

Topic: Text Amendments to Land Use Bylaw 20-2009 (Bylaw No.2014-21)

Introduction:

To make text amendments to Land Use Bylaw No. 20-2009 in order to reduce the number of setback variance requests for the BRR – Bareland Recreational Resort District, remove the Direct Control District from two areas in Entwistle (see attachments), add a definition for “Temporary Structures” and add in the Deemed Approved Section of the Land Use Bylaw “Temporary Structures” that are 600 ft² or less in total area. This will not materially affect the Bylaw in principal or substance.

Facts (Background Information):

The Municipal Planning Commission (MPC) has recognized that in the BRR – Bareland Recreational Resort District, the number of variance requests must be brought forward to the Municipal Planning Commission for decision are excessive and unnecessary. The required setback currently is 1.5 m (5.0 ft) which takes up a significant amount space on an RV lot. Without exception, most, if not all of the applications submitted for approval of an accessory building requires a variance from the Municipal Planning Commission. Typically a reduced setback request seems to be reasonable in comparison to the RV's that are currently on site in this park and others. Therefore, administration feels it is appropriate to make the required setback 0.8 m (2.6 ft) in the RV setting.

Discussion has also come from Council as to whether there is a need for a development permit for accessory buildings in the BRR - Bareland Recreational Resort District. Permits, however, allow for monitoring of size and height of accessory buildings as well as site coverage.

Administration is also recommending that Section 5.9.5(h) and 5.9.5(i) be added to monitor accessory building height to read as follows: accessory buildings shall be limited to one story and shall not exceed 3.6 m (12 ft) in height and shall not be used for accommodation purposes.

There are two areas in Entwistle that are currently zoned as Direct Control District. One area is to the north and the other to the south of Highway 16 (see attachment). Historically, there is no information as to why these two areas were made Direct Control as both are identified in the

Existing and the Future Land Use Map of the current Area Structure Plan (Bylaw no. 23-2012) as residential. Administration then proposes that the Direct Control District designation be removed and replaced with R1 – Single Family Residential on the portion on the south side of Highway 16 and the portion on the north side be deemed R2 – Medium Residential to allow for some slightly higher density.

Finally, Administration is recommending additions to Sections 16.2 (1) to allow for “Temporary Structures” provided they are 600 ft² or less in size and 20.1(3) by adding a definition for “Temporary Structures” as outlined below.

Proposed Motion: Your Proposed Motion should read:

1. That Bylaw No. 2014-21 receives second and third reading following the public hearing scheduled on July 8, 2014 at 10:30 a.m. at Parkland County Centre to hear public comment on proposed Bylaw No. 2014-21.

Proposed Bylaw 2014-21 is written in a manner that follows the Land Use Bylaw Sections numerically.

THAT LAND USE BYLAW NO. 20-2009 IS AMENDED AS FOLLOWS:

1. Section 5.9 (4)(b) (ii) and (iii) Setbacks for Internal Parcels

By deleting the following in **bold**:

4. Development

b) Setbacks for Internal Parcels

- I. A minimum front yard setback shall be 3.5 m (11.5 ft) from an internal subdivision road or parking area.

II. A minimum side yard setback shall be 1.5 m (5.0 ft).

III. A minimum rear yard setback shall be 1.5 m (5.0 ft).

By adding the following in **bold**:

4. Development

b) Setbacks for Internal Parcels

- I. A minimum front yard setback shall be 3.5 m (11.5 ft) from an internal subdivision road or parking area.
- II. **A minimum side yard setback shall be 0.8 m (2.6 ft).**
- III. **A minimum rear yard setback shall be 0.8 m (2.6 ft).**

2. Section 5.9 BRR – Bareland Recreational Resort District

Notwithstanding 11.1(5)

By adding the following in **bold** to Section 5.9 (5)

- (a) *Repealed under Bylaw 04-2010*
- (b) Accessory buildings may be permitted or discretionary consistent with Subsection 11.1.
- (c) A minimum of 10% of the gross condominium parcel area shall be set aside for common space recreation area and no portion of any Bareland Condominium unit shall be included in this open space.
- (b) Development of land within a Bareland Condominium shall be considered the same as the development of land within a fee simple subdivision, with each unit of land treated as an individual parcel.
- (e) **Accessory buildings shall be limited to one story and shall not exceed 3.6 m (12 ft) in height from the inside wall grade to the peak of the roof.**
- (f) **Accessory buildings shall not be used for accommodation purposes.**
- (g) Development within a Bareland Condominium shall be subject to all of the provisions of this district unless otherwise determined through a negotiated development agreement with the County.
- (h) Pursuant to the MDP, a biophysical assessment shall be required for a site proposed for a multi-parcel subdivision or a major development if all or part of the site is located within areas defined as environmentally significant in the *Environmental Conservation Plan*, and may be required within 0.8 km of areas defined as environmentally significant in the *Environmental Conservation Plan*, or if the site contains natural features such as sloughs or extensive tree cover.

- (i) The biophysical assessment shall identify and evaluate the environmental significance and sensitivity of existing vegetation, wetlands, other water features, wildlife habitat and unique physical features, and shall recommend appropriate measures for protecting significant features.
- (i) Permitted and Discretionary Uses are subject to the appropriate provisions and requirements contained within PART 3 – DEVELOPMENT REGULATIONS.

3. Section 5.11 Schedule 1 Entwistle Village District Map

By deleting the following in that is in **bold**:

DC – Direct Control District on the south side of Highway 16
DC -- Direct Control District on the north side of Highway 16

By adding the following that is in **bold**:

R1 -- Residential - Single Family, on the south side of Highway 16
R2 – Residential – Medium Density, on the north side of Highway 16

4. Section 16.2(1)

By adding the following that is in **bold**:

1. Pursuant to Subsection 16.1, developments designated as "deemed approved" and therefore not requiring a development permit include
 - a) those uses and developments exempted under Section 618 of the *Act* and regulations thereto;
 - b) the use of a building, or part thereof, as any official temporary use in connection with a federal, provincial or municipal election, referendum or census;
 - c) personal use tennis court or swimming pool, where there is an existing permitted dwelling, single detached or manufactured home;
 - d) the carrying out of routine maintenance to any building, provided that such works do not include or constitute structural alterations;
 - e) the completion/continuation of a development that was initiated in accordance with a lawful development permit issued before the effective date of this Bylaw provided that the development is completed/continuous in accordance with the terms and conditions of that permit;

- f) the construction, completion, alteration, maintenance or repair of a street, lane or utility undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land;
- g) the installation, maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial or municipal authorities on land that is publicly owned or controlled;
- h) the construction of an accessory building or structure less than 10.0 m² (107.6 ft²) in area, excluding a deck
 - (i) is not located on a registered easement or right-of-way; and
 - (ii) all setbacks as required in the Land Use Bylaw, are maintained; and
 - (iii) the overall floor area of all accessory buildings on the site do not exceed the floor area allowed as a Permitted Use, as set out in Section 11.1.
- i) the construction of unenclosed decks, 60.96 cm (24 in) or more above the ground, attached to or detached from a structure providing:
 - (i) it is not located on a registered easement or right-of-way; and
 - (ii) all setbacks as required in the Land Use Bylaw, are maintained; and
 - (iii) a building permit is obtained.
 - (iv) no walls.
- j) the erection, construction or maintenance of a temporary building which is necessary only for the construction, alteration, maintenance or marketing of a building for which a development permit has been issued;
- k) the erection, construction or maintenance of a temporary structure as defined by this Bylaw.**
 - l) a television or communication aerial (not used for commercial purposes) less than 15.0 m (49.5 ft) in height and sited on a parcel of at least 0.4 ha (1.0 ac) in size (refer to Section 12.1.5);
 - m) a satellite dish, light standard, or flagpole and structures less than 4.5 m (15.0 ft) in height from grade, when located and sited on a parcel containing a single detached dwelling, duplex or manufactured home, in accordance with the accessory building setback provisions;
 - n) the extraction and processing exclusively by Parkland County, or its authorized agents, of sand, gravel, or other earth materials and including asphalted or concrete mixtures for any County purpose within Parkland County; and/or

- o) the extraction and processing exclusively by the Government of Alberta, or its authorized agents, of sand, gravel, or other earth materials for any road construction for Provincial or County purposes within Parkland County.
- p) the construction of an agricultural building, provided all setbacks as required in the Land Use Bylaw are maintained; and the total combined accessory building area does not exceed the permitted use provisions in Section 11.1.2.

5. Section 20.1(3)

By adding the following that is in **bold**:

TEMPORARY STRUCTURE means a structure incidental and subordinate to the principal use which at no time shall be used as a dwelling. This includes, but is not limited to structures such as garden sheds, carports, gazebos, play structures and tarp structures that are 600 ft² or less in size.

Alternatives:

1. To amend Bylaw No. 20-2009 with proposed Bylaw No. 2014-21 and schedule a Public Hearing for July 8, 2014 at 10:30.
2. Not to proceed with proposed Bylaw 2014-21 to amend the Land Use Bylaw 20-2009.

Conclusion/Summary:

Administration supports the proposed amendments to Land Use Bylaw 20-2009 and recommends:

1. That Bylaw No. 2014-21 receive second reading.
2. That Bylaw No. 2014-21 receive third and final reading.

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