

**BYLAW NO. 2015-13
PARKLAND COUNTY**

**BEING A BYLAW OF PARKLAND COUNTY FOR THE PURPOSE OF
AMENDING LAND USE BYLAW NO. 20-2009**

WHEREAS the Council of Parkland County has passed a Bylaw pursuant to Part 17, Section 639 of the Municipal Government Act, R.S.A. 2000, Chapter M-26, known as the Parkland County Land Use Bylaw No. 20-2009 for the purpose of regulating and controlling the use and development of land and buildings within Parkland County;

WHEREAS and pursuant to Part 17, Section 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26, the Council of a municipality is authorized to amend a Land Use Bylaw;

WHEREAS Section 692 of the Municipal Government Act requires the Council of a municipality to hold a public hearing and advertise such a Bylaw in accordance with Sections 230 and Section 606 of the Act respectively;

WHEREAS this bylaw is advertised in accordance with Section 606 of the Municipal Government Act, and a public hearing is held in accordance with Section 230 of the Municipal Government Act; and

NOW THEREFORE the Council of Parkland County duly assembled and under the authority of the Municipal Government Act, as amended, hereby enacts the following:

THAT LAND USE BYLAW NO. 20-2009, AND AMENDMENTS THERETO, IS AMENDED AS FOLLOWS:

1. By adding the following:

- Temporary RV use may be allowed on a vacant lot for accommodation purposes during the construction of a dwelling if a development permit and building permit have been issued.
- RV use for accommodation purposes shall not be allowed on a vacant lot.

The above wording shall be added to the following districts:

Country Residential District – 5.1.5.e and 5.1.5.f
Country Residential Work / Live District – 5.2.5.f and 5.2.5.g
Country Residential Restricted District – 5.3.5.d and 5.3.5.e
Cluster (Conservation) Country Residential District – 5.4.5.d and 5.4.5.e
Country Residential Estate District – 5.5.5.d and 5.5.5.e
Lakeshore Residential District – 5.6.5.d and 5.6.5.e
Residential Row Housing District – 5.7.5.d and 5.7.5.e
Rural Centre District – 5.10.5.d and 5.10.5.e
Entwistle Urban Village District – 5.11.5.f and 5.11.5.g

2. Section 11.1 - Accessory Buildings and Uses

By deleting the following:

1. Accessory buildings are a Permitted Use when accessory to a Permitted Use and are a Discretionary Use when accessory to a Discretionary Use.
2. Table 11.1-1: Accessory Buildings

PARCEL SIZE	PERMITTED IF THE BUILDING AREA IS LESS THAN:
0 ha (0 ac) up to 0.40 ha (1.0 ac)	Maximum 232.90 m ² (2,507.0 ft ²) or 10% of parcel area whichever is less
0.41 ha (1.01 ac) up to < 1.21 ha (3.0 ac)	278.90 m ² (3,002.1 ft ²)

- 3 All accessory buildings including an attached accessory building (i.e.: attached garage) shall be calculated as part of the maximum accessory building area indicated in Table 11.1-1.
- 8.b) development permit approval for accessory buildings on a vacant residential parcel prior to the establishment of the principal building shall be time limited and approval shall be for a temporary period of one (1) year at which time the Development Authority or Development Officer may consider renewal of the permit.

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By inserting the following:

- 1 Accessory buildings are a permitted use in all districts unless otherwise varied in this Bylaw.
- 2 Table 11.1-1: Accessory Buildings

PARCEL SIZE	PERMITTED IF THE BUILDING AREA IS LESS THAN:
0 ha (0 ac) up to 0.60 ha (1.49 ac)	Maximum 180 m ² (1,937.5 ft ²) or 10% of parcel area whichever is less
0.61 ha (1.5 ac) up to < 1.21 ha (3.0 ac)	280 m ² (3,013.8 ft ²)

- 3 All accessory buildings shall be calculated as part of the maximum accessory building area indicated in Table 11.1-1. An attached garage and/or attached carport is not calculated as accessory building area.
- 8.b) development permit approval for an accessory building on a vacant residential parcel prior to the construction of the dwelling shall be considered a discretionary approval. The Development Authority may as a condition of the development permit require the developer to provide a security deposit to be held until such time as a dwelling is constructed. The deposit may be reduced or refunded once the construction of the dwelling has commenced.

3. Section 12.9 - Home Based Business

By deleting the following:

- 1. The following provisions shall apply to all home based businesses **Level 1**:
 - a) the business must be located in the principal building or accessory building(s) approved by the Development Authority;
 - b) no storage of goods, materials, commodities or finished products shall be permitted except within the dwelling;
 - c) no variation from the external appearance and residential character of land or buildings shall be permitted;
 - d) no use of signage;
 - e) no on-site attendance of clients;
 - f) no person other than the resident(s) of the property may work on-site in the business;
 - g) the business owner shall obtain a Business License pursuant to the County's Business License Bylaw; and
 - h) prior to the commencement of the business, the applicant shall sign a document agreeing to comply with these regulations to the satisfaction of the Development Authority.
- 2. The following provisions shall apply to all home based businesses **Level 2**:
 - a) no outside storage of goods, materials, commodities or finished products shall be permitted;
 - b) no variation from the external appearance and residential character of land or buildings shall be permitted
 - c) the use shall not generate excessive or unacceptable increases in traffic within the neighbourhood or immediate area;
 - d) the display or placement of signage on the premises of a home based business level 2 shall be in accordance with Subsection 15.5.;
 - e) the home based business level 2 use shall not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the Development Authority;
 - f) at all times the privacy of the adjacent residential dwellings shall be preserved and the home based business shall not unduly offend neighbouring or adjacent residents by way of excessive lighting, late calling of clients of an unreasonable number, traffic congestion, or excessive on-street or off-street parking, etc;

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- g) the parking of one (1) commercial vehicle with one (1) accessory trailer such as dual axle gravel truck with pup, trailer carrying a small backhoe, bobcat, or similar, tractor unit only (no trailer), or a three (3) ton truck or like type vehicle may only be allowed by the Development Authority on a discretionary basis;
 - h) only the resident and the resident's family who permanently reside in the residential dwelling on the subject parcel may be permitted as employees; and
 - i) the business owner shall obtain a Business License pursuant to the County's Business License Bylaw.
3. The following provisions shall apply to **Level 3** Home Based Businesses:
- a) with the exception of the CRWL – Country Residential Work/Live District, a home based business level 3 is neither permitted nor discretionary within a multi-parcel residential subdivision (excluding rural centres) or row housing development and/or if the location of the development is within 152.4 m (500.0 ft) of a multi-parcel residential subdivision (excluding rural centres) or row housing development;
 - b) outside storage of goods, materials, commodities or finished products shall be at the discretion of the Development Authority;
 - c) the display or placement of signage on the premises of a home based business shall be in accordance with Subsection 15.5;
 - d) the home based business use shall not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare, refuse matter and storage of hazard or combustible materials considered offensive or excessive by the Development Authority;
 - e) at all times the privacy of the adjacent residential dwellings shall be preserved and the Home Based Business use shall not unduly offend neighbouring or adjacent residents by way of excessive lighting, late calling of clients of an unreasonable number, traffic congestion, or excessive on-street or off-street parking, etc;
 - f) the parking of any commercial vehicles, including the number considered and location, shall be at the discretion of the Development Authority, notwithstanding, the parking of school buses in excess of the number allowed shall be as per the Community Standards Bylaw;
 - g) in addition to the resident and the resident's family who permanently reside in the residential building on the subject parcel, up to four (4) additional other employees may be permitted as part of the approval and operation of a home based business level 3, if deemed appropriate by the Development Authority; and
 - h) the business owner shall obtain a Business License pursuant to the County's Business License Bylaw.

By adding the following:

- 1. The following shall apply to all home based businesses:
 - a) no variation from the external appearance and residential character of land or buildings shall be permitted;
 - b) the home based business shall not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the Development Authority;
 - c) at all times the privacy of the adjacent residential dwellings shall be preserved and the home based business shall not unduly offend neighbouring or adjacent residents by way of excessive lighting,
 - d) all parking shall be provided on-site
- 2. The following shall apply to all home based businesses **Level 1**:
 - a) no development permit required;
 - b) no client visits to the property;
 - c) no non-resident on-site employees;
 - d) the business shall be located in the principal dwelling and/or accessory building(s);
 - e) no storage of goods, materials, commodities or finished products shall be permitted except within the dwelling and/or accessory building(s);
 - f) the display or placement of signage on the premises of a home based business level 2 shall be in accordance with Subsection 15.5.

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3. The following shall apply to all home based businesses Level 2:
- a) shall obtain development permit approval;
 - b) the business shall be located in the principal dwelling and/or accessory building(s);
 - c) the maximum number of vehicles related to the business is limited to two (2);
 - d) Gross Vehicle Weight (GVW) of vehicles related to the business shall not exceed of one-ton;
 - e) may include client visits to the property;
 - f) no non-resident on-site employees;
 - g) no storage of goods, materials, commodities or finished products shall be permitted except within the dwelling and/or accessory building(s);
 - h) the display or placement of signage on the premises of a home based business level 2 shall be in accordance with Subsection 15.5.
4. The following shall apply to all home based businesses Level 3:
- a) shall obtain development permit approval;
 - b) shall be limited to a maximum of four (4) non-resident on-site employees;
 - c) shall be limited to a maximum of six (6) commercial vehicles;
 - d) may include client visits to the property;
 - e) all outdoor storage shall be screened from the road and adjacent lands to the satisfaction of the Development Authority
 - f) the display or placement of signage on the premises of a home based business level 3 shall be in accordance with Subsection 15.5.

4. Section 13 - Landscaping

By inserting the following:

13.1.3 As per Parkland County Policy all commercial and industrial outdoor lighting installations and outdoor luminary replacements requiring an electrical permit shall be Dark Sky compliant.

13.2.3.l) location of all outdoor lighting,

5. Section 15.5 – Sign Requirements for a Level 2 or 3 Home Based Business or Bed and Breakfast

By inserting the following in bold:

Section 15.5 – Sign Requirements for a Level 1, 2 or 3 Home Based Business or Bed and Breakfast

- a) Signage associated with a home based business level **1, 2 or 3** or bed and breakfast home shall be regulated in accordance with the following requirements:

6. Section 16.2 - Development Not Requiring a Development Permit

By inserting the following:

16.2.1.q) Home Based Businesses Level 1

By deleting the following:

16.2.4a) landscaping (not including dugouts or artificial water bodies, see Subsection 11.8) including ornamental water features two feet deep or less, retaining walls of 1.0 m (3.3 ft) in height or less, as measured from the base of the retaining wall, where the existing natural surface drainage pattern on or off site is not altered, except where landscaping forms part of a development which requires a development permit (see Subsection 11.8) for excavation and grading regulations;

By inserting the following:

16.2.4.a) landscaping including:

- (i) ornamental water features two feet deep or less;
- (ii) retaining walls of 1.0 m (3.3 feet) in height or less, as measured from the base of the retaining wall, where the existing natural surface drainage pattern on or off site is not altered;
- (iii) placement of topsoil not exceeding six (6) inches in depth;
- (iv) dugouts or ponds on parcels of land exceeding 16.19 hectares (40.00 acres), where there is continued use of the land for agriculture; or

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- (v) placing of clean topsoil for agricultural purposes on parcels of land exceeding 16.19 hectares (40.00 acres), where there is continued use of the land for agriculture;
- (vi) development as part of a signed Development Agreement; independent of, or prior to, other development on the same parcel or site.

7. Section 16.13 - Notice of Development Permit Application, Decision and Reapplication Interval

By deleting the following:

- 1.b) if the approved development is located within a multi-parcel subdivision, notify in writing all registered owners within the said subdivision of the decision. If the approved development also happens to be located on the periphery of the said subdivision, then any adjacent land owners shall also be notified in writing;
- c) notify in writing all registered owners of lands located within the same quarter section of land as the approved development and all adjacent lands;

By inserting the following:

- 1.b) if the approved development is located within a multi-parcel subdivision, notify in writing all adjacent landowners directly contiguous to the parcel. This includes land or a portion of land that would be directly contiguous if not for a public roadway, a Highway, river or stream, or a reserve parcel.
- c) the Development Authority may require written notification to all registered owners within an 800 m radius of a proposed development if in their opinion it is a major development.

8. Section 20.1 - Definitions

By deleting the strikethrough text and inserting the bold text as follows:

ACCESSORY BUILDING means a building incidental and subordinate to the principal residential use which in no instance shall be used as a dwelling. A structure in the form of a single wide ~~mobile~~ **manufactured** home, double wide ~~mobile~~ **manufactured** home, modular home or any pre-fabricated building such as an Atco-type trailer, or any similar trailer, for the purpose of this Bylaw, is not considered an Accessory Building. **A shipping container shall be considered and calculated as an accessory building.**

DWELLING, SINGLE DETACHED means a residential building containing one dwelling unit **with or without an attached garage and/or attached carport** and **is** intended as a permanent ~~residence~~ **dwelling**. Modular homes, double wide manufactured homes and **a dwelling constructed onsite** are all considered single detached dwellings, which has a minimum floor area for a bungalow, split-level of 70.0 m² (753.5 ft²) and for a two storey of 93.0 m² (1,001.0 ft²). All single detached dwellings constructed outside the Province of Alberta must meet the standards of the *Alberta Safety Codes Act*.

LANDSCAPING means to preserve or change the natural features of a site by adding **topsoil of no more than six (6) inches in depth**, lawns, trees, shrubs, ornamental plantings, fencing, walks, driveways, **residential, commercial and industrial lighting (luminary replacements)** or other structures and materials as used in landscape architecture.

SECONDARY SUITE means an additional dwelling unit located within a single detached dwelling, within an accessory structure that is located on a residential or agricultural parcel or a dwelling unit separate from any other dwellings. It must have its own entrance, kitchen, bathroom and living quarters. This use does not include boarding and lodging houses. The second storey of a garage shall not be used as a secondary suite unless a single detached dwelling is already erected on the site.

- a) on parcels less than 0.8 ha (2.0 ac) a secondary suite that is a dwelling unit separate from any other dwelling or accessory building shall not be permitted,
- b) a secondary suite shall not be constructed on a basement, **however a crawlspace not exceeding 5 feet in height may be allowed.**
- c) **an attached garage shall not exceed 50% of the square footage of the secondary suite.**

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TOURIST CAMPGROUND, DESTINATION means development of land which has been planned and improved for the seasonal use of holiday trailers, motor homes, tents, **cottages**, campers and similar recreational vehicles, and is not used as accommodation for residential use.

By deleting the following:

COMMERCIAL VEHICLE means a vehicle operated by or on behalf of a person for the purpose of providing transportation or the carriage of passengers or of goods in respect of a person's business, work or employment. This does not include a private passenger vehicle used solely for personal transportation and the carriage of goods intended for the use or enjoyment of the owner of the vehicle or members of the owner's household.

EXCAVATION means any breaking of ground, except common household gardening and ground care.

HOME BASED BUSINESS LEVEL 1 means an office within the residential dwelling for a person who occupies the dwelling. It does not include the visiting of clients to the site, parking of commercial vehicles, any outside storage, or any employees except the resident and the resident's family who permanently reside in the dwelling. The use is entirely contained within the dwelling and has no external impact on the neighbourhood. Typical uses include self-employed persons providing professional and office support services.

HOME BASED BUSINESS LEVEL 2 means an occupation, trade or craft for gain or support, conducted within the residential dwelling or its accessory buildings. It may include some client visits and the parking of one commercial vehicle and may not include on-site employees except the resident and the resident's family who permanently reside in the dwelling. Typical uses include massage therapy, spa/esthetics services, dog grooming, landscaping/snow removal, dressmaking, hairdressing, home crafts and handicrafts, picture framing, delivery services, mobile food vendors or caterers, individual instruction to students, off-site mobile repairs and installation, janitorial services, mobile entertainment services and the carrying out of minor household appliance repair and automotive repair (does not include autobody repair).

HOME BASED BUSINESS LEVEL 3 means trade or craft for gain or support conducted within the residential dwelling and/or accessory building and includes all home based businesses not considered Home Based Businesses, Level 1 or Level 2. It may include up to four (4) on-site employees in addition to the resident and the resident's family who permanently reside in the dwelling. Typical uses include contractor services, parking of commercial vehicles in excess of Home Based Business Level 2, automotive and autobody repair and on-site fabrication. This use class does not include more intensive Industrial type of uses that present exterior impacts such as noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare, refuse matter, and storage of hazard or combustible materials which should be located in an industrial district.

NATURAL RESOURCE EXTRACTION / PROCESSING means development for the removal, extraction and primary processing of raw materials. Typical resources and raw materials would include oil and gas, peat, sand, silt and gravel, shale, clay, marl, limestone, gypsum other minerals precious or semi-precious, timber and coal. Typical facilities or uses would include gravel pits (and associated crushing operations), asphaltic processing, sand pits, clay or marl pits, peat extraction, stripping of topsoil, sawmills and related timber/wood processing.

By inserting the following:

COTTAGES means a development of a parcel consisting of a group of recreational cottages, cabins and yurts providing self-contained living quarters for the purpose of temporary accommodation, but does not include summer homes. The maximum square footage for a cottage, cabin or yurts shall not exceed 37.16 m² (400 ft²).

EXCAVATION means the removal of earthen materials for the purpose of leveling lands or the digging of a hole or cavity for the purpose of a dugout or pond not exempt in Section 16.2.

HOME BASED BUSINESS – Level 1 means a secondary use of a principal dwelling and/or accessory building(s) by a permanent resident of the dwelling to conduct a business activity which does not change the residential character of the dwelling and/or

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accessory building(s). The use is limited to a home office only and has no external impact on adjacent residential dwellings.
It does not include:

- any non-resident on-site employees
- client visits to the property
- any outside storage

HOME BASED BUSINESS – Level 2 means the secondary use of a principal dwelling and/or accessory building(s) by a permanent resident of the dwelling to conduct a business activity which does not change the residential character of the dwelling and/or accessory building(s). Typical uses are trade contractor businesses and personal and health care services which do not exhibit outdoor activity and storage of materials and/or equipment. The maximum number of permitted vehicles is two (2) up to a capacity of one-ton Gross Vehicle Weight (GVW) and trailer carrying a small backhoe, skid steer, or similar machinery. This use allows client visits to the property but does not allow any non-resident on-site employees.

HOME BASED BUSINESS – Level 3 means a secondary use of a principal dwelling, accessory building(s) and site, or a combination thereof, by the permanent residents of the dwelling to conduct a business. It may include up to four (4) non-resident on-site employees. The business may include some outdoor activity, client visits and a maximum of six (6) commercial vehicles. With the exception of the CRWL – Country Residential Work/Live District, a home based business level 3 is neither permitted nor discretionary within a multi-parcel residential subdivision (excluding rural centres) or row housing development and/or if the location of the development is within 152.4 m (500.0 ft) of a multi-parcel residential subdivision (excluding rural centres) or row housing development.

NATURAL RESOURCE EXTRACTION/PROCESSING means the extraction of natural resources, including, but not limited to, minerals, sand, gravel, coal, peat, limestone, gypsum, granite and salt found on or under the site, or accessible from the site. Processing may include crushing, washing, screening and the preparation of asphalt.

NON-RESIDENT ONSITE EMPLOYEE means any person employed by the resident operator of a home business who normally works on the site of the home business as part of their employment. Employees who work offsite shall not be considered a “non-resident onsite employee”.

STRIPPING of SOIL means the removal and stock pile of top-soil on a lot or parcel, either for future reclamation purposes and/or possible sale under an approved development permit.

AND THAT this Bylaw shall come into force and have effect from and after the date of third reading and signing thereof.

READ A FIRST TIME this day of . A.D.

READ A SECOND TIME this day of . A.D.

READ A THIRD TIME AND FINAL TIME this day of . A.D.

MAYOR

MANAGER,
LEGISLATIVE & ADMINISTRATIVE SERVICES