

PUBLIC HEARING FOR BYLAW 27-21

Purpose

The purpose of Bylaw 27-21 is to amend Land Use Bylaw 17-21 to address interpretation and clarification matters, increase the authority of the Development Officer, and increase flexibility of objects within side yard setbacks.

Readings

Bylaw 27-21 received first reading on July 19, 2021. Depending on the outcome of this public hearing, this Bylaw is ready for second and third readings.

Report, Analysis and Financial Implications

Council adopted Land Use Bylaw 17-21 on June 14, 2021 and given the extensive changes to how development is managed under the new LUB, it was anticipated that some amendments would be necessary after adoption. Administration has identified a number of amendments to better reflect the intended interpretation of the LUB.

Overview of Proposed Amendments		
Amendment	Section(s)	Rationale
Change Education from a Permitted (P) Use to a Discretionary (D) Use in the TN District	3.2 Permitted and Discretionary Uses – Table 3.1 (page 27) 3.6 TN District – C. Uses (page 58)	Education can have significant variation in scope and intensity; changing it to a discretionary use allows for greater control on the scope of an education development within the TN District. <i>Education means Development of public and private places of learning for any age including licensed child care facilities and / or research facilities, and excludes Day Homes.</i>
Add the term 'Minimum' to the Primary Frontage Building Setbacks	3.6 TN District – E. Building and Placement Standards (page 60)	The Primary Frontage Building Setbacks in the TN District are intended to be minimum setbacks but that is not clear in the document.
Change the Secondary Frontage in the TN District from “3.0 – 6.0 metres” to “Minimum 3.0 metres, or Minimum 6.0 metres for a vehicle Access”		Having a maximum setback of 6.0 metres creates non-conforming buildings in some cases and will limit the placement of accessory buildings on corner lots. Requiring 6.0 metres for vehicle access ensures sufficient driveway parking space.
Change the Interior Side Yard for Detached Buildings with Rear Lane Access in the TN District from “1.2 – 3.5 metres” to “Minimum 1.2 metres”		Similar to above, a maximum interior side yard for Detached Buildings with Rear Lane Access of 3.5 metres is problematic for accessory buildings.

Change the number of Dwelling Units per Parcel in the TN District to an overall total of 4 instead of limiting the amount per primary building and accessory building.	3.6 TN District – E. Building and Placement Standards (page 61)	Separating out the dwelling units per structure type is becoming difficult to interpret and limits the flexibility of the site
Changing the Allowable Projections into Setbacks in the TN, NC, and D Districts to allow stairs and landings, and accessory buildings to project into setbacks	3.6 TN District – E. Building and Placement Standards (page 61) 3.7 NC District – E. Building and Placement Standards (page 79) 3.8 D District – E. Building and Placement Standards (page 99)	This is to better align with flexibility under the previous LUB that allowed sheds under 10 square metres and 3 metres in height to be placed within setbacks as well as allowing larger accessory buildings to be 0.61 metres from the side yard and 1.0 metres from the rear yard
Changing the minimum Rear Yard Setbacks in the NC and D Districts to 1.2 metres	3.7 NC District – E. Building and Placement Standards (page 78) 3.8 D District – E. Building and Placement Standards (page 98)	This is to provide greater flexibility of rear yard setbacks
Replace the term ‘Animal Units’ with ‘animals’ in the Use Standards for Animal Boarding & Breeding	D. Use Standards for 3.4 ALH District – (page 39) 3.8 D District – (page 97) 3.9 GC District – (page 113) 3.10 IBP District – (page 127)	Animal Units apply to livestock only and most animals covered by Animal Boarding and Breeding are not livestock so the more inclusive term ‘animals’ should be used in this context.
Replace the term “Lot Coverage” with “Site Coverage”	E. Building and Placement Standards for: 3.6 TN District – (page 60) 3.7 NC District – (page 78)	Site Coverage is the term defined and to be used in the bylaw. Lot Coverage was used in some districts in error.

	3.8 D District – (page 98) 3.9 GC District – (page 114) 3.10 IBP District – (page 129) 3.11 A District – (page 142)	
Changing the maximum number of fascia signs from one per building façade to one per bay facade	4.3 Signs Standards – 2. Fascia Sign (pages 154-155)	This change better reflects the intent to have one sign per bay as opposed to have only one sign per side of a building.
Changing the Development Officer authority to approve variances beyond 20% of measurable standards	5.7 Variance Powers (page 171)	This change is more inline with the previous LUB, which allowed the DO to make decisions beyond the 20% but beyond 20% variance required the decision to be advertised.
Updating the reference to provincial appeals body	5.8 Appeals (page 171)	The Municipal Government Board has been replaced by the Land and Property Rights Tribunal in the <i>Municipal Government Act</i>
Removing the requirement for emergency access to the perimeter of the Building	5.20 Additional Setback & Encroachment Considerations	This requirement is not clear in interpretation and is beyond the specifications of the Alberta Building Code and Fire Code. It is similar to old provision of Bylaw 40-98 that was removed in 2020.
Requiring a decision over 20% of a measurable standard to be advertised	5.25 Notice of Decisions	This change is more inline with the previous LUB, which required a variance over 20% of a measurable standard to be advertised.

Bylaw 27-21 was referred to Municipal Planning Commission on July 15, 2021 and received a motion of support.

Strategic Plan Goals

<input checked="" type="checkbox"/>	Manage Community Growth	<input type="checkbox"/>	Provide Strong Governance
<input type="checkbox"/>	Provide Quality Community Infrastructure	<input type="checkbox"/>	Healthy and Safe Community
<input type="checkbox"/>	Enhance Organizational Excellence	<input type="checkbox"/>	Foster Economic Vitality
		<input type="checkbox"/>	Promote Environmental Excellence

Public Participation Strategy

This public hearing was advertised in the Okotoks Western Wheel on July 28 and August 4, and on the Town website in accordance with the requirements of the *Municipal Government Act*. At the time of report preparation, no written comments or objections have been received.

Alternatives for Consideration

n/a

CAO Comments

I support these land use bylaw changes which are ready for second and third reading dependent upon the outcome of the public hearing.

Attachment(s)

1. Bylaw 27-21 first reading version
2. Land Use Bylaw with Redline Amendments

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