



BYLAW C-8357-2023

A bylaw of Rocky View County, in the Province of Alberta, to amend Rocky View County Bylaw C-8000-2020, being the *Land Use Bylaw*.

The Council of Rocky View County enacts as follows:

Title

- 1 This bylaw may be cited as *Bylaw C-8357-2023*.

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) **“Land Use Bylaw”** means Rocky View County Bylaw C-8000-2020, being the *Land Use Bylaw*, as amended or replaced from time to time;
 - (3) **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time; and
 - (4) **“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-8000-2020 be amended as per Schedule 'A' attached to and forming part of this Bylaw.

Effective Date and Transition

- 4 Bylaw C-8357-2023 is passed and comes into full force and effect when it receives third reading and is signed in accordance with the *Municipal Government Act*.
- 5 All development permit applications received and determined complete in accordance with Section 683.1 of the *Municipal Government Act* prior to the effective date of this bylaw will be considered under *Land Use Bylaw C-8000-2020* as consolidated prior to the amendments made by this bylaw.
- 6 All development permit applications received on or after the effective date of this bylaw will be considered under *Land Use Bylaw C-8000-2020* as consolidated with the amendments made by this bylaw.



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-8357-2023

Home Based Business General Amendments

AMENDMENT #1

THAT the Home-Based Business section of Bylaw C-8000-2020, which presently reads:

HOME-BASED BUSINESS (TYPE I)

142 Home-Based Business (Type I) General Requirements:

- a) Home-Based Business (Type I) are an accessory use of a principal dwelling,
- b) Home-Based Business (Type I) shall have no employees that are not permanent residents of the dwelling,
- c) Home-Based Business (Type I) may generate up to four (4) business-related visits per day, defined as four (4) vehicles visiting the business per day,
- d) Home-Based Business (Type I) shall not operate between the hours of 18:00 and 8:00 if the business generates noise,
- e) Typical businesses include private tutoring, web-based businesses or a private consultant's office, and Retail, restaurants, and automotive related businesses shall not be permitted as a Home-Based Business (Type I).

143 Home-Based Business (Type I) Site Requirements:

- a) Home-Based Business (Type I) shall not:
 - i. Change the residential character and external appearance of the land and buildings,
 - ii. Have any outside storage of equipment, goods, materials, commodities, or finished products,
 - iii. Have any vehicle (commercial) parked onsite, unless the parcel is 1.6 ha (3.95 ac) or greater in which case it may have a maximum of one (1) vehicle (commercial) parked onsite, and
 - iv. Have any signs that describe or advertise the Home-Based Business (Type I).

144 Home-Based Business (Type I) Development Permit Requirements:

- a) A Development Permit application is not required for Home-Based Business (Type I), so long as it is a Permitted Use in a given District and adheres to Section 142 and 143.

HOME-BASED BUSINESS (TYPE II)

145 Home-Based Business (Type II) General Requirements:

- a) Home-Based Business (Type II) is an accessory use of a principal dwelling and may utilize its accessory buildings and outside storage,
- b) Home-Based Business (Type II) may generate up to eight (8) business-related visits per day in an Agricultural District and up to four (4) business-related visits per day in all other Districts,
- c) Home-Based Business (Type II) shall not operate between the hours of 18:00 and 8:00 if the business generates noise,
- d) The number of non-resident employees shall not exceed two (2) at any time,
- e) Typical businesses include landscaping contractors, hairdressers, music teachers and day homes, and



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- f) Retail, restaurants, and automotive related businesses shall not be permitted as a Home-Based Business (Type II).

146 Home-Based Business (Type II) Site Requirements:

- a) Outside storage may be permitted at the discretion of the Development Authority provided it complies with the following requirements, which may form conditions for approval:
- i. Be screened from view of adjacent lands and roads,
 - ii. Meet the minimum setback requirements for buildings, and
 - iii. Not exceed 400.0 m² (4305.56 ft²) or 1% of the parcel area, whichever is less,
- b) One (1) Fascia Sign or Freestanding Sign is permitted, at the discretion of the Development Authority.

147 Home-Based Business (Type II) Development Permit Requirements:

- a) A Development Permit application will respond to Section 145 and 146,
- b) The maximum term of a Development Permit issued for a Home-Based Business (Type II) is one (1) year,
- c) If a subsequent application is applied for before the one (1) year Development Permit has expired, the new Development Permit can be issued for up to five (5) years if:
- i. The application is for the same Home-Based Business (Type II),
 - ii. The Home-Based Business has not violated the conditions of its Development Permit, and
 - iii. There are no active Bylaw enforcement orders related to the Home-Based Business (Type II).

be replaced with:

HOME-BASED BUSINESS

A Home-Based Business will be reviewed and classified according to the table below.

| | Home-Based Business Type I | Home-Based Business Type II | Home-Based Business Type III |
|--|----------------------------|-----------------------------|------------------------------|
| Land Use Amendment Required | No | No | Yes** |
| Development Permit Required | No | Yes | Yes |
| Development Permit Renewal Required | No | Yes | Yes |
| Site Plan Required | No | Yes | Yes |
| Business-Related Visits to the Parcel | Max 4 per day | * | * |
| Operations and Access Management Plan Required | No | Yes | Yes |



| | Home-Based Business Type I | Home-Based Business Type II | Home-Based Business Type III |
|--|----------------------------|--|--|
| Accessory Building Use | No | Yes | Yes |
| Maximum Total Business Footprint (outside storage and outside business-related activity areas) | N/A | 1% of the parcel area or 400.0m ² (4305.56 ft ²) whichever is less <i>Variance may be considered up to a max of 3% of the parcel area or 2400.0m² (25833.39 ft²) whichever is less</i> | 3% of the parcel area or 1200.0m ² (12916.69 ft ²) whichever is less <i>Variance may be considered up to a max of 5% of the parcel area or 4000.0m² (43055.64 ft²) whichever is less</i> |
| Resident Employees | Yes | Yes | Yes |
| Non-Resident Employees | No | Max 2* | * |
| Vehicle (Commercial) | Max 1 | * | * |
| Land Use Districts Allowed | ALL | A-GEN, A-SML, R-RUR, R-URB | A-GEN, A-SML, R-RUR, R-CRD, R-URB*** |

* At the discretion of the Development Authority in accordance with the type of Home-Based Business use proposed, and the submitted Operations and Access Management Plan.

**Refer to Municipal Development Plan requirements.

*** Through a Council Approved Land Use Modifier.

142 General Requirements

- The purpose of a Home-Based Business use is to accommodate self-employment opportunities for residents subject to the business being of an intensity and form appropriate for its location.
- Home-Based Business uses shall be integrated into, and are intended to be compatible with, adjacent residential and agricultural parcels.
- Home-Based Business uses shall not negatively affect the use, value, or enjoyment of surrounding properties through lighting, noise, vibration, smoke, dust, odour, or other nuisances.
- Home-Based Business uses shall not significantly change the residential character and external appearance of the land and buildings.
- Home-Based Business uses that propose accessory buildings shall ensure that design, character, and appearance of all buildings is appropriate to and compatible with the surrounding area and land use district in which the use is proposed.
- Visual impact from outside storage supporting Home-Based Business uses shall be limited to the satisfaction of the Development Authority, with emphasis on screening the storage area from adjacent parcels and public roadways.



- g) Prior to the approval of Home-Based Business use, a dwelling unit must be established on the parcel.
- h) The business shall directly involve one or more residents of the parcel involved in the business or operation for which the home-based business permit has been issued.
- i) Uses that exceed the Land Use Bylaw allowances for a Home-Based Business should be more appropriately located within an alternative and compatible land use district.
- j) For all Home-Based Business (Type II) and Special Function Business Development Permits approved prior to Bylaw C-8357-2023, a variance to requirements in Section 147e) may be considered at the discretion of the Development Authority.

HOME-BASED BUSINESS (TYPE I)**143 General Requirements**

- a) Home-Based Business (Type I) is an accessory use of a principal dwelling.
- b) Home-Based Business (Type I) uses shall have no employees that are not permanent residents of the dwelling.
- c) Home-Based Business (Type I) shall not operate between the hours of 18:00 and 8:00 if the business generates noise.

144 Site Requirements

- a) Home-Based Business (Type I) shall not:
 - i. Change the residential character and external appearance of the land and buildings.
 - ii. Have any outside storage of equipment, goods, materials, commodities, or finished products.
 - iii. Have any vehicle (commercial) parked onsite unless the parcel is 1.6 ha (3.95 ac) or greater in which case it may have a maximum of one (1) vehicle (commercial) parked onsite.
 - iv. Have any signs that describe or advertise the Home-Based Business (Type I).

145 Development Permit Requirements

- a) A Development Permit application is not required for Home-Based Business (Type I), so long as it is a Permitted Use in the given District and adheres to Sections 142, 143, and 144.

HOME-BASED BUSINESS (TYPE II)**146 General Requirements**

- a) Home-Based Business (Type II) is an accessory use of a principal dwelling, utilizes its accessory buildings, and may utilize outside storage.
- b) The separate elements of the business (parking, buildings, storage etc.) shall be near one another.
- c) Home-Based Business (Type II) standard operating hours should not be between the hours of 18:00 and 8:00 if the business generates noise, unless the application demonstrates the need for extended hours and can show mitigation of such noise.
- d) The number of non-resident employees should not exceed two (2) at any time.
 - i. A variance allowing for additional non-resident employees may be considered at the discretion of the Development Authority subject to the Operations and Access Management Plan.



- e) The total business footprint should not exceed 400.0 m² (4305.56 ft²) or 1% of the parcel area, whichever is less.
 - i. A variance allowing up to a maximum of 2400.0 m² (25833.39 ft²) or 3% of the parcel area, whichever is less, for the total business footprint may be considered at the discretion of the Development Authority.
- f) The total business footprint shall include outside storage and all outside business-related activity areas.
- g) All business-related parking must be contained within the total business footprint.
- h) Where a business is proposed involving business guests, the minimum number of parking stalls is 5 per 100.0m² (1076.39 ft²) gross development footprint area.
- i) One (1) Fascia Sign or Freestanding Sign is permitted, at the discretion of the Development Authority.

147 Site Plan Application Requirements

- a) A Site Plan shall be required for all Home-Based Business (Type II) applications.
- b) The Site Plan shall adhere to all requirements within Section 95 and 147 of Land Use Bylaw C-8000-2020.
- c) The Site Plan for Home-Based Business (Type II) shall include:
 - i. Location of dwelling, garage, and all accessory buildings.
 - ii. Parking designated for business use (non-resident employees, customers, and vehicle (commercial) shall be identified within the proposed business footprint location(s)).
 - iii. Location of business sign (if proposed).
- d) Outside storage may be permitted at the discretion of the Development Authority; however, the location and required screening requirements shall be shown on the Site Plan.
- e) The Site Plan showing outside storage and outside business-related activity areas should comply with the following requirements, which will be imposed by conditions attached to the development permit approval:
 - i. Shall include the dimension of the storage area including the length, width, and total area.
 - ii. Shall have the total outside storage area fenced.
 - a. Fencing shall be of a design and material complimentary to the surrounding area
 - iii. Should be set back 20.0 m (65.62 ft) from the property line when adjacent to a parcel designated as a Residential or Agricultural Land Use District.
 - iv. Should incorporate a 10.0 m (32.81 ft) wide landscaped buffer within the setback area.
 - a. Development within the landscape buffer is restricted to berms, shrubs, and trees and other appropriate landscape features.
 - b. The Landscaping Standard within the landscape buffer should be one (1) tree for every 40.00m² (430.56ft²) and one (1) shrub for every 60.00 m² (645.83 ft²) of the required landscaped area.
 - c. A minimum of 50% of trees required shall be of a coniferous variety.
 - d. Deciduous trees shall be a minimum 63.0 mm (2.48 inches) caliper measured 450.0 mm (17.72 inches) from ground level. Coniferous trees shall be 2.5 m (8.20 ft.) in height.
 - v. For all Home-Based Business Type II Development Permits approved prior to Bylaw C-8357-2023, a variance to requirements in Section 147e) may be considered at the discretion of the Development Authority.



- f) For Home-Based Business (Type II) applications proposing an event venue, the site plan shall also include the below:
 - i. Location of all structures and supporting uses.
 - ii. Location of all parking areas (guests and supporting staff).

148 Operations and Access Management Plan Application Requirements

- a) An Operations and Access Management Plan shall be submitted for all Home-Based Business (Type II) applications.
- b) The Operations and Access Management Plan shall clearly outline the below, which will be imposed by conditions attached to the development permit approval:
 - i. Overview of Business and Operations.
 - ii. Number of Resident Employees.
 - iii. Number of Non-Resident Employees who will access the site.
 - iv. Number of Business-Related Customers expected.
 - v. Type of and number of all commercial vehicles that will be active on site.
 - vi. Parking and circulation plan of all vehicles onsite and immediately offsite.
 - vii. Business operational hours including hours of vehicle movements to and from the site, with expected peak hours.
 - viii. Identification of proposed strategies to mitigate areas of nuisance such as noise, dust, lighting, vibration, visual impact etc.
- c) For Home-Based Business (Type II) applications proposing an event venue, the Operations and Access Management Plan shall also include the below:
 - i. Nature of the event venue and proposed business days.
 - ii. Event activity hours of operation.
 - iii. Number of business guests and supporting staff
 - iv. Parking and vehicle circulation plan.

149 Development Permit Requirements

- a) A Development Permit application for Home-Based Business (Type II) shall meet the requirements of Sections 142, and 146 – 148.
- b) The maximum term of the first Development Permit issued for a Home-Based Business (Type II) is one (1) year.
- c) If a subsequent application is applied for before the one (1) year Development Permit has expired, the new Development Permit may be issued for up to five (5) years if:
 - i. The application is for the same Home-Based Business (Type II),
 - ii. The Home-Based Business has not violated the conditions of the Development Permit undergoing renewal and there are no active Bylaw enforcement orders related to the Home-Based Business (Type II),
 - iii. The permit is deemed appropriate for renewal at the discretion of the Development Authority.

**HOME-BASED BUSINESS (TYPE III)****150 General Requirements**

- a) Home-Based Business (Type III) is an accessory use of a principal dwelling and utilizes its accessory buildings and outside storage.
- b) The separate elements of the business (buildings, storage, parking etc.) shall be near one another.
- c) Home-Based Business (Type III) shall not significantly change the residential appearance of the land and buildings to the extent where the residential use is no longer the primary use of the parcel.
- d) Home-Based Business (Type III) shall conform to Bylaw C-8067-2020 (Noise Control Bylaw).
- e) The total number of non-resident employees shall be at the discretion of the Development Authority.
- f) The total business footprint should not exceed 1200.0 m² (12916.67 ft²) or 3% of the parcel area, whichever is less.
 - i. A variance allowing up to a maximum of 4000.0 m² (43055.64 ft²) or 5% of the parcel area, whichever is less, for the total business footprint may be considered at the discretion of the Development Authority.
- g) The total business footprint shall include outside storage and all outside business-related activity areas.
- h) All business-related parking must be contained within the total business footprint.
- i) Where a business is proposed involving business guests, the minimum number of parking stalls is 5 per 100.0m² (1076.39 ft²) gross development footprint area.
- j) One (1) Fascia Sign or Freestanding Sign is permitted, at the discretion of the Development Authority.

151 Site Plan Application Requirements

- a) A Site Plan shall be required for all Home-Based Business (Type III) applications.
- b) In addition to meeting the Site Plan requirements set out for Home-Based Business (Type II) uses within Section 147, applications for Home-Based Business (Type III) shall meet the following additional requirements:
- c) For Home-Based Business (Type III) applications, the site plan showing outside storage and outside business-related activity areas:
 - i. Shall be set back 30.0 m (98.43 ft) from the property line when adjacent to a parcel designated as a Residential or Agricultural Land Use District.
 - ii. Increased required setbacks may be requested at the Discretion of the Development Authority.

152 Operations and Access Management Plan Requirements

- a) An Operations and Access Management Plan shall be submitted for all Home-Based Business (Type III) applications.
- b) The Operations and Access Management Plan shall meet the requirements set out in section 148.

153 Development Permit Requirements

- a) A Development Permit application for Home-Based Business (Type III) shall meet the requirements of Sections 142, and 150-152.
- b) The maximum term of a Development Permit issued for a Home-Based Business (Type III) is one (1) year.



- c) If a subsequent application is applied for before the one (1) year Development Permit has expired, the new Development Permit may be issued for up to three (3) years if:
 - i. The application is for the same Home-Based Business (Type III),
 - ii. The Home-Based Business is not in violation of the conditions of the Development Permit undergoing renewal and there are no active Bylaw enforcement orders related to the Home-Based Business (Type III),
 - iii. The permit is deemed appropriate for renewal at the discretion of the Development Authority.

Home-Based Business Definition Amendments**AMENDMENT #2**

THAT the Part Eight (8) Definitions of Bylaw C-8000-2020, which presently reads:

“Home-Based Business (Type I)” means a use where business is conducted in a Principal Building with limited weekly visits and employees that reside in the Principal Building. Uses are secondary to the residential use of the parcel and do not change the residential appearance of the land and buildings.

“Home-Based Business (Type II)” means a use where business is conducted in a Principal Building or Accessory Building with moderate weekly visits, and which may have employees who does not live on the property. Uses are secondary to the residential use of the parcel and do not change the residential appearance of the land and buildings.

be replaced with:

“Home-Based Business (Type I)” means a use where business is conducted in a Principal Building only, with limited weekly visits and employees that reside in the Principal Building. Uses are secondary to the residential use of the parcel, have no business conducted in an accessory building or outside storage area, and do not change the residential appearance of the land and buildings.

“Home-Based Business (Type II)” means a use where business is conducted in a Principal Building or Accessory Building, which may have limited outside storage and outside activity areas with moderate weekly visits, which may have employees who does not live on the property. Uses are secondary to the residential use of the parcel and do not change the residential appearance of the land and building.

AMENDMENT #3

THAT a new definition be inserted into Part Eight (8) Definitions of Bylaw C-8000-2020 as follows:

“Home-Based Business (Type III)” means a use where business may be conducted in a Principal Building or Accessory Building, utilizing larger outside storage areas and outside activity areas, with a higher intensity of weekly visits and employees who do not live on the property than Home-Based Business (Type II). Uses are secondary to the residential use of the parcel and do not change the residential appearance of the land and building.

**Home Based Business Land Use District Use Amendments****AMENDMENT #4**

THAT a new use 'Home-Based Business (Type III)' be inserted into the Table of Contents Section, under Part 4 – Specific Uses and Activities of Bylaw C-8000-2020 as follows:

Text to be inserted under - Home-Based Business (Type II)

AMENDMENT #5

THAT a new Use 'Home-Based Business (Type III)' be inserted into each Discretionary Uses section of the below Land Use District sections of Bylaw C-8000-2020.

- Section 304, 311, 318, 325, and 332

AMENDMENT #6

THAT a new supporting clause be inserted into each Discretionary Uses section of the below Land Use District sections of Bylaw C-8000-2020 as follows:

Only parcels designated with the letters “hbb” on the Land Use Map shall have the ability to apply for a 'Home-Based Business (Type III) Development Permit, subject to addition of the “hbb” modifier to a parcel through a Land Use Bylaw amendment.

- Section 304, 311, 318, 325, and 332

Home Based Business Signage Amendments**AMENDMENT #7**

THAT the two bullet points, in the Standards section, under Fascia Signs of Section 216 of Bylaw C-8000-2020, which presently read:

- Shall not exceed 0.5 m² (5.38 ft²) in area for a Bed and Breakfast or Home-Based Business (Type II)
- Shall not exceed 1.5 m (4.92 ft.) in height for a Bed and Breakfast or Home-Based Business (Type II)

be replaced with:

- Shall not exceed 0.5 m² (5.38 ft²) in area for a Bed and Breakfast or Home-Based Business (Type II and III)
- Shall not exceed 1.5 m (4.92 ft.) in height for a Bed and Breakfast or Home-Based Business (Type II and III)

**AMENDMENT #8**

THAT the bullet point in the Standards section, under Freestanding Signs of Section 217 of Bylaw C-8000-2020, which presently reads:

- Shall not exceed 0.5 m²(5.38 ft²) in area or 1.5 m (4.92 ft.) in height for a Bed and Breakfast or Home-Based Business – Type II

be replaced with:

- Shall not exceed 0.5 m²(5.38 ft²) in area or 1.5 m (4.92 ft.) in height for a Bed and Breakfast or Home-Based Business – Type II and Type III

Business, Live-Work District Amendments**AMENDMENT #9**

THAT Section 394 of Bylaw C-8000-2020, which presently reads:

PURPOSE: The purpose and intent of this district is to provide for a combination of residential and light industrial or commercial activity on a single parcel, with residential as the primary use. The parcel shall be located in the Central East Rocky View Region in locations where adjacent development is industrial or commercial in nature.

be replaced with:

PURPOSE: The purpose and intent of this district is to provide for a combination of residential and light industrial or commercial activity on a single parcel, with residential as the primary use. The parcel shall be located in the Central East Rocky View Region in locations where adjacent development is industrial or commercial in nature.

- Redesignation of parcels to this District shall not be approved upon amending Bylaw C-8357-2023 coming into full force and effect.
- All parcels having this land use designation on the date of adoption of Bylaw C-8357-2023 remain in full force and effect; however, this land use district is no longer available for any redesignation applications subsequent to that date.

AMENDMENT #10

THAT Section 396 of Bylaw C-8000-2020, which presently reads:

- 1.0 ha (2.47 ac)
- The minimum size of parcels designated with the letter “p” is the number indicated on the Land Use Map

be replaced with:

- The minimum parcel size is the area of that parcel at the time of adoption of Bylaw C-8357-2023.

**Special, Future Urban Development District Amendments****AMENDMENT #11**

THAT Section 460 of Bylaw C-8000-2020, which presently reads:

PURPOSE: To provide a limited range of temporary uses that can easily be removed when land is developed to an urban standard while protecting lands for future urban development by restricting premature subdivision and development, while accommodating agricultural uses.

be replaced with:

PURPOSE: To provide a limited range of temporary uses that can easily be removed when land is developed to an urban standard, while protecting lands for future urban development by restricting premature subdivision and development, and while accommodating agricultural uses.

- a) Redesignation of parcels to this District shall not be approved upon amending Bylaw C-8357-2023 coming into full force and effect.
- b) All parcels having this land use designation on the date of adoption of Bylaw C-8357-2023 remain in full force and effect; however, this land use district is no longer available for any redesignation applications subsequent to that date.

AMENDMENT #12

THAT Section 462, which presently reads:

- a) An un-subdivided Quarter Section.
- b) The portion created and the portion remaining after registration of a First Parcel Out subdivision.
- c) If a parcel is not an un-subdivided Quarter Section or First Parcel Out at the time it has been re designated SFUD, the minimum area of a parcel is the area of that parcel at the time of such designation.

be replaced with:

- a) The minimum parcel size is the area of that parcel at the time of adoption of Bylaw C-8357-2023.

Special Function Business Amendments**AMENDMENT #13**

THAT the 'Special Function Business' use be removed from the Table of Contents Section, under Part 4 – Specific Uses and Activities of Bylaw C-8000-2020.

AMENDMENT #14

THAT the 'Special Function Business' section be removed from Bylaw C-8000-2020 in the below sections:

- Section 154-156

AMENDMENT #15

THAT the Special Function Business Use, listed as a Discretionary Use, be removed from Bylaw C-8000-2020 in the below sections:

- Section 304, 311, 318, 325, 332, 342, 351, 362, 371, 378, 383, 389, 395, 406, 412, 418, 426, 434, 439, 446, 453, 461, 471.



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AMENDMENT #16

THAT the “Special Function Business” Use definition, listed in Part Eight (8) Definitions of Bylaw C-8000-2020, be removed from Bylaw C-8000-2020.

AMENDMENT #17

THAT Bylaw C-8000-2020 be renumbered and formatted accordingly.