

# COUNCIL REQUEST FOR DECISION

**MEETING DATE:** March 25, 2024

**SUBMITTED BY:** K. Stadnyk, Development Officer

**PREPARED BY:** K. Stadnyk, Development Officer

**REPORT TITLE:** Bylaw No. 1170-2024 – Amendment to Land Use Bylaw No. 809-2013, Repealing Bylaw No. 1051-2020 (Robinson DC) (2nd and 3rd Readings)

---

## EXECUTIVE SUMMARY

Bylaw No. 1170-2024, will amend Land Use Bylaw No. 809-2013, by first repealing Direct Control District DC(27), and then redistricting all of the lands previously within DC(27) to RCD – Residential Compact Development. The proposed land use district aligns with what is currently built on the affected lands and supports the community vision as expressed through the Municipal Development Plan.

## RECOMMENDATION

That Council give Bylaw No. 1170-2024 second reading.

That Council give Bylaw No. 1170-2024 third reading.

## COUNCIL HISTORY

Bylaw No. 1051-2020 which applied Direct Control districting to a 1.59ha area within the Robinson neighbourhood, was adopted by Council on March 8, 2021.

Bylaw No. 1051-2020 was amended by Council Bylaw No. 1098-2021 on June 14, 2021, and Bylaw No. 1114-2022 on March 14, 2022. These amendments included adding additional development stages, as well as minor changes to the regulations.

Bylaw No. 1170-2024 was given First Reading by Council at the regular meeting held March 4, 2024.

## BACKGROUND / RATIONALE

Administration has been working to review existing Direct Control Distinctive Design bylaws (DC bylaws) that are part of the City's Land Use Bylaw 809-2013. Direct Control bylaws are implemented where the Land Use Bylaw cannot naturally accommodate a development through established zoning parameters, that is, when either site-specific development regulations are required, or as a land use zoning trend is to be piloted. A Land Use Bylaw may evolve over time to allow for those same regulations, in which case a DC bylaw becomes redundant. In 2022, the Land Use Bylaw was amended, specifically the residential land use districts, which included the addition of the Residential Compact Development ("RCD") RCD district. As a result, there is greater flexibility, specifically the RCD district, offering a greater variety of lot sizes, setbacks, and overall development opportunities for compact residential development. Bylaw No. 1051-2020, as amended, was implemented to offer innovative lot sizing and development regulations. Given the evolution of changes to the Land Use Bylaw, DC (27) established by Bylaw 1051-2020, is no longer necessary to provide development flexibility.

Ahead of the proposed changes, a Bylaw comparison was done between DC(27) and the RCD district; additionally a file review of all existing developments within the redistricting area was completed to ensure the proposed redistricting would

## COUNCIL REQUEST FOR DECISION

not result in major non-conforming issues and to confirm that the redistricting to RCD was a beneficial change that reflects the best interest of the impacted landowners.

DC(27) Direct Control district was designed for the site specific purpose of providing for single dwelling development with modified setbacks and lot sizing compared to other residential districts within the Land Use Bylaw in 2020. Since the adoption of this district, permits were issued on 97 of the 126 properties, leaving 29 vacant and undeveloped as of December 31, 2023 data.

There are some drawbacks to DC (27), or DC districting in general, that make the RCD district more suitable for the area. DC (27) has a very specific calculation for lot coverage and front setbacks, compared to the RCD district, or any other residential district; as such, development applications can be perceived by the applicant as complicated or inefficient. DC (27) also provided modifications to regulations for lot sizes (in both depth and width), however these provisions are no longer necessary, as the lot sizing in the subject area is consistent with the RCD district. Setbacks are similar between the two districts except for those between the garage and dwelling, and from the dwelling to the rear of the property. Although the RCD district is more restrictive in these cases, Administration has discretion over setbacks or siting of buildings at the permitting stage which can help easily overcome any matters of non-compliance.

Overall, DC (27) limits development opportunities by being a more rigid district compared to current Land Use Bylaw regulations. When considering the present lots sizes in the DC(27) area, the RCD district is a more suitable option. For this reason, Administration recommends the impacted sites be redistricted from the DC(27) district to the RCD district. If redistricting proceeds as proposed, the DC(27) Direct Control District will not apply to any other lands within the City and therefore Bylaw No. 1051-2020, as amended, should then be repealed, thereby removing it fully from the Land Use Bylaw.

Administration determined that all other statutory and non-statutory plans that provide direction for the impacted sites align with the proposed zoning and will not require further amendments at this time.

### **STRATEGIC / RELEVANT PLANS ALIGNMENT**

Bylaw No. 1170-2024 is consistent with the City's Municipal Development Plan.

### **ORGANIZATIONAL IMPLICATIONS**

#### **ADMINISTRATION:**

There are no administrative implications arising from the Recommendation.

#### **RISK ANALYSIS: FINANCIAL / LEGAL:**

There are no financial or legal implications arising from the Recommendation. As noted above, the changes being proposed were crafted in a manner that, if approved, minimizes non-conformance of current uses and developments.

#### **IMPLEMENTATION / COMMUNICATIONS:**

A public hearing for Bylaw No. 1170-2024 was held earlier at this meeting of Council. The hearing will be advertised in accordance with the *Municipal Government Act* and the City's Advertising Bylaw.

Administration met within the Robinson land developers to discuss the redistricting and provide the opportunity to ask questions or discuss concerns. During that meeting, no concerns were noted.

Landowners of the affected parcels were mailed a notice to discuss the proposed rezoning of their properties.

Administration also held an Open House on January 31, 2024, to provide the opportunity for residents to ask questions about the redistricting. At the time of submission of this report, no concerns were noted.

## COUNCIL REQUEST FOR DECISION

### ALTERNATIVES:

- That Council amend Bylaw No. 1170-2024.

Council could amend the bylaw to redistrict the subject properties to different land use districts than proposed. This option is not recommended because the RCD – Residential Compact Development district aligns most closely with the City's current vision for development in terms of opportunities for efficient use of land, densification, and flexible business opportunities.

- That Council defeat Bylaw No. 1170-2024.

This would keep the DC(27) Direct Control District in place. This option is not recommended because the existing DC is not in keeping with current best practices in land use regulation, and there are other zones within the Land Use Bylaw that better conform to the existing land uses and built form. Further, should they arise, requests for variances or rectification of non-compliance within a DC district must be brought before Council for consideration. From an industry perspective, this creates inefficiencies that are antithetical to current permitting practices here at the City of Leduc.

### ATTACHMENTS

Bylaw No. 1170-2024 (including Schedule A)

DC (27) Bylaw No.1051-2020