

BYLAW NO. 17/006

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 take into account the experience to date with amendments made to the Land Use Bylaw on September 28, 2016, adding Part 11 (Wildfire Recovery Overlay) and a new discretionary land use defined as Temporary Urban Accommodation;

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. Part 11 (Wildfire Recovery Overlay) including Schedule A but not including Schedule B is repealed and replaced by a new Part 11 and Schedule A which are Attachments 1 and 2 to this bylaw.
3. Bylaw 16/014 and all amendments to the Land Use Bylaw that resulted from enactment of Bylaw 16/014 are repealed.
4. The phrase “,including a 0.6 m eave and footing encroachment easement, along the affected side of the lot” is struck out in clauses 96.5(b)(i) and 100.5(a)(ii)(a).
5. This Land Use Bylaw Amending Bylaw comes into effect when it is passed.

READ a first time this 11th day of April, 2017

READ a second time this ____ day of _____, 2017

READ a third and final time this ____ day of _____, 2017

SIGNED and PASSED this ____ day of _____, 2017.

Mayor

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 within the following land use classifications:

- (1) R1;
- (2) R1M;
- (3) R1P;
- (4) R1S;
- (5) R2;
- (6) C1 (in the Waterways area only)
- (7) DC (in the Waterways area only).

(D) Over-riding Effect of Overlay

Within the Overlay area and in respect of lots or parcels of land that are zoned as set out in Section (C) above, the provisions of this Part 11 apply notwithstanding anything to the contrary in this Bylaw. The range of possible uses on lots or parcels of land within

the Overlay area that are zoned as set out in Section (C) above are the uses described in other provisions of this Bylaw for the applicable land use classifications 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:

- (1) a reference to an application for a Development Permit means an application for which all necessary supporting information and documentation (including all relevant agreements affecting the property in question and all instruments registered on title) 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.
- (2) “Building Footprint” means the area and configuration of the ground floor of a building, measured from the exterior walls, including an attached garage but not including any projections.
- (3) “Multi-Site Development” means a group of three or more contiguous lots upon which some or all of the Dwelling Units and Accessory Buildings (if any) are attached or semi-attached to each other and the total configuration of structures comprises a distinct Development separate and apart from any other Development outside the contiguous lot group;
- (4) “Multi-Site Rebuilding Plan–pre-existing” means a plan for rebuilding a Multi-Site Development in its entirety either just as it was immediately prior to the May 2016 wildfire, or with changes only to the location or size or configuration of any Accessory Buildings that were part of the pre-wildfire Multi-site Development;
- (5) “Multi-Site Rebuilding Plan–new” means a plan for rebuilding a Multi-Site Development in its entirety on the same group of contiguous lots or parcels of land as immediately prior to the May 2016 wildfire but with changes to location of property lines or locations of Principal Buildings, or involving conversion of some or all of the Multi-Site Development to different types of residential use (for example, from townhomes to detached or semi-detached Dwelling Units).

- (6) “New Building Footprint” means a building to be constructed that differs in size, location on the lot, or building type as compared to the development lawfully in existence on that lot immediately prior to the wildfire.
- (7) “Pre-Existing Building Footprint” means a building that is the same size, in the same location on the lot, and of the same building type as compared to the development lawfully in existence on that lot immediately prior to the wildfire.

For greater clarity and certainty: a Development Permit application to rebuild destroyed or damaged structures that does not impact more than two lots or parcels of land or Dwelling Units, is not a Multi-Site Rebuilding Plan even though it may involve or include, without limitation: conversion of pre-wildfire townhouse developments to either single detached or semi-detached dwellings, or 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 or different Building Footprints or different types of residential uses as compared to the property lines or subdivisions, building footprints or residential uses that existed 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 this Part.

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

- (1) 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 a property or to a limited number of properties, including a requirement to consolidate titles or obtain subdivision approval where appropriate, and including a requirement to obtain from an adjacent property owner any easement over the adjacent property that in the opinion of the Development Authority is necessary to provide adequate access for maintenance of a Development located anywhere in the Overlay Area, regardless of whether an instrument described as an easement or restrictive covenant is already registered either directly or by way of caveat on any relevant title.

- (2) The Development Authority shall not refuse to issue a Development Permit for a Single Detached Dwelling within the Overlay area, solely on the basis that the lot in respect of which the Development Permit is applied for is too small in width, length or area to meet the Development Regulations for such developments set out in other parts of this Bylaw. It is the intention of the Council that Single Detached Dwelling Developments on residential lots that meet the setback requirements of this Bylaw shall be allowed within the Overlay area.

(H) Council Direction to the Development Authority – R1, R1M and C1 Zoning

An application for development approval to rebuild on a lot zoned R1, R1M or C1 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 that of the Development that lawfully 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 that of the Development that lawfully 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 be constructed to a Pre-Existing Building Footprint that was lawfully in existence 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 either:

- (c) the proposed rebuild Development would not be attached to another rebuild Development on an adjacent lot; or
 - (ii) 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 or lots zoned R1P, R1S or R2 is for a proposed Development that:

- (a) may or may not be on a lot or lots that formed part of a Multi-Site Development immediately prior to the wildfire;
- (b) would be constructed to a New Building Footprint; and
- (c) 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, including but not limited 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:

- (d) 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 case of a proposed rebuild Development on a lot or lots that formed part of a Multi-Site Development immediately prior to the wildfire, would not in the opinion of the Development Authority have the effect of removing all re-development options for any other lot or parcel of land that was part of the pre-wildfire Multi-Lot Development.

(3) Rebuilding to a Multi-Site Rebuilding Plan

- (a) When a Development Permit application for approval to rebuild on a lot zoned R1P, R1S or R2 is part of a Multi-Site Rebuilding Plan--Pre-Existing, then a Development Permit or Development Permits for the Multi-Site Rebuilding Plan--Pre-existing 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 new Development conforms to the development regulations set out in other provisions of this bylaw.
- (b) When a Development Permit application for approval to rebuild on a lot zoned R1P, R1S or R2 is part of a Multi-Site Rebuilding Plan--New, then a Development Permit or Development Permits for the Multi-Site Rebuilding Plan--New with or without conditions as described in Section (G) of this Part 11 must be issued by the Development Authority, if:
 - (i) the Multi-Site Rebuilding Plan-New as a whole conforms to development regulations, including but not limited 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
 - (ii) in the opinion of the Development Authority the proposed Multi-Site Rebuilding Plan--New would not have the effect of removing all re-development options for any lot or parcel of land that was part of the pre-wildfire Multi-Site Development but is not included within the Multi-Site Rebuilding Plan--New.

(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)(2) or subsection (I)(3)(b) 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.

(3) Modifications to the application of certain provisions of land use classifications

Within the Overlay Area the following regulations or requirements of land use classifications shall prevail over provisions of this Land Use Bylaw that apply outside the Overlay Area:

- (a) In the R1M (Mixed Form Single Detached Residential) district, replacement of previously existing single detached dwellings with manufactured homes is allowed in the discretion of the Development Authority.
- (b) In the R1S (Single Detached Small Lot Residential) district the requirement of a minimum of 12 lots as set out in clause 96.5(b)(iii) of this Land Use Bylaw does not apply.
- (c) In the R2 (Low Density Residential) district the width of one only of the interior side yards of any lot may be reduced to zero if:

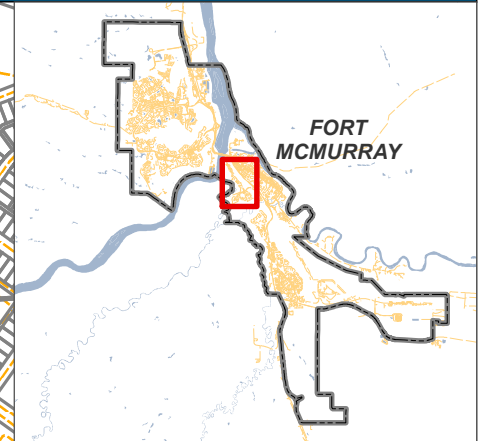
- (i) the building design and construction provides for all roof drainage to be directed to the lot itself (with subsequent flow to the municipal storm drainage system) and does not provide for drainage to any adjacent lot; and
 - (ii) a 1.0 metre wide maintenance easement is obtained from the owner of the lot adjacent to the reduced side yard, and is registered against the title to that adjacent lot.
- (d) In the RMH (Manufactured Home Residential) district:
 - (i) the requirement of a 3.0 metre private maintenance easement as set out in clause 100.5(a)(ii)(a) of this Land Use Bylaw is reduced to a 1.0 metre private maintenance easement, only in respect of residential lots located within Blocks 28, 29, 30 and 31 of Plan 1347TR, and subject to meeting all relevant requirements of the *Alberta Building Code*; and
 - (iii) the requirement of a minimum of 12 lots as set out in clause 100.5(a)(ii)(c) of this Land Use Bylaw does not apply.
- (e) In the C1 (Community Commercial) district:
 - (i) Front Yard setbacks must be not less than 1.0 metre and not more than 3.0 metres;
 - (ii) Rear Yard setbacks must be not less than 4.6 metres;
 - (iii) there is no restriction on Gross Floor Area for any individual business premises.
- (f) In the DC (Direct Control) district, a Development Permit to rebuild the same or substantially the same Development that lawfully existed immediately prior to the wildfire may be issued with or without conditions by the Development Authority, with no requirement to bring the application to the Council.






SUBJECT AREA MAP

Wildfire Recovery Overlay Area - Abasand

Attachment 2 to Bylaw No. 17/006

Part 11, Schedule A



-  Overlay_Area_Boundary
-  Water_Bodies
-  Survey_Parcels
-  Roadways
-  Landmarks

1 cm = 123 meters



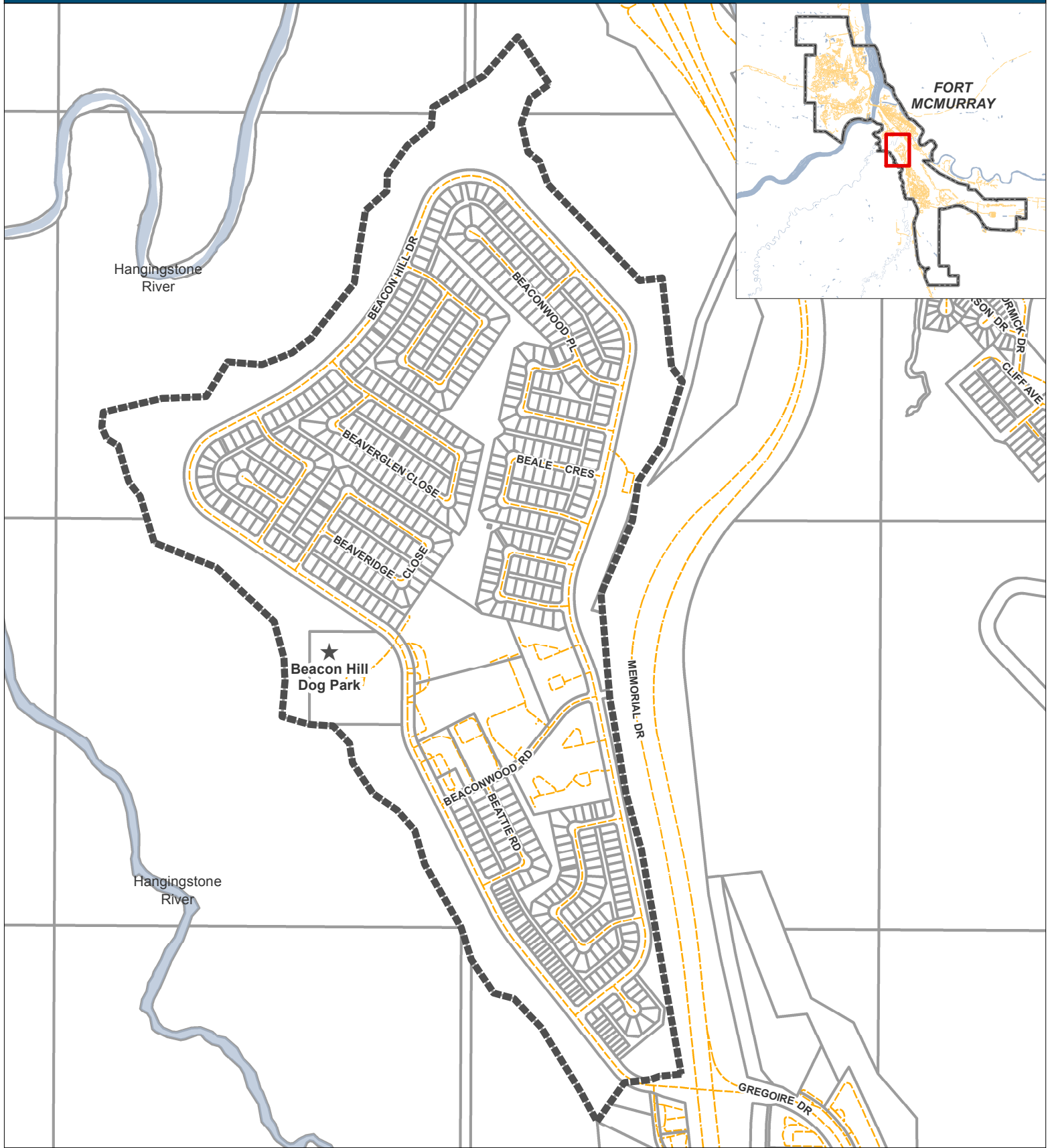
Map Produced by the Community
Development Planning Branch
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04 Apr 2017






SUBJECT AREA MAP

Wildfire Recovery Overlay Area - Beacon Hill

Attachment 2 to Bylaw No. 17/006

Part 11, Schedule A



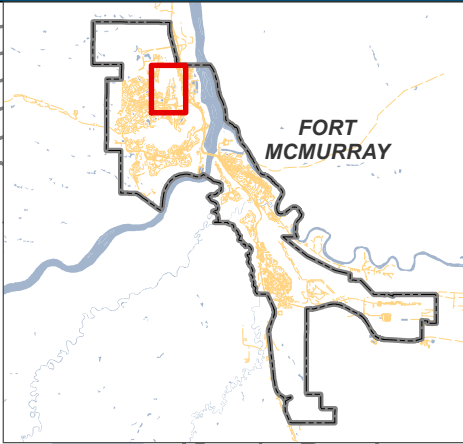
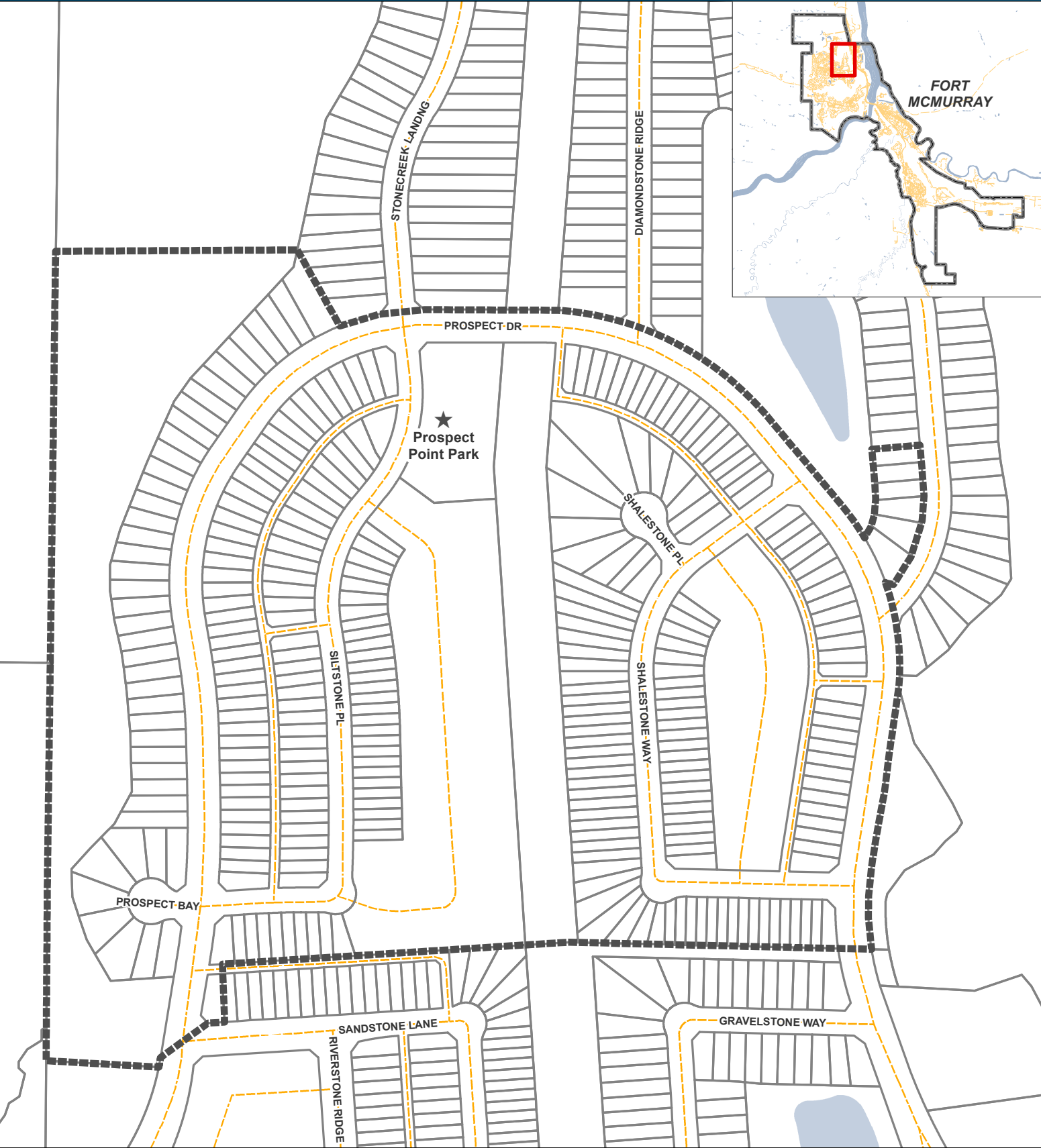
-  Overlay_Area_Boundary
-  Water_Bodies
-  Survey_Parcels
-  Landmarks
-  Roadways


1 cm = 100 meters





REGIONAL MUNICIPALITY
OF WOOD BUFFALO


Map Produced by the Community
Development Planning Branch
PD_CR00049_Beacon_Hill
04 Apr 2017




 Overlay_Area_Boundary

 Survey_Parcels

 Landmarks

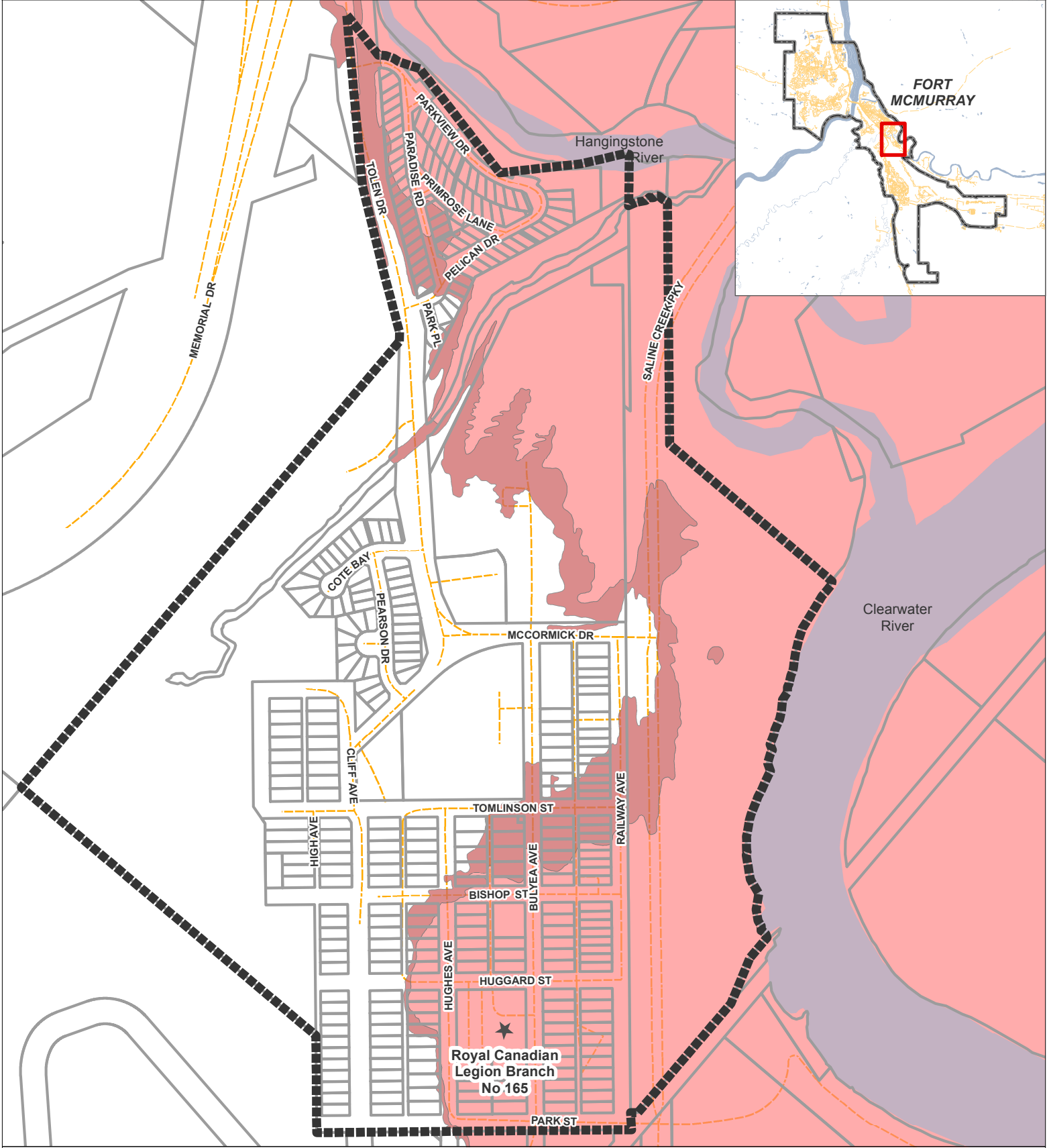
 Water_Bodies

 Roadways

1 cm = 37 meters



SUBJECT AREA MAP
Wildfire Recovery Overlay Area - Waterways



- Overlay_Area_Boundary
- Survey_Parcels
- Flood_Fringe
- Floodway
- Roadways
- Water_Bodies
- Landmarks

1 cm = 60 meters

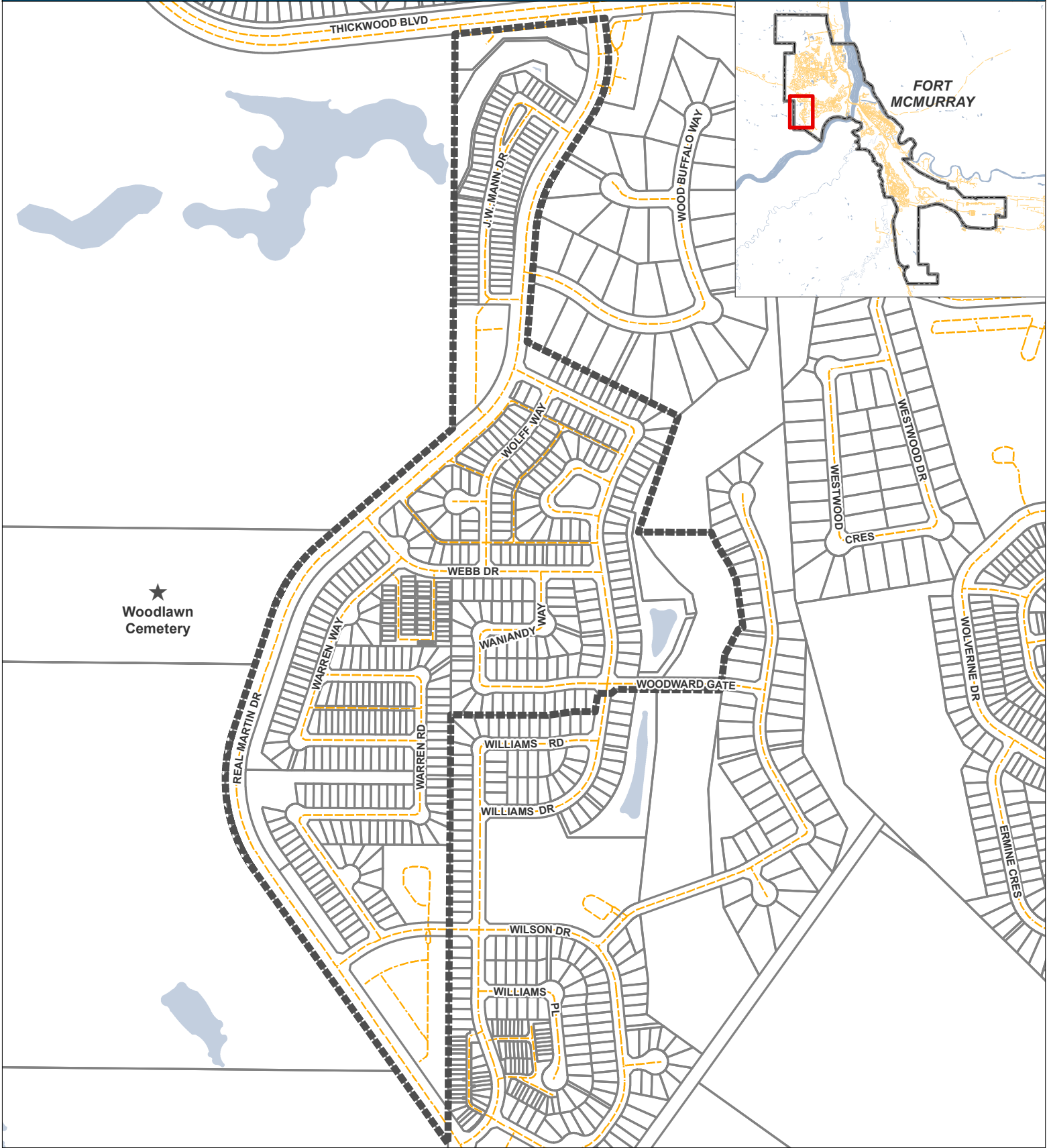


SUBJECT AREA MAP

Wildfire Recovery Overlay Area - Wood Buffalo Area

Part 11, Schedule A

Attachment 2 to Bylaw No. 17/006



Overlay_Area_Boundary

Water_Bodies

Survey_Parcels

Roadways

Landmarks

1 cm = 76 meters



REGIONAL MUNICIPALITY
OF WOOD BUFFALO

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