

MEETING DATE: April 29, 2019
SUBMITTED BY: Ken Woitt – Director, Planning & Development
PREPARED BY: April Renneberg – Current Planner II
REPORT TITLE: Bylaw No. 1023-2019 (Land Use Bylaw Text Amendments) (1st Reading)

REPORT SUMMARY

Bylaw 1023-2019 will amend Land Use Bylaw 809-2013 to update and provide clarity to regulations.

RECOMMENDATION

That Council give Bylaw 1023-2019 first reading.

BACKGROUND

KEY ISSUE(S) / CONTEXT:

Land Use Bylaw 809-2013 regulates and controls the use and development of land and buildings within the City of Leduc. One of the primary goals of the Land Use Bylaw is to create a set of regulations that will enhance the unique character of the City. A Land Use Bylaw is a living document that is constantly under review by administration to ensure the regulations are clear, concise and consistent in their requirements and that improvements and new growth that occur within the City meet the high standards expected of development in Leduc.

The amendments proposed within Bylaw 1023-2019 touch on various sections of the Land Use Bylaw. While they each have a distinct purpose, all work to provide clarity to the language within the Land Use Bylaw. All amendments are outlined in detail within Attachment 2 to this report.

One of the more significant areas of amendment within this proposed bylaw has to do with the addition of secondary suite dwelling opportunities within both duplex and townhouse units. Currently, only single detached dwellings may have a secondary suite developed as an accessory use. Through consultation with the development community and other civic departments, it was determined that allowing secondary suites within these other types of dwellings will increase housing affordability while also increasing infill opportunities. A new overlay has been created, cognizant of the restrictions placed on secondary suite development by the Edmonton International Airport Vicinity Protection Area (AVPA) Regulation, to allow secondary suites within duplex and townhouse dwellings for all residential areas below the 30 NEF noise contour. This overlay area is depicted within Attachment 3 to this report. To be considered for approval, a secondary suite must meet all required regulations of the Land Use Bylaw, including the provision for on-site parking for the secondary suite dwelling. Secondary suites will continue to be a discretionary use, requiring additional notification and the ability for residents to appeal the decision to the Subdivision & Development Appeal Board.

LEGISLATION AND/OR POLICY:

1. Municipal Government Act, RSA 2000, Chapter M-26 as amended
 - S. 640(4) outlines all matters a land use bylaw may regulate.
 - S. 606 and S. 692 govern the requirements for advertising a public hearing for a bylaw.
2. Land Use Bylaw 809-2013, as amended

PAST COUNCIL CONSIDERATION:

Bylaw 1023-2019 is before Council for the first time.

CITY OF LEDUC PLANS:

Bylaw 1023-2019 is consistent with the City's Municipal Development Plan, as amended.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

There are no organizational implications.

POLICY:

There are no policy implications.

IMPLEMENTATION / COMMUNICATIONS:

The public hearing has been scheduled for May 13, 2019. The hearing will be advertised in the April 26 and May 3, 2019 issues of *'The Representative'*.

ALTERNATIVES:

1. That Council defeat Bylaw 1023-2019.

ATTACHED REPORTS / DOCUMENTS:

1. Bylaw 1023-2019
2. Rationale for Proposed Amendments
3. Infill Overlay Map

Others Who Have Reviewed this Report

P. Benedetto, City Manager / G. Klenke, City Solicitor / M. Pieters, General Manager, Infrastructure & Planning

AMENDMENT #94 - TO BYLAW NO. 809-2013, THE LAND USE BYLAW

The *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended (the "Act") grants a municipality the authority to pass a Land Use Bylaw;

AND: in accordance with the Act, the City of Leduc passed Land Use Bylaw No. 809-2013 to regulate and control the use and Development of land and buildings in the City of Leduc, and the Council has deemed it expedient and necessary to amend Bylaw No. 809-2013;

AND: notice of intention to pass this bylaw has been given and a public hearing has been held in accordance with the Act;

THEREFORE: the Council of the City of Leduc in the Province of Alberta duly assembled hereby enacts as follows:

PART I: APPLICATION

That Bylaw No. 809-2013 be amended as follows:

1. Section 3.4.4.1. is amended by adding "unless the direct control provision specifically says otherwise" to the end of the regulation.
2. Section 8.2 Table 2: Development, Activities and Uses That Do Not Require a Development Permit is amended as follows:
 - i) Hard Surfacing is deleted and substituted with:
 "Hard Surfacing RV Parking, assuming it complies with Section 21.8.3, 21.8.4 or 21.8.6, or the Hard Surfacing of any area that is part of a Development for which a Development Permit has been issued, for the purpose of providing vehicle or pedestrian access or parking."
 - ii) Stripping Site Grading or Excavation is deleted and substituted with:
 "Stripping Site Grading Stripping, Site grading or Excavation that is part of a
 or Excavation Development for which a Development Permit has been issued or a development agreement entered into."
3. Section 9.2.2. is amended by replacing 'Policy 61.008' with 'Section 10.5.3.1'.
4. Section 10.3.8. is deleted.
5. Section 11.1.3.1. is amended by adding the following at the end of the section:
 "Consideration for Secondary Suite Dwelling Development provides intensification opportunities in this District."
6. Section 11.3 Table 4: Single Detached Dwelling in the RSE District, Building Height Maximum is amended by deleting "Two and One Half Storey or 11.0 m" and substituting it with "11.0 m".

7. Section 11.5 Table 6: Single Detached Dwelling in the RSD District, Amenity Area is amended by deleting "4.0 m width by 4.0 m length" and substituting it with "16m²".

APPROVED
As to Form
 G. K

City Solicitor

8. Section 11.5 Table 6: Single Detached Dwelling in the RSD District, Building Height Maximum is amended by deleting "Two and One Half Storey or 11.0 m" and substituting it with "11.0 m".
9. Section 11.5 Table 7: Duplex Side-By-Side Dwelling in the RSD District, Building Height Maximum is amended by deleting "Two and One Half Storey or 11.0 m" and substituting it with "11.0 m".
10. Section 11.5 Table 7: Duplex Side-By-Side Dwelling in the RSD District, Dwelling Density Maximum is amended by deleting "Maximum Dwelling Unit Density of one (1) unit per Parcel" and substituting it with "Two (2) units per Parcel".
11. Section 11.7 Table 9: Single Detached Dwelling in the RNL District, Amenity Area is amended by deleting "4.0 m width by 4.0 m length" and substituting it with "16 m²".
12. Section 11.7 Table 9: Single Detached Dwelling in the RNL District, Building Height Maximum is amended by deleting "Two and One Half Storey or 11.0 m" and substituting it with "11.0 m".
13. Section 11.8.6 is deleted and substituted with the following:
 - "11.8.6. Minimum Lot Widths and Lot Areas may be reduced, if a Development complies with Section 11.8.4., as follows:
 - 11.8.6.1. Where the proposed Development has primary access from a Lane, the Lot width may be a minimum of 7.6 m (10.0 m on a Corner Lot), with a minimum Lot area of 258.4 m² (340.0 m² on a Corner Lot); and
 - 11.8.6.2. Where the proposed Development has primary access from a front street, the Lot width may be a minimum of 9.2 m (11.6 m on a Corner Lot), with a minimum Lot area of 312.8 m² (394.4 m² on a Corner Lot)."
14. Section 11.9 Table 11: Single Detached Dwelling in the RSL District, Amenity Area is amended by deleting "4.0 m width by 4.0 m length" and substituting it with "16 m²".
15. Section 11.9 Table 11: Single Detached Dwelling in the RSL District, Building Height Maximum is amended by deleting "Two and One Half Storey or 11.0 m" and substituting it with "11.0 m".
16. Section 11.9 Table 12: Duplex Side-By-Side Dwelling in the RSL District, Amenity Area is amended by deleting "4.0 m width by 4.0 m length" and substituting it with "16 m²".
17. Section 11.9 Table 12: Duplex Side-By-Side Dwelling in the RSL District, Building Height Maximum is amended by deleting "Two and One Half Storey or 11.0 m" and substituting it with "11.0 m".
18. Section 12.3.2.4. is deleted.
19. Section 12.4 Table 16: Duplex Stacked Dwelling, Triplex Dwelling, and Fourplex Dwelling in the MUR District is amended as follows:
 - i) The row for Amenity Area is deleted and substituted with:

	Duplex Stacked Dwelling	Triplex Dwelling	Fourplex Dwelling
"Amenity Area (Rear Yard) Minimum (Only applicable For rear detached Garage)	16 m ²	16 m ²	16 m ² "

ii) The row for Building Height Maximum is deleted and substituted with:

	Duplex Stacked Dwelling	Triplex Dwelling	Fourplex Dwelling
"Building Height Maximum	12.0 m	12.0 m	12.0 m"

20. Section 12.4 Table 17: Townhouse Dwelling in the MUR District, Amenity Area is amended by deleting "4.0 m width by 4.0 m length" and substituting it with "16 m²".
21. Section 12.4 Table 17: Townhouse Dwelling in the MUR District, Building Height Maximum is amended by deleting "Three (3) Storeys and 12.0 m" and substituting it with "12.0 m".
22. Section 12.4 Table 18: Commercial Community Educational & Recreational Uses in the MUR District, Building Height Maximum is amended by deleting "Three (3) Storeys and 12.0 m" and substituting it with "12.0 m".
23. Section 12.7 Table 19: Permitted and Discretionary Land Use Classes MUN – Mixed Use Neighbourhood is amended by substituting discretionary use "Dwelling, Apartment (4 or more Storeys)" with "Dwelling, Apartment (5 or more Storeys)".
24. Section 12.7 Table 20: Apartment Dwelling – One (1) to Four (4) Storeys in the MUN District, Building Height Maximum is amended by deleting "Four (4) Storeys and 17.0 m to provide flexibility for roof designs" and substituting it with "17.0 m".
25. Section 12.10. Table 21: Permitted and Discretionary Land Use Classes MUC – Mixed Use Comprehensive is amended by substituting permitted use "Dwelling, Apartment (4 or more Storeys)" with "Dwelling, Apartment (5 or more Storeys)".
26. Section 12.10. Table 22: Apartment Dwelling – Four (4) or More Storeys in the MUC District be amended by changing the headings from "Apartment Dwelling – Four (4) or more Storeys" to "Apartment Dwelling – Five (5) or more Storeys."
27. Section 12.10. Table 22: Apartment Dwelling – Four (4) to Ten (10) Storeys in the MUC District, Building Height Maximum is amended by deleting "Ten (10) Storeys 33.3 m" and substituting it with "33.3 m".
28. Section 14.5.1.1. is amended by replacing "Industrial, General developments" with "Developments in this district".
29. Section 14.5.1.2. is deleted.
30. Section 14.5.5. is amended by replacing "classed as Industrial – General under this Bylaw where the industrial activity" with "within this district where the business activity".
31. Section 14.8. Table 33.1: Permitted and Discretionary Land Use Classes IBL – Business Light Industrial is amended by adding 'Pet Care Service' as a Permitted Use.
32. Section 14.9. is amended by adding the following sections after 14.9.3.:

- “14.9.4. Any Pet Care Service within this district shall be limited to locations south of 65 Avenue.
- 14.9.5. Adverse Effects or Nuisances for Proposed Development
 - 14.9.5.1. Developments in this district shall not have any significant adverse effect of nuisance created or apparent outside the Principal Building.
 - 14.9.5.2. Buildings that have been brought to the Site prebuilt shall be visually compatible with the Site, in the opinion of the Development Authority, and may require a Development Permit.
- 14.9.6. Despite Table 33.1: Permitted and Discretionary Land Use Classes IBL – Business Light Industrial, any use within this district where the business activity occurs both inside and outside the Principal Building shall be treated as a Discretionary Use within the IBL land use district.”

33. The following section is added after 18.10.4.2.:

“18.11. Infill Overlay

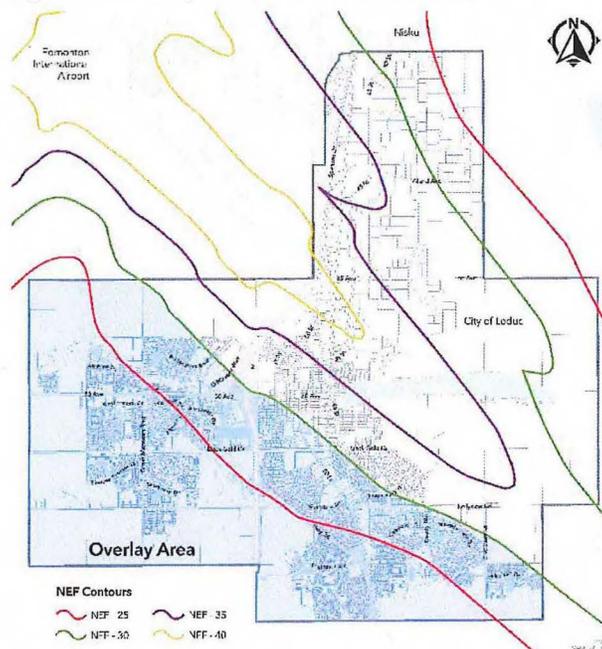
18.11.1. Purpose

18.11.1.1. The purpose of this Overlay is to enable residential infill development and overall densification by allowing alternative residential development opportunities while respecting the regulations imposed by the Edmonton International Airport Vicinity Protection Area (AVPA) Regulation.

18.11.2. Applicability

18.11.2.1. This Overlay shall apply to the area outlined in Figure 3.4: City of Leduc Infill Overlay Area.

Figure 3.4: City of Leduc Infill Overlay



- 18.11.2.2. In accordance with Schedule 2, Section 3 of the AVPA Regulation, any Parcel bisected by the 30 NEF contour:
- 1) 0.2 ha or less in size is not subject to this Overlay; or
 - 2) greater than 0.2 ha in size may be subject to this Overlay, subject to Schedule 2, Section 3(2) of the AVPA Regulation.

18.11.3. Interpretation

18.11.3.1. Development within this Overlay shall be evaluated with respect to compliance with the underlying district and all other provisions of this Bylaw where not specifically overridden by this Overlay. In the case of conflicting regulations within this Overlay and other sections of the Land Use Bylaw, interpretation of the applicable regulation is dependent upon the Development Authority's discretion.

18.11.3.2. For the purpose of this Overlay, Dwelling, Secondary Suite shall be defined as follows:

Dwelling, Secondary Suite – means Development consisting of a Dwelling located within, and accessory to, a Structure in which the Principal Use is a Single Detached Dwelling, Duplex Side-by-Side Dwelling or Townhouse Dwelling. A Secondary Suite Dwelling has cooking facilities, sleeping facilities and sanitary facilities which are separate from those of the Principal Dwelling within the Structure. For the purpose of this clause, "cooking facilities" includes any stove, hotplate, oven, microwave oven, toaster oven or electric griddle, as well as any wiring or piping containing the energy or power source for such facilities. A Secondary Suite Dwelling also has an entrance separate from the entrance to the Principal Dwelling, either from a common indoor landing or directly from the exterior of the Structure. A Secondary Suite Dwelling shall not be subject to separation from the Principal Dwelling through a Condominium conversion or Subdivision. This Land Use includes the Development or conversion of existing Basement space or above-Grade space to a separate Dwelling. This Land Use does not include Duplex Stacked Dwelling, Fourplex Dwelling, Triplex Dwelling, Apartment Dwelling, Garage Suite Dwelling, Garden Suite Dwelling, or Boarding Facility.

18.11.4. Land Uses

18.11.4.1. Permitted and Discretionary Uses within this Overlay shall follow those in the underlying Land Use District but shall allow Dwelling, Secondary Suite as a Discretionary Use where the Principal Use is either a Dwelling, Single Detached; Dwelling, Duplex Side-by-Side; or Dwelling, Townhouse.

18.11.5. Site Subdivision Regulations

18.11.5.1. Dwelling Density maximum shall be as follows:

- 1) Single Detached – maximum 2 Dwelling Units;
- 2) Duplex Side-by-Side – maximum 4 Dwelling Units; and
- 3) Townhouse – maximum 12 Dwelling Units."

34. Section 21.1.1.8. is deleted and the following section is substituted:

"21.1.1.8. Accessory Developments are permitted in a district when accessory to a Principal Use for which a Development Permit has been issued."

35. Section 21.1.5. is amended by adding the following new section after Section 21.1.5.1.:

"21.1.5.2. For properties where the Dwelling is approved with a 0 m side yard, the side yard Setback for the attached Deck can also be reduced to 0 m."

36. Section 21.7.2.2 3)(a) is amended by replacing "6.5 m" with "7.1 m".

37. Section 22.5.4. is deleted.

38. Section 24.1.1.12. is deleted and the following section is substituted:

"24.1.1.12. temporary Signs that are required under this Bylaw or for a statutory plan to identify a site with an application in for a proposed Bylaw adoption or amendment;"

39. Section 26.0 Table 48: Glossary of Terms and Uses is amended by striking out "or Education facilities" from the definition for Government Service.

PART II: ENACTMENT

This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

READ A FIRST TIME IN COUNCIL THIS _____ DAY OF _____, AD 2019.

READ A SECOND TIME IN COUNCIL THIS _____ DAY OF _____, AD 2019.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS _____ DAY OF _____, AD 2019.

Robert Young
MAYOR

Sandra Davis
CITY CLERK

Date Signed

RATIONALE FOR PROPOSED AMENDMENTS

Section of Bylaw 809-2013	Description of Amendment	Rationale	Bylaw 1023-2019 Amendment Number
3.4.4.1. Establishment of Overlays	Adding wording to increase clarity for simultaneous use of an overlay and a direct control bylaw.	Clarifying how administration can use these two types of regulatory tools.	1
8.2. No Development Permit Required (Table 2)	Include exemptions from requiring a Development Permit for: 1) RV parking compliant with regulations for RV Parking (Section 21.8); and 2) Stripping & Grading activities associated with a signed Development Agreement	1) Driveways are currently exempt from requiring a permit under this section; parking for RVs should be considered similarly 2) Bringing the land use bylaw to reflect current practice	2
9.2.2. Supplementary Requirements for a Development Permit	Updating reference within regulation	Replacing reference to outside policy on notices and advertising with a land use bylaw section reference as policy is out of date.	3
10.3.8. Decision on Development Permit Application	Deleted	Restricting a development to one type of a single use per site is an unnecessary limitation.	4
11.1.3.1. Residential land Use Districts – RNL – Residential Narrow Lot	Add wording around inclusion of secondary suites in purpose statement	Secondary suites have always been a discretionary use in all residential districts with single detached dwellings. The purpose statement should reflect this, similar to other district's purpose statements. This can be used as support during development appeals.	5
11.3. 11.5. 11.7. 11.9. 12.4. 12.7. 12.10.	Updating height regulation to remove measurement by 'storeys' in RSE, RSD, RNL, RSL, MUR, MUN and MUC land use districts.	Current height regulation limits height by both metres and storeys which is contradictory.	6, 8, 9, 12, 15, 17, 19, 21, 22, 24, 27
11.5. 11.7. 11.9. 12.4.	Updating amenity area regulation to reflect area in square metres in RSD, RNL, RSL and MUR land use districts.	Current regulation provides a measured amenity area of 4.0 m x 4.0 m – we do not want to restrict the dimensions of the area, only ensure that adequate space is provided.	7, 11, 14, 16, 19, 20

Section of Bylaw 809-2013	Description of Amendment	Rationale	Bylaw 1023-2019 Amendment Number
11.5. RSD – Residential Standard District (Table 7)	Increase dwelling density maximum from one unit to two	To correct an error – duplexes can be developed on a single lot, therefore having a density of two dwellings.	10
11.8.6. Specific Development Regulations for RNL	Add minimum lot area regulation for zero lot line developments based on their varying dimensions	To correct an error – minimum lot area should have been added when regulations were created.	13
12.3.2.4. Site Planning and Design Standards for Mixed-Use Districts	Deleted	Group homes and home occupations must meet other regulations, whether municipal or provincial, and should not be regulated by the type of dwelling.	18
12.7 (Table 19) 12.10 (Table 21) 12.10 (Table 22)	Amend use to be “Dwelling, Apartment (5 or more storeys)”	Currently a 4-storey apartment could be considered under two use categories – “Dwelling, Apartment (1-4 Storeys)” and “Dwelling, Apartment (4 or more Storeys)”. The change proposed better distinguishes between these uses.	23, 25, 26
14.5.1.1. 14.5.5.	Change wording to regulate all uses within the district rather than just one specific use (Industrial, General) within the Light Industrial district	‘Industrial, General’ is no longer a use (was amended by Bylaw 940-2016) so both regulations are being updated to include all uses developed within the IL district	28, 30
14.5.1.2.	Deleted	Duplication of 14.5.4.1 (prebuilt buildings)	29
14.8. 14.9.4	Add ‘Pet Care Service’ as a permitted use in the Business Light Industrial (IBL) land use district for those areas south of 65 Avenue	A land use study was conducted by the Planning & Development department late 2018 which initiated the redistricting of the commercial area around 46A Street/61 Avenue from GC to IBL. Through this study it was determined that Pet Care Service would be an acceptable use within the IBL district provided it is located far enough from the Special Industrial district where industrial risks are greatest. This corrects a non-conforming use created through said redistricting.	31, 32
14.9.5. 14.9.6.	Addition of specific development regulations to Business Light Industrial land use district	Helps regulate tidy and respectful development throughout the IBL district.	32

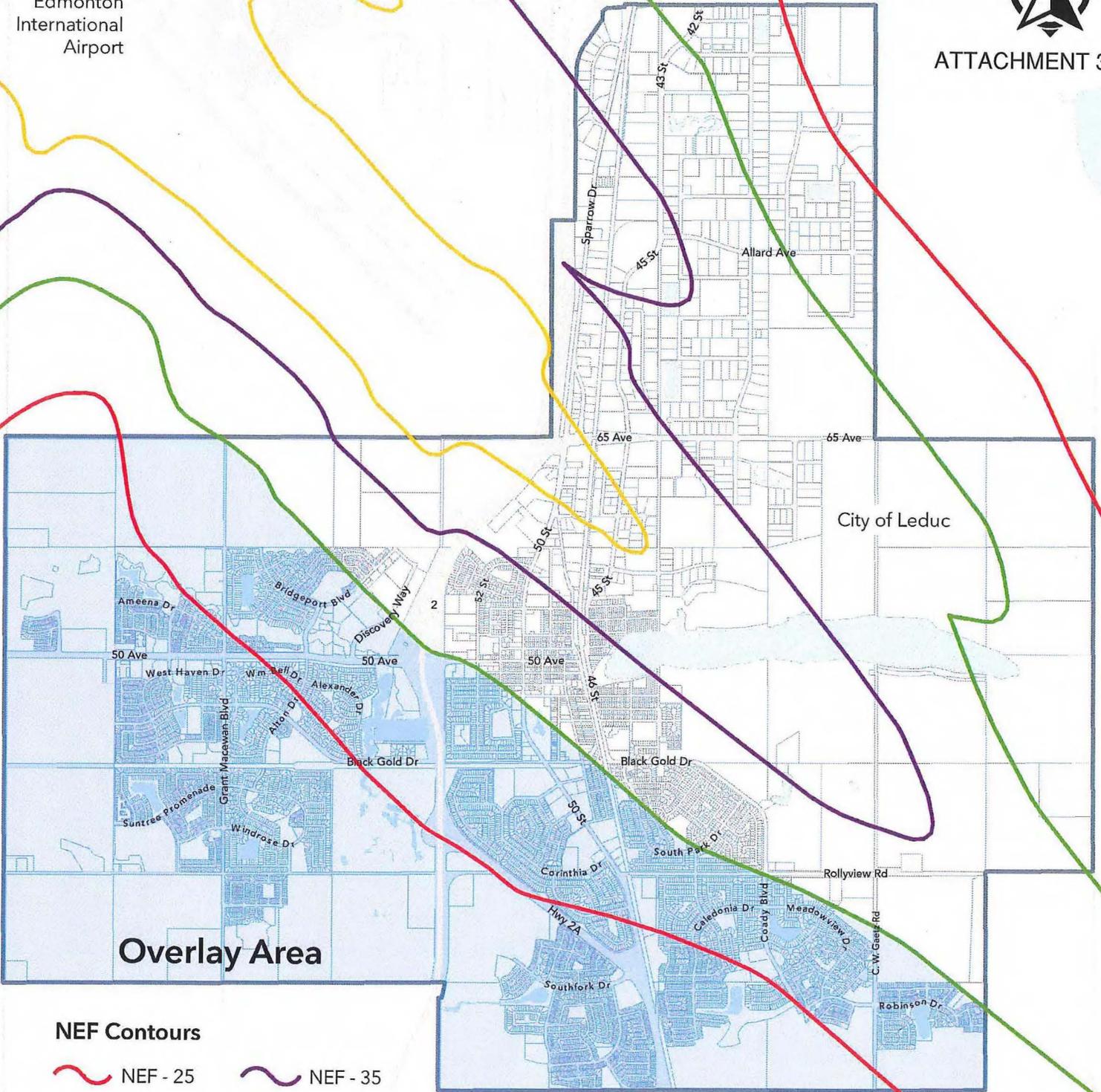
Section of Bylaw 809-2013	Description of Amendment	Rationale	Bylaw 1023-2019 Amendment Number
18.11.	Addition of Infill Overlay map and regulations to allow secondary suites within duplexes and townhouses southwest of the 30 NEF contour under the AVPA.	Currently, only single detached dwellings may have a secondary suite developed as an accessory use. Through consultation with the development community and other civic departments, it was determined that allowing secondary suites within these additional types of dwellings will increase housing affordability while also increasing infill opportunities. A new overlay has been created, cognizant of the restrictions placed on secondary suite development by the AVPA Regulation above the 30 NEF noise contour to allow secondary suites to be considered within single detached, duplex and townhouse dwellings.	33
21.1.1.8.	Change wording to better reflect accessory developments being allowed with all types of approved development	Clarify regulation – Current wording is unclear and seems to say that accessory developments are only allowed if the principal use is a permitted use. Accessory developments are allowed with any principal use on a lot, regardless if it was permitted or discretionary.	34
21.1.5.2.	Addition of regulation allowing decks with a zero lot line development to also be constructed on the zero lot side.	To reflect current practice	35
21.7.2.2(3)(a)	Increase height maximum of Garage Suite Dwellings from 6.5 m to 7.1 m	Better reflects actual liveable space within a suite above a garage.	36
22.5.4.	Deleted	No reason to require multi-unit developments to engage in consultation with the City for their landscaping prior to application – administration works with them through the process as needed, as with all aspects of development.	37
24.1.1.12.	Addition of exemption from Development Permit for signs required by City processes for planning applications	Signs related to other planning applications received by the City are typically erected in the road right-of-way and are only up for a short duration prior to the event (ex. Open House signs for a new Area Structure Plan). These should not require a development permit.	38
26.0 (Table 48)	Removing reference to “education facility” from definition for Government Service	Removal for clarity as we do not have a definition for an education facility nor is it listed as a use in any land use district.	39

Edmonton International Airport



ATTACHMENT 3

Nisku



NEF Contours

-  NEF - 25
-  NEF - 35
-  NEF - 30
-  NEF - 40