

Village of Alix – Land Use Bylaw Review (Part 2 of Proposed Changes)

Issue: General Regulations –Building Demolition

Clarification needed on:

- Village’s expectations for those wishing to remove or demolish a building
- Ease of referring to relevant information for the application



Current Approach:

- Application information appears in two spots
- Little direction on what is expected to happen with site after building is down

Proposed Amendments:

Amending Part Seven: General Land Use Regulations by replacing Section 7.5 with the following:

7.5 Building Demolition

- (a) A development permit is required where the demolition of one or more buildings or structures having a floor area greater than 10.0 m² (108 ft²) is proposed and will take place in advance of obtaining approval for redevelopment of the site or replacement of the buildings. This application shall be processed as a permitted use in all Land Use Districts.
- (b) In addition to the requirements of Section 3.1 (contents of development permit application), the Development Officer may require an application that involves demolition of a building to be accompanied by a statement indicating how the demolition will be carried out so as to avoid or minimize the creation of nuisances to surrounding properties during the demolition process.

Comments and Explanation:

Addresses two scenarios: taking down a building and applying for a replacement building at a later date or taking down a building and building the replacement building right away

First scenario requires a stand-alone development permit (may be years before they come back with the replacement building application)

Second scenario gets combined in the development permit for the replacement building

Managing impacts on adjacent properties is a Land Use Bylaw issue while disposal of hazardous materials is under provincial legislation

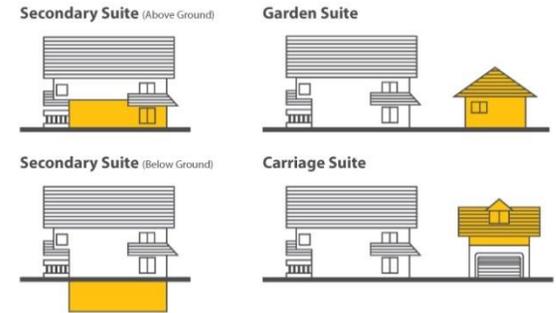
Proposed Amendments:	Comments and Explanation:
<p>(c) Whenever a development permit is issued that involves the demolition of a building, it shall be a condition of the permit that:</p> <ul style="list-style-type: none"> (i) the site be properly cleaned, with all debris removed; (ii) the site is left in a graded condition that removes or fills in excavations and is in accordance with the site drainage requirements of this Land Use Bylaw; and (iii) the applicant arranges for the safe disconnection of all municipal and private utilities serving the building to be demolished prior to demolition commencing. <p>(d) Where a permit is approved, the Development Authority may require the applicant to provide a letter of credit or other security of such amount to cover the costs of reclamation and any damage to utilities.</p>	

Village of Alix – Land Use Bylaw Review (Third Part)

Issue: General Regulations – Secondary Suites

Clarification needed on:

- Size of allowable secondary suite and how the floor area of the suite is calculated
- Reference to meeting all requirements of the Safety Codes Act



Current Approach:

- Secondary suite is limited to one per lot and only where the other dwelling on the lot is a detached dwelling
- Suite size is limited to 595 ft² and there is no guidance on what floor area is counted against the figure

Proposed Amendments:

Amending Part Seven: General Land Use Regulations by replacing Section 7.6(d) Secondary Suites with:

- (d) The floor area of a secondary suite shall be a maximum of 75% of the floor area of the primary dwelling unit up to a maximum of 80 m² (860 ft²). Only the building area used exclusively by the occupants of the secondary suite shall be included in the calculation of floor area for the secondary suite. Common entrances and facilities such as laundry rooms and storage shall not be included in the calculation of floor area for the secondary suite.

Amending Part Seven: General Land Use Regulations by adding the following to Section 7.6 Secondary Suites and re-numbering the subsequent sections accordingly:

- (h) Secondary suites must meet Alberta Building Code, Fire Code and Energy Code requirements;

Comments and Explanation:

Provides greater size and range of possibilities for secondary suites and how to calculate the floor area associated with the secondary suite

Secondary suite should still be smaller than the floor area of the primary dwelling unit

Example 1: if the primary dwelling unit is 1,200 ft² then the maximum size of secondary suite is 1,200 ft² x 0.75 = 860 ft²

Example 2: If the primary dwelling unit is 1,080 ft² then the maximum size of secondary suite is 1,080 ft² x 0.75 = 810 ft²

Provides reference to Safety Codes Act requirements

Village of Alix – Land Use Bylaw Review (Third Part)

Issue: General Regulations – Adult Care Housing

Clarification needed on:

- how District requirements apply to this use which can come in several sizes and forms
- number of staff in a facility in relation to the required amount of parking



Current Approach:

- Adult care housing is defined and is assigned as an allowable use to the R1, R1A and R2 Districts
- Parking requirements are not provided

Proposed Amendments:

Comments and Explanation:

Amending Part Seven: General Land Use Regulations by adding the following as Section 7.7A:

7.7A Adult Care Housing

- (a) The maximum number of staff for each adult care housing development shall be specified as a condition of the development permit.
- (b) The development standards that apply shall be the standards of the District that most closely resembles the form of the adult care housing development. In the case of adult care housing in a building similar to a detached dwelling, the yard and building standards for a detached dwelling shall apply. In the case of adult care housing in a building similar to an apartment style building, the yard and building standards for an apartment shall apply.

Adult care housing can come in many sizes and styles of building (e.g. small scale with 3 residents)

Provides direction on how to fit a newly constructed adult care housing development on a site in the R1, R1A or R2 Districts based on the housing form that most closely matches the building form of the adult care housing

States the requirement to know the number of staff and put a condition for an upset limit to address what is typically the main concern around the availability of staff parking in a residential setting

Amending Part Seven: General Land Use Regulations by adding the following to Section 7.12 Parking under the Residential sub-heading:

Adult care housing - 1 per 2 units of accommodation plus 1 per employee on the largest working shift

Adds parking requirements for residents and care staff

Village of Alix – Land Use Bylaw Review (Third Part)

Issue: General Regulations – Bed and Breakfast Establishments

Clarification needed on:

- Definition of use and assignment to Land Use Districts
- General regulations that would apply and applicable parking standards



Current Approach:

- Bed and Breakfast Establishment is not covered in the Land Use Bylaw

Proposed Amendments:	Comments and Explanation:
<p>Amending Part Ten: Definitions by adding the following in alphabetical order:</p> <p>“bed and breakfast establishment” means an owner occupied detached dwelling where temporary accommodation is provided in three or less guest rooms and meals are provided daily to registered overnight guests;</p> <p>Amending Part Seven: General Land Use Regulations by adding the following:</p> <p>7.7B <u>Bed and Breakfast Establishments</u></p> <p>(a) Bed and breakfast establishments are allowed provided that they are secondary to the residential use of the dwelling. Such accommodation shall not interfere with the use and enjoyment of the neighbourhood as a residential area. In this regard, bed and breakfast establishments shall comply with the following standards:</p> <p>(i) alterations to the residence shall be limited so that a home can be easily re-converted back to a residence and to ensure that the home is virtually indistinguishable from other houses in the neighbourhood. Any alterations are to be approved by the Development Authority;</p>	<p><i>Need to define the use to assign the various Land Use Districts</i></p> <p><i>Definition limits the scale based on the number of guest rooms – intent is a small scale option for commercial overnight accommodation rather than a larger scale motel or hotel</i></p> <p><i>General intent it to use a larger house or a new built structure that looks like a large detached dwelling to be able to fit in to the residential area.</i></p> <p><i>Onsite parking requirements may require a small parking lot or parking area directly off a lane.</i></p>

Proposed Amendments:	Comments and Explanation:
<p>(ii) guest rooms shall not be self-contained dwelling units. There shall be no cooking facilities available in the guest rooms;</p> <p>(iii) one sign only shall be permitted to identify, rather than advertise the establishment. Such sign must not exceed 0.75 m² (8 ft²) in area;</p> <p>(iv) off-street parking shall be provided as follows: two parking spaces for the dwelling unit plus one space per guest room; and</p> <p>(v) a bed and breakfast shall not be permitted on a parcel where a home occupation, secondary suite, boarding or rooming house, or child care facility exists.</p> <p>(b) A development permit issued for a bed and breakfast establishment does not exempt compliance with health regulations or any other permit requirements.</p> <p>Amending Part Nine: Land Use District Regulations by adding “bed and breakfast establishments” as a discretionary use to the R1, R1A, and R2 Districts</p>	<p><i>Proposed Districts are all low density residential where detached dwelling forms are a permitted use</i></p>

Village of Alix – Land Use Bylaw Review (Third Part)

Issue: General Regulations – Child Care Facilities



Clarification needed on:

- General regulations that would apply to ensure the use fits with the residential uses in the area

Current Approach:

- Child care facilities is defined and is assigned as a discretionary use in the R1, R1A, R2, R3, and R3A Districts

Proposed Amendments:	Comments and Explanation:
<p>Amending Part Seven: General Land Use Regulations by adding the following:</p> <p>7.7C <u>Child Care Facilities</u></p> <p>(a) The Development Authority may refuse a development application for a child care facility if the proposed development is not appropriate on the intended site having regard to the overall compatibility with the residential character of the area. In assessing issues of compatibility, particular focus will be given to the amount of traffic expected based on the number of children served by the facility and the availability of parking for drop-off and pick-up.</p> <p>(b) The total number of children to be served by a child care facility and the number of staff shall be specified as a condition of development permit approval.</p> <p>(c) Each child care facility shall provide an outdoor play space on site or on another parcel that is within 90m (295 ft) of the location of the child care facility.</p> <p>(d) The location of available parking for parents and staff shall be specified as a condition of development permit approval.</p>	<p><i>Most significant aspect of compatibility tends to be the amount of traffic generated and congested on-street parking due to parent drop off and pick up (children are allowed in residential areas)</i></p> <p><i>Intended to make the connection between scale/size of facility and required parking and acceptable levels of traffic</i></p> <p><i>Proposed use may be a few houses down from a public park or may have a separate location for outdoor play</i></p>

Proposed Amendments:	Comments and Explanation:
<p>Add “child care facilities” as a discretionary use in the Public Recreation District (PR);</p>	<p><i>The PR District applies to the site of the local school and before and after school programs may be offered on site by a group leasing space or having an agreement for using school facilities for programs including child care</i></p>

Village of Alix – Land Use Bylaw Review (Third Part)

Issue: General Regulations – Objects Prohibited or Restricted in Yards

Clarification needed on:

- Relation to the Nuisance Bylaw requirements for the general upkeep of all properties
- Use of outdoor boilers
- Heavy vehicles parked on private property in residential areas



Current Approach:

- Restrictions on derelict vehicles is limited to residential areas
- Outdoor boilers are not addressed
- Heavy vehicle and heavy vehicle storage is allowed in the R4 Heavy Vehicle Residential District

Proposed Amendments:

Amending Part Seven: General Land Use Regulations Section 7.9(a) by replacing “in a residential district” with “ in any District”;

Amending Part Seven: General Land Use Regulations Section 7.9 by deleting (b) and adding:

- (b) No tractor truck, tractor truck trailer or tractor truck with trailer shall be parked or stored in any residential district for longer than is reasonably necessary to load or unload said vehicle;
- (c) With the exception of recreational vehicles, no vehicle or vehicle with a trailer attached having an individual or combined gross vehicle weight in excess of 4,500 kg shall be parked or stored in any residential district for longer than is reasonably necessary to load or unload said vehicle;

Comments and Explanation:

This broadens the application to all lands in the Village – cannot have a derelict vehicle on site unless in building or screened from view

Matches the Nuisance Bylaw

Breaks out the restrictions on heavy vehicles in residential areas to make the regulations easier to follow; uses same weight restriction as current LUB

Distinction between commercial versus non-commercial vehicles has been removed to focus on vehicle weight

Proposed Amendments:	Comments and Explanation:
<p>(d) Notwithstanding subsections (b) and (c), tractor trucks and vehicles, and vehicles with trailers, which may have an individual or a combined gross vehicle weight in excess of 4,500 kg, are permitted in the Heavy Vehicle Residential (R4) District where a development permit involving the parking or storage of said vehicle has been issued.</p> <p>(e) All types of outdoor boilers are prohibited.</p>	<p><i>Only the properties in the R4 District which have an approved development permit for “heavy vehicle parking and storage on the owner’s/operator’s residential parcel” will be able to have a tractor truck or vehicle exceeding 4,500 kg gross vehicle weight</i></p> <p><i>Traffic Bylaw: Part 3 Parking (7) may have to be amended to concentrate on on-street parking; LUB addresses private property</i></p> <p><i>Outdoor boilers (see definition in previous materials) can be a cause of concern in urban areas due to potential smoke and heat transmission. The most common form, wood fire boiler, can experience creosote build-up in the flue due to inefficient burning and create a significant amount of smoke</i></p>

Village of Alix – Land Use Bylaw Review (Third Part)

Issue: General Regulations – Parking Standards

Clarification needed on:

- Need to provide stalls for those with disabilities and relation to overall required parking



Current Approach:

- Number of designated stalls for use by those with disabilities is left to the Building Code

Proposed Amendments:

Amending Part Seven: General Land Use Regulations Section 7.12 by adding:

- (j) Designated parking stalls for the use of those with disabilities shall be required in accordance with provincial regulations and standards. These stalls shall be considered part of the minimum number of stalls required for the development under subsections 7.12(a)(b) and (c).

Comments and Explanation:

The number of stalls to be designated remains set by the Building Code based on the nature and size of the use

The standards for the parking stalls such as width and placement is also set by Building Code

New text clarifies that the issue needs to be addressed/taken into account and that these stalls form part of the LUB requirement rather than impose an added requirement for more stalls

Village of Alix – Land Use Bylaw Review (Third Part)

Issue: General Regulations – Excavation, Stripping and Grading of Parcels

Clarification needed on:

- Approach to large scale, typically mechanized excavation of land compared to smaller scale excavation and landscaping
- Expectations relating to the grading and drainage from properties regardless of how the grading and contouring was undertaken



Current Approach:

- Combined into one section with little distinction and limited guidance

Proposed Amendments:

Comments and Explanation:

Amending Part Seven: General Land Use Regulations by replacing Section 7.21 with the following:

7.21 Mechanized Excavation, Stripping and Grading of Parcels

(a) A development permit is required for any mechanized excavations, stripping and/or grading where no other use has been proposed. A person wishing to excavate, strip or grade land for which a development permit has not been issued for an associated development shall apply to the Development Officer on the prescribed form and shall set out the following details in their application

- (i) the legal description of the site on which the excavation, stripping or grading is to take place;
- (ii) the specific area on the site to be affected by the operation;
- (iii) the present height of the land relative to any adjoining public thoroughfare and adjacent sites;

Need to maintain a distinction between site preparation that accompanies a development permit for a new use compared to site preparation with no immediate building or site improvements to follow

Further, need to account for small scale changes in landscaping and grading on parcels over time

Development permit to re-plant a shrub bed or do minor contouring of a lawn may not be practical

Proposed Amendments:	Comments and Explanation:
<p>(iv) the proposed depth to which the site is to be excavated or topsoil removed and the level to which it is proposed to restore surface of the land in relation to lands adjacent to the subject property;</p> <p>(v) an outline of the methods for controlling or avoiding any nuisance arising from noise, dust or drainage from the operation; and</p> <p>(vi) the length of time that the applicant estimates will be required to complete the excavation or work.</p> <p>(b) Where not otherwise stated in the applicable District, the mechanized excavation of land or the removal of topsoil shall be deemed to be a discretionary use.</p> <p>(c) It shall be the responsibility of the applicant to restore the worked area to a level and safe condition as required by the Development Authority.</p> <p>(d) The applicant is responsible for controlling or avoiding any nuisance arising from noise, dust or drainage from the operation.</p> <p>(e) A temporary fence shall be erected around all excavations which in the opinion of the Development Authority may be dangerous to public safety.</p> <p>Amending Part Seven: General Land Use Regulations by adding the following as Section 7.21A:</p> <p>7.21A <u>Parcel Grading and Drainage</u></p> <p>(a) The storm water run-off and sub-surface drainage of all development shall be in a manner acceptable to the Development Authority.</p>	<p><i>New – section being added to give overall performance expectations for all landowners when it comes to the grading of their property and the resulting drainage patterns</i></p> <p><i>Drainage must be addressed on own property and discharge offsite has to go in a public road or lane</i></p>

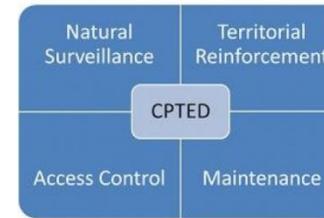
Proposed Amendments:	Comments and Explanation:
<p>(b) Any area that is landscaped and/or re-contoured shall be done so that the finished grade does not direct surface drainage or cause the impounding of drainage on adjoining land unless otherwise approved by the Development Authority.</p> <p>(c) Storm water run-off and sub-surface drainage, including the discharge of sump pumps, of all development shall not directly discharge or cause any flows across a sidewalk.</p> <p>(d) All roof drainage from any building shall be directed onto the parcel upon which such building is situated by means of eaves troughs and downspouts, or other suitable means, to the satisfaction of the Development Authority.</p> <p>(e) Where the final site grades have been established through a development agreement or engineered drawings, the Development Authority shall require the applicant to provide a grading and location certificate indicating the final elevations of the corners of the property and the front and rear elevations and locations for all buildings.</p>	<p><i>This is workable for new subdivisions but cannot be applied to older areas – no engineering records and storm water design for original parts of the village</i></p>

Village of Alix – Land Use Bylaw Review (Third Part)

Issue: General Regulations – Landscaping and Crime Prevention Through Environmental Design

Clarification needed on:

- Area of site to be landscaped based on the proposed use
- Amount of allowable hard landscaping and areas that must be left as a traditional grass lawn
- Consideration of how site design and landscaping can contribute to crime deterrence



Current Approach:

- Amount of hard landscaping such as paving stones, river stones, etc. is limited to 10 percent of the parcel area
- No reference to crime prevention through environmental design considerations

Proposed Amendments:

Comments and Explanation:

Amending Part Seven: General Land Use Regulations by replacing Section 7.22 with the following:

7.22 Landscaping

- (a) All areas of a parcel not covered by buildings, driveways, parking, storage and display areas shall be seeded to grass, sodded, cultivated as a garden, landscaped or hard landscaped or left with its natural, weed-free grass and vegetative cover according to the following standards:
- (i) the conservation of existing trees and shrubs to the greatest extent possible;
 - (ii) a sufficient depth of topsoil to facilitate growth of soft landscaped areas;
 - (iii) the planting of additional trees and shrubs to provide screening of outdoor storage areas from adjacent buildings and public roadways; and

No minimum landscaped areas are required for any use

Emphasis is on how to treat areas not used for building and parking-amount of landscaping is essentially left to the property owner

Development Authority can require landscaping to address specific issues such as screening views and providing buffers as needed on a case by case basis

Gardens count as landscaping

Proposed Amendments:	Comments and Explanation:
<p>(iv) up to a maximum of 20 percent of the parcel being hard landscaped.</p> <p>(b) All landscaping of a parcel must be complete by the end of the first full growing season following the completion of construction or the commencement of the approved use.</p> <p>(c) The owner of a property shall be responsible for the installation and proper maintenance of all landscaping that is required by a development permit. If the required landscaping does not survive two (2) growing seasons following the date the landscaping was planted, the owner must replace it with a similar species and similar width and height. The absence of landscaping required in a development permit may be enforced as a breach of the conditions of approval.</p> <p>Amending Part Seven: General Land Use Regulations by adding the following as Section 7.22A:</p> <p>7.22A <u>Crime Prevention Through Environmental Design (CPTED)</u></p> <p>(a) All development is encouraged to be designed in a manner that takes Crime Prevention Through Environmental Design (CPTED) strategies into consideration. This includes:</p> <p>(i) natural surveillance – design of site and buildings, lighting, and landscaping to promote natural observation and opportunities for people to observe and be observed from adjacent spaces;</p> <p>(ii) access control – placement of buildings and landscaping to physically or visually indicate public access areas and restrict access to private areas;</p> <p>(iii) territorial reinforcement – buildings, landscaping and improvements used to distinguish between public and private spaces.</p>	<p><i>hard landscaping does not include monolithic concrete, asphalt or gravel areas (which may be used as an RV parking pad); includes ground level patios using paving stones, xeriscaped areas using washed rock, etc.</i></p>

Proposed Amendments:	Comments and Explanation:
<p>(b) The Development Authority may require a CPTED analysis to be completed for any development and may include conditions on development permits to ensure adherence to CPTED principles as required by the Development Authority.</p>	

Village of Alix – Land Use Bylaw Review (Third Part)

Issue: General Regulations – Private Pools and Decorative Ponds

Clarification needed on:

- Allowable location on a parcel
- Expectations regarding safety and security



Current Approach:

- Not covered in the current Land Use Bylaw

Proposed Amendments:

Comments and Explanation:

Amending Part Seven: General Land Use Regulations by adding the following as Section 7.26A:

7.26A Private Pools and Decorative Ponds

- (a) All private pools must be:
- (i) located in a side or rear yard of the parcel;
 - (ii) at least 1 m (3.28 ft) from any side or rear property line shared with another parcel and 3 m (10 ft) for side or rear property line abutting a street; and
 - (iii) be secured against entry by the public other than owners, tenants or their guests by being enclosed by a 1.82m (6 ft) fence designed to deter children from climbing over, crawling through or crawling under to gain access.

New – pools not to be located in a front yard for privacy and ability to install a suitable fence to limit access for safety reasons

Proposed Amendments:	Comments and Explanation:
<p>(b) All decorative ponds must be:</p> <ul style="list-style-type: none"> (i) located in a side or rear yard if the depth of the pond is greater than 0.6m (2 ft): (ii) at least 1m (3.28 ft) from any property boundary; and (iii) be secured against entry by the public other than owners, tenants or their guests by being enclosed by a 1.82m (6 ft) fence designed to deter children from climbing over, crawling through or crawling under to gain access if the depth of the pond exceeds 0.6m (2 ft). 	<p><i>New – deeper decorative ponds are not allowed in the front yard and are treated similar to a pool in terms of access for safety purposes</i></p>

Village of Alix – Land Use Bylaw Review (Third Part)

Issue: General Regulations – Update of Provincial Agency Names and Setbacks

Clarification needed on:

- Current names of government departments and agencies
- Current provincial regulations for setbacks



Current Approach:

- Names and setbacks are included based on the information that was current when the Land Use Bylaw was last updated

Proposed Amendments:

Comments and Explanation:

That all references to “Alberta Gaming and Liquor Commission (AGLC)” throughout the Land Use Bylaw be changed to “Alberta Gaming, Liquor and Cannabis Commission (AGLC)”;

Updated name

That all references to “Energy Resources Conservation Board” throughout the Land Use Bylaw be changed to “Alberta Energy Regulator”;

Updated name

That all references to “Alberta Environment” throughout the Land Use Bylaw be changed to “Alberta Environment and Parks”;

Updated name

Amending Part Seven: General Land Use Regulations by adding replacing Section 7.23(ii) with the following and adding 7.23(iii):

- (ii) no building shall be constructed within 100m (328.1 ft) of the well head of a gas or oil well unless otherwise approved in writing by the Alberta Energy Regulator.
- (iii) no building larger than 47m² (506 ft²) shall be approved within 5m (15 ft) of the well bore of an abandoned well.

Qualifier for infill development was removed from the Subdivision and Development Regulation

Was added to the Subdivision and Development Regulation based on AER Directive 079 Surface Development in Proximity to Abandoned Wells