a leash at all times.

- (i) The Development Authority may as a condition of approval require the applicant to enter into a development agreement as a condition of approval.
- (j) Plan 9813056, Lot 1 may not be further subdivided.
- (k) Use of the subject property shall be restricted to private recreational purposes only. Use of any portion of the subject property for public recreation purposes or facilities shall not be permitted.

#### **7. DEFINITIONS - FOR THE PURPOSE OF THIS SECTION**

- (a) **"BUILDING"** means any thing constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road;
- (b) **"DEVELOPMENT PERMIT"** means a document authorizing a development issued pursuant to a land use by-law;
- (c) **"FLOOR AREA"** means the total floor area of every room and passageway contained but not including the floor areas of basements, attached garages, shed, open porches, patios, open decks or verandas, or breezeways;
- (d) **"RECREATIONAL VEHICLE"** means a transportable unit, including tents and related structures, designed, constructed or re-constructed to be used or intended to be used for camping purposes;
- (e) **"LOCATION PERMIT"** means a document authorizing a development or use of buildings or lands that are not deemed approved or requiring a Development Permit;
- (f) **"RECREATION FACILITY"** means parks and playgrounds and other similar uses.

**MOUNTAIN VIEW COUNTY  
NE & NW 24-29-6 W5M / Rainor  
Direct Control Regulations**

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**WHEREAS** Section 641 of the Municipal Government Act as amended provides for the establishment of Direct Control Districts to enable Council to exercise control over the use and development of land or buildings within an area of the County; and

**WHEREAS** Council wishes to provide for the regulation and control of the use and development of the land area for a comprehensive **recreational, residential and agricultural** development,

**NOW THEREFORE BE IT RESOLVED** that pursuant to the Municipal Government Act Section 641, the following Regulations be adopted:

1. These Regulations shall be known as the **NE & NW 24-29-6 W5M / Rainor Direct Control District Regulations**.
2. These Regulations shall apply to the **NE & NW 24-29-6 W5M**.
3. The purpose of these Regulations is to generally allow for the establishment of **recreational, residential and agricultural** land uses within the subject property.
4. **Definitions – For the Purpose of this Section:**
  - (a) **“ANCILLARY BUILDING AND/OR USE”** means a building or use of land which is separate, incidental and subordinate to the primary use of the land and/or building located on the same lot.
  - (b) **“BARELAND CONDOMINIUM”** means a “bare land unit” as defined by the Condominium Property Act.
  - (c) **“COMMERCIAL – BUSINESS”** means the use of land or buildings for business activities of a commercial nature such as; barber and hair styling shops, drugstore, retail stores and similar commercial business uses.
  - (d) **“DEEMED APPROVED”** means any development or use of buildings or land that does not require any approval, if in compliance with the Land Use Bylaw.
  - (e) **“DEVELOPMENT PERMIT”** means a document authorizing a development issued pursuant to a land use by-law.
  - (f) **“EXTENSIVE AGRICULTURE”** means the use of land or buildings for the raising or producing of crops and/or livestock but does not include intensive agriculture as a primary use.



- (g) “**FLOOR AREA**” means the total floor area of every room and passageway contained but not including the floor areas of basements, attached garages, shed, open porches, patios, open decks or verandas, or breezeways;
- (h) “**LOCATION PERMIT**” means a document authorizing a development or use of buildings or lands that are not deemed approved or requiring a Development Permit.
- (i) “**MITIGATE**” means to make less intense or severe.

## **5. PERMITTED USES OF LAND AND/OR BUILDINGS**

The following uses shall be permitted with or without conditions providing the application complies with the Direct Control District and these Regulations.

### **A. Deemed Approved**

- (1) Ancillary Building and/or Use (Agricultural)
- (2) Agriculture - Extensive
- (3) Fences and Enclosures
- (4) Landscaping & Screening (Subject to Section 7.G (1))

### **B. Location Permit**

- (1) Ancillary Building and/or Use (Portable)
- (2) Decks
- (3) Signs

### **C. Development Permit**

- (1) Ancillary Building and/or Use (Permanent)
- (2) Café, Coffee Shop, Restaurant
- (3) Commercial – Business (Ancillary to the Recreational/ Residential Development)
- (4) Dwelling Unit – Detached
- (5) Dwelling Unit – Manager/Staff
- (6) Dwelling Unit – Suites (Subject to Section 7.B (1))
- (7) Dwelling Unit - Townhouse
- (8) Golf Course & Driving Range
- (9) Guest Ranch
- (10) Lodge/Club House/Pro Shop
- (11) Lounge and Licensed Premises
- (12) Parks & Playgrounds
- (13) Stable & Riding Facility
- (14) Swimming Pool & Related Facilities
- (15) Tennis Court

**6. REGULATIONS - SETBACKS AND SIZE**

**A. Site Area:**

- (1) To be determined at the time of redesignation.

**B. Minimum Floor Area:**

- (1) Dwelling Unit – Detached: 1,000 square feet
- (2) Dwelling Unit – Manager/Staff: Discretion of the Municipal Planning Commission
- (3) Dwelling Unit – Suites: 350 square feet
- (4) Dwelling Unit – Townhouse: 1,000 square feet

All other development: Discretion of the Municipal Planning Commission

**C. Minimum Front Yard Setback:**

- (1) 250 feet from the centre line of any County road allowance for all development or as may otherwise be required by the Municipal Planning Commission;
- (2) Property line for signs, fences, gates and other means of enclosure.

**D. Minimum Side Yard Setback:**

- (1) 50 feet from the property lines for all developments.
- (2) Property line for signs, fences, gates and other means of enclosure.

**E. Minimum Rear Yard Setback:**

- (1) 50 feet from the property lines for all developments.
- (2) Property line for signs, fences, gates and other means of enclosure.

**F. Minimum Site Requirements – Bareland Condominium Subdivision:**

- (1) Minimum Site Area:
  - (a) Dwelling Unit – Detached: 1.0 acre (One per condominium unit)
  - (b) Dwelling Unit – Townhouse: See Section 7.K (1)
- (2) Minimum Front Yard Setback (measured from property line): 50 feet
- (3) Minimum Side Yard Setback – 20 feet
- (4) Minimum Rear Yard Setback – 20 feet

## **7. SUPPLEMENTARY REGULATIONS**

### **A. Condominium Subdivision / Development:**

Minimum development standards established by the County with respect to conventional forms of subdivision and development shall also apply to bareland condominiums, particularly with respect to water, sewer and roadway development.

Only one (1) ancillary building shall be permitted on a bareland condominium unit and shall not exceed a maximum floor area of 288 square feet.

**The Condominium By-laws shall be approved by Council.**

### **B. Density:**

- (1) The following development may be permitted where it is consistent with all provisions of these regulations:
  - (a) 55 Residential lots;
  - (b) 36 Suites;
  - (c) 77 Townhouse Units; andOther uses listed in Section 4 above.
- (2) The Municipal Planning Commission may vary the mix of residential dwelling types by ten (10) percent, with a maximum number of residential units not to exceed 168.

### **C. Development Agreement:**

- (1) The Subdivision and/or Development Authorities will require the applicant enter into a development agreement as a condition of approval.

### **D. Development Constraints:**

- (1) The Approving Authority may require a geotechnical report, prepared by a qualified individual, where subdivision and /or development is proposed adjacent to steep slopes. The Approving Authority will require any subdivision or development to be setback from the edge of any steep slopes.
- (2) At the discretion of the Approving Authority, applications for subdivision and development may require the preparation of a surface run-off management plan.
- (3) All subdivision and development shall have regard for the environmental features of the impacted lands and shall address suitable means of mitigation or enhancement as may be appropriate. At the request of the Municipal Planning Commission, additional studies may be required to address mitigative measures and any other issues that the Municipal Planning Commission may identify.

**E. Domestic Animals:**

All domestic animals will be subject to the County By-laws.

**F. Golf Course Development:**

- (1) In regards to golf course development, the development authority may require, as a condition of approval the following: herbicide/pesticide management plan; drainage plan; and, water management plan.

**G. Landscaping:**

The Approving Authority may require that a lot or development area be suitably landscaped, fenced or screened.

The control of weeds shall be subject to County by-laws.

**H. Livestock:**

- (1) Livestock shall not be permitted within those portions of the property developed for residential purposes.

**I. Oil and Gas:**

- (1) All subdivision and development shall meet the minimum setback requirements as established by the Alberta Energy and Utilities Board (AEUB) in regards to sour gas pipelines and facilities.

**J. Parking:**

The provision of on site parking shall be at the discretion of the Municipal Planning Commission.

One holiday trailer may be parked and used for camping on a lot. RV parking will only be permitted for five (5) days.

**K. Setback Regulations for Townhouse Development:**

- (1) The Municipal Planning Commission may approve common party walls and zero lot lines.

**L. Water and Sewage:**

- (1) Potable water shall be provided through a common water system or individual water wells. Pursuant to the requirements of the Water Act a water report,

prepared by a qualified professional, shall be submitted as part of any applications for subdivision.

- (2) Water licence(s) as where required by Alberta Environmental and Protection shall be obtained for all development within the subject property.
- (3) Sanitary sewage collection and disposal shall be provided by a communal system and is subject to all legislation, regulations, and guidelines of Alberta Labour, Alberta Provincial Board of Health and Alberta Environmental Protection.

**M. Fire Protection:**

- (1) An on site fire protection plan, acceptable to the County, shall be prepared by the developer.

**MOUNTAIN VIEW COUNTY**  
**N ½ 20-32-5-W5M / Coyote Creek**  
**Direct Control Regulations**

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**WHEREAS** Section 641 of the Municipal Government Act as amended provides for the establishment of Direct Control Districts to enable Council to exercise control over the use and development of land or buildings within an area of the County; and

**WHEREAS** Council wishes to provide for the regulation and control of the use and development of the land area for **recreational** purposes,

**NOW THEREFORE BE IT RESOLVED** that pursuant to the Municipal Government Act Section 641, the following Regulations be adopted:

1. These Regulations shall be known as the **N ½ 20-32-5-W5M / Coyote Creek Direct Control District Regulations**.
2. These Regulations shall apply to the **N ½ 20-32-5-W5M**.
3. The purpose of these Regulations is to generally allow for the establishment of **recreational** land uses within the subject property.
4. **Definitions – For the Purpose of this Section:**

“**ANCILLARY BUILDING AND/OR USE**” means a building or use of land which is separate, incidental and subordinate to the primary use of the land and/or building located on the same lot.

“**BARELAND CONDOMINIUM**” means a “bare land unit” as defined by the Condominium Property Act.

“**COMMERCIAL – BUSINESS**” means the use of land or buildings for business activities of a commercial nature such as retail stores and similar commercial business uses.

“**DEEMED APPROVED**” means any development or use of buildings or land that does not require any approval, if in compliance with the Land Use Bylaw.

“**DEVELOPMENT PERMIT**” means a document authorizing a development issued pursuant to a land use by-law.

“**EXTENSIVE AGRICULTURE**” means the use of land or buildings for the raising or producing of crops and/or livestock but does not include intensive agriculture as a primary use.

“**FLOOR AREA**” means the total floor area of every room and passageway contained but not including the floor areas of basements, attached garages, shed, open porches, patios, open decks or verandas, or breezeways;

“**LOCATION PERMIT**” means a document authorizing a development or use of buildings or lands that are not deemed approved or requiring a Development Permit.

“**MITIGATE**” means to make less intense or severe.

**5. PERMITTED USES OF LAND AND/OR BUILDINGS**

The following uses shall be permitted with or without conditions providing the application complies with the Direct Control District and these Regulations.

**A. Deemed Approved**

Ancillary Building and/or Use (Agricultural)  
Agriculture - Extensive  
Landscaping & Screening (Subject to Section 7.G (1))  
Recreational Vehicle (One (1) Per Unit)

**B. Location Permit**

Ancillary Building and/or Use (Portable)  
Maximum of One (1) Ancillary Building per Condominium Unit  
(1) Decks and Roof Covers  
(2) Signs & Advertizing

**C. Development Permit**

- (1) Ancillary Building and/or Use (Permanent)
- (2) Café, Coffee Shop, Restaurant
- (3) Recreational Vehicle Campground
- (4) Commercial – Business (Ancillary to the Recreational/ RV Development)
- (5) Dwelling Unit – Manager/Staff
- (6) Golf Course & Driving Range
- (7) Lodge/Club House/Pro Shop
- (8) Lounge and Licensed Premises
- (9) Natural Resource Extraction
- (10) Parks & Playgrounds
- (11) Recreational Vehicle Park
- (12) Swimming Pool & Related Facilities

**6. REGULATIONS - SETBACKS AND SIZE**

**A. Site Area:**

- (1) To be determined at the time of redesignation.

**B. Floor Area - Condominium**

- (1) Ancillary Building – 80 square feet maximum
- (2) Deck and Roofs Covers – Decks shall not be greater than 12 feet wide from the fixed wall, provided setbacks are met, nor longer than the Recreation Vehicle and roof covers with more than a one foot overhang over the deck are not permitted. (Amended August 7, 2002).
- (3) Dwelling Unit – Manager/Staff: Discretion of the Municipal Planning Commission
- (4) All other development: Discretion of the Municipal Planning Commission

**C. Minimum Front Yard Setback:**

- (1) 250 feet from the centre line of any County road allowance for all development or as may otherwise be required by the Municipal Planning Commission;
- (2) Property line for signs, fences, gates and other means of enclosure.

**D. Minimum Side Yard Setback:**

- (1) 50 feet from the property lines for all developments.
- (2) Property line for signs, fences, gates and other means of enclosure.

**E. Minimum Rear Yard Setback:**

- (1) 50 feet from the property lines for all developments.
- (2) Property line for signs, fences, gates and other means of enclosure.

**F. Minimum Site Requirements – Bareland Condominium Subdivision:**

- (1) Minimum Site Area:
  - (a) Recreational Vehicle: 1600 square feet (One per condominium unit)
- (2) Minimum Front Yard Setback (measured from property line): 20 feet
- (3) Minimum Side Yard Setback – 5 feet
- (4) Minimum Rear Yard Setback – 5 feet

**7. SUPPLEMENTARY REGULATIONS**

**A. Condominium Subdivision / Development:**

Minimum development standards established by the County with respect to conventional forms of subdivision and development shall also apply to bareland condominiums, particularly with respect to water, sewer and roadway development.

**The Condominium By-laws shall be approved by the Municipal Planning Commission.**



**B. Density:**

- (1) The following development may be permitted where it is consistent with all provisions of these regulations:
  - (a) up to 375 Recreational Vehicle Sites (Including both condominium sites and overnight sites);
  - (b) 27-Hole Golf Course;
  - (c) Development associated with (a) and (b) above and approved by the Municipal Planning Commission.
- (2) Notwithstanding (1)(a) above, one (1) recreational vehicle used by visitors for camping, is permitted per site provided that the maximum stay does not exceed two (2) weeks.
- (3) Council may consider additional development through the amendment of these Regulations.

**C. Development Agreement:**

- (1) The Subdivision and/or Development Authorities will require the applicant enter into a development agreement as a condition of approval.

**D. Development Constraints:**

- (1) The subject property is located adjacent to the Red Deer River and may be subject to flooding. At the request of the Municipal Planning Commission, a hydrogeological study addressing the issue of floodplain and developability will be required.
- (2) At the discretion of the Approving Authority, applications for subdivision and development will require the preparation of a grading plan and/or surface run-off management plan.
- (3) All subdivision and development shall have regard for the environmental features of the impacted lands and shall address suitable means of mitigation or enhancement as may be appropriate. At the request of the Municipal Planning Commission, additional studies may be required to address mitigative measures and any other issues that the Municipal Planning Commission may identify.

**E. Domestic Animals:**

All domestic animals will be subject to the County By-laws.

**F. Golf Course Development:**

- (1) In regards to golf course development, the development authority shall require, as a condition of approval the following: herbicide/pesticide/fertilizer management plan recognizing the shallow gravel base; drainage plan; and, water management plan.

**G. Landscaping:**

The Approving Authority may require that a lot or development area be suitably landscaped, fenced or screened.

The control of weeds shall be subject to County by-laws.

**H. Oil and Gas:**

- (1) All subdivision and development shall meet the minimum setback requirements as established by the Alberta Energy and Utilities Board (AEUB) in regards to sour gas pipelines and facilities.

**I. Parking:**

The provision of on site parking shall be at the discretion of the Municipal Planning Commission.

**J. Water and Sewage:**

- (1) Potable water shall be provided through a common water system or individual water wells. Pursuant to the requirements of the Water Act a water report, prepared by a qualified professional, may be required as part of any applications for subdivision.
- (2) Water licence(s) as where required by Alberta Environment shall be obtained for all development within the subject property.
- (3) Sanitary sewage collection and disposal shall be provided by a communal system and is subject to all legislation, regulations, and guidelines of Alberta Labour, Alberta Provincial Board of Health and Alberta Environment.

**K. Emergency Services:**

- (1) An on site fire protection plan, acceptable to the County, shall be prepared by the developer and will also address the provision of emergency egress from the development.
- (2) Emergency services awareness shall be the responsibility of the developer. Consultation with appropriate agencies is strongly encouraged.

**Sundre Airport:**

The development area is located south of the Sundre Airport. The applicant shall acknowledge the proximity of a busy airport and provide notice to lot owners.

Construction of buildings shall conform to the Canada Mortgage and Housing Corporation's standards of sound insulation, unless the building is utilized for storage purposes.

Prior to consideration of a development permit, the Development Officer will consult with the Sundre Airport Commission.

All development is restricted as to height as indicated on the height limitations map attached to this By-law. Any construction of any permanent buildings or other development such as but not limited to recreational vehicle sites, golf course water hazards, swimming pools etc., in direct line with the runway approach plus a 5° divergent angle, shall not be permitted.

**WHEREAS** Section 641 of the Municipal Government Act as amended provides for the establishment of Direct Control Districts to enable Council to exercise control over the use and development of land or buildings within an area of the County; and

**WHEREAS** Council wishes to provide for the regulation and control of the use and development of the land area for **recreational** purposes,

**NOW THEREFORE BE IT RESOLVED** that pursuant to the Municipal Government Act Section 641, the following Regulations be adopted:

1. These Regulations shall be known as the **NE 19-32-5-W5M / Arowen Direct Control District Regulations**.
2. These Regulations shall apply to the **NE 19-32-5-W5M**.
3. The purpose of these Regulations is to generally allow for the establishment of **recreational** land uses within the subject property.
4. **Definitions – For the Purpose of this Section:**
  - (a) **“ANCILLARY BUILDING AND/OR USE”** means a building or use of land which is separate, incidental and subordinate to the primary use of the land and/or building located on the same lot.
  - (b) **“DEEMED APPROVED”** means any development or use of buildings or land that does not require any approval, if in compliance with the Land Use Bylaw.
  - (c) **“DEVELOPMENT PERMIT”** means a document authorizing a development issued pursuant to a land use by-law.
  - (d) **“EXTENSIVE AGRICULTURE”** means the use of land or buildings for the raising or producing of crops and/or livestock but does not include intensive agriculture as a primary use.
  - (e) **“FLOOR AREA”** means the total floor area of every room and passageway contained but not including the floor areas of basements, attached garages, shed, open porches, patios, open decks or verandas, or breezeways;
  - (f) **“LOCATION PERMIT”** means a document authorizing a development or use of buildings or lands that are not deemed approved or requiring a Development Permit.
  - (g) **“MITIGATE”** means to make less intense or severe.

- (h) **“RECREATIONAL VEHICLE”** means a transportable unit, including tents and related structures, designed, constructed or re-constructed to be used or intended to be used for camping purposes.
- (i) **“PASSIVE RECREATIONAL USE”** means activities that involve relatively inactive pursuits connected with a recreational vehicle campground including siting, card games, chess, and similar recreational activities. [Amended Bylaw No. 10/08]
- (j) **“RECREATIONAL VEHICLE – PARK MODEL”** means a recreational vehicle intended for seasonal, vacation or recreational occupancy that is not self-contained. It is designed for park camping only, and while it is easily moved from site to site, as a normal recreational vehicle, it is not capable of “dry camping” as it does not have any water or sewage storage tanks and must be used with hookups. It is not a mobile home. [Amended Bylaw No. 10/08]
- (k) **“DRY CAMPING”** means camping without water, power or sewage hookups. [Amended Bylaw No. 10/08]
- (l) **“MOBILE HOME”** means a transportable single family dwelling unit intended for year round occupancy designed to be transported on its own wheels and arriving at the site ready for occupancy apart from incidental operations such as location of foundation supports and connection to utilities. Mobile homes are generally greater than four metres in width and under the Alberta Safety Codes Act require the issuance of a building permit. [Amended Bylaw No. 10/08]
- (m) **“ENCLOSURE”** means those elements forming permanent enclosure of a portion of a deck. Such elements shall include but not limited to walls, window and doors. Elements such as railing and mesh (nylon or metal) screening for the purposes of repelling insects shall not be regarded as forms of enclosure. [Amended Bylaw No. 10/08]

**5. PERMITTED USES OF LAND AND/OR BUILDINGS [Amended Bylaw No. 10/08]**

The following uses shall be permitted with or without conditions providing the application complies with the Direct Control District and these Regulations.

**A. Deemed Approved**

- 1. Agriculture - Extensive

**B. Location Permit**

- 1. Ancillary Building and/or Use - Maximum of Two (2) per site, wood or metal only:
  - Storage Shed
  - Wood Shed (one side must be open)
  - Fire Pit/Gazebo (no screening permitted)
- 2. Decks
- 3. Roof Covers
- 4. Signs (maximum 6 ft<sup>2</sup> and one per unit)
- 5. Recreational Vehicle (Subject to 7.B(3))

### **C. Development Permit**

1. Parks and Playgrounds
2. Office/Administration Building
3. Common Campground Facilities and Improvements

## **6. REGULATIONS - SETBACKS AND SIZE [Amended Bylaw No. 10/08]**

### **A. Floor Area:**

- (1) Ancillary Building – Maximum 96 square feet (Open air gazebos may exceed this figure to a maximum of 16 feet in diameter).
- (2) Roof Covers – Roof covers shall be limited to the coverage of the recreational vehicle and an authorized deck structure. Roof Covers shall not contain more than a one foot overhang over the extent of a deck structure. At the gable ends of the roof cover structure, a maximum overhang of two feet will be permitted. Roof Covers shall not be greater than 17 feet in height. Enclosure of roof covers shall be limited to those areas required to affect a deck enclosure.
- (3) Decks – Decks shall not be greater than 12 feet wide nor longer than the recreational vehicle. Maximum Deck Enclosure – 50%. Enclosed deck areas shall only be utilized for the purposes of a three season passive recreational use.
- (4) All other development: Discretion of the Municipal Planning Commission or the Administrative Subdivision and Development Approving Authority.

### **B. Minimum Front Yard Setback:**

- (1) 250 feet from the centre line of any County road allowance for all development or as may otherwise be required by the Municipal Planning Commission;
- (2) Property line for signs, fences, gates and other means of enclosure.

### **C. Minimum Side Yard Setback:**

- (1) 50 feet from the property lines for all developments.
- (2) Property line for signs, fences, gates and other means of enclosure.

### **D. Minimum Rear Yard Setback:**

- (1) 50 feet from the property lines for all developments.
- (2) Property line for signs, fences, gates and other means of enclosure.

## **7. SUPPLEMENTARY REGULATIONS**

### **A. Density:**

- (1) The following development may be permitted where it is consistent with all provisions of these regulations:
  - (a) Up to 33 Recreational Sites;

- (b) Development associated with the Recreation use of the property and approved by the Municipal Planning Commission.
- (2) Notwithstanding (1)(a) above, two visitors with recreation vehicles used for camping are permitted on each site provided that the maximum stay does not exceed two (2) weeks.
- (3) Council may consider additional development through the amendment of these Regulations.

**B. Development Restrictions:**

- (1) All buildings existing prior to "date of adoption" shall be subject to the provisions of the Municipal Government Act regarding nonconforming buildings. It is the responsibility of Arowen Campground Ltd. to submit a listing and/or map of these buildings upon adoption of these regulations.
- (2) Mobile Homes shall not be permitted.
- (3) All recreational vehicles, excluding recreational vehicle park models, shall not require the issuance of a location permit provided all provisions of the district are adhered to.  
[Amended Bylaw No. 10/08]

**C. Development Constraints:**

- (1) The subject property is located adjacent to the Red Deer River and may be subject to flooding. At the request of the Municipal Planning Commission, a hydrogeological study addressing the issue of floodplain and developability will be required for the development of new sites.
- (2) At the discretion of the Approving Authority, applications for additional sites or permanent structures may require the preparation of a grading plan and/or surface run-off management plan.
- (3) All development shall have regard for the environmental features of the impacted lands and shall address suitable means of mitigation or enhancement as may be appropriate. At the request of the Municipal Planning Commission, additional studies may be required to address mitigative measures and any other issues that the Municipal Planning Commission may identify.

**D. Domestic Animals:**

- (1) All domestic animals will be subject to the County By-laws.

**E. Landscaping, Screening and Mobility:** [Amended Bylaw No. 10/08]

- (1) The Approving Authority may require that a site or development area be suitably landscaped, fenced or screened.

- (2) That approving authority may consider the provision of RV skirting on Recreational vehicle Units.
- (3) All development on the property shall not impede the transportability of recreational vehicles in the event that a flood event presents the need for the immediate moving of recreational vehicles.
- (4) Outside storage shall not be permitted except for the storage of firewood or other purposes consistent with the recreational use of the property. No outside storage shall occur beyond approved ancillary buildings and or uses of the subject property.
- (5) The control of weeds shall be subject to County bylaws.

**F. Oil and Gas:**

- (1) All subdivision and development shall meet the minimum setback requirements as established by the Alberta Energy and Utilities Board (AEUB) in regards to sour gas pipelines and facilities.

**G. Parking:**

- (1) The provision of on site parking shall be at the discretion of the Municipal Planning Commission.

**H. Water and Sewage:**

- (1) Potable water shall be provided through a common water system or individual water wells. Pursuant to the requirements of the Water Act a water report, prepared by a qualified professional, may be required, as part of development permit applications for significant development.
- (2) Water licence(s) as where required by Alberta Environment shall be obtained for all development within the subject property.
- (3) All sanitary sewage collection and disposal is subject to all legislation, regulations, and guidelines of Alberta Labour, Alberta Provincial Board of Health and Alberta Environment. Arowen Campground Ltd. shall maintain records regarding sewage disposal on the property and upon request shall provide this information to the County and/or Health Authority.

**I. Fire Protection:**

- (1) The County may require an on site fire protection plan prepared by the developer and acceptable to the County for new development.

**J. Sundre Airport:**



- (1) The development area is located south of the Sundre Airport. The landowner shall acknowledge the proximity of a busy airport and provide notice to campground members.
- (2) Construction of buildings shall conform to the Canada Mortgage and Housing Corporation's standards of sound insulation, unless the building is utilized for storage purposes.
- (3) Prior to consideration of a significant development permit, the Development Officer will consult with the Sundre Airport Commission.
- (4) All development is restricted as to height as indicated on the height limitations map attached to this By-law.

**WHEREAS** Section 641 of the Municipal Government Act as amended provides for the establishment of Direct Control Districts to enable Council to exercise control over the use and development of land or buildings within an area of the County; and

**WHEREAS** Council wishes to provide for the regulation and control of the use and development of the land area for **commercial / industrial** purposes,

**NOW THEREFORE BE IT RESOLVED** that pursuant to the Municipal Government Act Section 641, the following Regulations be adopted:

1. These Regulations shall be known as the **SE 34-32-4 W5M / Highway 22 & 27 Direct Control District Regulations**.
2. These Regulations shall apply to the **SE 34-32-4 W5M**.
3. The purpose of these Regulations is to generally allow for the establishment of **commercial and industrial** land uses within the subject property.
4. **Definitions – For the Purpose of this Section:**
  - (a) **“ANCILLARY BUILDING AND/OR USE”** means a building or use of land which is separate, incidental and subordinate to the primary use of the land and/or building located on the same lot **and excludes residential uses**;
  - (b) **“COMMERCIAL – BUSINESS”** means the use of land or buildings for business activities of a commercial nature such as retail stores and similar commercial business uses;
  - (c) **“COMMERCIAL – ENTERTAINMENT”** means the use of land and or buildings for entertainment activities of a business nature such as; amusement park, pool room and similar entertainment uses; licensed premises are not permitted except for restaurants serving meals; bingo establishments, and arcades are also excluded from this definition;
  - (d) **“COMMERCIAL – PROCESSING”** means the use of land and or buildings for processing activities of a commercial nature such as; bakery, dairy, locker and meat processing plant, machine and electrical shop, welding shop and similar commercial processing uses;
  - (e) **“COMMERCIAL - SALES AND SERVICE”** means the use of land and or buildings for sales and service activities of a commercial nature such as; animal hospitals and veterinary clinics, agricultural chemicals and fertilizers, bulk oil sales, bus terminal, contractors and builders yards, dry cleaner, equipment sales and rental, trucking and freight terminal, garage, service station and gas bars, laundry mart, liquor store, lumber yard, plumbing shop, propane sales, second hand store, vehicular sales and service and similar commercial sales and service uses;

- (f) **“DEEMED APPROVED”** means any development or use of buildings or land that does not require any approval, if in compliance with the Land Use Bylaw;
- (g) **“DEVELOPMENT PERMIT”** means a document authorizing a development issued pursuant to a land use by-law;
- (h) **“EXTENSIVE AGRICULTURE”** means the use of land or buildings for the raising or producing of crops and or livestock but does not include intensive agriculture as a primary use. No permanent agricultural structures or permanent corrals are permitted;
- (i) **“FLOOR AREA”** means the total floor area of every room and passageway contained but not including the floor areas of basements, attached garages, shed, open porches, patios, open decks or verandas, or breezeways;
- (j) **“INDUSTRIAL – MANUFACTURING”** means the use of land and or buildings for manufacturing activities of an industrial nature such as; assembly of electric and electronic equipment, brick tile or terra cotta processing, chemical products, fertilizer products, industrial laboratory, machine and sheet metal shops, mobile and modular home plants, packaging, bottling and boxing plants, paper products, plastic products, welding shops and similar industrial manufacturing uses;
- (k) **“INDUSTRIAL – PROCESSING”** means the use of land and or buildings for processing activities of an industrial nature such as; meat processing and locker plants, brewery, distillery and winery, coal tipple, concrete and asphalt plants, dairy, feed mill, food and beverage processing, grain elevator, grain mill, sand and gravel processing, peat moss processing, petroleum and gas processing facilities and similar industrial processing uses; abattoir(s) and tanneries are excluded from this definition;
- (l) **“INDUSTRIAL - SALES AND DISTRIBUTION”** means the use of land and or buildings for sales and distribution activities of an industrial nature such as; auction mart and stockyard, automobile, truck and recreational vehicle dealership, bottling and distribution plant, bulk oil and gas sales, farm machinery sales, farm machinery sales and repair centre, fertilizer sales, lumber yards, petroleum industry servicing including pipe and equipment storage and similar industrial sale and distribution uses;
- (m) **“INDUSTRIAL - SERVICE AND REPAIR”** means the use of land and or buildings for service and repair activities of an industrial nature such as; animal hospitals and veterinary clinics, automobile and vehicular service and repair, auto wreckers, equipment repair and rentals, garage, service station and gas bars, plumbing and electrical shops and similar industrial service and repair uses;
- (n) **“LOCATION PERMIT”** means a document authorizing a development or use of buildings or lands that are not deemed approved or requiring a Development Permit;
- (o) **“MITIGATE”** means to make less intense or severe;
- (p) **“SECURITY STRUCTURE”** means any building or part of a building used by a caretaker, staff or manager for security purposes. A security structure is not for residential use; and

(q) For the purposes of these regulations additional definitions as defined within the Mountain View County Land Use By-law No. 55/95 shall apply.

## **5. PERMITTED USES OF LAND AND/OR BUILDINGS**

The following uses shall be permitted with or without conditions providing the application complies with the Direct Control District and these Regulations.

### **A. Deemed Approved**

- (1) Agriculture – Extensive, **until a development permit is issued**
- (2) Ancillary Building(s) and/or Use(s) - Agricultural

### **B. Location Permit**

- (1) Ancillary Building(s) and/or Use(s) (Portable)
- (2) Fences & Enclosures
- (3) Landscaping & Screening (Subject to Section 7, F.)
- (4) Signs and Advertising (Subject to Section 7, K.)

### **C. Development Permit**

- (1) Ancillary Building(s) and/or Use(s) (Permanent)
- (2) Animal Hospital / Veterinarian Clinic
- (3) Auction Mart
- (4) Bulk Oil and Propane Sales
- (5) Bus Depot
- (6) Business Office(s)
- (7) Café, Coffee Shop, Restaurant
- (8) Campground
- (9) Campground - Recreational Vehicle
- (10) Cattery / Kennel & Facilities
- (11) Commercial – Business
- (12) Commercial – Entertainment
- (13) Commercial – Processing
- (14) Commercial – Sales & Service
- (15) Contractors Business
- (16) Convenience Store
- (17) Crematorium
- (18) Garage, Service Station and Gas Bar
- (19) Greenhouse & Nursery
- (20) Heavy Equipment / Oilfield Equipment Storage
- (21) Highway Commercial Uses Essential to Serve the Travelling Public
- (22) Hotel, Motel
- (23) Industrial – Manufacturing

- (24) Industrial – Processing (This would include a wood shavings packaging plant)
- (25) Industrial – Sales and Distribution
- (26) Industrial – Service and Repair
- (27) Natural Resource Extraction & Related Facilities
- (28) Parks, Reserves, Buffers, Playgrounds & Open Space
- (29) Public, Quasi Public Buildings and Facilities
- (30) Public Communication and Utilities Facilities
- (31) Retail Sales
- (32) Saw Mills
- (33) Security Structure
- (34) Signs and Advertising (Subject to Section 7, K.)
- (35) Storage Yard & Facilities
- (36) Truck Stop
- (37) Trucking & Freight Terminal

D. Notwithstanding Section C above uses shall not be permitted where in the opinion of the Municipal Planning Commission they are deemed to be unsafe, hazardous, noxious, or otherwise inappropriate for the intended location. No solid waste disposal sites will be permitted.

## 6. REGULATIONS - SETBACKS AND SIZE

### A. Minimum **Site** Area:

- (1) Commercial – 30,000 square feet
- (2) Industrial – 2.0 Acres

### B. Minimum/Maximum **Floor** Area:

- (1) Ancillary Building(s) – Suitable and appropriate for the intended use.
- (2) All other development- At the discretion of the Municipal Planning Commission

### C. Minimum **Front** Yard Setback:

- (1) 250 feet from the centre line of any County road allowance for all development, except where there is an internal subdivision road.
- (2) 250 feet from the centre line of such roads or the pertinent regulations of Alberta Infrastructure, whichever is greater.
- (3) 100 feet from the centre line of any internal subdivision road, including:
  - (a) Landscaping higher than 3.0 feet; and
  - (b) Solid Board Fencing.
- (4) Property line for signs, fences, gates and other means of enclosure.

### D. Minimum **Side** Yard Setback:

- (1) 20 feet from the property lines for all development.
- (2) Property line for signs, fences, gates and other means of enclosure.

**E. Minimum Rear Yard Setback:**

- (1) 20 feet from the property lines for all developments.
- (2) Property line for signs, fences, gates and other means of enclosure.

**F. Minimum Corner Site Setback Requirements:**

- (1) 250 feet for all development(s), including trees, shrubs, and solid board fences.
- (2) No development shall be allowed to interfere with sight distances so as to be hazardous to vehicular traffic.

**G. Maximum Height of Buildings and/or Structures and Maximum Site Coverage:**

- (1) The height of buildings may be limited to such height as is deemed suitable and appropriate for the intended use and shall be at the discretion of the Municipal Planning Commission.
- (2) The site coverage may be limited to such coverage as is deemed suitable and appropriate for the intended use.

**H.** As part of the subdivision review process land required for highway purposes will be identified by Alberta Infrastructure. These lands will be shown on any plan of subdivision.

**7. SUPPLEMENTARY REGULATIONS**

**A. Condominium Subdivision / Development:**

- (1) Minimum development standards established by the County with respect to conventional forms of subdivision and development shall also apply to bareland condominiums, particularly with respect to water, sewer and roadway development.
- (2) The Municipal Planning Commission may approve common party walls and zero lot lines where a condominium development is proposed.
- (3) The Municipal Planning Commission shall approve the Condominium By-laws.

**B. Development Agreement:**

- (1) The Subdivision and/or Development Authorities will require the applicant enter into a development agreement as a condition of approval. This agreement will include any highway related requirements of Alberta Infrastructure, such as but not limited to required intersectional treatments for access points with Highways 27 and 22.
- (2) Architectural controls and landscaping for the subject property will be prepared by the developer and approved by the County and shall be registered by caveat on all Certificates of Title in the Land Titles Office.

### **C. Development Constraints:**

- (1) The subject property is located adjacent to Primary Highways 22 & 27 and will be subject to the requirements of Alberta Infrastructure. Applicants shall be responsible for obtaining all required permits and approvals from Alberta Infrastructure.
- (2) Access onto Highway 22 or 27 shall require the approval of Alberta Infrastructure. This may include the need to prepare a traffic impact assessment (T.I.A.) by a qualified professional prior to subdivision approval.
- (3) Applicants for subdivision and development will be required to prepare a grading plan and surface run-off management plan as a condition of approval. Storm water management will not adversely affect the existing highway drainage patterns or adjoining properties.
- (4) All subdivision and development shall have regard for the environmental features of the impacted lands and shall address suitable means of mitigation or enhancement as may be appropriate. At the request of the Municipal Planning Commission, additional studies may be required to address mitigative measures and any other issues that the Municipal Planning Commission may identify.
- (5) These regulations require that setbacks be maintained from Highways 22 and 27. No development will be permitted within these setbacks, and the precise setback distance for development and/or lot location will be determined in consultation with Alberta Infrastructure, the developer and the County.

### **D. Domestic Animals:**

- (1) All domestic animals will be subject to the County By-laws.

### **E. Emergency Services:**

- (1) An on-site fire protection plan, acceptable to the County and referred to the local fire authority, shall be prepared by the developer and will also address the provision of emergency egress from the development.
- (2) Emergency services awareness shall be the responsibility of the developer. Consultation with appropriate agencies is required.

### **F. Landscaping / Screening:**

- (1) A landscaping master plan will be required prior to subdivision approval. This plan will be referred to Alberta Infrastructure for their comments.
- (2) The Approving Authority will require that a lot or development area be suitably landscaped, fenced or screened.

- (3) A vegetative buffer shall be maintained on all four sides of the quarter section to the satisfaction of the Municipal Planning Commission and/or Development Officer. The Approving Authority will however recognize that businesses do require highway visibility.
- (4) A vegetative buffer of 150 feet shall be maintained in the south-east corner of the quarter adjacent to the existing residence and yard site. A buffer will be developed surrounding Block 1, Plan 9811258, until such time as Block 1 is redeveloped.
- (5) Storage of commercial / industrial products or materials shall not be visible to Highways 22 and 27.
- (6) The control of weeds shall be subject to County by-laws.

**G. Oil and Gas:**

- (1) All subdivision and development shall meet the minimum setback requirements as established by the Alberta Energy and Utilities Board (AEUB) in regards to sour gas pipelines and facilities.

**H. Burning and Noise:**

- (1) No burning of waste or by products will be allowed without prior approval from Mountain View County and any other regulatory agency.
- (2) Noise attenuation shall be considered by the Development Authority as a condition of approval consistent with an industrial area and having regard for adjacent land uses.

**I. Parking:**

- (1) The provision of off-street parking shall be provided as follows or as may be determined by the Municipal Planning Commission:
  - (a) Retail Sales – 3 spaces per 1,000 square feet of floor area
  - (b) Café, Coffee Shop, Restaurant – 1 space per 3 seats
  - (c) Hotel/Motel – 1 space per guest room or unit plus 0.5 spaces per 1,000 spare feet of total floor area
  - (d) Other uses not included in the foregoing shall have off-street parking requirements suitable and appropriate for the intended use.

**J. Water and Sewage:**

- (1) Potable water shall be provided through a common water system or individual water wells. The use and withdrawal of water shall be in compliance with all provincial regulations. The developer shall engage a qualified professional to ensure the availability of groundwater resources and to prepare guidelines for water consumptive use. The professional will also prepare guidelines for on site sewage disposal based on water consumptive use.



- (2) Water licence(s) where required by the Water Act and/or Alberta Environment shall be obtained for all development within the subject property.
- (3) Sanitary sewage disposal will be provided by individual sewage systems and will be subject to all legislation, regulations, and guidelines of Alberta Municipal Affairs, Alberta Provincial Board of Health and Alberta Environment.
- (4) Applicants for subdivision and or development shall be required to provide percolation tests undertaken on each lot and these tests shall meet the minimum standards for conventional fields as established by Alberta Environment. If percolation tests do not support the use of fields, other approved systems meeting provincial requirements may be considered.

#### **K. Signs and Advertising**

- (1) All signs shall conform to the Alberta Highway Signing Manual and the Public Highways Development Act.
- (2) One (1) sign per lot, pertaining to the business undertaken on the lot, not exceeding 20 square feet, is deemed approved.
- (3) One (1) temporary signs per lot, not exceeding 12 square feet, for a maximum of two (2) weeks, are deemed approved.
- (4) All signs not deemed approved as indicated within (2) and (3) above shall require a Development Permit.
- (5) Functional signs needed by public authorities and utility companies to give information and direction about the services they provide are deemed approved.
- (6) All signs and advertising within the right-of-way of a public road allowance shall require the approval of the County Patrol Officer.
- (7) Signs will not be permitted that may have a detrimental impact on the safety and efficiency of adjacent highways and/or roadways.
- (8) The developer shall prepare sign guidelines approved by Alberta Infrastructure and Mountain View County as a condition of subdivision approval.
- (9) It is recognized that the commercial and industrial park will also be allowed Community Business Signs as identified by Alberta Infrastructure in advance of the main access into the park.

**WHEREAS** Section 641 of the Municipal Government Act as amended provides for the establishment of Direct Control Districts to enable Council to exercise control over the use and development of land or buildings within an area of the County; and

**WHEREAS** Council recognizes the specific communal characteristics of a Hutterite Colony, and the need for the Colony to be self sufficient and economically sustainable, and that the Colony is primarily supported through agricultural operations.

**WHEREAS** Council recognizes that the Colony supplements primary agricultural operations with incidental ancillary light manufacturing activities to provide additional employment and income for Colony residents.

**WHEREAS** Council enters into this agreement with the May City Hutterite Colony that an incidental ancillary light manufacturing industrial use will be permitted to the intent described herein; and that this agreement between the County and the May City Hutterite Colony is for the sole benefit of the Colony and is not transferable upon the sale of the land pertaining to this agreement.

**WHEREAS** Council wishes to provide for the regulation and control of the use and development of the lands described as the west 44.0 (+/-) acres of the **SW-10-33-27-W4M**, and has received an application to redesignate these lands from Agricultural District "A" to Direct Control District a shown on the attached Schedule "A",

**NOW THEREFORE BE IT RESOLVED** that Council amend Land Use Bylaw No. 55/95 to establish the May City Hutterite Colony Direct Control District, Bylaw LU-07/06.

**NOW THEREFORE BE IT FURTHER RESOLVED** that Council rescinds Bylaw LU 07/06 at any time that the May City Hutterite Colony gives up title to the land and cease occupation and use of the land. The land will revert to the designation of Agricultural District "A"

- 1) **PURPOSE OF THE DISTRICT**  
The purpose of this district is to provide for a range of residential, agricultural and other uses normally associated with a Hutterite Colony, and to provide for a potential industrial- manufacturing use under specified terms and restrictions.
  
- 2) **LIST OF USES – DEEMED APPROVED (subject to 18)**  
Provided that they are in compliance with the provisions of this Land Use District, the following uses are deemed approved and do not require a development permit.
  - a) Agriculture - Extensive
  - b) Ancillary Buildings and Uses
  - c) Domestic Animals (excluding Catteries and Kennels)
  - d) Dugouts (Subject to 8b & 8d)
  - e) Farm Auction Sales (Private)

- f) Fences & Enclosures
- g) Haystacks & Bale Stacks
- h) Holiday Trailer & Recreational Vehicle (Subject to 13)
- i) Landscaping & Screening (Subject to 14)
- j) Signs & Advertising (One Per Parcel) (Subject to 16)

3) LIST OF USES – PERMITTED

The following uses shall be permitted with or without conditions, within this district providing the proposed development complies with this Land Use Bylaw. All permitted uses require a Location Permit, with or without conditions imposed by the approving authority

- a) Dwellings – Multiple Units
- b) Kitchens, providing services only to residents of the Hutterite Colony
- c) Schools providing services only to residents of the Hutterite Colony
- d) Laundry facilities providing services only to residents of the Hutterite Colony
- e) Churches

4) LIST OF USES - DISCRETIONARY

The following uses may be permitted within this district providing the application complies with this Land Use Bylaw. All discretionary uses require a Development Permit, with or without conditions imposed by the approving authority.

- a) Agriculture – Manufacturing
- b) Agriculture – Processing
- c) Agriculture - Supply and Service
- d) Agriculture – Specialty
- e) Contractors Business
- f) Developments Referred to in Section 618 of the Municipal Government Act
- g) Domestic Animals (Public Kennels and Catteries)
- h) Drainage Projects
- i) Dugouts (setback relaxation)
- j) Dwelling Unit – Single Family
- k) Farm Subsidiary Occupation
- l) Holiday Trailers & Recreation Vehicles (Subject to 13)
- m) Irrigation Systems
- n) Light Industrial – Manufacturing (subject to sec. 5)
- o) Public Utilities and Communication Facilities
- p) Sewage lagoons & sewage treatment plants
- q) Signs & Advertising (Subject to 16)
- r) Top Soil Removal

5) LIGHT INDUSTRIAL – MANUFACTURING

- a) Light industrial manufacturing shall be confined to a single building appropriate for the use.
- b) No more than one light industrial manufacturing operation will be allowed in this District.
- c) The floor area occupied by a light industrial manufacturing operation’s production facilities shall not exceed 20,000 square feet.
- d) Employees of the light industrial manufacturing operations shall be restricted to resident members of the May City Hutterite Colony, or non-resident members of the May City Hutterite Colony.

- e) A building housing a light industrial manufacturing operation may be larger than 20,000 square feet, provided that uses other than light industrial manufacturing comply with rules of this District.
  - f) Outside storage of materials and equipment related to a light industrial manufacturing operation shall be screened to the satisfaction of the Development Officer.
  - g) Utility Service Building
- 6) **CONFINED FEEDING OPERATIONS**  
Animal husbandry operations as defined in the Agricultural Operations and Practices Act must receive appropriate NRCB approvals and registrations. Copies of such approvals shall be submitted to Mountain View County.
- 7) **SUBDIVISION REGULATIONS**
- a) The 44.0 (+/-) acres redesignated from Agricultural District to Direct Control District shall not be subdivided from the parcel SW 10-33-27-W4M.
  - b) This Direct Control District specifically describe land use regulations to support the occupation and use of the land by the May City Hutterite Colony.
  - c) The Direct Control District terms and conditions are not transferable through the sale of land to any party outside the May City Colony. Transfer of land title outside the colony ownership will cause the land designation to revert back to Agricultural District "A" and the Direct Control regulations will become null and void.
- 8) **SETBACKS**
- a) **MINIMUM SETBACKS – FRONT YARD** (Subject to Sections 8(c) and (d) below)
    - I) 250 feet from the center line of any County road allowance. (for all developments, except as specified in sec. 8(II), 8(III) and 8(IV)
    - II) 200 feet may be approved by a Location Permit.
    - III) 100 feet from the center line of any County road allowance for the following developments:
      - (i) Ancillary Buildings (Portable)
      - (ii) Haystacks and Bale Stacks
      - (iii) Holiday Trailers and/or Recreational Vehicles
      - (iv) Landscaping
      - (v) Solid Board Fencing
    - IV) Property Line for:
      - (i) Fences, Gates and other means of enclosure
      - (ii) Signs and Advertising
  - b) **MINIMUM SETBACKS – SIDE AND REAR YARDS** (subject to sec. 8 & 9)
    - I) 50 feet from the property line.
    - II) Property line for:
      - (i) Signs and Advertising
      - (ii) Fences, Gates and other means of enclosure
  - c) **MINIMUM CORNER SITE SETBACKS**
    - I) 250 feet for all Developments, including trees, shrubs and those listed in 6c above.

- II) No Development shall be allowed to interfere with sight distances so as to be hazardous to vehicular traffic.
- d) SETBACKS FOR EXISTING AND PROPOSED PRIMARY HIGHWAYS, ACCESS ROADS, SERVICE ROADS AND SECONDARY ROADS
  - I) 250 feet from the center line of such roads or the pertinent regulations of Alberta Transportation and Utilities, whichever is greater.
- e) OTHER SETBACK REGULATIONS FOR BUILDINGS HOUSING HUMANS
  - I) Oil & Gas Industry 100 metres or as determined by the A.E.U.B. (which ever is greater)
  - II) Sewage Lagoons & Treatment Plant 300 metres
- 9) MAXIMUM HEIGHT OF BUILDINGS
  - a) The height of buildings may be limited to such height as is deemed suitable and appropriate for the intended use.
- 10) DWELLINGS
  - a) The maximum number of multiple-unit dwellings shall be four (4).
  - b) The maximum number of dwelling units in a multiple-unit building shall be eight (8).
  - c) Single family or other types of dwellings may be permitted on a temporary or permanent basis, and with or without conditions, at the discretion of the Municipal Planning Commission.
- 11) ASSEMBLIES, CONCERTS AND/OR FESTIVALS
  - a) Assemblies, concerts and /or festivals shall be subject to County Bylaws.
- 12) AUTOMOBILE, MACHINERY, AND MISCELLANEOUS EQUIPMENT STORAGE
  - a) No person shall allow a motor vehicle or other machinery which is in a dilapidated unsightly condition, or discarded, to remain or be parked on any lot in Mountain View County unless it is suitably housed or screened to the satisfaction of the Development Officer, or has been issued a Development Permit.
  - b) The storage of industrial oil and gas exploration and production machinery and equipment shall require a Development Permit from Mountain View County. The Development Officer may require appropriate screening of oil & gas equipment being stored.
- 13) HOLIDAY TRAILERS AND OR RECREATIONAL VEHICLES
  - a) Three (3) Holiday Trailers and or Recreational Vehicles may be parked and used for camping on the lot (Deemed Approved).
  - b) Six (6) Holiday Trailers and or Recreational Vehicles may be stored or compounded, but not used for camping on the lot (Deemed Approved).
- 14) LANDSCAPING AND SCREENING
  - a) A landscaped buffer shall be established along the west side of the Colony's development site, such buffer which may include landscaped berms, shelterbelts, or other natural features that, in the opinion of the Development Officer, will be suitable to provide shelter

and screening of the site from view. Such buffer shall be established before or no later than the establishment of the Colony's first residential dwelling unit.

- b) All outside storage of raw and finished industrial materials shall be screened from view of neighbouring properties. Such screening shall consist of landscaping, fences, or other means deemed suitable by the Development Officer.

15) SIGNS AND ADVERTISING

- a) One (1) sign, not exceeding 32 square feet, for each 2640 feet of property frontage on a highway or a public road allowance, or (1) one sign, not exceeding 32 square feet per title, is deemed approved.
- b) Two (2) temporary signs, not exceeding 12 square feet, for each 1320 feet of property frontage on a highway or a public road allowance for a maximum period of three (3) months, are deemed approved.
- c) Functional signs needed by public authorities and utility companies to give information and direction about the services they provide, are deemed approved.
- d) All signs and advertising not deemed approved shall require a Development Permit.
- e) All signs and advertising within the Right of Way of a highway shall require the approval of Alberta Transportation and Utilities.
- f) All signs and advertising within the Right of Way of a public road allowance shall require the approval of the County Patrol Officer.

16) ROAD USE

At the discretion of the Development Officer, an application for Development Permit may be referred to Alberta Infrastructure and Transportation and the County's Operational Services Division for review and comment. The Municipal Planning Commission may then require the applicant to enter into a road use agreement or undertake other measures as conditions of approval.

17) UNSAFE, HAZARDOUS, OR NOXIOUS DEVELOPMENTS

The developments not requiring a Development Permit pursuant to sections 2 and 15 may be considered to be a Discretionary Use where such use is deemed to be unsafe, hazardous, noxious, or otherwise inappropriate for the intended location.

18) FIRE PROTECTION

Fire protection measures are to be provided to the satisfaction of the Municipal Planning Commission, and may be included as a condition in a Development Permit where deemed necessary by the Municipal Planning Commission.

19) PERMITS, OTHER AGENCIES

Notwithstanding any other requirements of this Bylaw, the owner shall be required to obtain all permits and authorizations required to develop and operate the Colony, including but not limited to such authorizations required by the Agricultural Operation Practices Act, the Water Act, the Safety Codes Act, and other applicable legislation and regulations.

20) DEFINITIONS

In this bylaw,

- a) **"AGRICULTURAL - MANUFACTURING"** means the use of land or buildings for those manufacturing activities of an agricultural nature such as; agricultural equipment and products, sawmill and planer, tannery and similar agricultural manufacturing uses.
- b) **"AGRICULTURAL - PROCESSING"** means the use of land or buildings for those processing activities of an agricultural nature such as; abattoir, cheese plant, distillery, brewery, broiler processing, winery, grain elevator, meat processing facility, hay or peat moss processing facility, seed cleaning plant, mills and similar agricultural processing uses.
- c) **"AGRICULTURAL - SUPPLY AND SERVICE"** means the use of land or buildings for those supply and service activities of an agricultural nature such as; animal hospital, agricultural machinery sales and service, auction mart, bulk fuel and oil distribution facility, fertilizer sales and distribution facility, livestock sales yard, livestock assembly station, market garden, green house, plant nursery, veterinary clinic and similar agricultural supply and service uses.
- d) **"AGRICULTURAL - SPECIALTY"** means the use of land or buildings for those specialty activities of an agricultural nature such as; bee keeping, greenhouses, game farm, fish hatchery, fur farm, market garden, mushroom farm, nursery, ostrich farm, llama farm, pheasant farm, sod farm, stripping of topsoil, tree farm, worm farm and similar agricultural specialty uses.
- e) **"ANCILLIARY BUILDINGS AND/OR USE"** means a building or use of land which is incidental to the primary use of the land or building located on the same lot.
- f) **"CONTRACTOR'S BUSINESS"** means a small light industrial or service-oriented business.
- g) **"DWELLING UNIT"** means any Building or part of a Building used or to be used by one single family for human habitation.
- h) **"DWELLINGS – MULTIPLE UNITS"** means a residential building which is designed to contain two or more dwelling units, each unit separated by a fire separation, and having a separate and direct entrance from grade
- i) **"EXTENSIVE AGRICULTURE"** means the use of land, buildings and/or other structures for the low intensity production of crops and livestock. Extensive agriculture includes grazing and the confinement or wintering of livestock .
- j) **"FARM SUBSIDIARY OCCUPATION"** means an occupation or business carried out on the farm unit by the operator thereof as a use secondary and subordinate to the primary agricultural use of the land;

- k) **"HOLIDAY TRAILER AND/OR RECREATIONAL VEHICLE"** means a transportable unit, including tents and related structures, designed, constructed, or re-constructed to be used or intended to be used for camping purposes.
  
- l) **"LIGHT INDUSTRIAL – MANUFACTURING"** means the use of land or buildings for value-added light industrial activities such as; assembly, packaging, extrusion, fabrication, machining, chemical production, and other similar manufacturing activities.

**OTHER DEFINITIONS SEE SECTION 4**



**WHEREAS** Section 641 of the Municipal Government Act as amended provides for the establishment of Direct Control Districts to enable Council to exercise control over the use and development of land or buildings within an area of the County; and

**WHEREAS** Council wishes to provide for the regulation and control of the use and development of 40.0 acres (16.19 hectares) (+/-) contained within a 107.38 acre (43.46 hectares)(+/-) parcel of land described as **N ½ 21-32-6-W5M**, and has received an application to redesignate these lands from Agricultural District "A" to Direct Control District "DC", as described in Schedule "A".

**NOW THEREFORE BE IT RESOLVED** that Council amend Land Use Bylaw No. 55/95 to establish the Crystal Waters Wellness Retreat Direct Control District, Bylaw LU 21/06.

**1) PURPOSE OF THE DISTRICT**

The purpose of this district is to provide for an environmentally sensitive and sustainable holistic health retreat facility that offers adult populations a peaceful environment for rest, reflection, relaxation, recreation, and education that will support the Crystal Waters Wellness Retreat under specified terms and restrictions.

**2) LIST OF USES – DEEMED APPROVED** (subject to 12)

Provided that they are in compliance with the provisions of this Land Use District, the following uses are deemed approved and do not require a development permit.

- a) Agriculture – Extensive

**3) LIST OF USES - DISCRETIONARY**

The following uses may be permitted within this district providing the application complies with this Land Use Bylaw. All discretionary uses require a Development Permit, with or without conditions imposed by the approving authority.

- I. Wellness Retreat Guest Facilities (building #1 as shown in Schedule A) containing:
  - a. Maximum site coverage: 45,000 square feet (4,180 square metres).
  - b. Maximum floor area: 90,000 square feet (8,361 square metres).
  - c. Maximum building height:
    - i. Roof peak: 34'-6" from main floor level.
    - ii. Corner turret roof peak: 40'-0" from main floor level.
    - iii. Large turret roof peak: 45'-0" from main floor level.
  - d. Maximum main floor level: 4'-0" (1.2 metres) from average finished grade at building perimeter.
  - e. Maximum 80 guest rooms and maximum 160 guests.
  - f. Seminar rooms (100 person maximum) and Executive Board Room (25 person maximum).
  - g. Dining Room (130 person seating).
  - h. Recreation rooms and decks.

- i. Quiet spaces (including library tower and observation deck on rooftop).
    - j. Hot and cool mineral pools.
    - k. Gym, aerobics and meditation rooms.
    - l. Specialized therapeutic bodywork treatment rooms and holistic spa.
    - m. Organic café' and wellness store.
  - II. Organic greenhouses (3,000 square feet maximum (279 square metres)).
  - III. Staff facilities containing 12 residential units (building # 2 as shown in Schedule A):
    - a. Maximum site coverage: 15,000 square feet (1,394 square metres).
    - b. Maximum floor area: 30,000 square feet (2,787 square metres).
    - c. Maximum building height: 33.0 feet (3.06 metres) from average finished grade at building perimeter.
  - IV. Maintenance building (building # 3 as shown in Schedule A):
    - a. Maximum site coverage: 5,000 square feet (465 square metres).
    - b. Maximum floor area: 10,000 square feet (929 square metres).
    - c. Maximum building height: 33.0 feet (3.06 metres) from average finished grade at building perimeter.
  - V. Gravel parking lot (# 4 as shown in Schedule A):
    - a. Maximum site coverage: 44,000 square feet (4,087 square metres).
  - VI. Fountain
  - VII. Waste treatment plant (building # 5 as shown in Schedule A)
  - VIII. Signs and advertising
  - IX. Ancillary buildings and uses
  - X. Fences and enclosures
  - XI. Landscaping and screening (subject to 9 a)
- 4) **SUBDIVISION REGULATIONS**
- a) This Direct Control District specifically describes land use regulations to support the occupation and use of the land by the Crystal Waters Wellness Retreat.
  - b) The Direct Control District shall not be subdivided from the remainder of the parcel.
- 5) **SETBACKS**
- a) **MINIMUM SETBACKS – FRONT YARD**
    - I) 250 feet from the center line of any County road allowance. (for all developments, except as specified in sec. 5(II), 5(III) and 5(IV)
    - II) 200 feet may be approved by a Location Permit.
    - III) 100 feet from the center line of any County road allowance for the following developments:
      - (i) Ancillary Buildings (Portable)

- (ii) Landscaping
    - (iii) Solid Board Fencing
  - IV) Property Line for:
    - (i) Fences, Gates and other means of enclosure
    - (ii) Signs and Advertising
- b) MINIMUM SETBACKS – SIDE AND REAR YARDS
  - I) 50 feet from the property line.
  - II) Property line for:
    - (i) Signs and Advertising
    - (ii) Fences, Gates and other means of enclosure
- c) OTHER SETBACK REGULATIONS FOR BUILDINGS HOUSING HUMANS
  - I) Oil & Gas Industry 100 metres or as determined by the A.E.U.B. (which ever is greater).
  - II) Sewage Lagoons & Treatment Plant To meet acceptable engineering and provincial regulatory approval standards.
- 6) **AUTOMOBILE, MACHINERY, AND MISCELLANEOUS EQUIPMENT STORAGE**
  - a) No person shall allow a motor vehicle or other machinery which is in a dilapidated unsightly condition, or discarded, to remain or be parked on any lot in Mountain View County unless it is suitably housed or screened to the satisfaction of the Development Officer, or has been issued a Development Permit.
- 7) **LANDSCAPING AND SCREENING**
  - a) A natural landscape buffer shall be maintained along the west and North sides of the Crystal Waters Wellness Retreat development that, in the opinion of the Development Officer, will be suitable to provide shelter and screening of the site from view.
- 8) **ROAD USE**

At the discretion of the Development Officer, an application for Development Permit may be referred to Alberta Infrastructure and Transportation and the County's Operational Services Division for review and comment. The Municipal Planning Commission may then require the applicant to enter into a road use agreement or undertake other measures as conditions of approval.
- 9) **UNSAFE, HAZARDOUS, OR NOXIOUS DEVELOPMENTS**

The developments not requiring a Development Permit pursuant to sections 2 may be considered to be a Discretionary Use where such use is deemed to be unsafe, hazardous, noxious, or otherwise inappropriate for the intended location.
- 10) **FIRE PROTECTION**

Fire protection measures are to be provided to the satisfaction of the Development Officer, and may be included as a condition in a Development Permit where deemed necessary by the Development Officer.

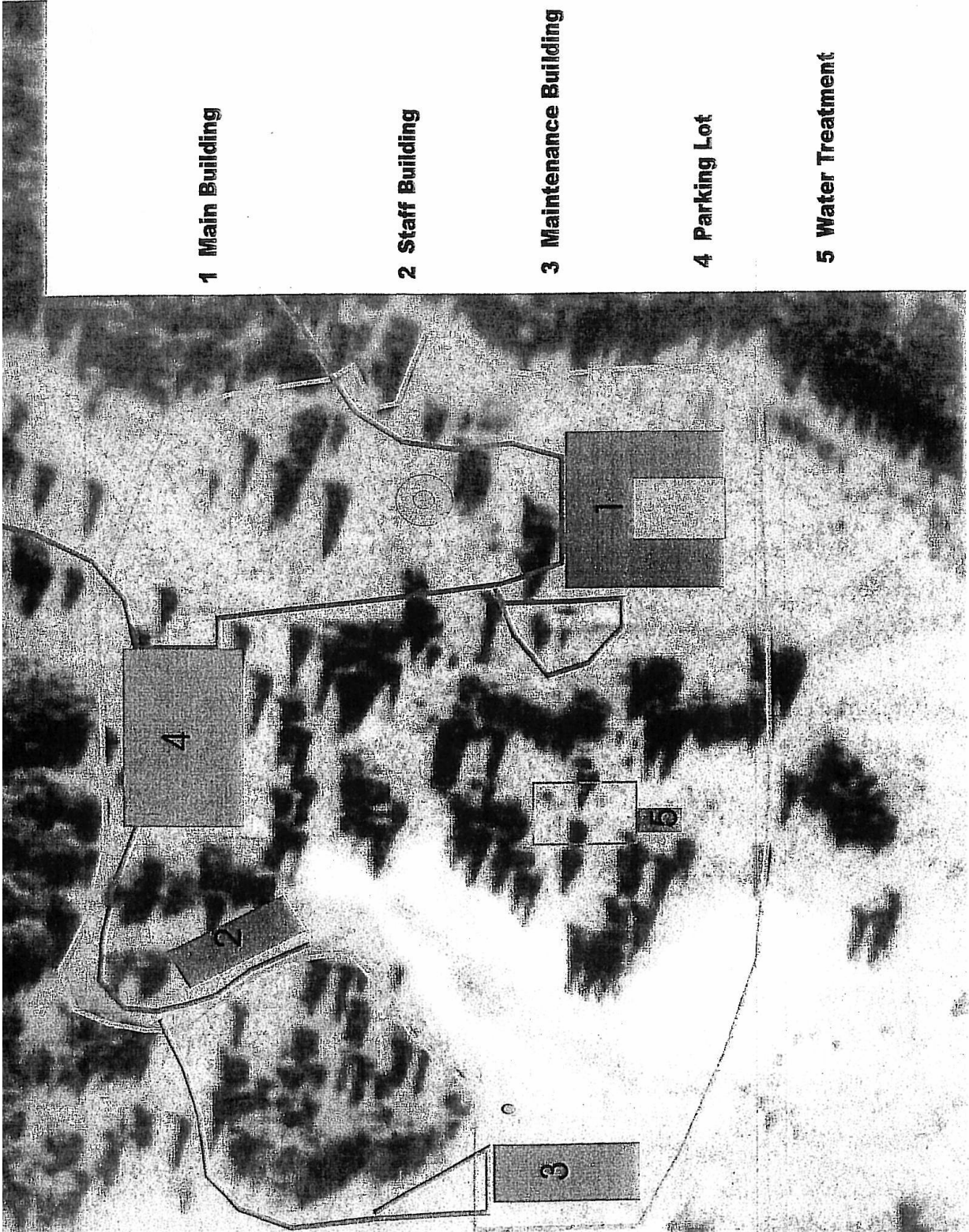
11) **PERMITS, OTHER AGENCIES**

Notwithstanding any other requirements of this Bylaw, the owner shall be required to obtain all permits and authorizations required to develop and operate the wellness centre, including but not limited to such authorizations required by the Agricultural Operation Practices Act, the Water Act, the Safety Codes Act, and other applicable legislation and regulations.

12) **DEFINITIONS**

In this bylaw,

- a) **"AGRICULTURAL EXTENSIVE"** means the non-intensive use of land or buildings for the raising or producing of crops and/or livestock
- b) **"ANCILLIARY BUILDINGS AND/OR USE"** means a building or use of land which is incidental to the primary use of the land or building located on the same lot.
- c) **AVERAGE FINISHED GRADE** means the average elevation of finished ground surface, excluding any artificial embankment, around the perimeter of the building.
- d) **GREENHOUSE** means a building designed and used for the growing of vegetables, flowers and other plants for domestic use and for sale.



**WHEREAS** Section 641 of the Municipal Government Act as amended provides for the establishment of Direct Control Districts to enable Council to exercise control over the use and development of land or buildings within an area of the County; and

**WHEREAS** Council wishes to provide for the regulation and control over the use and development of land and buildings within a portion of the NE ¼ 19-29-5 W5M described in schedule “A” and outlined in schedule “B”, and has received an application to redesignate these lands from Agricultural District “A” to Direct Control District “DC” for private recreational purposes under Bylaw No. LU 54/06; and

**WHEREAS** pursuant to the Municipal Government Act [641(3)], Council hereby delegates to the Municipal Planning Commission, the authority to review and approve development permit applications pertaining to this Direct Control Regulation; and

**WHEREAS** these regulations shall apply to the designated land under common and undivided ownership of the land title holders Maranatha Water Valley Association [**The Association**]; and

**WHEREAS** these regulations allow Council to regulate all aspects regarding the development of these lands described in schedule “A” for the specific use of not more than fifteen (15) seasonal recreational dwelling units and/or recreational vehicles, one (1) permanent dwelling unit, one (1) central recreational lodge, one (1) common equipment storage shed and ancillary buildings or structures; and

**NOW THEREFORE BE IT RESOLVED** that pursuant to the Municipal Government Act, Section 641, Council amend Land Use Bylaw No. 55 / 95 to establish the Maranatha Valley Association Direct Control District, Bylaw No. LU 54 / 06, and adopt the following regulations:

## **1. PERMITTED USES OF LAND AND/OR BUILDINGS**

The following uses shall be permitted with or without conditions provided that the application complies with the Direct Control District and these Regulations.

### **Deemed Approved**

- a) Recreational Vehicles.

### **Permitted Uses**

- a) Ancillary buildings and uses (maximum of one (1) per recreational dwelling unit).
- b) Deck and roof covers.
- c) Fire pit covers.
- d) Recreational dwelling.

## Discretionary Uses

- a) Recreational facility.
- b) Common equipment storage shed.

## 2. REGULATIONS – SETBACKS AND SIZE

### a) **Lot Size**

- (i) The portion of NE ¼ 19-29-5 W5M and described in schedule “A” is held in common ownership by **The Association** under a single land title.

### b) **Floor Area, Deck Area and Covers**

- (ii) Recreational dwelling – maximum 1,000 square feet (28.32 square metres).
- (iii) Ancillary building – maximum 200 square feet (18.58 square metres).
- (iv) Common equipment storage shed – maximum 3,200 square feet (297.3 square metres).
- (v) Deck – maximum width 12 feet (3.66 metres).
- (vi) For recreational vehicles, the maximum length of a deck shall not exceed the length of the recreational vehicle.
- (vii) Deck covers shall not overhang the decks by more than 24 inches (0.610 metres).
- (viii) Fire pit covers – maximum 16 feet x 16 feet (256 square feet) (4.877 m x 4.877 m (23.785 square metres)).

### c) **Minimum Yard Setbacks**

- (i) Land held in common:
  - i. Buildings and structures that exist on the land prior to January 1, 2006 shall be accurately located and clearly described in a detailed dimensioned drawing and/or air photo, or real property report.
  - ii. Location permits are required for all new structures and buildings. A plot plan for the entire site is required to show the orderly locations and placement of existing, new and future buildings and structures.
- (ii) No recreational dwellings, recreational vehicles, ancillary buildings, decks and roof covers, fire pit covers, or any other structures permitted under these regulations shall be located in the Little Red Deer River **Floodway**. The flood way area is described in the Little Red Deer River Flood Risk Study prepared by Matrix Solutions Inc. (August 2005) and illustrated in the Flood Risk Map, Figure 8 (05/06/07) – Schedule “C” of this bylaw.
- (iii) Recreational dwellings, ancillary buildings, decks and roof covers, fire pit covers, or any other structure permitted under these regulations, may be located in the Little Red Deer River **1:100 year flood limit** provided that they are setback a minimum of 33 feet (10 metres) from the river floodway limit and a minimum of 1.6 feet (0.5 metres) above the 1:100 year flood level. The 1:100 year flood limit area is described in the Little Red Deer River Flood Risk Study prepared by Matrix

Solutions Inc. (August 2005) and illustrated in the Flood Frequency Map, Figure 8 (05/06/07) – Schedule “C” of this bylaw.

- (iv) All structures shall be set-back from the crest of the bank of the Little Red Deer River a minimum distance of two (2) times the height of the river bank, as per Alberta Environment’s recommendation.

### 3. SUPPLEMENTARY REGULATIONS

- a) All structures existing prior to the bylaw adoption and/or January 1, 2006 (whichever is earlier) that are located outside of the Little Red Deer River Floodway are deemed to be legal non-conforming uses, subject to Section 643 of the Municipal Government Act. However, these structures may be repaired or completed as originally designed and without any further modifications made to the structures. The location of these existing buildings and structures shall be confirmed by an accurately scaled dimensioned drawing and air photo, or a real property report.
- b) All existing buildings and/or structures located in the Little Red Deer River **Floodway** must be removed.
- c) All buildings and/or structures located in the 1:100 year flood limit must be flood proofed.
- d) Mobile homes shall not be permitted.
- e) Potable water shall be provided through the provision of an underground cistern or a suitable above ground storage container for each lot in compliance with provincial health authority regulations and standards, or transportable water containers.
- f) Sanitary sewage collections and treatment shall be installed, maintained and serviced in strict compliance with the provincial authorities having jurisdiction to meet regulatory codes and standards.
- g) Basements shall not be allowed.
- h) Crawl spaces may be permitted.
- i) A maximum of 15 recreational dwellings and/or recreational vehicles are permitted at any time on this property. This provision does not apply to any recreational vehicle belonging to people visiting Association members in residence at the time of visit, provided that the length of stay does not exceed one (1) month.
- j) Prior to submission of a development permit application to the County, approval must first be obtained from **The Association** for the proposed development and a letter of approval from **The Association** must accompany all permit applications.
- k) For the purpose of these regulations, the floor area shall be calculated using outside wall measurements, and shall include all habitable enclosed floor areas.



- l) Development of new recreational facilities or the expansion of existing recreational facilities may require screening, which may include landscaping and/or fencing as a condition of development approval.
- m) Outside storage shall not be permitted except for the storage of firewood or other purposes consistent with the recreational use of the land.

#### **4. ROAD USE**

At the discretion of the Development Officer, an application for Development Permit may be referred to Alberta Infrastructure and Transportation and the County's Operational Services Division for review and comment. The Municipal Planning Commission may then require the applicant to enter into a road use agreement or undertake other measures as conditions of approval.

#### **5. ON SITE INFRASTRUCTURE AND UTILITIES**

All on-site roads located on the land are the sole responsibility of **The Association** to operate and maintain.

All on-site utilities located on the land are the sole responsibility of **The Association** to operate and maintain to the standards required by utility and service providers.

#### **6. UNSAFE, HAZARDOUS, OR NOXIOUS DEVELOPMENTS**

Hazardous, unsafe or noxious development of the lands is prohibited.

#### **7. FIRE PROTECTION**

Fire protection measures are to be provided to the satisfaction of the Development Officer, and may be included as a condition in a Development Permit where deemed necessary by the Development Officer.

#### **8. PERMITS, OTHER AGENCIES**

Notwithstanding any other requirements of this Bylaw, the owner shall be responsible for obtaining all permits and licenses required for the development, maintenance and operation of the property, including but not limited to such authorizations required by the Agricultural Operation Practices Act, the Water Act, the Safety Codes Act, and other applicable legislation and regulations of any and all authorities having jurisdiction.

#### **9. HISTORICAL RESOURCE IMPACT ASSESSMENT - ARCHAEOLOGY**

Pursuant to Section 37(2) of the **Historical Resources Act**, a Historical Resources Impact Assessment for archaeological resources and any work resulting from this assessment is to be conducted by an archaeologist qualified to hold an Archaeological Research Permit within the

Province of Alberta. The Historical Resources Impact Assessment shall be carried out prior to the initiation of any land surface disturbance activities under snow free, unfrozen ground conditions.

Should the archaeological consultant(s) encounter any archaeological resources or historic period sites, the assessment of these sites shall comply with the ***Guidelines for Archaeological Permit Holders in Alberta***. Deep testing may be required at the discretion of the consulting archaeologist.

In order to conduct the Historical Resources Impact Assessment, the archaeologist consultant shall submit "An Application for a Permit to Excavate Historic Resources – Mitigative Research Project" to the Heritage Resource Management Branch.

## 10. DEFINITIONS

In this bylaw,

- a) "**ANCILLARY BUILDING AND/OR USE**" means a building or use of land which is separate, incidental and subordinate to the primary use of the land and/or building located on the same lot.
- b) "**BUILDING**" means anything constructed or placed on, in, over or under land but does not include a highway or a road or a bridge that forms part of a highway or road.
- c) "**CRAWL SPACE**" means an uninhabitable, enclosed, unheated and ventilated space four (4) feet (1.2 metres) or less in height below the underside of the main floor joists and measured from the average finished grade at the exterior walls.
- d) "**DECK**" means an open exterior floor structure above grade, and may or may not be protected with a cover.
- e) "**DEEMED APPROVED**" means any development or use of any land or building that is in compliance with this bylaw does not require permit approval.
- f) "**DISCRETIONARY USE**" means the use of land or buildings provided for in this bylaw for which a development permit may or may not be issued upon an application having been made.
- g) "**FLOOD FRINGE**" means that portion of the flood risk area that is not in the floodway to which flood proofing constraints upon any undertaking shall apply. This area includes the 1:20 and 1:100 year flood limits.
- h) "**FLOOD PROOFING**" means structural or non-structural changes and/or adjustments incorporated into the design and/or construction or alterations of individual buildings, structures or properties to protect them from flood damage if they are located in the 1:100 year flood limit.
- i) "**FLOOD RISK AREA**" means the area which would be inundated by the 1:100 year flood event or one which has a 1% probability of being equaled or exceeding in any one year.

- j) **“FLOODWAY”** means the area within which the entire design flood could be conveyed if the water surface at any point were allowed to increase by an amount specified by the governing provincial government technical committee (an allowable water level increase of 0.3 metres). The floodway shall not be narrower than the natural active channel width at any location. The flow velocity at the outer edges of the floodway shall not exceed 1 m/s. The depth of flow at the outer edges of the floodway shall not exceed 1 metre, except at areas of deep standing water far removed from the active channel (AEP, 1997)
- k) **“FLOOR AREA”** means the total maximum area contained within the outside walls excluding any attached garages, porch, verandah, unfinished attic or other rooms or areas not habitable at all seasons of the year.
- l) **“LOT”** means a portion of the parcel of land assigned to an individual’s use and enjoyment either through agreement of the joint ownership partnership or through the subdivision of lots through a bareland condominium.
- m) **“PERMITTED USE”** means the use of land and/or buildings that is in compliance with the terms and conditions of this bylaw for which a development permit shall be issued upon an application having been made.
- n) **“RECREATIONAL DWELLING”** means a cabin, cottage or chalet for the purpose of non-permanent residency, including cooking, sleeping and plumbing facilities.
- o) **“RECREATIONAL FACILITY”** means a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational facilities.
- p) **“RECREATIONAL VEHICLE”** A vehicle, portable unit designed for travel, camping or recreational use, including but not limited to the following:
- (i) **Travel Trailer:** A vehicle, portable dwelling unit built on a chassis, being of any length provided that its gross weight does not exceed forty-five hundred (4,500) pounds (2,041 kgs.), or being of any weight provided its overall length does not exceed twenty-eight (32) feet (9.754 metres)
  - (ii) **Pick-up Camper:** A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.
  - (iii) **Motorized Camper:** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
  - (iv) **Tent Trailer:** A folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels to be used as a temporary dwelling.
  - (v) **Boat Trailer:** A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle.