

BYLAW NO. 2014-18

BEING A BYLAW OF PARKLAND COUNTY FOR THE PURPOSE OF AMENDING LAND USE BYLAW NO. 20-2009 TO REDISTRIBUTE PART OF W5-05-53-16-NW FROM CR – COUNTRY RESIDENTIAL DISTRICT TO DC – DIRECT CONTROL DISTRICT

WHEREAS the Council of Parkland County has passed a Bylaw pursuant to Part 17, Section 639 of the Municipal Government Act, R.S.A. 2000, Chapter M-26, known as the Parkland County Land Use Bylaw No. 20-2009 for the purpose of regulating and controlling the use and development of land and buildings within Parkland County; and

WHEREAS and pursuant to Part 17, Section 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26, the Council of a municipality is authorized to amend a Land Use Bylaw; and

WHEREAS Section 692 of the Municipal Government Act requires the Council of a municipality to hold a public hearing and advertise such a Bylaw in accordance with Sections 230 and Section 606 of the Act respectively; and

WHEREAS the Council of Parkland County has received an application from the landowner of Linc Numbers 0010 392 272 and 0014 768 303 to consider an amendment to Map 5 of Land Use Bylaw No. 20-2009 to redistribute part of W5-05-53-16-NW from the CR-County Residential District to DC- Direct Control District (DC Area 6);

NOW THEREFORE the Council of Parkland County duly assembled and under the authority of the Municipal Government Act, as amended, hereby enacts the following:

THAT LAND USE BYLAW NO. 20-2009, AND AMENDMENTS THERETO, IS AMENDED AS FOLLOWS:

1. That Map 5 of Bylaw No. 20-2009, and amendments thereto, being the Parkland County Land Use Bylaw No. 20-2009 is amended by:
 - (a) Redistributing approximately 3.93 ha (9.72 ac) of land within W5-05-53-16-NW (Linc Numbers 0010 392 272 and 0014 768 303) from the CR - County Residential District to DC - Direct Control District 6 as shown on Schedule "A", attached to and forming part of this Bylaw;
 - (b) Adding Schedule 7 Osprey Bay Direct Control District Map to Land Use Bylaw No. 20-2009 as shown on Schedule "B", attached to and forming part of this Bylaw; and
 - (c) Adding the following Direct Control District Regulations to Section 9 DIRECT CONTROL:

9.7 Osprey Bay Direct Control District Regulations (DC Area 6)

1. All land uses south of the railroad within the Pt. W5-05-53-16-NW Direct Control District, as shown as DC Area 6 on the Land Use Bylaw Map are deemed to be Discretionary Uses and will only be allowed by the Development Authority or the Council after it is determined that the proposed use is suitable and meets the following guidelines for development.
 - a) Residential
 - (i) The purpose of this district is to allow for the accommodation, maintenance, alteration, replacement and repair of the existing eight (8) dwelling units.
 - (1) Three (3) dwelling units on Roll No 2840000; and
 - (2) Five (5) dwelling units on Roll No 2840004.
 - (ii) Single detached dwellings may be considered by Council on a discretionary basis subject to the following:
 - (1) The subject development is confirmed, to the satisfaction of Council, to be located outside of the Wabamun flood plain area as per section 10.2 of this Bylaw.
 - (2) The subject development is replacing a demolished structure or adding over 10% of the building footprint to an existing structure.

- (3) Developments which are not replacing a demolished structure or adding to an existing structure will be subject to the parcel density requirement of one (1) dwelling unit per parcel.
- (iii) Accessory buildings and additions may be considered by the Development Authority on a discretionary basis subject to the following:
 - (1) The accessory building is less than 54m² (581ft²).
 - (2) The subject development is an addition to an existing dwelling that is less than 10% of the building footprint of the structure.
- (iv) Developments may be required to provide the following mitigative measures to render them suitable to the satisfaction of the Development Authority or Council:
 - (1) setbacks from steep slopes should be adequate to ensure avoidance of subsidence;
 - (2) tree cover should be maintained, although “view windows” may be cut at strategic locations to afford views of Lake Wabamun.
 - (3) geotechnical reports and other data to ensure that any proposed development can be adequately serviced.

2. Subdivision

Notwithstanding 1.a)(i) of this district, subdivision may be considered by Council on a discretionary basis subject to the following:

- a) Initial subdivision within this district will be allowed only when there is a district wide application. Subdivision for this district will consist of Condominium lots to accommodate single detached dwellings, private access thereto, and public or common areas.
- b) Parcel Area Requirement (for purposes of new parcel creation only)
 - (i) For all uses, the minimum and maximum parcel area requirements shall be determined by Council.
- c) Parcel Density Requirement (for purposes of new parcel creation only)
 - (i) The maximum parcel density requirements shall be one (1) dwelling unit per Condominium parcel.

3. Development

- a) Each application will be assessed on its individual merits recognizing that the integrity of the entire area must be protected, and that all uses are discretionary.
- b) Setbacks for Parcels
 - (i) For all uses the minimum building setback requirement shall be determined by the Development Authority or Council.
- c) Safety Codes
 - (i) Due to the proximity of buildings within the Pt. NW 16-53-5-W5M District additional safety codes requirements may be necessary in order to meet the intent of the Alberta Safety Codes Act.
- d) Parcel Coverage
 - (i) Building(s) shall not cover more than 65% of any subdivided Condominium unit.

4. Other Development Regulations

- a) Accessory buildings shall have a building footprint that is less than 175m² (1884ft²).
- b) A minimum of 10% of the gross Condominium parcel area shall be set aside for common space recreation area and no portion of any Individual Condominium unit shall be included in this common space dedication.
- c) Development of land within a Condominium parcel 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.

- d) Development within a Condominium shall be subject to all of the provisions of this district unless otherwise determined through a negotiated Development Agreement with the County.
- e) As this district is located within an area defined as environmentally significant in the *Environmental Conservation Plan* a biophysical assessment shall be required for any proposed subdivision.
 - (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.
- f) All new uses, and/or redevelopment, shall be subject to the appropriate provisions and requirements contained within PART 3 – DEVELOPMENT REGULATIONS.

AND THAT this Bylaw shall come into force and have effect from and after the date of third reading and signing thereof.

READ A FIRST TIME this ____ day of _____, **2014**, A.D.

PUBLIC HEARING held this ____ day of _____, **2014**, A.D.

READ A SECOND TIME this ____ day of _____, **2014**, A.D.

READ A THIRD TIME AND FINAL TIME this ____ day of _____, **2014**, A.D.

MAYOR

MANAGER,
LEGISLATIVE & ADMINISTRATIVE SERVICES