

BYLAW NO. 18/007

BEING A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO AMEND THE HIGHWAY 69/CLEARWATER RIVER VALLEY AREA STRUCTURE PLAN BYLAW NO. 00/058 AND LAND USE BYLAW NO. 99/059

WHEREAS Section 633 of the *Municipal Government Act* authorizes Council to enact a bylaw adopting an area structure plan;

WHEREAS Section 639 of the *Municipal Government Act* authorizes Council to enact a bylaw adopting a Land Use Bylaw.

AND WHEREAS Section 191(1) of the *Municipal Government Act* authorizes Council to amend or repeal any bylaw;

NOW THEREFORE, the Council of the Regional Municipality of Wood Buffalo, in the Province of Alberta, hereby enacts as follows:

LAND USE BYLAW AMENDMENTS

1. Land Use Bylaw No. 99/059 is amended as set out in section 2 to 6 of this bylaw.
2. The following new section 212 is added to Part 6:

212. DC-VC Direct Control Village Commercial District

212.1 Purpose

The purpose of this District is to establish a special land use and associated development regulations to accommodate a community focused greenhouse commercial establishment. The district is intended to provide the Municipality with the necessary control over the nature and location, site design, and appearance of developments on the site.

212.2 Permitted Uses

The following are permitted uses:

Accessory Building and Uses
Breweries, Wineries and Distilleries
Commercial Recreation Facility, Indoor
Commercial Recreation Facility, Outdoor
Community Service Facility
Community Garden

Events/Special Events
Food Service, Major Restaurant
Food Service, Minor Restaurant
Greenhouse/Plant Nursery
Home Business
Intensive Agriculture
Keeping of Animals (Petting Zoo)
Manufactured/Modular Home
Market Garden
Office
Park
Public Use
Retail Store, General
Temporary Building or Structure
Warehouse and Storage

212.3 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

Amateur Radio Antenna
Bed and Breakfast
Campground
Country Inn
Essential Public Service
Family Care Dwelling
Home Occupation
Kennel
Parking Lot/Structure
Public Utility
Retaining Wall
Resort Facility
Satellite Dish Antenna
Single Detached Dwelling

212.4 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District.

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| (a) | Lot Area (minimum): | 2.0 ha |
| (b) | Front Yard (minimum): | 7.6 m for principal buildings
15.0 m for all other buildings and structures |

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|-----|----------------------------|--|
| (c) | Side Yard (minimum): | 5.0 m for principal buildings
10.0 m for all other buildings and structures |
| (d) | Rear Yard (minimum): | 7.6 m for principal buildings
15.0 m for all other buildings and structures |
| (e) | Building Height (maximum): | 12.0 m |

212.5 Additional Provisions

Direct Control Village Commercial development shall only be allowed if the Development Authority is satisfied that the following requirements are met:

- (a) The use Intensive Agriculture shall only be permitted on lots larger than 4.0 ha in area.
- (b) Adequate access exists to a public road;
- (c) The developer will be responsible for constructing all internal roads;
- (d) The keeping of animals, birds and livestock shall be in compliance with Section 91.0 Additional Provisions: Intensive Agriculture. Where there are multiple lots adjacent to each other owned by a single person the total allowed units of livestock will be determined on the basis of the total combined lot areas. Grazing areas are to implement adequate fencing and buffering to ensure the safe on-site confinement of animals and to reduce the noise and visual impacts on neighboring properties. All grazing areas shall provide adequate measures for the disposal of animal waste to the satisfaction of the Development Authority and the Regional Health Authority.
- (e) The development can be serviced with water and sanitary sewage in compliance with the *Nuisance and General Sanitation Regulation* and the *Private Sewage Disposal System Regulation*.
- (f) The development meets the requirements of Section 60 – Development in the Flood Plain (Clearwater River/Athabasca River Flood Plain Area) and Section 61 – Development Near Water Bodies and Water Courses, of this Bylaw.
- (g) Parking shall be provided in accordance with Part 7.
- (h) Garbage and waste materials shall be stored in weather proof and animal proof containers and shall be visually screened from adjacent sites and public areas to the satisfaction of the Development Authority.

- (i) Outdoor Landscaping Material Storage Bins
 - (i) Retaining walls will be a maximum height of 2.44 m.
 - (ii) All new landscape materials storage bins will require approval by the Development Authority
- 3. The lands described legally as Lot 6, Plan 992 0950 and Lot 5, Plan 992 0950 are re-designated as the DC-VC Direct Control Village Commercial District, and all applicable maps are amended accordingly.
- 4. The following is added as a new section 92.1 in Part 5 General Regulations:

92.1 Breweries, Wineries, and Distilleries

92.1.1 – A site containing a brewery, winery and distillery shall comply with the following:

- (a) Shall be a property or building in which beer, wine, spirits and other alcoholic beverages are manufactured using products grown onsite or imported in;
- (b) Shall have designated areas for the production process, canning, bottling and for the storage of finished product for sale on site or for shipping;
- (c) Shall have designated hospitality areas for private groups, for sampling, tasting and consumption;
- (d) Product manufactured onsite must be available to be sold onsite, for any lawful consumption both on and off the premises;
- (e) A Brewery, Winery and Distillery can be combined with a Restaurant and/or Drinking Establishment to provide an increase of the public space for consumption of food and beverages onsite, but shall not exceed the maximum capacity of the Use it is combined with;
- (f) Where a public space is provided, it does not open on to a residential district, except for emergency exits, loading bay doors and non-operable windows;
- (g) Outdoor Public Space shall not be located next to a Residential Land Use;
- (h) No noxious odours, dust or waste shall be generated in excess of the Use characteristics or in excess of development permit condition requirements;
- (i) All manufacturing and storage of equipment, materials and product must be contained within an enclosed structure;

- (j) All parking must comply with the requirements of Part 7; and
 - (k) All exterior Landscaping must comply with the requirements of Part 5 General Regulations section 72, and must be in conformance with the principles of Crime Prevention Through Environmental Design.
5. Section 76.7 is deleted and replaced with the following:
- No livestock, fowl or fur-bearing animals, other than domestic pets, shall be permitted in any residential districts, provided however that:
- (a) horses, donkeys, goats, llamas, alpacas, and other similar animals may be kept as pets or for personal enjoyment on lots of greater than 0.809 hectares in residential districts located in Sapræ Creek, Conklin, Draper, Janvier and Anzac; and
 - (b) a maximum of (3) three horses is permitted on any single lot, where the Development Authority is satisfied that the animals are confined within a fence constructed to the satisfaction of the Development Authority.
6. Section 76.8 is deleted and replaced with the following:

Notwithstanding section 76.7, on residential lots in the hamlets of Conklin, Draper and Janvier the keeping of animals, including livestock, is permitted at the discretion of the Development Authority in accordance with the provisions of Section 91A.

AREA STRUCTURE PLAN AMENDMENTS

7. The Highway 69/Clearwater River Valley Area Structure Plan adopted by Bylaw No. 99/058 is amended as set out in sections 8 to 11 of this bylaw.
8. The following is added at the end of Section 4.9 Future Development Potential:
- Located within the flood plain below 250m there is an opportunity to develop a Village Commercial / Community Greenhouse development that supports and is supported by the local community and visitors to the region. The development will provide an opportunity for visitors to purchase locally sourced fresh produce and onsite processed food and beverage goods. The development will also offer recreational activities that are borne out by its proximity to the Clearwater River and the natural areas that surround the site.
9. The following is added to Section 5.2 Land Use:

**Section 5.2.12
Village
Commercial /
Community
Greenhouse**

Located within the flood plain below 250m contours. Allow for parcels a minimum of 2.0 ha (5 acres) on Map 6 – Development Concept. The intent of the Village Community Greenhouse Commercial is to promote a local community establishment that promotes sustainable agricultural development and active involvement with the local residents and visitors through recreational activities, onsite education, special events and retail of locally grown produce. Onsite processed food and beverage goods will also be available in the form of fruit wine, leather and dairy products.

In general, development will allow for, but not limited to, Intensive Agriculture, Campgrounds, Keeping of animals, Market Gardens, Recreational Use and Single Family Dwelling.

10. Section 5.3.3 Location and Significance of the 250 Meter Contour is deleted and the following is substituted for it:

5.3.3 Utilize the estimated 250 meter contour shown on Map 6 – Development Concept as a guideline in determine what lands above 250 meter contour may be designated for country residential and lands above 250 meter would remain designated for small holdings and village commercial / community greenhouse. Notwithstanding this, if a private property owner can prove through a legal survey he actual location of the 250 meter contour the RMWB may consider their application for subdivision and development without requiring an amendment to either the Land Use Bylaw or this Area Structure Plan.

11. Map 6 is deleted and replaced with the version of map 6 that is Attachment 1 to this Bylaw 18/007.

COMING INTO FORCE

12. This bylaw comes into force when it is passed.

READ a first time this 10th day of April, 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