

INTERPRETATION AND DEFINITIONS - CONTENT

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2 INTERPRETATION AND DEFINITIONS

2.1. Rules of Interpretation

- 2.1.1. Unless otherwise required by the context, words used in the present tense include the future tense, words used in the singular include the plural, and the word “person” includes corporation as well as an individual. The Alberta Interpretation Act shall be used in interpretation. Words have the same meaning whether capitalized or not.
- 2.1.2. The words ‘shall’ or ‘must’ requires mandatory compliance except where a variance has been granted pursuant to the Act or this Bylaw. ‘May’ is a word which means a choice is available, with no particular direction or guidance intended.
- 2.1.3. The written regulations take precedence over any diagrams if there is a conflict.
- 2.1.4. The land use district map takes precedence over any diagram in the district regulations if there is a conflict.

2.2. District Boundaries

- 2.2.1. The boundaries of the districts listed in this Bylaw are as delineated in Schedule A on the land use map, and shall be interpreted as follows:
 - a) where a boundary follows a public road, lane, railway or utility right-of-way, it follows the centre line unless otherwise clearly indicated on the map;
 - b) where a boundary is shown as approximately following the municipal boundary, it follows the municipal boundary;
 - c) where a boundary is shown as approximately following a hamlet boundary, it follows the hamlet boundary;
 - d) where a boundary is shown as approximately following the edge or shoreline of a river or other water body, it follows that line, and in the event of change, it moves with the edge or shoreline;
 - e) where a boundary is shown as approximately following a property line, it follows the property line;
 - f) where a boundary is shown as approximately following a topographic contour line or a top-of-bank line, it follows that line, and in the event of change of the topographic line, it shall move with that line;
 - g) where a boundary is shown as being parallel to or as an extension of any of the features listed above, it shall be so; and
 - h) in circumstances not covered above, the boundary shall be determined by resolution of Municipal Council.
- 2.2.2. When any public road is closed, the road lands have the same district as the abutting land. When abutting lands are governed by different districts, the centre of road is the district

boundary unless the district boundary is shown clearly following the edge of the road. If the road is consolidated with an adjoining parcel, the parcel's district designation applies to affected portions of the road.

2.2.3. The land use districts shall extend to the location of the established corporate limits.

2.3. Units of Measure and List of Abbreviations

2.3.1. All units of measure contained within this Bylaw are metric (SI) standards. Approximate imperial measures are provided in brackets for the convenience of the user only.

ac	acre	kPa	kilopascal
cm	centimetre	L	litre
du	Dwelling Unit	m	metre
FAR	Floor Area Ratio	m ²	square metre
ft	feet	MD	Municipal District of Bighorn No. 8
ft ²	square feet	mm	millimetre
gal	gallons (imperial)	No.	number
gfa	Gross Floor Area	%	percent
ha	hectare	#	number
km	kilometre		

2.4. Definitions

2.4.1. Words and terms used in this Bylaw shall have the same meaning as given to them in the Act unless otherwise defined in this section.

2.4.2. When a definition is not provided in the Municipal Government Act or the Alberta Interpretation Act or this Bylaw, the Concise Oxford dictionary shall be used.

2.4.3. In this Bylaw:

A **“ABUT” or “ABUTTING”** means to have a common boundary, to border on.

“ACCESSORY BUILDING” means a detached building or structure which is secondary and subordinate to the Principal Building or use that is typically located on the same site, and includes, but is not limited to garages, sheds, fabric covered structures, or air monitoring stations. This does not include “Shipping Containers” or “Farm Structures.”

“ACCESSORY USE” means a use which is associated with, but is secondary and subordinate to the principal use that is located on the same site.

“ACCOMMODATION, EXTENDED VISITOR” (Extended Visitor Accommodation) means occupancy of an existing Visitor Accommodation unit or facility for periods longer than 75 days per annum, but does not allow the unit to be occupied as a Primary Residence. This does not include “Staff Accommodation” or “Rooming House.”

“ACCOMMODATION, RESORT” (Resort Accommodation) means a building or group of buildings containing rooms or units, which are primarily used for the temporary lodging of visitors or Guests and shall not be used as a Primary Residence. Resort Accommodation does not include “Bed and Breakfast” or “Suites, Visitor Accommodation” and shall in all cases be considered as a commercial land use for the purposes of municipal assessment and taxation, with no restrictions on minimum or maximum occupancy periods.

“ACCOMMODATION, STAFF” (Staff Accommodation) means a single or attached building or portion thereof consisting of one or more Dwelling Units or Bed Units operated for the sole purpose of on-site housing of employees of the principal use on that site, and may contain private or double occupancy sleeping units with washing and sanitary facilities and may contain common social, meal preparation areas.

“ACCOMMODATION UNIT” means a Guest room or unit within a Resort Accommodation, Visitor Accommodation or Bed and Breakfast building, which has a separate entrance or an entrance to a common hallway.

“ACCOMMODATION, VISITOR” (Visitor Accommodation) means a building or group of buildings containing rooms or units, which are used for temporary lodging. A Visitor Accommodation unit shall not be occupied as a Primary Residence and no visitor or Guest shall occupy one or more rooms or units for a period exceeding 75 days per annum. Typical Visitor Accommodation units or facilities may include, but is not limited to an inn, a hotel, a motel, cabins, or detached and attached buildings. Visitor Accommodation does not include “Bed and Breakfast” or “Suites, Visitor Accommodation.”

“ACT” means the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26, and amendments thereto.

“ADDITION, BUILDING” (Building Addition) means the subsequent external construction to an existing building which results in increasing the building’s area or external dimensions.

“ADJACENT LAND” means land that is contiguous to the parcel of land proposed for development, subdivision or re-designation and includes land that would be contiguous if not for a highway, road, river, stream or Municipal Reserve (MR) and Environmental Reserve (ER).

“AGGREGATE EXTRACTION” means an area where sand, gravel and rock fragments are mined or excavated for sale or off-lot use, where the pit area is less than 1.6 ha (4.0 ac) in size.

“AGRICULTURE, EXTENSIVE” (Extensive Agriculture) means the raising of crops and/or livestock, either separately or in conjunction with one another, for gain or reward, which requires large areas of lands and includes equipment, buildings and other structures incidental to the operation. This does not include a “Confined Feeding Operation,” “Cannabis Production Facility” or “Commercial Equestrian Centre.”

“AGRICULTURE, INTENSIVE” (Intensive Agriculture) means an animal or outdoor horticultural operation where there is a concentration of crops or livestock being raised and represents a more intense or concentrated use of the land compared to extensive agriculture. Typical uses include, but are not limited to, a tree farm, sod farm, bee keeping, or fur farm. Intensive agriculture does not include “Horticultural Operation,” “Confined Feeding Operation,” “Cannabis Production Facility,” “Boarding and Training Services” or “Commercial Equestrian Centre.”

“AIRPORT” means an area of land or water, including the frozen surface thereof, or other supporting surfaces used or intended to be used either in whole or in part for the arrival and departure or servicing of aircraft and includes any

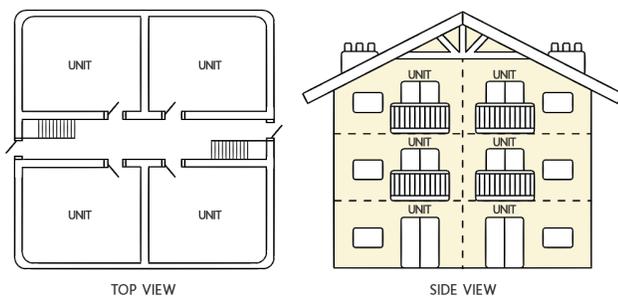
building, installation or equipment in connection therewith for which an airport license has been issued by the Ministry of Transport. This includes a heliport.

“AIRSTRIP, PRIVATE” (Private Airstrip) means an area of land or water, including the frozen surface thereof, or other supporting surfaces used or intended to be used either in whole or in part for the arrival and departure or servicing of aircraft and includes any building, installation or equipment in connection therewith.

“AMENITY AREA” means indoor or outdoor space provided for the active or passive recreation and enjoyment of the occupants of a development, and which may be for private or communal use and may be owned individually or in common.

“APARTMENT” means a building designed and built to contain 3 or more separate Dwelling Units with shared services, facilities and building entrances (Figure 1).

Figure 1 - Apartment Building



“APPLICANT” means the person who makes an application and may be the registered owner of the land or a representative agent certified as such.

“AQUACULTURE” means the farming of fish, shellfish and aquatic plants in enclosed freshwater ponds, holding tanks or water re-circulation systems.

“ARTISAN SHOPS” means a development used for the purpose of small scale, on-site production of goods by simple processes or hand manufacturing,

primarily involving the use of hand tools. Typical uses include pottery, ceramic and sculpture studios, custom jewelry manufacturing and artist and photography studios.

“AUTO BODY SERVICES” means a facility for the repair and painting of motor vehicle bodies but does not include the sale of petroleum products or the repair of mechanical and electrical parts. This does not include “Automotive Rentals, Repair Services and Sales” or “Car Wash.”

“AUTOMOTIVE RENTALS, REPAIR SERVICES AND SALES” means a facility for the rental, sales, servicing and repair of motor vehicles and related equipment and includes the sale, installation and servicing of related parts and accessories. This does not include “Auto Body Services” or “Car Washes.”

“AWNING” means a retractable, cloth-like or light-weight metal shelter or covering attached to and projecting from a building.

B

“BALCONY” means a platform greater than 0.6 m (2.0 ft) above grade, attached to and projecting from a building which may or may

not have a supporting structure at grade level. A balcony is only accessible from within the building and is enclosed by a railing.

“BARELAND CONDOMINIUM” means land that is situated within a parcel and is a unit in a Bareland Condominium plan or a proposed Bareland Condominium plan. In this Bylaw a Bareland Condominium unit is considered to be a site.

“BASEMENT” means that portion of a building or structure which is wholly or partially below grade and has no more than 1.8 m (5.9 ft) of its clear height above grade. For the purpose of this Bylaw, a basement does not constitute a storey.

“BEAR ATTRACTANT VEGETATION” means any type of native or non-native plants that may attract bears, including, but not limited to fruit trees or shrubs, berry patches, buffaloberry and wolf willow.

“BED AND BREAKFAST” means a Principal Residence where overnight lodging with or without meals, is provided to members of the travelling public for remuneration, which is operated by the full-time residents of the dwelling. Bed and Breakfasts are not separate Dwelling Units and includes Guest access and use of common living and dining areas in the Principal Residence. Bed and Breakfasts do not include “Accommodation, Visitor”; “Accommodation, Resort”; or “Suites, Visitor Accommodation.”

“BED UNIT” means a single bed-width space intended to be used by an individual.

“BEDROOM” means a room in a dwelling, which, in the opinion of the Development Authority, due to its design, location in the dwelling, and compliance with relevant building and health codes is, or may be used, primarily for sleeping.

“BIOSOLIDS” means an organic product obtained from the physio-chemical and/or biological treatment of wastewater.

“BLADE” means an element of a wind energy conversion system rotor which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.

“BLADE CLEARANCE” means the distance from grade to the Blade of a wind energy conversion system at the lowest point of the rotor’s arc.

“BOARDING AND TRAINING SERVICES” means a business providing animal services to the public in the nature of boarding and/or training and/or exercising of horses and/or other domestic animals. This does not include “Veterinary Clinics,” “Commercial Equestrian Centres” or commercial or private “Kennels.”

“BREEZEWAY” means a roofed structure which is designed, built and used as a connection between two structures.

“BUFFER” means a row of trees, shrubs, earth berms or fencing to provide visual screening and separation or noise attenuation between sites, districts, public roads, and non-compatible uses.

“BUILDING” includes any structure constructed or placed on, in, over or under land for the purpose or intended purpose of sheltering persons, animals or property, but does not include a highway or public road, or a bridge or similar structure forming part of a highway or public road, or a communications tower.

“BUILDING PERMIT” means a permit or document issued in writing by a designated Safety Codes Officer within the building discipline pursuant to the Building Permit Bylaw authorizing the commencement of a use, occupancy, relocation, construction, or demolition of any building.

“BULK FUEL STORAGE AND SALES” means a facility used for the storage and wholesale of petroleum products, but does not include a “Service Station” or “Gas Bar.”

“BUSINESS SUPPORT SERVICES” means those businesses which are characterized by the use of mechanical equipment for printing, binding, duplicating or photographic processing and similar types of purposes, or the provision of office maintenance and custodial services, and the repair or rental of office furniture and equipment.

“BYLAW” means the Municipal District of Bighorn No. 8 Land Use Bylaw.



“CAMPGROUND” means a recreational development or the use of land for the purpose of providing short-term or occasional accommodation within Recreational Vehicles or tents, and includes facilities and amenities subordinate to the operation of the campground.

A Campground allows for occupancy of a site for periods of 14 consecutive days or less, and does not provide for permanent habitation or residency.

“CAMPGROUND, RESORT” (Resort Campground) means a recreational development or the use of land for the purpose of providing seasonal accommodation within Recreational Vehicles or tents, and includes facilities and amenities subordinate to the operation of the Resort Campground. A Resort Campground allows for occupancy of a site for periods in excess of 14 consecutive days, but does not provide for permanent habitation or residency.

“CANNABIS DISPENSARY” means a retail business where cannabis is sold or provided to a person who attends the premises.

“CANNABIS PRODUCTION FACILITY” means the use of land, buildings or structures for the cultivation, processing, testing, destruction, packaging, and/or shipping of cannabis as permitted and licensed by the Federal government. This does not include “Cannabis Dispensaries.”

“CANOPY” means an overhead, non-retractable solid projection or structure extending from the wall of the building intended to be used as a protection against weather.

“CAR WASH” means a building or part of a building used for the washing of motor vehicles.

“CEMETERY” means a use of land or a building for the intent for the interment of the deceased. Typical uses include memorial parks, burial grounds and gardens of remembrance.

“COMMERCIAL EQUESTRIAN CENTRE” means land and facilities, including buildings and shelters, in which 15 or more horses are boarded, trained, exercised, and used for recreational purposes. Such activities may include riding lessons, horse shows, rodeos and guided trail rides. This does not include “Veterinary Clinics” or “Boarding and Training Services.”

“COMMERCIAL FLOOR AREA” means the Gross Floor Area defined by the outside dimensions of the building, or part thereof, for each floor.

“COMMERCIAL OUTFITTING AND GUIDING” means a commercial operation in which an individual or company provides equipment and guidance in activities such as hunting, horse packing, fishing, rafting and backpacking, and includes any associated buildings or structures.

“COMMERCIAL SCHOOL” means a place of instruction operated for profit but does not include public, separate, private, or charter schools.

“COMMERCIAL VEHICLE” means any vehicle with commercial advertising or used for carrying business goods or equipment, or fare-paying passengers.

“COMMUNICATION TOWERS AND FACILITIES” means any structure, building, antenna, supporting structure or other thing that is used or is capable of being used for emission, transmission, and reception of information by radiocommunication, including the broadcasting industry. Amateur satellite dishes and antennas, including television or radio reception equipment for residential or small commercial uses are excluded.

“COMMUNITY BUILDINGS AND FACILITIES” means buildings and facilities which are available for the use and enjoyment of residents and guests, including clubs, for the purpose of assembly, culture, and recreational activity. “Places of Religious Assembly” are not included in this category.

“COMMUNITY GARDEN” means an area within a site that does not contain a residence, on which vegetables, fruits or edible plants are cultivated for consumption or distribution on a not-for-profit basis.

“COMPLETE APPLICATION” means that the Development Permit, Bylaw amendment or subdivision application form has been completed

together with supporting information as required by this Bylaw, signed and fees paid all to the satisfaction of the Development Officer.

“COMPOSTING FACILITY” means land and facilities used for the purpose of biodegradation of organic waste materials, excluding biosolids composting.

“CONDOMINIUM” means a condominium plan registered in a Land Titles office that complies with the requirement of the Alberta Condominium Property Act.

“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, as defined and regulated by provincial legislation.

“CONSERVATION EASEMENT” means a legal agreement between a landowner and a qualified organization that limits uses of the land in order to protect conservation values, and as further defined in the Alberta Land Stewardship Act.

“CONTRACTOR SERVICES” means the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar construction services which require on-site storage space for materials, construction equipment or vehicles. Any sales, display, office or technical support service areas shall be accessory to the principal use only.

“CONSTRUCTION MANAGEMENT PLAN” means a plan that considers all relevant aspects of demolition, development and building work and outlines methods for avoidance or mitigation of identified impacts. A Construction Management Plan typically addresses issues such as public safety, traffic control, operating hours, control of noise and vibration, air quality and dust management, stormwater and sediment control, site contamination, waste disposal and materials re-use or recycling.

“CONSTRUCTION MATERIALS RECYCLING” means a development used for the collection, sorting, storage, processing and sale of recycled construction materials such as concrete, asphalt, gypsum, wood and metals but does not include the processing of alternative fuels.

“CORNICE” means a horizontal decorative moulding which crowns a building and is designed to direct water away from the walls of a building.

“COUNCIL” means the Council of the Municipal District of Bighorn No. 8. “Municipal Council” has a corresponding meaning.

“COUNTRY RECREATIONAL CENTRE” means a recreational development conducted on a unified basis on a single site where the primary reasons for location are to take advantage of natural physical features, or the availability of large areas of land, to provide for physical recreation for the patrons through means of day-to-day sporting and athletic facilities and structures. The development may include structures and services incidental and accessory only to the recreational use. Appropriate uses could include but would not be limited to commercial equestrian centres, golf courses, picnicking, boating, skiing, swimming and other similar uses that are suited to the location and compatible with adjacent land uses and the natural environment.

“COUNTRY RECREATIONAL LODGE” means a country recreational centre which provides overnight visitor or resort accommodation to patrons, including but not limited to a Guest ranch or similar concept. A country recreational lodge may include Accessory Uses or facilities operated incidentally only as a service to the principal use and intended for patrons. The use of accommodation facilities for permanent habitation or residence other than caretaker purposes is not included in this category.

“COUNTRY RESIDENTIAL DEVELOPMENT” means a development on a relatively small area of land intended as a site for a private dwelling in a rural surrounding and in respect of which this

Bylaw may allow other subordinate uses of the dwelling on the site. The expressions “Country Residential Use” and “Country Residential Purposes” have a corresponding meaning.

“CULTURAL AND ENTERTAINMENT FACILITIES” means a development for the purpose of entertainment, instruction, or community activity and includes such things as a museum, art gallery, live performances, theater, concerts and dance festivals. Places of Religious Assembly are not included in this category.

D “DAY CARE” means a licensed establishment for the temporary care and supervision of 7 or more children by an individual other

than the child’s parents for a period of more than 4 but less than 24 consecutive hours; and for at least 12 consecutive weeks of the year. A day care includes an out of school care program and a pre-school program, but does not include a “Family Day Home.”

“DAY HOME, FAMILY” (Family Day Home) means a Major Home-Based Business operated by full-time residents of the Dwelling Unit, where temporary care and supervision is provided to no more than 6 children, excluding the residents’ own children, or as otherwise regulated in accordance with the Human Services Standards and Child Care Licensing Act, for a period of more than 4 but less than 24 consecutive hours; and for a minimum of 60 days per calendar year.

“DECK” means a platform of wood frame or other construction, the height of which exceeds 0.6 m (2.0 ft) above grade, is enclosed by a railing and is accessible by exterior stairs.

“DECK, ROOFTOP” means a raised surface on which people can stand, that is located on top of a roof of a building, but does not project beyond any façade of the storey below; is surrounded by guard rails, parapet walls, or similar feature; and is intended for use as an amenity space.

“DENSITY” means a measure of development intensity expressed as a ratio of any of: the number of units to lot area; or the number of people to lot area; or the number of lots per quarter section.

“DESIGNATED OFFICER(S)” means those persons designated by bylaw under the Act and for purposes of this Bylaw, are the Development Officer, Subdivision Officer and Chief Administrative Officer of the MD of Bighorn No. 8.

“DEVELOPED SITE” means, in the case of:

- a) country residential and hamlet residential sites - the site has a habitable dwelling constructed on it;
- b) agricultural sites - the site is used for extensive or intensive agricultural purposes or the site is occupied by its principal use as specified in the Development Permit issued for the site; and
- c) industrial, commercial or recreational site - the site has a Principal Building constructed on site or the site is occupied by its principal use as specified in the Development Permit issued for the site.

“DEVELOPER” means an owner, agent, person, firm or company required to obtain or who has obtained a Development Permit or development agreement, or who has undertaken the development work.

“DEVELOPMENT” means:

- a) an excavation or stockpile and the creation of either of them; or
- b) a building or an addition to or replacement or repair of a building and the construction or placing in, on, over or under land of any of them; or
- c) a Change of Use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
- d) a change in the Intensity of Use of land or a

building or an act done in relation to land or a building that results in or is likely to result in a change in the Intensity of Use of the land or building.

“DEVELOPMENT AUTHORITY” means a Development Authority as established pursuant to the Municipal Government Act.

“DEVELOPMENT IMPACT ASSESSMENT” (DIA) means a report, prepared by a qualified and independent third party, which provides a quantitative and qualitative analysis of the potential cumulative effects of a development proposal on the environment, the site and the adjacent properties, and includes:

- a) a history of the subject site’s ownership and use;
- b) a history of any environmental regulatory activity affecting the site;
- c) the soil and slope conditions of the site and surrounding area;
- d) a description of the natural and social environment and the resources on and surrounding the site, and the potential impacts on these features;
- e) the nature of any potential impacts on air, land, water, flora or fauna;
- f) an environmental mitigation or protection plan which identifies measures to alleviate any adverse impacts and monitor the performance of the mitigation strategies; and
- g) other measures as may be required by the Development Authority.

“DEVELOPMENT PERMIT” means a document issued by the Development Authority authorizing a development pursuant to this Bylaw, and includes any applicable plans submitted as part of the application and the conditions of approval.

“DISCRETIONARY USE” means the use of land or of a building, as listed under the ‘Discretionary Uses’ section of a district, for which a Development

Permit may be issued with or without conditions, or refused, by the Development Authority.

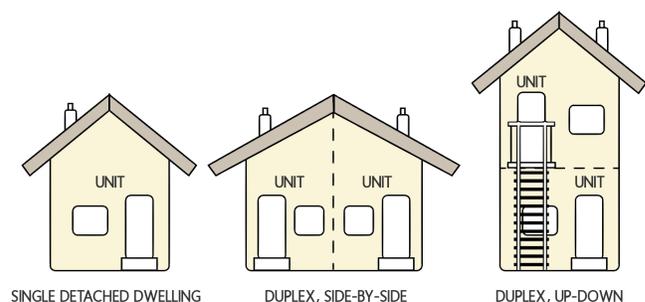
“DRIVE-THROUGH” means an establishment which provides services to customers travelling in a motor vehicle where the customer normally remains within the vehicle and includes businesses such as food and financial services.

“DRIVEWAY APPROACH” means the connection located within a municipal road allowance or registered road plan between the carriageway of a developed roadway and an adjoining existing private property or a new private property being created through Subdivision.

“DUPLEX, SIDE-BY-SIDE” (Side-By-Side Duplex) means a building designed, built for and containing two Dwelling Units side-by-side with separate entrances, separated by a party or common wall extending from ground to roof (Figure 2).

“DUPLEX, UP-DOWN” (Up-Down Duplex) means a building containing two Dwelling Units, one above the other and each having separate entrance, separated horizontally by a floor/ceiling conforming to the current Alberta Building Code (Figure 2).

Figure 2 - Single Detached and Duplex Dwellings



“DWELLING, ATTACHED” (Attached Dwelling) means a building designed and built to contain 3 or more Dwelling Units separated from each other by a fire rated wall, with each unit having separate entrances from grade, and for the purposes of this Bylaw includes row and townhouse units (Figure 3).

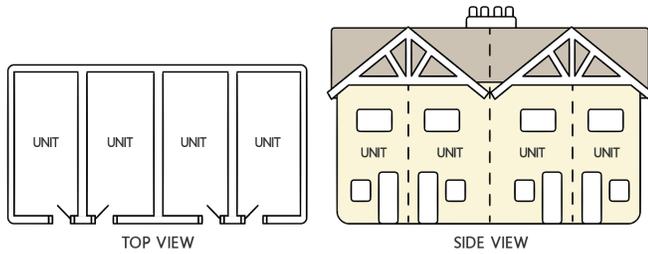


Figure 3 - Attached Dwellings

“DWELLING, FACTORY BUILT” (Factory Built Dwelling) means a building containing only one Dwelling Unit, and which the building is constructed in whole, or in part, in a factory or manufacturing facility in accordance with the Alberta Building Code. Except as otherwise allowed in this Bylaw, a Factory Built Dwelling is used solely as a Residence. A Factory Built Dwelling may include, but is not limited to, “Modular Homes” and “Manufactured Homes,” and does not include “Dwellings, Single Detached” or mobile homes.

“DWELLING, SINGLE DETACHED” (Single Detached Dwelling) means a building containing only one Dwelling Unit. Except as otherwise allowed in this Bylaw, a Single Detached Dwelling is used solely for residential purposes and does not include a “Dwelling, Factory Built” (Figure 2).

“DWELLING UNIT” means a room or suite of rooms operated as a self-contained unit that usually contains cooking, eating, sleeping and sanitary facilities. Dwelling Units shall have a separate entrance controlled by the person or persons occupying the Dwelling Unit.

“DWELLING UNIT, ACCESSORY” (Accessory Dwelling Unit) means a Dwelling Unit which is secondary and subordinate to the principal commercial use that is located on the same site and is typically located above or to the rear of the commercial use.

E

“EASEMENT” means a right to the limited use or enjoyment of land held by another, generally for access to other property or as

a right-of-way for a public utility, and is registered on a lot in a land titles office.

“ECOLOGICAL BOUNDARY OF A WATER BODY OR WATER COURSE” means the boundary of a water body or water course that is the farthest landward extent of the feature directly influenced by and ecologically part of the water body. It is defined by a distinct change in soils and/or vegetation as compared to the adjacent upland vegetation, and includes the riparian area.

“ENERGY GENERATION SYSTEM (LARGE)” means a large facility or system, where energy which does not depend on non-renewable energy sources, is produced for public or private consumption, including but not limited to, hydroelectricity, or solar, wind or geothermal energy conversion facilities.

“ENERGY GENERATION SYSTEM (SMALL)” means a small system, where energy which does not depend on non-renewable energy sources is produced for private consumption of a building, structure or device located within the same site. This includes but is not limited to standalone solar or wind energy conversion systems.

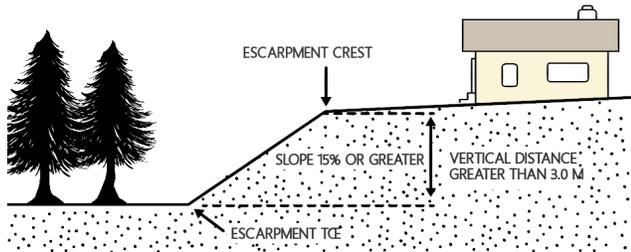
“ENVIRONMENTAL EDUCATION FACILITIES” means a development which provides opportunities for interpretive facilities, environmental education and scientific research and may include short-term or occasional lodging and boarding or other services operated incidentally to the principal use.

“ESCARPMENT” means a steeply sloping area with a slope of fifteen percent (15%) or greater that is separating two comparatively level or more gently sloping lands, where the elevation difference between them is greater than 3.0 m (9.8 ft) (Figure 4).

“ESCARPMENT CREST” means the transition line with the upper portion of the slope between the escarpment and the adjacent upland area where slopes are less than or equal to fifteen percent (15%), as determined by a qualified professional (Figure 4).

“ESCARPMENT TOE” means the transition line with the lower portion of the slope between the escarpment and the adjacent land area where slopes are less than or equal to fifteen percent (15%), as determined by a qualified professional (Figure 4).

Figure 4 - Escarpment



“EXISTING” means as of the date of adoption of this Bylaw.

F “FARM STRUCTURE” means any building or structure used exclusively for agricultural purposes in connection with an

existing Extensive or Intensive Agriculture use, but does not include a Dwelling Unit; a building that is part of a “Commercial Equestrian Centre” or “Boarding and Training Services”; or a building used for a “Confined Feeding Operation.”

“FENCE” means a vertical physical barrier constructed out of typical material to prevent visual or unauthorized access, or both.

“FIRE SEPARATION” means a construction assembly or distance that acts as a barrier against the spread of fire, and may be required to have a fire resistance rating.

“FIRE WALL” means a type of fire separation of non-combustible construction which subdivides a building or separates adjoining buildings to resist the spread of fire and which has a fire resistance rating.

“FIXTURE” means a complete lighting unit, consisting of one or more lamps (bulbs) with the parts designed to distribute the light, to position

and protect the lamps, and to connect the lamps to a power source.

“FIXTURE, FULL CUT-OFF” (Full Cut-Off Fixture) means a fixture with a light distribution pattern that results in no light being projected at or above a horizontal plane located at the bottom of the fixture.

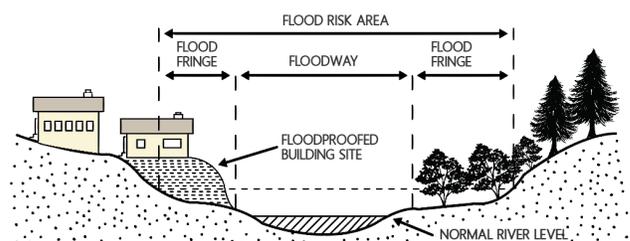
“FIXTURE, FULLY SHIELDED” (Fully Shielded Fixture) means a light fixture that is constructed with internal or external shields to prevent the lamp from causing glare or light trespass.

“FLOOD FRINGE” means the outer portion of the Flood Risk Area between the Floodway and the extent of the 100-year flood elevation where flood water is generally shallower and slower, as determined through the Canada-Alberta Flood Damage Reduction Program or upon a hydrological evaluation undertaken by a qualified professional (Figure 5).

“FLOOD RISK AREA” means the lands which would be affected by a 1 in 100-year flood and may also include an ice hazard zone. The Flood Risk Area is divided into the Floodway and the Flood Fringe, as determined through the Canada-Alberta Flood Damage Reduction Program or upon a hydrological evaluation undertaken by a qualified professional (Figure 5).

“FLOODWAY” means that portion of the Flood Risk Area where the floodwaters are the fastest, deepest and most destructive, as determined through the Canada Alberta Flood Damage Reduction Program or upon a hydrological evaluation undertaken by a qualified professional (Figure 5).

Figure 5 - Flood Risk Area, Floodway and Flood Fringe



“FLOOR AREA RATIO” (FAR) means the numerical value of the Gross Floor Area of the building(s) and structure(s) located upon a lot divided by the lot area and including all enclosed facilities but excluding (Figure 6):

- a) basement areas used exclusively for storage or service to the building;
- b) parking areas below grade;
- c) floor area devoted exclusively to mechanical or electrical equipment servicing the development;
- d) balconies, patios, decks, exterior stairways and verandas; and
- e) indoor swimming pools and adjacent decks to a maximum of a 2.0 m (6.6 ft) perimeter.

Figure 6 - Floor Area Ratio



“FORESTRY” means the use of land for the purpose of management, development, logging and cultivation of timber resources, including associated reforestation and reclamation activities, but does not include wood processing or off-site, stand-alone “Log Sorting and Transportation Staging Areas.”

“FRAGMENTED LAND” means an area of land that is severed or separated from the lands held in title by a public road, railway, river or other permanent water body shown on a registered plan or township plan, or which appears as an exception on the certificate of title.

“FREEBOARD” means a vertical distance added to the 1:100 flood level as determined in this Bylaw or by the Development Authority, to provide an additional factor of safety against surges and other open water conditions.



“GARAGE” means an accessory building designed for the storage of private motor vehicles and includes a carport.

“GARAGE/HOUSE FAÇADE RATIO” means the ratio between the front face exposure of a garage and the total front façade of the building.

“GAS BAR” means premises used or intended to be used for the sale of petroleum products and associated automotive fluids only.

“GENERAL INDUSTRIAL BUILDING” means an industrial building that may contain one or more industrial uses that comply with the intent and regulations of the land use district.

“GEOTECHNICAL REPORT” means a report signed and stamped by a professional engineer that characterizes the site soil and groundwater conditions through field investigation and laboratory testing, and provides design and construction recommendations for a development.

“GOLF COURSE” means the golf playing area and the ancillary buildings and uses related to playing the game of golf and may include a driving range, club house, pro-shop and other similar improvements related to the operation of a golf course.

“GOVERNMENT SERVICES” means development providing municipal, provincial or federal government services directly to the public or the community at large, and includes development required for the public protection of persons or property.

“GRADE” means either the average elevation of the finished level of the ground adjoining a building, with that average based on inclusion of all sides of the building or, in the event that elevation grades have been established for each lot in a new subdivision to deal with drainage or other issues, those established elevations.

“GRADIENT” – see definition of “Slope.”

“GROSS FLOOR AREA” means the total floor

area of each floor of a building measured to the inside surface of the interior walls, or where buildings are separated by fire walls, to the centre line of the common fire wall.

“GROUP CARE FACILITY” means a facility which is intended as a social care facility that provides room and board for five residents or more, excluding staff, for the aged, for disabled persons, or for persons with physical, mental, social or behavioral problems, and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision.

“GROUP CARE HOME” means a facility which is intended as a social care facility that provides room and board for four residents or less, excluding staff, for the aged, or disabled persons, or for persons with physical, mental, social or behavioral problems, and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision. The occupants of a Group Care Home live together as a single housekeeping group and use shared cooking facilities. This does not include dwellings used for addiction treatment, rehabilitation of offender or young offenders, or half-way houses.

“GUEST” means a tourist or a member of the travelling public that pays monetary compensation in exchange for temporary accommodation on the property, and excludes non-paying family members, relatives and friends who visit the property.

H

“HABITABLE FLOOR AREA” means any finished ground floor area intended primarily for human occupancy and meets the Alberta

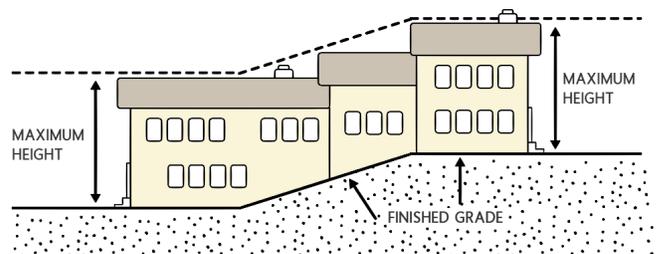
Safety Codes Act and the regulations thereunder and for the avoidance of doubt, includes kitchen, bathroom, hallways, stairways, and closets, but does not include porches.

“HAMLET” means an unincorporated area as defined by the Act and by Bylaw, developed for residential and other urban classes of use; the design of which envisions urban standards of services.

“HEALTH AND WELLNESS CENTRES” means a recreational development to provide for physical and mental recreation and therapy for patrons through means of health and spa facilities that may include, and not be limited to, visitor or resort accommodation, outdoor and indoor swimming and hot pools, massage, beauty and spa parlors, diet clinics, rejuvenation facilities and fitness centres. This definition does not include “Medical Services” or “Medical Services, Extended.”

“HEIGHT, BUILDING” (Building Height) means the maximum vertical distance as measured from the elevation of the finished ground level at the base of each exterior wall to the highest point of the building on that particular side (Figure 7), unless otherwise stated in the district regulations. The calculation of building height excludes: a roof stairway entrance; an elevator housing; heating or ventilation equipment; flush-mounted solar collectors; a skylight; a steeple; a chimney; a smoke stack; a flagpole; a firewall, parapet wall, guardrail or similar feature or device not structurally essential to the building that is less than 1.0 m (3.3 ft).

Figure 7 - Building Height



“HIGHWAY” means land used or surveyed for use as a primary highway or 900 series secondary road, and includes any structure, such as a bridge associated with the highway.

“HIGHWAY COMMERCIAL” refers to essential services provided to the travelling public located on sites adjacent to a primary or secondary highway.

“HOME-BASED BUSINESS, MAJOR” (Major Home-Based Business) means an occupation, profession, trade, or craft in which remuneration is normally received for any goods or service provided, and is operated on a residential property by residents of that property. A Major Home Based-Business may extend to accessory buildings and may create additional traffic in receiving clients or deliveries, but does not interfere with the rights of the other residents to quiet enjoyment of the residential neighbourhood. This does not include a “Bed and Breakfast” or a “Suite, Visitor Accommodation.”

“HOME-BASED BUSINESS, MINOR” (Minor Home-Based Business) means an occupation or profession in which remuneration is normally received for any goods or service provided, and is operated within a Residence by residents of that property. A Minor Home-Based Business is restricted to business activities and storage within the dwelling, generates minimal traffic above that of a typical residential use, and does not interfere with the rights of the other residents to quiet enjoyment of the residential neighbourhood. This does not include a “Bed and Breakfast” or a “Suite, Visitor Accommodation.”

“HOME OFFICE, MINOR” (Minor Home Office) means an occupation or profession in which remuneration is normally received for any goods or service provided, and consists strictly of a home office (including but not limited to, desk, phone and computer) within a Residence, operated by residents of that property. A Minor Home Office does not generate vehicular traffic associated with the business in excess of that of a typical residential use, and does not interfere with the rights of the other residents to quiet enjoyment of the residential neighbourhood.

“HORTICULTURAL OPERATION” means the intensive growing and storing of plants, fruits, vegetables, bedding and ornamental trees or plants, in an indoor structure or facility, and includes greenhouses and plant nurseries. This does not include “Cannabis Production Facilities.” Horticultural Operations for the purpose of personal use only, shall be considered an Accessory Building.

“HOUSEHOLD EQUIPMENT REPAIR SERVICES” means a development for the repair and servicing of equipment and appliances normally found in the home and includes, but is not limited to televisions and similar devices, refrigerators and other appliances, and household furniture.

“INDUSTRIAL EQUIPMENT SERVICE, RENTALS AND SALES” means a development for the rental of tools, light construction equipment, farm equipment and other similar types of equipment. This does not include “Automotive Rentals, Repair Services and Sales.”

“INDUSTRIAL WORK CAMP” means one or more transportable buildings providing accommodation for a work force living and working in a temporary location, and includes camps of government military forces. The camp may include sleeping accommodation, food services, and recreation facilities for the workers.

“ISSUE” means the date a notice of decision, permit or an order is dated and signed by the Development Authority in the course of their duties.

“KENNEL, COMMERCIAL” (Commercial Kennel) means the keeping on a site of 4 or more dogs, normally in return for remuneration, for the purposes of being trained, bred, boarded and cared for, sold, or which are used in association with a commercial operation.

“KENNEL, PRIVATE” (Private Kennel) means the keeping, for any purpose, of 4 or more dogs on a lot by the occupant of a dwelling located on that lot, and all of the dogs are owned by the occupant.

“KITCHEN” means facilities for the preparation or cooking of food, and includes any room containing counters, cabinets, plumbing, microwave, stove and wiring which, in the opinion of a Development Authority, may be intended for the preparation or cooking of food.

L “LANDFILL, DRY WASTE” (Dry Waste Landfill) means an area of land wherein only solid, inert waste or recycling materials

are sorted or placed, which are not reasonably expected to undergo physical, chemical and/or biological changes to such an extent as to originate substances which may have a negative environmental impact.

“LANDSCAPED AREA” means an area designed, constructed, and laid out so as to maintain, change or modify the natural features of a site so as to make it attractive and desirable by the use of grass, trees, shrubs, ornamental planting, fencing, or walks.

“LANDSCAPING” means the modification and enhancement of a site through the use of any or all of the following elements:

- a) soft landscaping - vegetation such as trees, shrubs, hedges, grass, ground cover;
- b) hard landscaping - non-vegetative materials such as brick, stone, concrete, tile and wood.

“LANE” means a public thoroughfare which provides a secondary means of vehicle access to a site or sites.

“LICENSED DRINKING ESTABLISHMENT” means a development used primarily for the sale and consumption of alcoholic beverages and a limited menu, where minors are prohibited during some hours of the operation.

“LIVESTOCK” means an animal that is raised in captivity for commercial or recreational pursuits and includes, but is not limited to horses, cattle, poultry, sheep, bison, swine, fur-bearing animals and game production animals. This does not include wild boar.

“LOADING SPACE” means a space for parking a Commercial Vehicle while being loaded or unloaded.

“LOG SORTING AND TRANSPORTATION STAGING AREA” means a development used for the sorting and loading of logs on a parcel that may be separate from the parcel in which the logging activities occurred.

“LOGGING” means the removal or cutting of logs from harvestable timber for commercial purposes, and includes a “Log Sorting and Transportation Staging Area.”

“LOT” means that area contained within the boundaries of a lot as shown on a plan of subdivision or described in a certificate of title.

“LOT, CORNER” (Corner Lot) means a lot fronting on two or more public roads, other than a lane, at their intersection or junction.

“LOT, INTERIOR” (Interior Lot) means a site which is bounded by only one public road, other than a lane.

“LOT LINE” means a legally defined limit of any lot. The terms “Boundary” or “Boundary Line” and “Property Line” have a corresponding meaning.

“LOT LINE, FRONT” (Front Lot Line) means the lot line which abuts a public road, other than a bridge, lane, or walkway. In the case of a lot which has two lot lines which abut a public road, the front lot line is determined by the public road to which the lot has been municipally addressed. Where access to a lot is gained by easement or similar private roadway, the front lot line shall be on the side in which access is obtained, unless otherwise determined by the Development Authority.

“LOT LINE, REAR” (Rear Lot Line) means either the property line of a lot which is furthest from and opposite the front lot line, or, where there is no such property line, the point of intersection of any property lines other than a front lot line which is furthest from and opposite the front lot line.

“LOT LINE, SIDE” (Side Lot Line) means the property line of a lot other than a front lot line or a rear lot line.

“LUMEN” means a unit of luminous flux; used to measure the amount of light emitted by a bulb.

M

“MAINTENANCE” means the upkeep of a building or a property that does not involve structural change, a Change of Use, or a

change in Intensity of Use.

“MANUFACTURING AND DISTRIBUTION” means a development used for the manufacturing, fabrication, assembling, packaging or processing of products primarily from extracted or raw materials and the bulk storage, warehousing and distribution of those products. A manufacturing and distribution industry includes, but is not limited to the manufacturing of chemicals, stonework and concrete products, and the fabrication of metal, wood or similar products. This does not include the processing of waste as defined in the Environmental Protection and Enhancement Act; or “Construction Materials Recycling.”

“MANUFACTURED HOME” means a dwelling unit, whether ordinarily equipped with wheels or not, that is manufactured to meet or exceed the most current edition of the Canadian Standards Association standard. A manufactured home is designed to be transported in not more than two pieces and when placed on foundation supports and connected to utilities is ready for occupancy.

“MARINA” means a development which provides a sheltered area where boats are kept in the water and services for the needs of recreational boating purposes are found. This may include re-fueling,

washing and repair stations.

“MEDICAL SERVICES” means a facility for the provision of human health services without overnight accommodation for patients and includes medical, dental or counselling services.

“MEDICAL SERVICES, EXTENDED” (Extended Medical Services) means a facility that provides overnight medical services and may include outpatient services and accessory staff residences.

“MODULAR HOME” means a dwelling unit that is constructed from a number of pre-assembled units that are intended for delivery to and assembly at a residential site, in conformance to the most current edition of the Canadian Standards Association Regulation.

“MULTI-DWELLING UNIT” means a triplex, fourplex, townhouse, attached housing, or row housing.

“MUNICIPAL DEVELOPMENT PLAN” means a statutory plan adopted and amended from time to time by Council as a Municipal Development Plan pursuant to the Act.

“MUNICIPAL PLANNING COMMISSION” (MPC) means the Municipal District of Bighorn No. 8 Municipal Planning Commission as established by bylaw.

“MUNICIPALITY” or **“MUNICIPAL DISTRICT”** means:

- a) the Municipal Corporation of the Municipal District of Bighorn No. 8; and
- b) where the context requires, means the area of land contained within the boundaries of the Municipality’s corporate limits at the time of adoption of this Bylaw, or as included by any subsequent annexations.

N

“NATURAL RESOURCE EXTRACTION AND PROCESSING”

means a development chiefly devoted to the extraction of on-site resources such as clay, sand, gravel, limestone,

shale, coal, petroleum and natural gas and related processing facilities. It may include activities that bring one or more of these materials together with other elements such as power or water into an integrated process for the purpose of primary treatment of the material into a marketable form. This use does not include “Portable Batch Plants.”

“NON-CONFORMING BUILDING” means a building:

- a) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective; and
- b) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw.

“NON-CONFORMING USE” means a lawful specific use:

- a) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective; and
- b) that on the date the land use by-law becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw.

“NUISANCE” means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

“OCCUPANCY” means the utilization of a



building or land for the use for which it was approved.

“OFFICES” means a facility for the provision of professional, management, administrative, consulting or financial services, such as offices for clerical, secretarial, employment, telephone answering and

similar office support services, offices of lawyers or accountants, banks or other financial institutions, and offices for real estate and insurance firms. “Medical Services” is not included in this category.



“PARAPET” means a low wall or railing to protect the edge of a roof.

“PARCEL” means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in the Land Titles offices.

“PARK” means land designed or reserved for the active or passive recreational use by the general public and includes all natural and man-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purpose of parks. Typical uses include tot lots, picnic grounds, pedestrian pathways and trails, landscaped buffers and playgrounds.

“PARKING, BARRIER FREE” (Barrier Free Parking) means parking spaces which can be used by persons with disabilities and designed in accordance with the Alberta Building Code.

“PARKING LOT” means an area of land on a site used principally for the parking of vehicles.

“PARKING STALL” means a space designated for the parking of one vehicle.

“PARKING STRUCTURE” means a structure designed and erected to provide space for the parking of vehicles at, above or below finished grade.

“PARKING, TANDEM” (Tandem Parking) means two parking spaces, one behind the other, with a common or shared point of access to the maneuvering aisle.

“PATIO” means a platform, the height of which may be up to but does not exceed 0.6 m (2.0 ft) from grade, that may or may not be attached to a building.

“PEACE OFFICER” means a bylaw enforcement officer duly appointed pursuant to the Act, a special constable duly appointed pursuant to the Police Act, a member of the Royal Mounted Canadian Police, or an employee of a corporation retained by the Municipality to enforce this Bylaw.

“PERMITTED USE” means the use of land or of a building, as listed under the ‘Permitted Uses’ section of a district, for which a Development Permit shall be issued by the Development Authority upon the development meeting all other requirements of this Bylaw. The Development Authority may impose such conditions necessary to ensure compliance with the requirements of this Bylaw.

“PERSONAL SERVICE BUSINESS” means a use or development which provides services on a commercial basis to individuals, and includes such things as hairdressers, tailors, laundromats, and tanning salons. “Medical Services” are not included in this category.

“PET SERVICES” means a use or development that offers grooming and day care services for household pets, primarily within indoor facilities. Retail sales of pet-related products are included in this category.

“PLACES OF RELIGIOUS ASSEMBLY” means a development owned by a religious organization used for worship and related religious, philanthropic or social activities including accessory rectories, manses, classrooms and auditoriums. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents, monasteries and religious retreats. This does not include schools.

“PORCH” means an entrance structure typically attached to the front or side of a residential dwelling at the ground or main floor entry level, consisting of a roof and a floor, where the sides of the structure may or may not be enclosed.

“PORTABLE BATCH PLANT” means an operating installation of equipment including batchers and mixers as required for the preparation of materials such as concrete and asphalt aggregate mixtures.

“PRE-DEVELOPMENT GRADE” means the elevation of the ground on all sides of a building prior to the excavation of the ground for a development.

“PRINCIPAL BUILDING” means a building, which in the opinion of the Development Authority:

- a) occupies the major or the central portion of a site;
- b) is the chief or the main one among the buildings on the site; or
- c) constitutes by reason of its use the primary purpose for which the site is used.

“PRINCIPAL USE” means the use of a site or of a building which in the opinion of the Development Authority constitutes the primary purpose for which the site or building is used.

“PUBLIC UTILITIES AND BUILDINGS” means installations and facilities, including any building, owned or operated by or for the Municipality, the Provincial Government, the Federal Government or a corporation under Federal or Provincial statute for the purpose of furnishing public utilities or services or commodities to or for the use of the general public.

“PUBLIC UTILITY” means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

- a) water;
- b) wastewater disposal;
- c) public transportation operated by or on behalf of the Municipality;
- d) irrigation;
- e) drainage;
- f) fuel;
- g) electric power;
- h) heat; or
- i) waste management, including recycle depots.

R **“RADIOCOMMUNICATION”** means any emission, transmission or reception of signs, signals, writing, images, sounds or

intelligence of any nature by means of wireless technology.

“RECEIVING PARCEL” means land that is granted the benefit of more subdivision and/or development than the base density allows as the result of a comprehensive Transfer of Subdivision Density program implemented in accordance with Municipal Development Plan policy.

“RECREATION FACILITIES” means any development providing amusement, active or passive recreation and enjoyment for the residents, guests, or customers. Typical developments include but are not limited to athletic facilities, such as swimming pools, squash, tennis, and racquet ball courts, orientation programs and similar recreational activities.

“RECREATION STAGING AREA” means a day use area or site used for the off-loading of recreation equipment and vehicles, hiking, skiing, rafting, fishing and camping equipment, and supplies related to the activity or the use of a site for the operation of a base camp out of which guiding, hiking and touring programs are conducted. This use includes the temporary parking of motor vehicles used for the transportation of the equipment and supplies.

“RECREATIONAL VEHICLE” means a portable structure designed and built to be pulled by a vehicle, or a unit designed and built to be transported on its own wheels to provide temporary living accommodation for travel and recreational purposes and includes, but is not limited to, such vehicles as a motor home, a camper, a travel trailer and a tent trailer.

“REGISTERED OWNER” means the legal owner of the property represented by the land title certificate, and has full rights of ownership subject to the restrictions of law.

“RESIDENCE” means a Dwelling Unit which is not available for public use and which is utilized for primary or secondary residential use by the occupant who is either the registered owner of the property or who occupies the Dwelling Unit pursuant to a lease or similar form of agreement, as opposed to temporary vacation or other form of commercial temporary accommodation use.

“RESIDENCE, PRIMARY” (Primary Residence) means the Residence which the Resident occupies or utilizes as his/her Primary Residence, with the intent and ability to arrive and leave at his/her discretion, and with the intent to remain for an undetermined or indefinite period of time (except in accordance with a residential lease agreement) and with the intent to return to the Residence following temporary absences such as vacations. Proof of Primary Residence may consist of the Resident’s name together with the address of the Residence appearing on any of the following documents:

- a) Current utility, telephone, gas or cable bill,
- b) Current bank and/or credit card statement,
- c) Mortgage or residential lease documents,
- d) Current Income Tax Return,
- e) Land Titles documents,
- f) Mail from Federal, Provincial or MD government,
- g) Government issued identification such as a driver’s license, or
- h) Such similar type of documentation reasonably acceptable to the MD.

“RESIDENCE, PRINCIPAL” (Principal Residence) means the main Residence which is the primary use within a building or subject property.

“RESIDENT” means a person who occupies and utilizes a Residence as his/her primary or secondary residence as the registered owner of the Residence or pursuant to a lease or similar form of agreement.

“RESTAURANT” means a building where meals and beverages are offered for sale and served to customers on the premises and may include a dinner theatre where a live acting performance may take place. Ancillary uses may include the serving of alcoholic beverages when licensed by the Alberta Gaming and Liquor Commission.

“RETAINING WALL” means a structure designed to hold back rock or soil to prevent down-slope movement or erosion and provide support for vertical or near-vertical grade changes, but is not a foundation for a building.

“RETREAT” means a building or land used by small groups for study, relaxation, meditation, and similar activities and may include Visitor Accommodation, eating facilities, and accessory facilities. “Country Recreational Centre” and “Country Recreational Lodge” are not included in this category.

“RIGHT-OF-WAY” means a corridor of land which has been legally surveyed and registered in a land titles office and is intended to be used for such purposes as a road, railway, pipeline, utility or lane.

“ROAD” means land shown as a road on a plan of survey that has been filed or registered in a land titles office, or used as a public road, and includes a bridge forming part of a public roadway and any structure incidental to a public road, but does not include a controlled highway.

“ROOMING HOUSE” means a building or Dwelling Unit in which sleeping accommodation is provided to more than two (2) tenants over the age of 17, on a basis of 30 consecutive days or longer, in exchange for remuneration.

“ROTOR ARC” means the largest circumferential path traveled by a Blade of a wind energy conversion system.

S

“SATELLITE DISHES AND ANTENNAS” means amateur structures associated with residential or small commercial

uses for the purpose of transmitting, relaying, or receiving television, radio, microwave, and other similar signals.

“SAWMILL” means a building or structure used to process wood from saw logs to another use and may include land used for open storage of raw or finished lumber or products.

“SCHOOL” means a facility or institution for the purposes of education, training or instruction, and includes public, separate, private and charter schools, community colleges, universities and technical schools.

“SCREENING” means a visual separation between sites, districts, or land use activities provided by a fence, wall, berm or natural landscaping.

“SENDING PARCEL” means land that is restricted from future subdivision and/or development as part of a comprehensive Transfer of Subdivision Density program. Sending Parcels require the registration of a Conservation Easement on the certificate of title to ensure the terms of the development restrictions remain in effect in perpetuity.

“SERVICE STATION” means a development for the sale of petroleum products and minor accessories for motor vehicles, and may include the servicing and minor repairing of motor vehicles. “Gas Bar” and “Truck Service Centre” are not included in this category.

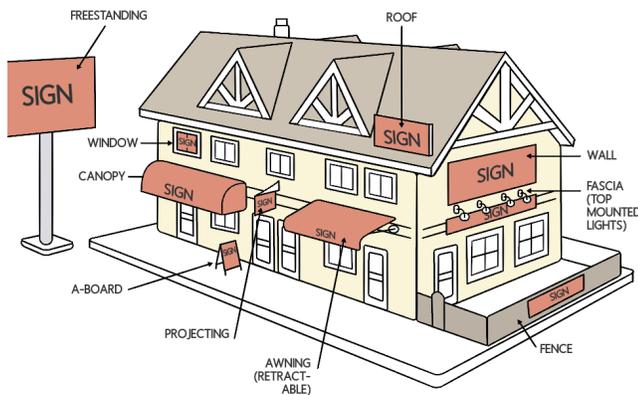
“SETBACK” means the distance that the development must be set back from a lot line or any physical feature of a site as specified by this Bylaw. A setback is not a yard.

“SHIPPING CONTAINER” means a large metal container with suitable strength for the shipping, handling and storage of goods. Shipping Containers are also known as ‘sea cans’ or ‘intermodal containers’.

“SIGN” means anything that serves to indicate the presence or the existence of something including but not limited to a lettered board, a structure or a trademark that is displayed, erected, or otherwise

developed and used or intended to identify, to advertise, or to give direction (Figure 8).

Figure 8 - Sign Types



“SIGN, A-BOARD” (A-Board Sign) means a moveable, self-supporting A-shaped sign with only two visible sides which is set on the ground adjacent to a business. Also known as a sandwich board sign (Figure 8).

“SIGN, ADDRESS” (Address Sign) means a sign message which displays the municipal or rural address of a site, building or business.

“SIGN, ADVERTISING” (Advertising Sign) means a sign message which refers to goods or services produced, offered for sale, or obtainable at the premises only on which the sign is displayed.

“SIGN, ANIMATED” (Animated Sign) means a sign that shows motion or changes in copy or color.

“SIGN, AWNING” (Awning Sign) means a sign attached to or constructed in or on an awning (Figure 8).

“SIGN, BILLBOARD” (Billboard Sign) means a permanent sign fixture displaying an advertising message which directs attention to a business commodity, service or entertainment that is conducted, sold or offered elsewhere than upon the site where the sign is maintained. The advertisement copy is pasted, glued, painted or otherwise fastened to permit its periodic replacement.

“SIGN, CANOPY” (Canopy Sign) means any sign attached to or constructed in or on a canopy (Figure 8).

“SIGN, COPY AREA” (Copy Area Sign) means the area of the smallest geometric figure which will enclose the actual copy of the sign.

“SIGN, DIRECTIONAL” (Directional Sign) means a sign message which contains no advertising but is limited to the distance and direction to a place of business or other premises indicated on the sign.

“SIGN, ELECTRONIC VARIABLE MESSAGE” (Electronic Variable Message Sign) means a sign that displays a sign message through the use of changing lights where the message and the rate of change can be programmed. This does not include “Signs, Animated.”

“SIGN, FASCIA” (Fascia Sign) means a sign affixed to and placed flat against the face of a building and projects no more than 0.4 m from the face surface. This does not include “Signs, Wall” (Figure 8).

“SIGN, FENCE” (Fence Sign) means a sign which is fastened to or painted onto a fence (Figure 8).

“SIGN, FLAG” (Flag Sign) means a sign of fabric or other material that is attached to a pole.

“SIGN, FREESTANDING” (Freestanding Sign) means a permanent sign which displays identification messages and is supported independently of a building, wall or structure. It is supported by one or more columns, uprights or braces anchored in or on the ground (Figure 8).

“SIGN, IDENTIFICATION” (Identification Sign) means a sign message which contains no advertising but is limited to the name of a building, institution or the occupation and the hours of operation, and is placed on the premises which it identifies.

“SIGN, INFORMATIONAL” (Informational Sign) means a sign message which contains no advertising but communicates through the use of

words or symbols, and includes traffic signs and construction signs to provide guidance to vehicles or pedestrians, and community event signs or other such signs that display important public information.

“SIGN, PORTABLE” (Portable Sign) means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to: signs designed to be moved on wheels; balloons or inflatable devices used as signs; and signs attached to or painted on vehicles parked and visible from a public road, unless said vehicles are used in the normal day-to-day operations of that business.

“SIGN, PROJECTING” (Projecting Sign) means a sign attached perpendicularly to and extends beyond the fascia of the building. Awning and canopy signs are not included in this category (Figure 8).

“SIGN, REAL ESTATE” (Real Estate Sign) means a temporary sign identifying real estate that is for sale, for lease, for rent, or has been sold.

“SIGN, ROOF” (Roof Sign) means any sign erected upon, against or above a roof or a parapet of a building (Figure 8).

“SIGN, TEMPORARY” (Temporary Sign) means a sign which is in place no longer than 21 consecutive days and no longer than 42 days in a year, unless a shorter period is specified in a Development Permit or elsewhere in this Bylaw.

“SIGN, WALL” (Wall Sign) means a sign which is painted on or engraved into a wall of a building or structure, but excludes a “Sign, Fascia” (Figure 8).

“SIGN, WARNING” (Warning Sign) means an on-premises sign providing a warning to the public, including such signs as no trespassing or private driveway.

“SIGN, WINDOW” (Window Sign) means and includes any sign either painted on, attached to, or placed inside a window for the purpose of viewing from outside the premises. A window sign does not include merchandise on display (Figure 8).

“SIGN HEIGHT” means the vertical distance measured from the highest point of the sign or sign structure from grade.

“SIGN MESSAGE” means the nature of information displayed on a sign, presented through words and images, and includes address, advertising, directional, identification, and informational sign messages.

“SIMILAR USE” means a specific use of land or of a building that is not expressly mentioned in this Bylaw but which the Development Authority has determined to be similar in character and purpose to a use listed as a permitted or Discretionary Use in the district in which such use is proposed.

“SITE” means a lot, part of a lot, or a number of adjacent lots on which a development exists or for which an application for a Development Permit is made. A Bareland Condominium unit is considered to be a site for purposes of this Bylaw.

“SITE AREA” means the total horizontal area contained within an existing or proposed boundary of a site.

“SITE COVERAGE” means that portion of a site upon which buildings or structures are located at or higher than 0.6 m (2.0 ft) above grade, measured from the exterior walls of the building, but does not include steps, eaves, uncovered decks, patios or balconies.

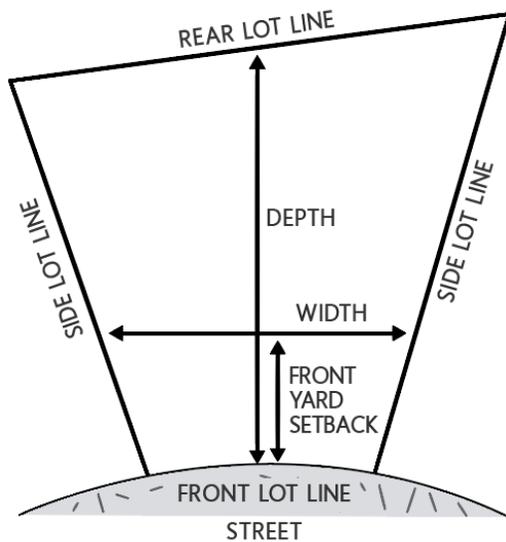
“SITE DEPTH” means the horizontal distance between the front and rear lot lines (Figure 9).

“SITE PLAN” means a plan showing the boundaries of the site, the location of all existing and proposed buildings upon that site, and the use or the intended use of the portions of the site on which no buildings are situated, and showing fencing, screening, grassed areas, and the location and species of all existing and proposed shrubs and trees within the development.

“SITE WIDTH” means the horizontal distance between the side lot lines, calculated at the front yard setback distance measured along the line perpendicular to a line connecting the mid-points

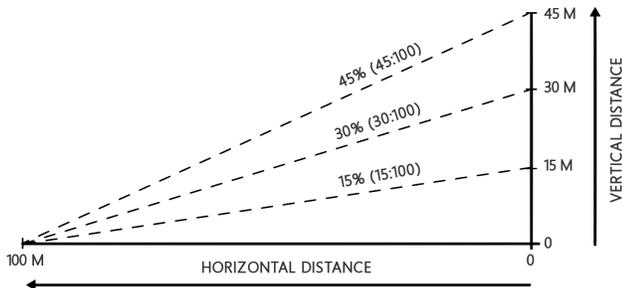
of the front and rear lot lines (Figure 9).

Figure 9 - Site Width and Depth



“SLOPE” means the relationship of the vertical distance of a slope to its horizontal distance (Figure 10).

Figure 10 - Slope (or Gradient)



“SOLAR COLLECTOR” means a device for extracting the energy of the sun directly into a more useable or storable form, and includes solar thermal and photo voltaic collectors.

“STATUTORY PLAN” means any intermunicipal development plan, a municipal development plan, an area structure plan or an area redevelopment plan adopted by Council.

“STEPBACK” means a setback of an upper level or portion of a building which is greater than the setback of the lower floors.

“STORAGE, INDOOR” (Indoor Storage) means an indoor space used exclusively to store personal or business-related goods entirely within an enclosed building. This does not include “Storage, Mini.”

“STORAGE, MINI” (Mini Storage) means a development that provides indoor spaces for rent on a monthly or annual basis, by the general public for the storage of personal or business-related goods. This does not include “Storage, Indoor” or “Warehousing.”

“STORAGE, OUTDOOR” (Outdoor Storage) means a development for storage of materials, vehicles such as Recreational Vehicles and trailers, machinery, equipment or the products of other industries. For the purposes of clarification, Outdoor Storage does not include “Manufacturing and Distribution,” processing, auto-wrecking, “Warehousing,” sales or commercial servicing functions.

“STORE, CONVENIENCE” (Convenience Store) means a retail outlet selling goods and foodstuffs on a day-to-day basis from business premises which do not exceed 250.0 m² (2691.0 ft²) in Gross Floor Area. This does not include “Store, Retail”; “Store, Liquor”; or “Cannabis Dispensary.”

“STORE, LIQUOR” (Liquor Store) means an establishment licensed pursuant to the Liquor Control Act for the retail sale to the public of alcoholic beverages such as wine, beer and liquor, in addition to a limited range of associated convenience products, for consumption off the licensed premises.

“STORE, RETAIL” (Retail Store) means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail prices and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things sufficient only to service such stores. This does not include “Store, Convenience”; “Store, Liquor”; or “Cannabis Dispensary.”

“STOREY” means the space between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of the floor and the ceiling above it. A basement or a loft is deemed not to be a storey.

“STOREY, FIRST” (First Storey) means the storey with its floor closest to grade and having its ceiling more than 2.0 m (6.6 ft) above finished grade.

“STRUCTURE” means anything constructed or erected with or without a fixed location on the ground, or attached to something having a fixed location on the ground and includes fences, light standards, pipes, signs, and walls.

“SUBDIVISION” means the division of a lot or parcel by an instrument and the word “subdivide” has a corresponding meaning.

“SUBDIVISION AND DEVELOPMENT APPEAL BOARD” means the Municipal District of Bighorn No. 8 Subdivision and Development Appeal Board established by bylaw.

“SUBDIVISION AUTHORITY” means a Subdivision Authority as established pursuant to the Act.

“SUITE, SECONDARY” (Secondary Suite) means a separate, second Dwelling Unit within the same building as the Principal Residence, and typically located within the basement. Secondary Suites shall be an incidental and subordinate use to the Principal Residence.

“SUITE, STUDIO” (Studio Suite) means a separate, second Dwelling Unit situated on grade, or above or otherwise within a detached garage or similar enclosed Accessory Building, that is located to the rear of a property where a Principal Residence exists. Studio Suites shall be an incidental and subordinate use to the Principal Residence.

“SUITE, VISITOR ACCOMMODATION” (Visitor Accommodation Suite) means a Secondary or Studio Suite operated by the Registered Owner as a temporary accommodation for tourists or members of the travelling public.

Visitor Accommodation Suites are an incidental and subordinate use to the Principal Residence. Characteristics of a Visitor Accommodation Suite include but are not limited to:

- a) The Secondary or Studio Suite is occupied on a temporary basis rather than being utilized as a primary or secondary Residence;
- b) Advertising of the Secondary or Studio Suite as being a “vacation property,” “vacation rental,” or any other short-term rental accommodation;
- c) The commercial nature of the Secondary or Studio Suite;
- d) Imposition of a fee or charge for use of the Secondary or Studio Suite; and/or
- e) Use of a system of reservations, deposits, confirmations and/or forms of electronic payment.

T **“TEMPORARY DEVELOPMENT”** means a development for a building, structure or use, issued for a period of time, of up to 1 year, or

as otherwise specified in the regulations of this Bylaw or by the Development Authority within a Development Permit.

“TENANT” means a person who occupies a property which is rented or leased in exchange for remuneration, regardless if that person is a named party to the lease agreement, rental agreement or other form of agreement or arrangement providing for the occupancy of the property.

“TOURIST INFORMATION CENTRE” means an establishment where information is available regarding attractions, lodgings, and other items relevant to tourism.

“TRAILER” means a vehicle that is designed to be attached to and drawn by a motor vehicle.

“TRANSFER OF SUBDIVISION DENSITY” (TSD) means a land use policy that reduces or eliminates subdivision potential in one or more

parcels while increasing, by the same number, subdivision potential in one or more other parcels. The technique gathers a base development density assigned to all parcels in an area and divides the land into Sending and Receiving Parcels.

“TRUCK SERVICE CENTRE” means a building or site that provides for the service and maintenance of trucks and truck parking and includes the sale of fuel, automotive parts and minor accessories. The service centre may provide for the transfer and storage of loads being transported by the trucks, as well as provide services to the truck drivers and motoring public including eating and temporary (i.e., overnight) lodging facilities.

U “UNSUBDIVIDED QUARTER SECTION” means a titled area of 64.0 ha (158.1 ac) more or less from which no subdivision has

occurred for purposes other than for a railway, a utility right-of-way, road widening or other public uses.

“USE” means the utilization of a parcel of land for a particular development activity. The expression “Land Use” has a corresponding meaning.

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

“USE, INTENSITY OF” (Intensity of Use) means the degree or scale of operation of use or activity in relation to the amount of land and buildings associated with the use, vehicular traffic generation resulting thereof, amount of parking required for the particular land use activity, or water and wastewater requirements.

V “VALUE-ADDED AGRICULTURAL INDUSTRY” means a secondary agricultural process, activity or development that clearly demonstrates

an added value to a primary extensive or intensive agricultural activity or product, and includes agricultural product manufacturing, food-processing and non-food processing activities.

“VARIANCE” means a relaxation or change in a standard as prescribed by this Bylaw that is authorized by the Development Authority or the Subdivision and Development Appeal Board.

“VEHICLE” means a device in, on or by which a person or thing may be transported.

“VEHICULAR-ORIENTED USE” means a development which services customers travelling in motor vehicles and includes but is not limited to Gas Bars, Service Stations and Car Washes.

“VETERINARY CLINIC” means a facility for the medical treatment of animals and may include outdoor pens, runs or enclosures having regard for the amenities of the adjacent properties and the neighbourhood in general. This does not include Commercial Equestrian Center or Boarding and Training Services.

“VIOLATION TAG” means a tag or similar document issued by the Municipality pursuant to the Act.

“VIOLATION TICKET” means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act and regulations enacted thereunder.

W “WATERCOURSE” or “WATER BODY” means any location where water flows or is present, whether or not the flow or the presence of water is continuous, intermittent or occurs only during a flood, and includes but is not limited to:

- a) the bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh, wetland or other natural body of water; or
- b) a canal, ditch, reservoir or other man-made surface feature.

“WAREHOUSING” means the use of a building for the storage and distribution of materials, products, goods or merchandise but does not include the retail sale of merchandise. This does not include Storage, Indoor or Storage, Mini.

“WASTE” means any solid or liquid material or product or combination of solid or liquid material or product, including, but not limited to,

- a) rubbish, refuse, garbage, paper, packaging, containers, bottles, cans, manure, human or animal excrement, sewage or the whole or a part of an animal carcass, or
- b) the whole or part of any article, raw or processed material, vehicle or other machinery that is disposed of.

“WASTE TRANSFER SITE” means a depot that receives and temporarily stores waste in a designated area for minor segregation and/or minor resource recovery prior to their transport to a provincially-approved depot for further sorting, resource recovery or disposal.

“WIND ENERGY CONVERSION SYSTEM” means a system consisting of a wind turbine, a tower and associated controls or conversion electronics, which is primarily intended to provide electrical power to the principal use on the site.

Y

“YARD” means a portion of a site upon or over which no structure or building shall be erected, except those specific permitted

projections as specified elsewhere in this Bylaw. A yard is not a setback.

“YARD, FRONT” (Front Yard) means that portion of the site extending across the full width of the site from the front lot line of the site to the nearest exterior wall of the Principal Building, and shall be measured at right angles to the front property boundary.

“YARD, REAR” (Rear Yard) means that portion of the site extending across the full width of the site from the rear lot line of the site to the nearest exterior wall of the Principal Building, and shall be measured at right angles to the rear property boundary.

“YARD, SIDE” (Side Yard) means that portion of the site situated between the front yard and the rear yard, which extends from the side property boundary of the site to the nearest exterior wall of the Principal Building, and shall be measured at right angles to the side property boundary.