

CYPRESS COUNTY

BYLAW 2009/17

A Bylaw of Cypress County in the Province of Alberta to amend the Land Use Bylaw, being the Cypress County Land Use Bylaw 2006/13.

PURSUANT TO the provisions of the Municipal Government Act, being Chapter M-26 of the Statutes of Alberta, 2000, and amendments thereto, the Council of Cypress County in the Province of Alberta, duly assembled, ENACTS AS FOLLOWS:

1. Whereas the Cypress County Land Use Bylaw, being Bylaw 2006/13, requires amendment as a result of the adoption of the Tri-Area Intermunicipal Development Plan and amendments to the Municipal Development Plan.
2. Having held a Public Hearing on the matter, the Cypress County Land Use Bylaw is hereby amended as shown in Schedule "A".
3. This Bylaw shall take effect upon the date of the approval from the Alberta Utilities Commission for the Southwest Water Gate Agreement between Cypress County and The City of Medicine Hat.

Read a first time this _____ day of _____, 2009.

Read a second time this _____ day of _____, 2009.

Read a third time and finally passed this _____ day of _____, 2009.

Reeve

Designated Officer

Schedule "A"

Bylaw 2009/17

Land Use Bylaw

In Part 1, Section 6 of the Land Use Bylaw add the following definitions;

“Limited Country Residential Use Provisions of the Tri-Area IDP “ means the IDP provisions of section 2.6 Potential Growth Area and section 2.11 for those portions of the Urban Reserve (Redcliff) Area south of Highway 1. For convenience of reference, sections 2.6 and 2.11 of the Tri-Area IDP are included in this bylaw in Appendices G and H.

“Tri-Area IDP” means the Intermunicipal Development Plan adopted by Cypress County, the Town of Redcliff and the City of Medicine Hat.”

In Part 6 Land Use Districts and Regulations delete “AGRICULTURAL URBAN FRINGE DISTRICT 1 (A-1)” District and replace it with the following;

AGRICULTURAL URBAN FRINGE DISTRICT 1 (A-1)

THIS IS AN AGRICULTURAL DISTRICT, THE GENERAL PURPOSE BEING THE REGULATION AND CONTROL OF URBAN, NON-AGRICULTURAL LAND USES WITHIN THE TRI-AREA INTERMUNICIPAL DEVELOPMENT PLAN (IDP) AREA. ALL DEVELOPMENT WITHIN THIS DISTRICT IS SUBJECT TO THE POLICIES OF THE INTERMUNICIPAL DEVELOPMENT PLAN AS WELL AS THIS BY-LAW AND ANY OTHER STATUTORY PLANS THAT MAY BE IN EFFECT AS AMENDED FROM TIME TO TIME.

1. PERMITTED USES

- (1) Accessory buildings and uses
- (2) Single country residence on a parcel, provided the parcel existed as of the date that the Tri-Area IDP came into force (_____, 2009) in compliance with the Limited Country Residential Use provisions of the Tri-Area IDP
- (3) Farmstead buildings and uses in compliance with the Limited Country Residential Use provisions of the Tri-Area IDP

2. CLASS I DISCRETIONARY USES

- (1) Compressor and metering stations
- (2) Family Care Home
- (3) Home occupation(Office use only)
- (4) Move-in buildings for residential uses and accessory uses that are permitted or discretionary uses in this District, in compliance with the Limited Country Residential Use provisions of the Tri-Area IDP
- (5) Private signs
- (6) Public utilities
- (7) Second dwelling or mobile home for farmstead use on a parcel of 32.376 hectares (80 acres) or more in compliance with the Limited Country Residential Use provisions of the Tri-Area IDP

3) CLASS II DISCRETIONARY USES

- (1) Additional dwelling units(s) or mobile home(s) for farmstead uses in compliance with the Limited Country Residential Use provisions of the Tri-Area IDP
- (2) Farm subsidiary occupation /home occupation
- (3) Greenhouse/market garden/plant nursery
- (4) Kennels
- (5) Public and quasi-public buildings and uses
- (6) Single country residence on a farmstead separation (to a maximum of 1 per quarter) in compliance with the Limited Country Residential Use provisions of the Tri-Area IDP
- (7) Sand, gravel and surface mineral extraction
- (8) Veterinary clinic
- (9) Waste disposal site
- (10) Golf courses (with no residential use)
- (11) Retail store with a floor area limit of 400 m²
- (12) Eating establishments, pubs and other licensed premises with a floor area limit of

600 m²

- (13) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission that are in compliance with the Limited Country Residential Use provisions of the Tri-Area IDP

4. **FARMSTEAD SEPARATION**

4.1 Eligibility For Subdivision

The only subdivision allowed in this district is a single Farmstead Separation in compliance with the Municipal Development Plan and the Limited Country Residential Use provisions of the Tri-Area IDP.

4.2 Maximum Subdivision Density

One parcel from an unsubdivided quarter section for an established farmstead separation that is in compliance with the Municipal Development Plan and the Limited Country Residential Use provisions of the Tri-Area IDP.

4.3 Maximum Area To Be Subdivided

The area of a farmstead separation may not exceed 10% of the unsubdivided quarter section (typically: 6.47 hectares or 16 acres).

5. **MINIMUM PARCEL SIZE FOR USES OTHER THAN A FARMSTEAD SEPARATION**

An unsubdivided quarter section or land in title as of the date of adoption of the Tri-Area IDP.

6. **MINIMUM YARD REQUIREMENTS FOR PRINCIPAL AND ACCESSORY BUILDINGS**

Front	Side	Flankage	Rear
See Section 47	3.04 metres (10 feet)	See Section 47	3.04 metres (10feet)

7. **SITE RESTRICTIONS**

In addition to the requirements of the General Land Use Regulations and Schedules, the following Regulations shall apply:

- (1) Compressor stations shall not be permitted within 750 metres (2,500 feet) of residential developments.
- (2) An accessory building shall be located at least 1.5 metres (5 feet) from a principal building.

8. **LIMITED COUNTRY RESIDENTIAL USE PROVISIONS OF THE TRI-AREA IDP**

“Limited Country Residential Use Provisions of the Tri-Area IDP” is a defined term meaning provisions Section 2.6 Potential Growth Area and those parts of Section 2.11 Urban Reserve (Redcliff) applicable to the lands south of Highway # 1. Whenever the phrase “in compliance with the Limited Country Residential Use provisions of the Tri-Area

IDP”, or a variation of this phrase, is used in the description of a permitted or discretionary use in this Bylaw,

- a) the provisions are an integral part of the description of the use, and
- b) the use must comply with these provisions, without variation or waiver except to the extent expressly allowed in section 2.6 or 2.11 of the Tri-Area IDP, in order to constitute the permitted or discretionary use in question.

For convenience of reference, Schedule G shows maps of the lands that are subject to “Limited Country Residential Use”. The full text of sections 2.6 and 2.11 of the Tri-Area IDP is found in Schedule H and these policies have been reflected in this district.

In Part 6 Land Use Districts and Regulations delete “COUNTRY RESIDENTIAL DISTRICT (CR)” District and replace it with the following;

COUNTRY RESIDENTIAL DISTRICT (CR)

THIS DISTRICT IS ESTABLISHED FOR COUNTRY RESIDENTIAL DEVELOPMENT OF TWO OR MORE PARCELS PER QUARTER SECTION. THE GENERAL PURPOSE OF THIS DISTRICT IS TO REGULATE THE DEVELOPMENT OF COUNTRY RESIDENCES BUT, WITH THE EXCEPTION OF SITES DESIGNATED AS COUNTRY RESIDENTIAL DISTRICT (CR) ON THE DATE OF ADOPTION OF THE TRI-AREA IDP, SHALL NOT BE APPLIED TO THE POTENTIAL GROWTH AREA AND THE URBAN RESERVE (REDCLIFF) AREA OF THE TRI-AREA IDP.

1. PERMITTED USES

- (1) Accessory buildings and uses (Maximum 5)
- (2) Dwelling unit
- (3) Public parks and playgrounds

2. CLASS I DISCRETIONARY USES

- (1) Home occupation
- (2) Public and quasi-public buildings and uses
- (3) Move-in buildings (including mobile homes, residence/dwelling, and accessory buildings)

3. CLASS II DISCRETIONARY USES

- (1) Additional Dwelling Unit(s)
- (2) Family Care Home
- (3) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission
- (4) Additional Accessory Buildings

4. MINIMUM LOT AREA

½ hectare (1.2 acre), or all the land which is contained within an existing certificate of title

5. MAXIMUM LOT AREA

4 hectares (10 acres).

6. MINIMUM YARD REQUIREMENT

Front	Side	Flankage	Rear
*9.14 metres (30 feet)	6.09 metres (20 feet)	*9.14 metres (30 feet)	7.62 metres (25 feet)

* Minimum yard distance from subdivision streets or service roads. Setbacks from County roads shall be in compliance with Section 47 of the General Land Use Regulations

7. MAIN BUILDING RESTRICTIONS

Maximum building height - 9.14 metres (30 feet)

8. ACCESSORY BUILDING RESTRICTIONS

- (1) An accessory building shall have the same yard requirement as the principal building.
- (2) An accessory building shall be located at least 1.52 metres (5 feet) from a principal building.
- (3) An accessory building shall not exceed 6.09 metres (20 feet) in height.
- (4) An accessory building shall not exceed 111.4 m² (1,200 ft²) in area. The maximum floor area of accessory buildings shall be 222.9 m² (2400 ft²). No Development Officer Discretion permitted.
- (5) Unless otherwise approved, an accessory building shall not be used for living purposes.
- (6) Unless approved for a Home Occupation, an accessory building shall not be used for conducting of a commercial or business operation.

9. SITE RESTRICTIONS

In addition to the requirements of the General Land Use Regulations and Schedules, the following regulations shall apply:

- (1) For number of livestock allowed, see Section 49. Any off-spring over the maximum number of approved animals shall be removed from the site within six months.
- (2) A development permit may be issued for the keeping of additional animals if the Municipal Planning Commission is of the opinion that it will not affect the amenities of the adjacent landowners.
- (3) Not more than three dogs, excluding unweaned pups, shall be kept on a site.
- (4) Any dogs, cats and other domestic animals kept on a site must be controlled so that they do not create a nuisance.

In Part 6 Land Use Districts and Regulations delete “COUNTRY RESIDENTIAL DISTRICT 2 (CR-2)” District and replace it with the following;

COUNTRY RESIDENTIAL DISTRICT 2 (CR-2)

THE GENERAL PURPOSE OF THIS DISTRICT IS TO REGULATE THE DEVELOPMENT OF LOW DENSITY COUNTRY RESIDENCES AND MINOR AGRICULTURAL PURSUITS IN CYPRESS COUNTY BUT, WITH THE EXCEPTION OF SITES DESIGNATED AS COUNTRY RESIDENTIAL DISTRICT 2 (CR-2) ON THE DATE OF ADOPTION OF THE TRI-AREA IDP, SHALL NOT BE APPLIED TO THE POTENTIAL GROWTH AREA AND THE URBAN RESERVE (REDCLIFF) AREA OF THE TRI-AREA IDP.

1. PERMITTED USES

- (1) Accessory buildings and uses (Maximum 5)
- (2) Dwelling unit
- (3) Public parks and playgrounds

2. CLASS I DISCRETIONARY USES

- (1) Bed and breakfast facility
- (2) Greenhouse, nursery garden
- (3) Public and quasi-public buildings and uses
- (4) Home occupation
- (5) Move-in Buildings (mobile home, residence/dwelling, and accessory buildings)

3. CLASS II DISCRETIONARY USES

- (1) Additional Accessory buildings and uses
- (2) Family Care Home
- (3) Public buildings or uses and public utility buildings or uses required to serve the district
- (4) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission

4. MINIMUM LOT AREA

2 hectares (5 acres), or all the land which is contained within an existing certificate of title

5. MAXIMUM LOT AREA

6 hectares (15 acres).

6. MINIMUM YARD REQUIREMENT

Front	Side	Flankage	Rear
*20 metres (65.6 feet)	20 metres (65.6 feet)	*20 metres (65.6 feet)	20 metres (65.6 feet)

* Minimum yard distance from subdivision streets or service roads. Setbacks from County roads shall be in compliance with Section 47 of the General Land Use Regulations

7. **MAIN BUILDING RESTRICTIONS**
Maximum building height - 10.05 metres (33 feet)

8. **ACCESSORY BUILDING RESTRICTIONS**

- (1) An accessory building shall have the same yard requirement as the principal building.
- (2) An accessory building shall be located at least 1.52 metres (5 feet) from a principal building.
- (3) An accessory building shall not exceed 7.01 metres (23 feet) in height.
- (4) An accessory building shall not exceed 185.8 m² (2000 ft²) in area. The maximum floor area of accessory buildings shall be 371.6 m² (4000 ft²). No Development Officer Discretion permitted.
- (5) Unless otherwise approved, an accessory building shall not be used for living purposes.
- (6) Unless approved for a home occupation, an accessory building shall not be used for a commercial or business operation.

9. **SITE RESTRICTIONS**

In addition to the requirements of the General Land Use Regulations and Schedules, the following regulations shall apply:

- (1) For number of livestock allowed, see Section 49. Any off-spring over the maximum number of approved animals shall be removed from the site within six months.
- (2) A development permit may be issued for the keeping of additional animals if the Municipal Planning Commission is of the opinion that it will not affect the amenities of the adjacent landowners.
- (3) Not more than three dogs excluding unweaned pups, shall be kept on a site.
- (4) Any dogs must be controlled so that they comply with the Dog Control By-law.

In Part 6 Land Use Districts and Regulations add a new LIMITED COUNTRY RESIDENTIAL IDP DISTRICT (CR-IDP) as follows;

LIMITED COUNTRY RESIDENTIAL IDP DISTRICT (CR-IDP)

THE GENERAL PURPOSE OF THIS DISTRICT IS TO REGULATE THE DEVELOPMENT OF LIMITED COUNTRY RESIDENTIAL USES AND MINOR AGRICULTURAL PURSUITS IN COMPLIANCE WITH THE LIMITED COUNTRY RESIDENTIAL USE PROVISIONS OF THE TRI-AREA INTERMUNICIPAL DEVELOPMENT PLAN (IDP), THIS BY-LAW AND ANY OTHER STATUTORY PLANS THAT MAY BE IN EFFECT.

1. PERMITTED USES

- (1) Accessory buildings and uses (Maximum 5)
- (2) Country residences in compliance with the Limited Country Residential Use provisions of the Tri-Area IDP
- (3) Public parks and playgrounds

2. CLASS I DISCRETIONARY USES

- (1) Bed and breakfast facility
- (2) Greenhouse, nursery garden
- (3) Public and quasi-public buildings and uses
- (4) Home occupation
- (5) Move-in buildings for residential uses and accessory uses that are permitted or discretionary uses in this District, in compliance with the Limited Country Residential Use provisions of the Tri-area IDP

3. CLASS II DISCRETIONARY USES

- (1) Additional Accessory buildings and uses
- (2) Family Care Home
- (3) Public buildings or uses and public utility buildings or uses required to serve the district
- (4) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission that are in compliance with the Limited Country Residential Use provisions of the Tri-Area IDP

4. MINIMUM AREA OF A PARCEL ELIGIBLE FOR SUBDIVISION

In order to be eligible for further subdivision, a parcel must be greater than 16.18 hectares (40 acres) in size. Subdivision of a parcel 16.18 hectares (40 acres) or less shall not be permitted.

5. MINIMUM AREA OF A LOT PROPOSED TO BE CREATED BY SUBDIVISION

0.60 Hectares (1.5 acres). The minimum proposed lot size may be varied by Cypress County due to physical constraints or other factors in compliance with the Limited Country Residential Use provisions of the Tri-Area IDP.

6. **MAXIMUM CUMULATIVE AREA OF ALL LOTS TO BE CREATED BY SUBDIVISION**

The cumulative area of all lots subdivided from a parcel that is the subject of a proposed subdivision, shall not exceed 10% of the area of the parcel as it existed on the date of adoption of the Tri-Area IDP.

7. **MAXIMUM LOT DENSITY**

The maximum subdivision density allowed to be subdivided from a parcel shall not exceed the equivalent ratio of 1 lot for every 16.18 hectares (40 acres) of the parcel as it existed on the date of adoption of the Tri-Area IDP. This represents the equivalent of 4 parcels plus the balance of the quarter for a total maximum of 5 parcels from an unsubdivided 64.75 hectare (160 acre) quarter section.

8. **MINIMUM YARD REQUIREMENT**

Front	Side	Flankage	Rear
*9.14 metres (30 feet)	6.09 metres (20feet)	*9.14 metres (30 feet)	7.62 metres (25 feet)

* Minimum yard distance from subdivision streets or service roads. Setbacks from County roads shall be in compliance with Section 47 of the General Land Use Regulations

9. **MAIN BUILDING RESTRICTIONS**

Maximum building height - 10 metres (33 feet)

10. **ACCESSORY BUILDING RESTRICTIONS**

- (1) An accessory building shall have the same yard requirement as the principal building.
- (2) An accessory building shall be located at least 1.52 metres (5 feet) from a principal building.
- (3) An accessory building shall not exceed 7.01 metres (23 feet) in height.
- (4) An accessory building shall not exceed 111.48 m² (1,200 ft²) in area. The maximum floor area of accessory buildings shall be 222.96 m² (2,400 ft²). No Development Officer Discretion permitted.
- (5) Unless otherwise approved, an accessory building shall not be used for living purposes.
- (6) Unless approved for a home occupation, an accessory building shall not be used for a commercial or business operation.

11. **SITE RESTRICTIONS**

In addition to the requirements of the General Land Use Regulations and Schedules, the following regulations shall apply:

- (1) For the number of livestock allowed, see Section 49. Any off-spring over the

maximum number of approved animals shall be removed from the site within six months.

- (2) A development permit may be issued for the keeping of additional animals if the Municipal Planning Commission is of the opinion that it will not affect the amenities of the adjacent landowners.
- (3) Not more than three dogs excluding unweaned pups, shall be kept on a site.
- (4) All dogs must be controlled so that they comply with the Dog Control By-law.

12. **LIMITED COUNTRY RESIDENTIAL USE PROVISIONS OF THE TRI-AREA IDP**

“Limited Country Residential Use Provisions of the Tri-Area IDP” is a defined term meaning provisions Section 2.6 Potential Growth Area and those parts of Section 2.11 Urban Reserve (Redcliff) applicable to the lands south of Highway # 1. Whenever the phrase “in compliance with the Limited Country Residential Use provisions of the Tri-Area IDP”, or a variation of this phrase, is used in the description of a permitted or discretionary use in this Bylaw,

- a) the provisions are an integral part of the description of the use, and
- b) the use must comply with these provisions, without variation or waiver except to the extent expressly allowed in section 2.6 or 2.11 of the Tri-Area IDP, in order to constitute the permitted or discretionary use in question.

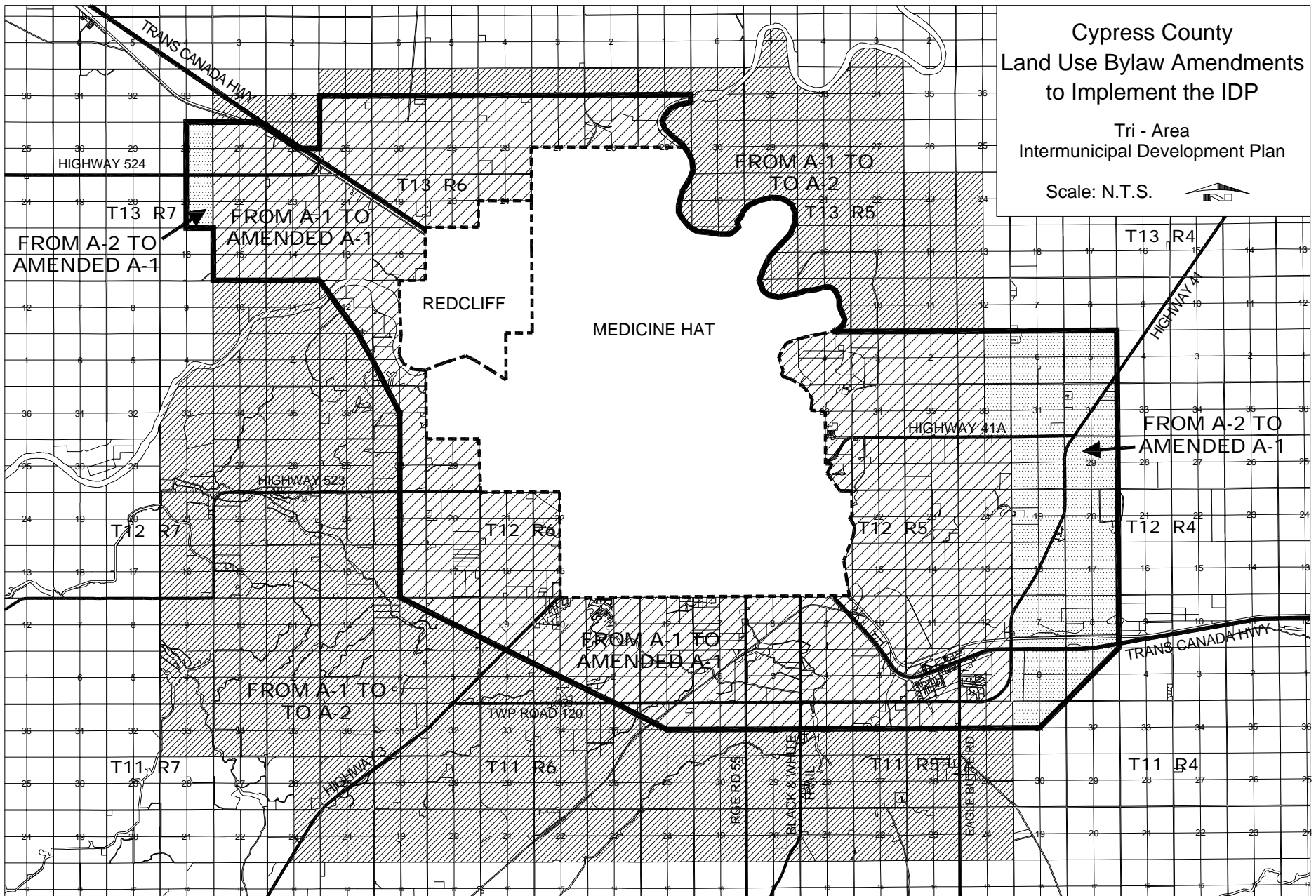
For convenience of reference, Schedule G shows maps of the lands that are subject to “Limited Country Residential Use”. The full text of sections 2.6 and 2.11 of the Tri-Area IDP is found in Schedule H and these policies have been reflected in this district.

Amend the Land Use Bylaw District Map as follows to delete the “Medicine Hat Redcliff Urban Fringe Land Use District Map” and to revise the A-1 and A-2 Districts as a result of the adoption of the Tri-Area IDP;

Cypress County
Land Use Bylaw Amendments
to Implement the IDP


Tri - Area
Intermunicipal Development Plan

Scale: N.T.S.




IDP Boundary 


Municipal Boundaries 

Major Roads 

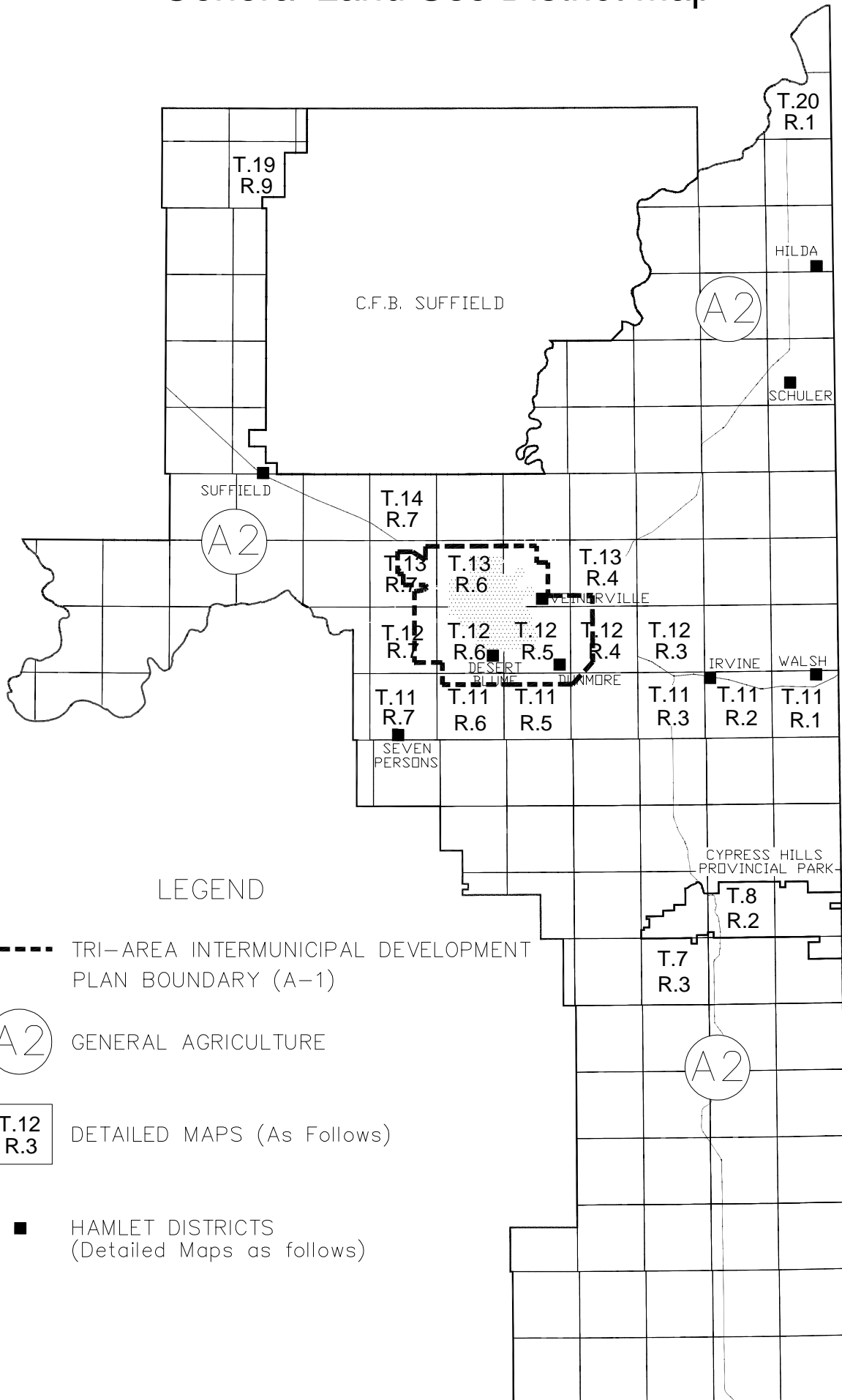
Cypress Bylaw Amendment

 From A-1 to A-2

 From A-1 to Amended A-1

 From A-2 to Amended A-1

General Land Use District Map



LEGEND

- TRI-AREA INTERMUNICIPAL DEVELOPMENT PLAN BOUNDARY (A-1)
- A2
 GENERAL AGRICULTURE
- T.12
R.3
 DETAILED MAPS (As Follows)
- HAMLET DISTRICTS
(Detailed Maps as follows)

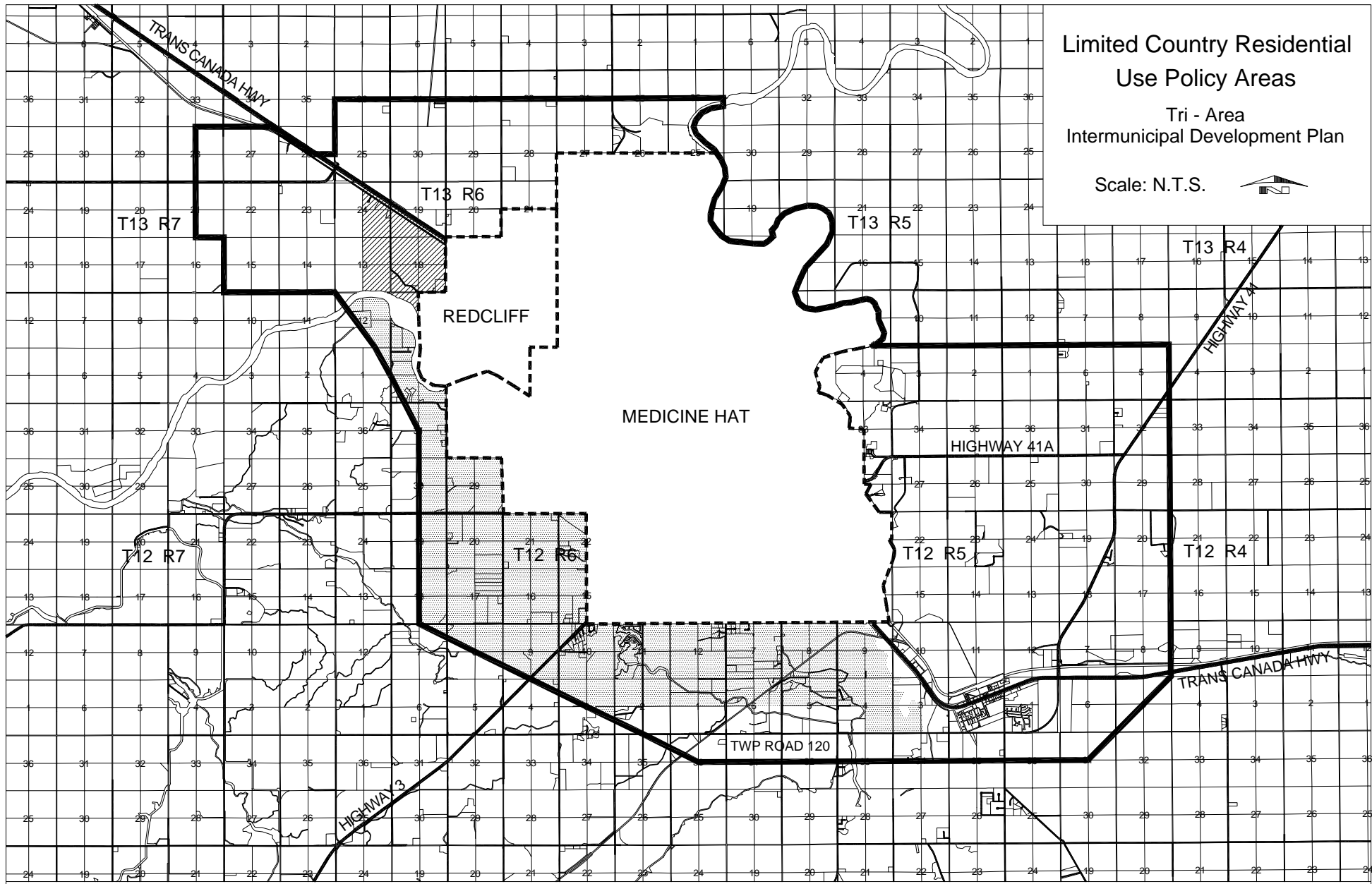
In Schedule G of the Land Use Bylaw, add the following;

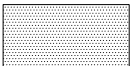
- The following map of Limited Country Residential Use Provisions of the Tri-Area IDP identifies the lands that are potentially eligible for “limited country residential subdivision” in the Potential Growth Area and the Urban Reserve (Redcliff) Area of the IDP. Please refer to the IDP Map A for a more complete map of other policy areas.


Limited Country Residential Use Policy Areas


Tri - Area
Intermunicipal Development Plan


Scale: N.T.S.





Potential Growth Area 

IDP Boundary 

Municipal Boundaries 

Urban Reserve (Redcliff) 

Major Roads 

Minor Roads 

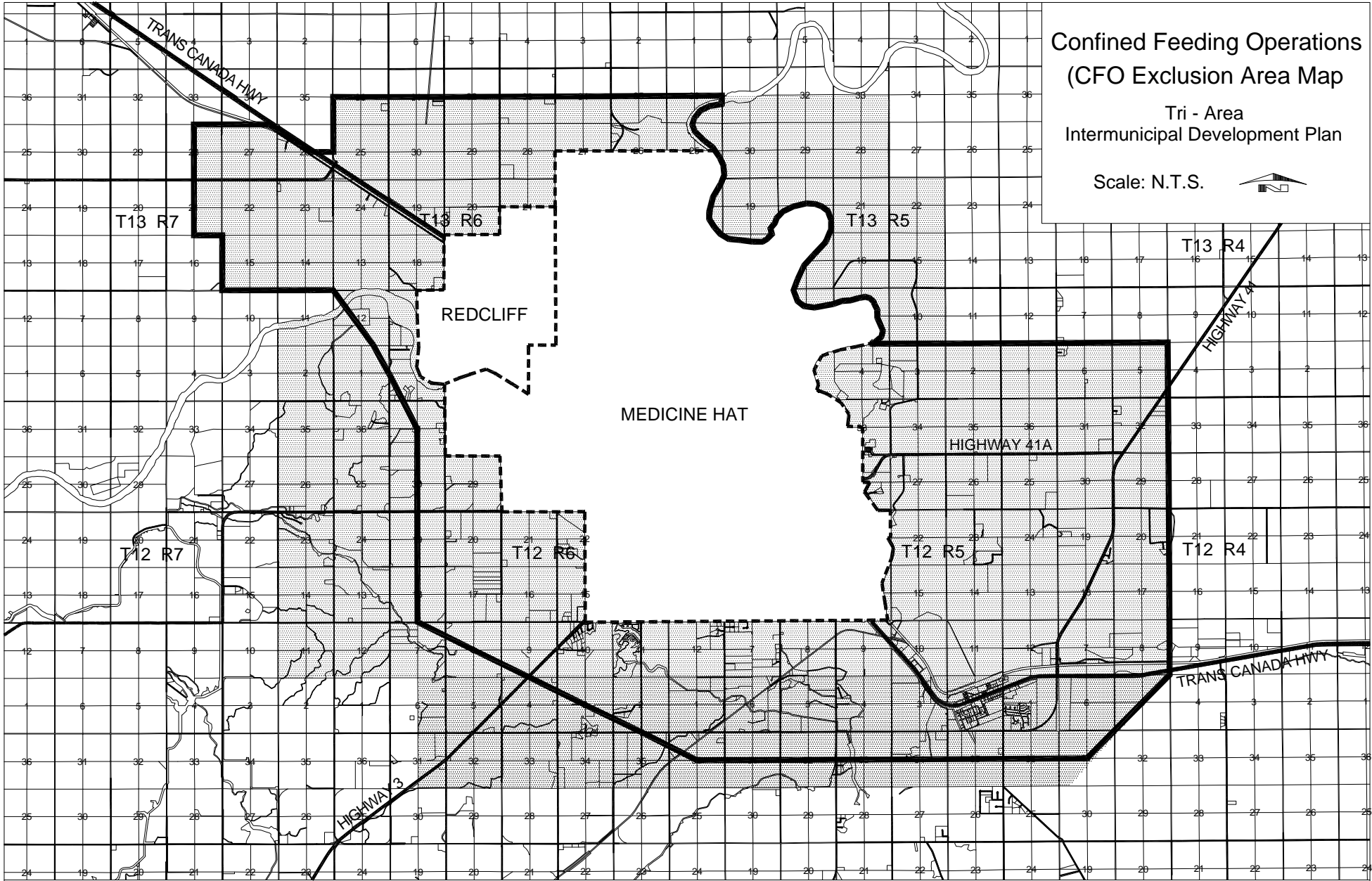
Note: The Limited Country Residential Use Policy provisions only apply to the IDP Policy areas shown on this map.

In Schedule G of the Land Use Bylaw, add the following map that describes the amendments to the CFO Exclusionary Area as a result of the adoption of the Tri-Area IDP;

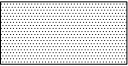
Confined Feeding Operations (CFO Exclusion Area Map)

Tri - Area
Intermunicipal Development Plan

Scale: N.T.S.



Confined Feeding Operations (CFO) Exclusion Area



IDP Boundary



Municipal Boundaries



Major Roads




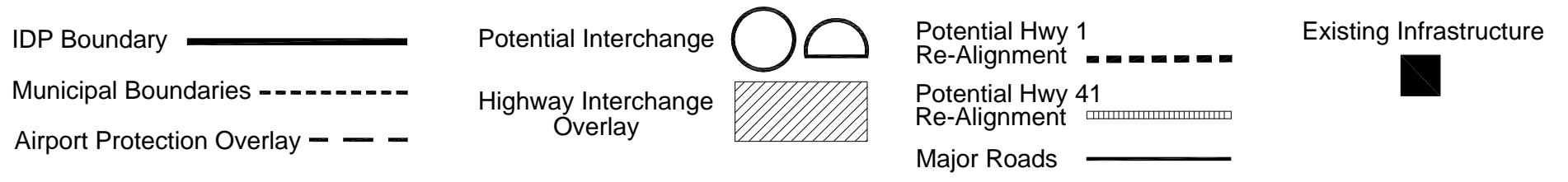
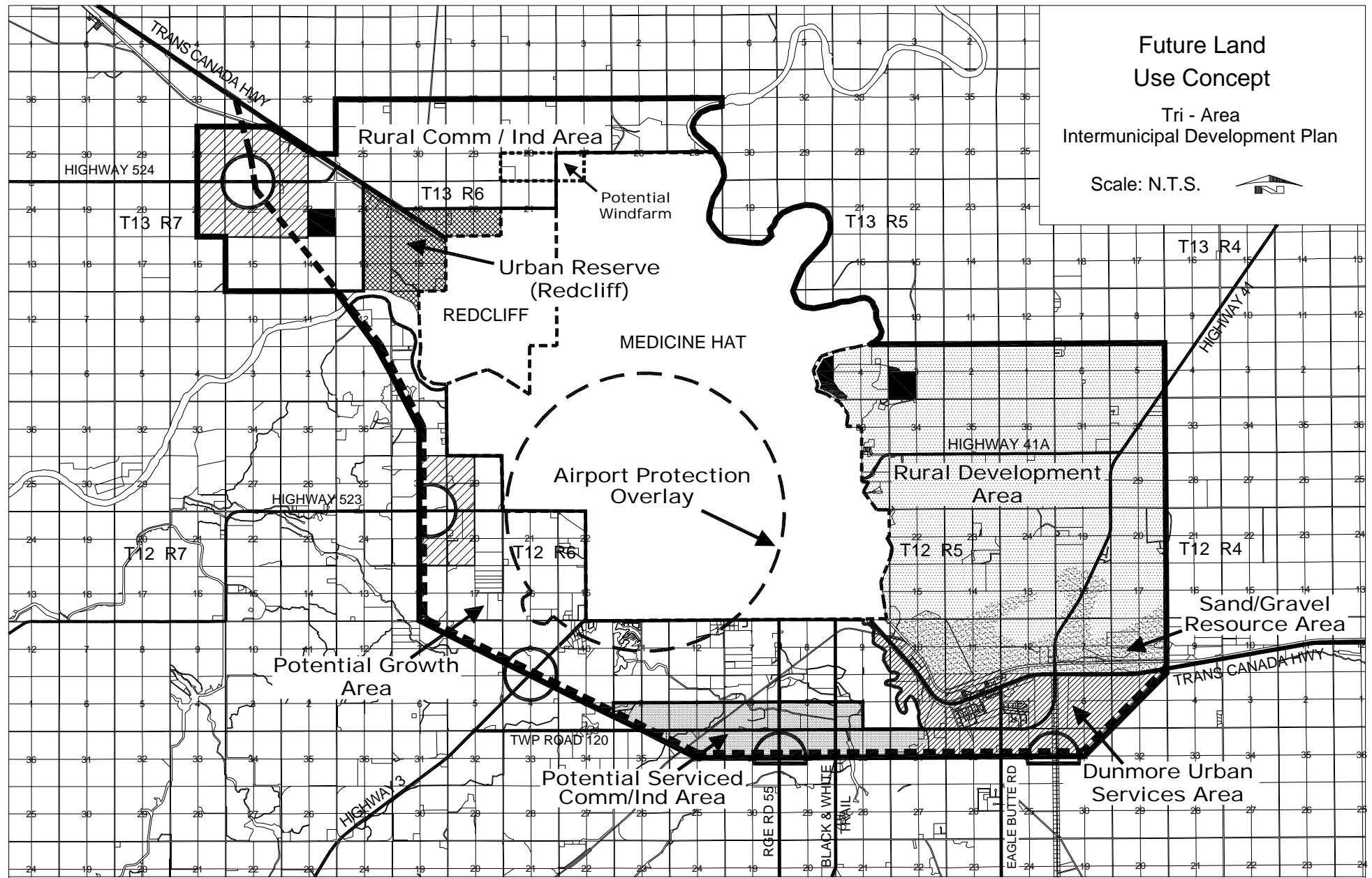
Minor Roads



Amend the Land Use Bylaw to add the “Future Land Use Concept Map of the Tri-Area Intermunicipal Development Plan” diagram as a result of the adoption of the Tri-Area IDP as follows;

Future Land Use Concept
Tri - Area
Intermunicipal Development Plan

Scale: N.T.S. 



Add a Schedule H to the Land Use Bylaw as follows;

In order to highlight the Tri Area IDP policies as they would relate to the County A-1 and CR-IDP land use bylaw Districts. While this excerpt is included for convenience, the entire IDP should be read for clarity of context.

NOTE;

The final IDP excerpts will be copied into Schedule H upon the Tri Area IDP coming into force.

FINAL IDP EXCERPTS TO BE COPIED TO HERE

**LIMITED COUNTRY RESIDENTIAL PARCEL DENSITY POTENTIAL
IN THE POTENTIAL GROWTH AREA AND
URBAN RESERVE (REDCLIFF) POLICY AREAS OF THE IDP**

The sketches below visually explain the application of the 10% subdivision policy. Please refer to the CR-IDP District of the Cypress County Land Use Bylaw to fully understand the District.

