

**VILLAGE OF DUCHESS
IN THE PROVINCE OF ALBERTA**

BYLAW NO. 500-22

BEING a bylaw of the Village of Duchess in the Province of Alberta, to amend Bylaw No. 482-19, being the municipal Land Use Bylaw.

WHEREAS the Village Council wishes to update the Land Use Bylaw with minor changes to definitions, accessory building standards, development standards for cryptocurrency mining and redesignate one multi-use parcel.

AND WHEREAS the purpose of proposed Bylaw No. 500-22 is to undertake a series of amendments, as shown in the attached Schedule A and B, and summarized as follows:

- add criteria which prohibits fabric accessory buildings and structures and curved sidewalls on accessory buildings within the Residential – R Land Use District, Section 10.2;
- add a definition for **Funeral Facility** and **Cryptocurrency Mining Operation** to Schedule 6;
- delete the current definition and add new definition for the use **Campground** to Schedule 6;
- add **Funeral Facility** and **Campground** as discretionary uses and **Cryptocurrency Mining Operation** as a prohibited use to the Business Industrial Land Use Districts in Schedule 2;
- redesignate Lot 1, Block 16, Plan 001 1682 be redesignated from “Residential – R” to “Business Industrial - BI”.

AND WHEREAS the municipality must prepare an amending bylaw and provide for its consideration at a public hearing;

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta, Chapter M-26, 2000, as amended, the Council of the Village of Duchess in the Province of Alberta duly assembled does hereby enact the following:

1. That Schedule 2, Residential – R Land Use District, Section 10 of Land Use Bylaw 482-19 is amended as indicated in attached Schedule A to adding criteria for accessory buildings and structures
2. That Schedule 2, Business Industrial –BI Land Use District of Land Use Bylaw 482-19 is amended by adding “Funeral Facility”, “Campground” as discretionary uses in Section 2.2 and “Cryptocurrency mining operation” as a prohibited use to Section 2.3.
3. That Schedule 6 of Land Use Bylaw 482-19 is amended by deleting the current definition of “Funeral Home” and adding a new definition for “Funeral Facility” as indicated in attached Schedule A.
4. That Schedule 6 of Land Use Bylaw 482-19 is amended by deleting the current definition of Campground and add a new definition for “Campground” as indicated in attached Schedule A.
5. That Schedule 6 of Land Use Bylaw 482-19 is amended by a new definition for “Cryptocurrency mining operation” as indicated in attached Schedule A.

6. That Lot 1, Block 16, Plan 001 1682 be redesignated from “Residential – R” to “Business Industrial - BI”.
7. This bylaw shall come into effect upon third and final reading hereof.
8. Bylaw No. 483-19 is hereby amended and consolidated.

READ a **first** time this 22nd day of February, 2022.

Mayor – Tony Steidel

Chief Administrative Officer – Yvonne Cosh

READ a **second** time this _____ day of _____, 2022

Mayor – Tony Steidel

Chief Administrative Officer – Yvonne Cosh

READ a **third** time and finally PASSED this _____ day of _____, 2022.

Mayor – Tony Steidel

Chief Administrative Officer – Yvonne Cosh

SCHEDULE A

Amendments

1. That *Schedule 2, RESIDENTIAL – R Land Use District, Section 10: Accessory Buildings and Structures* be amended as with the following (shown in red) to be added:

SECTION 10 ACCESSORY BUILDINGS AND STRUCTURES

- 10.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory structure.
- 10.2 No accessory building, structure or use shall be allowed:
- (a) on a lot without an approved principal dwelling or use;
 - (b) to be located in the front yard of the principal structure;
 - (c) that is constructed in part or in whole of fabric, canvas or like material; and
 - (d) that is not constructed with straight side walls. Curved walled buildings are prohibited.
- 10.3 The first accessory building, which is 9.2 m² (100 ft²) or less in area, placed on a lot does not require a development permit, but any second or subsequent accessory building shall require a development permit and the Development Authority may limit the number of accessory buildings on a lot. No more than three accessory buildings shall be permitted on a lot.
- 10.4 Accessory buildings, structures and uses that are not specifically included within a development permit require a separate development permit application.
- 10.5 No accessory building shall occupy more than 2/3 of the width of the rear yard.
- 10.6 Detached garages shall have a minimum separation of 1.5 m (5 ft) from the foundation of any dwellings or buildings and a minimum of 0.6 m (2 ft) from the roof overhang of a dwelling or structure.
- 10.7 Accessory buildings shall be constructed such that eaves shall be no closer than 0.6 m (2 ft) from a side lot line or rear lot line and all drainage is conducted to the appropriate storm drain via the applicant's own property.
- 10.8 As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure to be compatible with the main dwelling in terms of materials and design.

Side wall height is a maximum of 9ft.



2. That Schedule 2, *Business Industrial – BI Land Use District, Section 2.2: Discretionary Uses* be amended to add the following in Red:

2.2 *Discretionary Uses*

Campground
Funeral Facility
Moved-in building
Outdoor storage
Restaurant
Utility

3. That Schedule 2, *Business Industrial – BI Land Use District, Section 2.3: Prohibited Uses* be amended to add the following in Red:

2.3 *Prohibited Uses*

Cryptocurrency mining operation
Noxious or hazardous use
Auto wreckage and salvage yard

4. Amend Schedule 6: Definitions by deleting the definition of “Funeral Home” (shown in strikethrough) and adding a definition for Funeral Facility and Cryptocurrency Mining Operation (shown in red) as follows:

~~**FUNERAL HOME** means a development used for the arrangement of funerals, the preparation of the deceased for burial or cremation, and the holding of funeral services.~~

FUNERAL FACILITY means a commercial operation for the preparation of the deceased for burial or cremation, and for holding funeral services and may incorporate a crematorium and/or a columbarium within the building.

CRYPTOCURRENCY MINING OPERATION means a heavy industrial facility consisting of a building or group of buildings housing powerful, highly specialized computers that are used to verify digital transactions and require 24/7 climate control. This use may include an on-site power plant.

5. Amend Schedule 6: Definitions by deleting the current definition of “Campground” (shown in strikethrough) and adding a new definition for Campground (shown in red) as follows:

~~**CAMPGROUND** means a use of land or buildings intended for seasonal occupancy by holiday or tent trailers, recreation vehicles, tents and similar equipment and which may include supplementary bathroom and recreational facilities, eating shelters, convenience retail, laundry facilities and dwelling accommodations for the operator.~~

CAMPGROUND means a use where Recreational Vehicles, tents or similar short-term accommodations, are used for recreation, and is not normally used as year-round vehicle storage or as permanent dwellings.