

Land Use Bylaw 21/003: What did we hear in 2020?

The last comprehensive update on the Land Use Bylaw (LUB) was completed in 1999. Since then, feedback from residents, stakeholders and Council has required changes to be made to the bylaw. Ultimately, these changes became significant enough to warrant the development of a completely new LUB rather than continuing to amend the existing one.

As a result, a new land use bylaw for the RMWB has been drafted. The new bylaw will see an improvement to language, provision updates, modifications to dated sections, and the introduction of new regulations. While it will follow the general zoning framework of the existing LUB, changes to the new bylaw will include:

- Simplifying and reducing the number of districts.
- Updating definitions and land uses.
- Including design standards.
- Updating accessory building and home business regulations.
- Incorporating FireSmart principles.
- Updating parking requirements.
- Including new secondary suites typologies.
- Updating and simplifying signage provisions.

1. Community feedback

Public engagement on the new LUB has occurred in different phases over the last several years. The most recent engagement was conducted online between Sept. 28 and Nov. 17, 2020, in which the proposed draft was available for review and comment. In addition, two public open houses were held throughout the engagement period, and project team members hosted 16 meetings with different community groups, key stakeholders and Indigenous groups.

What did we hear?

In general, the feedback received can be summarized as follows:

- Clarify agriculture uses and their definitions.
- Clarify changes in rural residential districts.
- Evaluate lot width and area changes and their impacts on housing affordability.
- Evaluate the effects of the proposed four parking stall requirements for single and semi-detached houses.
- Review special event duration and application requirements.
- Review senior parking and bicycle parking requirements.
- Review portable and digital signs.

2. What do changes mean for existing development?

When changes are made to a land use bylaw, there may be existing buildings or uses that no longer comply with it. There are a set of rules in place to protect these non-conforming buildings and non-conforming uses. If a development permit has been issued on or before the day the new LUB comes into force, then it continues.

Non-conforming buildings may continue to be used, but the building may not be enlarged, added to, rebuilt, or structurally altered except to make it a conforming building or for routine maintenance of the building. If a non-conforming building is damaged or destroyed, exceeding 75 per cent of the value of the building, it must be repaired or rebuilt in accordance with the new LUB.

Non-conforming uses may continue to be in place, but if that use is discontinued for six consecutive months or more, any future use of the land or building must conform with the new LUB.

In an effort to help facilitate development and remain flexible, provisions have been added to the proposed bylaw that provide the Development Authority with the ability to allow limited development if a building or property is non-conforming.

3. General changes

A significant change in the proposed LUB is the revision and consolidation of many districts to eliminate repetition and zoning of different areas of the Municipality. The reduction and consolidation of districts resulted in deleting approximately 19 districts; as a result, the zoning will change for many lots. Administration reviewed current and proposed zoning to ensure the proposed land uses and site provisions are appropriate for existing development and Outline Plans and other statutory documents.

4. What will change in the Urban Service Area?

The new provisions in the LUB are not retroactive; they will be applicable when approving new subdivisions or approving new development.

A. Urban Residential Districts

The proposed Urban Residential Districts are:

- Low Density Residential District
- Estate Residential District
- Low-Rise Medium Density Residential District
- Mid-Rise Medium Density Residential District
- High-density Residential District
- Mobile Home Residential District
- Mixed Form Low Residential District

The proposed LUB simplifies and reduces the number of residential districts. It also includes provisions that relate to architectural elements and pedestrian-friendly development. A new R1-M Mixed Form Low Density Residential District (Part 2, Section 3) was incorporated to accommodate existing residential areas with unique requirements and that currently allow single detached, semi-detached, and mobile homes in an area.

Key changes also include:

- Decrease in most minimum lot size and width requirements.
- Decrease in minimum front yard setbacks for single detached and semi-detached dwellings from 6.0m to 4.5m for the house and 6.0m for the garage portion.
- Increase in maximum building height for single detached and semi-detached dwellings from 10.0m to 12.0m (not exceeding three storeys).

What did we hear?

The most prevalent comment we heard was in regards to the increase of the parking requirement from two to four stalls and the impact that will have on future development. Comments were divided; some residents believe this change is necessary due to neighbourhood congestion, while others are concerned about the impacts on lot sizes and, therefore, housing affordability.

To address this, the project team created greater variation between lot sizes for the R1 Low Density Residential District and R2 Low-Rise Medium Density Residential District. The R1 District provides larger lots, more easily able to accommodate four parking stalls and promote low density development. The R2 District provides smaller lots, which will more easily accommodate two parking stalls and promote more affordable development. The variation between the two districts provides options that would result in two very different types of development. The R1 district addresses on-street congestion by providing larger lots, whereas the R2 district has more compact development with increased affordability.

Architectural elements and pedestrian-friendly development

Several regulations are proposed to improve the future appearance of residential areas. They include:

- The width of a front attached garage for a single detached dwelling cannot exceed 70 per cent of the width of the house in the R1- Low Density Residential District (Part 6, Section 1).
- The front and primary entrance of a dwelling must include elements like porches, stairs, and windows.
- For apartment buildings, no parking is permitted between the road and the front of the building.

Accessory buildings

- The accessory building regulations applicable in the Urban Service Area were generally supported, and no major concerns were expressed during public engagement. The proposed provisions in regards to accessory buildings area are:
- The maximum lot coverage for all accessory buildings on a lot shall be 15 per cent of the lot area to a maximum of 100.0sq m, whichever is lesser.

Secondary suites

The changes proposed for secondary suites are substantial and affect Residential Districts. General regulations in the LUB for secondary suites include the addition of the following typologies with minimum lot sizes:

- Basement suite (365sq m)
- Loft suite (365sq m)
- Garage suite (500sq m)
- Detached garage suite (500sq m)

Feedback in regards to secondary suites included:

- Consider where suites may be located in the Municipality so that parking issues are not exacerbated. The majority of online poll respondents supported suites only in single-family homes.
- Overall, the public supports the various options of suites suggested in the proposal.

Home-based business

The two definitions for businesses operating out of homes have been updated from "Home Business" to "Home Business, Major" and "Home Occupation" to "Home Business, Minor."

- Home Business, Major means the accessory use of a residential property by the permanent resident or occupant for a business activity or occupation. A business may include client visits and a commercial vehicle for the primary use of the business
- Home Business, Minor means the accessory use of a residential property by the permanent resident or occupant for a business activity conducted by the permanent resident and shall not generate client or vehicular traffic

The main concerns heard regarding home-based businesses were:

- The current provisions for home-based businesses can be confusing.
- There are concerns with unregistered businesses operating out of homes.
- Some home businesses cause excessive amounts of traffic in neighbourhoods.

New provisions have been proposed including:

- Minor home businesses will not require a development permit but will need to comply with LUB provisions.
- Only one major home business is allowed per dwelling.
- A combination of one minor home business and one major home business may be allowed at the discretion of the Development Authority.
- Major home businesses are not allowed in a building that contains a secondary suite, boarding house, bed and breakfast, child care facility, or group home.
- A sign identifying a home business is not allowed.
- For a major home business, the number of commercial vehicle trips per day is restricted.

B. Urban Commercial Districts

The proposed Urban Commercial Districts are:

- Main Street District
- Local Commercial District
- Community Commercial District
- Highway Commercial District
- Large Format Retail District

The number of Commercial Districts has been reduced from nine to five to create a consistent set of rules for commercial development across the USA. This draft includes provisions that promote pedestrian-friendly development and active storefronts.

Pedestrian-friendly development refers to how development supports the presence of people living, shopping, visiting, or spending time in an area. For instance, a site without any sidewalks would not be considered pedestrian-friendly.

Active frontages refer to building faces, or walls, where the design encourages activity at the street level. For example, promoting windows, entrances to buildings, or even patios on the ground floor of a building can play a role in encouraging activity at the street level.

What did we hear?

Generally, feedback centered around the lack of pedestrian circulation in parking lots and to buildings. Some of the comments received were:

- Many businesses and commercial areas are not pedestrian-friendly.
- There is too much motor vehicle traffic in front of stores.
- Storefronts should be livelier and have unique architectural characteristics to enhance the public realm.
- Parking lots in front of stores are often congested and an annoyance for many.

Architectural elements and pedestrian-friendly development

Several regulations are proposed to improve the future appearance of commercial areas. To promote pedestrian-friendly, walkable commercial areas, the following changes are proposed:

- Defining minimum and maximum front yard setbacks for buildings, requiring them to be located closer to the road.
- Requiring commercial and office uses to be located on the first floor in the C1 Main Street District (Section 8, Part 6).
- Requiring weather protection, such as awnings and canopies, to be provided along the front of buildings.
- Removing vehicle-oriented businesses such as “Automotive or Recreation Vehicle Sales and Rental” and “Food Service, Drive Through” in some commercial districts.

To promote lively storefronts with unique architectural characteristics, the following changes are proposed:

- Defining buildings using different materials, colours, windows, and other elements.
- Screening parking areas facing the road using fencing or landscaping.

Parking and pedestrian connectivity

In general, the public was concerned about the location of parking at the front of buildings. The main changes in the proposed LUB are:

- Relocating parking from the front of stores to the side or rear of the building or within parking structures.
- Limiting vehicle access at the front of the property and, preferably, locating access to the side of the property or lane.
- Prohibiting loading areas at the front of a commercial property.

C. Industrial Districts

The proposed Urban Industrial Districts are:

- Light Industrial District
- Medium Industrial District
- Heavy Industrial District

The creation of three new districts will:

- Allow for diversification of future industrial areas.
- Prevent heavy industrial uses from being located near residential areas.
- Provide flexibility and allow businesses to locate near other similar or complementary areas.

What did we hear?

In the industrial areas, the public was generally concerned about a lack of clarity around provisions under the existing districts and accessory buildings options. Some of the comments received were:

- The current provisions for the industrial district can be confusing.
- The range of industrial uses can vary greatly and allows businesses operating in very different industries to be located in close proximity.
- There are concerns with industrial activities occurring too close to residential areas.
- Additional provisions are needed for sea-cans and quonsets.

To address these concerns, the proposed Industrial Districts add clarity to the type of development in different areas of the Urban Service Area. Specifically, changes includes:

- Sea-cans will only be a discretionary use in industrial and institutional districts.
- Quonsets will only be a discretionary use in industrial, institutional, airport, urban expansion, and rural districts.

D. Part 9 - City Centre Area Redevelopment Special Area

Part 9 of this bylaw contains the City Centre Area Redevelopment Special Area Bylaw. There are no major changes proposed to the existing districts and regulations currently under Part 9. An amendment will be required in the future after the long-term direction for the downtown is finalized under the Downtown Area Redevelopment Plan (ARP).

What did we hear?

In response to past Council direction and community feedback, elements that are currently not working were removed, and minor revisions were made to better facilitate development.

E. Landscaping

Changes were focused on the removal of provisions that were not working in the existing bylaw. These changes clarify and simplify regulations.

FireSmart provisions were also added. These requirements are now applicable to commercial, institutional and industrial districts, and some residential development. The FireSmart provisions include restrictions on some plants and materials like bark and mulch.

F. Parking

Changes to parking vary depending on use. The dimensions of parking stalls and drive aisles will remain unchanged; however, small parking stalls will be eliminated.

What did we hear?

Most feedback on parking was focused on residential parking requirements. Those concerns were addressed in the residential districts section of this report. Additional comments included:

- There is a desire to include universal design in the LUB.
- Bicycle parking should be included in new development.
- Shared parking provisions should be included to allow for greater flexibility in parking between adjacent sites.
- Drive-through requirements need to be clarified.

To address this feedback, some changes were made to the proposed parking provisions. They include:

- Parking stalls shall maintain a 1.5m buffer from an adjacent residential use unless a fence, wall or landscaping is provided in commercial, industrial and institutional districts.
- Parking stalls for multi-unit residential development will not be located between the building face and the street. They will remain common property and cannot be condominiumized.
- The parking requirements for a special event taking place on a site must be supported by a parking plan.

Variance authority on parking

One of the main challenges with the existing bylaw is that the Development Authority has no variance power on parking requirements.

The draft LUB is proposing new regulations to allow more flexibility for the Development Authority to reduce the number of parking stalls required if supported by a parking study. For example:

- The maximum variance to reduce parking stalls will be 10 per cent for parking lots with over 250 stalls in the Urban Service Area.
- The maximum variance to reduce parking stalls is 20 per cent for any additional parking stalls required when the land use changes or additional gross floor area is added to an existing building.

Pedestrian safety in parking lots

Provisions regarding pedestrian safety in parking lots were added and include:

- There must be at least one barrier-free pedestrian access from a sidewalk to the building. This access cannot cross vehicular circulation.
- Pedestrian circulation routes must be provided and clearly demarcated in conjunction with vehicular circulation for drive-through developments and larger sites.
- Pedestrian circulation will be demarcated with raised pedestrian crossings, signage, change in paving, painting, bollards, landscaping, and other methods.

Vehicular oriented uses (drive through)

The changes in this section address the concerns of vehicles queuing and obstructing traffic in or from a road. The proposed changes are:

- There will be no queuing stalls allowed in the front yard.
- There will be no access to a drive through lane directly from an arterial road.
- Queuing stalls must be contained entirely within the property and will not overlap with or obstruct any parking stalls, drive aisles or roads.
- Five queuing spaces will be required for drive through services.

Accessible and senior citizen parking

To support the principles of universal design, some regulations will be changed to ensure that users have better access to parking. In the new bylaw, accessible parking stalls must be:

- Located as close as possible to building entrances, elevators, ramps and walkways.
- Designed in such a way that users are not required to pass behind parked vehicles.
- Located within 50m of barrier-free building entrances.
- Located on the road or adjacent to a building.
- Located by a ramp connecting to a sidewalk.

In addition, there are new requirements for senior citizen parking, which will be included within the required parking stalls for a development.

Bicycle parking

Requirements for bicycle parking were added to the parking section and are mandatory on development proposals for multi-unit, commercial, and institutional developments. Bicycle parking needs to be provided in a way that is safe for users. The following requirements propose that bicycle parking be:

- Visible from the street or the main entrance of a building.
- Located inside the building, preferably at the ground level and illuminated.

G. Part 8 - Signs

The section has been reviewed, reordered and clarified with additional sign types. The proposed sign provisions mostly simplify requirements, uses and definitions. There will be one set of sign provisions that are applicable throughout the region instead of three separate sets of regulations. Rules will apply to a specific type of sign and located based on which land use district the sign is allowed in.

Changes to this section seek to ensure all future signs are designed with quality materials and consider signs in a manner that reduces any negative effects on safety and aesthetics. This part will not regulate signs in the public right-of-way.

What did we hear?

During engagement, residents and stakeholders were generally vocal about portable and digital signs in the community. Some of the comments were:

- Current provisions for signs can be confusing.
- Third-party advertising should be allowed on portable signs and digital signs.
- More dynamic and interesting content on signs is needed.
- Concern about the brightness of digital signs and billboards.
- Portable signs are a distraction while driving.

Sign types

In order to address current challenges, new provisions have been proposed for the sign types below:

Digital Signs	Billboard Signs	Portable Signs
<ul style="list-style-type: none">• Allowing for third party advertising.• Limiting digital video signs to billboards and freestanding signs.• Prohibiting flashing, active intermittent lights or lights used to produce animation.• Prohibiting the sign from creating a direct glare onto surrounding residential or institutional uses.• Limiting one digital sign per frontage.• Requiring a minimum distance between digital signs of 200m.• Discretionary Use	<ul style="list-style-type: none">• Allowing for third party advertising.• Allowing for illumination (but not be lit by a flashing or intermittent light source).• Allowing for an entire or partial digital component.	<ul style="list-style-type: none">• Allowing portable signs within a lot boundary and not within a road right of way.• Potentially allowing for third-party advertising.• Limiting portable signs to one per frontage and on site for up to one year.• Limiting the distance between portable signs to at least 30m.• Requiring a sign tag that will include the necessary information required.

5. What will change in the Rural Service Area?

Since 2012, Council has adopted six area structure plans (ASPs) for rural communities in the region. These plans, in effect, provide direction for the creation of rural residential and commercial districts.

Title	Bylaw number - Adoption date
Anzac Area Structure Plan	12/018 – August 28, 2012
Conklin Area Structure Plan	13/024 – July 9, 2013
Willow Lake Area Structure Plan	15/006 – June 9, 2015
Janvier Area Structure Plan	16/023 – December 6, 2016
Fort McKay Area Structure Plan	17/022 – January 23, 2018
Fort Chipewyan Area Structure Plan	18/005 – May 1, 2018
Draper Area Structure Plan	Pending

The main focus of the proposed changes in the new bylaw is the implementation of these ASPs.

A. Rural Residential Districts

The proposed Rural Residential Districts are:

- Hamlet Residential 1 District
- Hamlet Residential 2 District
- Country Residential District
- Small Holdings District
- Suburban Estate Residential 1 District
- Suburban Estate Residential 2 District

What did we hear?

During engagement, the most prevalent feedback was related to the increase of the accessory building maximum area requirements for rural residential districts and the availability of other housing typologies.

Other comments received were:

- There is a need for more diverse housing types that meets the needs of a broad range of residents (from young adults to elders).
- There is a desire to see more compact housing that still respects the existing character of the hamlets.
- There are concerns regarding housing affordability.
- There is a desire to see maximum area requirements increase in rural communities.

The new LUB is proposing an additional district (HR2 Residential District) that will offer the option of additional residential density in rural communities that require compact development. In some communities, this change will provide the opportunity to develop affordable housing by providing a range of housing typologies while still maintaining and respecting the existing character of rural communities. The Hamlet Residential 1 District is replacing the current HR – Hamlet Residential District; the proposed district maintains a very similar purpose, uses, and site provisions.

	HR1 – Hamlet Residential 1 District	HR2 – Hamlet Residential 1 District
Purpose	To maintain the existing character of established residential area and provide for low density residential development.	To maintain the existing character of established residential area and provide for low density residential development.
Supported uses	Single detached dwellings, mobile homes, and secondary suites.	Semi-detached dwellings, multi-unit dwellings, duplexes, and apartments.

* for the complete set of rules, refer to Part 6, Sections 23 and 24 of the LUB Draft.

Another change proposed is the addition of the Suburban Estate Residential 2 District. The purpose of this change is to address the differences in the development typology proposed east of Spruce Valley road that allows for mobile homes. The current Suburban Estate Residential District remains unchanged and is now titled Suburban Estate Residential 1 District.

Decks and Accessory Buildings

To address public feedback and challenges with the permitting process, the LUB is proposing that decks and accessory buildings not exceeding 20sq m will not require a development permit. Building permits will still be required and development will need to comply with the LUB provisions like setbacks and lot coverage.

In response to public feedback, the LUB is proposing to increase the maximum area requirements for accessory buildings in residential districts as follows:

- 250sq m for parcels under 2.0ha
- 350sq m for lots 2.0ha and larger

The LUB has provisions to control the development of sea-cans as a discretionary use in the Hamlet Commercial, Hamlet Community Core, and Rural Residential districts.

Secondary Suites

The general regulations for secondary suites apply to rural residential districts; Section 5 summarizes those regulations.

Home Businesses

The provisions for home businesses have small variations that apply to rural residential areas. Section 5 of this report provides a summary of the regulations.

Specific provisions were added to consider bigger lots that may exist in rural residential areas. A major home business may have:

- Two employees on site.
- Up to three commercial vehicles with accessory trailers.
- Exterior storage and a display of materials provided that there is adequate screening from outside the property.

B. Rural Commercial Districts

The LUB is proposing two districts that will provide retail in the rural communities. The creation of these districts is the direct result of implementing land use concepts and policies found in the ASPs.

What did we hear?

During various engagements, many expressed the desire to see more services that are centrally located and easily accessible by residents of all ages, including seniors. Other comments were related to the parking requirements.

In response to public feedback, the Hamlet Community Core District was created. This is a new district located in the central core of rural communities. The Hamlet Community Core District is intended to be the hub for commercial, institutional and residential uses. It will allow for the existing development pattern to occur while providing new opportunities for different and higher density residential forms that help increase housing supply and affordability.

The Hamlet Commercial District remains unchanged and is applicable for some communities only in pockets of commercial development outside the Community Core area.

	HR1 – Hamlet Residential 1 District	HR2 – Hamlet Residential 1 District
Purpose	This district is to provide a variety of compatible institutional, commercial, recreational, and residential uses in the community core of a hamlet.	This district is to allow for residential uses and compatible small-scale commercial and retail uses outside of the Hamlet Community Core District.
Supported uses	Office, Retail General, Restaurant Minor and Recreation Facility.	Retail Convenience, Retail General, and Single detached dwelling.

* for the complete set of rules, refer to Part 6, Sections 26 and 26 of the LUB Draft.

To improve the streetscape, new development within the Hamlet Community Core District will be required to install landscaping in compliance with the LUB.

C. Industrial Districts

The number of industrial districts has increased from two to three. The BI - Business Industrial District and BIU -Business Industrial Unserved Districts were deleted. The creation of the three new districts will:

- Allow for diversification of future industrial areas.
- Prevent heavy industrial uses from being located near residential areas.
- Provide flexibility to allow businesses to locate near other similar or complementary areas.

The applicability of the Light Industrial, Medium Industrial, and Heavy Industrial Districts in the rural communities depends on the land uses applicable in each community and per the land use maps proposed.

D. Part 7 - Parking

The proposed LUB has substantially changed the approach on the parking requirements for rural communities. The Development Authority will be able to grant a variance for the parking requirements when the total number of stalls exceeds 15 stalls. This variance will require a parking study.

The rules for bicycle parking and accessible parking stalls are the same as explained in Section 5 of this report. The stalls for senior citizens parking are not a requirement in rural communities; however, developers can choose to include senior citizen parking.

E. Part 8 - Signs

There will be one set of sign rules applicable throughout the region instead of three separate sets of regulations. Signage rules will apply to a specific type of sign and located based on which land use district the sign is allowed. A summary of the provisions is available in Section 5.G of this report.