



Direct Control Amendment Item: Residential/Business

Electoral Division: 2 File: 1013-301 / Harmony Plan Area

Table with 4 rows: Date (February 13, 2024), Presenter (Oksana Newmen, Senior Planner), Department (Planning), and Approved by (Executive Director / Director and/or Chief Administrative Officer).

REPORT SUMMARY

The purpose of this report is to assess a County-led amendment to Direct Control Bylaw C-6688-2008 (DC-129) to allow the Development Authority the ability to consider requests to vary the required minimum property line setback distance by up to 50%.

The proposed amendments would allow the Development Authority discretionary powers to approve the location of a building that does not meet the minimum setback distance(s) prescribed within a particular development cell.

The subject parcel is located within Harmony; therefore, the Bylaw was evaluated in accordance with the Municipal Development Plan (County Plan), Harmony Conceptual Scheme, and Direct Control Bylaw C-6688-2008 (DC-129).

The application was found to be generally consistent with the policies of the County Plan, Harmony Conceptual Scheme, and DC-129.

Four properties along Grayling Lane in Harmony were identified to have been approved for a Building Permit when they did not meet the minimum setback distances to the south property line for the attached decks.

ADMINISTRATION'S RECOMMENDATION

- THAT Bylaw C-8463-2024 be given first reading.
THAT Bylaw C-8463-2024 be given second reading.
THAT Bylaw C-8463-2024 be considered for third reading.
THAT Bylaw C-8463-2024 be given third and final reading.

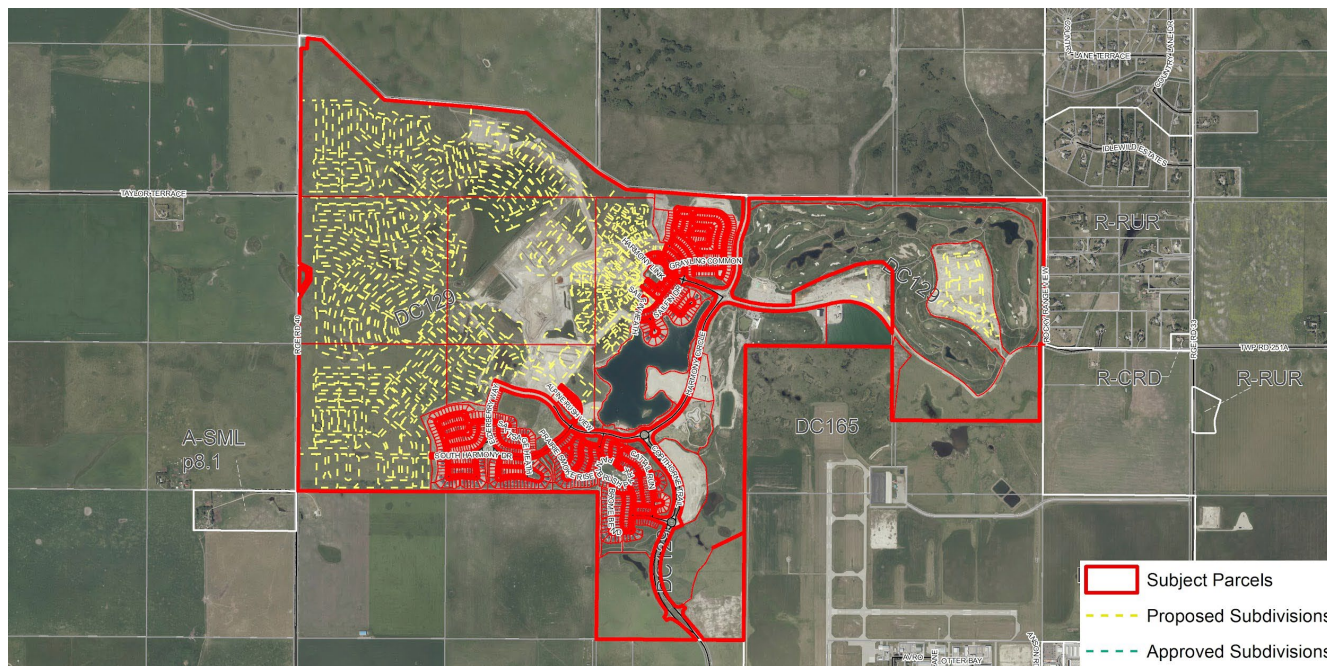


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### BACKGROUND

#### Location (Attachment A)

Located within Harmony, approximately 3.22 kilometres (2 miles) north of Township Road 250 and on the east side of Range Road 40.



#### Site History (Attachment B)

On October 7, 2008, Council approved Bylaw C-6688-2008 (DC-129) establishing the Direct Control District for the Harmony Plan area.

Between May 2017 and November 2022, various amendments to DC-129 were adopted to align the Direct Control District with the evolving nature of the development.

In Q1 2023, Administration received legal advice noting that Development Permit applications proposing development requiring variances within a Direct Control district should not be approved unless there is a specific clause that would allow for such variances to be considered. In March 2023, Administration notified various landowners and developers within Direct Control Districts of the change in direction based on this legal advice. Due to this change, Administration worked with the developer of Harmony to propose amendments to DC-129 to allow for limited variance powers for setbacks to property lines.

Upon further investigation, four properties along Grayling Lane were identified to have been approved for a Building Permit when they did not meet the minimum setback distances for the proposed attached decks to the south property line. These dwellings with attached decks are located closer to the south property line than what can be considered with the proposed variance ability in this application.

#### Intermunicipal and Agency Circulation (Attachment C)

The application was circulated to all necessary intermunicipal neighbours, internal and external agencies.

This application was circulated to The City of Calgary; The City raised no concerns on the proposed amendments.

Alberta Transportation and Economic Corridors has provided no concerns on the proposed amendments.

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### Landowner Circulation (Attachment D)

The application was circulated to 798 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); 1 letter in support, and 1 letter in opposition were received.

## ANALYSIS

### Policy Review (Attachment E)

The proposed amendments generally align with the overarching policies of the County Plan, the Harmony Conceptual Scheme, and Direct Control Bylaw C-6688-2008 (DC-129).

The County Plan and Harmony Conceptual Scheme supports the continued development of the hamlet of Harmony in accordance with the approved conceptual scheme.

Land Use Bylaw C-4841-1997 (LUB) allows for the Development Authority to consider variances to the LUB in accordance with the specific variance clauses for deck extensions and riparian areas. The LUB additionally has a variance clause for direct control districts; however, the Harmony DC District does not reference the applicability of this portion of the LUB as part of the general restrictions section of the DC. As such, the variance powers under Part 4 of the LUB cannot be considered for Development Permits within Harmony, which was the intent of the inclusion of section 67.5 of the LUB.

## COMMUNICATIONS / ENGAGEMENT

Consultation was conducted in accordance with statutory requirements and County Policy C-327.

## IMPLICATIONS

### Financial

No financial implications identified at this time.

### Processing Time & Applicant Cost

If the proposed amendments to DC-129 are not supported, then applications for variances to the minimum property line setbacks would require a Direct Control District Bylaw Amendment application; these applications come with a higher application fee and longer processing time compared to a development permit.

## STRATEGIC ALIGNMENT

This report is a statutory obligation under the *Municipal Government Act*.

Effective Service Delivery	SD4: Services are continually assessed for improvements in cost efficiency, effectiveness, and customer experience	SD4.1: Percent of services that are assessed annually for innovation opportunities and have demonstrable efficiency improvements	Variance applications could be considered through a Development Permit process instead of a Direct Control District amendment, which would provide for a more efficient application process and a cost reduction in services provided.
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### ALTERNATE DIRECTION

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No alternative options have been identified for Council's consideration.

### ATTACHMENTS

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- Attachment A: Map Set
- Attachment B: Application Information
- Attachment C: Application Referral Responses
- Attachment D: Public Submissions
- Attachment E: Policy Review
- Attachment F: Draft Bylaw C-8463-2024
- Attachment G: DC-129 Redline