

BYLAW 1432/19
GENERAL AMENDMENTS TO LAND USE BYLAW 1385/17
STURGEON COUNTY, MORINVILLE, ALBERTA

BYLAW 1432/19 BEING A BYLAW OF STURGEON COUNTY, MORINVILLE, ALBERTA FOR THE PURPOSE OF AMENDING THE LAND USE BYLAW 1385/17.

WHEREAS, the *Municipal Government Act*, RSA 2000 c.M-26, any regulations thereunder, and any amendments or successor legislation thereto, authorize Council to establish and amend the Land Use Bylaw 1385/17;

AND WHEREAS Section 63(4) of the *Municipal Government Act*, RSA 2000 c.M-26 requires that the chief administrative officer has certified in writing that the proposed revisions were prepared in accordance with the said section before first reading is given;

AND WHEREAS, the Council of Sturgeon has deemed it desirable to amend Land Use Bylaw 1385/17,

NOW THEREFORE BE IT RESOLVED, that the Council of Sturgeon County, duly assembled, hereby enacts as follows:

THAT LAND USE BYLAW 1385/17 BE AMENDED AS FOLLOWS:

1. Add the following terminology to Section 1.6:

Basement means a storey of a building, partly or wholly beneath the ground floor of a principal building.

2. In Section 1.6, remove the terminology and Figures for *Garage suite* and *Garden suite*.

3. Add the following terminology to Section 1.6:

Dwelling, Temporary means a dwelling, single detached or mobile home on a non-permanent foundation which is to be used as a dwelling unit for a temporary period of time as determined by the Development Approving Authority and includes an Agricultural Dwelling or a Family Care Dwelling.

4. Change Paragraph 2.3.1(h) to read as follows:

the erection of a fence or other enclosure which is no higher than 1.83m (5.96ft) in height;

5. Add the following to Paragraph 2.3.1(y):

an accessory, agricultural building within the AG district.

6. Change Subsection 2.7.2 to read as follows:

Development permit applications for *discretionary uses* which are located within ~~800m~~ 1.6km (0.5 1mi) of Canadian Forces Base (CFB) Edmonton shall be referred to CFB Edmonton for comments.

7. Change Table 2.1 (in Subsection 2.8.6) to increase the variance percentages in the AP-Airport district as follows:

AP – Airport Support	0.1 – <u>29.9%</u>	<u>130.0 – 25</u> <u>50%</u>
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8. Change Subsection 2.12.1 to read as follows:

The *Development Authority* ~~or Council~~ may cancel or suspend a *development permit*, by written notice in accordance with Part 4 of this Bylaw to the *development permit* holder.

9. Change Subsection 2.12.3 to read as follows:

Notice of the *Development Authority's* decision to cancel or suspend the *development permit* shall be provided in writing by ordinary mail to the *landowner*, ~~and~~ to the applicant of the *development permit* and adjacent landowners and such notice shall state the reasons for the cancellation of the *development permit*.

10. Add as Subsection 2.15.2 the following:

In addition to Subsection 2.15.1, any person affected by an order, decision or development permit made or issued by a Development Authority may appeal to the Subdivision and Development Appeal Board.

11. Change Paragraph 2.18.1(a) to read as follows:

shall comply with the provincial land use policies, ~~and subject to Paragraph 2.18.1(d) of this Bylaw;~~

12. Change Section 5.5 to read as follows:

In all districts which allow a *dwelling*, only one *dwelling unit* shall be *permitted* per *parcel* unless otherwise specified in Section 6.13A, 6.24 and 6.25 and Parts 10 through 17 of this Bylaw.

13. Change Subsection 5.8.1 to read as follows:

Screening in the form of *fences*, *hedges*, *landscaped berms* or other means is required for commercial and industrial *parcels* along the *parcel lines abutting* a residential land use. Such *screening* shall be at least 1.83m (~~5.9~~ 6ft) in *height*. Length and width of the *screening* shall be at the discretion of the *Development Authority*.

14. Change Paragraph 5.8.2(a) to read as follows:

in any residential district, exceed 1.83m (~~5.9~~ 6ft) in *height* in a *rear yard* or *side yard* not *abutting* a public road without an approved *development permit* variance;

15. Change Paragraph 5.8.2(b) to read as follows:

in any residential district, except for the AG and R1 districts, exceed 1m (3.3ft) in *height* in a *front yard* or *flanking front yard abutting* a public road without an approved *development permit* variance;

16. Change Paragraph 5.8.2(c) to read as follows:

in any AG district, for extensive livestock purposes, exceed 2.44m (~~7.9~~ 8ft) in *height*;

17. Change Paragraph 5.8.2(d) to read as follows:

in any commercial or industrial district, exceed 2.44m (7.9 8ft) in *height*;

18. Add the following as Subsection 5.8.4:

In exercising the discretion for a *variance*, the Development Authority shall have regard to sightlines and safety on a road or abutting driveway.

19. Change Subsection 6.1.2 to read as follows:

An *accessory building* or an *accessory agricultural building* shall not be used as a *dwelling* unless approved as a *secondary dwelling* under Section 6.24, a ~~secondary~~ *suite* under Section 6.25 or a *surveillance suite* under Section 6.32.

20. Add the following as Section 6.13A:

FARM HELP ACCOMMODATION

1. Proof of operations as *intensive agriculture*, *extensive agriculture* or *extensive livestock* or *equestrian facility* use of the same *parcel* shall be provided to the satisfaction of the *Development Authority*.
2. *Farm help accommodation* may include a maximum of four buildings, grouped together on a *parcel*, with each building containing a maximum of eight sleeping units, bathroom facilities and a common kitchen, and dining and living area.

21. Change Section 6.14 to read as follows:

A *parcel* containing a *group home*, *major* or *minor* shall not contain a *secondary suite*, *garden suite* or *garage suite* or a *home-based business* level 2 or 3.

22. Renumber Section 6.18 to 6.17A and renumber the subsequent sections accordingly.

23. Change Subsection 6.25.4 to read as follows:

A *secondary dwelling* shall not be allowed on the same *parcel* containing a ~~secondary~~ *garden suite* or *garage suite*.

24. Replace Section 6.26 with Schedule "A".

25. Change Subsection 6.27.2 to read as follows:

A *parcel* containing a *semi-detached dwelling* shall not contain a *secondary suite*, *garage suite* or *garden suite*.

26. Change Subsection 6.28.4 to read as follows:

All *shipping containers* shall meet the minimum *setbacks* for *accessory buildings* of the applicable district, ~~unless otherwise indicated by the Development Authority.~~

27. Change Paragraph 6.32.2(d) to read as follows:

any *rink boards* or *fences* exceed 1.83m (5.9 6ft) in *height*.

28. Change the last line in the first table under Table 9.2 (in Subsection 9.4.4) to read as follows:

<i>Secondary suite, <u>garden suite</u> or <u>garage suite</u></i>	1 per bedroom
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29. Replace the word "Dwelling" with "Principal building" in Subsection 11.1.4.
30. Remove the words "*accessory, agricultural building*" in the third table under Subsection 11.1.4.

Maximum floor area	<i>Accessory building and accessory, agricultural building</i>	230m ² (2,475.7ft ²)
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31. Remove *Secondary Suite* as a Discretionary Use in Subsections 11.1.2 and 12.1.2 and add as a permitted use.
32. Add *garage suite* and *garden suite* as a Discretionary Use in Subsections 11.1.2, 12.1.2, 12.2.2, 12.3.2 and 12.4.2.
33. Remove the words "*accessory, agricultural building*" in the table under Subsection 12.1.4.

Minimum <i>side yard setback</i>	<i>Principal building</i>	6m (19.7ft) or 10% of the <i>parcel width</i> , whichever is lesser, not to be less than 2.5m (8.2ft)
	<i>Accessory building and accessory, agricultural building</i>	3m (9.8ft)
Minimum <i>rear yard setback</i>	<i>Principal building</i>	6m (19.7ft)
	<i>Accessory building and accessory, agricultural building</i>	3m (9.8ft)
Maximum <i>height</i>	<i>Principal building</i>	12m (39.4ft)

34. Remove the following note in Subsection 12.4.2:

~~** Refer to Subsection 6.25.10 for further clarification.~~

35. Change Paragraph 12.5.8(c) to read as follows:

A solid screen *fence* with a minimum *height* of 1.83m (5.96ft) shall be installed along all side and rear *parcel* boundaries that *abut* a site districted to allow a *single detached dwelling* as a permitted use.

36. Add Schedule "B" as Section 12.6

37. Change Paragraph 15.2.5(e) to read as follows:

In cases where a *development abuts* a residential district, a solid *fence* with a minimum *height* of 1.83m (5.96ft) shall be provided on the affected *parcel line*.

38. Replace the table in Subsections 15.4.4, 15.5.4 and 15.7.4 with the following table:

Minimum <i>front yard and flanking front yard setbacks</i>	<i>Abutting a local road</i>	6m (19.7ft)
	<i>Abutting a collector or arterial road</i>	35m (114.8ft)
Minimum <i>side yard setback</i>	<i>Abutting a local road</i> <i>Principal building</i>	4.5m (14.7ft)
	<i>Abutting a collector or arterial road</i> <i>Accessory building</i>	20m (65.6ft) 2.5m (8.2ft)
Minimum <i>rear yard setback</i>	<i>Principal building</i>	6m (19.7ft)
	<i>Accessory building</i>	2.5m (8.2ft)
Maximum <i>Height</i>	At the discretion of the <i>Development Authority</i>	

39. Replace Section 17.3 with Schedule "C".

40. Add the following definitions to Part 18:

Garage suite means a separate single storey dwelling unit developed within or above a detached garage or attached to the side or rear of a detached garage at grade which shall be accessory to a principal dwelling, single detached and shall conform to the Safety Codes Act. (See Figure 18.3)

Garden suite means a single-storey dwelling unit developed at grade which shall be accessory to a principal dwelling, single detached and shall conform to the Safety Codes Act. (See Figure 18.4)

41. Replace the definition for *Secondary Suite* in Part 18 with the following definition:

Secondary suite means a dwelling unit developed within, or attached to, the principal dwelling, single detached and shall conform to the Safety Codes Act. This does not include a dwelling, semi-detached or a duplex.

42. Add Figures 1.5 and 1.6 as Figures 18.3 and 18.4 to Part 18 and update the Table of Contents and applicable cross referencing accordingly.

43. Replace the definition of *Accessory, use* in Part 18 with the following:

Accessory, use means the use of a building or land which is incidental and subordinate to the principal use of the parcel on which it is located. This use does not include ~~or Cannabis~~ Production and Distribution or Cannabis Retail Sales.

44. Replace the definition of *Farm Help Accommodation* in Part 18 with the following:

Farm Help Accommodation means a dwelling unit occupied by persons that are an integral part of the operations of an intensive agriculture; extensive agriculture; extensive livestock or equestrian facility use of the same parcel.

45. Change the definition of *Outdoor Storage* in Part 18 to read as follows:

Outdoor storage means the storage of equipment, goods and materials in the open air. This includes the storage of items accessory to the principal use of a development, as well as laydown yards, vehicle or heavy equipment storage compounds, storage of

construction material or modular trailers or storage unrelated to the *principal use* of the *parcel* or site. This does not include a *recreational vehicle storage facility*.

46. Change the definition of Secondary Dwelling in Part 18 to read as follows:

Secondary dwelling means a *development* comprised of a second *single detached dwelling* on a *parcel*. A *secondary dwelling* is not a ~~*secondary*~~ *garden or a garage suite*.

47. Change the definition of Service station in Part 18 to read as follows:

Service station means a *development* used for the sale of automotive fuels and fluids, and/or the servicing, restoration, towing and repair of passenger vehicles, off-highway vehicles or recreational vehicles, and may include retail sales related to the use.

48. Add the following definition to Part 18:

Modular dwelling means a *building* containing one *dwelling unit*, constructed in a factory in one or more modules in accordance with CSA A277 and the *Safety Codes Act* and is ready for occupancy on completion of installation on a foundation, connection of services and other set-up in accordance with the manufacturer's installation instructions.

49. Add the following to Paragraph 2.8.4 as (iii) and renumber accordingly:

For variance requests to reduce the minimum *side yard setback* below 2.5m (8.2 ft), additional fire protection will be required to the satisfaction of the County's Chief Building and Fire Safety Codes Officer and in accordance with the *Safety Codes Act*.

That this Bylaw shall come into force and take effect upon the date of third reading.

Read a first time this 14th day of May 2019.

Read a second time this ____ day of _____ 20____.

Read a third time this ____ day of _____ 20____.

MAYOR

COUNTY COMMISSIONER (CAO)

DATE SIGNED

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

Schedule "A"

6.25 SUITES

.1 General Regulations for all Suites

- (a) A maximum of either one secondary suite, garage suite or garden suite shall be considered on a parcel and shall be subordinate to the principal dwelling.
- (b) A secondary suite shall not be separated from the single detached dwelling by condominium conversion.
- (c) A garden or garage suite shall not be separated from the parcel by subdivision, unless it can meet the regulations of parcel density for the applicable land use district.
- (d) The Development Authority shall, in its opinion, be satisfied that there exists a suitable development site for the suite.
- (e) All suites shall be designed and finished in a manner that is visually compatible with the principal dwelling.
- (f) Suites shall connect to municipal water and sanitary services where available.
- (g) When connecting to an existing private sewage system, the applicant must verify that the system has the capacity to satisfy the Alberta Private Sewage Systems Standard of Practice.
- (h) Provision for on-site parking must be in accordance with Part 9 of this Bylaw.
- (i) Notwithstanding Section 2.8, variances to maximum floor area shall be refused by the Development Authority.
- (j) *A secondary suite, garage suite or garden suite shall not be permitted on the same parcel containing a semi-detached dwelling, group home (major or minor), family day home, farm help accommodation, bed and breakfast or home-based business (level 2 or 3).*
- (k) Any other considerations as the Development Authority may deem to be relevant.

.2 Secondary Suites

- (a) *A secondary suite shall be developed in such a manner that the exterior of the dwelling containing the secondary suite, shall appear as the existing principal dwelling, single detached.*
- (b) *For a secondary suite developed at grade or completely/partially above grade, the gross floor area (excluding the area covered by stairways) shall not exceed 50% of the gross floor area of the first storey (i.e. main floor) of the dwelling, single detached.*
- (c) A secondary suite that is entirely located in a *basement* shall not exceed the gross floor area of the main floor of the principal dwelling.
- (d) Shared mechanical rooms and stairways shall be excluded from any floor area calculations.

.3 Garage Suites

- (a) The maximum *floor area* of the suite shall not exceed 111.5m² (1,200ft²) in AG and R1 districts.
- (b) The maximum *floor area* of the suite shall not exceed 80m² (861ft²) in R2, R3 and R4 districts.

- (c) For the purposes of calculating *floor area* for *garage suites*, verandas, covered decks and breezeways are included in the calculation of *floor area*. The floor area of the garage itself is excluded.
- (d) A *garage suite* shall not have a *basement*.
- (e) A *garage suite* shall have an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure.
- (f) The minimum distance between a *garage suite* and the *dwelling, single detached* on the same *parcel* shall be 4.8m (15.7ft).
- (g) The maximum distance between a *garage suite* and the *dwelling, single detached* on the same *parcel* shall be 50m (164.04ft).
- (h) A *garage suite* shall utilize a shared approach with the *dwelling, single detached* located on the *parcel*.
- (i) A garage suite shall remain accessory to and subordinate to the use of the garage and the floor areas of the garage.

.4 Garden Suites

- (a) The *Development Authority*, at its discretion, may consider a *development permit* for a change of use from an existing *temporary dwelling* for farm help or family care to a *garden suite* if the *temporary dwelling* for farm help or family care had approvals under a previous Land Use Bylaw and the floor area of the temporary dwelling for farm help or family care is no more than 25% greater than the permitted maximum *floor area* of a *garden suite* for the district. **Temporary dwellings for farm help or family care were a use considered under Land Use Bylaw 819/96.*
- (b) Maximum *floor area* shall not exceed 111.5m² (1,200ft²) in AG and R1 districts.
- (c) Maximum *floor area* shall not exceed 80m² (861ft²) in R2, R3 and R4 districts.
- (d) For the purposes of calculating *floor area* for *garden suites*, structures attached by the same roof line, such as verandas, covered decks and breezeways are included in the calculation of floor area.
- (e) A *garden suite* shall not have a *basement* nor have an attached garage.
- (f) A *garden suite* shall meet the setback regulations of a dwelling.
- (g) The minimum distance between a *garden suite* and a *dwelling, single detached* on the same *parcel* shall be 4.8m(15.7ft).
- (h) The maximum distance between a *garden suite* and a *dwelling, single detached* on the same *parcel* shall be 50m(164.04ft).
- (i) Shall utilize a shared approach with the *dwelling, single detached* located on the parcel.

Schedule "B"

12.6 R6 – MODULAR DWELLING DISTRICT



.1 General Purpose

This district accommodates leasehold residential development in the form of *modular dwellings* and maintains the character of land lease communities.

Uses

Permitted Uses	Discretionary Uses
<i>Accessory, building*</i>	<i>Accessory, building*</i>
<i>Accessory, use*</i>	<i>Accessory, use*</i>
<i>Home-based business, level 1 (office)</i>	<i>Community building</i>
<i>Modular dwelling</i>	<i>Family day home</i>
	<i>Sales centre</i>
	<i>Show home</i>
	<i>Sport court</i>

* Refer to Section 6.1 for further clarification.

.2 Subdivision Regulations

Minimum <i>parcel area</i> (<i>modular home park</i>)	1.0ha (2.47ac)

.3 Development Regulations

Minimum <i>front yard setback</i>	<i>Front yard</i>	4.5m (14.8ft)
	<i>Flanking front yard</i>	3.0m (9.8ft)
Minimum <i>side yard setback</i>	<i>Modular dwelling</i>	2.5m (8.2ft)
	<i>Accessory building</i>	2.5m (8.2ft)
Minimum <i>rear yard setback</i>	<i>Modular dwelling</i>	2.5m (8.2ft)
	<i>Accessory building</i>	2.5m (8.2ft)
Maximum <i>height</i>	<i>Modular dwelling</i>	5.0m (16.4ft)
	<i>Accessory building</i>	4.6m (15.1ft)
	<i>Community building</i>	At the discretion of the <i>Development Authority</i>
Maximum <i>floor area</i>	<i>Modular dwelling</i>	160.5m ² (1728ft ²)
	<i>Accessory building</i>	32.7m ² (352ft ²)
Minimum separation distance between modular dwellings	5.0m (16.4ft)	
<i>Dwelling density</i>	Any proposal containing more than 4 (four) modular dwellings per lot, shall be subject to the recommendations of an approved <i>local planning document</i> .	

.4 Additional Development Regulations

- (a) All *development* in this district is subject to the regulations stated in Parts 5 through 9 of this Bylaw.

- (b) Each *modular dwelling* shall be located on a *hard surface*.
- (c) Utilities shall be underground and internal roads shall be *hard-surfaced*, well-drained and maintained
- (d) *Modular dwellings* and amenity areas within the development shall be connected by a *hard-surfaced* pedestrian walkway that shall be a minimum of 1.0m (3.3ft) in width.
- (e) For *modular home parks* consisting of more than 50 units, two separate means of access shall be provided. This may be in the form of a boulevard road with a central dividing strip so that in the event of a blockage on one side, the other side is available for two-way emergency traffic.
- (f) Where a *dwelling* structure already exists that does not conform to the definition of a *modular dwelling*, that structure shall be allowed to remain. However, any replacement of said structure shall conform to the definition of a *modular dwelling*.

.5 Parking

- (a) In addition to Part 9 Parking Regulations, the additional regulations shall apply to this District:
 - (i) Provision shall be made for visitor parking at the ratio of one space for every three *modular dwellings*. Visitor parking may be dispersed throughout the property or in a central location within the *modular home park*.

.6 Common amenity area(s)

- (a) A minimum of 10% of the gross site area shall be set aside for dedicated amenity area.
- (b) The dedicated *common amenity* area may consist of a single, distinct area or be divided into multiple areas. The *amenity* area shall include outdoor open space that provides adequate area for unstructured passive or active recreation to the satisfaction of the *Development Authority*, as well as two or more of the following:
 - (i) playground equipment;
 - (ii) benches, picnic tables, or other seating;
 - (iii) gazebo;
 - (iv) patio or courtyard;
 - (v) gardens, or
 - (vi) other recreational or *amenity uses* that would meet the needs of the residents for the specific *development* under consideration.

Schedule "C"

17.3 REO – RESOURCE EXTRACTION OVERLAY



.1 General Purpose

This *overlay* provides direction for the *subdivision* and *development* of lands where there is existing and or potential for future *natural resource extraction* and *secondary processing* activity.

.2 Use

The *uses* specified in the underlying districts remain in effect.

.3 Application

This *overlay* applies to all lands identified in Schedule 4.

.4 Subdivision Regulations

A condition of *subdivision* approval on *parcels* subject to this *overlay* shall include a restrictive covenant to be registered on each title **stating that the landowner acknowledges the potential to *natural resource extraction* and *secondary processing* and shall not impede such operations.** *notifying the landowner that the new parcel could potentially be located near an incompatible use, (i.e. resource extraction).*

.5 Development Regulations

A condition of *development* approval for a building on a *parcel* subject to this *overlay* shall include a restrictive covenant to be registered on title **stating that the landowner acknowledges the potential for *natural resource extraction* and *secondary processing* and shall not impede such operations.** *notifying the landowner that any dwelling could potentially be located near an incompatible use, (i.e. resource extraction).*