

VILLAGE OF ALIX

BYLAW No. 453/20

BEING a Bylaw of the Village of Alix, in the Province of Alberta, to amend Bylaw No. 396/11, the Land Use Bylaw

WHEREAS Section 639 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, provides that every municipality must pass a land use bylaw; and

WHEREAS the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, permits a Council to pass a bylaw to amend the Land Use Bylaw; and

WHEREAS the Council of the Village of Alix deems it necessary and expedient to amend Land Use Bylaw Number 396/11;

NOW THEREFORE COUNCIL OF THE VILLAGE OF ALIX DULY ASSEMBLED ENACTS AS FOLLOWS:

Changes relating to Recreational Vehicles

1. Part Ten: Definitions is amended by adding the following definition of “Recreational Vehicle” where it would appear in alphabetical order:

“Recreational Vehicle” means a motorhome, camper, watercraft on a trailer, trailer, tent trailer, or any other form of vehicle that is used or intended to be used for overnight accommodation.

2. Part Seven: General Land Use Regulations is amended by adding the following as Section 7.9A:

“7.9A Recreational Vehicles

- (a) A Recreational Vehicle and/or a Recreational Vehicle on a trailer may be parked or stored in any yard of a parcel in a Residential District, the Urban Reserve District or the Agricultural District provided it:
 - (i) is set back at least 4.5m (15 ft.) from any intersection of a public street or lane; and
 - (ii) does not overhang any portion of a public sidewalk, street or lane.
- (b) A Recreational Vehicle parked or stored on a parcel in a Residential District, the Urban Reserve District or the Agricultural District may be used for overnight accommodation for a maximum cumulative period of time not exceeding 30 days per year.
- (c) A Recreational Vehicle located in an approved campground or Recreational Vehicle park may be used year-round.
- (d) A Recreational Vehicle being used for overnight accommodation for a cumulative period greater than 30 days per year, and not located within an approved campground or Recreational Vehicle park, shall:
 - (i) be placed in the rear yard of the parcel and provide a minimum 2m (6.6 ft.) side yard and rear yard and not obstruct the ability to place a permanent dwelling that meets the yard and setback requirements of the District;
 - (ii) provide water and wastewater services, solid waste collection, heat and electricity in a manner that is acceptable to the Development Authority and that meets the applicable Safety Codes requirements;

- (iii) only be approved for use as temporary accommodation where a development permit for a permanent dwelling has been approved and while a permanent dwelling is under construction; and
 - (iv) only be approved on a limited time basis not to exceed three calendar years and a renewal application may be made at the expiry of the specified time limit.”
3. Section 1.4 Development Not Requiring a Development Permit is amended by adding the following as Subsection 1.4(n):
- “(n) The use of a Recreational Vehicle for overnight accommodation on any property in a Residential District, the Urban Reserve District or the Agricultural District for a cumulative period of time not exceeding 30 days per year;”
4. All Residential Districts, the Urban Reserve District and the Agricultural District are amended by adding the following as a discretionary use:
- “Recreational Vehicles used for overnight accommodation for a cumulative period greater than 30 days per year”

Changes relating to Dangerous Goods Occupancies

5. Section 7.20 is amended by replacing Section 7.20 (b) with the following:
- “(b) Any on-site manufacture, storage and/or handling of dangerous goods in excess of the quantities listed in the table titled Small Quantity Exemptions for Dangerous Goods shall not be allowed on that portion of a parcel that is within 50m (164 ft.) of any parcel located in a Residential District or a Public Use District.”

Changes relating to Accessory Buildings

6. Section 7.1 is amended by replacing Section 7.1 Accessory Buildings with the following:
- “7.1 Accessory Buildings
- All Districts
- (a) The setback requirements for accessory buildings shall comply with the regulations of this section where a conflict exists between this section and any District Regulations
 - (b) For the purpose of calculating yard requirements and setbacks as provided in this Land Use Bylaw, an accessory building or use, if connected to the main building by a structural element including but not limited to a common foundation, roof or wall, shall be deemed to be part of the main building.
 - (c) No part of an accessory building shall be located on or over an easement or utility right-of-way unless authorised by the Development Authority.
 - (d) An accessory building shall not be used for human habitation except where a secondary suite that is contained in a building separate from the main building has been approved.
- Residential Districts
- (e) No accessory building or any portion thereof shall be erected or placed in the front yard of a parcel.

- (f) A permanent playhouse, play equipment or any combination of permanent playhouse, play equipment and storage shall not be located in the front yard of a parcel.
- (g) An accessory building on an interior parcel shall be situated so that the exterior wall is at least 1m (3.28 ft.) from the side and rear boundaries of the parcel.
- (h) An accessory building on a corner parcel shall not be situated closer to the street than the main building and shall not be closer than 1m (3.28 ft.) to the other side parcel boundary or the rear parcel boundary.
- (i) Notwithstanding subsections (g) and (h), an accessory building or any portion thereof may be erected or placed on the rear or side boundary common to two parcels provided the accessory building serves the two parcels and a party wall agreement has or will be registered against the two parcels.
- (j) An accessory building shall not be more than 6.1m (20 ft.) in height and shall not exceed the height of the main building.
- (k) An accessory building shall be located a minimum of 2.5m (8 ft.) from the main building unless a 1.5m (5 ft.) side yard for the accessory building is provided.

Non-Residential Districts

- (l) No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel, unless otherwise approved by the Development Authority.
 - (m) An accessory building on an interior parcel shall be situated so that the exterior wall is at least 1m (3.28 ft.) from the side and rear boundaries of the parcel.
 - (n) An accessory building on a corner parcel shall not be situated closer than 3m (9.84 ft.) to the boundary with the street and shall not be closer than 1m (3.28 ft.) to the other side parcel boundary or the rear parcel boundary.
 - (o) An accessory building shall be located a minimum of 2.5m (8 ft.) from the main building unless a 1.5m (5 ft.) side yard for the accessory building is provided.”
7. Subsection 1.4 Development Not Requiring a Development Permit is amended by replacing Subsection 1.4(i) with the following:
- “(i) the first accessory building on a parcel in a Residential District or a Non-Residential District provided the floor area of the building does not exceed 10m² (107.6 ft²), the height the building is less than 2.4m (8 ft.), and the placement on the parcel complies with all of the regulations herein.”
8. Section 2.1 Development Officer is amended by replacing Subsections 2.1(1)(c) and 2.1(1)(d) with the following:
- “(c) receive, consider, and may decide on applications for a development permit with respect to a **Permitted Use** listed in the subject land use district or the **Discretionary Use “Accessory buildings and uses”** where listed in the subject land use district including attaching any terms and conditions deemed necessary by the Development Officer;

- (d) at their discretion, refer to the Municipal Planning Commission for its consideration, any development permit application with respect to a permitted use or the discretionary use “Accessory buildings and uses”;
9. Section 4.2 Discretionary Uses is amended by replacing all references in Section 4.2 to “Municipal Planning Commission” with “Development Authority.”

Changes relating to Fences

10. Section 1.4 Development Not Requiring a Development Permit is amended by replacing Subsection 1.4 (l) with the following:
- “(l) the erection or construction of gates, fences, walls or other means of enclosure less than 1m (3.28 ft) in height in front yards and less than 2m (6.56 ft) in height in other yards in any District.”

Changes relating to Decks

11. Part Ten: Definitions is amended by adding the following definitions where they would appear in alphabetical order:
- “deck, ground level” means an unenclosed amenity area made of concrete, stone, brick, wood or other material that is constructed at or near grade and may be attached to a dwelling where the overall height of the deck surface is 0.6m (2ft.) or less above the finished grade;
- “deck, raised” means an unenclosed amenity area, typically constructed of wood or other suitable materials, which may be attached to a dwelling or be a free standing structure where the overall height of the deck surface is more than 0.6m (2ft.) above the finished grade;
12. Section 1.4 Development Not Requiring a Development Permit is amended by adding the following as Subsection 1.4(m):
- “(m) the construction of an unenclosed ground level deck having a deck surface no more than 0.6m (2ft.) above finished grade and meeting all yard, setback and allowable projection requirements;”
13. Part Seven is amended by adding the following as Section 7.7A:
- “7.7A Decks
- (a) When a ground level deck or a raised deck is covered with a roof or fully enclosed with walls and is attached to the main building, it shall be considered an addition to the main building and shall be required to meet all yard and setback requirements and height requirements of the District that apply to the main building.
- (b) When a ground level deck or a raised deck is covered with a roof or fully enclosed with walls but is not attached to the main building, it shall be required to meet all yard and setback requirements and height requirements that apply to accessory buildings.
- (c) An unenclosed ground level deck or an unenclosed raised deck that is attached to the main building, may project into the:
- (i) minimum front yard required by the District to a maximum of 1.5m (5ft.);
- (ii) minimum side yard required by the District to a maximum of 0.6m (2ft.);
- (iii) minimum rear yard required by the District to a maximum of 3.0m (9.84ft).”

Changes relating to Projections

14. Part Ten: Definitions is amended by adding the following definition where it would appear in alphabetical order:

“projection” means a portion or part of a building that extends horizontally above and beyond the foundation of the building including, but not limited to, exterior siding materials, decks, landings, verandas, unenclosed stairs and steps, cantilevered windows and wall sections, fireplace chase, or eaves;”

15. Section 7.8 is amended by replacing Subsection 7.8(a) Projections into Yards with the following:

“(a) With the exception of eaves, items that extend from the main building using the same foundation wall, footings, grade beams, or slab on grade as the main building for support are deemed to be part of the main building and shall not be considered an allowable projection into a yard.”

16. Section 7.8 is amended by replacing Subsection 7.8(b) Projections in Yards with the following:

“(b) In Residential Districts, the portion of and attachments to a main or accessory building which may project over or into a minimum yard are:

(i) Side Yards

- Any projection, including a chimney chase or eaves, may project up to one-half of the minimum side yard required for the building,
- Unenclosed steps or landings or ramps providing access to the building may project the full depth of the minimum side yard,
- A cantilevered wall section having a horizontal width of 2.5m (8 ft.) or less may project up to 0.6m (2 ft.) into the minimum side yard required for the building,
- In all cases, no projection that would reduce the distance required by Section 7.10 Laneless Subdivisions shall be allowed.

(ii) Front Yards

- Unenclosed steps or landings or ramps may project up to 2.5 m (8.2 ft.) into the minimum front yard required for the building,
- A cantilevered wall section having a horizontal width of 2.5m (8 ft.) or less may project up to 0.6m (2 ft.) into the minimum front yard required for the building,
- All other projections may project up to 1.5 m (4.92 ft.) into the minimum front yard required for the building.

(iii) Rear Yards

- A cantilevered wall section having a horizontal width of 2.5m (8 ft.) or less may project up to 0.6m (2 ft.) into the minimum rear yard required for the building,
- All other projections may project up to 3m (9.84 ft.) over the minimum rear yard required for the building.”

17. Section 7.8 is amended by replacing Subsection 7.8(c) Projections in Yards with the following:

“(c) In all other Districts, the portion of and attachments to a main or accessory building which may project over or on a minimum yard are:

- (i) a cantilevered wall section having a horizontal width of 2.5m (8 ft.) or less may project up to 0.6m (2 ft.) into any minimum yard required for the building,

- (ii) any other projection, excluding a cantilevered wall section, may project up to 1.5 m (4.92 ft.) into a minimum front or rear yard required for the building;
- (iii) any other projection may project up to 0.6 m (2 ft.) into a minimum side yard required for the building,
- (iv) any projection that is an exterior fire escape not exceeding 1.2 m (3.94 ft.) in width may project into any minimum required yard for the building,
- (v) in all cases, no projection that would reduce the distance required by Section 7.10 Laneless Subdivisions shall be allowed.”

Read a first time this 4th day of March, 2020

Read a second time this 1st day of April, 2020

Read a third and final time this 1st day of April, 2020

Mayor

Chief Administrative Officer