

BYLAW NO. 1335/21

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:

Lacombe County News	March 19, 2021
Bashaw Star	March 24, 2021 & March 31, 2021
Rimbey Review	March 23, 2021 & March 30, 2021
Lacombe Express	March 25, 2021 & April 1, 2021
Sylvan Lake News	March 25, 2021 & April 1, 2021
The Chautauqua	April 2, 2021

AND WHEREAS a public hearing was held on April 8, 2021 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

Add the following definitions:

TOURIST HOME means a commercial use wherein a dwelling unit is offered for rent to guests for a period of time of 28 days or less.

Amend the following definitions:

CANNABIS RETAIL means a retail business where cannabis and cannabis related products and accessories are displayed and sold; and which holds a provincial licence permitting the sale of cannabis from Alberta Gaming, Liquor and Cannabis (AGLC).

RACING ENTERTAINMENT CENTRE FACILITY means a racing entertainment centre facility that has been licensed by Alberta Gaming, Liquor and Cannabis (AGLC) under the *Gaming and Liquor Regulation*.

RECREATION FACILITIES, OUTDOOR means facilities which are available to the public for sports and active recreation conducted outdoors. Typical uses include driving ranges, miniature golf courses, sports fields, outdoor ice surfaces or rinks, go-cart tracks, amusement parks, outdoor swimming pools, water slides, marinas, equestrian centres, race tracks, fair/exhibition/rodeo grounds and golf courses.

Includes:

GOLF COURSE means an area and accessory buildings and uses related to the playing of the game of golf and without restricting the generality of the foregoing includes pro shop, club house, restaurant, licensed dining area or lounge, driving range and picnic area.

Remove the following definitions:

GREENHOUSE AND PLANT NURSERY means development used primarily for the raising, storage and sale of produce, bedding, household, ornamental plants and related materials such as tools, soil, and fertilizers. The main part of the business must be plant related and any aggregate sales must be a minor accessory component only.

GOLF COURSE means an area and accessory buildings and uses related to the playing of the game of golf and without restricting the generality of the foregoing includes pro shop, club house, restaurant, licensed dining area or lounge, driving range and picnic area.

2. PART 3 – DEVELOPMENT & SUBDIVISION APPLICATION PROCESS

Amend Policy 3.4(7) as follows:

The Development Authority shall require the applicant of an application for an intermediate campground, major campground, community facility, sand or gravel pit, special event, commercial alternative energy, kennel (new kennel or expanded kennel) 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.

- (a) The standard community consultation circulation distance will require notification to all landowners within a half (0.5) mile radius of the proposed development location, with the exception of the following:
- (i) A community facility development requires notification to all landowners within a one (1) mile radius of the proposed development location.
 - (ii) A sand or gravel pit development requires notification to all landowners within a one (1) mile radius of the proposed pit location as well as landowners within half (0.5) mile of an unpaved haul route.
 - (iii) A special event or commercial alternative energy development requires notification to all landowners within a two (2) mile radius of the proposed development location.

Amend Policy 3.4(11)(a) as follows:

- (a) The Development Authority shall require the applicant of an application for a cannabis production facility or cannabis retail development to undertake community consultation with all potentially affected landowners, to the satisfaction of the Development Authority, prior to the 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 will be addressed.
- (i) The standard community consultation circulation distance for a cannabis production facility or cannabis retail development will require notification to all landowners within a one (1) mile radius of the proposed development location.

Insert Policy 3.4(12) as follows:

The Development Authority shall require the applicant of an application for a vacant parcel or on redevelopment lands, where the development is within 30 m (98 ft) of the top of bank or high water mark of Sylvan Lake, to provide a Development Design Plan.

- (a) The Development Design Plan shall be to the Development Authority's satisfaction that the design will satisfy the goal of mitigating negative impacts on watershed health, and at minimum include the following details:
 - A planting plan including native vegetation;
 - A sediment control plan;
 - A drainage plan; and
 - Parcel coverage.
- (b) The Development Design Plan will be enforced as a condition of approval.
- (c) Determining which feature (top of bank or high water of Sylvan Lake) is appropriate will be at the discretion of the Development Authority.

Insert Policy 3.4(13) as follows:

The Development Authority shall require the applicant of an application for a vacant parcel or on redevelopment lands, where the development is within 30 m (98 ft) of the top of bank or high water mark of any naturally occurring tributary to Sylvan Lake, to provide a Development Design Plan.

- (a) The Development Design Plan shall be to the Development Authority's satisfaction that the design will satisfy the goal of mitigating negative impacts on watershed health, and at minimum include the following details:
 - A planting plan including native vegetation;
 - A sediment control plan;
 - A drainage plan; and
 - Parcel coverage.
- (b) The Development Design Plan will be enforced as a condition of approval.

- (c) Determining which feature (top of bank or high water of of the naturally occurring tributary to Sylvan Lake) is appropriate will be at the discretion of the Development Authority.

3. PART 6 – GENERAL REGULATIONS

6.13 FENCING AND SCREENING

Amend (6) as follows:

Chain link fencing with vinyl slats shall not be permitted in any District, except in the Recreational Vehicle Resort 'R-RVR' District where the fence is no taller than 1.22 m (4 ft) high.

6.19 PARKING AND LOADING SPACE REQUIREMENTS

Amend (7) as follows:

Add TOURIST HOME to table – 1 parking stall per guest room

6.33 CANNABIS RETAIL

Amend (1) as follows:

All necessary approvals will be required from Alberta Gaming, Liquor and Cannabis (AGLC). The applicant shall obtain the requisite provincial licence prior to commencing development and shall maintain the licence in good standing thereafter. Cannabis retail development shall at all times comply with all applicable federal and provincial legislations and regulations which apply to the development.

6.34 TOURIST HOMES

Add section as follows:

- (1) Tourist homes shall be limited to one (1) rental unit per parcel.
- (2) The Development Authority may permit a tourist home only if, in the opinion of the Development Authority, it complies with the following regulations:
 - (a) guest houses or recreational vehicles shall not be used as accommodation for tourist home guests;
 - (b) the maximum number of people staying overnight in a tourist home shall be two (2) times the number of guest rooms plus two (2). Floor plan is to be submitted at the time of application.

- (c) the privacy and enjoyment of adjacent residences shall be preserved and the amenities of the neighbourhood maintained at all times;
 - (d) a minimum of one (1) off-street parking stall per guest room. All parking stalls are to be located off-street within the boundaries of the parcel, and in accordance with the standards described in Section 6.19 Parking and Loading Space Requirements; and
 - (e) no exterior advertisement other than one (1) property identification sign, in accordance with the standards described in Section 6.23 Signs.
- (3) Tourist homes shall always abide by the municipal community standards bylaw and municipal fire bylaw regardless of who is occupying the home. This includes noise, nuisance, and quiet hours etc..
 - (4) A development permit issued for a tourist home does not exempt compliance with federal, provincial, or other municipal legislation such as health and safety code requirements.
 - (5) A development permit issued for a tourist home in the Recreational Vehicle Resort 'R-RVR' District does not exempt compliance with condominium bylaws.

4. PART 7 – LAND USE DISTRICTS

7.1 AGRICULTURAL DISTRICT (A)

2 Uses

Add Discretionary uses:

Tourist Home
Veterinary Hospital

Remove Discretionary use:

Greenhouse and Plant Nursery

- 7.10 RECREATIONAL VEHICLE RESORT DISTRICT (R-RVR)**
- 7.11 HAMLET DISTRICT (H)**
- 7.12 HAMLET RESIDENTIAL 1 DISTRICT (H-R1)**
- 7.13 HAMLET RESIDENTIAL 2 MOBILE HOME DISTRICT (H-R2)**
- 7.14 HAMLET RESIDENTIAL 3 DISTRICT (H-R3)**
- 7.15 COUNTRY RESIDENTIAL DISTRICT (R-CR)**
- 7.16 COUNTRY RESIDENTIAL ESTATE DISTRICT (R-CRE)**

- 7.17 RESIDENTIAL CONSERVATION (CLUSTER) DISTRICT (R-RCC)
- 7.18 RESIDENTIAL LAKE AREA DISTRICT (R-RLA)
- 7.19 HIGHER DENSITY RESIDENTIAL DISTRICT (R-HDR)
- 7.20 URBAN FRINGE RESIDENTIAL DISTRICT (R-UFR)

2 Uses

Add Discretionary use:
Tourist Home

7.8 RECREATION DISTRICT (PR)

- 3 Regulations
- (4) Servicing

Amend (c) as follows:

- (c) Notwithstanding subsection (b), all recreation developments that were conditionally approved by the County prior to October 14, 2010 within the plan area of the *Sylvan Lake Area Structure Plan*, shall be serviced by only a wastewater holding tank, unless the development can be connected directly to a municipal or regional wastewater system.

Insert (c)(i) and (d) as follows:

- (c)(i) If a recreation development was conditionally approved to be serviced by a wastewater holding tank as described above, the development can expand up to 25% additional beds (as part of accommodation facilities with a fixed roof) without requiring connection to the regional wastewater system. If the expansion results in greater than 25% additional beds, the development must connect to the regional wastewater system.
- (d) All recreation developments that were conditionally approved by the County after October 14, 2010 within the plan area of the *Sylvan Lake Area Structure Plan*, shall be serviced by the regional wastewater system.

7.10 RECREATIONAL VEHICLE RESORT DISTRICT (R-RVR)

2 Uses

Remove Discretionary use:
Golf Course

3 Regulations

(7) Servicing

Amend (d) as follows:

- (d) Notwithstanding subsection (c), all recreational vehicle resort lots that form part of a subdivision conditionally approved by the County prior to October 14, 2010 within the plan area of the *Sylvan Lake Area Structure Plan*, shall be serviced by only a communal wastewater holding tank system, unless the development can be connected directly to a municipal or regional wastewater system.

Insert (e) as follows:

- (e) All recreational vehicle resort lots that form part of a subdivision conditionally approved by the County after October 14, 2010 within the plan area of the *Sylvan Lake Area Structure Plan*, shall be serviced by the regional wastewater system.

7.17 RESIDENTIAL CONSERVATION (CLUSTER) DISTRICT (R-RCC)

3 Regulations

(7) Servicing

Amend (d) as follows:

- (d) Notwithstanding subsection (c), all residential conservation (cluster) lots that form part of a subdivision conditionally approved by the County prior to October 14, 2010 within the plan area of the *Sylvan Lake Area Structure Plan*, shall be serviced by only a communal wastewater holding tank system, unless the development can be connected directly to a municipal or regional wastewater system.

Insert (e) as follows:

- (e) All residential conservation (cluster) lots that form part of a subdivision conditionally approved by the County after October 14, 2010 within the plan area of the *Sylvan Lake Area Structure Plan*, shall be serviced by the regional wastewater system.

7.18 RESIDENTIAL LAKE AREA DISTRICT (R-RLA)

3 Regulations

(6) Servicing

Amend (d) and (e) as follows:

- (d) All residential lake area lots that form part of a subdivision conditionally approved by the County prior to October 14, 2010 within the plan area of the *Sylvan Lake Area Structure Plan*, shall be serviced by only a communal wastewater holding tank system, unless the development can be connected directly to a municipal or regional wastewater system.
- (e) Notwithstanding subsection (d), 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.

Remove (g)

7.19 HIGHER DENSITY RESIDENTIAL DISTRICT (R-HDR)

- 3 Regulations
- (7) Servicing

Insert (d) as follows:

- (d) All higher density residential lots that form part of a subdivision conditionally approved by the County after October 14, 2010, within the plan area of the *Sylvan Lake Area Structure Plan*, shall be serviced by the regional wastewater system.

This Bylaw shall come into effect upon final passage thereof.

INTRODUCED AND GIVEN FIRST READING this 11 day of March, 2021

GIVEN SECOND READING this XX day of XX, 2021

GIVEN THIRD AND FINAL READING this XX day of XX, 2021

Paula Law
Reeve

Tim Timmons
County Manager