

MUNICIPAL DISTRICT OF BIGHORN NO. 8

BYLAW #20-Z/22

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

WHEREAS the Municipal District of Bighorn No. 8 adopted Land Use Bylaw No. 09-Z/18;

AND WHEREAS pursuant to the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000 as amended, a Council may adopt and amend a Land Use Bylaw;

AND WHEREAS Administration proposes omnibus amendments to Land Use Bylaw No. 09-Z/18, as amended.

AND WHEREAS Council, having considered at a public hearing the concerns of persons claiming to be affected by this bylaw amendment application, believes that the amendment of the Land Use Bylaw should be allowed in order to achieve the orderly, economical and beneficial use of land in the Municipal District;

NOW THEREFORE, the Municipal Council of the Corporation of the Municipal District of Bighorn No. 8 in the Province of Alberta, duly assembled in Council, enacts as follows:

Land Use Bylaw No. 09-Z/18 is amended as follows:

1. Amend 14.6.6:

An MD approved ~~Wall Sign, Fascia Sign, Projecting Sign~~, Fence Sign or Freestanding Sign identifying the Visitor Accommodation Suite business shall be located on the property. The Sign shall:

- a) be weatherproof, visible and reasonably readable from the adjacent roadway; and
- b) be ~~no larger than~~ 0.2 m² (2.0 ft²).

2. Amend 4.3.7:

An MD approved ~~Wall Sign-Fascia Sign, Projecting Sign~~, Fence Sign or Freestanding Sign identifying the Bed and Breakfast business shall be located on the property. The Sign shall:

- a) be weatherproof, visible and reasonably readable from the adjacent roadway;
- b) be ~~no larger than~~ 0.2 m² (2.0 ft²) in Hamlet districts; and
- c) be no larger than 0.6 m² (6.5 ft²) in districts other than Hamlet districts.

3. Section 2 - Add Wet Bar Definition

~~“WET BAR” means a small bar used for mixing and serving beverages that includes a sink with running water. A wet bar is typically used solely for drink preparation, while a kitchenette allows for the preparation of both drinks and food. A wet bar is not considered a kitchenette and shall not contain kitchen elements as defined in the Land Use Bylaw.~~

4. Section 2 – Definitions: Add to Bed and Breakfast definition:

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.” **Wet bars and Kitchenettes are not permitted within a dwelling that contains a Bed and Breakfast operation.**

5. Add Section 4.8.2 and re-number subsequent sections:
4.8.2 A dwelling unit may contain a wet bar as defined in the Land Use Bylaw without requiring a separate development permit for an Accessory Use - Kitchen. The wet bar shall not contain kitchen elements and shall not be intended for the preparation of food.
6. Section 2 - Amend Accessory Building Definition:
 “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.” **“Shipping Containers” shall be considered an Accessory Building only in accordance with Section 4.18.4 of the Land Use Bylaw.**
7. Add to Section 4.18.4:
 Shipping containers which are being utilized, including storing items within the container, shall be considered an “Accessory Building” in all districts where Shipping Containers are listed as a Permitted or Discretionary Use, **and are subject to the regulations under Section 4.1.7 of the Land Use Bylaw.**
8. Amend Section 42.4.3:
 42.4.3 For all Discretionary Uses or Permitted Uses requiring a Variance, **the MD of Bighorn shall notify Applicants shall submit proof of notification of the application to** adjacent landowners. The notification must include a description of the proposed use and/or development; where further information may be obtained; and details for submitting comments to the Development Authority. **The closing date on responses from adjacent landowners shall be 15 days from the working date after the notice was mailed, unless otherwise approved by the MD of Bighorn.**
9. Add Section 42.4.4 and re-number subsequent sections:
42.4.4 Notwithstanding 42.4.3, Development Permit renewals for Visitor Accommodation Suites and Bed and Breakfast operations do not require notification to adjacent neighbours if the operation remains unchanged since the initial Development Permit was approved.
10. Add 42.4.5 and re-number subsequent sections:
42.4.5 Notwithstanding 42.4.3, for Discretionary Uses or Permitted Uses requiring a variance within a commercial or industrial building containing multiple units, the adjacent units/bays shall be notified to the satisfaction of the Development Officer.
11. Section 2 - Add new definition for Natural Resource Extraction and Processing Facility Addition:
Natural Resource Extraction and Processing Facility Addition
 Natural Resource Extraction Facility Addition means ancillary buildings over 20 square metres and uses related to the approved Natural Resource extraction operation onsite. Structures under 20 square metres are considered Accessory Buildings.
12. Section 29 and Section 7:
 Add Natural Resource Extraction Facility Addition as a Discretionary Use to the **Natural Resource Extraction District (NR) (Section 29) and the Forestry District (F) (Section 7)**
13. Section 3.12.1 To protect a development from significant wildfire hazard or where a development may be located in an area that is removed from existing Municipal emergency

services, the following fire protection measures may be required by the Development Authority:

e) the provision of a secondary vehicular emergency access to the site, pursuant to Section ~~3.11.3~~ 3.12.3;

14. Section 2 - Add definition of Conceptual Scheme:

“Conceptual Scheme” means a non-statutory plan that provides detailed land use direction, subdivision design, and development guidance.

15. Amend Section 18.7.5:

~~Prior to subdivision and development in this district~~ In conjunction with the redistricting application to the DMF-CMU District, a conceptual scheme for the development area must be approved by ~~Council the Municipal Planning Commission~~.

16. Add to Section 18.7.5 (f):

18.7.5 f) iii) Servicing Study

iv) Development Impact Assessment

17. Section 19.3 - Add Discretionary Use (Projecting Sign) to Hamlet Industrial District:

19.3 Discretionary Uses

Signs (Canopy, Roof, Wall, **Projecting**)

18. Section 14.6.11 amendment:

14.6.11 A Development Permit issued for a Visitor Accommodation Suite may not be issued for a period exceeding one ~~(1)~~ years.

19. Section 14.6.12 (b) – Amendments

14.6.12 (b):

Notwithstanding Section 14.6.11~~2~~, Development Permit renewals may be issued by the Development Officer, having consideration to the following factors:

a) any complaint or enforcement history related to the Visitor Accommodation Suite, **and**
~~b) comments from adjacent and area residents, and~~

~~⇒~~ b) adherence to the previously approved Development Permit and current Land Use Bylaw requirements.

20. Section 41.1.1(k) - Add vii):

41.1.1 The Development Officer shall:

k) consider and decide on applications for a Development Permit for:

vii) renewals for Bed and Breakfasts in accordance with Section 4.3 of the Land Use Bylaw.

21. Section 4.3.4. Amendments:

4.3.4 A Development Permit issued for a Bed and Breakfast, ~~may not be issued for a period exceeding one (1) year for the first Development Permit. The Development Permit~~ may be ~~subsequently~~ renewed for repeated periods of up to ~~three~~ **five (5)** years, ~~in~~ at the sole discretion of the Development Authority, having consideration for the following factors:

a) any complaint or enforcement history related to the Bed and Breakfast use,

~~b) comments from adjacent and area residents, and~~

c) Adherence to the previously approved Development Permit and current Land Use Bylaw requirements.

22. Section 4.3.2 Amendments:

4.3.2 Bed and Breakfast accommodations shall:

a) be limited to a maximum of 2 Accommodation Units per Principal Residence, ~~where no more than 2 Bed Units are allowed per Accommodation Unit~~, unless otherwise approved by the Development Authority

b) have no more than 2 Bed Units per Accommodation Unit, unless otherwise approved by the Development Authority;

23. Section 4.16.7 Amendments:

~~4.16.7. A Development Permit issued for a Secondary or Studio Suite may not be issued for a period exceeding one (1) year for the first Development Permit. The Development Permit may be subsequently renewed for repeated periods of up to three (3) years, in the sole discretion of the Development Authority, having consideration for the following factors:~~

- ~~a) any complaint or enforcement history related to the Secondary or Studio Suite,~~
- ~~b) comments from adjacent and area residents, and~~
- ~~c) adherence to the previously approved Development Permit and current Land Use Bylaw requirements.~~

23. Section 41.1.1 k) vi) Amendments:

41.1.1. The Development Officer shall:

k) consider and decide on applications for a Development Permit for:

~~vi) renewals for Secondary and Studio Suites in accordance with S. 4.16 of the Land Use Bylaw.~~

24. Section 4.16.8 Amendments:

If the Development Permit ~~expires and is not renewed, or if the Development Permit~~ is cancelled in writing, the owner shall remove the Studio or Secondary Suite within sixty (60) days, including:

- a) the kitchen or kitchenette unit which may include the stove, hot-plate, kitchen sink, dishwasher and kitchen cabinetry, to the satisfaction of the Development Authority;
- b) associated electrical wiring (typically 220 V); and
- c) any lockable separation door or similar enclosure which prevents access from the Principal Residence.

25. Section 4.11.4 Amendments:

A Development Permit for a home-based business ~~shall be issued for no longer than 1 year for the first application, and not more than 3 years thereafter for renewals.~~

may be renewed for repeated periods of up to five (5) years for a Minor Home Based Business and three (3) years for a Major Home Based Business, at the sole discretion of the Development Authority, having consideration for the following factors:

- a) any complaint or enforcement history related to the Home Based Business Use,
- b) Adherence to the previously approved Development Permit and current Land Use Bylaw requirements.

26. Section 41.1.1 Amendments:

The Development Officer shall:

k) consider and decide on applications for a Development Permit for:

~~vii) renewals for Home Based Businesses in accordance with S. 4.11 of the Land Use Bylaw.~~

27. Section 2 Amendment to Gross Floor Area Definition:

“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. ~~The GFA includes living spaces only. Attached garages are not included in the GFA calculation.~~

28. Section 4.20.3 Amendments:

~~4.20.3. The operator of a visitor or resort accommodation development shall keep and maintain a Guest register that shall be reasonably available to the Development Authority for inspection.~~

4.20.3. The operator of a visitor or resort accommodation development shall maintain records sufficient to establish compliance with this Land Use Bylaw and the Development Permit conditions in the form of a Guest register or similar documentation and shall produce such records to the Development Authority upon request for the purpose of confirming compliance with this Land Use Bylaw and the Development Permit conditions. A centralized Guest register system may be used to fulfill this requirement. The details of the centralized Guest register shall be provided to the development authority for review as part of the development permit application. A centralized Guest register system must be kept for Visitor and Resort Accommodation developments which do not contain a front desk. The guest register or similar documentation shall contain the following information:

- a) Name of Guest(s),
- b) Licence plate number(s) of Guest(s), and
- c) Date(s) of occupancy of the Visitor Accommodation Unit

29. Section 2 - Add definition for Architectural Controls:

“Architectural Controls” means a set of development guidelines or standards that have been established by the developer and registered on a certificate of title for the purpose of creating and maintaining a higher quality of construction than is the norm for a particular subdivision and/or development project.

30. Section 3.5 - Add 3.5.4:

3.5.4 Architectural controls for developments, will be developed and administered by the Developer.

31. Section 39.7 Amendment:

39.7.1 The initial Development Permit shall be issued for a trial period of two (2) years. Upon completion of a satisfied trial period, subsequent Development Permits may be issued for up to five (5) years at the discretion of the development Authority.

32. Consolidate Bylaw 09-Z/22 - Parking Amendment Bylaw

33. Section 2 - Amend definition of Designated Officer:

“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, and Peace Officer (for the purposes of carrying out inspections, remedial actions and enforcement under Sections 542, 545, 546, and 646 of the Act). ~~of the MD of Bighorn No. 8.~~

34. Section 2 – Amend definition of Peace Officer:

“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.~~ a member of Police Service, or a Peace Officer appointed pursuant to the Peace Officer Act.

35. Section 2 - Add definition for Commercial to:

“Commercial” means the use of land and/or buildings for the purpose of public sale, display and storage of goods and/or services on the premises.

36. Consolidate Bylaw 09-Z/20 - Livestock Amendment Bylaw

37. Section 5.2 Amendments:

5.2.2. A reduced setback may be considered when the Development Authority is satisfied by the submission of a Geotechnical Report prepared and stamped by a professional engineer that a lesser setback is warranted. ~~As the reduced setback is based on the recommendation of a Geotechnical Report approved by a professional engineer, the reduced setback is not~~

subject to the maximum development standards percentages referred to in Section 41.3.2 b) and 41.3.3 c).

38. Section 3.18.3 - remove:

~~3.18.3. Any proposed buildings with a Rooftop Deck will be considered a Discretionary Use in all districts.~~

39. Add **Deck, Rooftop** as a discretionary use to the below districts:

- Forestry District
- Agriculture Conservation District
- Small Holdings District
- Country Residential District – Ghost River
- Country Residential District – Scott Lake
- Hamlet Residential District
- Hamlet Residential District – Benchlands
- Hamlet Serviced Residential District
- Hamlet Commercial District
- Dead Man’s Flats Commercial Mixed Use District
- Highway Commercial District – Scott Lake
- Highway Commercial District – Harvie Heights
- Highway Commercial District – Dead Man’s Flats

40. Add Section 14.6.13 and re-number all sections afterwards accordingly:

14.6.13 Visitor Accommodation Suites shall not be permitted in conjunction with a Major or Minor Home-Based Business, unless otherwise approved in accordance with S. 4.16.10 of the Land Use Bylaw.

41. Section 8.3 - Add Studio Suite as a Discretionary Use:

8.3 Discretionary Uses

Studio Suite (on parcels less than 32 ha, (79.1 ac.)

42. Section 8.5.1 – Amendment:

Density

Parcels less than 32.0 ha Maximum 1 Single Detached Dwelling and 1 Secondary Suite **or Studio Suite**

43. Section 9.3 - Add Studio Suite as a Discretionary Use:

9.3 Discretionary Uses

Studio Suite

44. Section 9.5.1 Amendment:

Density:

Secondary **and Studio** Suites Maximum 1 Dwelling Unit

45. Section 42.23.3 (c) Amendment:

42.23.2. When an application for a Development Permit is approved for a Discretionary Use, or for a Permitted Use for which a variance has been granted, the Development Authority shall:

- a) provide notice in writing to the Applicant or land owner of the approval;
- b) publish a notice of the decision in a local newspaper circulating in the municipality stating the legal description of the property in which the development is being considered and describing the development, including any variances being considered;

- c) state the procedure for any appeal and the date the appeal period expires. Pursuant to Section 686 of the MGA, the appeal period for any affected party is 21 days from the date of the newspaper advertisement, and for the applicant, 21 days from receipt of the Notice of Decision; and
- d) issue a Development Permit after the appeal period has expired.
46. Section 4.16.3 Amendments:
- 4.16.3 Notwithstanding anything else in this Bylaw, a Studio Suite may be permitted in the second storey of an accessory building. ~~where~~ The accessory building containing the studio suite shall ~~does~~ not exceed 8.0 m (26.2 ft) in height above grade.
47. Section 2 - Add definition for Industrial:
- “Industrial” means development used for manufacturing, processing, fabricating, packaging, servicing, testing, storing, assembly, and/or distribution of finished or partially finished products from raw materials.
- Section 2 – Add definition for Quarry:
48. “Quarry” means a place, typically a large, deep pit, from which stone or other materials are or have been extracted. If a quarry is not utilized for aggregate extraction/natural resource extraction under an active development permit issued by the MD of Bighorn, it is considered to be a brownfield site.
49. Add Section 3.12.3 e)
- 3.12.3 e) The inclusion of lock boxes in accordance with the MD of Bighorn Fires Services Bylaw and the Alberta Fire Code.
50. Section 3.15.10 a) Amendment:
- 3.15.10 Barrier Free Parking stalls shall be:
- 4.0 m (13.1 ft) in width, or as required by the National Building Code – 2019 Alberta Edition;
 - clearly demarcated and appropriately signed;
 - located as close as possible to building entrances, elevators and ramps designed for ease of accessibility; and
 - designed that the users are not required to pass behind parked cars to access building entrances.
51. Sections vary - Replace ‘Alberta Building Code’ with ‘National Building Code – 2019 Alberta Edition’
52. Section 2 – Add definition for Swimming Pool/Hot Tub:
- “Swimming Pool/Hot Tub” means a structure, basin or tank containing an artificially created pool of water that is used for swimming, recreation, bathing, or wading.
53. Add to Section 3 - General Regulations:
- 3.27 Swimming Pools/Hot Tubs
- 3.27.1 A Swimming Pool/Hot tub is subject to the setback requirements for an accessory building for the District in which it is located and shall be secured against entry by the public other than owners, tenants or their guests in accordance with the National Building Code – 2019 Alberta Edition.
54. Section 42(o) Amendments:
42. o) the construction of structures under the height of 0.6 m (2.0 ft) including patios and decks, ~~but not including hot tubs and swimming pools;~~
55. Add Section 42.2.1 zz):

42.2.1 zz) The construction of a Swimming Pool/Hot Tub when it complies with all other provisions of this bylaw and the Site Plan is approved by a Development Officer.

56. Section 2 – Amend Driveway Approach definition:

“DRIVEWAY APPROACH” means the connection located within ~~a municipal road~~ ~~allowance~~ the land shown as a road on a plan of survey that has been filed or registered in a land titles office between the carriageway of a developed roadway and an adjoining existing private property or a new private property being created through Subdivision.

57. Add Section 1.5.2:

1.5.2 The Development Authority does not enforce Restrictive Covenants that attempt to regulate land use and to which it is not a party. The enforcement of such a Restrictive Covenant would be a matter between landowners and the standing of the Restrictive Covenant would be determined through the legal system.

58. Section 2 – Amendments:

“RETREAT” means a building, group of buildings, 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.

59. Section 42.8 Amendments:

42.8 Application for Country Recreational Lodge and Centre, **Retreat**, and Recreational Uses

60. Section 42.13 Amendments:

42.13. Application for Keeping of Livestock (~~Horses and Llamas~~)

42.13.1. In addition to the general Development Permit application requirements the Applicant shall provide:

- a) a description specifying the number and type of ~~horses or llamas~~ livestock, and the expected length of stay of the animals during a typical year;
- b) the submission of a feeding, pasture and manure management plan;
- c) a description of how surface water run-off will be contained on the site using berms, ditches or other means;
- ~~d) a statement indicating the number of horses or llamas the Applicant believes to be currently kept in the Hamlet of Benchlands;~~
- d) a written comment from the municipality’s Environmental Fieldman approving the number of proposed ~~horses and/or llamas~~ livestock, and the proposed management plan;
- e) Identification of the grass and forage species in the proposed pasture; and
- ~~f) f) a site plan of the property illustrating:~~
 - i) where the animals would be kept, including the location of any animal paddocks **and other livestock structures**.
 - ii) the general contours of the land at approximately 1.5 m (4.9 ft) intervals to indicate drainage patterns and any areas that may not be suitable for grazing or containment due to steep slopes;
 - iii) proposed manure storage areas **and bedding sites**;
 - iv) **Livestock watering resources**;
 - ~~iv) v) water wells and septic fields on the subject and adjacent properties; and~~
 - vi) **Distance to neighboring residences**
 - vii) **Identification of all water bodies on the property and distance of these water bodies to where livestock will be kept and/or grazed**;
 - ix) if required, any proposed berms or ditches to control run-off.

61. Add Section 42.13.2:

42.13.2 For Livestock (horses and llamas) applications within the Hamlet of Benchlands, in addition to the above requirements, the applicant must also submit a statement indicating the number of horses or llamas the Applicant believes to be currently kept in the Hamlet of Benchlands.

62. Amendments to 2022 Land Use Map and Map 2 – Hamlet of Dead Man’s Flats Land Use Map

READ A FIRST TIME THIS 15th DAY OF November, A.D., 2022.

READ A SECOND TIME THIS ____ DAY OF _____, A.D., 2022.

READ A THIRD TIME THIS ____ DAY OF _____, A.D., 2022.

REEVE

CHIEF ADMINISTRATIVE OFFICER

