

**TOWN OF PEACE RIVER
BYLAW NO. 2016**

BEING A BYLAW OF THE TOWN OF PEACE RIVER IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 1891.

WHEREAS the Council of the Town of Peace River has adopted Bylaw No. 1891, being the Land Use Bylaw, and

WHEREAS the Council of the Town of Peace River deems it advisable to amend the said Bylaw;

NOW THEREFORE the Council of the Town of Peace River, duly assembled, hereby enacts as follows:

1. Replace the "ACCESSORY" definition in SECTION 2(1) DEFINITIONS as follows:

"ACCESSORY BUILDING / STRUCTURE" means a building or structure, the use of which is incidental or subordinate to the use of the principle building which is located on the same parcel.

"ACCESSORY USE" means a use that is coincidentally or normally incidental, subordinate and exclusively devoted to the principal use or building on a parcel and located on the same parcel.

2. Replace the "CARPORT" definition in SECTION 2(1) DEFINITIONS as follows:

"CARPORT" means an accessory structure designed and used for the storage of motor vehicles, consisting of a roof supported on posts or columns, and which is not enclosed on more than two sides whether separate from, or attached to, the principal building on a site.

3. Replace the "DECK" definition in SECTION 2(1) DEFINITIONS as follows:

"DECK" means an accessory structure that is a platform built of concrete, brick, wood or other materials and constructed on piers or a foundation above grade that may be attached to

a dwelling or located on the roof, and is intended for the purpose of outdoor dining, lounging, and other similar accessory uses.

- (i) Low Level Deck: means a deck being less than .6m (2ft) in height.
- (ii) Raised Deck: means a deck being equal to or more than .6m (2ft) in height.

4. Replace the "GARAGE" definition in SECTION 2 (1) DEFINITIONS as follows:

"GARAGE" means an accessory building or a part of the principal building, designed and/or used primarily for the storage of motor vehicles.

- (i) Attached Garage: means a portion of the principle building that shares at least one (1) common wall and a continuous roofline with the principal building.
- (ii) Detached Garage: means an accessory building that is apart and separate from the principle building, that has no common wall, continuous roofline, or open or enclosed structure connecting it with the principal building.
- (iii) Attached-Detached Garage: means an accessory building connected to the principle building by an open or enclosed structure such as a breezeway or deck, and/or a continuous roofline, or a common wall but not both.

5. Remove the following definition from SECTION 2 (1):

"EXTENSION TO PRINCIPAL BUILDING OR OTHER EXISTING BUILDING" means a building or structure attached to a principal building on a site (or attached to any other existing building on a site) by a roof, an open or enclosed structure, a floor or a foundation.

6. Replace SECTION 5(2)(m) DEVELOPMENT PERMIT NOT REQUIRED as follows:

- (I) The development of an uncovered and unenclosed Low Level Deck which is located entirely in the side and/or rear yard and which is accessory to a residential structure.

7. Within SECTION 11(1) of GENERAL LAND USE PROVISIONS replace the following provisions:

(1) ACCESSORY BUILDINGS/STRUCTURES

- (a) For calculating yard setbacks and site coverage requirements as provided in the Bylaw, when an accessory building is an attached garage it is a part of the principal building and not an accessory building.
- (b) An accessory building shall not be used as a dwelling unit, except as otherwise allowed for in this bylaw.

8. Add to SECTION 12 SPECIAL LAND USE PROVISIONS:

(22) DECKS

- (a) The following applies to all decks:

- (i) No decks shall be located on or over any utility right-of-way or easement or any drainage right-of-way or easement;
- (ii) In a laneless subdivision, no deck shall encroach on a side yard providing access to the rear yard unless the design of the deck maintains access to the rear yard, or the principle dwelling includes an attached garage and all servicing of the property is from the front property line;
- (iii) The setbacks shall be measured from the outermost edges of the surface of the deck;
- (iv) Decks may encroach up to 1.5 m into a required front yard setback provided that the deck shall remain uncovered and unenclosed by walls, lattice or other similar material;
- (v) Decks that are covered and/or enclosed shall be considered an addition to the principal building and are required to meet the district requirements for the principal building, and are included in the site coverage calculation;
- (vi) Decks attached to a semi-detached dwelling or a rowhouse may extend up to the common lot line between units if the deck is provided with a privacy wall. The privacy wall must extend the full depth of the deck and be a minimum of 2.0 m (6.56 feet) high as

measured from the surface of the deck to the top of the privacy wall; and

- (vii) At the discretion of the Development Authority, a deck may encroach onto any required yard where the deck is designed to accommodate access to a dwelling unit for a person with a mobility disability.

(b) The following applies to all Low Level Decks:

- (i) Low Level Decks may be built within 15cm of the side property line and up to the rear property line except in accordance with Section 22(a).

(c) The following applies to all Raised Decks:

- (i) Raised decks on corner lots shall not encroach into the sight triangle area; and
(ii) Raised Decks that are uncovered and unenclosed shall be setback 1.2m (4ft) from the side property line and 4.6m (15ft) from the rear property line.

9. Section 31 Commercial-Shopping Center District (C-3)
Add to (b) Discretionary Uses:
- accessory building or structure

10. Section 38 Community Development District (COM)
Add to (b) Discretionary Uses:
- accessory building or structure

SEVERABILITY

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

EFFECTIVE DATE


12. This Bylaw shall come into force and have effect on the date of third and final reading.

READ a first time this 23 day of July, 2018.

READ a second time this 23 day of July, 2018.

READ a third and final time this 23 day of July, 2018.

SIGNED by the Mayor and Chief Administrative Officer this 31 day
of July, 20 18.


Thomas Tarpey
Mayor


Christopher J. Parker
Chief Administrative Officer