



**BYLAW NO.07-2024  
OF THE TOWN OF SMOKY LAKE  
IN THE PROVINCE OF ALBERTA**

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**A BYLAW OF THE TOWN OF SMOKY LAKE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AMENDING  
BYLAW 007-18 BEING THE LAND USE BYLAW FOR THE TOWN OF SMOKY LAKE**

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**WHEREAS** the Municipal Government Act, R.S.A. 2000, c. M-26 and amendments thereto, authorizes the Council for the Town of Smoky Lake to amend the Land Use Bylaw, and

**WHEREAS** the Council for the Town of Smoky Lake has adopted Town of Smoky Lake Bylaw 007-18 to be used as the Land Use Bylaw, and

**WHEREAS** the Council for the Town of Smoky Lake deems it expedient to amend Bylaw 007-18 as set out in section 692 of the Municipal Government Act, R.S.A. 2000, c. M-26, and amendments thereto, and

**WHEREAS** notice of intention of the Council for the Town of Smoky Lake to pass a bylaw has been given in accordance with section 606 of the *Municipal Government Act*, and

**WHEREAS** a Public Hearing has been held in accordance with Section 216.4 of the *Municipal Government Act*.

**NOW THEREFORE** the Council of the Town of Smoky Lake, in the Province of Alberta, duly assembled, enacts as follows:

**1.0 ADDITIONS**

- 1.1 Section 1.4: “**Accessory Dwelling Unit**” means a self-contained dwelling unit, that is situated outside the principal dwelling, is accessory to the principal dwelling, and meets the Alberta Building Code.
- 1.2 **Section 8.46 – Accessory Dwelling Units**
  - 8.46.1 A maximum of one accessory dwelling unit shall be permitted per principal dwelling and shall be subordinate to the principal dwelling.
  - 8.46.2 An accessory dwelling unit shall be constructed on a foundation that may or may not include a basement.
  - 8.46.3 An accessory dwelling unit includes but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove, or provision of 220 volt wiring and toilet with bathing facilities.
  - 8.46.4 The minimum parcel size for an accessory dwelling unit is 360.0 m<sup>2</sup> (3875.0 ft<sup>2</sup>).
    - 8.46.4.1 The minimum lot width requirement for accessory dwelling units is 12.2 m (40.0 ft.).
    - 8.46.4.2 The maximum area for an accessory dwelling unit is 80.0 m<sup>2</sup> (860.1 ft<sup>2</sup>).

8.46.4.3 One on-site parking stall shall be provided for the accessory dwelling unit, in addition to the parking requirements for the main dwelling pursuant to this Bylaw. Tandem parking may be permitted at the discretion of the Development Authority.

## **2.0 AMENDMENTS**

- 2.1 Section 7.2.2 amended to “No person shall use, or permit an accessory building to be used as a dwelling unit, except as a garage suite or guest house or an accessory dwelling unit where allowed pursuant to this Bylaw. Unless otherwise provided, in Residential Districts an accessory building shall not be used as a dwelling, with the exception of accessory dwelling units.”
- 2.2 Section 7.2.4 amended to “Notwithstanding **SECTION 7.2.3** accessory dwelling units may be constructed prior to the construction of the main dwelling at the discretion of the Development Authority.”
- 2.3 Section 7.2.5 amended to “Where a building is attached to a principal building by a breezeway, a roofed passage or an open or enclosed structure above grade, it is to be considered a part of the principal building and not an accessory building, and all the minimum yard requirements of the principal building shall apply. To determine the site coverage percentage, buildings which are attached to a principal building will be considered part of the principal building.”
- 2.4 Section 7.2.6 amended to “No person shall construct or permit the construction of an accessory building or group of accessory buildings such that, individually or collectively, the gross floor area would:
  - a. along with the principal building, exceed the maximum site coverage allowed on the site;
  - b. exceed the gross floor area of the principal building on the site; or
  - c. exceed 12% of the site area unless otherwise indicated within the District Provisions.”
- 2.5 Section 7.2.7 amended to “An accessory building shall not exceed one (1) storey or 4.5 m (14.8 ft.) in height, whichever is the lesser;”
- 2.6 Section 7.2.8 amended to “Notwithstanding **SECTION 7.2.7**, the Development Authority may allow a garage or an accessory dwelling unit which exceeds 4.5 m (14.8 ft.) in height. This maximum height can under no circumstances exceed the height of the principal dwelling.”
- 2.7 Section 7.2.9 amended to “An accessory building other than a fence shall not be located in a front yard.”
- 2.8 Section 7.2.10 amended to “Accessory buildings shall not be located on an easement or a utility right-of-way.”
- 2.9 Section 7.2.11 amended to “Accessory buildings shall be located such that the minimum distances shown on **FIGURE 14** between the accessory buildings and principal buildings, lot lines, and other buildings, structures, and uses are provided.”
- 2.10 Section 7.2.12 amended to “Further to SECTIONS 7.2.1 TO 7.2.11, accessory buildings in Residential Districts shall be located:
  - a. A minimum of 2.0 m (6.6 ft.) from the dwelling;
  - b. no closer to the front line than the front of the principal building except in the case of double fronting or corner sites, in which case the minimum required yard may be reduced to 4.5 m (14.76 ft.) from one front line, and the minimum required side yard adjacent to the side line may be reduced to 1.5 m (24.6 ft.) where, in the opinion of the Development Authority, any adjacent developments would not be adversely affected;

c. no closer than 1.2 m (3.9 ft.) to the rear line, providing there is no encroachment of any part of the building beyond the rear line, except that where the vehicle doors of a garage face a lane abutting the site, the garage shall be no closer than 5.0 m (16.4 ft.) from the rear line;

d. no closer than 1.2 m (3.9 ft.) from the side line, excepting where a fire wall is constructed along the boundary line between two garages located within one building, or where both garages have appropriate fire walls. In such cases, accessory buildings may be built within 1.0 m (3.3 ft.) of the side line;

e. such that no roof overhang is located within 0.45 m (1.2 ft.) of a side or rear line.

f. Notwithstanding SECTIONS 7.2.11 and 7.2.12, the siting of an accessory building on an irregularly shaped parcel shall be as required by the Development Authority.”

- 2.11 Section 8.16.1 amended to “Before a development permit is issued for a manufactured home, the Development Authority shall normally receive verification that the home fully complies with the Alberta Building Code. Verification can be presented through either a CSA A277 sticker or a CSA Z240 sticker, If no verification is received, the Development Authority may require an inspection be completed by an Alberta Safety Codes Officer or structural engineer certified to conduct such inspection.”
- 2.12 Section 8.16.2 amended to “Should an inspection by an Alberta Safety Codes officer or structural engineer be required, and should the inspection indicate that upgrades to the manufactured home are necessary to bring the home into compliance with the Alberta Building Code, all required upgrades shall be made before the issuance of a development permit.”
- 2.13 Section 8.16.3.F amended to “Every manufactured home shall be placed on a full perimeter foundation that complies with the Alberta Building Code unless the manufactured home is designed to be supported on longitudinal floor beams, in which case either a system that complies with the Alberta Building Code or an alternate skirted foundation system as described in CSA Z240.10.1 may be employed.”
- 2.14 Section 8.16.3.I.ii. amended to “All manufactured homes shall be placed on a full perimeter foundation that complies with the Alberta Building Code unless the manufactured home is designed to be supported on longitudinal floor beams, in which case either a system that complies with the Alberta Building Code or an alternate skirted foundation system as described in CSA Z240.10.1 may be employed; and”
- 2.15 Section 10.1.2 amended to include “Accessory dwelling unit” under discretionary uses.
- 2.16 Section 10.2.2 amended to include “Accessory dwelling unit” under discretionary uses.
- 2.17 Section 10.3.3 amended to include “Accessory dwelling unit” under discretionary uses.

### **3.0 EFFECTIVE DATE**

**3.1** This Bylaw shall come into force and effect on the third and final reading.

READ a FIRST time this \_\_\_\_\_ Day of \_\_\_\_\_, 2024.

READ a SECOND time this \_\_\_\_\_ Day of \_\_\_\_\_, 2024.

READ a THIRD and FINAL time this \_\_\_\_\_ Day of \_\_\_\_\_, 2024.

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Amy Cherniwchan  
Mayor

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Dawn Phillips  
Chief Administrative Officer

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