

**PUBLIC HEARING MINUTES FOR GENERAL LAND USE BYLAW
(BYLAW 022-10)
FOR THE TOWN OF CHESTERMERE
HELD TUESDAY, FEBRUARY 22, 2011 AT 8 PM IN
COUNCIL CHAMBERS AT THE MUNICIPAL OFFICE**

PRESENT: Mayor Patricia Matthews
Deputy Mayor Patrick Bergen
Councillor Stu Hutchison
Councillor Christopher Steeves
Councillor Kelsey Johnson
Councillor Heather Davies
Councillor Terry Leighton

ALSO PRESENT: Terry Hurlbut, CAO
Ray MacIntosh, Director of Finance
John Popoff, Director of Development Services
Chen Peng, Assistant Director of Development Services
Gordon Brookhouse, Assistant Director of Public Works
Tammy Botsford, Recording Secretary

GALLERY: 12 people
1 media

A. CALL TO ORDER

Mayor Matthews called the meeting to order at 8 PM and provided an overview of Public Hearing procedures.

B. ADOPTION OF AGENDA

Moved by Mayor Matthews that the agenda be adopted as presented.

CARRIED:

C. BYLAW 022-10

Elizabeth Armitage, Project Planner, presented the information regarding Bylaw 022-10 Public Hearing. The current Land Use Bylaw 99-600 was approved in 1999.

The Development Services Department is undertaking a comprehensive review of the Town's Land Use Bylaw which was approved in 1999. This review is occurring in part because of the age of our Bylaw. There have been many amendments over the years which have resulted in challenges for Staff to administer and interpret the bylaw accurately. As well, our current Bylaw is not

reflective of recent legislation changes at all government levels, including Town policy changes included in our newly approved Municipal Development Plan. Further, the structure and format of a Land Use Bylaw is often influenced by the best available approaches to satisfy legislative requirements. It is also important to ensure definitions, general regulations and land uses are contemporary and clear.

Elizabeth Armitage, the Town's Project Planner, is the Project Manager for this project. ISL Engineering and Land Services Ltd. was awarded the project contract and began work in February 2010. Development Services staff have been highly engaged throughout the project and additional Town departments have been involved in the project on an as needed basis.

Our new Land Use Bylaw has been prepared with the aim of streamlining the document and creating a more-user friendly Bylaw. It is believed that a contemporary format, which includes images, will be easier for Town staff administer and interpret and will be easier for industry and residents to understand. The new Bylaw will keep the best components of our current Bylaw while introducing an improved structure and regulatory approaches.

A summary of the significant changes between the First Reading Draft (December) and the Final Draft (February) is found in Exhibit A, Land Use Bylaw Public Hearing Changes Summary. These changes are based on an evaluation of the circulation comments received to date from Industry, Internal Town Departments and Chestermere Residents.

Work on the Form Based Codes component of the Land Use Bylaw is still underway. This portion of the Bylaw will be brought to Council in Spring of 2011.

There is no time frame in which Council is required to act on a bylaw within the *Municipal Government Act*. However, any bylaw requires three (3) separate readings by Council under Section 187 of the *MGA*, and a Public Hearing must be held by Council prior to Second Reading of the proposed bylaw under Section 692 of the *MGA*.

Section 188 of the *MGA* states that once First Reading is granted, Third Reading must be given within two (2) years.

In accordance with the *MGA* and typical Town of Chestermere procedures after First Reading was granted on December 6, 2010, Bylaw 022-10 was circulated to external agencies and Internal

Departments. In addition the LUB Public Hearing was advertised in The Anchor on February 3 and 10 and a copy was posted on the Town's website.

Prior to First Reading a session with Industry representatives was held on November 17, 2010. All known active developers and builders within the Town were invited.

A Public Open House was also held on November 17, 2010 from 6pm to 8pm. A total of 7 residents were in attendance and the majority of questions raised were related to process rather than LUB specific issues.

A session with internal Department Directors was held November 18, 2010. This session provided an overview of the significant changes to the LUB and an overview of the approval process.

After First Reading the comments were received from multiple Industry Representatives including:

- WestCreek Developments
- United Communities
- Mattamy Homes
- Centron
- Beattie Homes Ltd.
- IBI Group on behalf of Melcor

Public Comments received to-date has been largely about process and MDP related concepts. However, those specific to the LUB include:

- Home Business signage
- RV parking were raised

As per MGA requirements external Agencies were also circulated. All those circulated when the MDP was circulated were circulated the LUB. The following agencies provided response:

- Rocky View County
- The City of Calgary
- Rocky View Schools
- The Western Irrigation District
- Alberta Transportation

Staff recommended Town Council approve Second Reading and Third Reading of Land Use Bylaw 022-10 as proposed.

Councillor Bergen asked about the R1MS all others have 6 metre setback from front. MDP design more front porches et cetera is this in conflict with the MDP. Form Based Code is actively being worked on and solutions are being prepared. The Form Based

Code will be brought forward to a future Council as an amendment to this Bylaw. Staff confirmed that there is a mixed use retail/residential capacity built into the Bylaw.

Councillor Hutchison requested clarification regarding “front” yard for a home on the lake. It is under the “Yard” definition. For the purpose of the definition in the LUB, the front is the space between the street and the house. There is an exemption in the RL district.

Building height – how is this determined? From the lowest point of the finished grade at the front of the building. Still allows for walk-out basements. 10 metres to 12 metres – only allowing two stories – it is about architectural detailing, not additional stories.

Is there any retroactivity on this Bylaw on parking issues on current unapproved secondary suites? Staff replied that secondary suites currently do and will continue to require approval. If a suite was illegal, it will continue to be deemed an illegal suite.

Councillor Johnson asked for clarification about R1MS and the current proposed Bylaw regarding the Mattamy Homes development and if it is included with this proposed Land Use Bylaw. Staff answered that the R1 is 6 metres and whatever happens with the Mattamy Bylaw is separate and will be incorporated as an amendment into the Land Use Bylaw. It is not a sweeping amendment that has been made to the R1 district, it actually was in the original draft at one point, however staff have gone back and removed it to separate the two issues. Staff felt that it would be presumptuous to include it in the document at this time, due to the fact that the two Bylaws were both before Council. The Mattamy will be its own district left as a separate issue and to be folded in later as a part of a consolidation.

Mayor Matthews asked for further clarification regarding the definition of secondary suites. Page 76, Section 7.30, asked for staff’s opinion regarding home ownership as a requirement for secondary suites. Staff replied that this is a current topic in other municipalities, that being staff feels that it would be a hard issue to enforce, however, on a complaint basis, which is how issues are typically enforced, staff could enforce that the home owner must reside in the home of the secondary suite, it is not an impossible thing to do. It is not currently included in this version of the Bylaw. They do not want a rental suite created within a rental suite.

Council agreed with the Development Services Department that this Bylaw is a “live-document” that will be amended as needed to keep current with town development issues.

D. IN FAVOUR

**Dave McCrae – ISL Consulting
Calgary, Alberta**

Speaking on behalf of the Development Services Department. Mr. McCrae answered questions from Council asking for clarification of definitions, setbacks, building heights.

**John Popplestone – 777 Qualicum Beach Bay
Chestermere, Alberta**

Requested clarification of recreational vehicle provisions. Staff replied that a development permit is not required to store a recreational vehicle on a driveway – can park it off functional driveway space. The 30 day maximum limit was removed.

Will there be offsite parking or street parking added to the Bylaw for residential/home operated businesses? Staff replied that it is at the discretion of the Authority that the need to approve to authorize offsite parking is mentioned on page 48 of the Bylaw.

**Jared Melton – 204 Crowfoot Crescent, NW
Calgary, Alberta**

Requested clarification regarding page 132 of the Bylaw, Developer Signage and time limits. Staff replied that this Bylaw will not be retroactive.

E. OPPOSED

No one spoke in opposition of the application.

F. ADJOURNMENT

Moved by Councillor Bergen that the Public Hearing adjourn at 8:38 p.m.

CARRIED:

Mayor Patricia Matthews

Terry Hurlbut, CAO