

Topic: Proposed Bylaw 2013-07 amendments to Land Use Bylaw 20-2009

Introduction:

Proposed Bylaw 2013-07 is a Land Use Bylaw amendment. The proposed bylaw amendment is to correct errors within the Land Use Bylaw 20-2009 and to make changes to the bylaw that will assist in streamlining the development permit process.

Facts (Background Information):

Proposed Bylaw 2013-07 is written in a manner that follows Land Use Bylaw 20-2009 Sections numerically.

Administration recommends the following amendments to Land Use bylaw 20-2009:

1. Section 1.9 General Interpretation

Recommend that the "Notes" heading within the table of Uses shall intended for the purpose of reference to specific Sections within the Land Use Bylaw. Currently the "Notes" form part of the Use and therefore the regulation cannot be varied.

2. Section 2 Approving Authorities

This proposed change comes as the result of the Municipal Planning Commission (MPC) Bylaw 34-2011 receiving Third Reading and subsequently rescinding the Development Authority Bylaw 40-2010. As a result of the above changes it is necessary to amend Section 2 of the Land Use Bylaw.

3. Section 3.3 Land Use District Maps

Recommend adding Secondary Suite to the RE – Resource Extraction District as a Discretionary Use. Section 11.4 Dwelling Units on a Parcel of the Land Use Bylaw could potentially allow for a second dwelling on the property. However, allowing a Secondary Suite would allow for a suite (residence) within the existing dwelling or accessory building

Recommend that Home Based Business (HBB) Level 2 be added to Table 3.3.1 as a Discretionary Use within the LSR – Lakeshore Residential District, RRH – Residential Row Housing District, MHR - Manufactured Home Residential District. HBB Level 2 does not allow for any employees or outside storage and only allows for one (1) commercial vehicle.

It is recommended to remove Garden Suite from all Districts within the Land Use Bylaw because proposed Bylaw 2013-07 is recommending removing of the Garden Suite Regulations and Definition and combining it with the Secondary Suite Regulations and Definition.

4. Section 4.1, 4.2, 4.3 Agricultural Districts

Administration recommends reducing the side and rear yard setbacks for accessory buildings from 6.1 m (20.0 ft) to 3.0 m (9.8 ft). Currently the side and rear yards setbacks are routinely being reduced for accessory buildings. Residents have voiced to staff that a 6.1 m setback is unreasonable because it is wasted space that cannot be utilized. The existing setbacks exceed the Building Code requirement for building separation.

5. Section 5.1, 5.2, 5.3, 5.4, 5.5 Country Residential Districts

Administration recommends reducing the side and rear yard setbacks for accessory buildings from 6.1 m (20.0 ft) to 3.0 m (9.8 ft). Currently the side and rear yards setbacks are routinely being reduced for accessory buildings. Residents have voiced to staff that a 6.1 m setback is unreasonable because it is wasted space that cannot be utilized. The existing setbacks exceed the Building Code requirement for building separation

6. Section 7.1 & 7.2 Industrial Districts

Administration has received feedback from land owners and developers in regards to the current setback standards (front and side yard) for development within the BI – Business Industrial, and MI – Medium Industrial Districts. It is felt that the setback requirements are excessive and thereby leave large sections of the lots, which sell at a premium price, left undevelopable.

7. Section 10.1 Acheson Industrial Commercial Area Overlay

Administration recommends that the proposed amendments to the industrial landscaping requirements and setbacks do not apply to the Acheson Industrial Commercial Area Overlay. As such, existing standards for landscaping and building setbacks will continue to exist for all lands in the Overlay boundary. Amendments in proposed Bylaw 2013-07 would only apply to developments outside of the Acheson Industrial Commercial Area Overlay boundary.

To ensure the existing landscaping requirements and setbacks are maintained in the Acheson Industrial Commercial Overlay, Administration is recommending the following amendments:

- text changes to Section 13.6(1) and 13.6(2) Minimum Landscaping Standards to reconfirm the existing landscaping standards for developments that fall within the Acheson Industrial Commercial Area Overlay; and,

- text changes to Section 10.1 Acheson Industrial Commercial Area Overlay to reconfirm existing setback standards for developments within the Acheson Industrial Commercial Overlay.

8. Section 11.4 Dwelling Units on a Parcel

The change to this section is a result of the proposed change to the removal of the Garden Suite from the Land Use Bylaw and consolidating it with the Secondary Suite to create one regulation and definition. Both uses are close in nature yet somewhat confusing to the applicants.

9. Section 12.8 Reclaimed Gas and Oil Wells

The change proposed to this section comes as the result of the ERCB initiating Directive 079 which outlines surface development in proximity to abandoned wells.

10. Section 12.9 Home Based Business

This proposed change deals with the number of axles allowed on certain equipment related to a home based business. For example currently a gravel truck related to the HBB can only have one axle; most gravel trucks have dual axles. This proposed change to the Land Use Bylaw is consistent with the Community Standards Bylaw.

11. Section 12.13 Secondary Suite

The proposed changes to Secondary Suite are to combine both the Garden Suite and Secondary Suite into one Regulation and Definition. Having both uses is very confusing to applicants as they are viewed as the same use.

12. Section 13.6 Industrial Landscaping Requirements

Consultations with landowners and developers in 2011 and 2012 have identified a need to review the minimum landscaping standards for industrial developments that fall within the BI – Business Industrial, and MI – Medium Industrial Districts. The current minimum landscaping requirements are excessive and create large areas of the lots which cannot be developed.

13. Section 16.2 Development Not Requiring a Development Permit

There are three proposed changes within this Section:

1. Deals with decks
2. Agricultural buildings not requiring development permit approvals
3. Ornamental water features

14. Section 16.4 Application for Development Permit

This proposed change is related to the ERCB Directive 079.

15. Section 16.10 Decisions on Development Permit Application

This change strengthens the Land Use Bylaw by stating that any relaxation granted to the Land Use Bylaw shall be a Discretionary Development.

16. Section 16.11 Variance Authority

Administration recommends making the change to the Variance Authority due to the proposed reduced setbacks within Bylaw 2013-07. As the proposed setbacks could be viewed as significant it is the opinion of Administration that any variance request greater than 10% should be presented to the Municipal Planning Commission for decision.

17. Section 20.1 Definitions

Some of the proposed changes to definitions are a direct result of other proposed changes to the Land Use Bylaw, while others clear up discrepancies

Conclusion/Summary:

As a result of the Public Hearing on May 28 the proposed change to Section 16.13 Notice of Development Permit Application, Decision and Re-application Interval has been removed from the proposed Bylaw 2013-07. At the Public Hearing Council raised some concerns regarding commercial vehicles and how it relates to the Home Based Business definition. At this time Administration is not proposing any substantial changes to HBB however staff will review the Home Based Business Regulations and Definitions.

Administration supports the minor amendments proposed in Bylaw 2013-07 that are related to a Home Based Business as the proposed changes are consistent with the Community Standards Bylaw.

This change will not require additional advertising.

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