

MACKENZIE COUNTY REQUEST FOR DECISION

Meeting: Regular Council Meeting

Meeting Date: April 28, 2014

Presented By: Byron Peters, Director of Planning & Development

Bylaw 953-14 Land Use Bylaw Amendments Add Regulation to Flood Prone Lands and Landscaping, Screening or Sound

Title: Barriers, Definition of Garden Suite and Change the Minimum

Lot Size in Agricultural "A"

BACKGROUND / PROPOSAL:

Bylaw 953-14 is being brought forward to address a few more items in the updated Land Use Bylaw 791-10 that require attention.

The regulation regarding Section 7.1, Access and Drainage, is to help avoid damage to buildings that can occur during overland flooding. Many developers disregard that they live in a flood prone area and are susceptible to having their dwelling and buildings flooded and potentially ruined. This regulation will help ensure that all developments in flood prone areas are built or placed at the same as or above the downstream road centerline elevation.

The regulation being brought forward for Section 7.29 Landscaping, Screening or Sound Barriers is to address the setbacks for trees and shrubs from property lines. After researching other municipalities in Alberta, there were no rules or regulations in relation to setbacks between trees and property lines that we found. ATCO Electric does have a policy in place that all trees must be at a minimum of 6 meters (20 feet) from power lines.

The Planning and Development department feel that having a setback for side and rear property lines at 1.5 meters (5 feet) is more than sufficient considering that in most residential districts that is the minimum setback for buildings and dwellings. The regulation mentions that the owners of the tree(s) or shrub(s) are responsible for the upkeep and maintenance on their property and neighbouring properties.

Recen	tly 1	there	has I	been	cor	ıfusi	on re	gardir	ng th	e definit	tion o	fa (Garde	en S	Suite.	The	ere
was a	de	velop	ment	peri	mit t	hat	was	appro	ved	becaus	e the	re w	/ere	no (groun	ds 1	for
refusa	I. A	Gard	en S	uite	is to	be	place	ed on	an	existing	yard	site	that	has	a pr	incip	oal

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dwelling that is accessible by the same driveway. A garden suite is for the use of family members, not for rental property.

Also, the minimum lot size for residential lots in rural areas (Agricultural "A") should be changed from 3 acres to 5.5 acres. This is simply a preventative measure to guarantee that there will be no other 10 acre splits to cause problems with adjacent landowners. By implementing a minimum of 5.5 acres, the only subdivisions that would qualify to be split would be ones that were subdivided as an existing farmstead, and that needed more land to satisfy setback requirements. Administration feels that it is highly unlikely that a property owner would move that many buildings in order to split their small parcel.

The Municipal Planning Commission made the following motion at the April 24, 2014 MPC meeting:

MOTION 14-04-072

That the MPC recommend to Council to amend the Land Use Bylaw to add regulation to Section 7.1, to revise the definition of "GARDEN SUITE" and that the minimum lot size be changed to 2.2 ha (5.5 acres) in Section 8.1 C. (b), subject to public hearing input.

The MPC does not recommend the additional regulation to Section 7.29.

OPTIONS & BENEFITS:

These changes and additions will provide greater clarity on several items that are currently in the Land Use Bylaw, and provide new direction for some items that were not previously included. The intent is to keep the LUB as clear and concise as we can, while protecting the rights of each individual.

COSTS & SOURCE OF FUNDING:

Costs will consist of advertising the public hearing, and will be borne by the Planning Departments operating budget.

SUSTAINABILITY PLAN:

The sustainability plan does not address any topics that affect this bylaw amendment.

COMMUNICATION:

The bylaw amendment will be advertised as per MGA requirements.

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RECOMMENDED ACTION:	
That first reading be given to Bylaw 953-14 being a Land Use Bylaw Amendment to add regulation to Section 7.1, to revise the definition of "GARDEN SUITE" and that the minimum lot size be changed to 2.2 ha (5.5 acres) in Section 8.1 C. (b), subject to public hearing input.	
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