

MOUNTAIN VIEW COUNTY

BYLAW NO. 05/10

LAND USE BYLAW NO. 55/95 AMENDMENT TO CREATE:

MEDIUM-HIGH DENSITY RESIDENTIAL DISTRICT (R-MHD)

**Mountain View County
Province of Alberta**

Bylaw No. 05/10

A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA AMENDING LAND USE BYLAW NO. 55/95

SHORT TITLE AND PURPOSE

- 1.01 This bylaw may be cited as the Mountain View County Medium-High Density Residential District Regulations.
- 1.02 Section 639 of the Municipal Government Act requires that every municipality in the Province of Alberta pass a land use bylaw.
- 1.03 Section 3.3.4 and 3.3.5 of the of the Mountain View County Municipal Development Plan (Bylaw 17/07) supports medium to high density residential development within identified growth centres where supported by an approved area structure plan and concept plan.
- 1.04 Section 3.3.4(b) of the Mountain View County Municipal Development Plan specifies a minimum residential parcel size of .25 acres and maximum residential parcel size of 1 acre for medium and high density residential development.

DEFINITIONS

- 2.01 “Act” refers to the Municipal Government Act as amended from time to time.
- 2.02 “Administrative Subdivision and Development Approving Authority” means the Administrative Subdivision and Development Approving Authority of Mountain View County.
- 2.03 “Council” means the Council of Mountain View County.
- 2.04 “Municipality” means Mountain View County, a municipal corporation in the Province of Alberta, and where context requires, means the area contained within the corporate boundaries of the said municipality.
- 2.05 “Municipal Planning Commission” means the Municipal Planning Commission of Mountain View County.

ENACTMENT

- 3.01 The Council of Mountain View County does hereby enact the Medium-High Density Residential District Regulations shown as Schedule “A”.
- 3.02 The Medium-High Density Residential District Regulations shown as Schedule “A” shall form part of Land Use District Regulations in Bylaw No. 55/95.

TRANSITIONAL PROVISIONS

4.01 All redesignation or subdivision applications for medium-high density residential development received in a complete form prior to the effective date of Bylaw No. 05/10 shall be processed and considered based on the regulations in effect prior to Bylaw No. 05/10, unless, prior to a decision being made on the application, the County receives an amended application requesting that said redesignation/subdivision application be processed and considered based on the regulations as amended by Bylaw No. 05/10. One such amendment application for redesignation or subdivision received by the County, prior to the effective date of Bylaw No. 05/10, may be made free of any otherwise applicable fees for amendment. All redesignation or subdivision applications for medium-high density residential development received on or after the effective date of the Bylaw No. 05/10 shall conform to the provisions of Bylaw No. 55/95 as amended by Bylaw No. 05/10 and applicable statutory plans.

EFFECTIVE DATE

5.01 This Bylaw shall come into effect at such time as it has received third (3rd) reading and has been signed in accordance with the *Municipal Government Act*.

Read the first time this 17th day of February, 2010.

Read the second time this ____ day of _____, 2010.

Read the third time this ____ day of _____, 2010.

Reeve

Chief Administrative Officer

Date of Signing

MEDIUM-HIGH DENSITY RESIDENTIAL DISTRICT (R-MHD)

PURPOSE

The purpose of this district is to provide for a comprehensively planned residential development where supported by an approved area structure plan and concept plan.

A. DEEMED APPROVED

The following uses do not require the issuance of a location or development permit insofar as the development or use of land/buildings complies with all applicable regulations contained within this district and the land use bylaw:

1. Ancillary Use
2. Ancillary Buildings less than or equal to 10 m² (107.6 ft²)
3. Fences and Enclosures
4. Holiday Trailers and Recreational Vehicles
5. Landscaping and Screening
6. Keeping of Domestic Animals
7. Signs – Community Identification and Utility Signage
8. Utilities

B. PERMITTED USES OF LAND/OR BUILDINGS

The following uses require the issuance of a location permit and may be allowed with or without conditions, providing the application complies with all applicable regulations contained within this district and the land use bylaw:

1. Ancillary Buildings greater than 10 m² (>107.6 ft²)
2. Dwelling Unit, Single Detached
3. Show Homes
4. Public Buildings and Facilities
5. Quasi Public Buildings and Facilities
6. Signs and Advertising – Commercial/Home Based Business
7. Keeping of Exotic Animals

C. DISCRETIONARY USES OF LAND OR BUILDINGS

The following uses require the issuance of a development permit and may be allowed with or without conditions, provided the application complies with all applicable regulations contained within this district and the land use bylaw:

1. Child Care Facility
2. Dwelling Unit, Move-In
3. Dwelling Unit, Mobile
4. Dwelling Unit, Multiplex
5. Home Occupation
6. Public Utility Buildings
7. Secondary Suite
8. Temporary Sales Centre

D. REGULATIONS

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| PARCEL DENSITY | Minimum six (6) and Maximum (240) parcels per quarter section. |
| PARCEL AREA | Dwelling Unit – Single Detached, Mobile or Move In - Minimum 0.10 ha (0.25 ac) |
| | Dwelling Unit – Single Detached, Mobile or Move In - Maximum 0.40 ha (0.99 ac) |
| | For all other Permitted and Discretionary Uses, the minimum and maximum parcel area requirements shall be determined by the Approving Authority in accordance with an approved concept plan. |
| MINIMUM PARCEL WIDTH | 13.5 m (44.3 ft) |
| FRONT YARD | Minimum 40.0 m (131.2 ft) from the property line from any paved or hard surface County road allowance |
| | Minimum 30.0 m (98.4 ft) from the property line from any gravel County road allowance |
| | Minimum 7.0 m (23.0 ft) from property line from an internal subdivision roadway |
| | All ancillary buildings shall maintain the front yard setback requirements of the principal dwelling on the parcel. |
| REAR YARD | Minimum 6.0 m (19.7 ft); Ancillary Buildings minimum 3 m (9.8 ft) |
| INTERIOR SIDE YARD | Minimum 4.0 m (13.1 ft); Ancillary Buildings 1 m (3 ft) |
| EXTERIOR SIDE YARD | Interior side yard requirement plus 50% of the required front yard. Larger exterior side yards may be required by the approving authority to account for future road widening and utility right of way requirements. |
| CORNER PARCEL RESTRICTIONS | In accordance with Part VIII (27). No development shall be allowed to interfere with sight distances as to be hazardous to vehicular traffic to the satisfaction of the approving authority. |
| YARD SETBACKS FROM EXISTING AGRICULTURAL DISTRICTS | Where a yard abuts an agricultural district, yard requirements shall be increased by 50% of the minimum yard requirements. |
| YARDS SETBACKS FROM EXISTING AND PROPOSED HIGHWAYS AND SERVICE ROADS | As determined by Alberta Transportation |
| BUILDING HEIGHT | Dwelling Unit: Maximum 10.0 m (32.8 ft); Ancillary Buildings: Maximum 4.6 m (15 ft) |
| | For all other Permitted and Discretionary Uses: limited to such height as is deemed suitable and appropriate for the intended use. |
| FLOOR AREA | Dwelling Unit: One-storey: Minimum 74.3 m ² (800 ft ²) |
| | Dwelling Unit: Single Detached Dwelling: Minimum 82.9 |

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| | m ² (1,000 ft ²) |
| | Building standards may be supplemented by site specific restrictive covenants. Standards for other uses shall be as required by the Approving Authority. |
| PARCEL COVERAGE FOR THE PRINCIPAL AND ALL ACCESSORY BUILDINGS | Dwelling Unit - Single Detached or Mobile: Maximum 45% |
| | Dwelling Unit – Multiplex Maximum of 50% |
| | All other housing forms: Maximum of 55% |
| DWELLING DENSITY | The base density for all parcels shall be one (1) dwelling unit per parcel. |
| | Where the principal building is a single detached dwelling, an additional dwelling unit in the form of a secondary suite (attached form) may be allowed, totalling a maximum dwelling unit density of two (2) units per parcel. |
| | Where the principal building is a multiple dwelling unit structure, no additional dwelling unit in the form of a secondary suite shall be allowed. |
| SETBACK REQUIREMENTS FOR MULTIPLEX AND CONDOMINIUM DEVELOPMENT | Setback requirements for Dwelling Unit or Multiplex will be at the discretion of the approving authority. The approving authority may consider common party walls and zero lot lines where appropriate. |

E. SUPPLEMENTARY REGULATIONS

1. Off Street Parking

- a) Two (2) off-street parking stalls required per dwelling unit; one (1) additional stall per secondary suite is required.
- b) Minimum driveway length 6.5 metres (21.33 ft) as measured from internal subdivision road to ancillary building.

2. Automobile, Machinery and Miscellaneous Equipment Storage

- a) No persons shall allow a motor vehicle or other machinery which is in a dilapidated unsightly condition, or discarded to remain or be parked on any parcel unless it is suitably housed or screened to the satisfaction of the approving authority.

3. Domestic and Exotic Animals

- a) The maximum number of domestic animals deemed approved is two (2).
- b) The keeping of domestic animals in excess of two (2) requires the issuance of development permit.
- c) The keeping of exotic animals requires the issuance of a location permit.

4. Holiday Trailers and Recreational Vehicles

- a) One (1) holiday trailer or recreational vehicle may be stored or compounded on a parcel provided it is not used for camping or residential occupancy and is not situated in the required front yard.

5 Landscaping and Screening

- a) The approving authority may require that a lot be suitably landscaped or screened as a condition of development approval.

6. Signs and Advertising

- a) One (1) commercially produced identification type sign per parcel, to a maximum of 1.0 m (3.3. ft) in length and 0.6 metres (2.0 ft) in height, containing either the name of the resident or the name of the home occupation (no telephone numbers, or advertising permitted) requires the issuance of a location permit. The sign shall be located in the front yard adjacent to the front property line to be supported on independent posts, or attached to the front of the dwelling in an attractive fashion.
- b) One (1) sign, not exceeding 200 ft² for the purpose of identification of the community is deemed approved.
- c) Functional signs needed by public authorities and utility companies to give information and direction regarding a service are deemed approved.

7. Unsafe, Hazardous or Noxious Developments

- a) Any development pursuant to Section A or Section B of this District and Section 17 may be considered a discretionary use where such use is deemed to be unsafe, hazardous, noxious or otherwise inappropriate for the intended location.
- b) Prior to the issuance of a development, location or building permit for the development for a site that is not serviced by a piped public water system and/or a piped sewer system, the approving authority must be satisfied that an adequate sewage disposal system exists and that the method of sewage disposal would not represent a public health hazard.

8. Servicing

- a) All new subdivisions considered under this district shall be provided with communal or municipal water/sewer services that meet or exceed the standards of Mountain View County and Alberta Environment.
- b) Interim private servicing may be considered by the approving authority where it can be established that the land is capable of accommodating private services and the transition to communal or municipal servicing is clearly defined under the terms of subdivision approval.

- c) Utility right of ways or easements may be required as a condition of subdivision approval to support future connections to municipal or regional water/wastewater systems and to protect utilities required to support the development.
- d) Prior to the issuance of a development, location or building permit for the development for a site that is not serviced by a piped public water system and/or a piped sewer system, the approving authority must be satisfied that an adequate sewage disposal system exists and that the method of sewage disposal would not represent a public health hazard.

F. DEFINITIONS FOR THE PURPOSES OF THIS DISTRICT

- 1. **Child Care Facility** means the use of a building or portion thereof for the provision of care, instruction, maintenance or supervision of seven or more children under the age of 13 years and includes daycare centers, early childhood services, nurseries and after-school or babysitting programs.
- 2. **Secondary Suite** means development consisting of a self-contained dwelling unit located within, and accessory to, a structure in which the principal use is single detached dwelling. A secondary suite has cooking and food preparation facilities, sleeping and sanitary facilities which are separate from those of the principal dwelling within the structure. A secondary suite also has an entrance separate from the entrance to the principal dwelling either from a common indoor landing or directly from the side or rear of the structure.
- 3. **Show homes** means the use of an unoccupied residential building as a sales office for a builder and/or as a facility to demonstrate a builder's construction quality, design options or methods.
- 4. **Temporary Sales Centre** means the use of an unoccupied residential building for activities related to the marketing and sale of residential development.

G. OTHER DEFINITIONS

- 1. For all other definitions pertaining to this district please refer to Section (F) of the Country Residential (1) District and Part 1(4) of this bylaw.