

PART 3: GENERAL REGULATIONS

3.1 APPLICABILITY

- 3.1.1. The general regulations shall apply to all development within the County. Where there appears to be a conflict between this Part and other Parts of the Bylaw, the regulations in other Parts prevail.

3.2 ACCESS REQUIREMENTS

- 3.2.1. The Development Authority shall not approve a development permit unless provision for access is included with the application for development permit.
- 3.2.2. All access shall be to the approval of the Development Authority with respect to location, design, and construction standards.
- 3.2.3. Where a site abuts two roads, either existing or proposed, access to the site shall be to the road of lesser traffic volume, unless otherwise approved by the Development Authority.
- 3.2.4. The Development Authority may impose a condition of the development permit, requiring the applicant to enter into a development agreement with the County to construct or pay for the construction or upgrading of a road or walk necessary to serve the development.
- 3.2.5. *DELETED (Bylaw 6-2019 – Mar 12, 2019)*

Setbacks from Rural Roads and Intersections

- 3.2.6. In the Rural Area, a development permit shall not be issued for any development within 30m of the lot line abutting a rural road, unless the location of the development is to the satisfaction of the Development Authority.
- 3.2.7. In the Rural Area, a development permit shall not be issued for any development within the setbacks from an intersection unless the location of the development is to the satisfaction of the Development Authority. Setbacks from intersections shall be determined according to County policies and standards illustrated within Appendix "B". (*Bylaw 6-2019 – Mar 12, 2019*)

3.3 ACCESSORY DEVELOPMENT

- 3.3.1. An accessory building, structure or use shall not be considered without a principal building, structure or use.
- 3.3.2. An accessory building, structure or use shall be considered a permitted use when accessory to a permitted use and a discretionary use when accessory to a discretionary use.
- 3.3.3. Specific regulations for accessory buildings, structures and uses may be provided for within the appropriate Zoning District. Should a Zoning District not contain specific regulations for accessory buildings, structures and uses, the regulations for principal buildings shall apply.
- 3.3.4. Despite Section 3.3.3, in a Direct Control Zoning District which purpose is residential, where regulations for accessory buildings, structures and uses are not specifically indicated, the Development Officer shall refer to the regulations in a similar Zoning District for guidance when considering an application.
- 3.3.5. An accessory building shall not be used as a dwelling, except where authorized by this Bylaw.
- 3.3.6. An accessory building may be considered part of the principal building when it is attached to the principal building by a roof, an open or enclosed development

above grade, an above grade floor or any development below grade allowing access between the buildings.

- 3.3.7. An accessory building or structure shall not be constructed over an easement or right-of-way.
- 3.3.8. Where residential lots are located along a lakeshore, the Development Authority may allow the location of an accessory building or structure in a front yard along a road provided that it is consistent with development in the surrounding area.
- 3.3.9. An accessory building or structure in a non-residential Zoning District, abutting a residential Zoning District shall be setback 1.5 m from the boundary of the residential Zoning District and shall not be higher than the maximum height of a principal building in the residential Zoning District.
- 3.3.10. In Zoning Districts that allow for a zero setback to a lot line, an accessory building that is a mutual garage may be developed on the common lot line. The minimum side yard for the opposite side lot line shall be as required within the Zoning District provisions.
- 3.3.11. The setback for an accessory building or structure shall not be less than the side yard required for the principal building on the side lot line abutting a flanking road.
- 3.3.12. An accessory building or structure on a double fronting lot shall be sited as if a front yard is required on both lot lines abutting roads unless it is a residential lot with its access from one street consistent with lots on the same block.

Containers

- 3.3.13. Containers shall be considered as accessory to a principal building within any agricultural, commercial or industrial Zoning District, any Zoning District listed within Part 10 of this Bylaw and the following residential Zoning Districts:
 - a) RA – Rural Residential/Agriculture;
 - b) RS – Residential Small Holdings; and
 - c) RCL – Low Density Country Residential.
- 3.3.14. In addition to Section 3.3.13, the maximum number of containers that may be considered on a residential Zoning District listed above, commercial or agricultural lot is as follows:
 - a) less than 8 ha – one container;
 - b) 8 ha to 16 ha – two containers; or
 - c) 16 ha or more – four containers.
- 3.3.15. A container shall:
 - a) be used for storage purposes only, excluding any dangerous or hazardous materials or vessels;
 - b) not be located within a required setback from the front lot line or a side lot line flanking a road;
 - c) not be stacked one upon another, except where located within the following Zoning Districts:
 - i) IM – Medium Industrial;
 - ii) IH – Heavy Industrial;
 - iii) IMH – Medium Industrial (Heartland); or
 - iv) IHH – Heavy Industrial (Heartland);
 - d) not be used for fencing, screening, purpose of advertising or as a commercial storage use;
 - e) not be located within a required parking area or buffer landscape area; and

- f) have an exterior finish to match or compliment the exterior finish of the principal building, or be screened to the satisfaction of the Development Officer, except for in an industrial Zoning District.
- 3.3.16. Despite Section 3.3.13, a container having a maximum height of 3.0 m and a maximum length of 6.1 m may be placed on a driveway or parking lot for a period not exceeding fourteen (14) days and only for the purpose of loading and unloading during the process of moving or renovating. A container shall:
- a) be located entirely within the property; and
 - b) not create a site line obstruction.

Solar Collectors

- 3.3.17. A solar collector shall be located on the wall or roof of a building.
- 3.3.18. Within all residential Zoning Districts excepting the R3, R4, and R5 Zoning Districts:
- a) a solar collector mounted on a roof with a pitch of less than a 4:12 must not extend beyond the outermost edge of the roof, but may:
 - i) project a maximum of 0.5 m from the surface of the roof when the solar collector is located 5.0 m or less from a side lot line, measured directly from any point along the side property line; and
 - ii) in all other cases, 1.3 m from the surface of the roof;
 - b) a solar collector mounted on a roof with a pitch of 4:12 or greater may project a maximum of 1.3 m from the surface of the roof and must not extend beyond the outermost edge of the roof.
- 3.3.19. In all agriculture, commercial, industrial and institutional Zoning Districts and the R3, R4, and R5 Zoning Districts:
- a) a solar collector mounted on a roof with a pitch of less than a 4:12 may project a maximum of 2.0 m from the surface of the roof and must be located at least 1.0 m from the edge of the roof.
 - b) a solar collector mounted on a roof with a pitch of 4:12 or greater may project a maximum of 1.3 m from the surface of the roof and must not extend beyond the outermost edge of the roof.
- 3.3.20. A solar collector that is mounted on a wall:
- a) shall be located a minimum of 2.4 m above grade; and
 - b) may project a maximum of 0.6 m from the surface of that wall.

Dugouts

- 3.3.21. Unless a dugout is exempted by Section 2.8 from the requirements for a development permit, an applicant shall submit plans and specifications in accordance with this Bylaw.
- 3.3.22. A dugout shall meet the minimum accessory development setback requirements of the applicable Zoning District.
- 3.3.23. A dugout shall not encroach upon, or affect or interfere with any watercourse or drainage easement to the satisfaction of the Development Authority.
- 3.3.24. All dugouts that require a development permit shall be designed and built to County standards and policies, as illustrated within Appendix "A". The Development Authority may grant a variance to the slope specifications, provided that a fence is constructed that meets the following requirements:
- a) minimum height of the fence is 1.2 m, measured from the outside or non-dugout side grade;
 - b) the fence shall be constructed of a material and design so as to limit ease of passage through or over the fence; and

- c) all gates shall provide self-latching devices to prevent access to the water by unauthorized persons.

3.4 AMENITY SPACE

- 3.4.1. Amenity space shall be a minimum of 3.5 m² per dwelling unit for townhouses, multiple dwellings, and apartment dwellings.
- 3.4.2. Amenity space shall consist of both common amenity space and private amenity space.
- 3.4.3. Common amenity space shall:
 - a) consist of a minimum of one contiguous area;
 - b) contain seating and may contain other amenities such as play structures, gazebos, barbeques, swimming pools, or basketball or tennis courts; and
 - c) if located outside, shall be provided in a general landscape area (see Section 3.10
 - d)) in a location accessible and highly visible from the principal building.
- 3.4.4. Private amenity space shall be a minimum of 1.5 m² per dwelling unit for townhouses, multiple dwellings, and apartment dwellings.
- 3.4.5. Amenity space provided at ground level within 4.0 m of a road, lane, on-site parking area or adjacent parcel shall be screened to the satisfaction of the Development Officer. When considering the amount and type of screening required, the Development Officer shall consider the type of amenity provided (e.g., children's play area), and the likely safety issues and adverse effects arising from the amenity and its location. This section does not apply to amenity space located within the R6 zoning district or the R7 zoning district.
(Bylaw 40-2021-Sept. 29, 2021)

3.5 DESIGN STANDARDS

General Standards

- 3.5.1. In all development, the design and use of exterior finishing materials shall be to the satisfaction of the Development Officer who shall ensure, as far as reasonably practical, that the materials are durable and similar to, or better than the standard of development on the subject and adjacent sites.
- 3.5.2. All sides of a building exposed to view from a road or other public space shall be architecturally designed and finished as a principal façade.
- 3.5.3. A box-like appearance in building design and large expanses of uninterrupted building surfaces shall be avoided by adding glazing where practical and adding definition through colour or material details.
- 3.5.4. The design should discourage crime by reducing concealment opportunities, providing lighting to minimize dark spaces and encourage pedestrian safety, placing of windows to maximize informal surveillance, and easily identifying street addresses.

Standards Affecting Multi-Family, Commercial, or Institutional Development

- 3.5.5. Each site shall be designed with due regard and sensitivity to adjacent lots and development, in order to ensure development is complimentary and compatible. The design of a site shall consider the privacy of adjacent residential development.
- 3.5.6. Rooflines and building façades shall be articulated and varied to reduce the perceived mass, bulk and linearity of large buildings and to avoid blank walls.
- 3.5.7. Buildings are encouraged to be sited, oriented and designed to:
 - a) take into consideration solar benefits and opportunities;

- b) avoid adverse microclimatic effects on and off the site related to wind and shadowing;
 - c) reduce noise affect from arterial or collector roads or both; and
 - d) minimize impact on other buildings, considering such things as daylight, sunlight, ventilation, visual privacy and views.
- 3.5.8. Direct and clearly marked pedestrian walks should connect building entrances to parking lots and sidewalks of abutting streets and shall be designed at a gradient and with a surface that meets safety and accessibility requirements. Each site shall be designed to provide linkages for pedestrians connecting public right of way and adjacent sites.
- 3.5.9. Gas utility enclosures should be located away from street facing facades and screened from view.
- 3.5.10. Where covered parking is provided, the scale, form and character should be consistent with the building design.
- 3.5.11. Appropriate lighting shall be undertaken to provide security and to add visual interest. Lighting standards and fixtures shall be of consistent design and complimentary to the overall architecture. Lighting shall also conform to the requirements of Section 3.11.
- 3.5.12. Development should provide a transition in building height and massing in relation to development in surrounding neighbourhoods.
- 3.5.13. For buildings that consist of four storeys or more, the fourth and every subsequent third storey should be stepped-back or tiered to reduce the perception of vertical building mass.
- 3.5.14. Streetscape improvements that are not part of the building shall be provided on-site to encourage and facilitate human interaction with the environment. This includes items such as, but not limited to decorative light fixtures, fountains, sculptures, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structures, trash receptacles/enclosures, bollards, fences and vendor areas.

Standards Affecting Industrial Development

- 3.5.15. Any use or activity in an Industrial Zoning District or a Zoning District of similar intent should have regard for the following appearance standards:
- a) all loading, service, trash collection and accessory storage areas, and vehicle compounds shall be located to the rear or sides of the principal building, and be screened from view from any road other than a lane, and from adjacent sites, by building walls, landscape materials, berms, fences or a combination of these, to the satisfaction of the Development Officer;
 - b) the Development Authority may require that exposed projections outside the building such as mechanical and electrical equipment, transformer ducts, cooling towers and materials handling equipment be screened from view from any road other than a lane, and from adjacent sites if such projections are inconsistent with the character and appearance of surrounding development or the intended visual qualities of this Zoning District;
 - c) buildings should be constructed and finished with durable materials designed to maintain the initial appearance of the development throughout the life of the project. The Development Authority may require that the appearance of metal, or concrete block walls exposed to public view from beyond the site be improved where such walls are inconsistent with the finishing materials or appearance characteristic of adjacent development; and
 - d) where allowed, outside display areas may be located to the side or front of the principal building, provided that such displays are limited to examples

of equipment or material related to the industry or business located on the site.

3.6 ENVIRONMENTAL FEATURES

- 3.6.1. A minimum setback of 50.0 m is required from the top of bank of the North Saskatchewan River for any development, unless the Development Officer is provided with an environmental and geotechnical assessment, prepared by a qualified professional in accordance with County requirements, which verifies that a lesser setback is warranted. The Development Officer shall require a setback greater than 50.0 m where determined by the assessment.
- 3.6.2. A minimum setback of 36.0 m is required from the top of bank of Pointe-aux-Pins Creek within the plan area of the North of Yellowhead Area Concept Plan for any development, unless the Development Officer is provided with an environmental and geotechnical assessment, prepared by a qualified professional in accordance with County requirements, which verifies that a lesser setback is warranted. The Development Officer shall require a setback greater than 36.0 m where determined by the assessment.
- 3.6.3. A minimum setback of 30.0 m is required from the top of bank of any other watercourse or water body, unless the Development Officer is provided with an environmental and geotechnical assessment prepared by a qualified professional that verifies that a lesser setback is warranted. The Development Officer shall require a setback greater than 30.0 m where determined by the assessment.
- 3.6.4. The minimum setback and the requirements for an environmental and geotechnical assessment indicated in Sections 3.6.1, 3.6.2, and 3.6.3 above may be reduced or eliminated where the Development Officer determines that the proposed structure or building is incidental to the operation of a utility service (i.e. a pump shack) and the Development Authority is satisfied that there is no risk or adverse effect on development or the riparian area.
- 3.6.5. No trees shall be cleared or removed from any land which lies within the minimum setback from the top of bank to a watercourse or water body, unless the Development Officer receives written confirmation from a qualified professional indicating:
 - a) that the removal is necessary in order to provide access to the watercourse or water body; and
 - b) the area where trees or vegetation may be removed.
- 3.6.6. A Development Officer shall not approve an application for a building within a floodway.
- 3.6.7. When an application for a building is made for an existing lot which is, or may be, affected by a watercourse, a water body or flood fringe area, the Development Officer shall require the applicant to submit a geotechnical report or a flood plain/flood hazard mapping study or both, prepared by a qualified professional in accordance with County requirements. The geotechnical report shall confirm that there is a minimum contiguous developable area of 0.4 ha on the subject lot and that study shall contain flood proofing provisions to mitigate potential damage from a flood event.
- 3.6.8. Despite any other regulation in this Bylaw, the Development Authority may increase any required setback for any use in any Zoning District where written confirmation from a qualified professional is received that a proposed development:
 - a) may be detrimental to the conservation of environmentally sensitive lands; or
 - b) may be affected by being in a floodplain or in proximity to steep or unstable slopes; or

- c) may increase the degree of hazard presented by an existing environmental feature.

If the increased setback cannot be met, the Development Officer shall require that the applicant submit a report, prepared by a qualified professional in accordance with County requirements, identifying preventive engineering and construction measures that shall deem the lot suitable for the proposed development.

3.7 FENCES

- 3.7.1. For the purpose of determining the height of a fence, the measurement shall be taken from 0.5 m inside of the subject property boundary. The height measurement includes the materials used in constructing the fence, but does not include the posts or supporting material used to anchor the fence.
- 3.7.2. The maximum height of a fence shall be 2.0 m.
- 3.7.3. Despite Section 3.7.2, within residential areas of the Urban Service Area and hamlets, where any portion of the fence extends beyond the foremost portion of the principal building into the setback from the front lot line or the side lot line abutting a road other than a lane, the maximum height shall be 1.0 m.
- 3.7.4. The Development Officer may vary the height of a fence in order to provide additional security, safety, privacy or screening from roads or adjacent development.
- 3.7.5. A proposed fence should be complimentary and compatible with the principal building to the satisfaction of the Development Officer.
- 3.7.6. Electric fences shall not be permitted on any parcel within the Urban Service Area or hamlets.
- 3.7.7. Within the Urban Service Area and hamlets, fences consisting only of barbed-wire and posts shall only be allowed within the AD Zoning District.
- 3.7.8. Within the Rural Area, fences consisting only of barbed-wire and posts shall not be permitted within the RE, RCL and RCH Zoning Districts. *(Bylaw 19-2022, Sept. 27, 2022)*
- 3.7.9. Fences with barbed-wire may be allowed in non-residential Zoning Districts for security purposes, at the discretion of the Development Officer, provided:
 - a) the barbed-wire portion of the fence does not exceed a maximum of three (3) strands and the lowest strand of barbed-wire is located no lower than 2.13 m when measured from the ground; and
 - b) the barbed-wire is completely contained within the property line of the parcel.
- 3.7.10. Where the Development Authority determines that the location or height of a proposed fence will negatively affect sightlines or safety on a road or abutting driveway, the Development Officer shall refuse the application.
- 3.7.11. The Development Authority may require a solid fence to be installed where a non-residential or multi-residential development is proposed to abut a residential development, a public park, a school and institution or other similar use in order to mitigate any potential nuisance caused by the proposed development.

3.8 FRONT YARD

- 3.8.1. In the case of a corner lot, the front yard shall be the narrower of the two frontages. If they are equal, the front yard shall be at the discretion of the Development Officer.
- 3.8.2. The Development Officer may require a corner site to provide a greater setback from the front lot line than is required by the Zoning District having regard for the orientation and access of the development and adjacent properties.

- 3.8.3. The Development Officer may require a double fronting lot to provide a front yard on each road for consistency with development on adjacent properties.
- 3.8.4. Where a lot abuts a lakeshore, the front yard shall be the yard abutting the road.
- 3.8.5. Parking within a front yard of a residential Zoning District shall be considered in accordance with Section 4.3.6.

3.9 HEIGHT AND GRADE

- 3.9.1. The proposed building grade shall, to the extent practical, retain the natural contour of the land, minimize the necessity to use retaining walls, and ensure positive drainage to appropriate receiving drainage courses or watercourses.
- 3.9.2. In determining whether a development conforms to the maximum height permitted in any Zoning District, structures such as industrial processing towers, chimney stacks, monuments, steeples, elevator housings, roof stairway entrances, ventilating equipment, skylights, solar collectors or flagpoles for federal, provincial, or municipal flags shall not be considered for the purpose of determining the height, except lands within the AO – Airport Vicinity Protection Overlay.

3.10 LANDSCAPING

- 3.10.1. Landscaping shall be provided on all lots in all Zoning Districts, unless otherwise stated in this Bylaw.
- 3.10.2. Landscaping shall be provided under the provisions of this Bylaw and in accordance with County policy and standards.
- 3.10.3. A landscape plan shall be stamped, signed and dated by a Landscape Architect who is a full member of and in good standing with the Alberta Association of Landscape Architects, and contain the following:
 - a) property lines and parcel dimensions;
 - b) parcel area;
 - c) date, scale, north arrow, legal address, name of the property owner(s), name and contact information of the person or firm responsible for the landscape plan;
 - d) location, total area, and dimensions for all uncovered parking areas;
 - e) location, type, total area, and dimensions of all landscape areas (i.e. street-oriented landscape area, general landscape area);
 - f) location of existing and proposed structures;
 - g) location of storage areas;
 - h) the total area of the parcel that is landscaped;
 - i) percentage of the total parcel area that is landscaped;
 - j) the existing and proposed topography;
 - k) drainage features;
 - l) the location of existing natural features, including but not limited to, any water features, tree stands and other vegetation, that is to be retained;
 - m) total amount, location and type of hard landscaping;
 - n) total amount, location and type of soft landscaping, including the location and number of trees, shrubs and other vegetation to be planted;
 - o) the location of berms, retaining walls, fences, hedges or any other screen;
 - p) common amenity space, if applicable, including location, total area and materials used;
 - q) location of pedestrian sidewalks and pathways;
 - r) type of landscaping proposed for the area between the street curb and property line;

- s) pedestrian access ramp locations;
 - t) adjacent existing and proposed roads, trails and sidewalks;
 - u) all utilities and related ancillary structures;
 - v) setbacks from utilities in accordance with County standards;
 - w) landscape details (i.e. tree, shrub, retaining wall, fencing);
 - x) plant list showing quantities, common and botanical name, size and condition;
 - y) proposed landscape planting to be labelled and shown at mature size; and
 - z) minimum planting requirements and proposed plant material on the landscape plans.
- 3.10.4. Unless covered by the provisions of a development agreement, any landscaping area between the property line and the existing curb shall be incorporated into the landscape plan and shall be landscaped concurrently with the development to the standard of landscaping required by County standards.
- 3.10.5. Existing landscaping or natural vegetation should be conserved in accordance with the landscape plan and used to meet the requirements of this Section unless removal, in the opinion of the Development Officer, is necessary to efficiently accommodate the proposed development. Where practical, vegetation should be relocated on-site.
- 3.10.6. Where a site is to be developed in phases an overall concept plan for landscaping shall be approved prior to the first phase approval. Landscaping may be limited to that portion of the parcel being developed for that phase. Landscaping shall be required in subsequent phases on the remainder of the site at the time of approval for each development phase. Any areas within the overall site that are to be left undeveloped for extended periods of time shall be landscaped with an approved ground cover.
- 3.10.7. In the event that plant material required in an approved development is inappropriate or fails to survive, the Development Officer may allow or require alternative materials to be substituted.
- 3.10.8. Where a landscape plan or security or both is required by this Bylaw, no development shall commence unless the Development Officer has approved the landscape plan and received the required security for landscaping pursuant to Section 3.10.9.

Landscaping Security

- 3.10.9. The Development Officer may require, as a condition of a development permit that the owner provide a guaranteed security to ensure that landscaping is provided and maintained for two (2) growing seasons. The security shall be cash or an irrevocable letter of credit having the value equivalent to a minimum of 50% of the established landscaping costs. *(Bylaw 37-2021, August 12, 2021)*
- 3.10.10. Where applicable, the Development Officer shall require an applicant to prepare and forward an estimate received for the cost of supplying and installing materials shown on a landscape plan. The estimate shall be prepared by a qualified individual or company, and shall outline the cost of individual landscape and labour to the satisfaction of the Development Officer.
- 3.10.11. Where security has been submitted for a reclamation plan related to Section 6.2, the landscaping security of Section 3.10.9 is not required.
- 3.10.12. If cash is offered as the landscaping security, it shall be held by the County until the landscaping has been installed, successfully maintained for two (2) growing seasons and the Development Officer is satisfied through site inspection that this has occurred. *(Bylaw 37-2021, August 12, 2021)*
- 3.10.13. If a letter of credit is offered as the landscaping security, it shall be in a form satisfactory to the County. The initial term of the letter of credit shall be one (1)

year. The letter of credit shall be automatically renewed for a further one (1) year term, sixty (60) days prior to expiry. This process shall be repeated as many times as is necessary so that the letter of credit is maintained until the installation of landscaping has occurred and maintenance of the landscaping has been carried out for two (2) growing seasons, as determined by and to the satisfaction of the Development Officer. *(Bylaw 37-2021, August 12, 2021)*

- 3.10.14. The owner shall notify the County sixty (60) days prior to the expiry date of the letter of credit, in order to provide sufficient time for the Development Officer to inspect the site and to determine if the landscaping is installed and maintained in accordance with the regulations of this Bylaw. If landscaping conditions are satisfactory to the Development Officer, the letter of credit may be released. If inspection cannot be made within this sixty (60) day period due to weather conditions or other extenuating circumstances, the letter of credit shall automatically renew for a further one (1) year term.
- 3.10.15. Upon application by the owner's representative, a letter of credit may be reduced at the discretion of the Development Officer, when any of the following events occur and are to the satisfaction of the Development Officer:
- a) the required landscaping has been properly installed; or
 - b) the required landscaping has been maintained and is in a healthy condition after one (1) growing season.
- 3.10.16. At the request of the owner, a letter of credit shall be released by the Development Officer when the Development Officer is satisfied that the required landscaping has been installed and maintained and is in a healthy condition after two (2) growing seasons.
- 3.10.17. Any letter of credit shall allow for partial draws. If the landscaping is not installed and maintained in accordance with the approved landscape plan within one (1) growing season after completion of the development or if the landscaping is not well maintained and in a healthy condition two (2) growing seasons after completion of the landscaping, the County may draw on the cash security or the letter of credit and the amount thereof shall be paid to the County for its use absolutely. All expenses incurred by the County to renew or draw upon a letter of credit shall be reimbursed by the owner to the County by payment of invoice or from the proceeds of the letter of credit. *(Bylaw 37-2021, August 12, 2021)*
- 3.10.18. Where the owner does not complete the required landscaping, or if the owner fails to maintain the landscaping in the healthy condition to the satisfaction of the Development Officer for the specified periods of time and the cash or the proceeds from the letter of credit are insufficient for the County to complete the required work, should it elect to do so, then the owner shall pay such deficiency to the County immediately upon being invoiced. The County shall provide an accounting to the owner indicating how the proceeds of the letter of credit were applied within sixty (60) days of completing or maintaining the landscaping.
- 3.10.19. Upon receipt of a written request from the parties involved in the development, including but not limited to, the property owner, condominium association or the issuer of the letter of credit, an inspection of the finished landscaping may be scheduled by the Development Officer. Inspections may be made during the normal growing season, approximately June 1 through September 30. All reasonable effort shall be made by the Development Officer to perform the inspection within ten (10) working days of receipt of the inspection request.

Landscape Requirements for Parking and Screening

- 3.10.20. A parking area having eight (8) or more parking spaces and which is visible from an adjacent site in a residential Zoning District or from a road other than a lane, shall be fenced or have a screen planting. The location, length, thickness and height of such fence or screening shall be to the satisfaction of the Development Officer.

- 3.10.21. Where on-site parking for twenty (20) or more vehicles is provided at grade on a lot or site, there shall be a landscaped area within the parking lot, unless otherwise required by the Development Officer.
- a) Landscape islands and landscape peninsulas shall:
 - i) be distributed evenly throughout the parking area after every ten (10) consecutive parking stalls in a row. This does not apply where a landscape strip has been provided between a row of parking stalls;
 - ii) be provided at the ends of each row to separate drive aisles from the end parking stall;
 - iii) contain any combination of trees and shrubs provided the location of the tree or shrubs in the landscape island or peninsula does not interfere with sight lines for pedestrians or vehicles;
 - iv) be a minimum of 10 m² in area with a minimum length of 2.0 m on at least one side;
 - v) allow for water infiltration; and
 - vi) include a concrete curb.
- 3.10.22. The Development Officer shall require the planting of trees and shrubs, and may require the construction of berms, the planting of a solid hedge, other vegetative screen, fencing or any combination thereof to adequately buffer an adjacent site from a nuisance or adverse effect.
- 3.10.23. A garbage collection area, an open storage area, or an outdoor service area, including any loading and vehicular service area, which is visible from an adjacent site in a residential Zoning District or from a public road other than a lane, shall be fenced or have screen planting or both. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscape plan approved by the Development Officer. Such fence or screen planting or both shall be maintained to provide effective screening from the ground to a height of 2.0 m.
- 3.10.24. For bulk outdoor storage, including but not limited to, auto wrecking, lumber yards, pipe storage and similar uses, where because of height of materials stored, a screen planting would not be sufficient, a fence, earth berm or combination thereof, with sufficient height to substantially block the view, shall be substituted for the requirements of Section 3.10.26.
- 3.10.25. Where, because of conditions not conducive to good horticultural practices, a screen planting cannot reasonably be expected to survive, the Development Officer shall require a masonry wall, wood fence, earth berm, or combination thereof, to be substituted for the requirements Section 3.10.26.
- 3.10.26. Screen plantings shall be maintained to provide effective screening from the ground to a height of 2.0 m to the satisfaction of the Development Officer.
- 3.10.27. Within commercial and industrial Zoning Districts, a landscaped buffer area of at least 4.0 m shall be provided in front yards and flanking side yards.
- 3.10.28. The Development Officer shall require a landscaped buffer area adjacent to residential Zoning Districts, roads, parks or other uses that may be adversely affected by noise, light, or views:
- a) lots or sites within a non-residential Zoning District shall provide a landscaped buffer area along the length of any lot or site boundary that abuts a parcel within a residential Zoning District. The minimum width of the landscaped buffer area shall be provided as follows:

| Zoning District | Minimum Width of Buffer Landscape Area |
|-----------------|--|
| C1 | 3.0 m |
| C2 | 3.0 m |
| C3 | 4.0 m |
| C4 | 4.0 m |
| C5 | 4.0 m |
| IL | 5.0 m |
| IM | 6.0 m |
| MI | 3.0 m |
| PS | 3.0 m |
| DC (Commercial) | 4.0 m |
| DC (Industrial) | 5.0 m |

- b) the Development Officer may require a larger width where, in their opinion, more area is required to adequately buffer the nuisance or adverse effect;
- c) where a landscaped buffer area is not specified within this Bylaw, the Development Officer shall determine the minimum width requirement of a landscaped buffer area, taking the following into consideration:
 - i) the use occurring on the lot or adjacent site;
 - ii) the potential for such a use to create a nuisance or adverse effect on an adjacent site; and
 - iii) the full growth potential of all trees, shrubs, hedges and other vegetation at maturity, based on the growing characteristics of the species, needed to buffer the nuisance or adverse effect.

Site Landscape Requirements

- 3.10.29. In addition to the landscaping of on-site parking and vehicular use areas, all remaining areas on any developed lot shall conform to the following minimum requirements:
 - a) grass, ground cover, shrubs, and other landscape materials shall be used to cover all open ground within 6.0 m of any building or paving or other use such as storage;
 - b) all structures shall be treated with landscaping so as to enhance the appearance of the structure and to screen any unsightly appearance;
 - c) landscaping shall take into account the need for winter storage of snow;
 - d) in all non-residential Zoning Districts, the required front yard setback shall be landscaped; and
 - e) trees shall be included on the landscape plan and planted in non-vehicular areas to meet the following requirement:
 - i) one tree for each 25 m² and one shrub for each 15 m² of required yards in non-industrial Zoning Districts;
 - ii) one tree for each 46 m² of any required yard in industrial Zoning Districts; and
 - iii) one tree for each 15 m² and one shrub for each 10 m² of required parking area island provided that there will be at least one tree per parking area island.
- 3.10.30. Where commercial or industrial development abuts residential development, the Development Officer may require that some of the trees be provided along the yard abutting the residential development.

- 3.10.31. Shrubs may be substituted for trees at the rate of five (5) shrubs to one (1) tree as site conditions and design may allow in accordance with County standards or at the discretion of the Development Authority.
- 3.10.32. Where existing trees that are retained on the site are at least 0.15 m in caliper, they may count double towards meeting the tree requirements of this Section. When existing trees are at least 0.25 m in caliper, they may count triple towards meeting the tree requirements of this Section.
- 3.10.33. The Development Officer may consider alternative landscaping treatments or compensation in kind for development within the IH and IHH Zoning Districts.
- 3.10.34. Within the RCH, RE, RH, R1A, R1B, R1C, R2A and R2C Zoning Districts, and similar residential Direct Control Zoning Districts within the Urban Service Area and hamlets, the owner shall be responsible for the placement and proper maintenance of landscaping on the site for all yards visible from a road. All yards visible from a road shall be seeded with grass or sodded within eighteen (18) months of occupancy. Alternative forms of landscaping may be substituted for seeding or sodding, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens.

Specifications for Landscape Construction

- 3.10.35. All specifications and procedures for the acquisition, installation and maintenance of landscaping shall be in accordance with County standards.
- 3.10.36. All plant materials shall be hardy to the County and to the location on the site where they are planted. The Horticultural Standards of the Canadian Nursery Trades Association shall be used as a reference for plant selection.
- 3.10.37. Existing landscaping or natural vegetation that is to be retained must be protected to the furthest extent of the drip line and the final grading of the site should not alter the existing grade within the root zone more than 0.2 m.
- 3.10.38. All required landscaping materials shall be installed in accordance with the following provisions:
 - a) tree species at maturity shall have an average spread of crown greater than 5.0 m. Trees having a lesser average mature crown of 5.0 m may be grouped so as to create the equivalent of 5.0 m or greater crown at maturity.
 - b) deciduous trees shall be at least 0.06 m caliper;
 - c) coniferous trees shall have a minimum height of 2.5 m;
 - d) coniferous shrubs shall have a minimum spread of 0.45 m; and
 - e) deciduous shrubs shall have a minimum height of 0.45 m.

3.11 OUTDOOR LIGHTING

- 3.11.1. The provisions of this Section shall apply to all development, except:
 - a) lighting required under the Alberta Building Code;
 - b) outdoor lighting fixtures which are necessary for worker safety;
 - c) temporary lighting for the filming of motion pictures;
 - d) seasonal decorations; or
 - e) signs.
- 3.11.2. All new outdoor lighting fixtures or those to be relocated or replaced shall be installed or retrofitted in accordance with this section.
- 3.11.3. The Development Officer may consider the following types of High Intensity Discharge (HID) lighting and other light sources, including:
 - a) High Pressure Sodium (HPS) HID;
 - b) Low Pressure Sodium (LPS) HID;

- c) Light Emitting Diode (LED);
 - d) Quartz Halogen;
 - e) Fluorescent (including but not limited to compact fluorescent); and
 - f) Metal Halide HID.
- 3.11.4. The Development Officer shall require a fixture rated equal to or greater than 2000 lumens to be of a full cut-off fixture type.
- 3.11.5. All outdoor lighting fixtures shall be located, aimed and shielded in a manner that does not directly illuminate a road or an adjacent residential area.
- 3.11.6. Any outdoor lighting fixture installed on a residential property and visible from an adjacent residential property shall be shielded such that it is not directly visible from that property.
- 3.11.7. Outdoor lighting used to illuminate flags, statues, signs or other objects mounted on a pole, pedestal or platform, spotlighting or floodlighting used for architectural or landscape purposes, must use full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated.
- 3.11.8. The use of laser light sources or searchlights for advertising or entertainment purposes or both, including strobes or flashing lights, is prohibited.
- 3.11.9. For development within commercial, industrial, and institutional Zoning Districts, including Direct Control Zoning Districts, the following provisions shall apply:
- a) the applicant shall submit to the Development Authority all required information listed in Section 2.9;
 - b) outdoor light fixtures shall be shielded and mounted with a rigid arm with no adjustment feature;
 - c) the lamp of a light fixture shall not be visible from beyond the lot line; and
 - d) site lighting abutting a residential, institutional (or similar Direct Control Zoning District), and any Zoning District in Part 10 shall be diminished at any property line.

3.12 PIPELINE SETBACKS

- 3.12.1. A minimum setback from the right-of-way of a petroleum or natural gas product pipeline with a maximum licensed operating pressure of 3447.5 kPa or greater shall be provided in accordance with the following:
- a) Urban Service Area: 15.0 m for a principal residential, commercial, or industrial building. For residential development only, and subject to the discretion of the Development Officer, the pipeline setback may be reduced to 7.5 m if the applicant permanently fences the property line adjacent to the pipeline right-of-way before the construction of abutting development;
 - b) Hamlets and Rural Area: 15.0 m for a principal residential, commercial, or industrial building, provided it is clearly marked with identification posts and flags from a surveyed pipeline right of way;
 - c) 1.0 m for an accessory residential, commercial, or industrial building;
 - d) 200 m for a principal building for community recreation services, private education, public education, emergency services, exhibition and convention facilities, major health services, religious assemblies, or spectator sports.
- 3.12.2. A minimum setback of 5.0 m shall be provided from a pipeline right-of-way with a maximum licensed operating pressure of less than 3447.5 kPa for all principal buildings.

- 3.12.3 Subject to the approval of the Development Authority, petrochemical plant sites may be exempt from the pipeline setback requirements of Sections 3.12.1 and 3.12.2.
- 3.12.4 A complete application shall include a site plan prepared by an Alberta Land Surveyor that accurately indicates the location of the pipeline right-of-way and the setback to the proposed building.

3.13 PROJECTIONS

- 3.13.1. A cantilever which provides additional interior space may project up to 0.6 m into a required setback of 1.2 m or greater, but in all cases at least 1.2 m shall be maintained between the wall designed with the cantilever and the lot line.
- 3.13.2. Despite Section 3.13.1, the following may project up to 0.6 m into a required setback of 1.2 m or greater:
- a) architectural or ornamental features such as cornices, leaders, eaves, gutters, pilasters, sills and awnings;
 - b) fireplaces and chimneys, provided the horizontal length of each projection shall not exceed a total of 1.83 m; or
 - c) satellite dishes 1.22 m or less in diameter.
- 3.13.3. Where there is more than one cantilever or fireplace/chimney or both, the total horizontal length of all cantilevers shall not exceed one-third of the length of the building wall exclusive of any garage walls.
- 3.13.4. Where the cantilever in Section 3.13.1 is within a setback from a side lot line, the total horizontal length of all projections shall not exceed 3.05 m.
- 3.13.5. The following may project into a required setback as outlined below, provided there is no encroachment onto an easement or utility right-of-way:
- a) patios up to a maximum of 2.0 m into a required setback from the front lot line and up to the lot line that abuts a side yard or rear yard;
 - b) decks up to a maximum of:
 - i) 0.6 m into a required setback less than 4.0 m;
 - ii) 2.0 m into a required setback of 4.0 m to 7.4 m;
 - iii) 3.5 m into a required setback of greater than 7.4 m;
 - c) unenclosed steps, landings and stairs which are attached to or abutting a principal building and provide direct access from ground level to the principal building up to a maximum of 2.0 m into a front yard and rear yard and not less than 0.3 m from the lot line that abuts a side yard;
 - d) balconies up to a maximum of:
 - i) 2.0 m into a front yard;
 - ii) 3.5 m into a rear yard;
 - iii) 0.6 m into a side yard;
 - e) eaves and eavestrough up to a maximum of 0.5 m into a required setback for accessory buildings.
- 3.13.6. Utilities, underground parking, and similar structures constructed entirely beneath the surface of the ground may encroach into required yards provided such underground encroachments do not result in a grade inconsistent with adjacent properties and the encroachments are covered by sufficient soil depth or surface treatment to foster landscaping.

3.14 SITE SERVICING AND GRADING

Site Servicing

- 3.14.1. Site servicing such as private or public sewer, water, site grading, surface drainage and stormwater management for individual lots or bare land

condominium units required as a result of a proposed development shall comply with all County and provincial requirements.

- 3.14.2. Where private or public sewer, water, site grading, surface drainage, stormwater management or other essential services such as natural gas or power for individual lots or bareland condominium lots are required by the Development Authority, a Development Officer may refuse a use or development or impose a condition requiring the applicant to enter into a development agreement with the County to construct or pay for the construction or upgrading of services necessary to serve the development.
- 3.14.3. The applicant or owner shall provide a guaranteed security to ensure that all site servicing is constructed and record drawings are submitted to the satisfaction of the Development Authority.

Site Grading

- 3.14.4. The regulations contained within this Section are intended to apply primarily to those situations where site grading (including construction of an artificial water body, but not a dugout), is proposed independent of, or prior to other development occurring on the same lot or site.
- 3.14.5. Unless otherwise exempted by this Bylaw, site grading shall not be allowed in any Zoning District until a development permit has been issued.
- 3.14.6. In all Zoning Districts, site grading shall be considered to be a discretionary use, unless exempted by the provisions of Section 2.8.
- 3.14.7. The time from commencement to completion of reclamation shall not exceed one (1) year, unless at the discretion of the Development Officer a different time period is specified.
- 3.14.8. Despite any other regulation in this Bylaw, the placing or the storage of topsoil or fill shall not be allowed in any circumstance where:
- a) the topsoil or fill is contaminated;
 - b) negatively impacting water flows to and from adjacent lands; or
 - c) placed in natural wetlands or drainage courses.
- 3.14.9. Where in the process of development areas require site grading, filling or excavation, the topsoil shall be removed prior to work commencing, and shall be replaced following completion of the work.
- 3.14.10. Borrow areas may be considered in any agricultural Zoning District provided that:
- a) a development permit has been issued for site grading, unless exempted by this Bylaw;
 - b) the maximum area of excavation does not exceed 8.0 ha, the maximum amount of material to be removed from the site does not exceed 40,000 m³, and the excavated material does not contain sand or gravel or both;
 - c) there is no negative impact on water flows to and from adjacent lands;
 - d) there is no negative impact on natural wetlands or drainage courses; and
 - e) the time from commencement of excavation to completion of reclamation does not exceed 120 days.
- 3.14.11. In addition to the information required by Section 2.9, a development permit application for site grading shall include a site plan and a written description of the development proposal, including but not limited to the following:
- a) the location and dimensions of the proposed disturbed area;
 - b) existing site conditions of the land, including topography, vegetation and watercourses;
 - c) the type of site grading activity proposed showing dimensions of the operation of the area or the land to be included, the depth to which the

- material is to be removed or added and the effect on existing drainage patterns;
- d) proposed access, haul routes and haul activities;
 - e) proposed methods for preventing nuisance from dust and erosion;
 - f) measures for controlling erosion, weeds, and any other information related to reclaiming the site; and
 - g) the costs required to reclaim the site.
- 3.14.12. The owner shall provide a letter or report signed by a qualified soil testing or geotechnical firm confirming the quality of the topsoil or fill being placed on the property.
- 3.14.13. Where it is required that the owner provide a guaranteed security, the owner shall provide a record drawing(s) to verify that the works carried out have been completed according to the approved plan.
- 3.14.14. The Development Officer, when making a decision respecting site grading, shall consider the following:
- a) the provisions of the Municipal Development Plan and any other relevant statutory documents;
 - b) the intent of the area and of the specific Zoning District in which the activity is located;
 - c) the future use of the site as proposed in a reclamation plan;
 - d) relevant guidelines prepared by the Province of Alberta and any comments and recommendations provided with a provincial approval;
 - e) County standards and policies regarding wetlands;
 - f) the Province of Alberta and County standards and policies regarding berms and setbacks adjacent to municipal roads and provincial highways;
 - g) the use of top soil or clay materials as a beneficial resource to the region;
 - h) conservation of designated historical resources;
 - i) conservation of trees and maintenance of habitat during the critical wildlife nesting periods of April 15th through to July 31st;
 - j) conservation of prime agricultural lands in a productive state;
 - k) conservation of environmentally significant and sensitive areas, with special consideration given to areas identified within a biophysical assessment;
 - l) conservation of watercourses, maintenance of positive drainage, and potential drainage effects on adjacent or nearby properties;
 - m) the potential nuisance effect on adjacent properties to mitigate negative impacts; and
 - n) potential damage to County roads and surface structure.
- 3.14.15. The Development Officer may require an applicant to enter into a road use agreement as a condition of development permit approval.

Security

- 3.14.16. The Development Authority or the Subdivision Authority may impose a condition of approval requiring the applicant to provide a guaranteed security to ensure that all site servicing, grading, and reclamation, is constructed in accordance with the County standards to the satisfaction of the Development Authority.
- 3.14.17. Estimates for site servicing, grading, and reclamation costs shall be provided by the owner to the satisfaction of the Development Authority.
- 3.14.18. The security required under Section 3.14.16 shall be in the form of cash or an irrevocable letter of credit to a value equal to 50% of the County accepted estimated site servicing, grading, and reclamation or a minimum of \$10,000.
(Bylaw 37-2021, August 12, 2021)

- 3.14.19. If an irrevocable letter of credit is offered as security it shall:
- a) be in a form to the satisfaction of the Development Authority;
 - b) have an initial term of one (1) year;
 - c) be automatically renewable upon sixty (60) days prior to the expiry date of the security, until such time as the requirements of Section 3.14.16 have been met.
- 3.14.20. The required security shall be held by the County until the Development Authority is satisfied that:
- a) all the conditions of the development permit have been fulfilled;
 - b) the construction of site servicing, grading or reclamation has been completed;
 - c) record drawings have been submitted and accepted; and
 - d) all site deficiencies have been rectified.
- 3.14.21. If the site servicing, grading or reclamation is not completed pursuant to Section 3.14.16, the County may draw on the security and the amount thereof shall be paid to the County for its use.
- 3.14.22. In the event the owner does not complete the required site servicing, grading or reclamation under Section 3.14.16 and the security is insufficient for the County to complete the required work should it elect to do so, then the owner shall pay such deficiency to the County within fourteen (14) days upon being invoiced. The County shall within sixty (60) days of completion of the required improvements, provide a statement of costs to the owner indicating how the proceeds of the security were applied.
- 3.14.23. The owner or developer shall notify the County in writing fourteen (14) days prior to completion of site servicing, grading or reclamation in order to provide sufficient time for the Development Authority to inspect the site servicing, grading or reclamation. If conditions are accepted the Development Authority by way of issuance of a Lot Grading Certificate or Final Acceptance Certificate(s), the security may be released.
- 3.14.24. The Development Authority may, in its sole discretion, consider a partial release of security where warranted.
- 3.14.25. Where required, the owner shall submit a record drawing(s) identifying the completed site servicing or grading activities.
- 3.14.26. Based on the submitted record drawing(s) or site inspection or both, securities may be released if the site servicing, grading or reclamation activities have been completed to the satisfaction of the Development Officer.

3.15 TREE CLEARING

- 3.15.1. A development permit application for tree clearing shall be subject to the environmental setback provisions of Section 3.6.
- 3.15.2. In addition to the development permit application requirements of Section 2.9, the Development Authority shall require the following information:
- a) purpose of the proposed tree clearing;
 - b) description of the vegetation to be cleared;
 - c) proposed schedule for tree clearing and hauling;
 - d) proposed access and haul routes; and
 - e) reclamation plan.
- 3.15.3. In considering a proposal for tree clearing, the Development Authority shall have regard for the following:
- a) the potential for the trees to be incorporated into future development to meet the landscaping provisions of Section 3.10;

- b) the provisions of the Municipal Development Plan and any relevant statutory plans;
- c) maintenance of habitat during critical wildlife nesting and rearing periods;
- d) protection of watercourses and environmentally sensitive areas;
- e) the health, size, fragmentation, biodiversity of the native trees;
- f) possibility of designation as environmental reserve; and
- g) the safety and potential nuisance effect on adjacent lots.