

## BYLAW NO. 2023-26A

### A BYLAW OF THE COUNTY OF ST. PAUL IN THE PROVINCE OF ALBERTA, TO AMEND THE LAND USE BYLAW 2021-13 UNDER THE JURISDICTION OF THE MUNICIPALITY.

**Whereas**, the Municipal Government Act, R.S.A. 2000, c. M-26, as amended ("the Act") provides that a Municipal Council may amend its Land Use Bylaw;

**Whereas**, the Council of the County of St. Paul No. 19 wishes to amend its Land Use Bylaw as it affects certain lands;

**Now, Therefore**, the Council of the County of St. Paul No. 19, duly assembled, enacts as follows:

Bylaw No. 2021-13 the County of St. Paul No. 19 Land Use Bylaw, as amended, is hereby further amended as follows:

1. Part 1.3 Definitions, Subsection (1) is deleted and replaced with the following in alphabetical and numerical order:

**“accessory building”** means a building which is subordinate to, exclusively devoted to, and located on the same site as the principle building or use;

2. Part 1.3 Definitions, is amended to insert the following definition in alphabetical and numerical order:

**“accessory use”** means a use which is subordinate to, exclusively devoted to, and located on the same site as the principle building or use;

3. Part 1.3 Definitions, is amended to insert the following definition in alphabetical and numerical order:

**“accessory sleeping quarters”** means a separate building accessory to the principal dwelling on a property, which is intended to serve primarily as sleeping quarters and does not contain a kitchen or a washroom;

4. Part 1.3 Definitions, Subsection (5) is deleted and replaced with the following in alphabetical and numerical order:

**“agricultural operation”** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes:

- i. the cultivation of land,
- ii. the raising of livestock, including diversified livestock animals within the meaning of the Livestock Industry Diversification Act and poultry,
- iii. the raising of fur bearing animals, pheasants or fish,
- iv. the production of agricultural field crops,
- v. the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops,
- vi. the production of eggs and milk,
- vii. the production of honey,
- viii. the operation of agricultural machinery and equipment, including irrigation pumps,
- ix. the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes, and
- x. the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials, and compost;

but does not include:

- i. a confined feeding operation, and
- ii. the abandonment and reclamation of confined feeding operations and manure storage facilities;

5. Part 1.3 Definitions, is amended to insert the following definition in alphabetical and numerical order:

**“bunkhouse”** means a building intended for seasonal use, which includes sleeping quarters and may contain a food prep area or a washroom facility, but not both;

6. Part 1.3 Definitions, Subsection (29) is deleted and replaced with the following in alphabetical and numerical order:

**“confined feeding operation”** means fenced or enclosed land or buildings where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and any other building or structure directly related to that purpose but does not include residences, livestock seasonal feeding and bedding sites, equestrian stables, auction markets, race tracks or exhibition grounds;

7. Part 1.3 Definitions, Subsection (32) is deleted and replaced with the following in alphabetical and numerical order:

**"country residential use"** means a development comprising a single detached dwelling or manufactured home located in the Agriculture (A) District, which is situated on a parcel used for residential uses and uses accessory to residential uses. The dwelling may be occupied permanently or seasonally;

8. Part 1.3 Definitions, Subsection (45) is deleted and replaced with the following in alphabetical and numerical order:

**"dwelling or dwelling unit"** means a building or self-contained portion of a building, set or suite of rooms which contains sleeping, washrooms, and a kitchen intended for residential use, and is used or intended to be used permanently or semi-permanently for a household. This includes, but is not limited to, a single-family dwelling, manufactured home, cabin, cottage, etc. This use does not include a recreational vehicle or a room in a motel or hotel;

9. Part 1.3 Definitions, subsection (81) is deleted and replaced with the following in alphabetical and numerical order:

**"manufactured home (with)"** means a prefabricated dwelling unit, whether ordinarily equipped with wheels or not, that has been constructed in conformance to the Alberta Safety Codes Act and is manufactured to meet or exceed the Canadian Standards Association (CSA) standard CSA Z240 and can be moved in one or more parts from one point to another by being towed or carried and when placed and anchored on a foundation and connected to utilities, is ready for human occupancy. This definition includes a mobile home and a modular home. Park models and recreational vehicles shall not be considered manufactured homes;

10. Part 1.3 Definitions, is amended to insert the following definition in alphabetical and numerical order:

**"manufactured home (without)"** means a prefabricated dwelling unit, whether ordinarily equipped with wheels or not, that has NOT been constructed in conformance to the Alberta Safety Codes Act and is NOT manufactured to meet or exceed the Canadian Standards Association (CSA) standard CSA Z240 and can be moved in one or more parts from one point to another by being towed or carried and when placed and anchored on a foundation and connected to utilities, is ready for human occupancy. This definition includes a mobile home and a modular home. Park models and recreational vehicles shall not be considered manufactured homes;

11. Part 1.3 Definitions, Subsection (110) is deleted and replaced with the following in alphabetical and numerical order:

**"recreational vehicle park"** means a parcel of land on which are located or are intended to be located three or more recreational vehicles. A recreational vehicle park may include a campground;

12. Part 1.3 Definitions, Subsection (118) is deleted and replaced with the following in alphabetical and numerical order:

**"shipping container / sea-can"** means a standardized reusable steel container used for the safe, efficient, and secure storage and movement of materials and products. For the purposes of this Bylaw a sea-can is considered an accessory building;

13. Part 1.3 Definitions is amended to insert the following definition in alphabetical and numerical order:

**"sign"** means any structure, device, light or fixture, or any part thereof, used to identify, advertise, or attract attention to any person, object, product, event, place, organization, institution, development, business, group, profession, enterprise or industry and is intended to be seen from on or off the site;

14. Part 6.1 Contravention, Subsection (1) is deleted and replaced with the following:

(1) Pursuant to Sections 545 and 645 of the Act, the Designated Officer or their appointee may enforce the provisions of the Act, the conditions of a development permit, subdivision approval and this Bylaw. Enforcement may be by written notice of contravention, written stop order notice, or any other authorized action to ensure compliance.

15. Part 7.2 Accessory Buildings, Subsection (1) is deleted and replaced with the following:

(1) One (1) accessory building not exceeding 13.9 m<sup>2</sup> (150 ft<sup>2</sup>) may be constructed in the General Urban (U) District without a principal dwelling being present on the lot.

16. Part 7.2 Accessory Buildings is amended to insert the following:

(2) A maximum of four (4) accessory buildings may be constructed in the Country

Residential One (CR1) District without a principal dwelling being present on the lot.

17. Part 7.3 Barbed Wire and Page Wire Fencing is deleted and replaced with the following:

### **7.3 BARBED WIRE FENCING**

(1) Except in the Agriculture and Industrial/Commercial Districts, barbed wire fences shall not be permitted, except at the sole discretion of the Development Authority

18. Part 7.21 Number of Dwelling Units on a Lot, Subsection (2) is deleted and replaced with the following:

(2) Notwithstanding 7.21(1), the Development Authority may issue a development permit that would allow the construction or location of a second dwelling unit on a lot if the second dwelling unit:

- a. is located on a lot in excess of 4 ha (9.9 ac);
- b. the additional dwelling meets the setback requirements of the subject land use district;
- c. the additional dwelling has access to municipal services, or on-site services in accordance with provincial standards;
- d. is contained in a building that, or in buildings each of which, is designed for or divided into 2 or more dwelling units;
- e. is a garage suite, basement suite, surveillance suite, or part of a work camp as defined in this Bylaw;
- f. is a manufactured home as defined in this Bylaw and located within a park for manufactured homes; or
- g. is a building, as defined in the Condominium Property Act, that is the subject of a condominium plan to be registered in a Land Titles Office under that Act.

19. Part 7.22 Natural Resource Extraction and Processing is deleted and replaced with the text as shown on "Schedule A"

20. Part 7.29 Sea-Cans is deleted in its entirety and replaced with the text as shown on "Schedule B"

21. Part 8.2 Agriculture (A) District, Subsection (3) is deleted and replaced with the following:

(3) Discretionary Uses:

- a. Agricultural Service Centres
- b. Basement Suites
- c. Bed and Breakfast Establishments
- d. Buildings and Uses Accessory to Discretionary Uses
- e. Commercial Alternate Energy
- f. Day Care Facilities
- g. Extensive Recreation
- h. Garage Suites
- i. Institutional and Public Uses
- j. Intensive Agriculture
- k. Intensive Recreation
- l. Kennels
- m. Major Home Occupations
- n. Manufactured Homes more than 10 Years of Age from Date of Development Application
- o. Manufactured Home Parks
- p. Natural Resource Extraction and Processing
- q. Social Care Facilities
- r. Stockpiling of Aggregate for Sale
- s. Veterinary Clinics
- t. Work Camp

22. Part 8.3 General Urban (U) District, Subsection (3) is deleted and replaced with the following:

(3) Discretionary Uses

- a. Amusement Establishments, Indoor
- b. Apartment Buildings
- c. Bed and Breakfast Establishments
- d. Buildings and Uses Accessory to Discretionary Uses
- e. Cannabis Retail Establishment
- f. Day Care Facilities
- g. Eating and Drinking Establishment
- h. Extensive Recreation
- i. Residential Care Facility
- j. Fourplex
- k. Hotels
- l. Intensive Recreation
- m. Institutional and Public Uses
- n. Liquor Store
- o. Major Home Occupations
- p. Manufactured Home Parks
- q. Manufactured Homes more than 10 Years of Age from Date of Development

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- r. Motels
- s. Row Houses
- t. Service Station or Gas Bar
- u. Social Care Facilities
- v. Uses listed as Permitted or Discretionary Uses in the Industrial/ Commercial (IC) District, excluding Auto Wreckers and Natural Resource Extraction and Processing Industries

23. Part 8.3 General Urban (U) District, Subsection (4), is amended to insert the following:

The following regulations are specific to the Hamlet of Lottie Lake only:

- i) A maximum of two recreational vehicles, either mobile or fixed, are allowed on a lot in Lottie Lake.
- ii) No development permit shall be required for the placement of a maximum of two recreation vehicles on a lot if those recreation vehicles have no accessory buildings or structures, such as porches / decks, associated with any of them.
- iii) A development permit shall be required for the placement of any accessory buildings or structures associated with any recreation vehicles on a lot. The issuance of such a development permit shall be considered entirely discretionary.
- iv) The number of recreation vehicles on a parcel, may, on occasion, exceed the maximum of 2 subject to: provisions satisfactory to the Development Authority being made for the disposal of sewage; and the maximum period of time when more than two recreation vehicles are on site shall not exceed five (5) consecutive days.

24. Part 8.4 Country Residential One (CR1) District, Subsection (4) e. is deleted and replaced with the following:

e. Recreational Vehicles:

- i) A maximum of two recreational vehicles, either mobile or fixed or combination thereof, are allowed on a lot.
- ii) No development permit shall be required for the placement of a maximum of two recreation vehicles on a lot if those recreation vehicles have no accessory buildings or structures, such as porches / decks, associated with any of them.
- iii) A development permit shall be required for the placement of any accessory buildings or structures associated with any recreation vehicles

on a lot. The issuance of such a development permit shall be considered entirely discretionary.

- iv) The number of recreation vehicles on a parcel, may, on occasion, exceed the maximum of 2 subject to: provisions satisfactory to the Development Authority being made for the disposal of sewage; and the maximum period of time when more than two recreation vehicles are on site shall not exceed five (5) consecutive days.

25. Part 8.6 Light Industrial Residential (IR) District, Subsection (4), is amended to insert the following:

f. Maximum Building Height:

- i. Dwelling units – 10.0 m (32.8 ft).
- ii. Accessory buildings – 7.6 m (25.0 ft).

26. Part 8.2 (2), 8.3 (2), 8.4 (2), Part 8.5 (2), Part 8.6 (2), Part 8.7 (2), Part 8.10 (2), and Part 8.11 (2), are all amended to insert “Individual Alternate Energy” as a permitted use in alphabetical order.

27. Part 8.2 (2), Part 8.3 (2), Part 8.4 (2), Part 8.6 (2), Part 8.10 (2) are amended to insert Manufactured Home (with) as a permitted use and to delete Manufactured Homes less than 10 Years of Age from Date of Development Application.

28. Part 8.2 (3), Part 8.3 (3), Part 8.4 (3), Part 8.6 (3), Part 8.10 (3) are amended to insert Manufactured Home (without) as a discretionary use and to delete Manufactured Homes more than 10 Years of Age from Date of Development Application.

29. The entire Land Use Bylaw is revised to correct minor formatting, spelling, and grammatical errors, where the correction will not impact the interpretation or intent of the regulations therein.

Read a first time in Council this 12<sup>th</sup> day of December A.D. 2023.

Advertised the 30<sup>th</sup> day of January 2024, and the 6<sup>th</sup> day of February 2024, in the Lakeland This Week newspaper.



Read a second time in Council this 12<sup>th</sup> day of March A.D. 2024.

Read a third time and duly passed in Council this 12<sup>th</sup> day of March A.D. 2024.

*(original signed by Reeve G. Ockerman)*

*(original signed by CAO J. Wallsmith)*

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Reeve

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Chief Administrative Officer

## **Schedule A**

### **7.22 NATURAL RESOURCE EXTRACTION AND PROCESSING**

#### **FOR ALL NATURAL RESOURCE EXTRACTION AND PROCESSING INCLUDING LOGGING, SAND & GRAVEL, AND SALT MINING OPERATIONS**

- (1) The applicant shall ensure that dust and noise control measures are undertaken to prevent such items from becoming an annoyance to neighbouring landowners. The applicant shall conduct dust control procedures at the request of and to the satisfaction of the Development Authority, acting reasonably. In this regard, stockpiles shall be located in a position to act as a sound barrier. Also, the applicant shall apply methods of minimizing the noise created from machinery and equipment.
- (2) The applicant shall keep the area subject to the Development Permit in a clean and tidy condition, free from rubbish and non-aggregate debris.
- (3) The applicant shall locate appropriate traffic and safety signage on and about the subject site and road accesses.
- (4) All operations shall be in accordance with the Alberta Environmental Protection and Enhancement Act, as amended, for conservation and reclamation.
- (5) The applicant shall enter into a Road Use Agreement with the County for the provision of dust control and maintenance/upgrading of roads used in direct relation to the operation.
- (6) The following conditions of approval may be included when processing an application for a natural resource extraction and processing development:
  - a. requirement to post security to ensure that reclamation is completed;
  - b. limitation of hours of operation;
  - c. posting of adequate signage, including company name and emergency telephone numbers, to warn of possible site or operational hazards and dangers;
  - d. the provision of a reclamation plan;
  - e. methods of minimizing noise in relation to the activities of the operation; and,
  - f. requirement to provide a sufficient onsite parking area for operating equipment and visitors to the site.

#### **FOR EXCAVATION, STRIPPING, AND GRADING OF LAND**

- (7) For the purposes of this Section, excavation shall mean excavation other than for construction or building purposes, including, but not limited to, salt, sand and gravel mining, topsoil stripping, and construction of artificial bodies of water.
- (8) An application for a Development Permit for the excavation, stripping, or grading of land, which is proposed without any other Development on the same parcel of land, shall include the following information:

- a. location and area of the site where the excavation is to take place;
- b. the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site;
- c. the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
- d. identification of potential for outdoor noise and the discharge of substances into the air; and, the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the site.

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

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

## Schedule B

### 7.29 Shipping Containers – Storage Uses

#### 7.29.1 In all Land Use Districts a shipping container shall:

- a. Be prohibited in the Country Residential Two (CR2) District;
- b. Be considered an accessory building to the principal building;
- c. Be used for storage purposes excluding any dangerous or hazardous materials;
- d. Be prohibited within any front yard;
- e. Be positioned within a side or rear yard of a primary building; and
- f. Conform to required setbacks of the applicable land use district

#### 7.29.2 Within the General Urban (U) and Country Residential One (CR1) Districts shipping containers shall:

- a. Require a Development Permit;
- b. Have an exterior finish that matches or complements the exterior finish of the principal building;
- c. Be visually screened from public roads and neighbouring properties to the satisfaction of the Development Authority;
- d. Not be stacked one upon the other;
- e. Not exceed the maximum number permitted per parcel size as outlined in Figure 1 and Figure 2 within the General Urban (U) District; and

**Figure 1 – Number of Shipping Containers on a Residential Parcel in the General Urban (U) District**

Parcel Size	Maximum Number of Shipping Containers
0.0ac – 0.5ac	1
0.51ac – 3.99ac	2
4.0ac+	3

**Figure 2 – Number of Shipping Containers on a Non-Residential Parcel in the General Urban (U) District**

<b>Parcel Size</b>	<b>Maximum Number of Shipping Containers</b>
<b>0.0ac – 0.99ac</b>	<b>1</b>
<b>1.0ac – 3.99ac</b>	<b>2</b>
<b>4.0ac – 6.99ac</b>	<b>3</b>
<b>7.0 ac+</b>	<b>No maximum</b>

f. Not exceed the maximum number permitted per parcel size as outlined in Figure 3 within the Country Residential One (CR1) District.

**Figure 3 – Number of Shipping Containers on a Country Residential One (CR1) Parcel**

<b>Parcel Size</b>	<b>Maximum Number of Shipping Containers</b>
<b>0.5ac – 3.99ac</b>	<b>1</b>
<b>4.0ac – 6.99ac</b>	<b>2</b>
<b>7.0ac – 10.0ac+</b>	<b>3</b>

**7.29.3 Within the Industrial/Commercial (IC), Agriculture (A), and Light Industrial Residential (IR) Districts:**

- a. All shipping containers shall be visually screened from public roads and neighbouring properties to the satisfaction of the Development Authority.
- b. A single shipping container located on a lot shall not require a development permit. The placement of a second or subsequent shipping container on a lot shall require a development permit.
- c. Shipping Containers shall have a maximum height, if multiple shipping containers are stacked or one standalone shipping container, in accordance with height regulations of the applicable land use district.