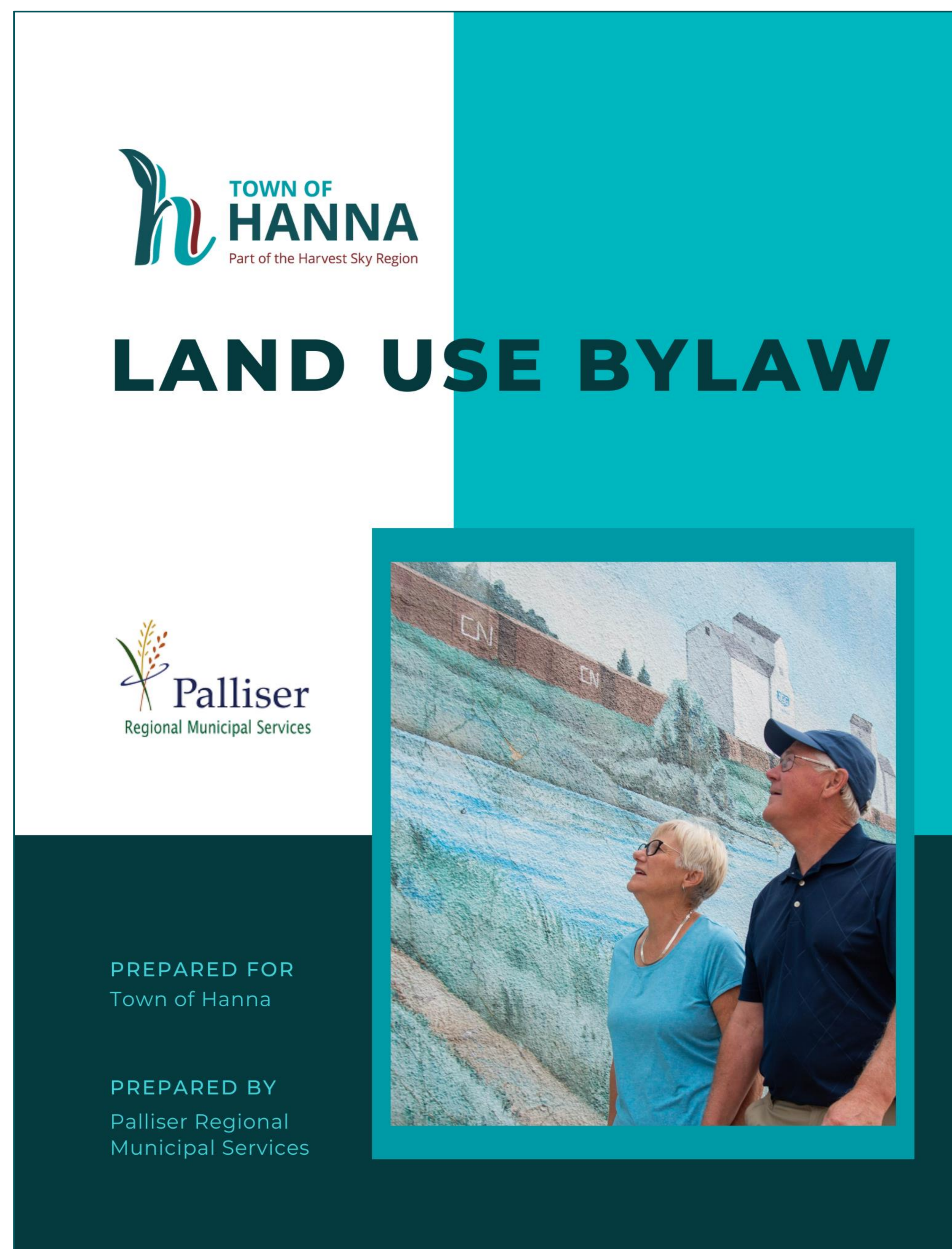


# Town of Hanna

## Land Use Bylaw Open House



February 23, 2023  
5 p.m. to 8 p.m.

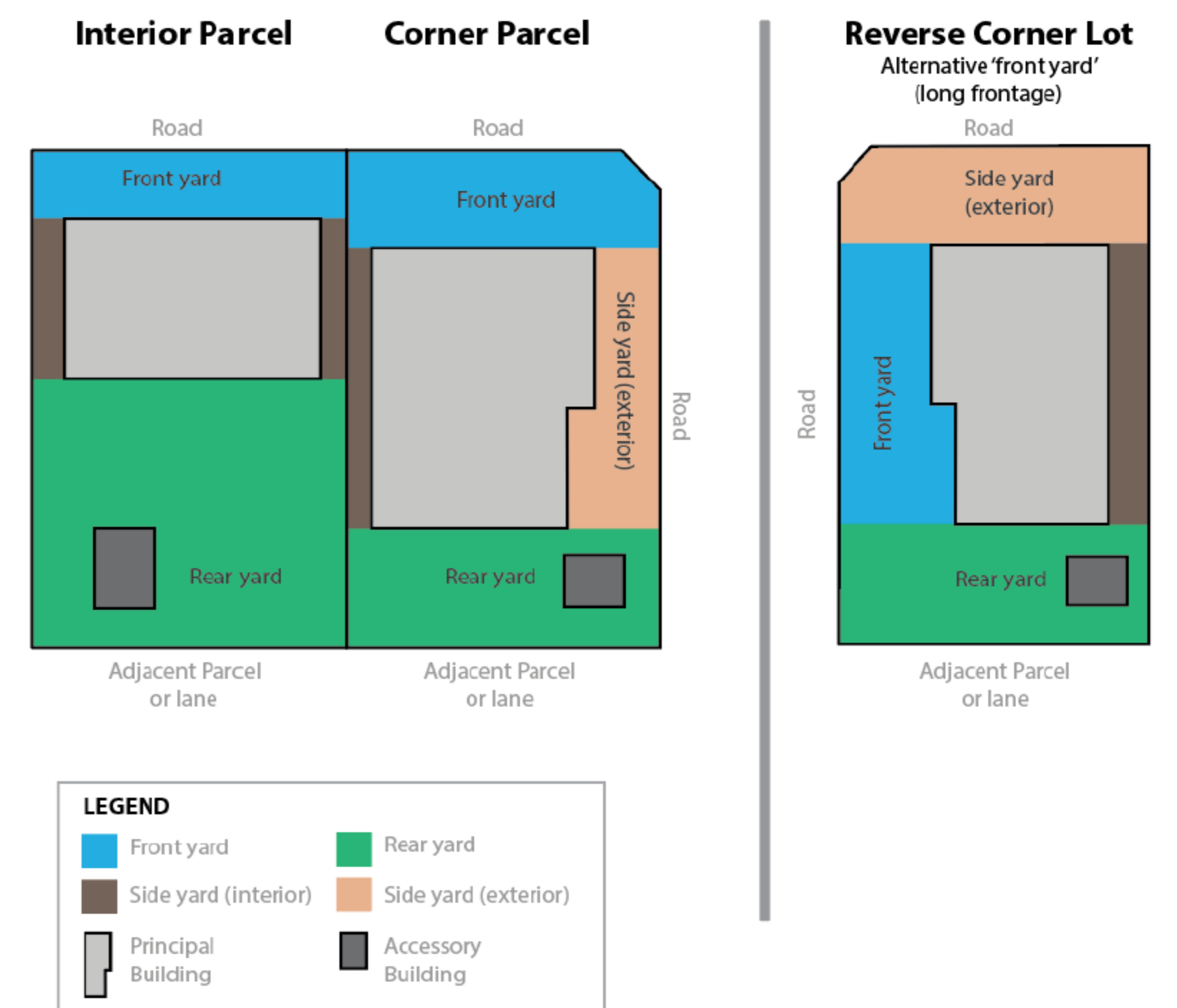


## What is a Land Use Bylaw?

A Land Use Bylaw directs the use and development of lands and buildings. By establishing land use districts (zoning), the LUB regulates the types of activities and buildings that can occur on any specific property.

It also contains regulations such as maximum building height and parcel coverage, corner lots and reverse corner lots, and building setbacks from property lines.

Figure 2: Corner Lot and Reverse Corner Lot



## Why does the Town of Hanna need a Land Use Bylaw?

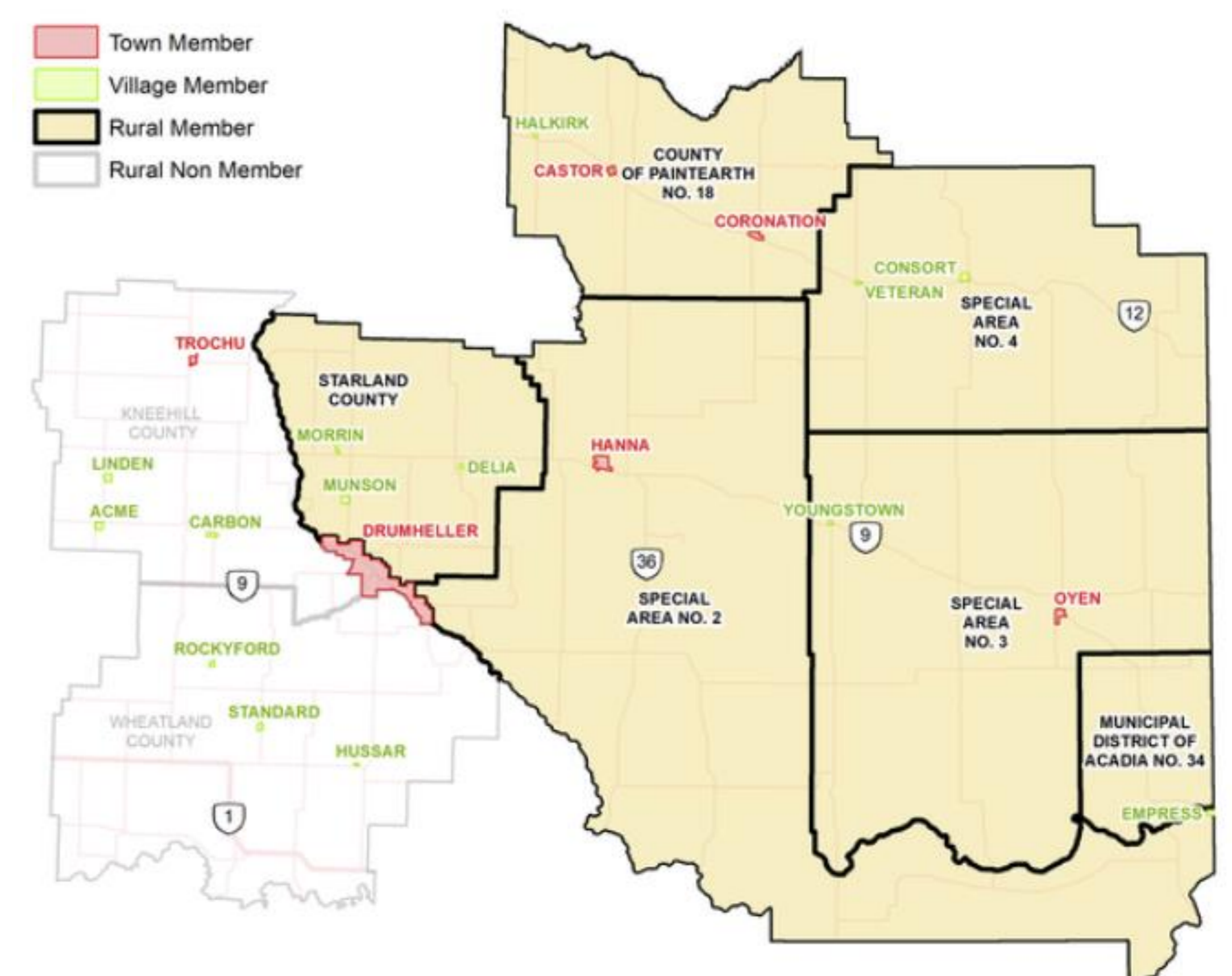
Provincial legislation requires every municipality in Alberta to have a Land Use Bylaw. A Land Use Bylaw is the tool used to implement Hanna's long-term vision on a day-day-to-day basis.

## Why is the Land Use Bylaw being updated?

Land Use Bylaws are living documents that are amended on a regular basis to stay current with community needs and desires. Hanna's last major Land Use Bylaw update was in 2012. Bylaw 967-2012 has since been amended nine times.

## Who is Palliser Regional Municipal Services (PRMS)?

PRMS was formed when the Province disbanded Regional Planning Commissions in the mid-1990's. PRMS is a not-for-profit company owned by its member municipalities, who are the shareholders. PRMS provides planning, subdivision, mapping and safety codes (i.e. building code) services to its member municipalities. PRMS has been providing these services to the Town of Hanna over many years. PRMS member municipalities are shown here.

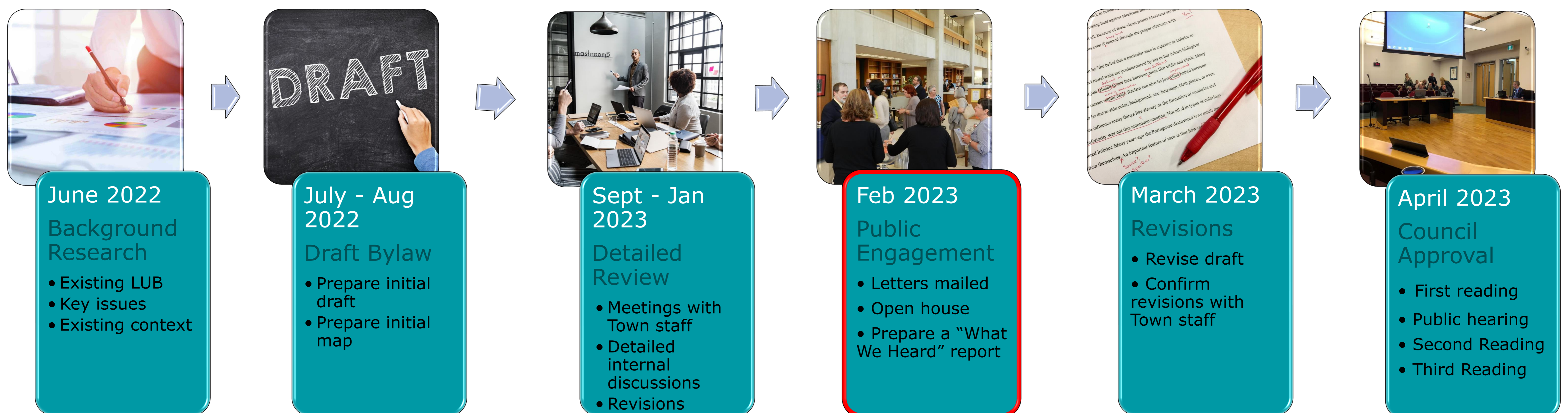




## Is the draft Land Use Bylaw already approved?

No. The first draft has been completed and internally reviewed. A major update to a Land Use Bylaw can take up to a year to complete. It requires research, meetings and discussions, a lot of writing, getting input from the Hanna community, more revisions, and finally – the Council approval process.

## What is the timeline and process for updating the Land Use Bylaw?



## How can I provide input?

You can provide verbal or written comments to PRMS staff at the open house or via email until March 1, 2023. All feedback will be included in a "What we Heard" report and considered for making further changes to the draft Land Use Bylaw prior to the Council approval process.

You can also attend the Public Hearing and provide your comments directly to Hanna Town Council.

## What role does Hanna Town Council play?

Council must give three readings to a bylaw before it is passed, and in the case of a Land Use Bylaw, a Public Hearing must be held before second reading is given. Council can make changes to the Bylaw at any of the three readings.

## When will the new Land Use Bylaw take effect?

When the Bylaw receives three readings and is adopted by Council, it will come into effect a few weeks after the approval. The tentative effective date is May 1, 2023 but will depend on the length of the Council approval process. This extra time will allow for applications for a development permit to be prepared in accordance with the new Land Use Bylaw.



# What is proposed to change in the updated Land Use Bylaw?

The draft Land Use Bylaw is significantly different from the current Land Use Bylaw 967-2012. Some of the changes include:

- ensuring the Land Use Bylaw meets the new requirements of the *Municipal Government Act*;
- reorganization and reformatting to make the Land Use Bylaw easier to read and understand;
- elimination of inconsistencies and conflicting regulations;
- incorporation of new land uses and technologies;
- ensuring all uses and general terms are defined for clarity;
- ensuring appropriate uses are listed in each district; and
- ensuring the correct districts are applied to each property (eliminate unintentional "non-conforming" uses and buildings).

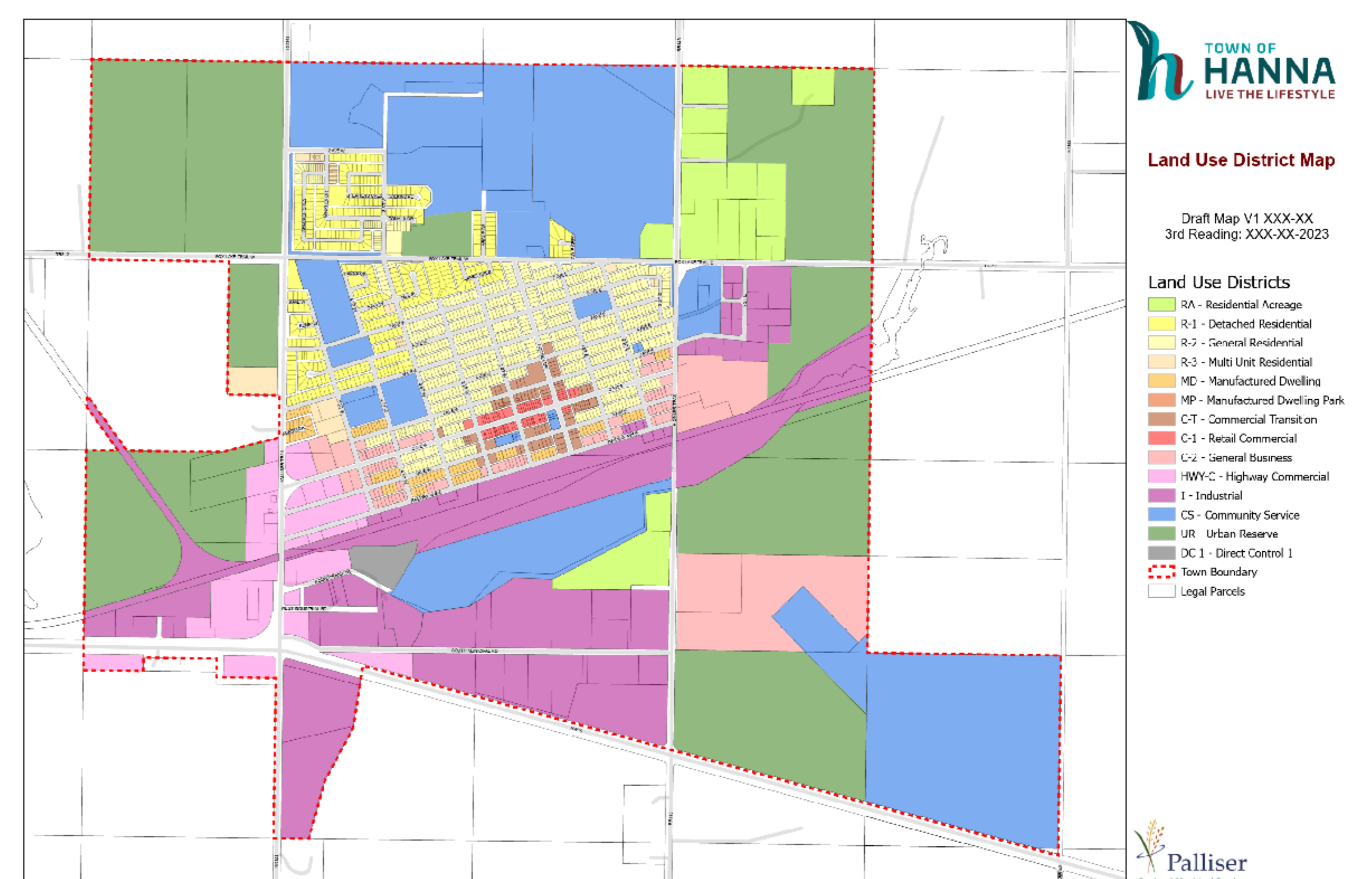
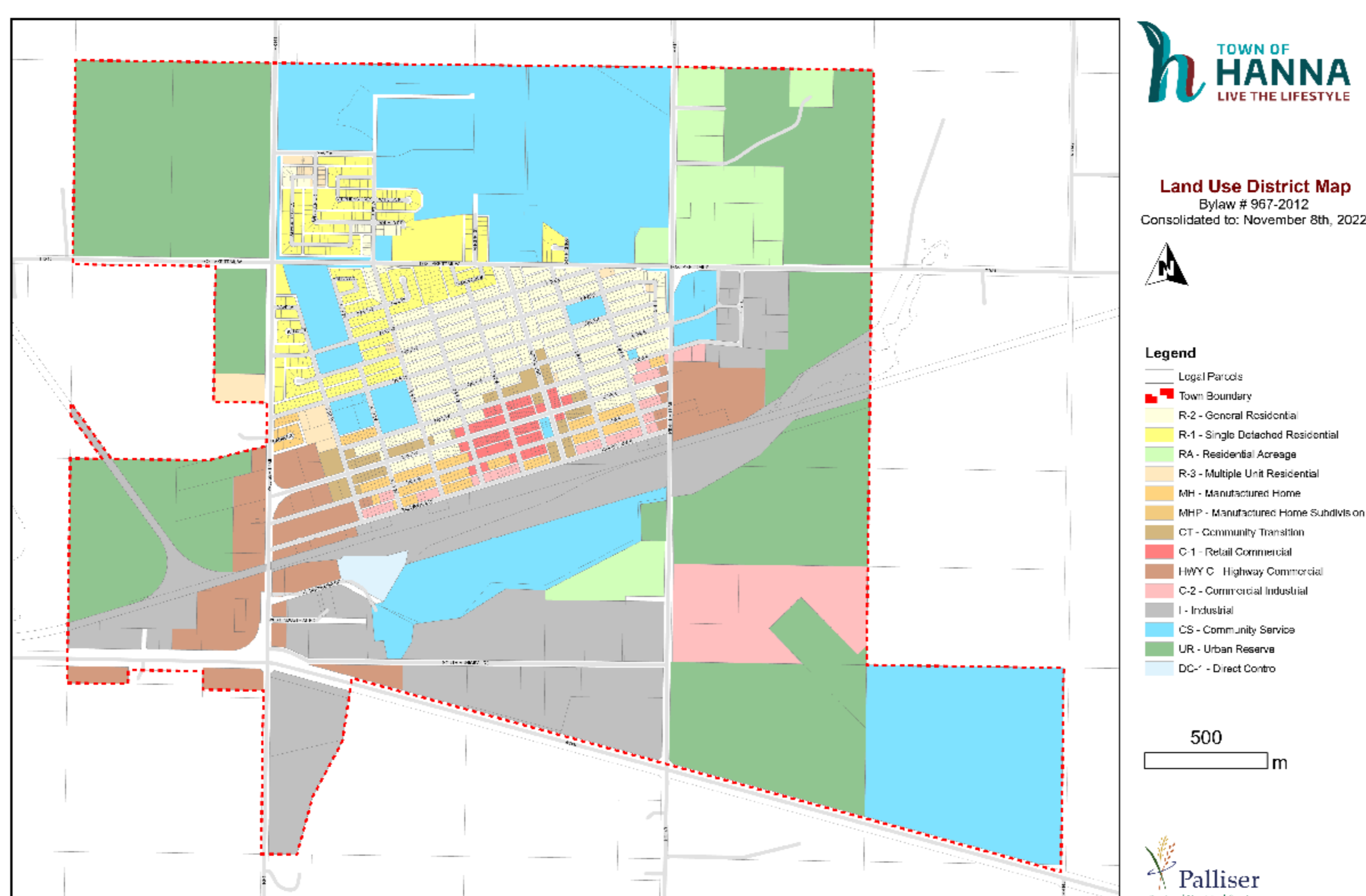
A summary explaining these changes in more detail is available.

## Current

## Draft

LAND USE BYLAW 967-2012	LAND USE DISTRICTS
5. <b>R-1 - Single Detached Residential District</b>	
(1) <b>Purpose</b> The purpose and intent of this district is to provide for low-density residential development in the form of single-detached housing.	(6) <b>Corner Lots</b> (a) 3 to (10 R.) for dwellings abutting the flanking street on corner lots; and (b) Where access to an attached garage is from the flanking street a minimum 7.3 m (24 R.) from the street curb or 6.2 m (20 R.) from the edge of sidewalk. (6) Accessory buildings shall be sited in accordance with the General Land Use Regulations. (iv) Other uses at the discretion of the Municipal Planning Commission.
(2) <b>Permitted Uses</b> - Accessory Building or Use - Detached Dwelling - Public Park - Sign	(h) <b>Minimum Rear Yard</b> (i) 7.5 m (25 R.) for principal buildings. (ii) Accessory buildings shall be sited in accordance with the General Land Use Regulations.
(3) <b>Discretionary Uses</b> - Accessory Building - Fabric Covered - Bed and Breakfast Establishment - Communication Tower - Daytime Child Care Services - Duplex & Attached Housing units in evidence at the time of the passing of this Bylaw - Garden Suite - Home Occupation - Modular Home - Moved On Dwelling - Public and Quasi-Public Buildings and Facilities - Renewable Energy System - RTM Dwelling - Secondary Suite - Workshop Facility	(f) <b>Minimum Gross Floor Area:</b> (i) 80 m <sup>2</sup> (1,000 sq. ft.) for one storey and split level dwellings (ii) 110 m <sup>2</sup> (1,200 sq. ft.) for 1½ and 2 storey dwellings
(4) <b>Minimum Requirements</b>	(5) <b>Maximum Limits</b>
(a) <b>Minimum Parcel Area:</b> (i) 400 m <sup>2</sup> (5,000 sq. ft.) for dwellings. (ii) Other uses at the discretion of the Municipal Planning Commission.	(a) <b>Maximum Height</b> (i) 10 m (33 R.) for principal buildings. (ii) 4.5 m (15 R.) for accessory buildings. (iv) Other uses at the discretion of the Municipal Planning Commission.
(b) <b>Minimum Lot Width:</b> (i) 15 m (50 R.) for dwellings. (ii) Other uses at the discretion of the Municipal Planning Commission.	(b) <b>Maximum Site Coverage</b> (i) 20% of the site area for dwellings. (ii) 50% of the site area for dwellings that include an attached garage. (iii) 10% of the site area for accessory buildings. (iv) Total site coverage including all accessory buildings shall not exceed 40%. (v) Other uses at the discretion of the Municipal Planning Commission.
(c) <b>Minimum Front Yard:</b> (i) 9 m (30 R.) for dwellings. (ii) Accessory buildings shall be sited in accordance with the General Land Use Regulations. (iii) Other uses at the discretion of the Municipal Planning Commission.	(c) <b>Maximum Lot Frontage</b> (i) 30.48 m (100 R.) for residential purposes.
(d) <b>Minimum Side Yard:</b> (i) 1.5 m (5 R.) for dwellings.	

14 R-1 - DETACHED RESIDENTIAL DISTRICT
<b>14.1 PURPOSE</b> 14.1.1 To provide for low density residential development and other compatible residential neighbourhood uses.
<b>14.2 PERMITTED USES</b> 14.2.1 The following uses are permitted uses in the R-1 - Residential District:  Accessory Building* Dwelling, Detached Home Occupation - Minor*  Park Sign** (Sign type 3, 7) Utilities  *See Section 10 Specific Use Regulations **See Section 11 Sign Regulations
<b>14.3 DISCRETIONARY USES</b> 14.3.1 The following uses are discretionary uses in the R-1 - Residential District:  Accessory Building, Fabric Covered* Accessory Dwelling Unit, Attached* Accessory Dwelling Unit, Detached* Attached Housing (existing) Bed and Breakfast* Child Care Centre  Cultural Establishment Dwelling, Duplex (existing) Dwelling, Manufactured* Home Occupation - Major* Public Building Worship Facility  *See Section 10 Specific Use Regulations **See Section 11 Sign Regulations
<b>14.4 REGULATIONS</b> 14.4.1 The minimum parcel area is 464.5 m <sup>2</sup> (5,000.0 ft <sup>2</sup> ). 14.4.2 The minimum parcel width is 15.2 m (50.0 ft). 14.4.3 The maximum parcel width is 30.5 m (100.0 ft). 14.4.4 The minimum front yard setback is 6.0 m (19.7 ft). 14.4.5 The minimum side yard setback is 1.5 m (4.92 ft), except an exterior side yard where it is 3.0 m (10.0 ft). 14.4.6 The minimum rear yard setback is 7.5 m (24.6 ft). 14.4.7 The minimum gross floor area of the principal building is 111.5 m <sup>2</sup> (1,200.0 ft <sup>2</sup> ). 14.4.8 The maximum parcel coverage including all buildings is 45%, where Accessory Buildings may comprise up to a maximum of 15% of the total parcel coverage. 14.4.9 The maximum building height of a principal building is 10.0 m (33.0 ft).
<b>14.5 ADDITIONAL REQUIREMENTS</b> 14.5.1 The minimum width of a Manufactured Dwelling shall be 7.3 m (24.0 ft). 14.5.2 The massing, design and appearance of a Manufactured Dwelling shall be consistent with adjacent development to the satisfaction of the Development Authority, and may be required to include enhanced design elements that add visual interest such as: (a) a porch or veranda on the front facade; (b) horizontal wall articulation on the front facade; (c) the use of thick columns or brackets on roof overhangs; (d) dormers, gables, cross gables or varied pitches for articulated roof lines; (e) large or bay windows on the front facade, with strong window trim; (f) architectural features or other detailing over entrances; (g) changes in exterior siding materials, textures and colors to break up long wall expanses; and (h) the use of trim and moldings that contrast the exterior siding.

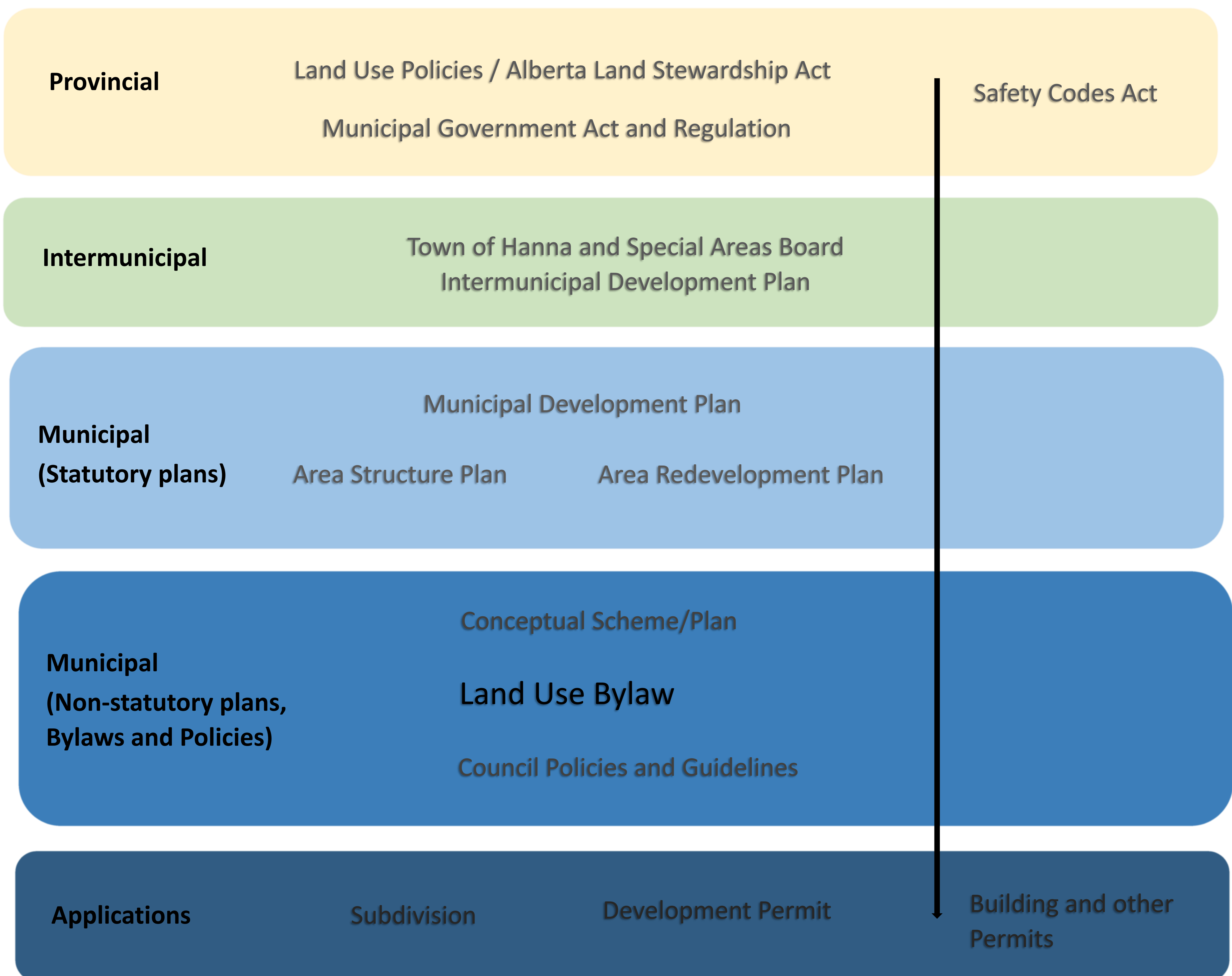




## What is an IDP, MDP and LUB?

The Land Use Bylaw fits within a hierarchy of plans. It must align with the direction and policy statements in the Intermunicipal Development Plan (IDP) with Special Areas Board and the Town of Hanna Municipal Development Plan (MDP).

The Land Use Bylaw is the tool used to implement these higher-level directions in decisions that are made on a day-to-day basis through the issuance of a Development Permit. It also informs decisions on applications for subdivision.





## Why aren't some things regulated in the Land Use Bylaw?

The Municipal Government Act does not allow a municipality to regulate certain types of development, including:

- a highway
- a well or pipeline
- a confined feeding operation approved under the Agricultural Operation Practices Act.

Municipalities also cannot regulate developments that are on Federal lands or are approved by a Federal authority.

## What if a proposed development has a Provincial approval?

The Municipal Government Act requires a municipality to approve a development that is consistent with a license, permit, approval or other authorization granted by its agencies, including:

- Natural Resources Conservation Board (NRCB), such as dams, reservoirs and mines
- Alberta Energy Regulator (AER), such as wells, pipelines and coal mines
- Alberta Utilities Commission (AUC), such as wind and solar power generation facilities

Each of these provincial agencies have their own approval process and may have opportunities for municipal and public engagement.

## Why don't some uses require a development permit?

The Town of Hanna has the ability to exempt some developments from requiring a permit. This typically includes things like renovations, maintenance and repairs to a building, landscaping, certain home occupations, renewable energy systems (solar panels on the roof of a house), certain signs, and extensive agriculture. The developments generally have no impact on a neighbour or meet the purpose and intent of every single district.

## Why are there discretionary uses listed in each district?

Discretionary uses are uses that may or may not be appropriate on a specific site. Whereas a permitted use is granted an approval where the development meets the bylaw, a discretionary use requires additional consideration before it may get approved.

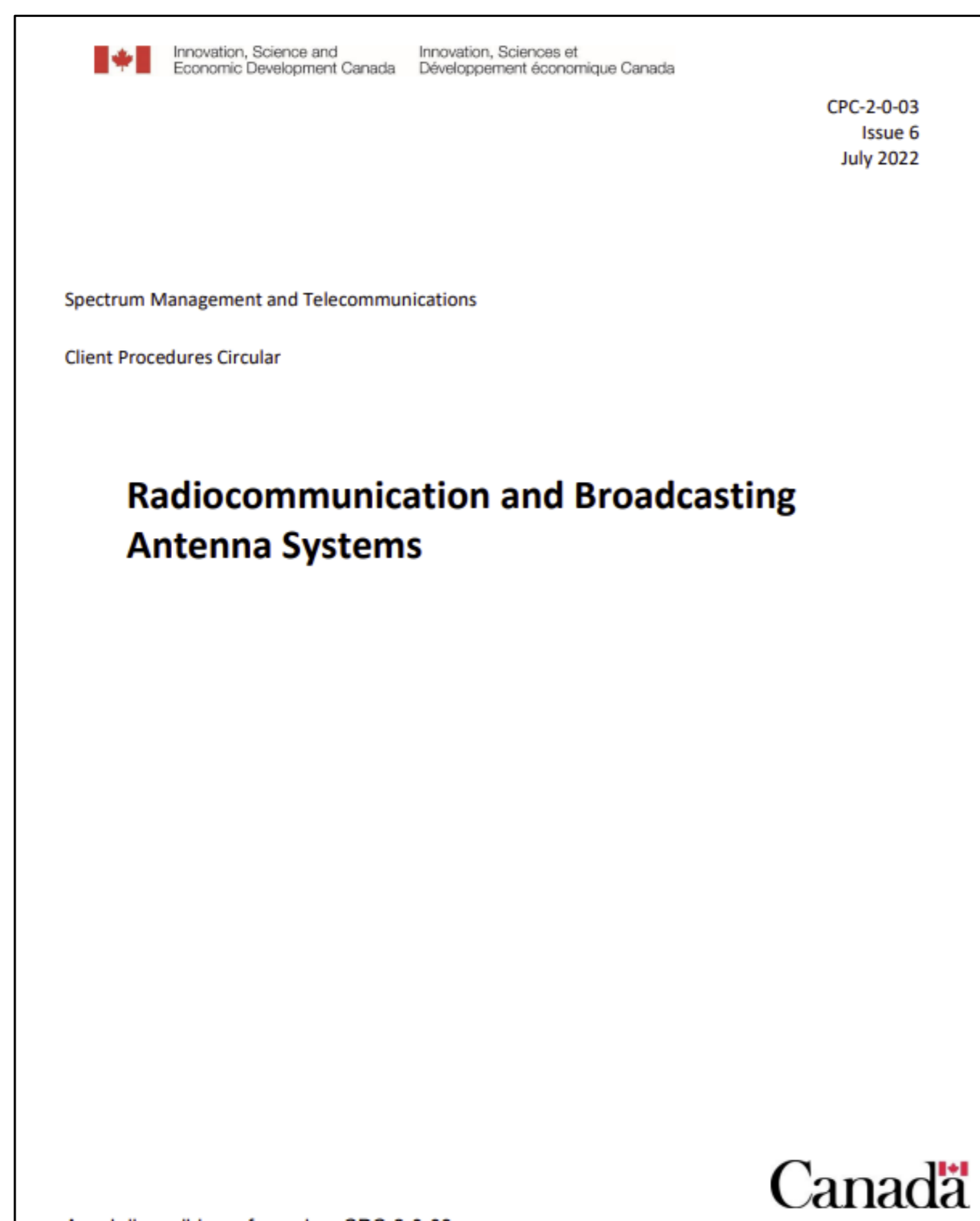
A permitted use permit cannot be appealed. A discretionary use is open to appeal by an affected person for 21-days following the notice of the decision on the permit is given. This is why it is important to ensure the list of permitted and discretionary uses in each district is appropriate!



# What about approvals for Telecommunication Structures, such as a cell tower?

Telecommunication structures are approved by Innovation, Science and Economic Development Canada (ISED), the federal ministry of industry, under the Radiocommunication Act. ISED recognizes the importance of considering input from municipalities and the public regarding the installation of antenna systems (see CPC-2-0-03).

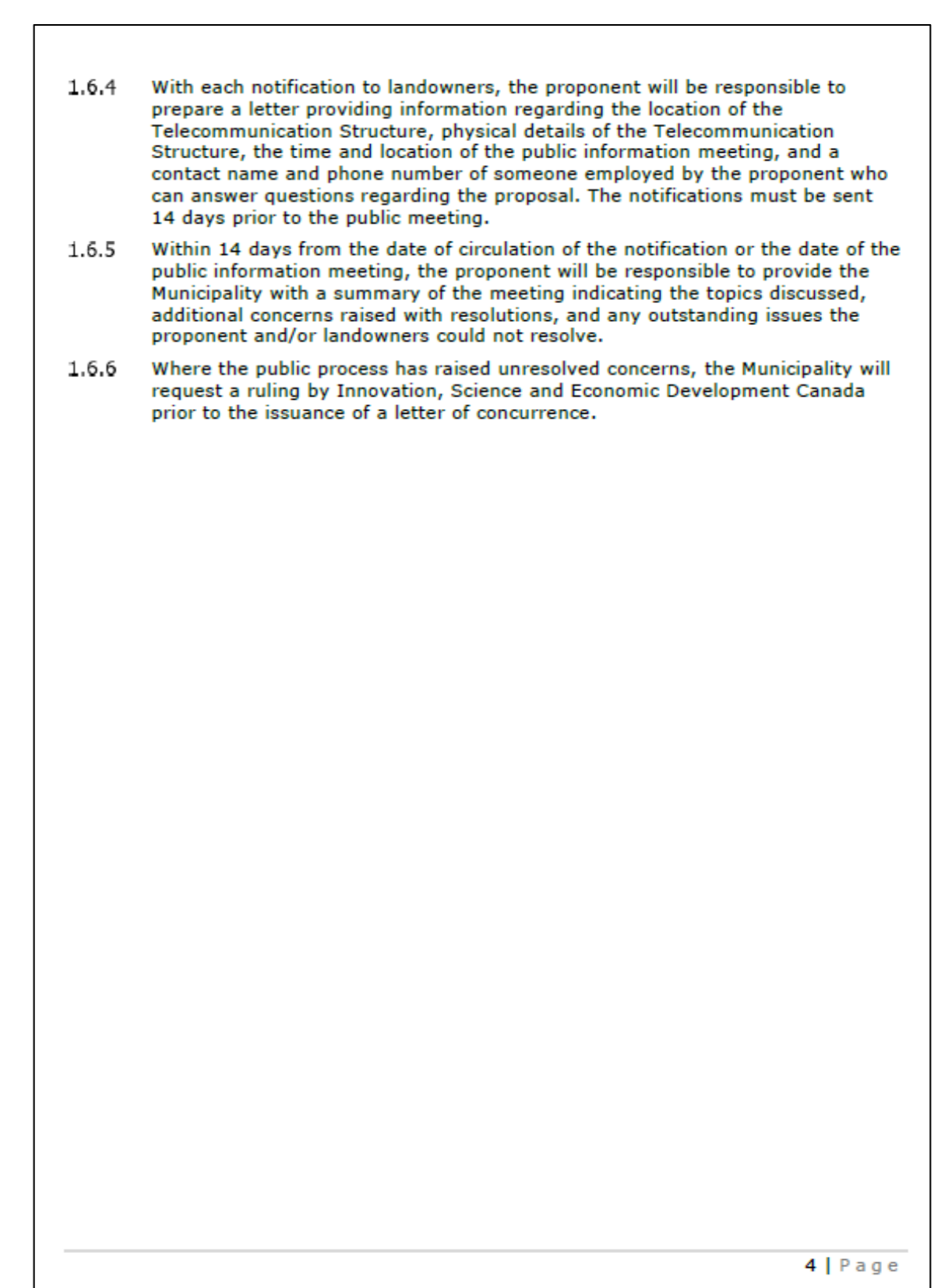
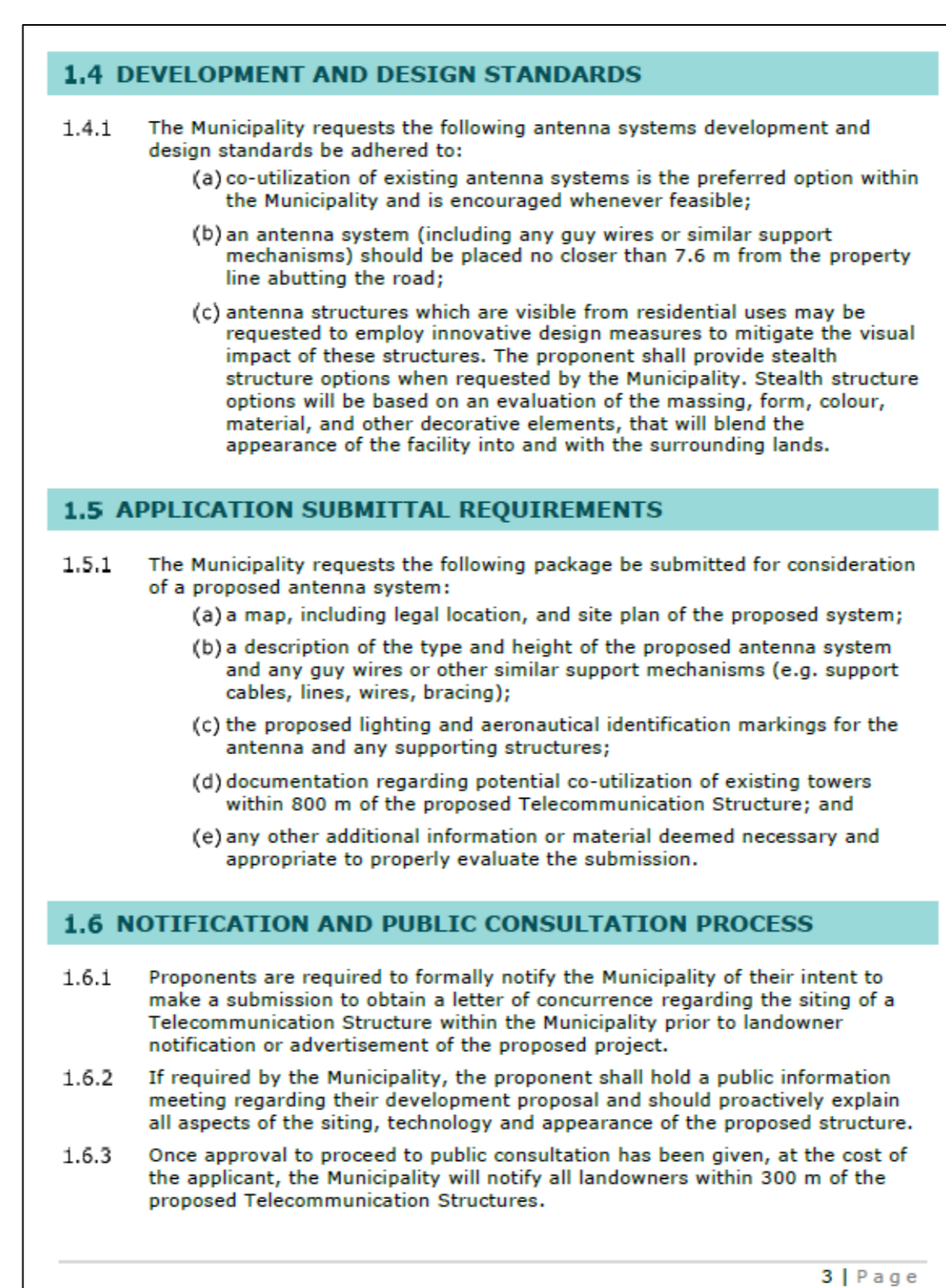
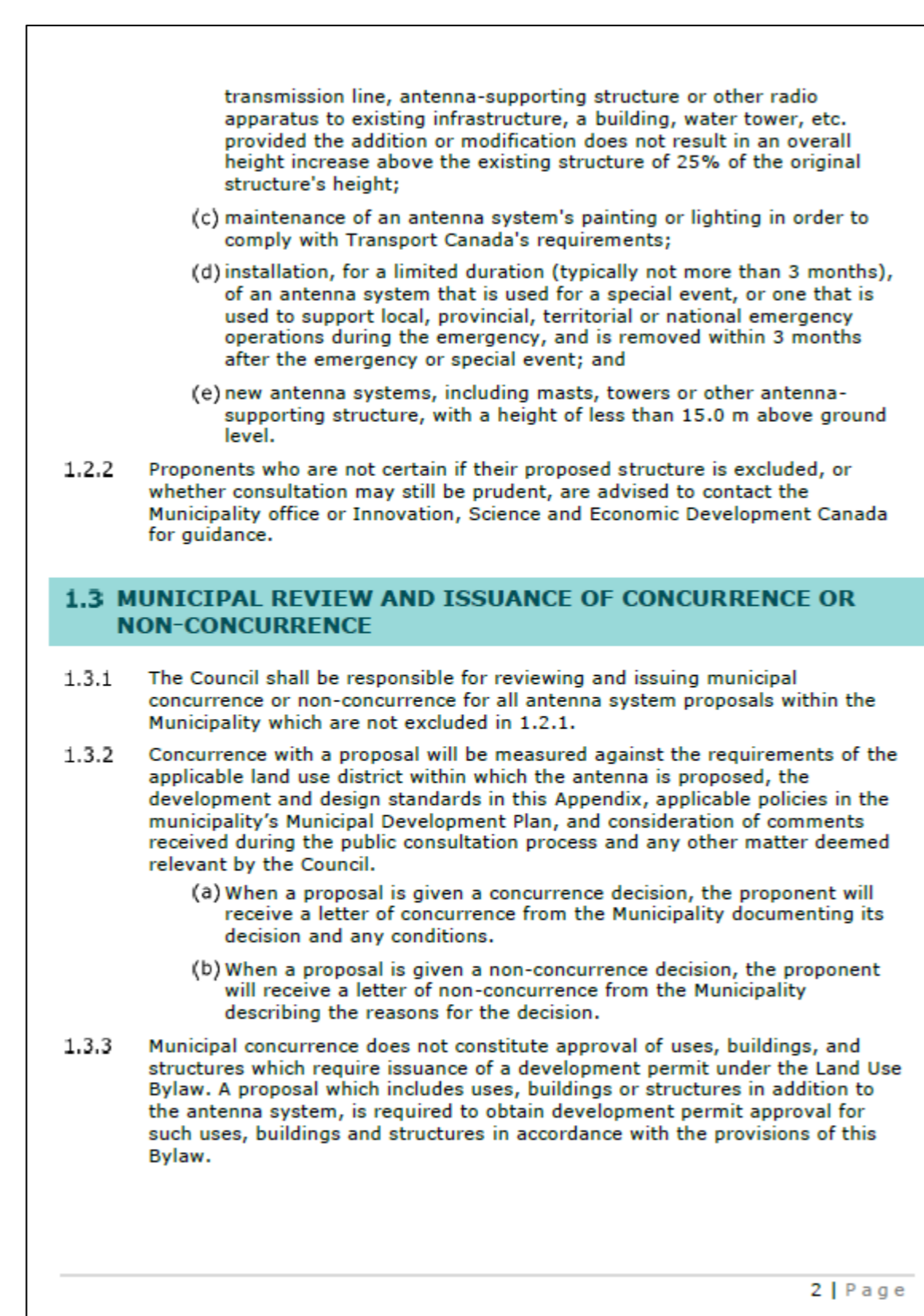
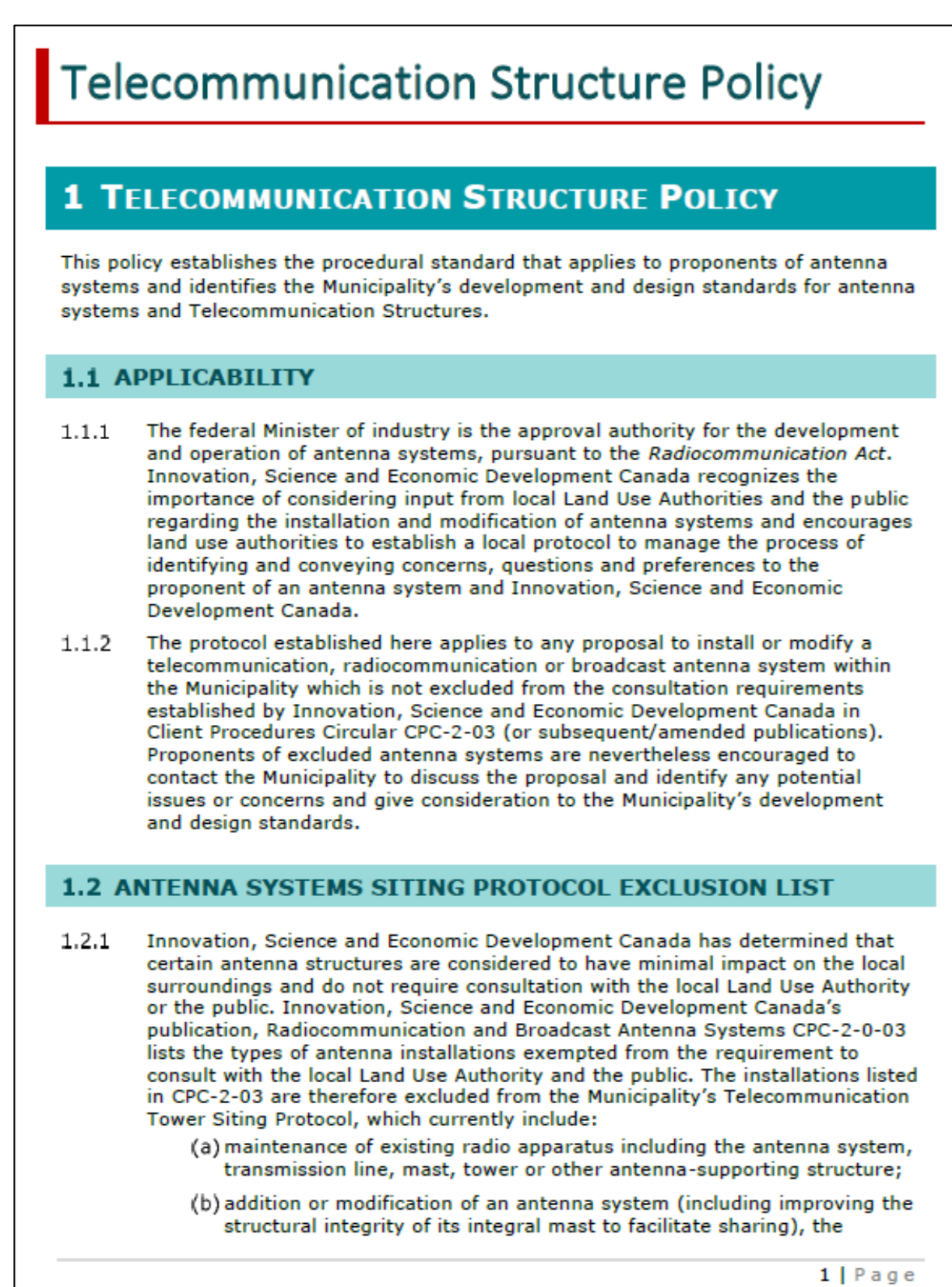
ISED encourages municipalities to establish a local protocol to manage the process of identifying concerns, questions and preferences. Plans for Telecommunications Structures must be submitted to a municipal Council or other designated officer for consultation.



## What's changed for the Town of Hanna?

Through a new **Telecommunication Structure Policy**, the Town of Hanna will establish the local protocol which proposes the Council to be the authority, rather than the Town's Development Officer.

Hanna Council will issue a letter of concurrence or non-concurrence in response to any Telecommunication Structure proposal. A copy of the proposed **Telecommunication Structure Policy** is available and is proposed to be in effect concurrent with third reading of the Land Use Bylaw.





## What is a non-conforming use or building?

A non-conforming use or building means a use or a building that was approved and lawfully constructed under a previous Land Use Bylaw, no longer complies with a new Land Use Bylaw. The Municipal Government Act regulates how a municipality must address non-conforming uses or buildings.

### Non-conforming use and non-conforming buildings

643(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

(a) to make it a conforming building,

(b) for routine maintenance of the building, if the development authority considers it necessary, or

(c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.\*

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

## How is this addressed in the draft Land Use Bylaw?

\*See proposed Section 1.6 in the draft Town of Hanna Land Use Bylaw where a development authority has the authority to grant variances to a non-conforming building.

One of the primary goals of this new Land Use Bylaw is to eliminate any unintentional “non-conforming” uses by ensuring the correct district is applied to each property, and the appropriate uses are listed in each district. Please let us know if our goal has not been met!!