

BYLAW 32-2016

A BYLAW OF STRATHCONA COUNTY IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AMENDING BYLAW NO. 6-2015, AS AMENDED, BEING THE LAND USE BYLAW.

WHEREAS it is deemed advisable to amend the Land Use Bylaw;

NOW THEREFORE, the Council of Strathcona County, duly assembled, pursuant to the authority conferred upon it by the *Municipal Government Act, R.S.A. 2000 c.M-26* and amendments thereto, enacts as follows:

That Bylaw 6-2015, as amended, be further amended as follows:

1. That Part 12: Mature Neighbourhood Overlay be added after Part 11: Direct Control Zoning Districts and before Schedule A – Direct Control Districts, as outlined on Schedule "A" attached hereto.

This Bylaw comes into effect on September 1, 2016.

Read a first time this _____ day of _____, 2016.

Read a second time this _____ day of _____, 2016.

Read a third time and finally passed this _____ day of _____, 2016.

Mayor

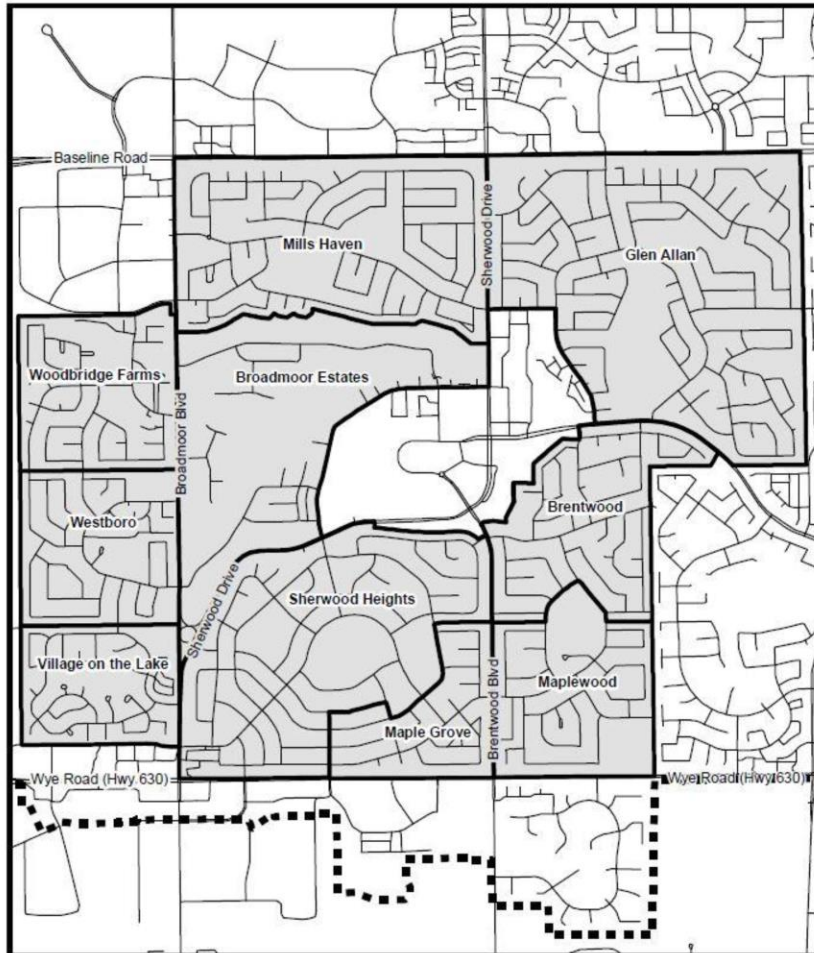
Director,
Legislative and Legal Services

Date Signed: _____

STRATHCONA COUNTY

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MNO – MATURE NEIGHBOURHOOD OVERLAY



OVERLAYS

PART 12 – PAGE 1

12.1 MNO – MATURE NEIGHBOURHOOD OVERLAY

12.1.1. Purpose

The purpose of the Mature Neighbourhood Overlay is to provide for residential development within mature neighbourhoods that respects and maintains the overall character of these areas.

12.1.2. Application

a) The Mature Neighbourhood Overlay applies to the following zoning districts located in the mature neighbourhoods as identified on the Mature Neighbourhood Overlay map (Part 12.1 - Page 1): R1A, R1B, R1C, R2A, R2B, R3, R4

12.1.3. Definitions

For the purposes of interpretation of Section 12.1 MNO – Mature Neighbourhood Overlay, the following words, terms, and phrases have the meaning assigned to them as follows:

ARCHITECTURAL CHARACTER means the overall architectural style of development, as well as identifiable characters associated with development including, but not limited to, massing, siting, building typology, and landscaping.

ARCHITECTURAL CHARACTER ASSESSMENT CHECKLIST means a tool to be used when assessing the architectural design elements of a development permit application.

ARCHITECTURAL DESIGN ELEMENTS means external features of a building that form the architectural style. These features include, but are not limited to, elements such as form, method of construction, building materials and building features.

ARCHITECTURAL STYLE means various external features of a building that can be characterized by a specific time in history. Examples of this include, but are not limited to, colonial style, prairie style, craftsman style.



Colonial style



Prairie style



Craftsman style

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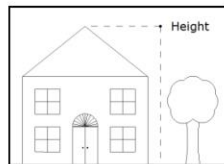
ABUT or ABUTTING means:

- immediately contiguous to, or physically touching, and when used with respect to lots or sites, means to share a common side lot line;
- despite Section 3.8, in the case of a corner lot, the Development Officer may determine the abutting lot or lots based on the orientation of the development in relation to the corner lot.

COMPLEMENTARY means visually compatible with surrounding features.

FRONT FAÇADE means the front exterior wall of a dwelling, exposed to the road, typically containing the primary entrance to the dwelling.

HEIGHT means the maximum vertical distance measured between building grade and the highest point of the building (peak), regardless of roof pitch.



Height illustration

MATURE NEIGHBOURHOOD URBAN FORM AND ARCHITECTURAL CHARACTER ASSESSMENT means a technical background study prepared for Strathcona County (February 2015) that identifies the defining features of mature neighbourhoods that contribute to their unique character.

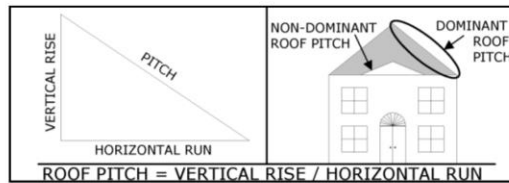
NEIGHBOURING means up to three lots located immediately next to the lot, on each side, on which the development is proposed.

PRIMARY ARCHITECTURAL STYLE means the dominant architectural style of a building.

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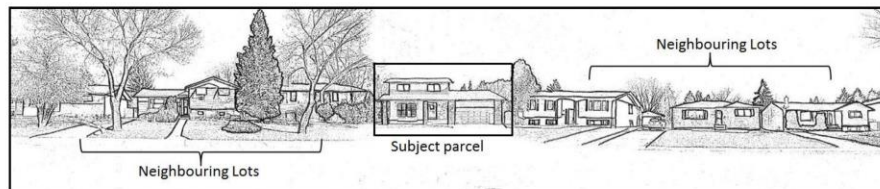
ROOF PITCH means the vertical rise of the roof divided by the horizontal run of the roof, for the dominant portion of the roof visible from the road.

**Roof pitch calculation**

STEPBACK means the entire horizontal distance that the second storey of a dwelling is set back from the front façade of the first storey.



STREETSCAPE means neighbouring lots that are visible from the road, facing the front of a lot on which a development is proposed.

**Streetscape in a mature neighbourhood**

SUN/SHADOW IMPACT STUDY means a technical document prepared by an accredited professional that provides a visual model and written description of the impact of shadows cast by a development on an adjacent lot.

12.1.4. **Development Regulations**

Except where specifically excluded or modified by the following regulations, the regulations of the underlying zoning district shall apply.

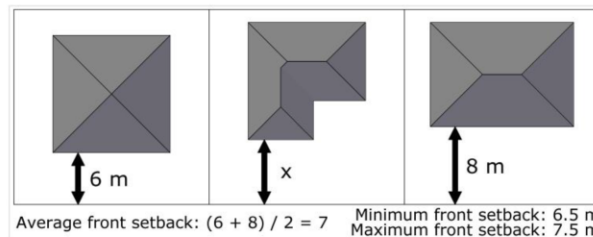
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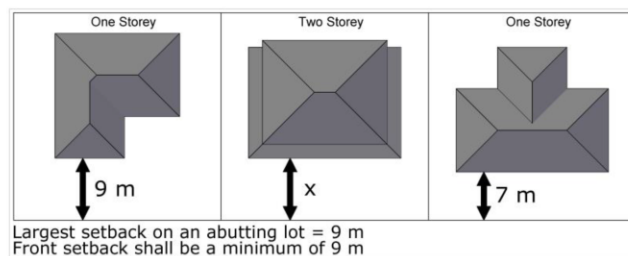
The regulations of the Mature Neighbourhood Overlay shall apply where any conflict exists within the other Parts of this Bylaw.

12.1.5. **Development Regulations - Principal Dwelling**

- a) Where the dwelling on each abutting lot is single storey, or less than 6.0 m in height, a new two storey dwelling or an addition of a second storey to an existing single storey dwelling shall:
- have a maximum height of 8.5 m, and
 - have a minimum 1.5 m stepback from the front façade of the first storey.
- b) Front setback:
- The minimum and maximum setback from the front lot line shall be within 0.5 m of the average setback from the front line of the dwelling on each abutting lot.

**Front setback calculation**

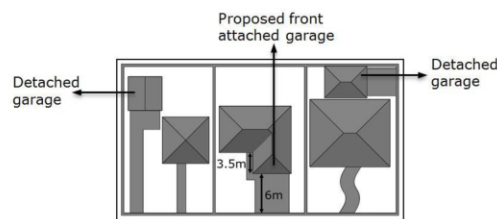
- ii) Despite Section 12.1.5. b) i), where the dwelling on each abutting lot consists of only one storey, or is less than 6.0 m in height, the setback from the front lot line of a two storey dwelling shall be no less than that of the dwelling on an abutting lot with the largest setback from the front lot line.

**Front setback calculation**

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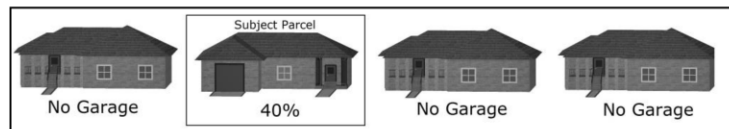
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- c) Side setback:
- i) The minimum setback from a side lot line shall not be reduced more than 1.0 m of the setback of the previous dwelling on the lot or of the existing dwelling, but in no case shall it be less than the minimum setback required in the underlying zoning district.
- d) Front attached garages:
- i) Where dwellings on the abutting lots do not have protruding front attached garages, a front attached garage shall not protrude more than 3.5 m from the front façade of the dwelling, and in no case shall a front attached garage be less than the minimum setback from the front lot line.



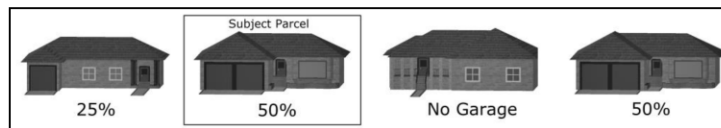
Front attached garage maximum protrusion

- ii) Where each dwelling within the streetscape does not have a front attached garage, or where front attached garage front façades are less than 40% for each dwelling within the streetscape a front attached garage shall not exceed 40% of the front façade.



Maximum attached garage front façade

- iii) Shall be complementary to the front attached garage front façades existing within the streetscape.



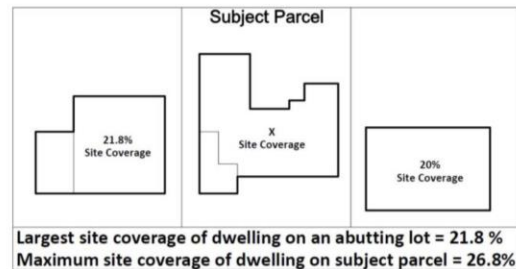
Complementary front attached garage

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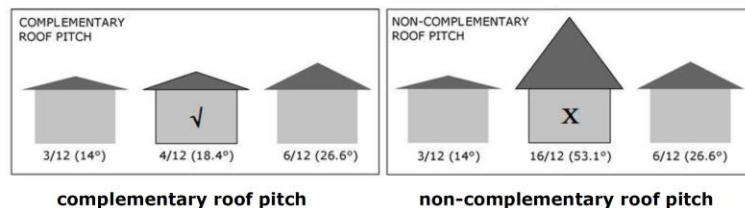
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12.1.6. **Development Regulations - Site Coverage**

- a) The site coverage for a dwelling shall not exceed the site coverage of the previous dwelling or exceed 5% of the site coverage of the dwelling on the abutting lot with the largest site coverage, whichever is greater.
- b) Despite Section 12.1.6 a), the total site coverage for a lot shall not exceed the maximum in the underlying zoning district.

**Site Coverage**12.1.7. **Development Regulations - Roof Pitch**

- a) Roof pitch shall be complementary to the dominant roof pitch on each abutting lot, to the satisfaction of the Development Officer.

**complementary roof pitch****non-complementary roof pitch**12.1.8. **Development Regulations - Landscaping**

- a) A landscape plan shall be submitted with a development permit application, indicating an inventory of the location, species and condition of all physical features on the applicable yards of the lot and any planting material proposed. A landscape plan shall also indicate the method of protection for existing landscaping or natural vegetation to be conserved during construction, including but not limited to, physical barriers, and buffer area to limit soil disturbance.
- b) Existing landscaping or natural vegetation should be conserved unless the Development Officer determines that removal is necessary to efficiently accommodate the proposed development.
- c) Despite Section 12.1.8 b), where existing landscaping cannot be conserved, the following minimum landscape

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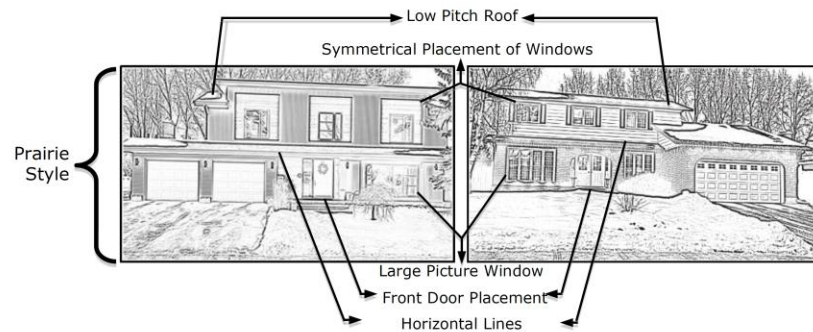
requirements may be applied at the discretion of the Development Officer:

- i) An existing tree that needs to be removed to accommodate the development on a lot shall be replaced at the rate of two (2) new trees planted on that lot for every one (1) existing tree removed.
- ii) All required landscaping materials shall be installed in accordance with the provisions of Section 3.10.38.

12.1.9. **Development Regulations - Architectural Character**

- a) In addition to the development permit application requirements listed in Section 2.9, an application for a development permit shall include the following:

- i. the primary architectural style of the development.
- ii. identification of at least two architectural design elements from the primary architectural style found in the streetscape to be incorporated into the development.



- iii. should the identified primary architectural style of the development be modern, identification of at least two elements from a different primary architectural style found in the streetscape (ex: craftsman style) to be incorporated into the development.
- b) The Development Officer shall evaluate development permit applications in the context of the Mature Neighbourhood Urban Form and Architectural Character Assessment by utilizing the Architectural Character Assessment Checklist to evaluate the architectural design elements.
- c) The Development Officer may accept architectural design elements not otherwise found in the Mature Neighbourhood Urban Form and Architectural Character Assessment as long as the Development Officer is satisfied with the documentation

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provided by the applicant identifying that these elements exist within the streetscape.

- d) The two architectural design elements from the primary architectural style found in the streetscape to be incorporated into the development shall not be duplicated (example two types of windows).
- e) Colours shall not be considered as either of the two architectural design elements from the primary architectural style found in the streetscape to be incorporated into the development.
- f) To ensure the preservation of the architectural character within mature neighbourhoods, incorporating more than two architectural design elements found in the streetscape into a development is strongly encouraged.

12.1.10. **Other Regulations – Public Notification Process**

- a) In addition to Section 2.12.1, the Development Authority shall provide advisement of the decision including the legal description, civic address, and nature of the development by sending a letter by regular mail to landowners of adjacent lots as identified on the County's Assessment Roll.

**Adjacent Lots**12.1.11. **Other Regulations – Review Process**

- a) When reviewing an application for development within the Mature Neighbourhoods, the Development Officer shall conduct at least one site inspection during the application review.

12.1.12. **Other Regulations – Special Information Requirements**

- a) To ensure compliance with the Mature Neighbourhood Overlay, the Development Officer may require that as a condition of issuing a development permit, the applicant provide a Surveyor's Certificate or Real Property Report, signed by an Alberta Land Surveyor, relating to the building that is the subject of the development permit application. The Surveyor's Certificate or Real Property Report shall be submitted upon completion of the building foundation, and prior to commencement of framing or further structural development.
- b) At the discretion of the Development Officer, an applicant may be required to provide a Sun/Shadow Impact prior to the decision being made.

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12.1.13. Other Regulations

- a) In addition to the regulations listed above, permitted and discretionary uses are subject to the applicable regulations, provisions and requirements contained within the other Parts of this Bylaw.
- b) In addition to the regulations listed above, provisions and regulations contained within Section 3.13 shall apply.
- c) Commercial development located in the mature neighbourhoods as identified on the Mature Neighbourhood Overlay map (Part 12.1 - Page 1) is encouraged to incorporate architectural design elements that respects and maintains the architectural character of mature neighbourhoods.
- d) The Development Officer shall not approve a variance for a development permit for a permitted use or discretionary use, which does not comply with the regulations of this overlay.
- e) Despite Section 12.1.13 d), an addition to a non-conforming dwelling may be considered in accordance with Section 1.12.6 and the regulations of this overlay.
- f) In instances where a dwelling has been damaged or destroyed, the Director of Planning and Development Services may deem it appropriate for a Development Officer to consider a variance to the principle dwelling development regulations of this overlay.
- g) The site grading on a lot for a dwelling shall not in the opinion of the Development Officer be substantially altered from the existing grading and shall be in accordance with the Strathcona County Surface Drainage and Grading Bylaw.