

BYLAW 2016-20

**BEING A BYLAW OF PARKLAND COUNTY FOR THE PURPOSE OF AMENDING LAND USE BYLAW
20-2009 TO REDISTRIBUTE LANDS WITHIN PLAN NUMBER 0820032 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 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

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 20-2009, AND AMENDMENTS THERETO, IS AMENDED AS FOLLOWS:

1. That Map 9 of the Parkland County Land Use Bylaw 20-2009, and amendments thereto, is amended by:
 - a. Redistricting approximately 12.97 ha (32.05 ac) of all lands within Plan 0820032 from the CR - County Residential District to DC - Direct Control District as shown on Schedule "A", attached to and forming part of this Bylaw;
 - b. Adding Schedule 8 Legend Estates Direct Control District Map to Land Use Bylaw 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:

9.8. Legend Estates Area Direct Control Regulations

 1. General Purpose
 - a. The purpose of this Direct Control District is to enable Council to exercise particular control over the use and development of land and buildings within the area designated under Section 9.8.2;
 - b. To ensure that the lands are suitable for their intended use prior to the approval of development; and

- c. To ensure that applications for development permits shall be decided upon (refused or approved with or without conditions) solely by Council in accordance with the provisions contained within this District.

2. Area of Application

- a. This Direct Control District shall apply to the lands identified in Schedule 8. These lands legally described as:

- i. Lot 1MR; Block 1; Plan 0820032
- ii. Lot 3PUL; Block 1; Plan 0820032
- iii. Lot 5ER; Block 1; Plan 0820032
- iv. Lot 7; Block 1; Plan 0820032
- v. Lot 9; Block 1; Plan 0820032
- vi. Lot 11; Block 1; Plan 0820032
- vii. Lot 13; Block 1; Plan 0820032
- viii. Lot 15; Block 1; Plan 0820032
- ix. Lot 17; Block 2; Plan 0820032
- x. Lot 19; Block 2; Plan 0820032
- xi. Lot 21; Block 2; Plan 0820032
- xii. Lot 23; Block 2; Plan 0820032
- xiii. Lot 25; Block 2; Plan 0820032
- xiv. Lot 27; Block 2; Plan 0820032
- xv. Lot 29; Block 2; Plan 0820032
- xvi. Lot 31; Block 2; Plan 0820032
- xvii. Lot 10; Block 3; Plan 0820032
- xviii. Lot 12; Block 3; Plan 0820032
- xix. Lot 14; Block 3; Plan 0820032
- xx. Lot 16; Block 3; Plan 0820032
- xxi. Lot 18; Block 3; Plan 0820032
- xxii. Lot 20MR; Block 3; Plan 0820032
- xxiii. Lot 22; Block 3; Plan 0820032
- xxiv. Lot 2MR; Block 4; Plan 0820032
- xxv. Lot 4PUL; Block 4; Plan 0820032
- xxvi. Lot 6PUL; Block 4; Plan 0820032
- xxvii. Lot 8; Block 4; Plan 0820032

3. Repeal, Enactment, Expiration, and Transition Procedures

- a. No provisions of any other Bylaw with respect to districting, development control, and land use classification shall hereafter apply to any of the lands identified in Bylaw 2016-20.

- b. The provisions of this Direct Control District come into effect immediately following the enactment of Bylaw 2016-20 (Effective Date).
- c. This Direct Control District shall be repealed 24 months after the following day of this Bylaw 2016-20 coming into effect.
- d. Subject only to the provisions in the Municipal Government Act respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Direct Control District govern from the Effective Date until the date identified in 9.8.3(c). In particular, no application for a Development Permit shall be evaluated under the provisions of the previous Land Use District after the Effective Date, even if the application was received before the Effective Date.
- e. Any uses allowed within the Land Use Bylaw not listed within a Land Use District, but identified as an allowed use in certain or all Districts, shall not apply to this Direct Control District.

4. Uses

- a. In accordance with Subsection (5) and in consideration of the purpose of the Bylaw, Council shall determine the land uses that may be allowed; and impose additional standards and conditions it considers appropriate to regulate that use.

5. Determination of Use and Development Regulations

- a. Notwithstanding Subsection (4), in consideration of any land use, Council shall not authorize any Development, as defined, until such time that the lands are deemed to be suitable for the purpose for which the lands are intended in relation to:
 - i. Site grading;
 - ii. Site drainage;
 - iii. Site soil conditions;
 - iv. Accepted provision and performance of storm water management systems that meet the requirements of the approved storm water management plan specific to this area; and
 - v. Any other site conditions deemed to be applicable.
- b. Council shall refer to the CR – Country Residential land use district or any part of the Land Use Bylaw related to general or use-specific development regulations, to determine land use regulations that may be applied to the prospective direct control development permit.

2. Repeal, Enactment, Expiration, and Transition Procedures

- a) No provisions of any other Bylaw with respect to districting, development control, and land use classification shall hereafter apply to any of the lands identified within the area of application in this Bylaw.
- b) This Bylaw shall come into force and take effect on the day of third reading and signing thereof (Effective Date).
- c) This Bylaw shall be repealed 24 months after the following day of this Bylaw coming into effect.
- d) Upon repeal of this Bylaw the redistricting of approximately 12.97 ha (32.05 ac) of all lands within Plan 0820032 shall revert back to CR - County Residential District;
- e) Should any provision of this bylaw be deemed invalid then such provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of the bylaw, except to the extent necessary to give effect to such severance.

READ A FIRST TIME this 13th day of September, 2016.

READ A SECOND TIME this ____ day of _____, 2016.

READ A THIRD TIME and finally passed this ____ day of _____, 2016.

Mayor

Chief Administrative Officer