

Topic: Proposed Bylaw 2015-13 to amend Land Use Bylaw 20-2009

**Introduction:**

The proposed Land Use Bylaw amendments are related to accessory buildings, home based businesses, RV use on lots, notification to adjacent land owners and definitions.

**Facts (Background Information):**

The intended purpose of this bylaw is to clarify sections of the land use bylaw that are ambiguous and are subject to interpretation. Modifying these uses, regulations and definitions will improve customer service and the approval process. It is expected that these changes will reduce the number of appeals held each year. On average Parkland County has 20 appeals a year many of which are related to residential approvals for accessory buildings and home based businesses. Furthermore this proposed bylaw will address the concerns and issues related to RV use on residential lots as the Land Use Bylaw currently is silent on this use.

1. The proposed bylaw suggests addressing RV use in two ways. First by allowing the temporary use of an RV for accommodation purposes if development and building permits for the dwelling have been issued and secondly by prohibiting RV use for accommodation purposes on vacant lots. The proposed change will prevent land owners from using their property as a recreational property yet allow the use for those who are putting an investment into to property use their RV while the dwelling is under construction. Therefore administration suggests adding the following two statements to the CR, CRWL, CRR, CRE, LSR, RRH, RC and EUV Districts:
  - Temporary RV use may be allowed on a vacant lot for accommodation purposes during the construction of a dwelling if a development permit and building permit have been issued.
  - RV use for accommodation purposes shall not be allowed on a vacant lot.

The suggested changes will also give the County enforcement ability to address the numerous complaints the County receives from residents regarding this use on vacant lots.

2. The proposed changes to Section 11.1 Accessory- Buildings and Uses deals mainly with square footage and renewals.

First is Section 11.1.1 which would make an accessory building a permitted use in all Districts unless there is a variance granted, in which case it would then be a discretionary use.

Second is Section 11.1.2 which is reducing the permitted square footage on lots 1.5 acres in size or less, which for the most part is the Country Residential Estate and Lakeshore Residential Districts. If the attached garage is no longer calculated in the parcel square footage (Sec. 11.1.3) it is reasonable to reduce the accessory building square footage on the smaller parcels.

Existing Table 11.1-1 : Accessory Buildings

PARCEL SIZE	PERMITTED IF THE BUILDING AREA IS LESS THAN:
0 ha (0 ac) up to 0.40 ha (1.0 ac)	Maximum 232.90 m <sup>2</sup> (2,507.0 ft <sup>2</sup> ) or 10% of parcel area whichever is less
0.41 ha (1.01 ac) up to < 1.21 ha (3.0 ac)	278.90 m <sup>2</sup> (3,002.1 ft <sup>2</sup> )

Proposed Table 11.1-1 : Accessory Buildings

PARCEL SIZE	PERMITTED IF THE BUILDING AREA IS LESS THAN:
0 ha (0 ac) up to 0.40 ha (1.5 ac)	Maximum 180 m <sup>2</sup> (1,937.5 ft <sup>2</sup> ) or 10% of parcel area whichever is less
0.41 ha (1.51 ac) up to < 1.21 ha (3.0 ac)	280 m <sup>2</sup> (3,013.8 ft <sup>2</sup> )

Section 11.1.3 suggests removing an attached garage as an accessory building and no longer calculating the square footage as such. On parcels over 1.5 acres there is typically enough space to construct the larger accessory building(s) and still meet the minimum required setbacks.

Section 11.1 8 (b) allows as a discretionary use an accessory building to be constructed prior to a dwelling for a temporary period of one (1) year, at which time it may be renewed. The premise of the one (1) year was to encourage the landowner to construct a dwelling within a year or two of the accessory building, however a \$100 renewal fee every year is not encouragement enough. It is unrealistic to not renew the permit and require the accessory building to be removed from the property. Therefore Administration proposes removing the renewal requirement and condition the permit requiring a substantial security to be posted prior to a building permit being issued. Requiring a \$10,000 security will likely weed out the individuals who have no intention of constructing a dwelling in the foreseeable future and yet will allow those who are serious about constructing a dwelling the opportunity to have an accessory building prior to for secure storage of building material. The security would be returned or reduced once the construction of the dwelling has commenced.

3. The biggest change proposed in this amendment is to Section 12.9 Home Based Business. The regulation and definitions are not clear and open to many different interpretations. This bylaw proposes to a complete re-write of Section 12.9.

Level 1 is intended to allow a home office only which would have absolutely no impact on adjacent lands as there would be no visitors, storage, associated vehicles or employees. This use would be allowed in all residential districts.

Level 2 is intended to allow business such as trade contractors (plumbers, carpenters, electricians, landscaper, etc.) or personal and health care services (hairstylist, sewing alterations, massage therapy etc.) to operate from the property provided there are no employees working on site, however client visits would be allowed. This use would not allow outdoor storage and limits the associated vehicle(s) to a one-ton GVW. This use would have minimal impact on adjacent lands and would be allowed in all residential districts.

Level 3 is intended to allow a business to have up to four (4) "non-resident on-site employees". The business may include some outdoor activity, client visits and a maximum of six (6) commercial vehicles. This level of business may have an impact on adjacent lands due to the traffic and on site activities, therefore would not be allowed within a multi-parcel residential subdivision.

4. Parkland County adopted a Dark Sky Policy which is now going to be incorporated into Section 13.1 - General Landscaping Regulations. It will require dark sky lighting in all commercial and industrial developments.
5. The proposed change to 15.5 is to include the Home Based Business Level 1
6. The proposed change to 16.2.4(a) - Development Not Requiring a Development Permit is intended to separate out uses for the purpose of clarification.
7. Section 16.13 -Notice of Development Permit Application, Decision and Reapplication Interval, requires that Parkland County notify registered land owners of an approved discretionary permit through a mail out and newspaper advertisement, Parkland County also posts on their website all discretionary permit approvals.

The land use bylaw requires all registered land owners within a multi-parcel subdivision to be notified in writing for a discretionary permit. This practice of notification is unreasonable in many cases. For instance if a development permit is issued for a variance to a side yard setback the applicant is asked to provide in writing a letter of support from the neighbor, who is potentially impacted. This approval would not impact anyone else within the subdivision. Parkland County goes beyond what The Municipal Government Act requires for notification. The MGA Section 653 (4.2) states that a notice under subsection (4) may be given by more than one of the following methods:

- a) Mailing the notice to each owner of land that is adjacent to the land that is the subject of the application;
- b) Posting the notice on the land that is the subject of the application;
- c) Publishing the notice in a newspaper that has general circulation in the municipality that contains the land that is the subject of the application.

Therefore when considering staff time and the current postage rates, reducing the current required notification area for will prove to be a cost savings benefit to the County. As Parkland County continues to develop the “SMART PARKLAND Intelligent Community”, more residents are able to access our website and view the information sooner than they would through a mail out advertisement. The website provides up-to-date information regarding all discretionary development permit approvals as it is updated weekly.

Administration recommends the following amendments to Section 16.13:

- 1b) if the approved development is located within a multi-parcel subdivision, notify in writing all adjacent landowners directly contiguous to the parcel. This includes land or a portion of land that would be directly contiguous if not for a public roadway, a Highway, river or stream, or a reserve parcel.
  - 1c) the Development Authority may require written notification to all registered owners within an 800 m radius of a proposed development if in their opinion it is a major development.
8. There are a number of proposed changes to Section 20 – Definitions, some are related to the suggested changes above while others are for clarification purposes. The more significant changes are related to Home Based Businesses and new definitions.

#### **Alternatives:**

1. To amend proposed Bylaw 2015-13
2. Table proposed Bylaw 2015-13 for further information

**Conclusion/Summary:**

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

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