

Topic: Proposed Land Use Bylaw Amendment Bylaw No. 34-2012

Introduction:

This is a request for a site specific amendment to Land Use Bylaw 20-2009 on Pt. NE 33-52-26-W4M to allow for a tourist campground as a discretionary use.

The Land Use Bylaw 20-2009 created the Business Industrial District. The Tourist Campground use class was not included in this district at the time of the adoption of the Land Use Bylaw, which made the existing tourist campground non-conforming. Parkland County received a Development Permit application requesting permission to rebuild the detached garage which was destroyed by fire however; as the existing tourist campground is non-conforming. Under Section 643(1) (7) of the Municipal Government Act, a non-conforming building may not be rebuilt. The applicants are requesting a Land Use Bylaw Amendment to allow for a tourist campground on the subject lands.

Facts (Background Information):

On April 18, 1978 Parkland County granted approval through Development Permit #78-D-052 to allow for a Tourist Holiday Tent & Trailer Park (Recreational Vehicle Park) for up to a maximum of 314 RV sites. At that time there also existed on site a bungalow (approximately 1400 sq. ft. in size), breezeway and an attached double car garage. Building Permit approvals were issued by Parkland County for a recreational centre, a camp store and trailer wash. On May 15, 1980 approval was granted through Development Permit #35-D-80 to construct a gasoline island and kiosk. Further approvals were granted through Development Permit #04-D-005 for sale and service of recreational vehicle parts and sale of crafts and gifts; Development Permit #04-D-246 proposed accessory building for a storage shed; Development Permit #05-D-118 to expand the existing facility for a kitchen, dining lounge, outdoor patio restaurant and banquet facility.

When Parkland County adopted Land Use Bylaw 20-2009 on July 1, 2009 the subject land located at Pt. NE 33-52-26-W4M the zoning was changed from Industrial / Commercial to Business Industrial (BI) zoning. In Land Use Bylaw 15-00 the subject lands, located at Pt. NE 33-52-26-W4, were zoned as Industrial / Commercial and within this land use a Tourist Campground was a discretionary use. The Tourist Campground land use was not incorporated as part of the rewrite of Land Use Bylaw 20-2009. Because the Tourist Campground land use was omitted within the Business Industrial (BI) the existing Tourist Campground is now non-conforming. Parkland County Council approved a site specific Land Use Bylaw Amendment was approved in August of 2010 to

allow the existing bungalow, with a proposed addition, to be utilized as a security suite. Development Permit #10-D-508 gave the final approval for the residence to be used as a security suite for the existing tourist campground.

In 2012 a fire destroyed an existing detached garage which was used for equipment storage in conjunction with the existing Tourist Campground. The registered owners submitted a Development Permit application requesting approval to rebuild the detached garage. Parkland County could not consider the application as land use as a Tourist Campground is a non-conforming use.

Section 643(1) (7) of the Municipal Government Act RSA 2000 Chapter M-26 states If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

The application submitted was referred on four occasions to Alberta Transportation who to date have not responded, therefore as no response has been received we presume that they have no comments or concerns regarding this matter. The application was also forwarded to the Acheson Business Association who has not responded.

Municipal Development Plan 37-2007 requires that within a 1 mile radius any Land Use Bylaw Amendment request be forwarded to The City of Edmonton, however the subject lands are over 2 miles in radius and the request was not forwarded to The City of Edmonton.

Analysis:

To allow a site specific Land Use Bylaw Amendment for a Tourist Campground would then allow Parkland County to consider approval for the reconstruction of the detached garage and then allow further consideration should the existing campground require further expansion, maintenance or construction.

Alternatives:

1. Council could table the Bylaw and request additional information.
2. Council could deny the Bylaw at second reading.

Conclusion/Summary:

Administration supports this request for a site specific amendment for zoning these lands and allowing the land use for a Tourist Campground.

AUTHOR: **Ruth Sider** Department: Planning & Development Services

Date written: January 29, 2013