

BYLAW NO. 19-2021

A BYLAW OF THE CITY OF LLOYDMINSTER IN THE PROVINCES OF ALBERTA AND SASKATCHEWAN TO AMEND BYLAW NO. 5-2016, BEING THE "LAND USE BYLAW OF THE CITY OF LLOYDMINSTER"

WHEREAS the *Lloydminster Charter* provides authority to City Council to amend bylaws;
NOW THEREFORE the Council of the City of Lloydminster deems it necessary to amend Bylaw NO. 5-2016, BEING THE "LAND USE BYLAW OF THE CITY OF LLOYDMINSTER"; and
NOW THEREFORE, the Council of the City of Lloydminster, pursuant to the authority granted in the *Lloydminster Charter*, enacts as follows:

1. This Bylaw shall be cited as the Land Use Bylaw Amending Bylaw.
2. Bylaw No. 5-2016 is hereby amended in the following manner:
 - o That a new Section be inserted after 1.4.7 as follows:

1.4.8 Bylaw Enforcement Officer means a Person appointed by the City pursuant to the Lloydminster Charter to enforce City Bylaws, including a regular member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer appointed under the Peace Officer Act S.A. 2006, c. P-3.5, as amended or repealed and replaced from time to time.
 - o That Section 2.1.1 be deleted in its entirety and replaced with the following:

2.1.1 The Development Authority is hereby established by bylaw pursuant to the Municipal Government Act.
 - o That Section 2.1.2 be deleted in its entirety and replaced with the following:

2.1.2 The Development Authority may include one or more of the following:

 - i. Development Officers as designated by the City Manager;
 - ii. City Manager.
 - o That Section 2.1.3 be deleted in its entirety and replaced with the following:

2.1.3 The Development Authority shall exercise development powers and duties on behalf of the City.
 - o That a new Section be inserted after 2.2.2 as follows:

2.3 Bylaw Enforcement Officer

2.3.1 The purposes of the Bylaw Enforcement Officer pertaining specifically to this Land Use Bylaw are as per Section 3.1 of this Bylaw.

2.3.2 The Bylaw Enforcement Officer may:

 - i. Respond to and investigate complaints and concerns;
 - ii. Issue notices and offense tickets;
 - iii. Deliver stop orders;



BYLAW NO. 19-2021

- iv. Maintain records and document bylaw violations throughout the City;
 - v. Assist in the prosecution of bylaw contraventions, including appearing in court to provide evidence.
- o That a new Section be inserted under Section 3 as follows:
 - 3.1 Enforcement
 - 3.1.1 The enforcement powers granted under this Bylaw are in addition to any enforcement powers the City or any of its officers may have under the Lloydminster Charter, Municipal Government Act, or any other applicable legislation.
 - 3.1.2 For the purposes of this Land Use Bylaw and s. 500 of the Lloydminster Charter, the Development Authority and Bylaw Enforcement Officers are Designated Officers for the purposes of delivering/posting notices, carrying out inspections, remedial actions, and enforcement and are authorized to inspect for compliance with the requirements of this Bylaw, and enforce the requirements of this Bylaw.
 - 3.1.3 The Development Authority and the Bylaw Enforcement Officer may enforce the provisions of Part 17 of the Municipal Government Act and its regulations, this Bylaw, the conditions of a Development Permit and the conditions of Subdivision Approval. Enforcement may be by way of written warning, Stop Order, or any other authorized action to ensure compliance.
 - o That Section 1.5.5.7 be deleted in its entirety and replaced with the following:
 - 1.5.5.7 Home Based Business, Major means a development allowing the secondary use of a residential dwelling for the purpose of a business by the full-time occupant of the dwelling, which includes business-associated visits to the residence, up to one (1) additional non-resident employee, and limited use of a rear yard or accessory building. This does not include Cannabis related uses.
 - o That Section 1.5.5.8 be deleted in its entirety and replaced with the following:
 - 1.5.5.8 Home Based Business, Minor means a development allowing the secondary use of a residential dwelling for the purpose of a business by the full-time occupant of the dwelling, which includes business-associated visits to the residence for the exchange of goods. Home Based Business, Minor shall not include personal services, including but not limited to massage and esthetics (hair, nails, eyebrows, etc.). This does not include Cannabis related uses.
 - o That a new Section be inserted after 1.5.5.8 as follows:
 - 1.5.5.9 Home Based Business, Limited means a development allowing the secondary use of a residential dwelling for the purposes of a home office by the full-time occupant of the dwelling. This use does not permit business associated visits, any additional non-resident employees, any additional parking or outdoor storage, or Cannabis related uses.



BYLAW NO. 19-2021

- o That Section 5.17 Home Based Businesses be deleted in its entirety and replaced with the following:

5.17.1 The City recognizes the need to accommodate alternative business opportunities, as well as the need for some residents to use their place of residence for limited non-residential activities. At the same time, the City recognizes that there is a need to protect the integrity of residential areas from the adverse effect of non-residential activities. To balance these competing needs, the following regulations are provided to control business uses in Residential Districts and dwellings. Uses that will be allowed are those that:

- i. are incidental to the use of the premise as a residence;
- ii. are compatible with residential uses;
- iii. are limited in extent; and
- iv. do not detract from the residential character of the district or dwelling.

5.17.2 A Home Based Business questionnaire in the form approved by the City's Planning and Engineering Department must be completed and included as part of the Development Permit application.

5.17.3 Both a Development Permit and a Business License are required for the operation of a Home Based Business, Minor or Major; whereas only a Business License is required for a Home Based Business, Limited. No Person shall operate or permit or allow the operation of a Home Based Business without being the holder of a valid Business License.

5.17.4 As part of the Development Permit application process for a Home Based Business, Minor or Major, the application may be circulated to the adjacent landowners as identified by the Development Authority as per Section 2.11 or 2.13 of this Bylaw.

5.17.5 It is the responsibility of the business operator to obtain any other approvals or licenses that may be required by other federal, provincial, or municipal legislation and regulations or any other City permit requirements.

5.17.6 If the Home Based Business relocates or changes have been made to the Home Based Business as approved under the permit, a new application must be applied for and approved prior to operations resuming at the new location, or changed operations being carried out.

5.17.7 A Development Permit issued for a Home Based Business may be subject to review at the Development Officer's discretion to determine if the Home Based Business is in compliance with the Land Use Bylaw and any conditions placed on the approved permit.

5.17.8 Home Based Businesses shall not be permitted if, in the opinion of the Development Officer, such use would be more appropriately located in a Commercial or Industrial District, for reasons including but



BYLAW NO. 19-2021

not limited to potential traffic generation and potential interference with the residential character of the area.

5.17.9 Home Based Businesses must not directly sell any goods at the premises, unless they are produced, packaged or stored within the dwelling unit or accessory building and related to the services provided by the approved use.

5.17.10 A maximum of two Home Based Businesses may be allowed in a dwelling provided that the requirements specified in Table 5.17.17, including client visits, are not exceeded by the combined businesses and not more than one shall be classified as a Home Based Business, Major.

5.17.11 A Home Based Business may be accommodated in a private garage, provided however, that it does not prevent the continued use of the garage for the intended purpose of parking motor vehicles and that the parking requirements of any bylaw continue to be met.

5.17.12 A Home Based Business, Major shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garage Suite or a Garden Suite and an associated Principal Building.

5.17.13 A Home Based Business in an apartment style dwelling must not be a Home Based Business, Major and must not allow client visits at the residence.

5.17.14 Where any of the provisions of this Bylaw dealing with Home Based Business are breached, the Development Officer or Bylaw Enforcement Officer may take such action as per Section 2.0 Development Authority, Applications and Amendments and Section 3.0 Compliance and Enforcement of this bylaw.

5.17.15 For a Home Based Business, Minor or Major, in a cul-de-sac, a parking sign with the minimum size of 0.1m² and a maximum size of 0.6m² must be present, visible from the street, indicating clients are to park in the provided hard surface parking spots. The minimum parking requirements must be met.

5.17.16 Uses that are not permitted as Home Based Businesses include but are not limited to:

- i. Adult Entertainment Facilities;
- ii. Dating and Escort Service;
- iii. fleet services;
- iv. Automotive, industrial or recreational vehicle sales, rentals, storage, services or repairs;
- v. Industrial uses, including but not limited to, salvaging, recycling, warehousing;



BYLAW NO. 19-2021

- vi. Home Based Businesses utilizing commercial power tools and machinery or requiring external venting, vacuums, blowers or exhaust ports;
- vii. Storage of hazardous, noxious or dangerous goods;
- viii. Animal breeding or overnight kenneling;
- ix. Any Home Based Business utilizing radio transmission equipment;
- x. The sale, storage or service of firearms, fireworks or ammunition;
- xi. Retail uses;
- xii. Cannabis Production and Distribution Facility, Cannabis Retail Store, or Cannabis Lounge;
- xiii. any use that would, in the opinion of the Development Officer, materially interfere with or affect the use, enjoyment or value of neighbouring properties;

5.17.17 Home Based Businesses shall comply with regulations contained in Table 5.17.17:



BYLAW NO. 19-2021

	Table 5.17.17			
	Standard	Home Based Business, Limited	Home Based Business, Minor	Home Based Business, Major
i.	Maximum Area	15% of total Floor Area of Dwelling, including the basement and garage.	15% of total Floor Area of Dwelling, including the basement and garage.	15% of total Floor Area of Dwelling, including the basement and garage, plus any additional area as approved by the Development Officer.
ii.	Negative Impact	No negative impacts to the neighbours or neighbourhood.	No nuisance, including but not limited to sight, smell, and odour are permitted. The privacy and enjoyment of Abutting residences and neighbourhoods shall be preserved.	No nuisance, including but not limited to sight, smell and odour are permitted. The privacy and enjoyment of Abutting residences and neighbourhoods shall be preserved.
iii.	Exterior Business activity and Material or Equipment Storage	No exterior business activity or material or equipment storage.	No exterior business activity or material or equipment storage.	No exterior business activity, however, storage may be permitted in an Accessory Building or with appropriate Screening if necessary to accommodate the business at the discretion of the Development Officer.
iv.	Traffic Generation	No traffic impacts.	The Development shall not generate vehicular or pedestrian traffic, or increase parking, to the Dwelling, in excess of that which is characteristic of the neighbourhood within which it is located.	The Development shall not generate vehicular or pedestrian traffic, or increase parking, to the Dwelling, in excess of that which is characteristic of the neighbourhood within which it is located.
v.	Client Visits	Client visits at the residence are prohibited.	One/day.	Two-five/day and no more than twenty-five in a seven-day period.
vi.	Delivery Vehicles	Should not have an unreasonable negative impact on the neighbours and should not generate traffic uncharacteristic of the neighbourhood.	Should not have an unreasonable negative impact on the neighbours and should not generate traffic uncharacteristic of the neighbourhood.	Should not have an unreasonable negative impact on the neighbours and should not generate traffic uncharacteristic of the neighbourhood.
vii.	Parking	No additional parking required.	One (1) or more Off-street Parking space(s), in addition to the required parking for the dwelling, or at the discretion of the Development Officer. For a Home Based Business in	Two (2) or more Off-street Parking spaces, in addition to the required parking for the dwelling, or at the discretion of the Development Officer. For a Home Based Business in a cul-de-sac, see policy 5.17.15.



BYLAW NO. 19-2021

			a cul-de-sac, see policy 5.17.15.	
viii.	Employees	Residents of the Dwelling.	Residents of the Dwelling.	One (1) non-resident employee or volunteer, in addition to residents of the Dwelling.
ix.	Business-Related Vehicles	Personal vehicles only.	One (1) single rear axle, commercially licensed vehicle up to 3,500 kg (GVW) parked and maintained On-site. Any trailer associated with the Home Based Business shall be parked off-street and in a location on the lot where the visual impact to the street is minimized.	One (1) single rear axle, commercially licensed vehicle up to 5,500 kg (GVW) parked and maintained On-site. Any trailer associated with the Home Based Business shall be parked off-street and in a location on the lot where the visual impact to the street is minimized. Vehicles utilized by employees who do not reside in the licensed dwelling shall not be kept on site.
x.	Hours of Operation	Not Applicable.	At the discretion of the Development Officer.	At the discretion of the Development Officer.
xi.	Signage and Visibility	No aspect of the Home Based Business may be visible from outside the Dwelling or Building. Signs are not permitted.	No aspect of the Home Based Business may be visible from outside the Dwelling or Building. Signs are not permitted.	One (1) non-illuminated Fascia Sign, no larger than 0.2 m ² attached to the Dwelling or display window.
xii.	Exterior/Interior Structural Alterations	None.	Structural alterations, additions, or renovations relating to Home Based Business may be allowed, provided they comply with the City's Bylaws and the National Building Codes.	Structural alterations, additions, or renovations relating to Home Based Business may be allowed, provided they comply with the City's Bylaws and the National Building Codes.
xiii.	Equipment	There shall be no mechanical or electrical equipment used which creates noise beyond the Site, interferes with wireless signal, or visible and/or audible interference in radio or television representation.	There shall be no mechanical or electrical equipment used which creates noise beyond the Site, interferes with wireless signal, or visible and/or audible interference in radio or television representation.	There shall be no mechanical or electrical equipment used which creates noise beyond the Site, interferes with wireless signal, or visible and/or audible interference in radio or television representation.
xiv.	Business Announcement	None.	A Permit Approval Card must be placed in a window visible from the street.	A Permit Approval Card must be placed in a window visible from the street.
	Development Permit	Not Required.	Required.	Required.



BYLAW NO. 19-2021

This Bylaw shall come into force and effect upon the final passing thereof.

INTRODUCED AND READ a first time this 19 day of July, 2021, A.D.

PUBLIC HEARING held this 23 day of August, 2021, A.D.

READ a second time this 23 day of August, 2021, A.D.

READ a third time this 23 day of August, 2021, A.D.

AUG 24 2021

Date Signed

AUG 24 2021

Date Signed



MAYOR



CITY CLERK

