

CITY OF FORT SASKATCHEWAN

Bylaw C15-17 to Amend Land Use Bylaw C10-13

Recommendation:

That Bylaw C15-17 be given first reading, which is a bylaw to amend Land Use Bylaw C10-13.

Background:

In accordance with Section 639 of the *Municipal Government Act*, every municipality must pass a Land Use Bylaw. City Council adopted the current Land Use Bylaw, C10-13, in May of 2013. The Land Use Bylaw implements the City's goals, objectives, and requirements relating to land use and built form. Administration relies heavily on this document on a day-to-day basis and it is also used by the development industry, property owners, and residents of the community. The Land Use Bylaw is a dynamic document and therefore needs to be reviewed and amended on a regular basis. Therefore, the purpose of the Land Use Bylaw Refresh is to make adjustments so the Bylaw is current, enforceable, and effective in its application.

Topic Identification/Outcomes:

The amendments proposed in this year's refresh correct wording, grammar, interpretation, formatting, and general structure and formatting of the Land Use Bylaw. This is intended to ensure consistency, remove redundancy and conflicts with other regulations and legislation, and improve the overall organization of the document. The amendments offer an opportunity to improve the efficiency of the implementation of the Land Use Bylaw.

Rationale for the proposed amendments include:

- Observations from residents and past applicants;
- Consistency with statutory planning documents;
- Observations from development industry;
- Feedback from Development Authorities; and
- Grammatical, punctuation and formatting items.

Key amendments, in the opinion of Administration, are highlighted below:

Variance Powers

Variances are a tool that can be used for development permit applications that may not meet the requirements of the Land Use Bylaw, but offer specific merits, remedy siting errors, or resolve uncommon development challenges. The Land Use Bylaw applies a 'test' to evaluate if the proposed variance interferes with the amenities of the neighbourhood or affects the use, enjoyment, safety or value of neighbouring lands.

Currently, variances are capped at 15% in the Land Use Bylaw. The 15% cap on variances limits the efficiency with which the Development Authority can process development permit applications. Variance greater than 15% must be refused by the Development Authority, regardless of whether or not it passes the above mentioned 'test'. As a result, the applicant must either not proceed with the development or appeal the refusal to the Subdivision and Development Appeal Board (SDAB).

The process of taking a refused application to the SDAB requires a significant amount of staff time, but also creates a delay in the application process and burdens the applicant. A fee is collected for the SDAB process but does not cover the full cost of the hearing, and therefore creates a cost for the applicant and the municipality.

By enabling the Development Authority to approve variances based on the test outlined in the Land Use Bylaw, Administration will be able to provide improved customer service, base their decision on the merit and impact on the neighbourhood rather than an arbitrary value, and reduce costs for the applicant and the municipality.

Adjacent landowners will still have their right to the appeal process without the variance cap. All variances, regardless of size, are circulated to adjacent landowners when approved. Those who are notified have the ability to appeal the variance within a 14 day appeal period if they disagree with the Development Authority's decision.

This proposed recommendation on variances would bring the City in line with other municipalities in the region. The cities of Edmonton, Leduc, Spruce Grove, and Parkland County do not apply variance caps.

Development Permit Extensions

This amendment is intended to provide clarity to both applicants and the Development Authority regarding the amount of and duration of extensions which can be granted to Development Permits. The current regulation lacks those specifics, which currently allows Development Permits to be extended without limit.

The amendments proposed to the regulation (Section 3.13.2) limits extensions to one singular extension of twelve (12) months if the extension is applied for prior to the expiry of the original Development Permit. This amendment ensures that development permits are completed within a reasonable time frame and that ongoing developments align with any changes in the Land Use Bylaw.

Garbage and Recycling Enclosures

To address a new development trend, amendments are proposed to the Garbage and Recycling Enclosure regulations. Section 4.29 currently requires all garbage and recycling enclosures to be screened using a fence or a combination of a fence and landscaping. With the introduction of new, less visually invasive forms of storage systems (i.e. Molok Containers), the current regulations do not allow the Development Authority flexibility to adjust the screening requirements to account for the reduced visual impact produced by those new systems.

The amendments allow for the screening of garbage and recycling areas to be assessed based on their proximity to roadways and adjacent sites as well as the physical characteristics of the site and system itself. Depending on the nature and location of the system proposed, the Development Authority will have the ability to require an appropriate amount of screening and landscaping.

Shipping Containers in the IL – Light Industrial District

The current regulations regarding shipping containers in the IL district (7.1.6) restricts the number of shipping containers to four (4) per site. However, this number does not take into account the varying site sizes within the IL District.

The purpose of the amendments is to allow shipping containers to be treated like an accessory building, and be held to the site coverage limitations in the IL district. Using a percentage to regulate site coverage ensures that the number of shipping containers allowed on each individual site is proportional to their size.

Sign Verbage

The proposed verbage corrects the General Regulations for Signs from a legal standpoint by removing Section 12.1.8. The current regulation compels the Development Authority to consider if the message or copy of the sign is undesirable or offensive. This poses questions regarding Freedom of Speech limitations and the municipality's ability to render a decision based on the message or copy. As such, the regulations are amended to focus on the use as opposed to the message.

Uses and Definitions

The proposed amendments correct consistency errors involving use classes throughout the Bylaw. Uses have been adjusted to align with the intent of each land use district and the overall pattern of development intended in the Land Use Bylaw

Multiple definitions are proposed to be added or amended. In some cases, this is to define a common term or possible use that had not been previously defined (i.e. Landscape Buffer, Park, Model Trailer, Temporary Shelter Service). In others it is to streamline and clarify definitions which have been found to be confusing and overwhelming in practice (i.e. Agriculture, Dwelling, Garage Suite). The names of some definitions (i.e. Day Care Facility (Limited) to Day Home) have been amended to better align with industry and Provincial terminology.

Policy/Council Priorities:

As the Land Use Bylaw is an important regulatory tool, it requires monitoring and updating on a regular basis.

Intergovernmental Involvement:

As this refresh process entails minor housekeeping amendments to the Land Use Bylaw, the involvement of other governments is not required.

External Communications/Participation:

If Council grants first reading to Bylaw C15-17, staff will post the draft changes to the bylaw (Schedule A) on-line and promote the project through announcements on the website, Facebook and Twitter, in order to encourage feedback and comments. Further, the development industry will be notified of the proposed changes.

If Council grants first reading, a Public Hearing for the Bylaw will be scheduled for August 22, 2017 at the regular Council Meeting, allowing the opportunity for feedback and comments from the community. In order to ensure that everyone in the community is aware of the Public Hearing and their opportunity to address Council regarding proposed Bylaw C15-17, the Public Hearing will be advertised through the following mechanisms:

- Announcements posted on the City of Fort Saskatchewan website;
- Advertisements in the local newspaper; and
- Communication with the development industry.

Enclosures:

1. Bylaw C15-17
 2. Schedule A to Bylaw C15-17 – Bylaw C10-13 Land Use Bylaw Map
 3. Appendix A – Summary of Proposed Land Use Bylaw Amendments
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