



BIRCH HILLS COUNTY
BY-LAW 2013-07
Hamlet of Watino

BY-LAW # 2013-07

BIRCH HILLS COUNTY HAMLET OF WATINO

BYLAW NO. 2013-07
BEING A BYLAW OF BIRCH HILLS COUNTY IN THE PROVINCE OF ALBERTA
TO AMEND THE BIRCH HILLS COUNTY LAND USE BYLAW NO. 02-08

WHEREAS, the Council of Birch Hills County has adopted Birch Hills County Land Use Bylaw No. 02-08 to regulate land use and development in Birch Hills County, and

WHEREAS The Council of Birch Hills County, in the Province of Alberta, has deemed it desirable to amend the Birch Hills County Land Use Bylaw to add a new district, Hamlet Watino (HW) District, provisions and definitions for all uses as well as mitigating the effects of a flood hazard on development in the flood fringe;

NOW

THEREFORE Pursuant to Sections 230, 606 and 692 of the Province of Alberta Municipal Government Act, the Council of Birch Hills County, duly assembled, hereby enacts as follows:

1. Add a new Land Use District to the Land Use Bylaw as follows:

11.6 HAMLET WATINO (HW) DISTRICT
11.6.1 Purpose

The purpose of this District is to provide for a variety of compatible land uses in the hamlet of Watino.

(a) Permitted Uses

- accessory building or use
- duplex dwelling
- home occupation (minor)
- park or playground
- public utility
- semi-detached dwelling
- single detached dwelling

(b) Discretionary Uses

- apartment building
- bed and breakfast establishment
- building supply sales
- bus depot
- cabin
- car and truck washing facility
- child care facility

- drinking establishment
- modular dwelling
- office
- personal service establishment
- place of worship
- public use
- recreational vehicle park
- restaurant
- retail outlet
- row dwelling
- senior citizen home
- service station
- sign
- veterinary clinic
- warehousing
- other similar and compatible uses as approved by the Development Authority/Municipal Planning Commission

In addition to the General Regulations in Section 9, the following standards shall apply to every development in this district.

11.6.2 Site Provisions

(a) Minimum Lot Area

Use	Width	Depth	Area
Residential (both sewer and water) Including holding tank & cistern	23m (75ft.)		697 m ² (7,500 ft ²)
Residential Minimum		30.5 m (100ft.)	
Residential Minimum Building Area			74.3m ² (800 tr)
Commercial	At the discretion of the development officer		464 m ² (5,000 ft ²) for service stations and motor vehicle dealerships. 140m ² (1,500 tr) for all other uses.

All other uses as required by the Development Authority

(b) Minimum Yard Dimensions

Use	Yard	Setback
Residential	Front Yard (Minimum)	7.6 m (25ft.)
	Rear Yard (Minimum)	7.6 m (25ft.)
	Side Yard (Interior Minimum)	3.1 m (10ft.)
	Side Yard (Exterior Minimum)	4.6 m (15ft.)
Commercial	Retail stores built adjacent to existing similar uses may be built without front or side yard setbacks where there is lane access	Where there is no lane access, one side yard minimum 4.6 m (15ft.) shall be provided.
	Side Yard (Minimum Interior)	1.5 m (5 ft.), if firewall is provided, no side yard is required.
	Side Yard (Exterior Minimum)	At the discretion of the Development Authority
	Rear Yard (Minimum)	4.6 m (15ft.)
	Building Height (Maximum)	9.1 m (30 ft.)

All other uses as required by the Development Authority

11.6.3 Other Requirements

- (a) The new Section 9.9.5 of this bylaw under No. 14. is not applicable to this District. Recreational vehicles may be parked in the interior side or rear yard. Recreational vehicles may be parked in an exterior side yard if set back 1.5 m (5 ft.) from the property line.
- (b) The Development Authority may decide on such other requirements as are necessary, having due regard to the nature of the proposed development and the purpose of this district.

2. Delete from Section 2 "SINGLE FAMILY DWELLING" and replace with "SINGLE DETACHED DWELLING"

3. Delete from Section 2 "BED AND BREAKFAST" and replace with "BED AND BREAKFAST ESTABLISHMENT"

4. Add the following to Section 2 Definitions:

- (a) "BUILDING SUPPLY SALES" means a building or structure in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvement.

- (b) "BUS DEPOT" means a building and associated facilities used by bus operators for the loading and unloading of persons and goods and may be used to store buses and related equipment.
- (c) "CABIN" means a small, roughly built house or cottage, used on a seasonal basis. It has a floor area no less than 74.3 m² (800 ff), and has a direct connection to a source of potable water, electricity and sewage disposal.
- (d) "CAR AND TRUCK WASHING FACILITY" means the provision of facilities, including a central water supply for washing vehicles.
- (e) "CHILD CARE FACILITY" means a facility licensed by the Province to provide daytime personal care, supervision and education, but does not include overnight accommodation. Typical uses include day care centres, play schools, schools, nursery schools, and other similar uses.
- (f) "INSTITUTIONAL" means a government related land use such as a school, town hall, hospital, police station, correctional centre or community hall.
- (g) "MODULAR BUILDING" means finished section(s) of a complete building built in a factory for transport to the site for installation. For the purpose of this By-law, modular construction includes single or multiple dwellings, including single, semi-detached, row dwellings, townhomes, duplexes, and apartments, but not a mobile home. Modular construction can also include commercial, industrial and institutional buildings.
- (h) "MODULAR DWELLING" means finished section(s) of a complete dwelling built in a factory for transport to the site for installation. For the purpose of this Bylaw, modular construction includes single or multiple dwellings, which include single-detached, semi-detached, duplexes, row-housing and apartments; but not a mobile home."
- (i) "OFFICE" means a facility providing for the administration of business or government, or the provision of professional services.
- (j) "PARK OR PLAYGROUND" means an area of land used for recreation purposes, usually including facilities such as picnic benches, slides, swings and other playground type equipment and built in accordance with the Alberta Safety Codes Act.

- (k) "PERMANENT FOUNDATION" means a structure constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, with a foundational system or arrangement composed of, but not limited to, footing, raft, or pile and may include walls, light standards, fences, and signs, and renders the structure fixed and immovable but, does not include grain bins.
- (l) "PLACE OF WORSHIP" means a development including any meeting halls used for spiritual worship and related religious activities. It may include a minister's residence, manse, parsonage or rectory; provided it is accessory to the principal use. It also means church or religious assembly.
- (m) "RESTAURANT" means the use of a building as a public eating place and may include a licensed dining lounge and other associated facilities.
- (n) "RETAIL OULET" means the use of a building or a portion of a building for the sale or display of merchandise to the public and includes the storage of merchandise on the premises in quantities sufficient only to supply the establishment, but does not include a grocery store or a retail food store.
- (o) "ROW DWELLING" means one of three or more dwelling units constructed in a row and divided vertically, and each of which has a separate front and rear entrance.
- (p) "SENIOR CITIZEN HOME" means an assisted and independent style residential development in the form of self-contained units, a lodge or nursing home that provides housing for senior citizens.
- (q) "VETERINARY CLINIC" means the use of a building for the medical care and treatment of animals.
- (r) "WAREHOUSE" means a building for the indoor storage of equipment, goods, motor vehicles, recreation vehicles, materials or products.

5. Delete Section 4.2 {e} and renumber Section 4.2 {f} to {e}, {g} to {f} and {h} to {g}.
6. Add Section 5.2.1 {i} and renumber Section 5.2.1 {i} to {l}
 - {i) All Development must be provided with sanitary facilities pursuant to the Plumbing and Drainage Regulations and the Provincial Board of Health Regulations.
7. Add Section 5.2.1 {j} and {k}
 - {j) A temporary building or structure is only permitted on a site during the construction phase of permanent buildings or structures.
 - {k) A temporary building or structure requires a development permit to a maximum time period of two years. The temporary building or structure is to be removed from a property within one month after an occupancy permit has been granted on the site.
8. Delete Section 6.2.5 and replace it with the following
 - 6.2.5 All development is to be commenced within one year of receiving a development permit and completed within two years of receiving a development permit.
9. Add Section 9.1.5
 - 9.1.5 An accessory building or use shall be no closer to any lot line than 1.2 m {4 ft.) with the exception of Section 9.1.4 of Land Use Bylaw No. 02-08, as amended from time to time.
10. Delete Section 9.2.2 {a} semi-detached dwellings; and renumber Section 9.2.2 {b} to {a}, {c} to {b}, {d} to {c} and {e} to {d}.
11. Add to Section 9.3.3

Development within the Flood Fringe area must comply with provincial rules and regulations. All development permits must have prior approval of the Province of Alberta.
12. Add Section 9.8 MODULAR BUILDINGS and renumber Section 9.8 to 9.9; 9.9 to 9.10; 9.10 to 9.11; 9.11 to 9.12; and 9.12 to 9.13.

9.8 MODULAR BUILDINGS

9.8.1 All modular buildings, accessory structures, additions and porches shall be of sound construction and appearance and oriented on a lot to the satisfaction of the Development Authority.

9.8.2 All modular buildings are to be manufactured after 2010.

9.8.3. A modular building is to be attached to a permanent foundation.

9.8.4. All modular buildings are to be serviced by a water supply, sewage system and utilities to the satisfaction of the Development Authority.

13. Add Section 9.9.4 and renumber 9.9.4 to 9.9.6; 9.9.5 to 9.9.7

9.9.4 Where a garage is located within an exterior side yard on a residential lot, it shall not be located closer than 6.1 m (20 ft.) from the property line.

14. Add Section 9.9.5

9.9.5 Recreational Vehicles may be parked in the front yard in any Residential District provided the Recreational Vehicle is set back a minimum of 4.6 m (15ft.) from the front property line.

15. Renumber Section 11.6 to 11.7; 11.7 to 11.8; 11.8 to 11.9; 11.9 to 11.10.

16. This Bylaw shall be passed and become effective when it receives third reading and final passage, and is signed by the Reeve and the Chief Administrative Officer.

READ a first time this 3 day of December, 2013.

READ a second time this 17 day of December, 2013.

READ a third time this 17 day of December, 2013.

Original Signed

Reeve
Marvin Doran
Birch Hills County

By Original Signed By

Chief Administrative Office
Harold Northcott
Birch Hills County