

BYLAW NO. 18/003

A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO AMEND LAND USE BYLAW NO. 99/059

WHEREAS Section 639 of the *Municipal Government Act*, R.S.A., 2000, c.M-26 and amendments thereto authorizes Council to enact a bylaw adopting a Land Use Bylaw.

AND WHEREAS Section 191(1) of the *Municipal Government Act*, R.S.A., 2000, c.M-26 and amendments thereto authorizes Council to adopt a bylaw to amend a Land Use Bylaw.

NOW THEREFORE, the Council of the Regional Municipality of Wood Buffalo, in the Province of Alberta, hereby enacts as follows:

1. Land Use Bylaw No. 99/059 is hereby amended.
2. Delete BOARDING HOUSE, MANUFACTURED HOME and SPECIAL EVENT from Section 10 and replace them with the following:

BOARDING HOUSE means a single detached dwelling in which three (3) or more persons, who do not own the single detached dwelling

- (a) pay or are obligated to pay for the right to live in the single detached dwelling or portion of the single detached dwelling; or
- (b) receive any amount of compensation or benefit from a third party, including consideration paid directly to the owner or primary occupant of the single detached dwelling, for their right to live in the single detached dwelling or portion of the single detached dwelling.

MANUFACTURED HOME means any structure, whether ordinary equipped with wheels or not, that is manufacturer to meet or exceed the Canadian Standards Association standard CSA Z240 and that is used as a residence or for any other purpose.

SPECIAL EVENT means a temporary activity that:

- (a) changes the use of land or a building, or that changes the intensity of use of land or a building;
- (b) does not exceed fifteen (15) consecutive calendar days, excluding the time required to erect and dismantle the event, which shall not exceed an additional fifteen (15) cumulative calendar days;
- (c) does not occur for more than fifteen (15) cumulative days in one calendar year, starting on January 1, excluding the time required to erect and dismantle the event;
- (d) is not part of a use at the site for which there is an existing Development Permit; and
- (e) May include a Carnival or a Festival but does not include Project Accommodation or a Garage Sale.

3. The following is added to Variance Authority Section 28:
 - 28.5 Developments not requiring a Development Permit are not subject to a variance.
4. Section 30.1 is deleted and replaced with the following:
 - 30.1 A decision on a development permit application may be appealed by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board within 21 days of issuance of the notice of the decision.
5. Section 50.5 is deleted and replaced with the following:
 - 50.5 Despite Section 50.4, in all urban and hamlet residential districts, an accessory building shall be setback a minimum of 1.0 m from the side and rear property lines in a rear yard unless the accessory building is:
 - (a) less than 2.0 m in height, unless the accessory building would be located on an easement in which case Section 66.1 applies;
 - (b) a mutual garage erected on common property line and the common wall is a firewall;
 - (c) a detached garage with its vehicle door facing the lane in which case a rear yard setback of either 1.0 m or 6.0 m is required. However, lots with a 1.0 m utility right of way in the rear yard, must have a minimum rear yard setback of 1.0 m up to a maximum of 2.0 m so that the garage eave does not encroach the utility right of way (in accordance with section 66.1 of this bylaw).
 - (d) a detached garage located on a corner lot in which case a minimum setback of 3.0 m is required from the property line paralleling the flanking roadway.
6. Section 53 is deleted and replace with the following:
 - 53.1 Basement suites shall be restricted to single detached dwellings, semi-detached dwellings and manufactured homes.
 - 53.2 A maximum of one (1) basement suite may be permitted per single detached or semi-detached dwelling.
 - 53.3 A basement suite shall comply with the Safety Codes Act or its successor.
 - 53.4 On-site parking shall be provided for a basement suite pursuant to Part 7 of this Bylaw. Parking on the front or side yard shall be prohibited in all urban and hamlet residential districts where lots are less than 0.405 hectares, except on a driveway. All parking stalls shall be available for passenger vehicles and accessible to the street at all times.
 - 53.5 A basement suite shall be limited to a maximum of 1 less the number of bedrooms than the principal dwelling on the lot up to a maximum of 2 bedrooms. Except for bedrooms and bathrooms, all other areas should be open or accessible through a double wide door frame of minimum 60”.

- 53.6 A basement suite shall not be developed in the same property containing a Boarding House, Bed and Breakfast Establishment, Child Care Facility, Group Home, Family Care Dwelling and Home Business.
- 53.7 An area in the basement intended to be used exclusively by the occupants of the principal dwelling shall not be accessible from within the basement suite.
7. Section 57.2 is deleted and replaced with the following:
- 57.2 The applicant for a Compliance Certificate shall submit a Real Property Report, not older than one year for existing properties and not older than 90 days for developments under construction, for the lot.
8. The following is added to the Lot Grading and Drainage Section 74:
- 74.5 When required as a condition of the Development Permit, an as built lot grading certificate prepared by an Alberta Land Surveyor shall be submitted to the Planning and Development Department within 1 year of the issuance of development permit.
9. Section 80.1 (c) is deleted and replaced with the following:
- 80.1 (c) Side Yard (interior):
- (i) 0.6m for boxouts (maximum width of 2m), eaves, gutters, landings, window sills, window wells, steps and stairs and verandahs.
10. Sections 93.5 (b) and 96.5 (b) are deleted and replaced with the following:
- (b) Side Yard (minimum): 1.2 m except for the following:
- In a laneless subdivision, excepting corner lots, a dwelling without an attached garage shall provide one (1) 2.8 m unobstructed (minimum) interior side yard to provide vehicular access to the rear yard.
11. Section 94.5 (b) is deleted and replaced with the following:
- (b) Side Yard (minimum): 1.8 m except for the following:
- In a laneless subdivision, excepting corner lots, a dwelling without an attached garage shall provide one (1) 2.8 m unobstructed (minimum) interior side yard to provide vehicular access to the rear yard.
12. Sections 95.5 (b) and 97.5 (b) are deleted and replaced with the following:
- (b) Side Yard (minimum): 1.2 m except for the following:
- (i) In a laneless subdivision, excepting corner lots, a dwelling without an attached garage shall provide one (1) 2.8 m unobstructed (minimum) interior side yard to provide vehicular access to the rear yard.
13. Section 98.5 (b) is deleted and replaced with the following:
- (b) Side Yard, Interior (minimum):

- (i) For a triplex, fourplex, 1.2m, except for the following:
 - (a) In a laneless subdivision, excepting corner lots, a dwelling without an attached garage shall provide one (1) 2.8 m unobstructed (minimum) interior side yard to provide vehicular access to the rear yard.

14. Section 130.9 (c) is deleted and replaced with the following:

- (c) all on-site parking stalls shall remain accessible for parking by passenger vehicles at all times and shall be directly accessible to the street or laneway at all times.

15. The following is added to General Provision for Parking and Loading for Basement Suites in Section 130.9:

- (d) Tandem Parking is permitted if:
 - i. tandem parking spaces are provided for the same dwelling; or
 - ii. a stall for the basement suite and a stall for the principal dwelling are accessible at all times.

16. The following is added to Vehicular-Oriented Uses Section 135 (d):

- (iv) The queuing spaces shall be contained entirely within the property and must not overlap with or obstruct any parking stalls or drive aisles and roads.

17. Section 136 (b) (i) is deleted and replaced with the following:

- (i) Parking stalls shall have minimum width of 2.4 m and length of 5.8 m. Access aisles of width of 2.4 m shall be placed on one side of the stall. Parallel parking stalls shall be at least 7.0 m in length.

18. Section 136 (d) is deleted and replaced with the following:

(d) Number of Parking Stalls Required:

Parking for a disabled person shall be included as part of and not in addition to, the applicable minimum parking requirement. The following number of parking stalls for disabled persons shall be provided:

Number of Parking Stalls Required	Number of Designated Stalls for Use By Disabled Persons
2-10	1
11-25	2
26-50	3
51-100	4
For each additional increment of 100 or part thereof	One additional stall

(e) The following uses are added to Section 204.3 - Discretionary Uses – Development Officer

Drinking Lounge, Minor
Drinking Lounge, Major
Food Service, Drive-In or Drive-Through
Food Service, Major Restaurant
Food Service, Minor Restaurant
Food Service, Take Out Restaurant

(f) Section 8.4.5.3.8 (b) and (c), being parking requirements of the Neighbourhood District in Part 8 - Parsons Creek Land Use Regulations, is deleted and replaced with the following:

(b) Where a secondary suite is proposed:

- i. a minimum of one on-site parking stall shall be provided for each bedroom in the secondary suite to a maximum of two on-site parking stalls;
- ii. the on-site parking stall requirements for a secondary suite are in addition to the parking requirements for the single detached or semi-detached dwelling

(c) Tandem Parking is permitted if:

- i. tandem parking spaces are provided for the same dwelling; or
- ii. a stall for the basement suite and a stall for the principal dwelling are accessible at all times.

19. This bylaw shall come into effect when it is passed.

READ a first time this 30th day of January, A.D. 2018.

READ a second time this 27th day of February, A.D. 2018.

READ a third and final time this 27th day of February, A.D. 2018.

SIGNED and PASSED this 28th day of February, A.D. 2018.