

**PUBLIC HEARINGS AND MEETINGS
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
JUNE 26, 2024
TO BE HEARD AT 2:00 P.M.**

APPLICATION INFORMATION



PROPOSAL: LAND USE BYLAW AMENDMENTS

PROPOSAL:

Staff has proposed amendments to the Land Use Bylaw for Council's consideration.

FILE MANAGER: Coreena Carr

BACKGROUND

As part of the ongoing implementation of the Land Use Bylaw, staff continues to make amendments to the Land Use Bylaw to ensure that it remains current and that provisions are as clear as possible.

In 2023 – 2024, separate Land Use Bylaw amendments were adopted on individual topics pertaining to the following:

- Solar Power Amendments – June 28, 2023, 2023
- Secondary Suite Amendments – January 31, 2024
- Cannabis Retail Amendments – December 6, 2023
- Airport Amendments – May 29, 2024

The most recent update of general Land Use Bylaw amendments not specific to only one topic was November 16, 2022.

PROPOSAL:

This application is to allow for several general amendments within the land use bylaw. Most of the changes are minor in nature, allowing for clarification and/or updates to existing provisions or to provide for more efficient implementation on existing development.

The following is a summary of topics for the amendments proposed:

- *A New Municipal Road Classification* and associated setbacks.
- Updates to *Section 5.11 Reapplication Of Development Permits*.
- Amendments to *Section 6.12 Resubmission Interval* provisions.
- Changes to provisions on *Manmade Water Bodies*.
- Changes to *Child Care Facility* and *Family Day Home* definitions and provisions.
- Clarifications on requirements for *Dwelling, Manufactured Homes, Dwelling, Mobile Homes, And Dwelling, Move On* under Section 10.10.
- Amendments under the *Recreation District* land use district for exceptions on setbacks for a portion of Square Butte development under Section 16.1.8

- Added provisions for clarification on *Home Office/Home Based Business* pertaining to more than one business use on a site.
- *Home Office* and *Home Based Business* added to permitted or discretionary uses in more land use districts.
- Amendments pertaining to *The Placing Of Topsoil On Lands*.
- Amendments to Section 4.2.1 pertaining to *Signage Not Requiring A Development Permit*.
- Amendments to provisions pertaining to *Legal Access To A Parcel Of Land*.
- Amendments to *Setback Provisions Under DC#34* from commercial solar installations to adjacent residences.
- Clarification on *Habitable Area* for *Secondary Suites*.
- Clarification under *Section 5.6 For Setback Variances*.
- Amendment to *Section 3.1. Development Authority* to allow the Development Authority to decide on time extensions to Development Permits approved by the DAB.
- Amendment to *Section 9.27 For Special Setbacks* to align with the provisions under Residential Community District land use rules.

Details and precise wording for the proposed Land Use Bylaw Amendments are attached as **Appendix A** for Council's review.

PUBLIC HEARING NOTICE

The public hearing was advertised in the June 12, 2024, and June 19, 2024, issues of the Western Wheel and notice of the hearing was posted on the newsfeed on the County website starting June 12, 2024.

SUMMARY

Staff has proposed several amendments to the Land Use Bylaw for Council's consideration only as attached in **Appendix A**.

APPLICATION - OPTIONS FOR COUNCIL CONSIDERATION:

OPTION #1 – APPROVAL – 1st READING

Should Council feel that the proposed land use bylaw amendments are consistent with the existing regional and municipal policy frameworks, and no significant planning considerations have been brought forward through the public hearing that cannot be resolved through the planning process; Council may wish to move first reading of Bylaw XX/2024 to authorize amendments to the Land Use Bylaw as outlined in the attached *Appendix A*.

Council shall direct staff on any additional information or changes they wish to see prior to second and third reading.

OPTION #2 POSTPONE APPLICATION

Moved that a decision on Bylaw XX/2024 be postponed for further direction from Council, as they feel additional information is required prior to rendering a decision.

APPENDICES

APPENDIX A – PROPOSED BYLAW INCLUDING LAND USE BYLAW AMENDMENTS

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BYLAW XX/2024

BEING A BYLAW OF FOOTHILLS COUNTY TO AUTHORIZE AN AMENDMENT TO THE LAND
USE BYLAW NO. 60/2014 AS AMENDED

WHEREAS pursuant to the provisions of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, and amendments thereto, the Council of Foothills County in the Province of Alberta, has adopted Land Use Bylaw No. 60/2014 and amendments up to and including those passed on December 17, 2014.

AND WHEREAS pursuant to Section 191(1) of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, the power to pass a bylaw under this or any other enactment includes a power to amend or repeal the bylaw.

AND WHEREAS Bylaw XX/2024 was introduced to Council to further amend the Land Use Bylaw by authorizing text amendments to Land Use Bylaw 60/2014 as described within the attached Schedule 'A'.

1. This Bylaw shall have effect on the date of third reading.

FIRST READING: XXX

Reeve

Municipal Manager

SECOND READING: XXX

Reeve

Municipal Manager

THIRD READING: XXX

Reeve

Municipal Manager

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this
day of _____, 2024.

NEW MUNICIPAL ROADS CLASSIFICATION AND SETBACKS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>NEW</p> <p><i>For reference purposes only current definitions:</i></p> <p><i>MUNICIPAL ROAD means a public road, street, or undeveloped road allowance that is subject to the direction, control, and management of the County.</i></p> <p><i>INTERNAL SUBDIVISION ROAD means a municipal road, subject to the direction, control, and management of the County, providing access to lots within a registered subdivision. This definition does not include roads belonging to a condominium association as common property.</i></p>	<p>NEW</p> <p>MUNICIPAL ROAD, MAJOR means a municipal road, subject to the direction, control, and management of the County, designed for higher traffic volumes providing access to local and regional areas.</p>	<p>Created a new road classification called Municipal Road, Major for more significant County Roads such as Dunbow road that require a larger setback to the right of way, similar to that of what a Secondary Road previously had.</p>
<p>NEW</p>	<p>Add the following to all land use districts, under Minimum Yard Setbacks:</p> <p>a. Front Yard Setbacks (in each district)</p> <p>64m (209.97 ft.) from the centreline of a Municipal Road, Major.</p> <p><u>Example: Front Yard Setbacks:</u></p> <p>a. 40m (131.23 ft.) from the ultimate right of way or (70 meters from the centreline of a Provincial highway, whichever is greater.</p> <p>b. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.</p> <p>c. 48m (157.48 ft) from the centreline of a Municipal Road.</p> <p>d. 15m (49.21 ft.) from the right of way of an internal subdivision road.</p>	<p>Request is being made for a larger setback to Dunbow road similar to that of Secondary Highways previously. We have chosen to call them Municipal Road, Major. Later with the County is required to take over portions of Highway 2A, it can also be designated a Municipal Road Major.</p> <p>The map will highlight roads with this new designation accordingly.</p>

REAPPLICATION AND RESUBMISSION OF APPLICATION PROVISIONS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>SECTION 5.11 RE-APPLICATION</p> <p>5.1.1.1. When an application for a Development Permit or a change in land designation is refused, another application with respect to the same parcel of land, may not be made by the same or any other applicant until the expiration of at least six months from the date of the last refusal:</p> <p>a. For a Development Permit for the same or a similar use, or</p> <p>b. For a change in land use designation;</p>	<p>SECTION 5.11 RE-APPLICATION OF DEVELOPMENT PERMITS</p> <p>Section 5.11 shall be amended as follows:</p> <p>5.1.1.1 When an application for a Development Permit, or a change in land designation is refused by either the Development Authority, Council, or by a decision of the Subdivision and Development Appeal Board or Land and Property Rights Tribunal, another application with respect to the same parcel(s) of land, for the same or similar use of the land, may not be made by the same or any other applicant until the expiration of at least six (6) months from the date of the last refusal or appeal decision, unless a resolution is passed by Council to waive the waiting period:-</p> <p>a. For a Development Permit for the same or a similar use, or</p> <p>b. For a change in land use designation.</p> <p>5.1.1.2 Notwithstanding Section 5.1.1.1, the Development Authority may at its discretion receive a new or revised development permit application for the same or similar use of the parcel before the six (6) months has elapsed from the date of the decision, when, in the opinion of the Development Authority, the application has been significantly modified.</p>	<p>Clarification on the 6-month waiting period to reapply for a Development Permit.</p>
<p>6.12 RESUBMISSION INTERVAL</p> <p>6.12.1 Where an application for an amendment to this Bylaw has been refused by Council, another application for the same or substantially the same amendment shall not be considered within six (6) months of the date of the refusal unless Council otherwise directs.</p>	<p>6.12 RESUBMISSION INTERVAL</p> <p>6.12.1 When an application for an amendment to this Bylaw, redesignation or change in land use designation, a site specific amendment, statutory plan or amendment to a statutory plan, has been refused by Council, another application with respect to the same parcel(s) of land, for the same or substantially the same amendment application, shall not be considered within six (6) months of the date of the refusal, unless Council otherwise directs a resolution is passed by Council to waive the waiting period.</p>	<p>Clarification on timeline to reapply for redesignation, ASP, and land use bylaw amendments.</p>

MAN MADE WATER BODIES		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>Current definition under Section 2.5:</p> <p>PRIVATE LAKE means development of a private lake or water body for private uses, for active or passive recreational use and includes all natural and man-made landscaping, facilities, buildings, and other structures that are consistent with the general purpose of a private lake, the lake or water body and associated recreational facilities are privately owned, operated, and maintained by a landowner, a homeowners association, or a community association and is appropriately designed and licensed.</p>	<p><i>Private Lake is removed from the bylaw and replaced with the following new definition:</i></p> <p>MANMADE WATER BODIES, PRIVATE means a man-made water body created for landscaping purposes, or private, active, or passive recreational use, having a depth of 1m (3.28 ft.) or greater but does not include a dugout or storm water management facility.</p>	<p>We are adding a definition for Manmade water bodes, private to replace Private Lake.</p> <p>Manmade water bodies were a use listed under several land use districts but not defined and both are not required.</p>
<p>Current definitions under Section 2.5:</p> <p>DUGOUT means the excavation of land that results in manmade features that entrap water and includes a private dam and/or excavation for general agricultural purposes, but does not include ornamental ponds, storm water ponds, or private lakes or lagoons for the purposes of processing wastewater.</p> <p>ORNAMENTAL POND means a water feature created for landscaping purposes having a depth shallower than 1m (3.28 ft.) but does not include storm water management facilities.</p> <p>LANDSCAPING means the modification and enhancement of a property through the use of any or all of the following elements:</p> <ul style="list-style-type: none">soft landscaping consisting of vegetation such as trees, shrubs, hedges, grass, and ground cover; andhard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile, and wood, but including monolithic concrete and asphalt in the form of patios, walkways, paths but excluding parking lots.	<p><i>The following existing definitions shall be amended as follows:</i></p> <p>DUGOUT means the excavation of land that results in manmade features that entrap water and includes a private dam and/or excavation for general agricultural purposes, but does not include ornamental ponds, storm water ponds, man-made waterbodies, private or private-lakes-or lagoons for the purposes of processing wastewater.</p> <p>ORNAMENTAL POND means a man-made water feature created for landscaping purposes having a depth shallower than 1m (3.28 ft.) but does not include storm water management facilities.</p> <p>LANDSCAPING means the modification and enhancement of a property through the use of any or all of the following elements:</p> <ul style="list-style-type: none">soft landscaping consisting of vegetation such as trees, shrubs, hedges, grass, and ground cover; andhard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile, and wood, but including monolithic concrete and asphalt in the form of patios, walkways, paths but excluding parking lots. <p>Landscaping does not include berming, grading, land leveling or recontouring that are considered under the definition of Lot Grading.</p>	<p>For consistency, we are amending these definitions in accordance with the removal of private lake and replacement with a new definition of <i>Manmade Water Body, Private</i>.</p> <p>We currently have Private Lake (defined) and manmade water feature/dugout (Section 9.18)</p>

PROPOSED AMENDMENTS ARE SHOWN IN RED

MAN MADE WATER BODIES		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>LOT GRADING means any work, operation or activity that results in a disturbance of the earth including the removal of top soil or borrow, borrow pits, berming, excavating, trenching, backfilling, filling, land leveling, re-contouring and, grading other than for building purposes but does not include aggregate extraction, commercial logging, tree clearing, dugouts/private dams, ornamental ponds, storm water ponds, lagoons for the purpose of processing wastewater or landscaping as defined by this Bylaw.</p>	<p>LOT GRADING means any work, operation or activity that results in a disturbance of the earth including the removal of top soil or borrow, borrow pits, berming, excavating, trenching, backfilling, filling, land leveling, re-contouring and, grading other than for building purposes but does not include aggregate extraction, commercial logging, tree clearing, landscaping, dugouts/private dams, ornamental ponds, man-made water bodies, private, storm water ponds, or lagoons for the purpose of processing wastewater or landscaping as defined by this Bylaw.</p>	
<p>Private Lake was listed as a use under the following land use districts:</p> <ul style="list-style-type: none">• Recreation District – Permitted Use• Open Space District – Discretionary Use• DC#33 – Permitted Use	<p><i>Private Lake is deleted under all current land use districts and replaced with Manmade Water bodies, private:</i></p> <ul style="list-style-type: none">• Recreation District – Permitted Use• Open Space District – Discretionary Use• DC#33 – Permitted Use	<p>Replacing Private Lake Manmade water bodes, private below for consistency.</p>
<p>Dugout is listed as a use under the following land use districts:</p> <ul style="list-style-type: none">• Recreation District – Discretionary Use• DC #14 – Permitted Use	<p><i>Add Dugout as a use under land use districts noted as follows:</i></p> <ul style="list-style-type: none">• Agricultural District – Permitted Use• Agricultural Business District – Permitted Use• Rural Business District – Discretionary Use• County Residential District (for general ag use) - Discretionary Use	<p>Adding Dugout as a use under land uses for general agricultural land uses.</p> <p><i>4.2.1.22 and 4.2.1.38 identifies no permit required when used for agriculture general in Agricultural Districts.</i></p>

MAN MADE WATER BODIES		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
NEW	<p>Manmade water bodies, private is added to land use districts as a Discretionary use as follows:</p> <ul style="list-style-type: none">County Residential DistrictDirect Control District #1 (Spruce Meadows)Direct Control District #25 (Rocky Mountain Show Jumping)	Land Use Districts that may already have or may apply for this use.
<p>Manmade Water Features currently under the following land use districts as a Discretionary use:</p> <ul style="list-style-type: none">Agricultural DistrictAgricultural Business DistrictThe following Direct Control Districts:<ul style="list-style-type: none">Direct Control District #3,Direct Control District #26,Direct Control District #27,Direct Control District #29,Direct Control District #30,Direct Control District #31,Direct Control District #32Direct Control District #36	<p>Manmade Water Feature is deleted from all current land use districts and replaced with Manmade water bodies, private as a Discretionary use as follows:</p> <ul style="list-style-type: none">Agricultural DistrictAgricultural Business DistrictDirect Control District #3,Direct Control District #26,Direct Control District #27,Direct Control District #29,Direct Control District #30,Direct Control District #31,Direct Control District #32,Direct Control District #36	For consistency.

DAYCARE/CHILD CARE		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>Current Definitions:</p> <p>DAY CARE FACILITY means the use of a building or portion thereof for the provision of care, instruction, maintenance, or supervision of seven or more children under the age of 13 years, by persons other than one related by blood or marriage, for periods not exceeding 24 consecutive hours and includes all daycare centers, early childhood services, nurseries and after-school or baby-sitting programs which meet this definition. More information on Child Care Facilities can be found in Section 10.7 of this bylaw.</p> <p>DAY HOME SERVICES means when a dwelling unit is used to provide for the care and supervision of six or fewer children under the age of 13 years for a fee, by a person who resides in the dwelling unit, for periods of less than twenty-four (24) consecutive hours, other than institutions operated by or under the authority of the Director of Child Welfare. More information on Child Care Facilities can be found in Section 10.7 of this bylaw.</p>	<p>The definitions of “Day Care Facility” and Day Home Services” are deleted and replaced by the following definitions:</p> <p>CHILD CARE FACILITY means a child care program offered or provided for under a facility-based license, to provide child care to <u>more than 6 children</u>, not including the person’s own children, in accordance with the Early Learning and Child Care Act. (For example, day care, preschool care, out of school care)</p> <p>FAMILY DAY HOME means a <u>licensed</u> child care program providing child care to <u>no more than 6 children</u>, not including the person’s own children, that is offered or provided by an individual in the individual’s private residence, and under the oversight of a licensed family day home agency in accordance with the Early Learning and Child Care Act</p> <p>FAMILY DAY HOME, PRIVATE means unlicensed child care provided for up to <u>6 children</u>, not including their own, that is offered or provided by an individual in the individual’s private residence and is not monitored by the Alberta government or by a licensed agency. (For example, a private day home, nanny, or care under informal arrangements with friends, neighbors, or family).</p>	<p>Amendments to better align with Provincial agencies and with the Early Learning Child Care Act.</p>
<p>Current Provisions under Section 10.7:</p> <p>10.7.1 In accordance with Section 2.5 “Definitions”, Child care facilities have been separated into categories as per the following:</p> <p>a. Day Care Facility means the use of a building or portion thereof for the provision of care, instruction, maintenance, or supervision of seven or more children under the age of 13 years, by persons other than one related by blood or marriage, for periods not exceeding 24 consecutive hours and includes all daycare centres, early childhood services, nurseries and after-school or baby-sitting programs which meet this definition.</p>	<p>Section 10. 7 should be amended as follow:</p> <p>10.7 CHILD CARE FACILITY/FAMILY DAY HOMES</p> <p>10.7.1 Licensed Child care establishments include the following categories:</p> <p>a. CHILD CARE FACILITY means a child care program offered or provided for under a facility-based license, to provide child care to <u>more than 6 children</u>, not including the person’s own children, in accordance with the Early Learning and Child Care Act and Regulation. (For example, day care, preschool care, out of school care)</p>	<p>The provisions under Section 10.7 are amended in accordance with definitions and Provincial regulations.</p>

DAYCARE/CHILD CARE		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>b. Day Home Services means when a dwelling unit is used to provide for the care and supervision of six or fewer children under the age of 13 years for a fee, by a person who resides in the dwelling unit, for periods of less than twenty-four (24) consecutive hours, other than institutions operated by or under the authority of the Director of Child Welfare.</p>	<p>b. FAMILY DAY HOME means a licensed child care service providing child care to no more than 6 children, not including the person's own children, that is offered or provided by an individual in the individual's private residence, and under the oversight of a licensed family day home agency in accordance with the Early Learning and Child Care Act and Regulation.</p> <p>10.7.2 Unlicensed child care establishments include the following:</p> <p>a. FAMILY DAY HOME, PRIVATE means unlicensed child care provided <u>for up to 6 children</u>, not including their own, that is offered or provided by an individual in the individual's private residence and is not monitored by the Alberta government or by a licensed agency. (For example, a private day home, nanny, or care under informal arrangements with friends, neighbors, or family).</p> <p>10.7.3 Child Care Facilities and Family Day Homes shall be operated in accordance with the Provincial regulations and Early Learning and child Care Act and Regulation.</p> <p>10.7.4 When considering an application for the development of <i>Child Care Facility and Family Day Home</i>, the Development Authority may take into account the size, configuration and quality of the site and associated buildings, size of operation, potential traffic generation, available parking, adjacent land uses, proximity to parks, open spaces or recreation areas and potential impacts on other development in the surrounding area.</p> <p>10.7.3 The Development Authority shall establish the maximum number of children for whom care may be provided, having regard for the above noted definitions, provincial regulations, the nature of the operation and the density of development in the district in which it is located.</p>	

DAYCARE/CHILD CARE		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>10.7.4 The Development Authority may consult with provincial and municipal child service agencies prior to making a decision on a development Permit for a Child care facility.</p>	<p>10.7.5The Development Authority may consult with provincial and municipal child service agencies prior to making a decision on a Development Permit for a Child Care Facility and/or a Family Day Home.</p> <p>10.7.6. Staff member to child ratio for the appropriate type of Child Care Facility/Family Day Home establishment shall be in accordance with the Early Learning and Child Care Regulation where applicable. Where not governed for private family day homes, the Development Authority may use their discretion.</p>	
<p>10.7.5 Parking facilities for approved Child care facilities shall meet the requirements of Section 9.19.</p>	<p>10.7.7Parking facilities for approved Child Care Facilities and Family Day Homes shall meet the requirements of Section 9.19.</p>	
<p>Day Care Facility is listed as a Permitted Use under the following land use districts:</p> <ul style="list-style-type: none">• Direct Control District #1 (Spruce Meadows) <p>Day Care Facility is listed as a Discretionary Use under the following land use districts:</p> <ul style="list-style-type: none">• Community Commercial District• Service District• Direct Control District #11 (Heritage Point Commercial)• Direct Control District #23 (Church NW 33-21-29-W4)) <p>Day Home Services is listed as a Permitted use under the following land use districts:</p> <ul style="list-style-type: none">• Rural Business District <p>Day Home Services is listed as a Discretionary use under the following land use districts:</p> <ul style="list-style-type: none">• Agricultural District• Agricultural Business District• Country Residential District• Cluster Residential District• Country Estate District• Residential Community District• Residential Multi-Family District• Residential Manufactured Home District• Direct Control District #36 (Equine Rehab)	<p>The following amendments are proposed in the respective land use districts:</p> <ul style="list-style-type: none">• Day Care Facility is removed and replaced with Child Care Facility where listed as a corresponding use under a land use district.• Day Home Services is removed as a use and replaced u where listed under a land use district with both uses as a discretionary use follows:<ul style="list-style-type: none">○ Family Day Home○ Family Day Home, Private <p>• Note: Day Home Services is moved from a permitted use to discretionary use under Rural Business District under the two new defined Day Home uses.</p>	<p>Updating the land use district accordingly with new definitions for consistency.</p>

DAYCARE/CHILD CARE		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
NEW – Section 9.19, Table 9.19C	<p>The following shall be added to Section 9.19, Table 9.19C Parking Requirements for residential and residential related I land uses:</p> <p>Family Day Home, Private 1 parking stall per employee; and 1 pick-up and drop-off stall per 3 children, unless lawful on-street parking is available.</p> <p><i>**Parking requirements for a Family Day Home, Private may be altered at the discretion of the Approved Approving Authority as part of the conditional approval on of the Development Permit based on the maximum number of children in attendance, proposed special events/activities held in conjunction with use, and location.</i></p>	Adding for Private Family Day home.
Section 9.19, Table 9.19D Parking Requirements for commercial land uses	<p>Section 9.19, Table 9.19D Parking Requirements for commercial land uses shall be amended by removing Day Care Services and replacing it with the following:</p> <p>Child Care Facility 1 parking stall per employee; and 1 pick-up and drop-off stall per 3 children, unless lawful on-street parking is available.</p> <p><i>**Parking requirements for a Child Care Facility may be altered at the discretion of the Approving Authority as part of the conditional approval of the Development Permit based on the maximum number of children in attendance, proposed special events/activities held in conjunction with use, and location.</i></p> <p>Family Day Home 1 parking stall per employee; and 1 pick-up and drop-off stall per 3 children, unless lawful on-street parking is available.</p> <p><i>**Parking requirements for Family Day Homes may be altered at the discretion of the Approving Authority as part of the conditional approval of the Development Permit based on the maximum number of children in attendance, proposed special events/activities held in conjunction with use, and location.</i></p>	Amendment to the parking in accordance with updated provisions
Day Care Services 1 parking stall per employee		

DWELLING PROVISIONS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>Current Dwelling, Manufactured and Mobile Home Provisions:</p> <p>10.10.13 A Dwelling, Manufactured Home and Dwelling, Mobile Home shall be prefabricated, built, or factory constructed later than September 2, 2007, have C.S.A. certification, or an equivalent to the satisfaction of the Safety Codes Officer and such shall be submitted with the required building permit application. Dwelling, Manufactured Homes and Dwelling, Mobile Homes that do not have CSA approval, regardless of age, shall require an engineer's report prior to being approved to be moved on to a parcel of land that is sized appropriately in accordance with the provisions of this Bylaw.</p>	<p>Section 10.10 shall be amended as follows:</p> <p>10.10.13 Installation of a Dwelling, Manufactured Home and or Dwelling, Mobile Home, will require a building permit prior to moving the structure onto the parcel where it is to be installed. The parcel shall be sized appropriately in accordance with the provisions of this bylaw and the structure shall be prefabricated, built, or factory constructed later than September 2, 2007, and have C.S.A. certification, or an equivalent to the satisfaction of the Safety Codes Officer, and such shall be submitted with the required building permit application. Applications for Dwelling, Manufactured Homes and Dwelling, Mobile Homes that do not have CSA approval, regardless of age, shall require an be accompanied by a current, up to date engineer's report, prior to being approved to be moved on to a parcel of land that is sized appropriately in accordance with the provisions of this Bylaw.</p>	<p>Section 10.10.13 stipulates requirements for a Dwelling, Manufactured Home and Dwelling, Mobile Home prior to being approved to be moved onto a parcel.</p> <p>For clarification, we are amending <u>the provisions</u> to read that a professional engineer report that is current and up to date at the time the unit is being move on a new parcel is required....</p> <p><u>We have also rearranged the provisions so they read more clearly.</u></p>
<p>Current: Dwelling, Move on provisions:</p> <p>10.10.20 A Dwelling, Moved On shall meet the following criteria:</p> <ul style="list-style-type: none">a. must have an approved building permit and necessary Safety Codes Permits (Plumbing, Gas, Septic and Electrical) prior to moving the dwelling onto the lands or constructing the foundation.b. the dwelling must be moved on to an approved foundation within 60 days of arrival onto the lot.c. the Development Permit application must be accompanied by an APEGGA certified Professional Engineer's report stating that the dwelling meets the requirements of the applicable Building Code, that it is structurally capable of being moved, and is of the minimum square footage required under the applicable land use district, provided to the County prior to the dwelling being placed on the foundation.	<p>Section 10.10.20 "c". and "h" shall be amended as follows:</p> <p>10.10.20 A Dwelling, Moved On shall meet the following criteria:</p> <ul style="list-style-type: none">a. must have an approved building permit and necessary Safety Codes Permits (Plumbing, Gas, Septic and Electrical) prior to moving the dwelling onto the lands or constructing the foundation.b. the dwelling must be moved on to an approved foundation within 60 days of arrival onto the lot.c. the Development Permit application must be accompanied by an a current, up to date APEGGA certified Professional Engineer's report stating that the dwelling meets the requirements of the applicable Building Code, that it is structurally capable of being moved, and is of the minimum square footage required under the applicable land use district, provided to the County prior to the dwelling being placed on the foundation.	<p>Section 10.10.20 lists criteria for Dwelling Move on.</p> <p>Clarification is being added that an up-to-date engineer report is required for Dwelling, Move on applications under "c".</p>

DWELLING PROVISIONS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>d. the Dwelling Unit shall conform to the Development Requirements for the applicable land use district for the lot, including but not limited to maximum dwelling density, habitable area per dwelling, minimum setback requirements, and maximum height requirements.</p> <p>e. The dwelling shall have a high standard of exterior finish and be compatible with the adjacent development.</p> <p>f. The applicant shall include photos of the dwelling to be moved, showing the exterior appearance with the Development Permit application.</p> <p>g. The applicant shall include a copy of work required to complete the dwelling including the exterior finish, renderings or artistic drawings of how the dwelling is to look when completed and detailed cost estimates for the work to be completed with the Development Permit application.</p> <p>h. The applicant shall submit a security or deposit in an amount equal to the value of construction of the foundation and all other work required to complete the exterior of the dwelling to a high standard of appearance. The amount will be confirmed by the Approving Authority based on cost estimates submitted with the application. Notwithstanding these estimated costs, the deposit shall be no less than the minimum set out in the Fee Schedule, as approved by Council. The security or deposit may be released upon inspection of the structure confirming that the exterior of the dwelling is complete as per the conditions of Development Permit.</p> <p>i. the applicant is responsible to ensure that all road bans issued for municipal road surfaces, pertaining to the relocation of the dwelling, are adhered to.</p>	<p>d. the Dwelling Unit shall conform to the Development Requirements for the applicable land use district for the lot, including but not limited to maximum dwelling density, habitable area per dwelling, minimum setback requirements, and maximum height requirements.</p> <p>e. The dwelling shall have a high standard of exterior finish and be compatible with the adjacent development.</p> <p>f. The applicant shall include photos of the dwelling to be moved, showing the exterior appearance with the Development Permit application.</p> <p>g. The applicant shall include a copy of work required to complete the dwelling including the exterior finish, renderings or artistic drawings of how the dwelling is to look when completed and detailed cost estimates for the work to be completed with the Development Permit application.</p> <p>h. The applicant shall submit a security or deposit in an amount equal to the value of construction of the foundation and all other work required to complete the exterior of the dwelling to a high standard of appearance, which may include a portion of the exterior of the foundation that is above grade. The amount will be confirmed by the Approving Authority based on cost estimates submitted with the application. Notwithstanding these estimated costs, the deposit shall be no less than the minimum set out in the Fee Schedule, as approved by Council. The security or deposit may be released upon inspection of the structure confirming that the exterior of the dwelling is complete as per the conditions of Development Permit.</p> <p>i. the applicant is responsible to ensure that all road bans issued for municipal road surfaces, pertaining to the relocation of the dwelling, are adhered to.</p>	<p>Amendments to “h” clarify that the security or deposit does not include the value of the foundation construction but may include the exterior of the foundation that is above grade for appearance.</p>

DWELLING PROVISIONS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>j. the applicant may be required to enter into a development agreement or road use agreement to reimburse the County for costs incurred with respect to any damage or repair required to the municipal road as a result of the relocation of the dwelling.</p>	<p>j. the applicant may be required to enter into a development agreement or road use agreement to reimburse the County for costs incurred with respect to any damage or repair required to the municipal road as a result of the relocation of the dwelling.</p>	
<p>Current provisions under 9.12</p> <p>9.21.6 An application for a Development Permit must be accompanied with the following:</p> <p>a. A completed checklist declaration for the relocation of a building/dwelling, moved on.</p> <p>b. An APEGGA certified Professional Engineer's report for the building or structure to be moved, stating that the building or structure meets the requirements of the applicable Building Code and that it is structurally capable of being moved.</p> <p><i>Other provisions continue c through e</i></p>	<p>Section 9.21.6 b. shall be amended as follows:</p> <p>9.21.6 An application for a Development Permit must be accompanied with the following:</p> <p>a. A completed checklist declaration for the relocation of a building/dwelling, moved on.</p> <p>b. A current (up to date) An APEGGA certified Professional Engineer's report for the building or structure to be moved, stating that the building or structure meets the requirements of the applicable Building Code and that it is structurally capable of being moved.</p> <p><i>Other provisions c through e are unchanged.</i></p>	<p>Section 9.21.6 list what must be accompanied with a Development Permit Application.</p> <p>Amendments are proposed to clarify that engineer reports must be current.</p>

EXCEPTIONS FOR SQUARE BUTTE UNDER RECREATION DISTRICT		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>16.1.8 Exceptions - Square Butte:</p> <p>16.1.8.1 For Plan 9913474, units 51 through 56 and Plan 0010101, Units 58 through 63, allow for 0 setback to property lines, excepting the rear yard of the dwelling units which shall be 15m (49.21 ft.).</p> <p>16.1.8.2 For Plan 9910270, units 32 through 41 and Plan 9710379, units 1 through 26, allow for the use of setbacks as defined under the Residential Community District.</p>	<p>16.1.8 Exceptions - Square Butte:</p> <p>16.1.8.1 For Plan 9913474, units 51 through 56 and Plan 0010101, Units 58 through 63, allow for 0 setback to property lines, excepting the rear yard of the dwelling units which shall be 15m (49.21 ft.).</p> <p>16.1.8.2 For Plan 9910270, units 32 through 41 and Plan 9710379, units 1 through 26, allow for the following setbacks: use of setbacks as defined under the Residential Community District.</p> <p>a. Front Yard Setbacks:</p> <p>i. 48m (157.48 ft.) from the centreline of a Municipal Road.</p> <p>ii. 5m (16.40 ft) from the property line for internal subdivision roads and internal laneways.</p> <p>b. Side Yard Setbacks:</p> <p>i. 1.5m (4.92 ft.) from the property line.</p> <p>c. Rear Yard Setbacks:</p> <p>i. Principal Building – 8m (26.25 ft.) from the property line.</p> <p>ii. Accessory Building – 1m (3.28 ft) from the property line.</p> <p>iii. Decks and associated staircases (steps) may project into the rear yard setback to a maximum of 1.5m (4.92 ft.).</p>	<p>Amendment to the exception for Square Butte setbacks, for consistency and clarification in accordance with the development itself, as the previous setback at the time of the exception was put in place, was less.</p> <p>Including these setbacks in the exception allows the setback to remain over time and does not change as the Residential Community setbacks are amended.</p>

HOME OFFICE/HOME BASED BUSINESS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>Current provisions under Section 10.12</p> <p>Home Office:</p> <p>10.12.1. No Development Permit is required for a <i>Home Office</i> where it is listed as a permitted use under the applicable land use district in accordance with Section 4.2.1 of this bylaw.</p> <p>10.12.2. Notwithstanding Section 10.12.1, an annual Foothills County business license shall be obtained for any <i>Home Office</i> operating in the County.</p> <p>10.12.3. There is no limit to the number of employees for a <i>Home Office</i> where a portion of the dwelling and/or accessory building is the office for a business that operates off site (construction, landscaping, etc.), provided all interaction with the employees is off the property and employee vehicles are not on the premises and all other provisions of the <i>Home Office</i> are met.</p>	<p>The following as added to Section 10.12 pertaining to Home Office:</p> <p>Home Office:</p> <p>10.12.1. No Development Permit is required for a <i>Home Office</i> where it is listed as a permitted use under the applicable land use district in accordance with Section 4.2.1 of this bylaw.</p> <p>10.12.2. Notwithstanding Section 10.12.1, an annual Foothills County business license shall be obtained for any <i>Home Office</i> operating in the County.</p> <p>10.12.3. There is no limit to the number of employees for a <i>Home Office</i> where a portion of the dwelling and/or accessory building is the office for a business that operates off site (construction, landscaping, etc.), provided all interaction with the employees is off the property and employee vehicles are not on the premises and all other provisions of the <i>Home Office</i> are met.</p> <p>10.12.4. When a Home office is situated on a property in support of another business use approved for the site (for example uses such as event venue or dog kennel), the home office should be incorporated as part of the Development Permit approval and appropriate provisions included under the Development Permit for office in conjunction with the approved business use.</p>	<p>Clarification for Home Offices that are in support of other business uses approved for the site.</p> <p>We encourage the office being incorporated into the Development Permit for the overall business.</p>
<p><u>Current Provisions for Home Based Businesses:</u></p> <p><u>Home Based Businesses:</u></p> <p>10.12.4. A Development Permit is required for all Home Based Businesses that are not exempt from obtaining a Development Permit under Section 4.2.1 of this Bylaw.</p> <p>10.12.5. Upon issuance of a Development Permit for any home based business, the applicant shall obtain a Foothills County Business Licence from the County. If the business licence is not obtained or is revoked or suspended, the Development Permit shall be and remain suspended until the business licence is obtained or re- instated.</p>	<p>The following provision is added to Section 10.12:</p> <p><u>Home Based Businesses:</u></p> <p>10.12.5. A Development Permit is required for all Home Based Businesses that are not exempt from obtaining a Development Permit under Section 4.2.1 of this Bylaw.</p> <p>10.12.6. Upon issuance of a Development Permit for any home based business, the applicant shall obtain a Foothills County Business Licence from the County. If the business licence is not obtained or is revoked or suspended, the Development Permit shall be and remain suspended until the business licence is obtained or re- instated.</p>	<p>One additional provision (10.12.13) added to Home Based Business to ensure that the cumulative impact of all businesses on a single property are acknowledged under A Development Permit.</p> <p>Provisions renumbered accordingly.</p>

HOME OFFICE/HOME BASED BUSINESS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>10.12.6 All <i>Home Based Business</i> shall provide parking in accordance with Section 9.19 of this bylaw.</p> <p>10.12.7 Large commercial vehicles to be used in conjunction with a Type II and Type III Home Based Business, may be permitted at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, site screening, etc.</p> <p>10.12.8 Home Based Businesses must comply with the criteria in the corresponding Home Based Business Tables as follows:</p> <p>a. Home Based Business Type I - Table 10.12A.</p> <p>b. Home Based Business Type II – Table 10.12B</p> <p>c. Home Based Business Type III – Table 10.12C</p> <p>If more than one Home Based Business is operating on a parcel, the cumulative numbers of employees, business visits and vehicles stored on site shall be utilized to determine the level of Home-Based Business that is applicable.</p> <p>10.12.9 A Home Based Business Type I, II, or III shall not be operated from a <i>Dwelling temporary</i> on a parcel.</p> <p>10.12.10 A Home Based Business Type I, II, or III, listed as a permitted use in a land use district shall be considered a Discretionary Use, and require a Development Permit where situated in a Secondary Suite on a parcel.</p> <p>10.12.11 Home based businesses do not include Cannabis Production or Cannabis Sales.</p>	<p>10.12.7 All <i>Home Based Business</i> shall provide parking in accordance with Section 9.19 of this bylaw.</p> <p>10.12.8 Large commercial vehicles to be used in conjunction with a Type II and Type III Home Based Business, may be permitted at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, site screening, etc.</p> <p>10.12.9 Home Based Businesses must comply with the criteria in the corresponding Home Based Business Tables as follows:</p> <p>a. Home Based Business Type I - Table 10.12A.</p> <p>b. Home Based Business Type II – Table 10.12B</p> <p>c. Home Based Business Type III – Table 10.12C</p> <p>If more than one Home Based Business is operating on a parcel, the cumulative numbers of employees, business visits and vehicles stored on site shall be utilized to determine the level of Home-Based Business that is applicable.</p> <p>10.12.10 A Home Based Business Type I, II, or III shall not be operated from a <i>Dwelling temporary</i> on a parcel.</p> <p>10.12.11 A Home Based Business Type I, II, or III, listed as a permitted use in a land use district shall be considered a Discretionary Use, and require a Development Permit, where situated in a Secondary Suite on a parcel.</p> <p>10.12.12 Home based businesses do not include Cannabis Production or Cannabis Sales.</p> <p>10.12.13 The cumulative impact of things such as business visits to the site, number of employees, vehicles or equipment stored on site, ef<u>for all businesses or uses</u> outside of the principal use on the site (for example Kennels, Event venue) shall be taken into consideration when Development Permits are being considered.</p>	

HOME OFFICE/HOME BASED BUSINESS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>LAND USE DISTRICTS - USES</p> <p>Home office is currently listed as a permitted use under the following land use districts:</p> <ul style="list-style-type: none">• Agricultural District -,• Agricultural Business District• Country Residential District• Cluster Residential District• Country Estate Residential District• Residential Community District• Residential Multi-Family District• Residential Manufactured Home District• Recreation District• Rural Business District• DC#22 (Priddis Meadows)• DC#26 (Dog Kennels)• DC#27 (Home Based Business)• DC#29 (Riding Arenas)• DC#32 (Ag Societies)• DC#35 (Event Venue)• DC#36 (Equine Rehab Centre)	<p>AMENDMENTS TO LAND USE DISTRICTS:</p> <p>Home Office is added to the following land use districts as a permitted use:</p> <ul style="list-style-type: none">• DC#1 (Spruce Meadows)• DC#3 (Retreat Facilities) <p>Home Office is added to the following land use districts as a discretionary use as Dwelling is discretionary:</p> <ul style="list-style-type: none">• Natural Resource Extraction District• Service District	<p>We are reviewing existing land use districts and considering inclusion of Home.</p> <p>Office/Home Based Business I in some other land use districts where dwelling units are listed as a use.</p> <p>Office/Home Based Businesses do not require a Development permit if listed as a permitted use but does require a Development Permit where listed as a discretionary use.</p> <ul style="list-style-type: none">• Where Dwelling is a discretionary use, HBB are listed as discretionary.• Home Office and HBB I are normally Permitted uses.

HOME OFFICE/HOME BASED BUSINESS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>LAND USE DISTRICTS - USES</p> <p>Home Based Business I (HBB I) is currently listed as uses under the following land use districts:</p> <p><u>Permitted Use:</u></p> <ul style="list-style-type: none">• Agricultural District• Agricultural Business District• Country Residential District• Cluster Residential District• Country Estate Residential District• Rural Business District• DC27 (Home Based Business)• DC#36 (Equine Rehab Centre) <p><u>Discretionary Use:</u></p> <ul style="list-style-type: none">• Residential Community District• Residential Multi-Family District• Residential Manufactured Home District• Recreation District• DC#22 (Priddis Meadows)• DC#29 (Riding Arenas)• DC#32 (Ag Societies)• 	<p>AMENDMENTS TO LAND USE DISTRICTS:</p> <p>Home Based Business I (HBB I) shall be added to the following land use districts as a discretionary use:</p> <ul style="list-style-type: none">• Natural Resource Extraction District• Service District• DC#1 (Spruce Meadows)• DC#3 (Retreat Facilities)• DC#26 (Dog Kennels)• DC#35 (Event Venue)	<p>These land use districts must apply for a Development Permit for a Home Based Business I, but the use is provided as an option as they have dwellings as a use allowed.</p>

LOT GRADING AND PLACING OF TOPSOIL		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>SECTION 4.2.1 NO DEVELOPMENT PERMIT REQUIRED:</p> <p>4.2.1.6 On Agricultural District, Agricultural Business District, and Direct Control District parcels, any construction, excavation, or other activity necessary in order to enable the land to be used for Agricultural, General purposes, except where:</p> <p>a. The site of the development is within the minimum setback distance required to a Municipal Road or Provincial Highway.</p> <p><i>(Please note, although you may not require a Development Permit by the Foothills County, a roadside development permit may be required from Alberta Transportation for any development within 300m (984.25 ft.) of a Provincial Highway.)</i></p> <p>b. The construction, excavation or other activity is to construct or accommodate the construction of a building to be used as a Dwelling, Moved On, a Dwelling, Secondary Suite, or Dwelling, Temporary.</p> <p>c. the construction involves a building to be used as an “arena, private”, “arena, limited public” or “arena, commercial” as defined under Section 2.5 Definitions of this Bylaw in which case a Development Permit is required; or</p> <p>d. For lot grading that may adversely impact the natural drainage direction or volume into, out of, or through a property or the natural drainage storage capacity of the property.</p>	<p>SECTION 4.2.1 NO DEVELOPMENT PERMIT REQUIRED:</p> <p>The following provision shall be added to section 4.2.1.6:</p> <p>4.2.1.6 On Agricultural District, Agricultural Business District, and Direct Control District parcels, any construction, excavation, or other activity necessary in order to enable the land to be used for Agricultural, General purposes, except:</p> <p>a. Where the site of the development is within the minimum setback distance required to a Municipal Road or Provincial Highway.</p> <p><i>(Please note, although you may not require a Development Permit by the Foothills County, a roadside development permit may be required from Alberta Transportation for any development within 300m (984.25 ft.) of a Provincial Highway.)</i></p> <p>b. The construction, excavation or other activity is to construct or accommodate the construction of a building to be used as a Dwelling, Moved On, a Dwelling, Secondary Suite, or Dwelling, Temporary.</p> <p>theConstruction involves involves a building to be used as an “arena, private”, “arena, limited public” or “arena, commercial” as defined under Section 2.5 Definitions of this Bylaw in which case a Development Permit is required; or</p> <p>d. For lot grading that may adversely impact the natural drainage direction or volume into, out of, or through a property or the natural drainage storage capacity of the property.</p> <p>e. The placement of fill or topsoil on any site in excess of the limits identified under 4.2.1.37 or where the placement of fill or topsoil on a site is not in accordance with an already approved Development Permit, Subdivision Approval, Or Development Agreement.</p>	<p>Added a clause that ensures that placing of topsoil or fill on a property, even for agricultural purposes, must be within the limits of Section 4.2.1.37 or be in accordance with an already approved Development Permit, Subdivision Approval, or Development Agreement or it requires a DP and does not fall within Section 4.2.1.</p> <p>Minor wording / formatting changes for clarity.</p> <p>We have a number of increased incidents where topsoil is being brought into the County and dumped on land with the “agricultural purposes” notation to avoid requiring a DP or allowing the County to require road use agreements.</p>

LOT GRADING AND PLACING OF TOPSOIL		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>4.2.1.37 The placing of topsoil or fill on a property for the purposes of:</p> <ul style="list-style-type: none">a. Development of less than 1 acre where the placing of clean topsoil is for landscaping purposes as defined by this Bylaw.b. Development of less than 1 acre where the placing of up to 1.0m (3.28 ft.) of fill adjacent to or within 15m of a building under construction that has a valid Building Permit.c. The placing of clean topsoil for agricultural purposes.d. The placing of up to 1m (3.28 ft.) of fill including topsoil providing topsoil is stripped and stockpiled prior to placing of fill, and then replaced.e. The placing or replacing of sand and fill for the purposes of an indoor or outdoor riding arena; andf. The placing of up to 15 – 20 cubic yards of topsoil for the purposes of landscaping. <p>Provided there is no adverse impact on the natural drainage direction or volume into, out of, or through the property or adjacent land or adverse impact on the natural drainage storage capacity of the property in accordance with provisions under Section 9.17.</p> <p><i>Provisions on lot grading and drainage can be found under Section 9.17 of this Bylaw.</i></p>	<p>The following amendments shall be made to Section 4.2.1.37:</p> <p>4.2.1.37 <u>Provided</u> there is no adverse impact on the natural drainage direction or volume into, out of, or through the property or adjacent land, or adverse impact on the natural drainage storage capacity of the property in accordance with provisions under Section 9.17, the placing of topsoil or fill on a property for the purposes of:</p> <ul style="list-style-type: none">a. Development of less than 1 acre where the placing of clean topsoil is for landscaping purposes as defined by this Bylaw; orb. Development of less than 1 acre where the placing of up to 1.0m (3.28 ft.) of fill adjacent to or within 15m of a building under construction that has a valid Building Permit; orc. The placing of clean topsoil for agricultural purposes.c. The placing of up to 1m (3.28 ft.) of fill including topsoil on an area of less than 1 acre, providing topsoil is stripped and stockpiled prior to placing of fill, and then replaced; ord. The placing or replacing of sand and fill for the purposes of an indoor or outdoor riding arena; and ore. The placing of up to 15 – 20 cubic yards of topsoil for the purposes of landscaping; orf. The placement of fill or topsoil on any site in accordance with an already approved Development Permit, Subdivision Approval, or Development Agreement. <p>Provided there is no adverse impact on the natural drainage direction or volume into, out of, or through the property or adjacent land or adverse impact on the natural drainage storage capacity of the property in accordance with provisions under Section 9.17.</p> <p><i>Provisions on lot grading and drainage can be found under Section 9.17 of this Bylaw.</i></p>	<p>Section 4.2.1.37 has been amended to exclude general placing of clean topsoil on land for agricultural purposes and restricting the placing of up to 1m of fill including topsoil to an area of less than acre without a Development Permit.</p> <p>Development Permits for such can ensure that development agreements, road use agreements, and engineered drainage plans approvals.</p> <p>We had added a provision to clarify that no additional Development Permit is required. where placement of topsoil or fill on a site in accordance with an already approved development permit, subdivision approval, or development agreement,</p>

LOT GRADING AND PLACING OF TOPSOIL		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
SECTION 9.17 LOT GRADING 9.17.10 Topsoil may only be relocated from one property to another in accordance with a Development Permit, subdivision approval, or development agreement unless it is exempted by Section 4.2.1. of this bylaw.	SECTION 9.17 LOT GRADING The following amendments shall be made to Section 9.17: 9.17.10 Topsoil may only be located from one property to another in accordance with a Development Permit, subdivision approval, or development agreement unless it is exempted by Section 4.2.1. of this bylaw. 9.17.10 A Development Permit shall be required for relocating topsoil from one property to another in the County or from lands outside of the County except where it is in accordance with an executed Development Agreement or exempted under Section 4.2.1 of this Bylaw. 9.17.11 On applications for Development Permit for the placing of topsoil on a property in accordance with Section 9.17.10, the Development Authority, may require the following: <div>a. an executed Development Agreement, and/or b. a Road Use Agreement to the satisfaction of the County's Public Works department or written confirmation from the County that a Road Use Agreement is not required; and c. An approved engineered Lot Drainage Plan to the satisfaction of the County's Public Works Department.</div>	Provisions added noting the requirement for a Development Permit to relocate topsoil to a property in the County except where exempt under Section 4.2.1. Added provisions that may be required as part of the Development Permit for placing topsoil on a property.

PROPOSED AMENDMENTS ARE SHOWN IN RED

KENNELS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
10.13.12 A Commercial Kennel a discretionary use under Direct Control District #26. A redesignation to Direct Control District#26 is required for all commercial kennels in the County. If approved by Council, a Development Permit approval is also required. More information on the keeping of dogs can be found in Section 9.12.	10.13.12 A Commercial Kennel is a Discretionary Use under General Industry District and Direct Control District #26. A redesignation to Direct Control District#26 is required for all Commercial Kennels in the County outside of these land use districts in advance of a Development Permit application. If approved by Council, A Development Permit approval is also required for all Kennels. More information on the keeping of dogs can be found in Section 9.12.	Commercial Kennel is also a use under General Industry District and so that was updated. Wording clarification about the redesignation and Development Permit.

SIGNAGE		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>Current provision under Section 4.2.1.</p> <p>4.2.1.40 Signs relating to the sale, lease or rental of a building or land to which they are attached, provided that:</p> <p>a. The sign is not illuminated; and</p> <p>b. Each sign shall not exceed 1.0 sq. m. (11 sq. Ft.) in area, in a Residential Community District.</p> <p>c. Each sign shall not exceed 2.32 sq. m. (25 sq. ft.) in area, in any other District; and</p> <p>d. Each sign is removed within 14 days of the sale, lease, or rental.</p>	<p>Section 4.2.1.40 shall be amended to read as follows:</p> <p>4.2.1.40 One sign per parcel, relating to the sale, lease or rental of a building or land provided that:</p> <p>a. The sign is not illuminated; and</p> <p>b. The sign shall not exceed 1.5 sq. m. (16 sq. Ft.) in area, in a Residential Community District.</p> <p>c. Each <u>The</u> sign shall not exceed 3 sq. m. (32 sq. ft.) in area, in any other District; and</p> <p>d. The sign shall not be greater than eight (8) ft. in height.</p> <p>e. The sign must be located entirely within the subject lands relating to the sale, lease, or rental.</p> <p>f. Each <u>The</u> sign is removed within 14 days of the sale, lease, or rental.</p>	<p>For clarity, we are noting that only one sign per parcel is permitted without a permit.</p> <p>Also updating the size of the sign allowances in accordance with sign companies and identifying height and location for clarity.</p>
<p>NEW</p>	<p>The following new provision is added to Section 4.2.1 pertaining to signage:</p> <p>4.2.1.47</p> <p>One temporary sign, for the purposes of identification of and/or public engagement for a proposed development, redesignation, subdivision, or statutory plan proposal where:</p> <p>a. The sign does not exceed 3.0 sq. m. (32 sq. ft.) in area.</p> <p>b. The sign does not exceed 2.5m. (8 ft.) in height; and</p> <p>c. There shall be a limit of one (1) sign per lot.</p> <p>d. The landowner must receive permission, through internal review by the County, prior to this sign being installed on the subject lands. (Review submissions must contain the location, dimensions, date of installation <u>and removal</u>, and content of the proposed sign).</p> <p>e. The sign must be located entirely within the subject lands and shall include contact information (website and/or valid phone number) for enquiries/questions.</p> <p>f. The sign shall remain on site for a period of no more than 6 months.</p>	<p>Allowance for signage that is temporary for up to six months, for identification of proposed development, statutory plan, redesignation, or subdivision and/or public consultation on such.</p>

PROPOSED AMENDMENTS ARE SHOWN IN RED

SIGNAGE		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
	f.	

ACCESS TO PROPERTY		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>4.2.1. NO DEVELOPMENT PERMIT REQUIRED</p> <p>4.2.1.1 A private driveway developed on privately owned property for the purpose of vehicular access.</p>	<p>4.2.1. NO DEVELOPMENT PERMIT REQUIRED</p> <p>The following provision shall be amended as follows:</p> <p>4.2.1.1 A private driveway developed on privately owned property for the purpose of vehicular access. This does not include the approach to a property for any development requiring a building permit or use other than agricultural use, where there is no fully constructed legal approach to the lands. See Section 9.1 for more details.</p>	<p>Amendment to clarify that a development permit is required when parcels do not have developed access and are wanting a building permit.</p>
<p>9.1 ACCESS TO PROPERTY</p> <p>9.1.1 All newly created parcels must have a direct legal, physical access. The Director of Public Works and engineering, in consultation with the Approving Authority where applicable, may determine the most suitable access and egress point(s) onto a Municipal road with regard to any new accesses in the County.</p>	<p>SECTION 9.1 ACCESS TO PROPERTY</p> <p>The following provision shall be added to Section 9.1 as follows:</p> <p>9.1.1 All newly created parcels must have a direct legal, physical access. The Director of Public Works and engineering, in consultation with the Approving Authority where applicable, may determine the most suitable access and egress point(s) onto a Municipal Road with regard to any new accesses in the County.</p> <p>9.1.2 Legal access to a parcel of land, for any use other than agricultural use, must exist prior to a Development Permit and/or Building Permit being issued.</p> <p>9.1.3 Notwithstanding Section 9.1.4, A Development Permit or Building Permit cannot be obtained until the Director of Public Works has signed off on an approved access. Sign off by the Director of Public Works may involve the landowners to fully executing and complying with all requirements of a Municipal Development Agreement for the purposes of development of legal access to the lands, including submission of appropriate engineered drawings, cost estimates, liability insurance and a letter of credit to the satisfaction of the Director of Public Works.</p> <p>9.1.4 Section 4.2.1 of this bylaw outlines where no Development Permit is required for development of an access to property. It is the landowner's responsibility to ensure that they have obtained all necessary permits in all other instances.</p>	<p>This section is amended to clarify that a Development Permit is required for construction of roads providing access to the lands prior to any development on a property requiring a building permit (other than agricultural use) where there is no fully constructed legal access to the property.</p> <p>In place of Section 9.1.7, the following are added for clarification that both a Development Permit and a Development Agreement, as a prerelease condition of the Development Permit, will be required to develop legal access to a parcel where one wishes to build/develop except for agricultural purposes.</p> <p>Provisions renumbered accordingly.</p>
<p>9.1.2 Section 4.2.1 of this bylaw outlines where no Development Permit is required for development of an access to property. It is the landowner's responsibility to ensure that they have obtained all necessary permits in all other instances.</p>		

ACCESS TO PROPERTY		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
9.1.3 For purposes of this Bylaw, an easement agreement or easement does not constitute legal access unless a future road dedication or utility right of way has been registered over the easement area and the County has become a party to the easement to ensure that it cannot be removed without Council resolution.	9.1.5 For purposes of this Bylaw, an easement agreement or easement does not constitute legal access unless a future road dedication or utility right of way has been registered over the easement area and the County has become a party to the easement to ensure that it cannot be removed without Council resolution.	
9.1.4 All site access from roads shall be to the satisfaction of the Director of Public Works and Engineering with respect to location and design.	9.1.6 All site access from roads shall be to the satisfaction of the Director of Public Works and Engineering with respect to location and design.	
9.1.5 As a condition of development, the Approving Authority may require the construction of new approaches, upgrading to existing approaches and/or the removal of approaches to achieve desired access management objectives.	9.1.7 As a condition of <u>a</u> development permit, redesignation or land use amendment , or subdivision approval, the Approving Authority may require the construction of new approaches, upgrading to existing approaches and/or the removal of approaches to achieve desired access management objectives.	
9.1.6 All approaches shall be constructed or upgraded to the satisfaction of the Director of Public Works and Engineering in accordance with the “Rural Approach Standards Policy” which can be found in Appendix I. Where required, adjustments to approaches shall be at the cost of the applicant.	9.1.8 All approaches shall be constructed or upgraded to the satisfaction of the Director of Public Works and Engineering in accordance with the “Rural Approach Standards Policy” which can be found in Appendix I. Where required, adjustments to approaches shall be at the cost of the applicant.	
9.1.7 No use or development shall be permitted without provision for physical road access unless the Approving Authority imposes a condition requiring the applicant to enter into a development agreement with the County to construct or pay for the construction or upgrading of public roads or walks necessary to serve the development.	9.1.7 No use or development shall be permitted without provision for physical road access unless the Approving Authority imposes a condition requiring the applicant to enter into a development agreement with the County to construct or pay for the construction or upgrading of public roads or walks necessary to serve the development.	
9.1.8 The Council may allow access by way of easement in special circumstances if deemed appropriate. In such case, the County will be party to the easement agreement and the agreement shall be registered on title. A road acquisition agreement and Caveat may be required over the easement area registered on title of the subject lands.	9.1.9 The Council may allow access by way of easement in special circumstances if deemed appropriate. In such case, the County will be party to the easement agreement and the agreement shall be registered on title. A road acquisition agreement and Caveat may be required over the easement area registered on title of the subject lands.	
9.1.9 Upgrading and surfacing of private driveways within the Municipal right of way will require approval by the Director of Public Works and Engineering and shall be in accordance with the “Rural Approach Standards” included as Appendix I of this bylaw.	9.1.10 Upgrading and surfacing of private driveways within the Municipal right of way will require approval by the Director of Public Works and Engineering and shall be in accordance with the “Rural Approach Standards” included as Appendix I of this bylaw.	

PROVISIONS UNDER DIRECT CONTROL #34 – COMMERCIAL SOLAR POWER SYSTEMS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>Current provisions under Development Requirements in DC#34:</p> <p>18.34.5.5 Other Minimum Setback Requirements:</p> <p>a. See Section 9.27 “Special Setback Requirements” of Land use bylaw for additional setback requirements that may apply.</p> <p>b. The Approving Authority may require a greater minimum setback for any use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses having regard for the location of the development, potential environmental impacts, adjacent land uses, and any determined natural, scenic, or ecologically significant feature of the landscape.</p>	<p>Section 18.34.5.5 is amended as follows:</p> <p>18.24.5.5 Other Minimum Setback Requirements:</p> <p>a. See Section 9.27 “Special Setback Requirements” of Land use bylaw for additional setback requirements that may apply.</p> <p>b. The Approving Authority may require a setback of 300 metres from the solar installation to all adjacent residences, or a distance that minimizes the visual impact of the solar installation from the adjacent residences to the satisfaction of the Approving Authority.</p> <p>c. The Approving Authority may require a greater minimum setback for any use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses having regard for the location of the development, potential environmental impacts, adjacent land uses, and any determined natural, scenic, or ecologically significant feature of the landscape.</p>	<p>Addition to the minimum setback requirements under Direct Control District #34 for Commercial Solar Power Systems from the solar installation to all adjacent residences.</p>

SECONDARY SUITES		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>Current definition under Section 2.5:</p> <p>HABITABLE AREA means the sum of all floors of all livable space contained within the exterior walls of the structure above grade (this does not include any basement area except in the case of walk-out basements in which case the walk-out basement is considered the first floor), designated for human occupancy including areas for living, sleeping, eating or food preparation, or recreational purposes , but does not include the garage, or areas used exclusively for storage, or areas devoted exclusively to mechanical or electrical equipment servicing the development.</p>	<p>The following definition shall be amended to read:</p> <p>HABITABLE AREA means the sum of all floors of all livable space contained within the exterior walls of the structure above grade (this does not include any basement area except in the case of walk-out basements in which case the walk-out basement is considered the first floor), designated for human occupancy including areas for living, sleeping, eating or food preparation, or recreational purposes , but does not include the garage, or areas used exclusively for storage, or areas devoted exclusively to mechanical or electrical equipment servicing the development. When determining the habitable area of a Secondary Suite, the basement is included and considered habitable area (whether the basement is finished or unfinished). Please see Section 10.26 for details.</p>	<p>Removing the exclusion of areas used exclusively for storage. Storage area not included within a mechanical room or garage can be considered living space as it is easily converted to living space.</p> <p>Clarification is added for the Habitable area when looking at Secondary Suites, a basement is included.</p>
<p>Currently Under Section 10.26.11Secondary Suites – For Information:</p> <p>For the purpose of determining Secondary Suite size, the habitable area is the sum of all floors of all livable space contained within the exterior walls of the structure, including the basement designated for human occupancy including areas for living, sleeping, eating or food preparation, or recreational purposes, but does not include the garage, or areas used exclusively for storage, or areas devoted exclusively to mechanical or electrical equipment servicing the development.</p>	<p>The following provision shall be removed under from below Section 10.26.11 and replaced under Section 10.26.12 as amended to read:</p> <p>For the purpose of determining Secondary Suite size, the habitable area of a Secondary Suite is the sum of all floors of all livable space contained within the exterior walls of the structure, <u>including the basement</u>, which is designated for human occupancy. This includes areas for living, sleeping, eating or food preparation, or recreational purposes, but does not include the garage, or areas used exclusively for storage, or areas devoted exclusively to mechanical or electrical equipment servicing the development.</p>	<p>Amended for clarity.</p>

SECTION 5.6 VARIANCES		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>Current provisions under Section 5.6 Variances:</p> <p>5.6.2 The Development Authority may allow with respect to existing development, a variance of any yard setback to a maximum of 90% of the setback required by this Bylaw, with the exception of side yard setbacks within Residential Community District lands.</p> <p>5.6.12 Notwithstanding Section 5.6.2, where the variance is for a yard setback to a Municipal road, the variance may be a maximum of 90% of the setback required by this Bylaw only where the variance would result in development being no closer than 5m to the ultimate right of way of the Municipal road.</p>	<p>Section 5.6.2 is amended to read as follows and the provisions under this section renumbered accordingly:</p> <p>5.6.2 The Development Authority may allow with respect to existing development, a variance on existing development, on any yard setback to a maximum of 90% of the setback required by this Bylaw, with the exception of: the side yard setbacks within Residential Community District lands.</p> <p>a. a side yard setback on lands zoned Residential Community District.</p> <p>b. a setback to a Municipal road that would result in development being less than 5m from the ultimate right of way of the Municipal road, Municipal Road, Major, or Internal Subdivision road.</p> <p>5.6.12 Notwithstanding Section 5.6.2, where the variance is for a yard setback to a Municipal road, the variance may be a maximum of 90% of the setback required by this Bylaw only where the variance would result in development being no closer than 5m to the ultimate right of way of the Municipal road.</p>	<p>For clarity we combined these two provisions into one as provision 5.6.12 was located at the end but relevant to 5.6.2..</p>

SECTION 3.1 DEVELOPMENT AUTHORITY		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>Current provisions under Section 3.1 Development Authority</p> <p>3.1.1. Pursuant to Section 623 of the Municipal Government Act, the office of Development Authority is hereby established and shall be filled by a person or persons to be appointed by the Chief Administrative Officer of the Foothills County as appointed by Council and shall perform such duties as specified in this Bylaw and the Municipal Government Act. The Development Authority shall:</p> <p>a. keep and maintain for the inspection of the public during office hours a copy of this Bylaw and all amendments thereto and ensure that copies of the same are made available to the public at a reasonable charge.</p> <p>b. keep and maintain for the inspection of the public during office hours, a register of all applications for Development Permits including the decisions thereon and the reasons therefore and all orders issued by the Approving Authority while the development is active and for a period of seven years thereafter.</p> <p>c. receive, consider, and decide on all applications for Development Permits, except in Direct Control Districts, where Council will be the Approving Authority pursuant to Section 64.1 of the Municipal Government Act.</p> <p>d. advise applicants for Development Permits whereby the uses are neither permitted uses or discretionary uses in the district in which the use is proposed to be carried on, the option of applying to Council for an amendment to this Bylaw.</p> <p>e. sign and issue all Development Permits, notices and orders approved, given, or issued by the Approving Authority.</p> <p>f. Receive, consider, and decide on requests for time extensions to Development Permits other than decisions made by the Development Appeal Board.</p> <p>g. Receive, consider, and decide on applications for renewals of temporary Development Permits provided that the applications are identical;</p>	<p>Section 3.1.1 (f). shall be amended as follows:</p> <p>3.1.1. Pursuant to Section 623 of the Municipal Government Act, the office of Development Authority is hereby established and shall be filled by a person or persons to be appointed by the Chief Administrative Officer of the Foothills County as appointed by Council and shall perform such duties as specified in this Bylaw and the Municipal Government Act. The Development Authority shall:</p> <p>a. keep and maintain for the inspection of the public during office hours a copy of this Bylaw and all amendments thereto and ensure that copies of the same are made available to the public at a reasonable charge.</p> <p>b. keep and maintain for the inspection of the public during office hours, a register of all applications for Development Permits including the decisions thereon and the reasons therefore and all orders issued by the Approving Authority while the development is active and for a period of seven years thereafter.</p> <p>c. receive, consider, and decide on all applications for Development Permits, except in Direct Control Districts, where Council will be the Approving Authority pursuant to Section 64.1 of the Municipal Government Act.</p> <p>d. advise applicants for Development Permits whereby the uses are neither permitted uses or discretionary uses in the district in which the use is proposed to be carried on, the option of applying to Council for an amendment to this Bylaw.</p> <p>e. sign and issue all Development Permits, notices and orders approved, given, or issued by the Approving Authority.</p> <p>f. Receive, consider, and decide on requests for time extensions to Development Permits other than decisions made by the Development Appeal Board.</p> <p>g. Receive, consider, and decide on applications for renewals of temporary Development Permits provided that the applications are identical.⁵</p>	<p>Minor amendment to Section 3.1.1.(f) to allow the Development Officers the ability to accept time extensions on applications that the DAB has approved.</p> <p>Currently practice when the DAB authorizes them to have the ability for a time extension.</p>

SECTION 9.27 SPECIAL SETBACKS		
CURRENT WORDING	PROPOSED NEW AMENDMENT	REASON FOR AMENDMENT
<p>Current provision under Section 9.27:</p> <p>9.27.5 Balconies, eaves, fireplaces, sills, canopies, and cornices may project into the minimum front or side yard setback to a maximum of 600mm (1.97 ft.) or into the minimum rear yard setback to a maximum of 1.5m (4.92 ft.) on Agricultural, Country Residential, Cluster Residential parcels, and may project into the minimum rear yard setback, of a Estate Residential, Residential Community District, and Residential Manufactured Home district to a maximum of 0.8m (2.62 ft.) for the principal building and 0.1m (0.33 ft.) for an accessory building.</p>	<p>Section 9.27.5 shall be amended as follows:</p> <p>9.27.5 Balconies, eaves, fireplaces, sills, canopies, <u>window wells</u>, and cornices may project into the minimum front or side yard setback to a maximum of 600mm (1.97 ft.) or into the minimum rear yard setback to a maximum of 1.5m (4.92 ft.) on Agricultural, Country Residential, Cluster Residential parcels, and may project into the minimum rear yard setback, of a Estate Residential, Residential Community District, and Residential Manufactured Home district to a maximum of 0.8m (2.62 ft.) for the principal building and 0.1m (0.33 ft.) for an accessory building</p> <p>9.27 5.1 Balconies, eaves, fireplaces, sills, canopies, <u>window wells</u>, and cornices may project into the minimum rear yard setback to a maximum of 1.5m (4.92 ft.) on Residential Community District for the principal building and 0.1m (0.33 ft.) for an accessory building.</p>	<p>To be consistent with the Residential Community District Minimum Yard Setback Requirements under Section 13.4.7.3 c. iii.</p> <p>13.4.3.3 c. Rear Yard Setbacks:</p> <p>i. Principal Building – 8m (26.25 ft) from the property line.</p> <p>ii. Accessory Building – 1m (3.28 ft.) from the property line; and</p> <p>iii. Decks and associated staircases (steps) may project into the rear yard setback to a maximum of 1.5m (4.92 ft.).</p>