

**BYLAW NO. 16/020**

**A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO AMEND LAND USE BYLAW NO. 99/059**

**WHEREAS** the *Municipal Government Act* requires a council to enact a Land Use Bylaw and allows a council to pass bylaws amending a Land Use Bylaw;

**AND WHEREAS** the Council of the Regional Municipality of Wood Buffalo wishes to amend its Land Use Bylaw to add a Wildfire Recovery Overlay for the purpose of providing a range of rebuilding options and certainty of obtaining development permits for rebuilding to owners of properties located in areas most severely impacted by the Wildfire of May, 2016;

**AND WHEREAS** the Council is of the opinion that a result of introducing the Wildfire Recovery Overlay it is no longer necessary to maintain the situation created by Land Use Amending Bylaw No. 07/036 pursuant to which all land uses to the south and east of the Athabasca River became discretionary uses;

**NOW THEREFORE** the Regional Municipality of Wood Buffalo, in Council assembled, enacts as follows:

1. Bylaw No. 99/059, the Land Use Bylaw, is hereby amended.
2. The document entitled “Wildfire Recovery Overlay” that is Attachment 1 to this Bylaw, is added as a new Part 11.
3. The series of maps that is Attachment 2 to this Bylaw is added as Schedule A to Part 11.
4. The document entitled “Voluntary Waiver of Claims” that is Attachment 3 to this Bylaw, is added as Schedule B to Part 11.
5. Bylaw No. 07/036 is repealed and all amendments to the Land Use Bylaw consequential to the passage of Bylaw No. 07/036 are also repealed.
6. This Land Use Bylaw Amendment comes into effect when it is passed.

READ a first time this \_\_\_\_ day of \_\_\_\_\_, 2016

READ a second time this \_\_\_\_ day of \_\_\_\_\_, 2016

READ a third and final time this \_\_\_\_ day of \_\_\_\_\_, 2016

SIGNED and PASSED this \_\_\_\_ day of \_\_\_\_\_, 2016.

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Mayor

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Chief Legislative Officer

## **PART 11**

### **WILDFIRE RECOVERY OVERLAY**

**(A) Purpose of Overlay and Intention of Council**

The purpose of this Overlay is to address the situation that has arisen as a result of the widespread destruction of properties within the Overlay Area, caused by the wildfire of May 2016.

The intention of Council is to establish a legal and land use planning framework for the Overlay Area that will provide certainty to owners whose properties were destroyed or damaged beyond repair, with respect to their available re-development options and the requirements they must meet to be assured of obtaining development approval to rebuild.

**(B) Overlay Area**

The Overlay Area consists of the areas shown within the heavy dotted black lines on the diagrams that are Schedule “A” to this Part 11.

**(C) Application**

This Part 11 applies only to lots or parcels of land within the Overlay Area that are zoned R1, R1M, R1P, R1S, or R2.

**(D) Over-riding Effect of Overlay**

Within the Overlay area and in respect of lots or parcels of land that are zoned as described in Section (C) above, the provisions set out in this Part 11 apply notwithstanding anything to the contrary in this Bylaw. The range of permissible residential uses on lots or parcels of land within the Overlay area that are zoned as described in Section (C) above are the uses set out in other provisions of this Bylaw unless modified explicitly by, or by necessary implication from, a provision of this Part 11. If there is an inconsistency or conflict between any provision of this Part 11 and any other provision of this Bylaw, the provisions of this Part 11 shall prevail within the Overlay area.

**(E) Interpretation of Terms**

In this Part 11 a reference to an application for a Development Permit means an application for which all necessary supporting information and documentation has been provided by the Applicant to the satisfaction of the Development Authority, and in respect of which the Development Authority has notified the Applicant in writing that the application is complete.

In this Part 11 the term “Multi-Site Rebuilding Plan” means a plan for rebuilding destroyed or damaged structures that involves more than two lots or parcels of land or residential dwellings, and includes without limitation: conversion of pre-wildfire townhouse developments to either single detached or semi-detached dwellings, and conversion of all or a portion of a block, street or neighborhood to one or more new residential uses that may involve new property lines or subdivisions and/or different types of uses than the uses existing immediately prior to the wildfire.

**(F) All Uses Discretionary subject to specific Council direction in this Part**

All land uses within the Overlay area are discretionary uses but the discretion of the Development Authority to refuse to issue a Development Permit, or to issue a Development Permit with conditions, is subject to the specific directions of the Council set out in Sections (G) through (I) of this Part.

**(G) Council Direction to the Development Authority – all parts of the Overlay area**

The Development Authority, in exercising its authority and discretion to make decisions on Development Permit applications for lots or parcels of land within the Overlay area, may impose site-specific conditions upon a Development Permit as it deems advisable to address technical, planning or land use issues that are unique to an individual property or to a limited number of individual properties, including a requirement to consolidate titles or obtain subdivision approval where appropriate.

**(H) Council Direction to the Development Authority – R1 and R1M Zoning**

An application for development approval to rebuild on a lot zoned R1 or R1M must be approved by the Development Authority, with or without conditions as described in Section (G) of this Part:

- (1) regardless of whether the proposed rebuild Development conforms to the development regulations set out in other provisions of this Bylaw, if the building footprint of the proposed rebuild Development is the same as the Development that existed on that lot immediately prior to the wildfire; or
- (2) provided that the proposed rebuild Development conforms to the development regulations set out in other provisions of this Bylaw, if the building footprint of the proposed Development is not the same as the Development that existed on that lot immediately prior to the wildfire.

**(I) Council Direction to the Development Authority – R1P, R1S and R2 Zoning**

**(1) Rebuilding to pre-existing building footprints - not more than two lots**

When an application for approval to rebuild on a lot zoned R1P, R1S or R2 is for a proposed Development that:

- (a) would have the same building footprint as the Development that existed on that lot immediately prior to the wildfire; and
- (b) is not part of a Multi-Site Rebuilding Plan

then a Development Permit with or without conditions as described in Section (G) of this Part 11 must be issued by the Development Authority regardless of whether the proposed Development conforms to the development regulations set out in other provisions of this bylaw, provided that:

- (c) the proposed rebuild Development would not be attached to another rebuild Development on an adjacent lot; or
- (d) if the proposed rebuild Development would be attached to only one other rebuild Development on an adjacent lot that meets conditions (a) and (b) of this subsection (I)(1), the Development Permits for the two rebuild Developments are being issued at the same time.

(2) Rebuilding to new building footprints - not more than two lots

When an application for approval to rebuild on a lot zoned R1P, R1S or R2 is for a proposed Development that:

- (a) would not have the same building footprint as the Development that existed on that lot immediately prior to the wildfire; and
- (b) is not part of a Multi-Site Rebuilding Plan

then a Development Permit with or without conditions as described in Section (G) of this Part 11 must be issued by the Development Authority if the proposed Development conforms to the development regulations with respect to setbacks, height restrictions on buildings and fences, maximum density and on-site parking requirements, as set out in other provisions of this Bylaw, provided that:

- (c) the proposed rebuild Development
  - (i) would not be attached to another rebuild Development on an adjacent lot, or
  - (ii) would be attached to only one other rebuild Development on an adjacent lot that meets conditions (a) and (b) of this subsection (I)(2) or of subsection (I)(1) and the Development Permits for the two rebuild Developments are being issued at the same time; and
  - (iii) in the opinion of the Development Authority the proposed rebuild Development(s) would not have the effect of removing all re-development options for any other lot or parcel of land.

(3) Rebuilding to a Multi-Site Rebuilding Plan

When an application for approval to rebuild on a lot zoned R1P, R1S or R2 is part of a Multi-Site Rebuilding Plan, then a Development Permit with or without conditions as described in Section (G) of this Part 11 must be issued by the Development Authority if

- (a) Development Permit applications have been submitted in respect of all the lots or parcels of land included within the Multi-Site Rebuilding Plan;

- (b) Development Permits for all of the lots or parcels of land included within the Multi-Site Rebuilding Plan are being issued simultaneously;
- (c) the Multi-Site Rebuilding Plan as a whole conforms to development regulations with respect to setbacks, height restrictions on buildings and fences, maximum density and on-site parking requirements, as set out in other provisions of this Bylaw; and
- (d) in the opinion of the Development Authority the proposed Multi-Site Rebuilding Plan Development(s) would not have the effect of removing all re-development options for any lot or parcel of land not included within the Multi-Site Rebuilding Plan.

**(J) General Provisions**

**(1) Voluntary Waiver of Claims**

A development for which a Development Permit has been issued under this Part 11 may be commenced before the time period for appeal to the Subdivision and Development Appeal Board has expired, if

- (a) no appeal has been made by any person, including an appeal of conditions by the Development Permit holder; and
- (b) the Development Permit holder has executed and delivered to the Development Authority a Voluntary Waiver of Claims in the form set out in Schedule B to this Part 11.

**(2) Public Notice Provisions**

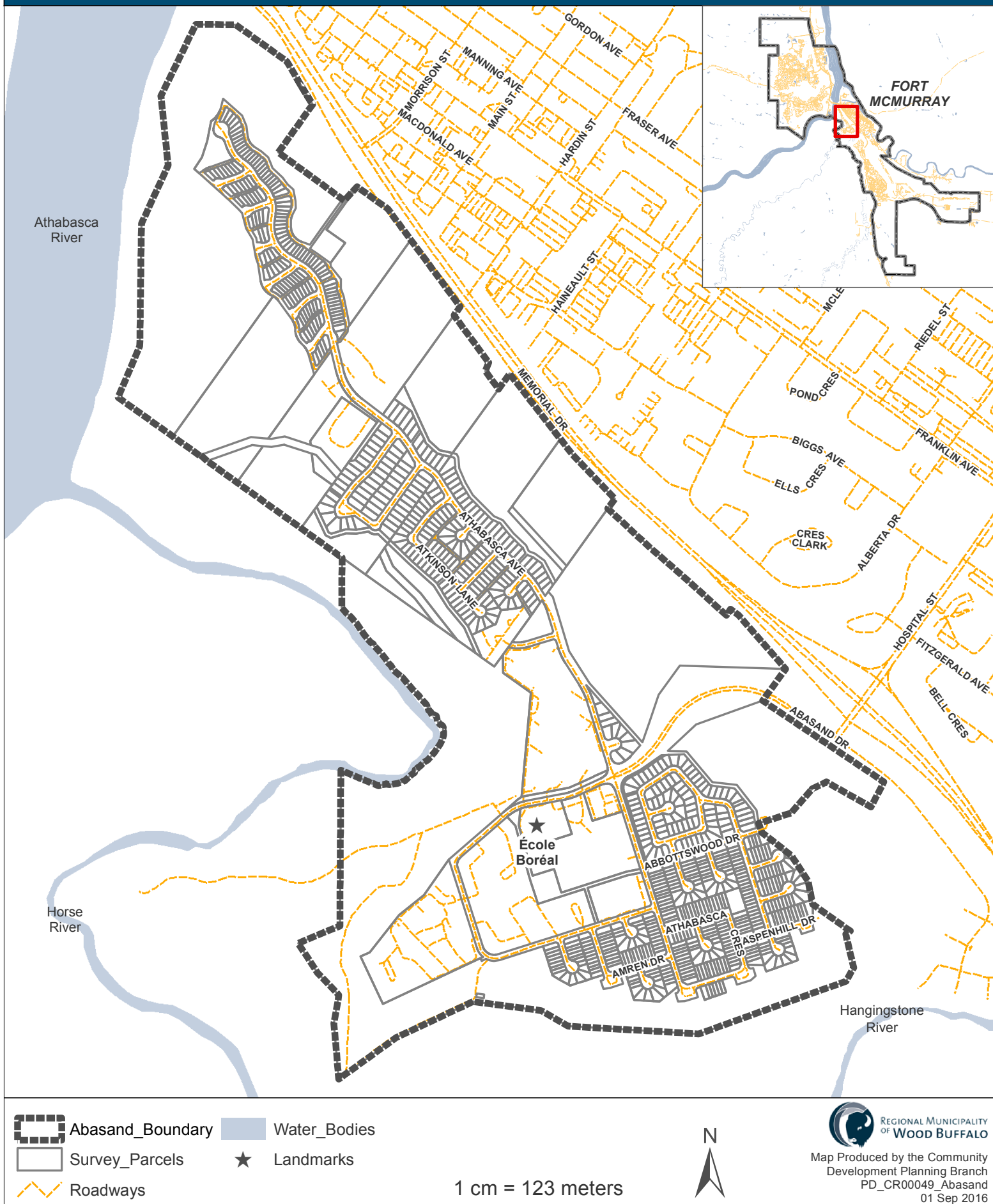
When a Development Permit has been issued under the provisions of either subsection (I)(1) or subsection (I)(2) of this Part 11, then in addition to any other applicable notice provision the Development Authority shall ensure that notice of the Development Permit is posted to the Municipality's public website with a specific notation that the approved Development is not to the same building footprint as existed prior to the wildfire, and the notice shall remain on the Municipality's public website until the time for appeal to the Subdivision and Development Appeal Board has expired.

# SUBJECT AREA MAP

## Wildfire Recovery Overlay Area - Abasand

Attachment 2

## Part 11, Schedule A

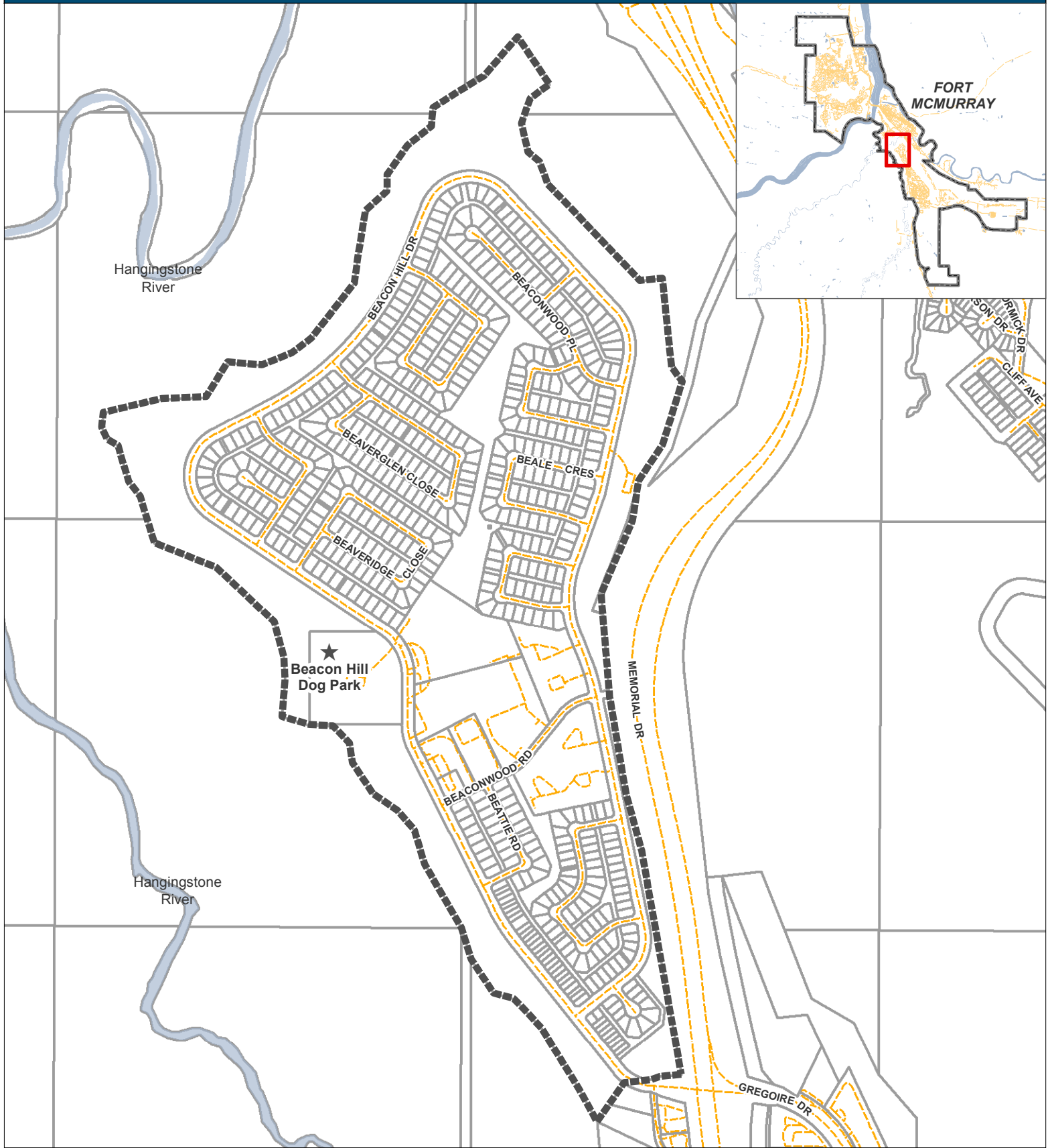


# SUBJECT AREA MAP

Attachment 2

## Wildfire Recovery Overlay Area - Beacon Hill

## Part 11, Schedule A



- Beacon\_Hill\_Boundary
- Water\_Bodies
- Survey\_Parcels
- Landmarks
- Roadways

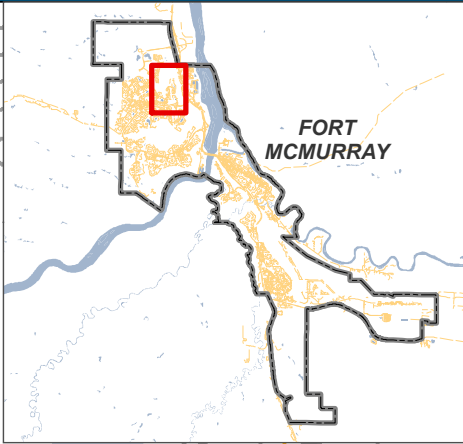
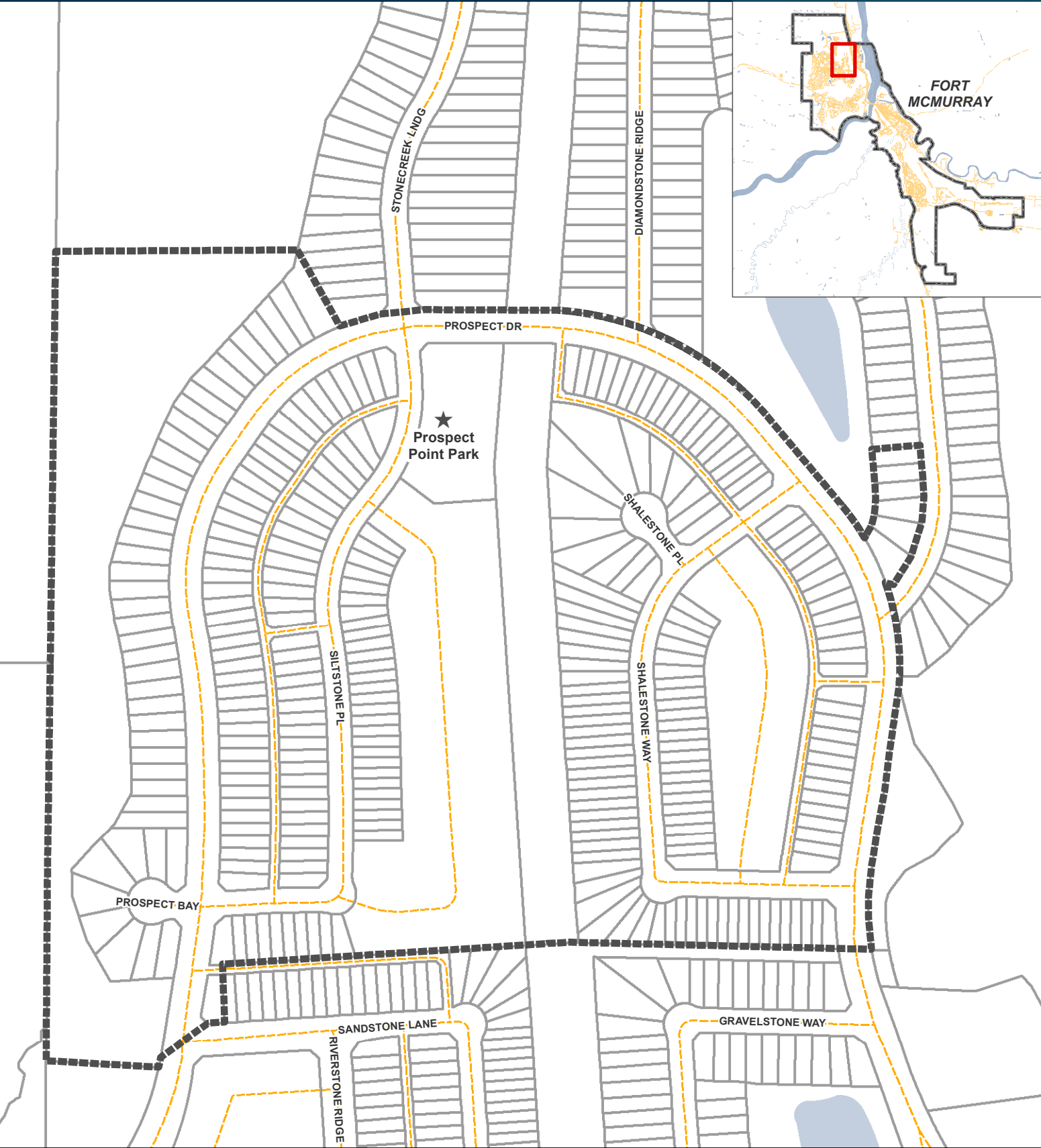
1 cm = 100 meters



REGIONAL MUNICIPALITY  
OF WOOD BUFFALO

Map Produced by the Community  
Development Planning Branch  
PD\_CR00049\_Beacon\_Hill  
02 Sep 2016



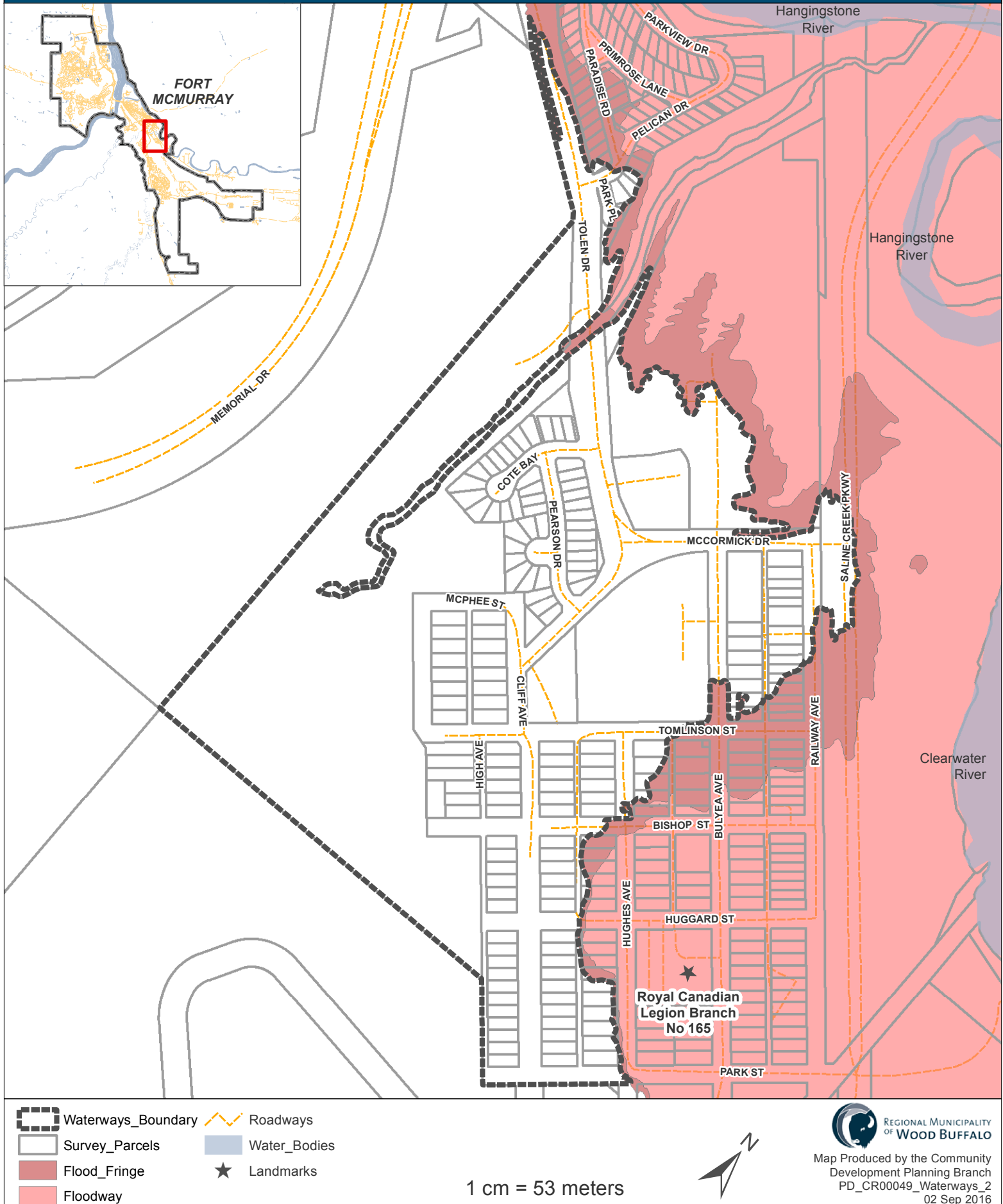


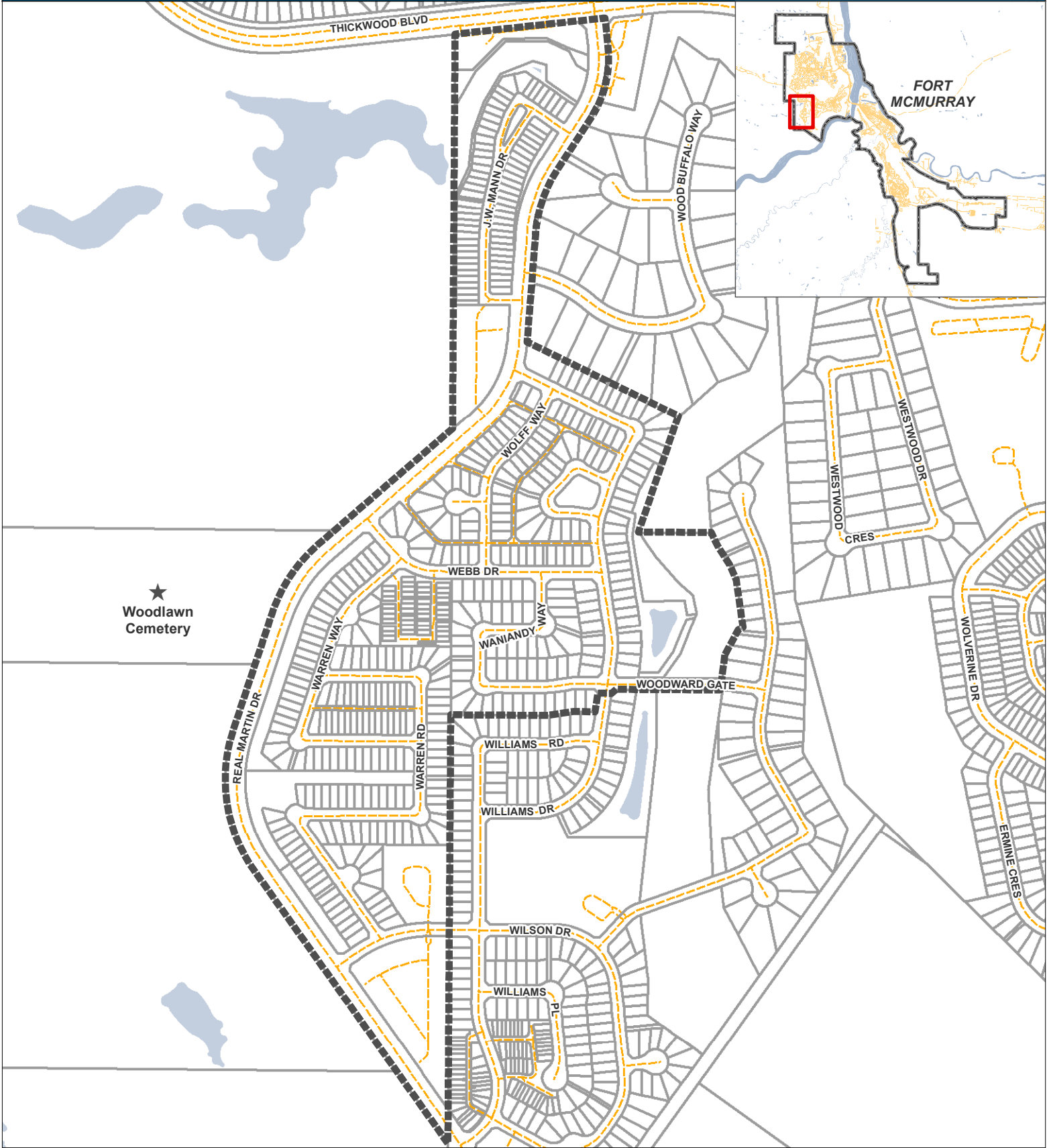
# SUBJECT AREA MAP

## Wildfire Recovery Overlay Area - Waterways

Attachment 2

## Part 11, Schedule A





## VOLUNTARY WAIVER OF CLAIMS

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**LEGAL DESCRIPTION OF PROPERTY:**

Lot	Block	Plan	Civic Address

**Development Permit Number:** \_\_\_\_\_ **Permit Approval Date:** \_\_\_\_\_

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This "Voluntary Waiver of Claims" allows the undersigned development permit holder (hereinafter called "Permit Holder") to commence development in advance of expiry of the time within which an appeal of the development permit may be made to the Subdivision and Development Appeal Board (hereinafter called "the Appeal Period"). Execution of this document does not prevent Permit Holder from appealing some or all of the conditions of development approval.

Permit Holder hereby agrees that if an appeal of the development permit is made by a third party or if Permit Holder appeals any condition of the development permit, all work on the development will immediately cease pending the outcome of the appeal, and in such case Permit Holder waives all claims to compensation from the Regional Municipality of Wood Buffalo for any costs or damages whatsoever associated with: (a) commencement of work on the development prior to expiry of the Appeal Period; (b) cessation of work on the development pending disposition of the appeal; or (c) the outcome of the appeal.

Permit Holder acknowledges that execution of this Voluntary Waiver of Claims does not eliminate the need to comply with all conditions of the Development Permit, including conditions that must be satisfied before the development may commence.

Permit Holder further acknowledges that execution of this Voluntary Waiver of Claims does not eliminate any applicable requirements for a Business License, Building Permit or other required permits or approvals.

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**I HAVE READ, UNDERSTOOD AND AGREE TO THIS "VOLUNTARY WAIVER OF CLAIMS"**

**NAME OF DEVELOPMENT PERMIT HOLDER (Printed):** \_\_\_\_\_

**SIGNATURE OF DEVELOPMENT PERMIT HOLDER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

The personal information on this form is being collected solely for the purpose of a Voluntary Waiver of Claims application and is protected from public disclosure pursuant to the *Freedom of Information and Protection of Privacy Act* of Alberta.