

BYLAW NO. 1317/20

A BYLAW OF LACOMBE COUNTY, IN THE PROVINCE OF ALBERTA, TO AMEND THE LACOMBE COUNTY LAND USE BYLAW, BYLAW NO. 1237/17 AS IT RELATES TO GENERAL REGULATIONS AND DISTRICT REQUIREMENTS.

WHEREAS notice was given of Council's intention to amend the Land Use Bylaw in the following local newspapers:

XXXX

AND WHEREAS a public hearing was held on XXXX XXX, 2020 to allow the general public to comment on the proposed amendments to the Land Use Bylaw;

NOW THEREFORE the Council of Lacombe County under the authority and pursuant to the provisions of the Municipal Government Act, RSA 2000, c.M-26-1, as amended, enacts that the Land Use Bylaw be amended as follows:

1. PART 1 – DEFINITIONS

1.6 Definitions

Amend the following definitions:

BED AND BREAKFAST means the accessory use of a principal dwelling unit, or in the Agricultural 'A' District principal dwelling unit and/or accessory building(s), in which short term overnight accommodation and limited meals are provided to overnight guests.

HOME BASED BUSINESS, MAJOR means a secondary use of a principal dwelling, its accessory buildings, or combination thereof, by a least one resident of the dwelling to conduct a business or activity or occupation. It includes client visits and in the Agricultural 'A' District allows for not more than two (2) non-resident on-site employees.

HOME BASED BUSINESS, MINOR means a secondary use of a principal dwelling, its accessory buildings, or combination thereof, by a least one resident of the dwelling to conduct a business or activity or occupation. The use has no external impact on adjacent residential dwellings.

It does not include:

- (a) any non-resident on-site employees;
- (b) the visiting of clients to the site; and
- (c) any outside storage, except for farm equipment used primarily in a farming operations located on the property in the Agricultural 'A' District only

KENNEL means the breeding, keeping or boarding of dogs, excluding unweaned pups, in return for remuneration or kept for the purposes of sale.

MINOR BUSINESS OR TRADE means a small light industrial or service-oriented activity employing not more than six (6) non-resident on-site employees, unless otherwise approved by the Municipal Planning Commission for businesses approved prior to the adoption of this Bylaw. The business shall not create a nuisance by way of noise, vibration, smoke, dust, odour, heat glare or the loss of visual character and privacy as determined by the Development Authority. The business must comply with policy ECON 5.4.4 of the Lacombe County Municipal Development Plan.

Add the following definitions:

AGRI-TOURISM BUSINESS means a low intensity agricultural diversification and agri-tourism business that is secondary to the existing principal agricultural use of the land and is compatible with the agricultural character of the area. The business may link travel with agricultural products, services or experiences, and give an opportunity for visitors to experience agricultural life. The business may include but is not limited to growing, packing and sale of agricultural food products, educational gatherings, festive gatherings, small-scale wineries and breweries and associated uses, minor food establishments and storefronts including farm gate stores, cafes and diners.

TELECOMMUNICATION TOWER means a structure that is used to convey communication, internet, radio or television signals and may include other structures necessary for the carrying out of this function.

Remove the following definitions:

COMMUNICATION TOWER, COMMERCIAL means a structure that is used to convey communication, internet, radio or television signals and may include other structures necessary for the carrying out of this function for commercial purposes.

COMMUNICATION TOWER, PRIVATE means a structure that is used to convey communication, internet, radio or television signals and may include other structures necessary for the carrying out of this function for private individual domestic use.

2. **PART 2 – APPROVING AUTHORITIES: DUTIES AND RESPONSIBILITIES**

Amend Section 2(2)(5) as follows:

The MPC shall hold such meetings as are necessary to perform its duties as set out in Part 3 of this Bylaw. The MPC meetings will be held, as necessary, during the hours of the regular Council meetings as set out in The Procedures Bylaw.

3. **PART 3 – DEVELOPMENT & SUBDIVISION APPLICATION PROCESS**

Amend Section 3.2(2)(s) as follows:

Telecommunication tower

Amend 3.4(7) as follows:

The Development Authority shall require the applicant of an application for a cannabis production facility, alternative energy and any other use or development that the Development Authority considers may have a potential adverse effect on the surrounding community, to undertake community consultation prior to an application being made to the County. The applicant is required to submit a summary of their community consultation with the application outlining neighbours concerns and how these concerns will be addressed or why they cannot be addressed.

4. PART 6 – GENERAL REGULATIONS

6.7 Minor Business or Trades

Amend (1)(d) as follows:

employ not more than six (6) non-resident on-site employees; and

Amend (2) as follows:

The expansion of a minor business or trade beyond six (6) non-resident on-site employees may be allowed where there are no specific or significant concerns, such as unacceptable noise, traffic, and aesthetic, safety and health impacts as determined by the Development Authority.

6.20 Telecommunication Towers

Replace entire section as follows:

(1) The placement of telecommunication towers and equipment are federally regulated and are therefore exempt from municipal control. Lacombe County will review telecommunication tower submissions and, depending on the nature of the proposal, a letter of support (concurrence) or non-support (non-concurrence) will be sent to the wireless service provider. Proponents are encouraged to conduct a pre-submission consultation with the County to identify preliminary issues of concern prior to making their submissions. In order to fully assess an application, the County asks that proponents provide the following information:

- (a) name and signature of the registered owner(s) of the land (or their appointed representative or agent);
- (b) the legal land description of the property on which the telecommunication tower is proposed;
- (c) a letter and/or report outlining the reason(s) for the erection/modification of a telecommunication tower, the proposed site and rationale for site selection;
- (d) a map showing the location and distance of all residences within a distance of six (6) times the height of the telecommunication tower, measured from the property boundaries of the subject site;

- (e) a site plan showing the proposed location of the telecommunication tower and any existing structures/buildings, including all dimensions and setback distances from property boundaries and right-of-ways.
- (2) The County has established the following lists of preferred locations for telecommunication tower placement:
- Preferred Locations:
- those in the Agricultural 'A' District or Heavy Industrial 'I-HI' District
 - within or adjacent to utility corridors
 - those which do not impact the County's cultural or heritage resources
 - those which avoid environmentally sensitive areas
 - those which are located away from residential development
- (3) Note that in cases where the County does not support a proposal, it cannot prevent a proponent from ultimately gaining permission from the federal government to install a telecommunication tower even if it does not meet the above noted criteria.

6.32 Cannabis Production Facilities

Insert (9) as follows:

- (9) Setbacks for cannabis production facilities shall comply with the following:
- (a) A cannabis production facility in the Agricultural 'A' District less than 1.6 ha (4.0 ac) in total site size, shall be located a minimum of:
- i. 100 m (328 ft) from a dwelling that is located on an adjacent, separately titled property. Distances shall be measured between the proposed site area of the cannabis production facility to the exterior wall of the dwelling; and
 - ii. 100 m (328 ft) from a boundary of a residential district. Distances shall be measured between the proposed site area of the cannabis production facility to the boundary of the residential district.
- (b) A cannabis production facility in the Agricultural 'A' District more than 1.6 ha (4.0 ac) in total site size, shall be located a minimum of:
- i. 300 m (984 ft) from a dwelling that is located on an adjacent, separately titled property. Distances shall be measured between the proposed site area of the cannabis production facility to the exterior wall of the dwelling; and
 - ii. 300 m (984 ft) from a boundary of a residential district. Distances shall be measured between the proposed site area of the cannabis production facility to the boundary of the residential district.

- (c) A cannabis production facility in the Hamlet Industrial 'I-H' District shall be located a minimum of:
 - i. 40 m (131 ft) from a dwelling that is located on an adjacent, separately titled property. Distances shall be measured between the parcel boundary of the cannabis production facility to the exterior wall of the dwelling; and
 - ii. 40 m (131 ft) from a boundary of a residential district. Distances shall be measured between the parcel boundary of the cannabis production facility to the boundary of the residential district
- (d) A dwelling approved on an adjacent, separately titled property after an application submitted for a cannabis production facility is deemed complete shall not be considered a dwelling for the purposes of interpreting Section 6.32(9)(a)(i), Section 6.32(9)(b)(i) and Section 6.32(9)(c)(i) of this Bylaw.
- (e) A residential district approved after an application submitted for a cannabis production facility is deemed complete shall not be considered a residential district for the purposes of interpreting Section 6.32(9)(a)(ii), Section 6.32(9)(b)(ii) and Section 6.32(9)(c)(ii) of this Bylaw.
- (f) The site area of a cannabis production facility is at the Development Authority's discretion, and at minimum includes all indoor and outdoor areas used for the production, cultivation, harvesting, processing (including the trimming, drying, and curing of raw materials), storage or distribution of cannabis or its by-products, for the purposes of interpreting Section 6.32(9)(a), Section 6.32(9)(b) and Section 6.32(9)(c) of this Bylaw.
- (g) Setbacks from all other non-residential buildings shall be at the discretion of the Development Authority;
- (h) The setback from property lines adjoining a right-of-way shall be in accordance with the District in which the right-of-way is located;
- (i) If, in the opinion of the Development Authority, the above noted setbacks will be insufficient to buffer the cannabis production facility from a dwelling, residential district, road or any other adjacent land use, the Development Authority may increase the required setback;
- (j) Setbacks from a provincial highway shall be as required by Alberta Transportation;
- (k) Setbacks from railway facilities shall be as required by the respective railway company;

(l) Setbacks for cannabis production facilities in the Agricultural 'A' District conditionally approved by the County prior to (insert date of amendments) shall not be subject to subsection (a) and (b); and

(m) Setbacks for cannabis production facilities in the Hamlet Industrial 'I-H' District conditionally approved by the County prior to (insert date of amendments) shall not be subject to subsection (c).

5. PART 7 – LAND USE DISTRICTS

7.1 Agricultural District (A)

2 Uses

Add Discretionary use:

Agri-tourism Business

Remove Discretionary use:

Radio, TV or other communication tower and associated service buildings and/or equipment

3 Regulations

Remove (3)(c)(i) as follows:

The Development Authority, at its discretions, may impose as a condition of approval a greater setback from the property boundary for a cannabis production facility to protect against any adverse impacts or nuisance from existing residential properties.

Insert (3)(e) as follows:

Where a property line has been adjusted due to a change in a natural boundary, the setback shall be applied from the original property boundary and any development must be contained within the development area of the original boundary. The Development Authority may make an exception where provision has been made for development on accreted land in a Municipal Development Plan, an Intermunicipal Development Plan or other local plan approved by Council.

7.4 Hamlet Commercial District (C-H)

3 Regulations

Amend (1) Maximum Parcel Frontage as follows:

Fringe Commercial Area

15.24 m (50 ft) adjacent to a service road

45.72 m (150 ft) without a service road

Amend (3) Setbacks as follows:

Insert map showing Fringe Commercial Area and Core Commercial Area in the Hamlet of Mirror

7.8 Recreation District (PR)

2 Uses

Add Permitted use:

Agri-tourism Business

3 Regulations

Insert (2)(c) as follows:

Where a property line has been adjusted due to a change in a natural boundary, the setback shall be applied from the original property boundary and any development must be contained within the development area of the original boundary. The Development Authority may make an exception where provision has been made for development on accreted land in a Municipal Development Plan, an Intermunicipal Development Plan or other local plan approved by Council.

7.10 Recreational Vehicle Resort District (R-RVR)

3 Regulations

Amend (11)(a) Height of Buildings as follows:

The maximum height of a Recreational Vehicle, including Park Model, shall be 5.36 m (17.6 ft) measured from the grade level to the peak.

7.18 Residential Lake Area District (R-RLA)

3 Regulations

(6) Servicing

Amend (Individual) heading to (Gull Lake)

Remove (6)(b)

Amend (Multi-lot) heading to (Sylvan Lake)

Insert (6)(d) as follows:

All residential lake area lots that form part of a subdivision as described in the Sylvan Lake Communal Sewage Bylaw shall be serviced by a municipal wastewater system, as described by the bylaw.

This Bylaw shall come into effect upon final passage thereof.

INTRODUCED AND GIVEN FIRST READING this XX day of XXXXX, 2020

GIVEN SECOND READING this XX day of XXXXX, 2020

GIVEN THIRD AND FINAL READING this XX day of XXXXX, 2020

Paula Law
Reeve

Tim Timmons
County Manager