

BYLAW NO. 18/004

A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO AMEND LAND USE BYLAW NO. 99/059

WHEREAS sections 191(1) and 639 of the *Municipal Government Act* empower a council both to pass and to amend a land use bylaw.

NOW THEREFORE the Regional Municipality of Wood Buffalo, in council assembled, enacts as follows:

1. Land Use Bylaw No. 99/059 is amended as set out in sections 2 to 8 of this bylaw.
2. Section 10 is amended by adding the following definitions:

BUSINESS includes

- (i) a commercial or industrial activity or undertaking,
- (ii) a profession, trade, occupation, calling or employment, or
- (iii) an activity providing goods or services

whether or not for profit and however organized or formed, including a co-operative or association of persons;

COMMERCIAL VEHICLE includes a vehicle used in connection with carrying on a Business.

MOBILE FOOD VENDOR means a food vending Business that operates from a vehicle or towed unit capable of moving from place to place to conduct the Business.

3. Section 10 is further amended by deleting the definitions of “Home Business” and “Home Occupation” and substituting therefor the following:

HOME BUSINESS means a secondary use of a Building or portion of a Building or its Accessory Buildings, for which the Principal Use is a Dwelling or a Dwelling Unit, to conduct a Business that does not include any of the following, none of which are allowed to operate as a Home Business:

- Adult Entertainment Facility;
- Animal Service Facility, Major;
- Animal Service Facility, Minor;

Automotive and Equipment Repair and Storage;
Automotive/Recreational Vehicle Sales;
Dating or Escort Service;
Food Service, Major Restaurant;
Food Service, Minor Restaurant;
Kennel;
Recreational Equipment Sales, Storage and Rental;
Retail Store, General;
Waste Management Facility; and
Sales, except the type or manner of sales described in subsection 70.1(e).

HOME OCCUPATION means a secondary use of a Building or portion of a Building for which the Principal Use is a Dwelling or a Dwelling Unit, by only persons who live in the Dwelling or Dwelling Unit, to conduct a Business that

- (a) does not allow visits by customers or clients of the Business to the Dwelling Unit; and;
- (b) does not include any of the following, none of which are allowed as a Home Occupation:

Adult Entertainment Facility;
Automotive and Equipment Repair and Storage;
Automotive/Recreational Vehicle Sales and Rental
Animal Service Facility, Major
Animal Service Facility, Minor;
Dating or Escort Service
Food Service, Major Restaurant
Food Service, Minor Restaurant
Kennel
Recreational Equipment Sales, Storage and Rental
Retail Store, General;
Waste Management Facility;
Sales, except the type or manner of sales described in subsection 69.1(h).

4. Section 69.1 is deleted and replaced with the following sections 69.1 to 69.5:

69.1 Where the term Secondary Suite is used in this section 69 or in section 70 it has the meaning set out in subsection 8.2.18 in the case of a Development within the area shown in Schedule “D” and it has the meaning set out in subsection 9.4.1 in the case of a Development within the City Centre Special Area as described in subsection 9.2.1.

- 69.2 A Home Occupation does not require a Development Permit except when it is developed in a Basement Suite or in a Secondary Suite, or when it requires interior alterations to the Building in which it is developed.
- 69.3 A Home Occupation shall meet the following requirements:
- (a) Occupy no more than 30 percent of the Gross Floor Area of the Dwelling or Dwelling Unit;
 - (b) Not occupy any portion of any Accessory Building associated with the Dwelling or Dwelling Unit;
 - (c) No noise, vibration, smoke, dust, odors, heat, glare, electrical or radio disturbance detectable beyond the property boundary shall be produced by the Home Occupation;
 - (d) Generate no client or customer pedestrian or vehicular traffic;
 - (e) Be operated solely by persons who live in the Dwelling or Dwelling Unit;
 - (f) Require no on-site vehicle parking either for visitors or for a Commercial Vehicle. (For purposes of interpreting this section, a vehicle used solely for personal trips by a person who also carries on a Home Occupation is not a Commercial Vehicle.)
 - (g) Has no identification sign on or about the property nor any other form of indication that the Home Occupation is located or operated from the property;
 - (h) Sales shall be limited to goods and articles produced on the site and may include the sale of prepackaged goods by distributorship, mail order, telephone sales or online sales. Goods may be held on a temporary basis for distribution to customers but no on-site display of goods is permitted;
 - (i) Interior alterations to accommodate the Home Occupation may be allowed at the discretion of the Development Authority if such alterations comply with the Safety Codes Act and/or an applicable Bylaw;
 - (j) Obtain the necessary business license from the Municipality;
 - (k) Any storage of materials or goods related to the Home Occupation must be located within the Principal Building. No exterior storage or storage within an Accessory Building is permitted; and
 - (l) A Home Occupation shall comply with section 76.2.

69.4 A Home Occupation may be approved for development in a Basement Suite or Secondary Suite, and a Development Permit may be issued for such development, at the discretion of the Development Authority.

69.5 A Home Occupation shall not be developed in a Building that contains a Boarding House, Bed and Breakfast Establishment, Child Care Facility, or Group Home.

5. Section 70.1 is deleted and replaced with the following:

70.1 A Home Business requires a Development Permit which may be issued as a temporary use for up to one year, and which may be renewed at the discretion of the Development Authority provided it meets the following requirements:

- (a) The area occupied by a Home Business shall not exceed:
 - (i) 30% of the total interior floor area of a Dwelling or Dwelling Unit; and
 - (ii) 30% of total interior floor area of one Accessory Building.
- (b) No noise, vibration, dust, smoke, odors, heat, glare, electrical or radio disturbance detectable beyond the property boundary shall be produced by the Home Business;
- (c) Interior or exterior alterations, additions or renovations to accommodate the Home Business may be allowed as long as such alterations, additions or renovations comply with the Safety Codes Act and/or any applicable Bylaws;
- (d) All Commercial Vehicle trips related to the Home Business shall be restricted to:
 - (i) Monday to Saturday between the hours of 7:00 am and 10:00 pm; and
 - (ii) Sundays and Statutory Holidays between the hours of 10:00 am and 6:00 pm.
- (e) Sales shall be limited to goods and articles produced on the site and may include the sale of prepackaged goods by distributorship, mail order, telephone sales or online sales. Goods may be held on a temporary basis for distribution to customers but no on-site display of goods is permitted
- (f) Obtain the necessary business license from the Municipality;
- (g) Not more than two clients or customers may be present at any one time on the premises of a Home Business;

- (h) No more than one Home Business shall be approved for a Principal Dwelling. A combination of one Home Occupation and one Home Business may be approved for a Principal Dwelling at the discretion of the Development Authority.
- (i) A Home Business shall not be developed in a Building or in any Accessory Building that contains a Basement Suite, Boarding House, Bed and Breakfast Establishment, Child Care Facility, Family Care Dwelling, Group Home or Secondary Suite.

6. Section 70.2 is deleted and replaced with the following:

70.2 A Home Business located in any residential district in the Urban Service Area and in the Country Residential District shall meet all the standards listed below:

- (a) Any storage of materials or goods related to the Home Business must be located entirely within the Principal Building and Accessory Building(s)/garage. No exterior storage is permitted;
- (b) The Home Business shall be operated only by persons who live in the Dwelling or Dwelling Unit but may use the services of not more than one employee or other person who does not live in the Dwelling or Dwelling Unit;
- (c) Subject to subsection 70.2(d) a Home Business shall provide at least one additional on-site parking stall in addition to any required on-site residential parking in accordance with Part 7 of this Bylaw. Parking in the front or side yard is prohibited except on a driveway;
- (d) One only Commercial Vehicle may be used in conjunction with a Home Business. Parking for the Commercial Vehicle must be provided as follows:
 - (i) If the Commercial Vehicle does not exceed a gross vehicle weight of 7000 kilograms and is also used for non-Business personal travel, then subsection 70.2(c) does not apply;
 - (ii) If the Commercial Vehicle does not exceed a gross vehicle weight of 7000 kilograms and is used exclusively for Business purposes, then subsection 70.2(c) does apply;
 - (iii) If the Commercial Vehicle exceeds a gross vehicle weight of 7000 kg then subsection 70.2(c) does not apply but in that case an additional off-street parking stall at a different location is required for the Commercial Vehicle and that parking stall must be located in a Commercial District or an Industrial District.

- (e) Demonstrate to the satisfaction of the Development Authority that traffic generated by the Home Business will not significantly impact traffic flow in the neighborhood;
- (f) One only non-illuminated sign or plaque identifying the Home Business, having maximum dimensions of 20 cm by 30.5 cm, is allowed to be on the Dwelling or Dwelling Unit. No other form of on-site advertising or identification is allowed;
- (g) A Home Business shall not be approved if in the opinion of the Development Authority the business is more appropriately located in a non-residential district;
- (h) A Home Business for pet grooming and training shall be limited to a maximum of four pets on site at any one time, including personal pets. No boarding or overnight accommodation of pets is allowed;
- (i) A Home Business for dog breeding shall be limited to two adult breeding dogs and any offspring of those dogs that are less than six months old.

7. The following subsection is added to Section 70:

70.4 A Home Business for Mobile Food Vendor requires a Development Permit that may be issued as a temporary use for up to one year which may be renewed at the discretion of the Development Authority, and must meet the following requirements:

- (a) A Home Business for Mobile Food Vendor shall comply with section 70.1;
- (b) A Home Business for Mobile Food Vendor shall comply with section 70.2 except for subsections 70.2 (h) and (i);
- (c) A Home Business for Mobile Food Vendor must not be operated from a Residential District;
- (d) A food truck from which a Mobile Food Vendor Home Business operates is a Commercial Vehicle and may only be parked in a Residential District:
 - (i) if off-street parking for the food truck is provided in addition to the residential parking spaces required in accordance to Part 7; and
 - (ii) if the food truck does not exceed a gross vehicle weight of 7000 kilograms.

(e) A food truck may be parked on commercial or industrial property if there is a written agreement with the owner or occupant of the property allowing such parking or allowing the operation of a Mobile Food Vendor business on the property.

8. Wherever the expression “Home Occupation” appears in Bylaw 99/059 in a list of the permitted uses for a residential district, the following is added immediately thereafter: “(except in the case of a Basement Suite or a Secondary Suite under any definition of Secondary Suite in this bylaw, in which case Home Occupation is a discretionary use, or in the case of a Home Occupation requiring renovation or alteration of a Building in which case Home Occupation is also a discretionary use.)”

9. This bylaw comes into effect when it is passed.

READ a first time this 27th day of February, A.D. 2018.

READ a second time this _____ day of _____, A.D. 2018.

READ a third and final time this _____ day of _____, A.D. 2018.

SIGNED and PASSED this _____ day of _____, A.D. 2018.

Mayor

Chief Legislative Officer