

Town of Mundare

Request for Decision

Meeting:	Regular Council Meeting
Date:	April 28, 2020
Title:	A proposed Bylaw to Adopt a New Land Use Bylaw
Agenda Item:	Bylaw #906/20

Background / Proposal:

The review/re-write of the Towns' Land Use Bylaw has been underway for the last year. During that time period the document has been re-written to reflect current development and building standards, to establish development rules and regulations that are current and relevant, and to bring the document in line with the requirements of the Municipal Government Act.

Administration is requesting that Council give first reading to Bylaw 906/20 and authorize a Public Hearing to be held on Tuesday, June 9, 2020 at 7:00 pm.

Discussion / Options / Benefits / Disadvantages:

A Land Use Bylaw is intended to ensure clarity and continuity of regulations across the different land use districts in the community. This non-statutory document is the primary tool used to assess development proposals in the community. Through the adoption of Land Use Bylaw 906/20, Land Use Bylaw 825/10 and all amendments will be repealed.

A land use bylaw must:

- divide the municipality into districts;
- establish a method of making decision on applications for development permits; which include provision for:
 - a) types of permits,
 - b) how to apply for a development permit,
 - c) processing an application, issuing cancelling, suspending or refusing a development permit,
 - d) conditions that are to be attached, or may be attached to a development permit,

- e) how long any type of development permit remains in effect,
 - f) the discretion that the development authority may exercise with respect to development permit, and
 - g) any other matters necessary to regulate and control the issue of development permits that appear necessary to the Council.
- provide for how and to whom notice of the issuance of a development permit is to be given;
 - establish the number of dwelling units permitted on a parcel of land

General Overview of the Proposed Land Use Bylaw:

There are ten (10) separate sections of the Bylaw and the Table of Contents identifies what information is contained within each section. The formatting for this proposed Bylaw will make it much easier to find the appropriate information.

1. Interpretation of this Bylaw
2. Administration, Procedures and Enforcement
3. Development Application and Process
4. General Regulations for all Land Use Districts
5. Specific Use Regulations
6. Parking and Loading
7. Land Use Districts
8. Signs
9. Definitions
10. Land Use District Map

From the perspective of the general public the most important sections are #7 – Land Use Districts, #9 – Definitions and #10 – Land Use District Map as these sections will identify what the districting is on a particular lot, the definition of each of the allowable uses in that district; the permitted and/or discretionary uses allowed on that lot, and the development rules and regulations pertaining to development of that lot.

The remaining Sections deal with regulations from how to apply for a development permit through to what needs to be completed with any proposed development, including, but not limited to: exterior treatment, parking, landscaping, off-site or on-site servicing, signage, etc.

Once Council gives first reading to Land Use Bylaw 906/20 Administration will be forwarding the proposed bylaw to Lamont County, Alberta Transportation, Alberta Health Services, Elk Island Public Schools and the RCMP for their review and comment.

Additionally, landowners affected by a land use district change (i.e. residential to commercial or residential to urban service) will receive notification of the proposed

change from the Town. In this regard, there are two areas which will receive notifications from the Town. Please see attached Land Use District Changes 1 – 5.

Area #1 includes those lots municipally described as 5203 – 5211 Sawchuk Street (Highway 855). Under Land Use Bylaw 825/10 these lots were districted as R2 Residential however Municipal Development Plan (MDP) 824/10 identified these lots were designated for future Commercial uses. As such, there was a conflict between the two documents. Land Use Bylaw districting must comply with the Municipal Development Plan. These lots should have been districted C3 Commercial at that time. Accordingly, to align with the MDP the land use district of these lots will be changed from residential to commercial, specifically C-HC Highway Commercial. It should be noted that any residential dwellings currently located on these lots would be considered non-conforming under the Land Use Bylaw however they are allowed to remain until a change to a commercial use is proposed.

Area #2 includes those lots municipally described as 4416 – 4712 50 Street (south of Highway 15). Under Land Use Bylaw 825/10 these lots were districted as R3 Residential however Municipal Development Plan 824/10 identified these lots were designated for future Commercial uses. As such, there was a conflict between the two documents. While the MDP has designated these lands for future commercial uses the lands require significant planning, engineering and servicing prior to any development occurring. In order to protect these lands for future commercial development and ensure proper planning and servicing it is recommended that the proposed Land Use District be UR - Urban Reserve, similar to the lands surrounding these lots.

The UR – Urban Reserve district allows for limited development, (such as single dwelling, home business, agriculture, greenhouse, landscaping sales, etc.) which will not prejudice any future commercial development. It is anticipated that the lots fronting onto 50 Street will, eventually, mirror the type of commercial development occurring on Main Street.

Administration scheduled a meeting with the affected landowners to explain that a change to the districting of the lands would be necessary in order to comply with the Municipal Development Plan. Two (2) landowners, out of the seven (7) landowners invited, attended the meeting and they had no objections to the proposed change to the land use district.

Areas 3 – 5 clarify the districting of the lands only and do not negatively impact the lands.

Recommended Action:

- a) THAT the Town of Mundare Council give Land Use Bylaw 906/20 first reading.
- b) THAT Council schedule Tuesday June 9, 2020 at 7:00p.m. for the Public Hearing on Bylaw 906/20.

Enclosures:

Proposed Land Use Bylaw 906/20
Land Use District Changes 1 – 5

Written by: Laraine Stuart

Date: April 28, 2020

Chief Administrative Officer: Colin Zyla