

BYLAW NO. 3/2024

**BEING A BYLAW OF THE MUNICIPAL DISTRICT OF PEACE NO. 135
IN THE PROVINCE OF ALBERTA TO AMEND THE
MUNICIPAL DISTRICT OF PEACE NO. 135 LAND USE BYLAW NO. 1/2012**

WHEREAS, the *Municipal Government Act*, RSA 2000 Chapter M-26, as amended, authorizes the Council of a municipality to enact a Land Use Bylaw to regulate and control the use and development of land and buildings within a municipality; and

WHEREAS, the Municipal District of Peace No. 135 has adopted the Municipal District of Peace No. 135 Land Use Bylaw No. 1/2012, as amended, to regulate land use and development in the Municipal District; and

WHEREAS, the Council of the Municipal District of Peace No.135, in the Province of Alberta, has deemed it desirable to amend the Municipal District of Peace No. 135 Land Use Bylaw No. 1/2012, to update the provisions regarding home occupation;

NOW THEREFORE, pursuant to Section 230, 606 and 692 of the *Municipal Government Act*, RSA 2000 Chapter M-26, as amended, the Council of the Municipal District of Peace No. 135 in the Province of Alberta, duly assembled, hereby enacts as follows:

TITLE

1. This Bylaw may be cited as “Land Use Amendment Bylaw No. 3/2024”.

AMENDMENTS

2. That **Section 1.4 DEFINITIONS** be amended by updating the use class definition for Home Occupation, as follows:

OCCUPATION, HOME means any occupation, trade, craft, profession, business or other economic activity carried out by the occupant of a dwelling as a secondary activity to the primary residential use of the land or building(s), and which does not change the residential character of the site. Home Occupations are further classified as follows:

- 1) Home Occupation – Type I means the use of a residential building to conduct a business or commercial enterprise. The business portion shall be incidental or subordinate to the primary residential use, and shall be limited to the confines of the residence. Typical uses include, but are not limited to, self-employed persons providing professional, financial and office support services, telephone, mail order or other sales services, but does not involve any production, manufacturing or repairs, or parking of a commercial vehicle onsite.
- 2) Home Occupation – Type II means the use of a building and/or site to conduct a business or commercial enterprise that is incidental or subordinate to the primary residential use of the site. This may include client visits and/or the parking of commercial vehicles. Typical uses include, but are not limited to, storage of equipment, trucks and related vehicles, trucking operations, dressmaking, millinery, home crafts and handicrafts, delivery services, mobile food vendors or caterers, the manufacture of novelties and souvenirs, individual instruction to students, mobile repairs and installation, landscaping/snow removal, janitorial services, mobile entertainment services, babysitting of no more than six (6) children, and the carrying out of minor repairs of household appliances or trucks.

3. That section 4.19 is amended and replaced as follows:

4.19 OCCUPATION, HOME

- (1) All Home Occupations shall be limited to those uses which are specifically approved by the Development Authority.
- (2) All approved Home Occupations shall comply with the following general regulations:
 - (a) No variation from the residential character of the land or buildings shall be allowed;
 - (b) There shall be no nuisance created by way of offensive noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance, or any other form of disturbance to adjacent landowners or uses;
 - (c) At all times, the privacy and enjoyment of adjacent dwellings shall be preserved and the Home Occupation shall not adversely affect the amenities of the neighbourhood;
 - (d) No pedestrian or vehicular traffic in excess of that which is characteristic of the neighbourhood within which it is located shall be allowed;
 - (e) All standards and licenses required to be met and/or obtained from any authority having regulatory jurisdiction over the activity shall be complied with.
- (3) In addition to section 4.19 (1), an Occupation, Home - Type I shall:
 - (a) be exclusively conducted, operated within or limited to the confines of the residence;
 - (b) not include any outside storage of any equipment, materials or products used in the Home Occupation;
 - (c) not include alterations to the principal building, unless approved by the Development Authority;
 - (d) not employ any other person, other than the resident and the resident's family who permanently reside in the dwelling;
 - (e) not involve the parking or maintenance of a commercial vehicle on or about the lot; and
 - (f) limit onsite advertising to one (1) sign affixed to the exterior of the building.
- (4) In addition to section 4.19 (1), an Occupation, Home - Type II shall:
 - (a) be limited to the residential yard site;
 - (b) not include alterations to the principal building or the erection of additional buildings, unless approved by the Development Authority;
 - (c) not include any sale or display of any goods, materials or equipment not directly related to the operation;
 - (d) not employ more than five (5) persons besides the occupants of the principal dwelling onsite;

- (e) not have more than two commercial vehicle(s) and trailer(s) intended to be used in conjunction with the Home Occupation that are parked or maintained on or around the lot; and
 - (f) limit onsite advertising to one (1) unlighted sign not exceeding 1m² (11ft²).
- (5) Where the MD determines that a Home Occupation has outgrown the primary residential use of the land or building where it is located, the MD may direct the business/and landowner to:
- (a) cease the development;
 - (b) relocate the business to a more suitable site;
 - (c) apply for a redistricting of the parcel to an appropriate land use district provided for such a use under the Land Use Bylaw;
 - (d) apply for subdivision of the subject parcel to separate the business from the residence, which may include dedication of a buffer between the two land uses, where applicable; and/or
 - (e) take any other such actions to ensure compliance with the Land Use Bylaw.


SEVERABILITY

4. That if any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed.

EFFECTIVE DATE

5. That this Bylaw shall come into force and have effect on the date of third and final reading.

First Reading given on the 23rd day of January, 2024.




 Robert Willing, Reeve



 Margaret McClarty, Chief Administrative Officer

A public hearing was held on the 13th day of February, 2024.

Second Reading given on the 13th day of February, 2024.




 Robert Willing, Reeve




 Margaret McClarty, Chief Administrative Officer

Third Reading given on the 13th day of February, 2024.



 Robert Willing, Reeve



 Margaret McClarty, Chief Administrative Officer