

BYLAW 22-26
A BYLAW IN THE TOWN OF OKOTOKS
IN THE PROVINCE OF ALBERTA
TO AMEND LAND USE BYLAW 17-21

WHEREAS pursuant to the provisions of Part 17, Division 5 of the *Municipal Government Act* (MGA), RSA 2000, c. M-26 and amendments thereto the Council of the Town of Okotoks (Council) has adopted Land Use Bylaw 17-21 (Land Use Bylaw); and

WHEREAS Council deems it necessary to amend the Land Use Bylaw to update the Flood Hazard Overlay regulations, amend setback requirements, and revise related definitions; and

WHEREAS notice of the intention of Council to pass a bylaw has been given in accordance with Section 606 of the MGA; and

WHEREAS Council has held a public hearing as required by Section 692 of the MGA.

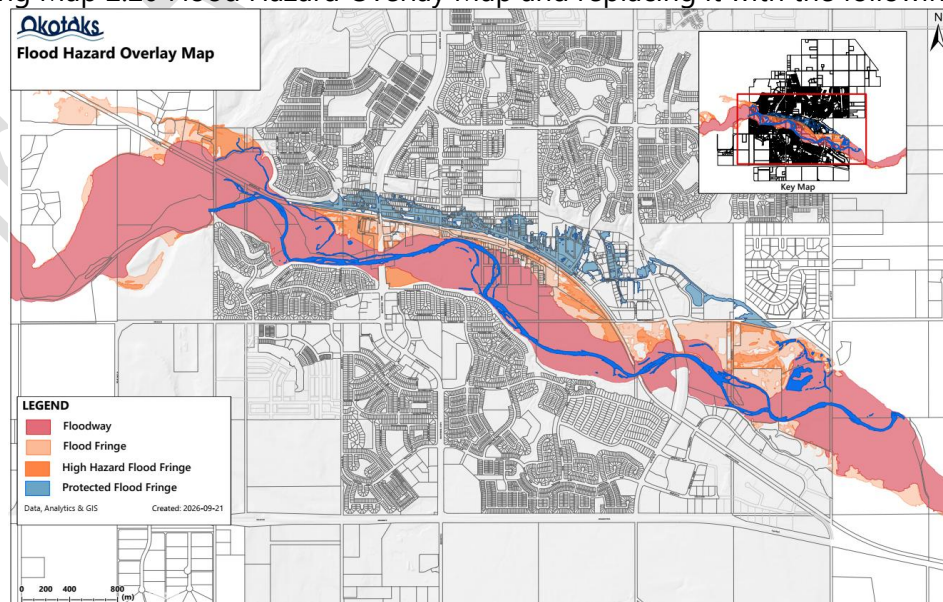
NOW THEREFORE Council enacts that the Land Use Bylaw is amended as follows:

1. Section 2.2 Flood Hazard Overlay is amended by:

1.1. Deleting subsection 2.2.B in its entirety and replacing it with the following:

- B. Lands subject to the Flood Hazard Overlay are identified in the Flood Hazard Overlay Map (Map 2.20) and are further delineated as being either Floodway, Flood Fringe, High Hazard Flood Fringe, or Protected Flood Fringe.

1.2. Deleting Map 2.20 Flood Hazard Overlay Map and replacing it with the following:



1.3. Deleting subsection 2.2.D through to 2.2.F in their entirety and replacing them with the following:

D. Lands in the **Floodway** shall be subject to the following Development standards:

1. Uses:

- a. Notwithstanding the listed Uses for any District, including Direct Control Districts, the only use permitted within the Floodway are:
 - Public Utility, and
 - Recreation – Passive.
- b. No other Permitted or Discretionary Uses shall be allowed, except where existing development is expressly permitted to remain or be replaced in accordance with this Overlay District.

2. Subdivision:

- a. No subdivision for non-public land use purposes shall be permitted other than:
 - Parcel consolidations; or
 - Boundary adjustments between existing parcels.

3. Development, Buildings and Structures:

- a. No new Development, Building, or Structure shall be permitted except where required for:
 - Public utilities;
 - Flood protection works;
 - Erosion protection works;
 - Transportation infrastructure; or
 - Other flood-compatible infrastructure approved by the Development Authority.

4. Replacement of Existing Buildings or Structures:

- a. The replacement of an existing Building or Structure may be considered where:
 - The replacement occurs substantially within the existing building footprint and location; and
 - The hazards associated with flooding can be satisfactorily addressed to the satisfaction of the Development Authority.
- b. Any replacement Building or Structure shall be designed and constructed to withstand anticipated flood conditions and associated flood hazards.

- c. Habitable floor areas, including main floor elevations, and all mechanical and electrical equipment shall be located at or above the applicable Flood Protection Elevation (FPE) to the satisfaction of the Development Authority.
 - Notwithstanding subsection (c), where an applicant demonstrates that strict compliance with the Flood Protection Elevation (FPE) cannot reasonably be achieved due to site-specific constraints or the requirement to remain substantially within the existing building footprint, the Development Authority may consider alternative Building Floodproofing measures that provide an equivalent or improved level of flood protection and public safety.
 - d. Foundations and structural systems shall be designed and constructed to resist applicable flood-related loads and hazards identified through required technical assessments.
 - e. Replacement Buildings or Structures shall address applicable flood, erosion, and river process hazards identified through required technical assessments and shall not increase flood risk on the subject Site or adjacent lands.
5. Parcels Containing Both Floodway and Flood Fringe Lands:
- a. Where a parcel contains lands within both the Floodway and a Flood Fringe designation, Development may be permitted on the Flood Fringe portion of the parcel provided that:
 - No Development encroaches into the Floodway;
 - All applicable Flood Fringe regulations are satisfied; and
 - Safe access and flood protection measures acceptable to the Development Authority are provided.
6. General Regulations:
- a. No Development shall be permitted that may obstruct floodwaters, adversely affect flood conveyance, alter flood flow patterns, or create detrimental impacts on existing Development.
 - b. No excavation, placement of fill, stockpiling, grading, or other alteration of existing ground elevations shall be permitted within previously undisturbed areas unless supported by professional analysis demonstrating that flood risks, drainage patterns, flood conveyance functions, and impacts on adjacent lands can be appropriately managed.

- c. Notwithstanding any other provision of this Bylaw, Development involving the storage, handling, manufacture, processing, distribution, or disposal of hazardous materials, including chemicals, explosives, flammable liquids, toxic materials, or waste materials, shall not be permitted within the Floodway.
- E. Lands in the **Flood Fringe** and **High Hazard Flood Fringe** shall be subject to the following Development standards:
 1. Uses:
 - a. All Uses permitted within the underlying District shall continue to be Permitted or Discretionary Uses within the Flood Fringe and High Hazard Flood Fringe.
 2. Subdivision:
 - a. Subdivision may be considered where:
 - Flood hazards and public safety considerations have been adequately assessed;
 - Safe access, evacuation, and flood protection measures acceptable to the Development Authority can be provided; and
 - The subdivision will not create or increase flood-related risks.
 3. Development, Buildings and Structures:
 - a. New development, or redevelopment, of Buildings and or Structures may be considered within the Flood Fringe and High Hazard Flood Fringe, subject to a site-specific assessment by the Development Authority.
 - b. New development, or redevelopment, of Buildings and Structures proposed shall be designed and constructed to withstand anticipated flood conditions and associated flood hazards.
 - c. Habitable floor areas, including the main floor elevation, and all mechanical and electrical equipment shall be located at or above the applicable Flood Protection Elevation (FPE).
 - d. Foundations and structural systems shall be designed and constructed to resist applicable flood-related loads and hazards, where identified through the required technical assessments.
 - e. The development, or redevelopment, of Buildings and or Structures shall address all applicable flood, erosion, and river processes identified through the required technical assessments,

as required by the Development Authority, and shall not increase flood risk on the subject lands or adjacent lands.

- f. Basements are permitted in new Buildings where appropriate Building Floodproofing measures are implemented (e.g., mechanical and electrical systems located above the Flood Protection Elevation (FPE)).
- g. Dwelling Unit(s) located in the basement are prohibited in new and existing Buildings.
- h. Access or egress between Primary Buildings and a Thoroughfare or private road must be raised above Flood Protection Elevation (FPE) to maintain emergency access.

4. General Regulations:

- a. No excavation, placement of fill, stockpiling, grading, or other alteration of existing ground elevations shall be permitted within previously undisturbed areas unless supported by professional analysis demonstrating that flood risks, drainage patterns, flood conveyance functions, and impacts on adjacent lands can be appropriately managed.
- b. Notwithstanding any other provision of this Bylaw, developments involving the storage, handling, manufacture, processing, distribution, or disposal of hazardous materials, including chemicals, explosives, flammable liquids, toxic materials, or waste materials, shall not be permitted within the Flood Fringe or High Hazard Flood Fringe.

F. Lands in the **Protected Flood Fringe** shall be subject to the following Development standards:

1. Uses:

- a. All Uses listed as Permitted Uses or Discretionary Uses in the underlying District shall remain Permitted Uses or Discretionary Uses within the Protected Flood Fringe.

2. Subdivision:

- a. Subdivision may be considered where:
 - Flood hazards and public safety considerations have been adequately assessed;

- Safe access, evacuation, and flood protection measures acceptable to the Development Authority can be provided; and
- The subdivision will not create or increase flood-related risks.

3. Development, Buildings and Structures:

- a. New development, or redevelopment, of Buildings and Structures shall incorporate flood-resilient design measures appropriate to the scale and nature of the proposed Development.
- b. Dwelling Unit(s) located below the Flood Protection Elevation (FPE) are prohibited in new and existing Buildings.
 - Notwithstanding subsection (b), the Development Authority may consider alternative approaches to residential flood mitigation where supported by professional analysis demonstrating that public safety and flood risk can be appropriately managed.
- c. The Development Authority may require portions of a Development or critical building systems, including mechanical, electrical, communications, life-safety, and utility equipment, to be located at or above the applicable Flood Protection Elevation (FPE) where necessary to address flood risk, public safety, or infrastructure protection.
- d. The development, or redevelopment, of Buildings and Structures shall address all applicable flood, erosion, and river processes identified through the required technical assessments, as required by the Development Authority, and shall not increase flood risk on the subject lands or adjacent lands.
- e. Basements are permitted in new Buildings where appropriate Building Floodproofing measures are implemented (e.g., mechanical and electrical systems located above the Flood Protection Elevation (FPE));

4. General Regulations:

- a. No excavation, placement of fill, stockpiling, grading, or other alteration of existing ground elevations shall be permitted within previously undisturbed areas unless supported by professional analysis demonstrating that flood risks, drainage patterns, flood conveyance functions, and impacts on adjacent lands can be appropriately managed.

- b. Notwithstanding any other provision of this Bylaw, developments involving the storage, handling, manufacture, processing, distribution, or disposal of hazardous materials, including chemicals, explosives, flammable liquids, toxic materials, or waste materials, shall not be permitted within the Protected Flood Fringe
5. Alternative Building Floodproofing:
- a. The Development Authority may approve alternative Building Floodproofing approaches where:
 - Flood risk and public safety can be appropriately managed;
 - Flood risk is not increased on the subject Site or adjacent lands;
 - The intent of this Overlay District is maintained; and
 - Appropriate flood resilience measures are incorporated.
 - b. In evaluating alternative Building Floodproofing approaches, the Development Authority may have regard for whether strict application of the Flood Protection Elevation requirement would:
 - Create accessibility barriers by requiring building entrances, pedestrian connections, or accessible routes that do not reasonably support universal access;
 - Require excessive grade changes, retaining walls, ramps, stairs, or other site alterations that negatively affect the functionality of the Site or surrounding public realm;
 - Result in building forms, elevations, or streetscape conditions that are incompatible with the intended character of the area;
 - Create significant constraints to redevelopment, infill, adaptive reuse, or revitalization of existing developed areas;
 - Impede the development of strategically important sites identified by the Town for economic development, housing, mixed-use development, or community-serving uses; or
 - Result in a development outcome that, in the opinion of the Development Authority, is inconsistent with the intent of this Overlay District or the objectives of the Municipal Development Plan.
- G. In addition to the requirements of Section 5.1 **Development Permit Application Requirements**, the following items shall be included as part of a development permit application in the Flood Hazard Area:
- 1. Notwithstanding any other provision of this Bylaw, including any Direct Control District, a Development Permit is required for all Development, Redevelopment, additions, and Changes of Use within the Flood Fringe and High Hazard Flood Fringe.

2. An application for a permitted redevelopment or reconstruction of an existing Building or Structure within the Floodway, shall include Information sufficient to demonstrate that the proposed redevelopment is substantially within the existing building footprint and location.
3. An application for development within the Floodway, High Hazard Flood Fringe, and Flood Fringe, shall include:
 - a. Details of all proposed Building Floodproofing measures, including:
 - The applicable Designated Flood Level (DFL) and Flood Protection Elevation (FPE);
 - The proposed elevations of habitable floor areas;
 - The location and elevation of mechanical, electrical, and life-safety equipment; and
 - The proposed measures to protect the development from flood-related hazards.
 - b. Where required by the Development Authority, a Hydrotechnical Assessment prepared by a Qualified Professional that:
 - Identifies applicable flood, erosion, river processes, affecting the site;
 - Evaluates the potential effects of the proposed redevelopment on flood conveyance, flood levels, flow velocities, and flood behaviour;
 - Demonstrates that the proposed redevelopment will not create or increase flood impacts on the subject site or adjacent lands; and
 - Confirms compliance with any applicable hydraulic performance criteria specified by the development authority;
 - Information demonstrating that safe access, emergency response considerations, and public safety risks have been appropriately addressed; and
 - Any additional technical studies or information considered necessary by the development authority to evaluate flood hazards, erosion hazards, river processes, public safety, Building Floodproofing measures, or compliance with the floodway development standards.
 - c. The Development Authority may require the assessment to identify recommended mitigation measures, design considerations, operational measures, or other actions necessary to address flood risk and protect public safety.

4. An application for development within the Protected Flood Fringe may require the submission of all of the requirements of the above section 3 at the discretion of the Development Authority if deemed necessary to protect public safety and address flood risk.
2. Section 5.16 [Development Permit Application Requirements] is amended by deleting subsection 5.16.A(8) in its entirety and replacing it with the following:

5.16.A(8). Where a Development is proposed within the Flood Hazard Overlay, the applicant shall provide any such items as outlined under Section 2.2.F.
3. Section 5.20 [Additional Setback & Encroachment Considerations] is amended by deleting the 'Sheep River' setback within subsection 5.20.A(2) [Additional Setbacks for all new Development] in its entirety and replacing it with the following:

Sheep River	Minimum 60.0 metres of the Top of Bank of the Sheep River, as determined by the most current aerial photography, for new Buildings. The Development Authority may relax this requirement where a Qualified Professional demonstrates, to the satisfaction of the Development Authority, that the proposed Development will not adversely impact the Sheep River or its associated flood, erosion, avulsion, riparian, ecological, or river process functions due to site-specific topographic conditions, including elevated escarpments or stable river valley slopes.
Floodway	Minimum 6.0 metres from the Floodway boundary identified on Map 2.20 Flood Hazard Overlay Map, for new Buildings. The Development Authority may relax this requirement where a Qualified Professional

	demonstrates, to the satisfaction of the Development Authority, that the reduced setback: • Will not adversely impact the Floodway or the conveyance of floodwaters; • Will not increase risk to persons, property, infrastructure, or the natural environment; and • Can be safely supported based on site-specific conditions.
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4. Section 6.1 [Glossary of Terms] is amended by:

4.1. Deleting the definition of "Flood Design Elevation" and replacing it with the following:

Flood Protection Elevation (FPE) means the minimum elevation used to establish flood protection requirements for Development and is calculated by adding the required Freeboard to the applicable Designated Flood Level.

4.2. Adding the following definitions in alphabetical order:

Building Floodproofing means flood protection measures that prevent or limit floodwater entry and reduce flood damage to a Building. Examples include elevating Buildings or utilities, using flood-resistant materials, and protecting openings and mechanical systems.

Designated Flood Event (DFE) means the flood event selected by the Town for planning and flood risk management purposes and used to establish the Designated Flood Level.

Designated Flood Level (DFL) means the maximum expected water surface elevation resulting from a specific Designated Flood Event (DFE).

Flood Mitigation means measures that reduce the likelihood, extent, severity, or consequences of flooding. Examples include upstream dams and reservoirs, floodplain management, and early warning systems.

Flood Protection means flood mitigation measures that shield people, property, or infrastructure from floodwaters. Examples include berms, dikes, floodwalls, diversion channels, and Building Floodproofing.

Freeboard means the vertical distance added to a Designated Flood Level to establish a Flood Protection Elevation and provide an additional margin of safety for uncertainties associated with flooding, wave action, debris, climate variability, and hydraulic modelling assumptions.

High Hazard Flood Fringe means portions of the Flood Fringe where flood depths exceed 1.0 metres and/or flow velocities exceed 1.0 metres per second. These areas commonly occur as localized pockets within larger Flood Fringe areas. The classification identifies hydraulic conditions that may warrant additional consideration during Development review but does not, by itself, determine the required flood protection measures. Within this area, the Development Authority may require additional technical information or mitigation measures to address site-specific flood hazard characteristics.

Hydrotechnical Assessment means a report prepared by a Qualified Professional that evaluates flood hazards, flood levels, hydraulic conditions, flood risks, flood mitigation measures, flood protection requirements, and river processes including erosion, scour, deposition, avulsion, channel migration, and channel stability, and provides recommendations to support a Development application.

Protected Flood Fringe means portions of the Flood Hazard Area that would otherwise be classified as Flood Fringe but where flood exposure is reduced by the presence of flood protection works or other infrastructure.

Qualified Professional means a person who:

- A. Possesses education, training, and experience relevant to the matter being assessed;
- B. Is registered and in good standing with a professional regulatory organization authorized by the Province of Alberta to regulate the applicable profession; and
- C. Is authorized under applicable provincial legislation to provide professional opinions, reports, certifications, designs, or recommendations within their area of practice.

Redevelopment means Development on a Site that is already developed and includes the replacement, reconstruction, expansion, significant alteration, or Change of Use of an existing Building or Structure.

This Bylaw shall come into full force and effect upon third and final reading, and Bylaw 17-21 and any amendments thereto are hereby amended upon this Bylaw coming into effect.

READ A FIRST TIME this 28th day of September 2026.

READ A SECOND TIME this day of 2026.

READ A THIRD TIME AND PASSED this day of 2026.

Mayor

Chief Administrative Officer