

BYLAW 27-21
A BYLAW IN THE TOWN OF OKOTOKS
IN THE PROVINCE OF ALBERTA
TO AMEND LAND USE BYLAW 17-21

WHEREAS pursuant to the provisions of Part 17, Division 5 of the *Municipal Government Act*, Revised Statutes of Alberta 2000, and amendments thereto (hereinafter called the *Act*) the Council of the Town of Okotoks (hereinafter called Council) has adopted the Land Use Bylaw 17-21 (hereinafter called the Land Use Bylaw);

AND WHEREAS Council deems it necessary to amend the Land Use Bylaw;

AND WHEREAS notice of the intention of Council to pass a bylaw has been given in accordance with Section 606 of the *Act*,

AND WHEREAS Council has held a public hearing as required by Section 692 of the *Act*,

NOW THEREFORE Council enacts that the Land Use Bylaw is amended as follows:

1. Under Section 3.2 PERMITTED AND DISCRETIONARY USES, **Table 3.1 Permitted and Discretionary Uses** is amended by changing **Education** from a Permitted (P) Use in the TN District to a Discretionary (D) Use.
2. Under Section 3.4 AGRICULTURE & LAND HOLDINGS DISTRICT (ALH) subsection **D. Use Standards** is amended by replacing the term “Animal Units” with “animals” within **5. Animal Boarding & Breeding**.
3. Under Section 3.6 TRADITIONAL NEIGHBOURHOOD DISTRICT (TN):
 - a. subsection **C. Uses** is amended by changing **Education** from a Permitted (P) Use in the TN District to a Discretionary (D) Use
 - b. subsection **E. Building and Placement Standards** is amended by:
 - i. deleting Primary Frontage, Secondary Frontage and Interior Side Yard under **b. Building Setbacks** and replacing it with the following:

	Rear Lane Access		No Lane Access	
	<i>Detached Buildings</i>	<i>Attached Buildings</i>	<i>Detached Buildings</i>	<i>Attached Buildings</i>
Primary Frontage	Minimum 3.0 metres	Minimum 3.0 metres	Minimum 6.0 metres	Minimum 6.0 metres
Secondary Frontage	Minimum 3.0 metres or 6.0 metres for a vehicle Access		Minimum 3.0 metres or 6.0 metres for a vehicle Access	
Interior Side Yard	Minimum 1.2 metres	Minimum 0.0 metres	Minimum 1.2 metres	Minimum 0.0 metres

- ii. deleting subsection **c. Number of Dwelling Units per Parcel** and replacing it with the following:

	<i>Rear Lane Access</i>		<i>No Lane Access</i>	
	<i>Detached Buildings</i>	<i>Attached Buildings</i>	<i>Detached Buildings</i>	<i>Attached Buildings</i>
c. Residential Density				
Number of Dwelling Units per Parcel	Maximum 4	Maximum 4	Maximum 2	Maximum 2

- iii. replacing the term “Lot Coverage” with “Site Coverage” under **c. Miscellaneous;**
iv. deleting Allowable Projections unto Setbacks under **e. Design Standards** and replacing it with the following:

	<i>Rear Lane Access</i>		<i>No Lane Access</i>	
	<i>Detached Buildings</i>	<i>Attached Buildings</i>	<i>Detached Buildings</i>	<i>Attached Buildings</i>
Allowable Projections into Setbacks	<p>Eaves, cantilevers, chimney / fireplace, porch, Stoop, stairs and landings, Accessibility Features,</p> <p>Accessory Buildings or Structures that are 10.0 square metres or less in area and no higher than 3.0 metres.</p> <p>Accessory Buildings or Structures larger than 10.0 square metres or higher than 3.0 metres may project into the Detached Building Side Yard, provided there is a minimum 0.6 metre Setback; and the Rear Yard, provided there is a minimum 1.0 metre Setback.</p>			

4. Under Section 3.7 NEIGHBOURHOOD CORE DISTRICT (NC) subsection **E. Building and Placement Standards** is amended as follows:
a. deleting Rear Yard under **b. Building Setbacks** and replacing it with the following:

	<i>Residential Only</i>		<i>With Non-Residential Uses</i>	
	<i>Row Units</i>	<i>Stacked Units</i>	<i>Row Units</i>	<i>Stacked Units</i>
Rear Yard	Minimum 1.2 metres			

- b. replacing the term “Lot Coverage” with “Site Coverage” under **c. Miscellaneous;**
c. deleting Allowable Projections unto Setbacks under **f. Design Standards** and replacing it with the following:

	<i>Residential Only</i>		<i>With Non-Residential Uses</i>	
	<i>Row Units</i>	<i>Stacked Units</i>	<i>Row Units</i>	<i>Stacked Units</i>

Allowable Projections into Setbacks	<p>Eaves, cantilevers, chimney / fireplace, porch, Stoop, stairs and landings, Accessibility Features,</p> <p>Accessory Buildings or Structures that are 10.0 square metres or less in area and no higher than 3.0 metres.</p> <p>Accessory Buildings or Structures larger than 10.0 square metres or higher than 3.0 metres may project into the Rear Yard, provided there is a minimum 1.0 metre Setback.</p>
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5. Under Section 3.8 DOWNTOWN DISTRICT (D):
- subsection **D. Use Standards** is amended by:
 - replacing the term “Animal Units” with “animals” within **9. Animal Boarding & Breeding**.
 - subsection **E. Building and Placement Standards** is amended by:
 - deleting Rear Yard under **b. Building Setback** and replacing it with the following:

	<i>Main Street</i>	<i>Elma Street East</i>	<i>Elma Street West</i>	<i>Riverfront</i>
Rear Yard	Minimum 1.2 metres			

- replacing the term “Lot Coverage” with “Site Coverage” under **c. Miscellaneous**;
- deleting Allowable Projections into Setbacks under **f. Design Standards** and replacing it with the following:

	<i>Main Street</i>	<i>Elma Street East</i>	<i>Elma Street West</i>	<i>Riverfront</i>
Allowable Projections into Setbacks	<p>Eaves, cantilevers, chimney / fireplace, porch, Stoop, stairs and landings, Accessibility Features,</p> <p>Accessory Buildings or Structures that are 10.0 square metres or less in area and no higher than 3.0 metres.</p> <p>For Elma Street West and Elma Street East: Accessory Buildings or Structures larger than 10.0 square metres or higher than 3.0 metres may project into the Detached Building Side Yard, provided there is a minimum 0.6 metre Setback; and the Rear Yard, provided there is a minimum 1.0 metre Setback.</p>			

6. Under Section 3.9 GENERAL COMMERCIAL DISTRICT (GC):
- subsection **D. Use Standards** is amended by replacing the term “Animal Units” with “animals” within **6. Animal Boarding & Breeding**;
 - subsection **E. Building and Placement Standards** is amended by replacing the term “Lot Coverage” with “Site Coverage” under **b. Miscellaneous**;

7. Under Section 3.10 INDUSTRIAL BUSINESS PARK DISTRICT (IBP):
- subsection **D. Use Standards** is amended by replacing the term “Animal Units” with “animals” within **6. Animal Boarding & Breeding**;
 - subsection **E. Building and Placement Standards** is amended by replacing the term “Lot Coverage” with “Site Coverage” under **b. Miscellaneous**;
8. Under Section 3.11 AERODROME DISTRICT (A) subsection **E. Building and Placement Standards** is amended by replacing the term “Lot Coverage” with “Site Coverage” under **b. Miscellaneous**;
9. Under Section 4.3 SIGNS STANDARDS subsection **2. Fascia Sign** is amended by:
- deleting Number under **c. Miscellaneous** and replacing it with the following:
- | | | | | | | | | | |
|--------|--------------------------|------------|------------|-----------|-----------|----------|-----------|------------|----------|
| | <i>NA</i> | <i>ALH</i> | <i>ROS</i> | <i>TN</i> | <i>NC</i> | <i>D</i> | <i>GC</i> | <i>IBP</i> | <i>A</i> |
| Number | Maximum 1 per Bay Façade | | | | | | | | |
10. Under Section 5.7 VARIANCE POWERS subsection 5.7.B is deleted in its entirety and replaced with the following:
- Unless otherwise directed in the Bylaw, when considering a Development Permit application the Development Officer may vary any or all measurable standards of the Bylaw and may vary non-measurable standards of the Bylaw where, in the opinion of the Development Officer, the proposed Development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the Use, enjoyment, or value of the neighbouring Parcels of land and the proposed Development conforms with a Use prescribed for the Site by the Bylaw.
11. Section 5.8 APPEALS is amended by replacing the words “Municipal Government Board” with the words “Land and Property Rights Tribunal” within subsection 5.8.B.
12. Section 5.20 ADDITIONAL SETBACK & ENCROACHMENT CONSIDERATIONS is amended by:
- deleting the words “creates an obstruction for emergency Access around the perimeter of the Building or” in the third bullet of subsection A.1.b.
13. Section 5.25 NOTICE OF DECISIONS is amended by:
- deleting the word “not” in subsection 5.25.A.1.b;
 - deleting subsection 5.25.A.2 in its entirety and replacing it with the following:
 - When an application for a Permitted Use Development Permit with a variance of over 20 percent of a measurable standard of the Bylaw is approved with or without conditions:
 - The Notice of Decision shall be provided to the applicant stating the Use approved and the Bylaw requirements which were varied; and

- b. Notice of the Development Permit must be posted on the Municipality's website, and such notice is deemed to be given to affected persons for the purposes of the *Act* on the date of such posting.
 - c. inserting subsection 5.25.A.3 as follows:

For the purposes of this Bylaw, Notice of Decision for approval of a Discretionary Use or a Permitted Use Development Permit with a variance of over 20 percent of a measurable standard is deemed to have been given on the date the Notice of Decision is published on the Municipality's website.
14. This Bylaw shall come into full force and effect upon third and final reading, and Bylaw 17-21 and any amendments thereto are hereby amended upon this Bylaw coming into effect.

READ A FIRST TIME this 19th day of July, 2021.

READ A SECOND TIME this day of , 2021.

READ A THIRD TIME this day of , 2021.

Deputy Mayor

Chief Administrative Officer