



ROCKY VIEW COUNTY

BYLAW C-8356-2023

A bylaw of Rocky View County, in the Province of Alberta, to amend Rocky View County Bylaw C-7280-2013, being the *Municipal Development Plan (County Plan)*.

The Council of Rocky View County enacts as follows:

Title

- 1 This bylaw may be cited as *Bylaw C-8356-2023*.

Definitions

- 2 Words in this Bylaw have the same meaning as those set out in the *Land Use Bylaw* and *Municipal Government Act* except for the definitions provided below:
- (1) **“Council”** means the duly elected Council of Rocky View County;
 - (2) **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time; and
 - (3) **“Rocky View County”** means Rocky View County as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires.

Effect

- 3 THAT Bylaw C-7280-2013 be amended as per Schedule 'A' attached to and forming part of this Bylaw.

Effective Date

- 4 Bylaw C-8356-2023 is passed and comes into full force and effect when it receives third reading and is signed in accordance with the *Municipal Government Act*.



ROCKY VIEW COUNTY

READ A FIRST TIME this _____ day of _____, 2023

READ A SECOND TIME this _____ day of _____, 2023

UNANIMOUS PERMISSION FOR THIRD READING this _____ day of _____, 2023

READ A THIRD AND FINAL TIME this _____ day of _____, 2023

Mayor_____
Chief Administrative Officer_____
Date Bylaw Signed



SCHEDULE 'A'
FORMING PART OF BYLAW C-8356-2023

AMENDMENT #1

THAT the Home Based Business section of Section 14.0 (Business Development) of Bylaw C-7280-2013, which presently reads:

Home Based Business

Home based business is encouraged as a self-employment opportunity for residents as long as the business has minimal impact on adjacent home owners and County infrastructure.

- 14.18 Home based business is encouraged and supported when it is in accordance with any applicable area structure plan, subordinate plan, and the Land Use Bylaw.

be replaced with:

Home-Based Business

Home-based business is encouraged as a self-employment opportunity for County residents, subject to the business use being of an appropriate intensity and form for its location. Although home-based business uses vary in their nature, in all cases they must be secondary to the principal residential uses on the property, and despite their presence, the residential character of the subject property and surrounding area must be clearly maintained.

Many home-based business operations are limited to such an extent that they can be located on most residential and agricultural parcels, subject to a development permit. However, those home-based business uses that are of a greater intensity, often needing larger areas of outdoor activity or storage, are required to also be assessed through a land use redesignation application.

- 14.18 All home-based business uses shall be clearly subordinate to the principal residential use, and where appropriate, agricultural uses, on the subject land. Such uses shall also not have a significant adverse effect on the residential or agricultural character of the subject parcel or surrounding area.
- 14.19 Subdivision of parcels which allow for a Home-Based Business Type 3 use through a previous redesignation approval shall be subject to Council approval (as Subdivision Authority):
- a) Applicants shall be required to demonstrate that the potential allowance of additional Home-Based Business Type 3 uses on the proposed new lots will align with all relevant policies and regulations of this Plan and the Land Use Bylaw.
- 14.20 Notwithstanding those areas covered by residential-to-business transition policies contained within an area structure plan or local plan, a home-based business use requiring a land use redesignation approval should not be:
- a) located within areas supported for hamlet residential or country residential subdivision by an area structure plan or local plan;
 - b) within 200 metres (\pm 656 feet) of an existing or permitted residential dwelling located on an adjacent parcel;
 - i. The setback does not apply to any adjacent parcel that also accommodates a home-based business use that required a land use redesignation approval;



- any commercial or industrial district parcel; or another approved business use.
 - ii. The setback distance is measured from the identified footprint of the home-based business to the nearest elevation of the residential dwelling on the adjacent parcel;
 - c) located on a parcel less than 1.60 hectares (± 3.95 acres) in size.
- 14.21 In considering a land use redesignation application for a home-based business use, support should be dependent on the application demonstrating:
- a) compliance with Policies 14.18 and 14.20 above, and any other statutory or non-statutory plans, policies, or standards adopted by the County;
 - b) an ability to comply with the regulations of the applicable Rocky View County Land Use Bylaw, at development permit stage;
 - c) an ability to locate the business in close proximity to the existing dwelling(s) and accessory buildings on the subject property;
 - d) reasonable proximity of the proposal to a highway or the County's Long-Range Transportation Network (Map 2);
 - e) appropriate servicing availability to accommodate the needs of the business;
 - f) satisfactory access to a public road, and provision of necessary road infrastructure improvements to accommodate the proposal in accordance with County/Provincial standards and the Applicant's own transportation assessments (where required); and
 - g) the continued presence of a residential dwelling on the subject parcel for a period of more than one year prior to the application being submitted.
- 14.22 In addition to meeting the relevant application and technical requirements of the County Plan (Section 29.0) and Land Use Bylaw, land use redesignation applications for home-based business uses shall include a supporting statement providing:
- a) details on the specific home-based business activity that is proposed; and
 - b) a summary of how the home-based business complies with Policies 14.18 to 14.20 of this Plan.

The application should include relevant site plans, mapping and other drawings in support of meeting this policy.

AMENDMENT #2

THAT a new section be inserted into Section 28.0 (Area Structure Plan Preparation and Amendment) of Bylaw C-7280-2013 as follows:

Interim Land Uses

Area structure plans commonly have policies to phase development areas according to factors such as servicing and transportation infrastructure capacity and improvements. Therefore, some lands within approved area structure plans can take many years to build out completely in accordance with their intended land use.

In some area structure plans, it may be appropriate to allow for low impact temporary uses on lands prior to their development as comprehensively planned residential, business, or institutional areas. These interim land uses usually have no permanent structures associated



with them and have limited servicing requirements. Consequently, they can be easily removed from the land at the time of the planned final use of the site being implemented.

- 28.7 Upon preparation, review, or amendment of an area structure plan, the provision of interim land uses within the area structure plan shall be encouraged, subject to the following considerations:
- a) the compatibility of the interim land use with existing and future uses within the surrounding area;
 - b) alignment with relevant statutory and non-statutory plans, policies and standards;
 - c) potential impacts upon the infrastructure of the County, Province, and other agencies and municipalities;
 - d) the ability of the use to be removed from the lands when required, without significant remediation efforts; and
 - e) limitations on subdivision for interim land use areas during the period prior to implementation of comprehensive development as supported by the area structure plan.
- 28.8 Redesignation applications proposing interim residential and/or business land uses outside of an adopted area structure plan or local plan shall not be supported. The uses shall instead be considered to be permanent and assessed as such against the policies of this Plan.

AMENDMENT #3

THAT a new definition be inserted into Appendix B (Definitions) of Bylaw C-7280-2013 as follows:

INTERIM LAND USE means a use which is transitional in nature, providing the potential to utilize land for commercial gain or community benefit, prior to its planned comprehensive development for residential, business or institutional uses. The land use redesignation approval for an interim land use under the Land Use Bylaw is permanent, but the associated development permits approved are temporary. Typical interim land uses have limited impacts on infrastructure and can be easily removed from the land upon comprehensive development taking place.

AMENDMENT #4

THAT Sections 14.0 (Business Development) and 28.0 (Area Structure Plan Preparation and Amendment) of Bylaw C-7280-2013 be renumbered and formatted accordingly.