

On April 12, 2018, Council approved Bylaw 2017/48, also known as the Land Use Bylaw. Since approval the Land Use Bylaw Committee has deemed it necessary to make several amendments. The Committee and Administration have deemed the following amendments ready for Council to review:

- **Accessory Buildings:**

With the adoption of Land Use Bylaw 2017/48 came new limitations to accessory buildings that were not present in the previous Land Use Bylaw 1995/54. The rationale for the restriction was to stop the construction of overly large accessory buildings on smaller parcels of land and unintentionally promote larger scale business operations from smaller parcels within multi-lot subdivisions. With some time having passed with this new regulation in effect, Administration has found that the 1506 square foot restriction as it is presently may not be practical especially on larger acreage properties. Further, with a review of minor businesses and home occupations currently under review as well, both issues should be reviewed with the other in mind.

- **Minor and Home based Businesses:**

At the February 15, 2018 Council for Planning and Economic Development meeting, Council provided the following direction:

*“That the Land Use Bylaw Committee review the definitions and allowances for Minor and home based business within the Land Use Bylaw.”
(Ref. Resolution #PD20190215.003)*

Administration and the Committee have addressed Minor and Home Based Business by the proposed addition of Onsite and Offsite Occupations.

- **Animal Units:**

Administration has been receiving numerous phone calls requesting information on the number of animals that are allowed on their properties within multi-lot subdivisions or first parcels out. Within our current Land Use Bylaw it is up to the discretion of the Development Officer as well as subject to a development permit, Administration could be more efficient if Administration had specific numbers to reference for these types of questions. Administration has reviewed adjacent Municipalities Land Use Bylaw on how they deal with animals and livestock. Administration and the committee recommended that Council approve the more specific definitions within our Land Use Bylaw for Livestock

- **Market Gardens:**

With the movement to encourage sustainable and locally grown produce, Administration has proposed the inclusion of Market Gardens within several districts. Including Market Gardens within these districts will provide the opportunity for producers to operate subject to receiving a discretionary permit. Market Gardens will be included in districts with similar uses.

- **Section 9.8 Number of Dwellings on a lot:**

Section 9.8.2 (a) from the originally approved Bylaw 2017/48 was deleted in error when making the amendments to allow for a Second Residence on properties not meeting the “hard”80/80” split rule.

- **Section 10.31.6 Setbacks:**

a) Addition of statement: **Such distance shall not be reduced to less than 1.5 metres (5 feet).**

The addition of the statement shall address the issue that theoretically the setback could be reduced to as much as zero lot line.

The following amendments will be presented at a Public Hearing:

- 1. Amend Section 1.2 Definitions to remove the following:**

~~**Home Occupation** means any occupation, trade, profession or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the dwelling or a farm building but where there are only minimal business visits, product storage, or deliveries.~~

~~**Minor Business** means a business operated from but subordinate to an agricultural operation or residential use.~~

- 2. Amend Section 1.2 Definitions to include the following:**

Accessory Building or Structure means for the purpose of administering the provisions of Part Nine of the Building Code, a building or structure which is subordinate, exclusively devoted and incidental to the principal building or use located on the same lot but in no instance shall be used as a dwelling. Parking may be an accessory use when it serves the main use and does not serve uses on other sites. ~~**Kitchen facilities and bathroom facilities are not allowed.**~~ May include play structures. The building or structure ~~**shall not**~~ may precede the principal building or use subject to the developer providing proof of a sufficient, safe, and suitable building site for the principal building and use. ~~**unless deemed by the Development Authority as an acceptable discretionary use.**~~ Typical

structures may include garages, sheds, swimming pools, frame and fabric structure and wind turbines and solar panel arrays. When a building is attached to the principal building by a roof, floor or foundation above or below grade, it is considered to be part of the principal building. A washroom **and small kitchenette** may be allowed in **one** accessory building ~~provided that the accessory is a garage or shop not any other accessory building.~~

Domestic Pet means, but may not be restricted to, Dogs, Cats, and Rabbits.

Grade, Building means the ground elevation established for the purpose of regulating the number of storeys and building height. One building grade shall be the level adjacent to the walls of the building if the finished grade is level. If the grade is not entirely level, the grade shall be determined by averaging the elevations of the ground for each face of the building. A building height shall be measured from the base of the main floor.

Grade, Drainage means the ground elevation established in a lot drainage plan attached to the application for a development permit for the purpose of controlling the flow of surface water on the parcel.

~~**Home Occupation** means any occupation, trade, profession or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the dwelling or a farm building but where there are only minimal business visits, product storage, or deliveries.~~

Kitchenette is a small cooking area, which may include **only** a fridge, sink and a microwave. A kitchenette will only be allowed in **one** accessory building per property and is not to be utilized for human habitation.

Livestock, Large means, but may not be restricted to, Cattle, Swine, Horses, Bison, Cervid, and Wild Boar.

Livestock, Medium means, but may not be restricted to Goats, Sheep, Miniature Horses, Miniature Swine and Miniature Cattle.

Livestock, Small means, but may not be restricted to, Poultry and Meat Rabbits.

Offsite Home Occupation (Type1): means business or commercial activities that operate within the following requirements:

- Allowed in all districts; (excepting Commercial and Industrial districts which have respective regulations);
- No employees coming to the site, only resident/landowner;
- No clients coming to the site (not including multiple deliveries per day);
- 500 sq. ft of outdoor storage (pertaining to the Home Occupation);
- Company vehicles limited to one (1) and restricted to a one (1) ton truck and max of 30' trailer (No trailer allowed in the following

districts Recreational Resort Holding-Dorchester Ranch Resort, Mobile Home, High Density Rural Residential, Lakeshore Residential);

If a proposed use is already listed within a District or another more specific definition may be more suitable, the above definition does not apply.

Offsite Home Occupation (Type 2): means business or commercial activities that operate within the following requirements:

- Allowed in all Agricultural, Residential, and Watershed Protection Districts excluding the Recreational Resort Holding-Dorchester Ranch Resort, Mobile Home, High Density Rural Residential, Lakeshore Residential and Urban Residential districts;
- 2 employees coming to site not including the resident/ landowner
- No clients to site (not including multiple deliveries per day);
- 1000 sq. ft of outdoor storage (pertaining to the Home Occupation)
- Up to three (3) company vehicles up to a one (1) ton truck and 30ft trailer;
- Allowance for only one of the three vehicles to be over a one (1) ton truck in size;

If a proposed use is already listed within a District or another more specific definition may be more suitable, the above definition does not apply

Onsite Home Occupation (Type 1): means business or commercial activities that operate within the following requirements:

- Allowed in all Residential, and Agricultural districts:
- Up to 12 hours a day, 7 days a week;
- 1 employee, not including the owner/resident of the property;
- Up to 1 ton truck with a maximum of 30' trailer; (No trailer allowed in the following districts RRH-DRR, MH, HDR, LR, UR)
- 500 sq. ft of outdoor storage (pertaining to the Home Occupation);
- Must be internal to existing residence or accessory building.

If a proposed use is already listed within a District or another more specific definition may be more suitable, the above definition does not apply.

Onsite Home Occupation (Type 2): means business or commercial activities that operate within the following requirements:

- Allowed in Agricultural, Country Residential, Rural Residential, Watershed Protection, Restricted County Residential, Lakeshore Mixed districts;
- Up to 12 hours a day, 7 days a week, multi lot 12 hours a day 6 days a week;
- 3 employees, not including the owner/ resident of the property;
- Up to three (3) company vehicles and trailers, only one can be larger than a one (1) ton up to and including a tractor unit and trailer. Within multi-lot subdivisions tractor units or tandem axle vehicles or larger shall not be allowed trailers;
- 500 square feet of outside storage, screening is required (pertaining to the Home Occupation);

- Must be internal to existing residence or accessory building;
- Average Number of Vehicles to Site a day 6.

If a proposed use is already listed within a District or another more specific definition may be more suitable, the above definition does not apply.

Onsite Home Occupation (Type 3): means business or commercial activities that operate within the following requirements:

- Allowed in Agricultural, Country Residential (2nd parcel out), Rural Residential, Watershed Protection, and Urban Fringe districts, no multi-lot subdivisions regardless of zoning;
- Up to 12 hours a day, 7 days a week;
- 5 employees, not including the owner/ resident of the property;
- Up to three (3) company vehicles and trailers, only one can be larger than a one (1) ton up to and including a tractor unit and trailer;
- 1000 square feet of outside storage, screening is required and should be located behind principal residence (pertaining to the Home Occupation);
- Must be internal to existing residence or accessory building;
- Average Number of Vehicles to Site a day: 6.

If a proposed use is already listed within a District or another more specific definition may be more suitable, the above definition does not apply.

3. Addition of Section 1.11 Amending Bylaws:

Bylaw #	Approval Date
Bylaw 2018/29	June 8, 2018
Bylaw 2018/55	November 8, 2018
Bylaw 2019/44	August 8, 2019

4. Amend Section 9.2 Animal Restrictions to include the following:

Section 9.2.1 Animal Restrictions

~~—With the exception of the Agricultural, and Watershed Protection districts,~~

- ~~a) the number of livestock other than domestic pets on a parcel smaller than 1.2 hectares (3 acres) in size shall be at the discretion of the Development Officer but should not exceed the equivalent of 1 animal unit for properties less than 0.8 hectare (2.0 acres) and 2 animal units for property between 0.8 and 1.2 hectares (2.0 and 3.0 acres); and~~
- ~~b) livestock other than domestic pets on parcels larger than 1.2 hectares (3 acres) shall be at the discretion of the Development Officer who shall consider the impact to adjacent land uses.~~
- a) Including within Hamlets, Lakeshore Residential, Lakeshore Mixed Use, Recreational Resort Holding, Mixed Recreational Resort, Mobile Home, Rural Conservation, and Urban Residential districts (excluding those lots adjacent to lakeshores or County Reserve land bordering on lakeshore) shall be allowed four (4) small livestock, but shall be subject to an approved discretionary development permit, which shall be issued solely at the discretion of the Development Officer.
- b) The Rural Residential, County Residential, and Restricted County Residential districts are subject to the following:
 - i. 0.44 animal units (Animal units are as outlined and defined by the AOPA in Appendix A of this Bylaw) per titled acre with no development permit required. A permit shall not be issued for any proposals above the 0.44 animal unit per acre threshold.
 - ii. Where a lot is located within a multi-lot subdivision and section 9.2(b)(i) would enable more than fifty (50) individual animals based on the 0.44 animal units per acre, poultry units shall be limited to a maximum of fifty (50) birds individual animals, with an additional 0.44 animal units per lot (i.e. 2 goats or 1 horse) granted.
- c) Sensitive natural areas, such as naturally occurring wetlands and riparian areas should be fenced from livestock;
- d) Manure shall be handled, stored and disposed of in accordance with Provincial and Federal Regulations

5. Amend Section 9.5 Development Near Highways to include the following:

- 9.5.1 The Development Officer must refer development permit applications to Alberta Transportation where the application affects land adjacent to or within 300.0 meters (984

feet) of a highway right-of-way or within 800 metres of the centerline of a highway and public road intersection.

- 9.5.2 The Development Officer must have regard to any comments provided by Alberta Transportation for development permit application that affects land adjacent to or within 300.0 meters (984 feet) of a highway right-of-way or within 800 metres of the centerline of a highway and public road intersection.

6. Amend Section 9.8 Number of Dwellings on a Lot to include the following:

Section 9.8.2 Notwithstanding Section 9.8.1, the Development Officer may issue a development permit to:

- a) Permit the construction or location of a secondary dwelling on a parcel with a minimum area of 32.3 hectares (80 acres) where the dwelling is a permitted or discretionary use for the district;

7. Amend Section 9.16 Home Occupation to include the following:

~~9.16.1 A home occupation shall not change the character or have any exterior evidence on the dwelling or farm building that it is carried out from.~~

~~9.16.2 A home occupation shall not employ more than one paid employee other than the resident and the resident's family.~~

Home Occupations within this Bylaw have been categorized either as Onsite or Offsite use. Both Onsite and Offsite then are broken up into different types (1, 2 or 3) depending on their intensity as defined in the definition section and listed in the respective Land Use Districts.

8. Amend Section 9.18 Accessory Buildings to include the following:

~~9.18.3 Except where allowed in Agricultural, Commercial, Industrial and Institutional Districts, the total area of accessory buildings on an individual site shall not exceed a site coverage of 14% nor an area of 140.0 square meters (1506 square feet) and shall not exceed a 4.8 meters (16 ft.) wall height unless approved by the Development Officer.~~

- a) Within Rural Residential and Country Residential lots over one (1) acre in size the total area of accessory buildings on an individual site shall not exceed a site coverage of 14% nor an area of 140.0 square meters (1506 square feet) except at the discretion of the Development

~~Officer who may allow up to an additional 50 % of square footage of the 140.0 square meters (1506 square feet), up to but not exceed a overall site coverage of 14%. (amended by Bylaw 2019/44)~~

9.18.3 Accessory buildings on an individual site shall not exceed a site coverage and wall height (unless otherwise specified in a District) as follows:

- a. Within Lakeshore Residential, Urban Residential, Lakeshore Mixed, Mobile Home, Mixed Recreational Residential, Recreational Resort Holdings (Up to a maximum of 140 square metres (1506 square feet.) and shall not exceed a 4.26 metre (14ft) wall height unless approved by the Development Officer.
- b. Country Residential Lots, High Density Rural Residential, Rural Conservation, Restrictive County Residential, Rural Residential, Recreational (>5acres), Watershed Protection (>80 acres), Recreational Resort Holdings (>5 acres), Wizard Lake Watershed (>80 acres) accessory building square footage shall not exceed a square footage equal to that of **3.5%** of the titled area of the lot, with no one building larger than 4,000 square feet and a maximum cumulative square footage of 6,000 square feet. The buildings shall not exceed a 4.88 metre (16ft) wall height unless approved by the Development Officer.

Exemptions: Districts not listed above, as well as any buildings and uses that are the principle building and use as allowed by the County's Land Use Bylaw are exempt from these size and height restrictions limitations. Principal uses such as dwellings still may be subject to any square footage and height minimums and maximums established within each specific district

9. Amend Section 10.1 Agricultural District to include the following:

10.1.3 Discretionary Uses

Removal of:

- ~~j) Home Occupation~~
- ~~v) Minor Business~~

Addition of:

- x) Offsite Home Occupation (Type 1)
- y) Offsite Home Occupation (Type 2)
- z) Onsite Home Occupation (Type 1)
- aa) Onsite Home Occupation (Type 2)
- bb) Onsite Home Occupation (Type 3)
- cc) Market Garden

10. Amend Section 10.2 Severed Agricultural to include the following:

10.2.4 Discretionary Uses

Removal of:

- ~~h) Home Occupation~~
- ~~l) Minor Business~~

Addition of:

- q) Offsite Home Occupation (Type 1)
- r) Offsite Home Occupation (Type 2)
- s) Onsite Home Occupation (Type 1)
- t) Onsite Home Occupation (Type 2)
- u) Onsite Home Occupation (Type 3)
- v) Market Garden

11. Amend Section 10.3 Agricultural Hobby Farm to include the following:

10.3.4 Discretionary Uses

Removal of:

- ~~j) Home Occupation~~
- ~~l) Minor Business~~

Addition of:

- o) Offsite Home Occupation (Type 1)
- p) Offsite Home Occupation (Type 2)
- q) Onsite Home Occupation (Type 1)
- r) Onsite Home Occupation (Type 2)
- s) Onsite Home Occupation (Type 3)

12. Amend Section 10.4 Rural Residential District to include the following:

10.4.3 Discretionary Uses

Removal of:

- ~~g) Home Occupation~~
- ~~j) Minor Business~~

Addition of:

- m) Offsite Home Occupation (Type 1)

- n)Offsite Home Occupation (Type 2)
- o)Onsite Home Occupation (Type 1)
- p)Onsite Home Occupation (Type 2)
- q)Onsite Home Occupation (Type 3)
- r)Market Garden

13. Amend Section 10.5 Country Residential District to include the following:

10.5.3 Discretionary Uses

Removal of:

- ~~f)Home Occupation~~

Addition of:

- j)Offsite Home Occupation (Type 1)
- k)Offsite Home Occupation (Type 2)
- l)Onsite Home Occupation (Type 1)
- m)Onsite Home Occupation (Type 2)
- n)Onsite Home Occupation (Type 3) * *2nd Parcel out only*
- o)Market Garden (allowed only in lots *not* located in a subdivision)

14. Amend Section 10.6 Restricted Country Residential District to include the following:

10.6.3 Discretionary Uses

Addition of:

- c)Offsite Home Occupation (Type 1)
- d)Offsite Home Occupation (Type 2)
- e) Onsite Home Occupation (Type 1)
- f)Onsite Home Occupation (Type 2)

15. Amend Section 10.7 Lakeshore Residential District to include the following:

10.7.4 Discretionary Uses

Removal of:

- ~~g)Home Occupation~~

Addition of:

- m) Offsite Home Occupation (Type 1)
- n) Offsite Home Occupation (Type 2)
- o) Onsite Home Occupation (Type 1)

16. Amend Section 10.8 Lakeshore Mixed Use District to include the following:

10.8.4 Discretionary Uses

Removal of:

- ~~g) Home Occupation~~

Addition of:

- q) Offsite Home Occupation (Type 1)
- r) Onsite Home Occupation (Type 1)
- s) Onsite Home Occupation (Type 2)

17. Amend Section 10.9 Recreational Resort Holding District to include the following:

10.9.3 Discretionary Uses

Removal of:

- ~~e) Home occupations~~

Addition of:

- o) Offsite Home Occupation (Type 1)

18. Amend Section 10.10 Mixed Recreational Residential District to Include the following:

10.10.3 Discretionary Uses

Removal of:

- ~~e) Home occupations~~

Addition of:

- i) Offsite Home Occupation (Type 1)

19. Amend Section 10.11 Mobile Home District to include the following:

10.11.3 Discretionary Uses

Removal of:

- ~~b) Home Occupation~~

Addition of:

- e) Offsite Home Occupation (Type 1)
- f) Onsite Home Occupation (Type 1)

20. Amend Section 10.12 High Density Rural Residential District to include the following:

10.12.3 Discretionary Uses

Addition of:

- a) e) Offsite Home Occupation (Type 1)
- b) f) Onsite Home Occupation (Type 1)

21. Amend Section 10.13 Rural Commercial District to include the following:

10.13.3: Discretionary Uses

Addition of:

- ff) Market Garden

22. Amend Section 10.14 Urban Residential District to include the following:

10.14.3 Discretionary Uses

Removal of:

- ~~h) Home Occupation~~

Addition of:

- m) Offsite Home Occupation (Type 1)
- o) Onsite Home Occupation (Type 1)

23. Amend Section 10.15 Urban Commercial District to include the following:

10.15.3 Discretionary Uses

Removal of Recommendation:

- ~~x) Offsite Home Occupation (Type 1)~~

Addition of:

- y) Market Garden

24. Amend Section 10.17 Highway Interchange Commercial District to remove the following recommendation:

10.17.2 Permitted Uses

Removal of Recommendation:

~~l) Offsite Home Occupation (Type 1)~~

25. Amend Section 10.18 Industrial District to remove the following recommendation:

10.18.3 Discretionary Uses

Removal of Recommendation:

~~m) Offsite Home Occupation (Type 1)~~

26. Amend Section 10.19 Institutional District to remove the following recommendation:

10.19.3 Discretionary Uses

Removal of Recommendation:

~~i) Offsite Home Occupation (Type 1)~~

27.

28. Amend Section 10.20 Urban Fringe to include the following:

10.20.3 Discretionary Uses

Removal of:

~~k) Home Occupation~~

~~n) Minor Business~~

Addition of:

o) Offsite Home Occupation (Type 1)

p) Offsite Home Occupation (Type 2)

q) Onsite Home Occupation (Type 1)

r) Onsite Home Occupation (Type 2)

s) Onsite Home Occupation (Type 3)

q) Market Garden

29. Amend Section 10.21 Recreational District to include the following:

10.21.2 Discretionary Uses

Addition of:

l) Offsite Home Occupation (Type 1)

30. Amend Section 10.22 Watershed Protection District to include the following:

10.22.3 Discretionary Uses

Removal of:

~~b) Home Occupations~~

Addition of:

n) Offsite Home Occupation (Type 1)

o) Offsite Home Occupation (Type 2)

p) Onsite Home Occupation (Type 1)

q) Onsite Home Occupation (Type 2)

r) Onsite Home Occupation (Type 3)

s) Market Garden

31. Amend Section 10.23 Rural Conservation District to include the following:

10.23.3 Discretionary Uses

Removal of:

~~d) Home Occupation~~

Addition of:

g) Offsite Home Occupation (Type 1)

32. Amend Section 10.24 Wizard Lake Watershed District to include the following:

10.24.3 Discretionary Uses

Removal of:

~~e) Home Occupation~~

Addition of:

n) Offsite Home Occupation (Type 1)

o) Onsite Home Occupation (Type 1)

33. Amend Section 10.25 Agricultural/Intermunicipal Development Plan District to include the following:

10.25.3 Discretionary Uses

Removal of:

~~j) Home Occupation~~

Addition of:

- l) Offsite Home Occupation (Type 1)
- m) Offsite Home Occupation (Type 2)
- n) Onsite Home Occupation (Type 1)
- o) Onsite Home Occupation (Type 2)

34. Amend Section 10.31 Recreational Resort Holdings- Dorchester Ranch Resort to include following:

10.31.3 Discretionary Uses

Removal of:

~~b) Home occupations~~

Addition of:

g) Offsite Home Occupation (Type 1)

10.31.6 Setbacks

Removal of:

b) No development can be located within 2.44 metres (8 feet) of any other property line *unless approved Alberta Safety Codes fire ratings are met to allow wall or respective building materials to reduce distance (amended by Bylaw 2019/44). Such distance shall not be reduced to less than 1.5 metres (5 feet).*