

MUNICIPAL DISTRICT OF BIGHORN NO. 8

BYLAW 19-Z/18

A BYLAW OF THE MUNICIPAL DISTRICT OF BIGHORN NO. 8 FOR THE PURPOSE OF AMENDING THE LAND USE BYLAW IN ACCORDANCE WITH THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, RSA 2000 AS AMENDED.

WHEREAS the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000 as amended, requires that the Council of a municipality to pass a bylaw to prohibit or regulate and control the use and development of land and buildings within its municipal boundaries;

AND WHEREAS Council, having considered at a public hearing the concerns of persons claiming to be affected by this bylaw believes that Bylaw No. 19-Z/18 should be allowed to amend Land Use Bylaw 09-Z/18 in order to achieve the orderly, economical and beneficial use of land in the Municipal District.

NOW THEREFORE the Municipal Council of the Municipal District of Bighorn No. 8 in the Province of Alberta, duly assembled in Council, enacts the following amendments to Land Use Bylaw 09-Z/18:

1. Part 1, Section 2.4 Definitions, is amended by adding the following definition in alphabetical order:

“Tourist Information Centre” means an establishment where information is available regarding attractions, lodgings, and other items relevant to tourism.”

2. Part 2, Section 3 General Regulations, 3.6 Driveway Approach, is amended by inserting the following sentence at the end of Section 3.6.4 a) as follows:

“A second approach shall not be considered on residential properties with a front width of 15 m (50 ft.) or less, unless the remaining green space in the front yard of the property can be appreciably enhanced aesthetically to the satisfaction of the Development Authority.”

3. Part 2, Section 3 General Regulations, is amended by inserting the following new Section 3.9 and renumbering all subsequent sections in Section 3:

“3.9 Site Grading, Drainage and Storm Water Management

3.9.1 Storm water run-off shall be contained on-site or disposed of in a manner acceptable to the Municipality and provincial or federal agencies. Site grades shall be established to prevent drainage from one site to the next except where drainage conforms to an approved local or subdivision drainage plan.

3.9.2 The developer of a site is responsible to ensure that grading is completed to provide effective site drainage. The Development Authority may require a developer to submit a site grading or drainage plan to be prepared by a professional engineer.

- 3.9.3 The Development Authority may require the developer of a site to provide a security deposit to ensure that site grading is completed according to an approved plan, which is refundable upon submission of a survey, prepared by a qualified Alberta Land Surveyor, confirming such as-built grades.
- 3.9.4 The owner of a site shall be responsible to ensure that grading is maintained over time to provide effective drainage. Where maintenance of a common drainage swale or path at a property line is required, the responsibility of maintenance lies with the owners of both sites. Where a drainage swale or path is established within an easement or right-of-way on a site, swale grades shall be maintained and the swale shall be kept free of any obstructions.
- 3.9.5 Where a site is developed or redeveloped in a Hamlet District, the site grades and building elevations shall be established to ensure effective drainage as approved by the Development Authority or in accordance with an approved site or subdivision grading plan.
- 3.9.6 The installation of an oil-grit separator may be required to prevent ground water contamination where storm water is drained from large parking areas or underground parkades, or where, in the opinion of the Development Authority, there is potential hazard of contamination due to the nature of the land use.
4. Part 2, Section 3.26, Yard Setback and Permitted Projections, is amended by inserting the following new sections and subsections as follows:
- “3.26.1 In all districts, the minimum yard setbacks do not apply to:
- (a) construction wholly beneath the surface of the ground;
 - (b) patios and sidewalks;
 - (c) fences and retaining walls; and
 - (d) farm dugouts.
- 3.26.2 In all districts, projections into or over a required yard setback shall be at the discretion of the Development Authority and shall meet the requirements of the Alberta Building Code.
- 3.26.3 In Hamlet Districts, portions of buildings located above ground may project over or into a required yard, without a variance, as shown in Table 3.
- 3.26.4 Wheelchair ramps may be permitted to encroach into any required yard setback, to the discretion of the Development Authority, provided that the ramp:
- (a) does not impede fire access to or around the building; and
 - (b) is complimentary to and well integrated into the existing building.
- 3.26.5 Where a site is to be developed for residential, commercial or industrial purposes and the building or buildings on the site are divided by condominium or subdivision such that the building contains units that are on separate lots or titles:
- (a) the district yard setbacks shall not apply within the development but shall apply from the property line of adjacent lots; and

- (b) the fire separation requirements of the Alberta Building Code shall apply.”
5. Part 3, Section 7 Forestry District, is amended by adding “Natural Resource Extraction” as a discretionary use to the district.
 6. Part 3, Section 23.6.4 c), is amended by adding the word “Coniferous” to the beginning of the sentence which will now read as:
 - c) Coniferous trees shall comprise a minimum of 60% of all trees planted, and shall be a minimum 2.0 m (6.6 ft) in height at time of planting.
 7. Part 3, Section 34.5.2., is amended by deleting the section and replacing it with the following:

“34.5.2. The Development Authority may restrict the hours of logging operations involving hauling on public roads as follows:

 - a) From March to November, effective the first day of Daylight Savings Time in March and ending on the day proceeding the end of Daylight Savings Time in November:
 - i. hauling on public roads is limited to the hours between 7:00 a.m. to 10:00 p.m. on Monday through Saturday and between 12:00 p.m. to 8:00 p.m. on Sunday.
 - b) From November to March, effective the day ending Daylight Savings Time in November to the day proceeding the first day of Daylight Savings Time in March:
 - i. hauling on public roads is limited to daylight hours only on Monday through Saturday and between 12:00 p.m. to sunset on Sunday.
 - c) Restricted hours of logging operations involving hauling on public roads to do not apply to sorting and loading of trees on private land.”
 8. Part 4, Section 41.1.1 c), Duties and Responsibilities of the Approval Authority, is amended by deleting the section and replacing it with the following:

“c) receive, process, and determine the completeness of all applications for Development Permits and Subdivisions in accordance with the Act;”
 9. Part 4, Section 42.21.2, Incomplete Applications, is amended by removing the number, “41” and replacing it with the number “42”. As well as, removing the word, “Authority” and replace with the word, “Officer”.
 10. Part 4, Section 42.21.3, Incomplete Applications (Development Permits), section is deleted and replaced with the following:

“42.21.3 If a Development Permit application does not contain all of the required documents and information or lacks sufficient details for an accurate evaluation of the

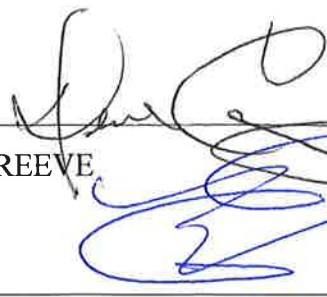
development proposal required in order to make a decision, the Development Officer shall determine that the application is incomplete and shall issue a notice to the applicant electronically advising the applicant of any missing documents and information requirements and setting the date by which such missing documents and information must be submitted, in accordance with the timelines under Section 683.1 of the Act. Should the timelines set in the notice for submitting the missing documents and information not be met by the applicant, the application shall be deemed refused in accordance with Section 683.1 of the Act.”

11. Part 4, Section 43.2.2, Incomplete Applications (Subdivision of Land), is amended by removing the word, “Authority” and replace with the word, “Officer”.
12. Part 4, Section 43.2.3, Incomplete Applications (Subdivision of Land), section is deleted and replaced with the following:
“43.2.3 If a subdivision application does not contain all of the required or documents and information or lacks sufficient details for an accurate evaluation of the development proposal required in order to make a decision, the Development Officer shall determine that the application is incomplete and shall issue a notice to the applicant electronically advising the applicant of any missing documents or other information and setting the date by which such missing documents and information must be submitted, in accordance with the timelines under Section 653.1 of the Act. Should the timeline for submitting the missing documents and information set in the notice not be met by the applicant, the application shall be deemed refused in accordance with Section 653.1 of the Act.”
13. The Land Use Bylaw amendments contained in Bylaw 19-Z/18 shall be consolidated into Bylaw 09-Z/18.
14. This Bylaw comes into effect upon the day of receiving third reading by the MD of Bighorn Council in the Province of Alberta.

READ A FIRST TIME THIS 11th DAY OF DECEMBER 2018.

READ A SECOND TIME THIS 12th DAY OF MARCH 2019.

READ A THIRD TIME THIS 12th DAY OF MARCH 2019.


REEVE

CHIEF ADMINISTRATIVE OFFICER