

BYLAW 1632/23
LAND USE BYLAW AMENDMENT
STURGEON COUNTY, ALBERTA

A BYLAW OF STURGEON COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AMENDING LAND USE BYLAW 1385/17.

WHEREAS, the *Municipal Government Act*, RSA 2000 c M-26, any regulations thereunder, and any amendments or successor legislation thereto, authorize Council to establish and amend Land Use Bylaw 1385/17;

AND WHEREAS, the Council of Sturgeon has deemed it desirable to amend Land Use Bylaw 1385/17;

NOW THEREFORE, the Council of Sturgeon County, in the Province of Alberta, duly assembled, enacts as follows:

1. Title

- 1.1 This Bylaw may be referred to as the “Land Use Bylaw Efficiency and Effectiveness Amendments 2023”.

2. Purpose

- 2.1 The purpose of this Bylaw is to amend the Land Use Bylaw, to improve efficiency and increase effectiveness of the regulations by reducing red tape and adding clarity.

3. That Land Use Bylaw 1385/17 be amended as follows:

- 3.1 Amend Subsection 1.5.8 to read as:

Words, phrases and terms not defined in this part may be given their definition in the *Municipal Government Act* or the *Safety Codes Act*. Other words shall be defined by the Canadian Oxford Dictionary or given their usual and customary meaning.

- 3.2 Add Subsection 1.5.12:

If life safety will not be reduced, the *Development Authority* may accept a dimensional tolerance of up to 2% of any dimension within the bylaw without a variance.

- 3.3 Amend 1.6 Terminology to read as:

Development Agreement means a contract between a municipality and a ~~land~~ *developer* establishing an agreement over the *development* of land. These agreements can include provisions for the servicing of lands, payment of off-site levies and security and are required as a condition of a *development permit* or *subdivision* approval.

- 3.4 Amend 1.6 Terminology to add:

Land and Property Rights Tribunal means the Land and Property Rights Tribunal established under the Land and Property Rights Tribunal Act.

- 3.5 Amend 1.6 Terminology to add:

- Memorandum of Agreement* means a written document which outlines the objectives of a *development* between Sturgeon County and the *developer*. This document shall be registered on title for the duration of the development.
- 3.6 Amend 1.6 Terminology to add:
- Permeable Surface means a surface that can be penetrated by water and includes, but is not limited to, soil, soft landscaping, concrete permeable pavers, loose granular materials, asphalt crush or other material approved by the Development Authority. Does not include hardscaped asphalt, concrete, traditional pavers, or packed gravel.
- 3.7 Amend 1.6 Terminology to remove:
- ~~Solar collector means any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy. A solar collector is not a renewable energy facility or a solar farm.~~
- 3.8 Amend Paragraph 2.3.1(a) to read as:
- the maintenance or repair of a building if the work, ~~including interior~~ does not include structural alterations;
- 3.9 Amend Paragraph 2.3.1(o) to read as:
- stripping, site grading, stockpiling or excavating that is part of a development for which a development permit has been issued or in accordance with an executed *Development Agreement*;
- 3.10 Amend Subsection 2.7.2 to read as:
- Development permit applications ~~for discretionary uses that include developments over 15m(49.2ft) in height; sanitary land fill; food garbage disposal; sewage lagoon, open water reservoir which are located within 1.6km(1mi) of Canadian Forces Base (CFB) Edmonton the Bird Hazard Area of the Edmonton Garrison Heliport Zoning Regulations,~~ shall be referred to CFB Edmonton for comments.
- 3.11 Amend Subsection 2.8.6 to read as:
- The Development Authority may issue a variance in accordance with Table 2.1 and Paragraph 2.8.6(a):
- 3.12 Add Paragraph 2.8.6(a) The Development Authority may approve a variance in excess of Table 2.1 if any of the following criteria apply:
- i. there are practical difficulties in complying with the affected regulation(s) due to the use, character, situation or location of land or a building which are generally not common to other sites in the same Land Use District;
 - ii. potential impacts on adjacent properties or roadways and measures to mitigate such impacts have been addressed in the application;
- 3.13 Delete Paragraph 2.8.6(b) to replace with:

~~Variances for the districts listed above in excess of what is prescribed in the third column of Table 2.1 shall be refused by the Development Authority.~~

At the discretion of the Development Authority, variances in excess of what is prescribed in Table 2.1 and where circumstances are not supported by Paragraph 2.8.6(a) shall be refused.

- 3.14 Amend Table 2.1 to include:

AG2 – Agriculture 2	0.1 – 50%
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- 3.15 Add Paragraph 2.9.4(k)

shall conform to the submitted plans and shall not be moved, altered, or enlarged except where authorized by the permit; and

- 3.16 Add Paragraph 2.9.4(l)

adherence to a stormwater management plan;

- 3.17 Amend Subsection 2.10.3 to read:

The Notice of Decision must be given or mailed by electronic or standard mail to the applicant-developer, and advertised on the Sturgeon County website on the same day the decision is made.

- 3.18 Add Paragraph 2.10.6(f), and reformat accordingly:

that the Land and Property Rights Tribunal will hear appeals of the Development Authority decisions where the land is the subject of an application is:

- (i) the subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission; or
- (ii) the subject of a license, permit, approval or other authorization granted by the Minister of Environment and Protected Areas and;

- 3.19 Amend Subsection 2.10.7 to read:

Where an appeal has been made on a development permit, the development permit shall not come into effect until a decision allowing the development has been made by the Subdivision and Development Appeal Board or the Land and Property Rights Tribunal.

- 3.20 Amend Paragraph 2.11.2(b) to read:

in case of an appeal to the Subdivision and Development Appeal Board, the date upon which the Subdivision and Development Appeal Board or the Land and Property Rights Tribunal renders a written decision approving the development permit; or

- 3.21 Add Subsection 2.11.5:

Where a Development Permit is requested to be revised, a new application shall be submitted with the following taken into consideration:

(a) If a revision is requested within 12 months from the date the Notice of Decision, and it does not change the nature of the use, expiry, or approval, it may be considered a revision and an application for only the changes may be considered.

(b) The Development Authority may approve a change to supporting documents included in Section 2.4 within 12 months of the Notice of Decision if the changes meet the intent of the original approval.

3.22 Amend Subsection 2.12.2 to read:

Notwithstanding Subsection 2.12.1, the Development Authority shall not cancel a development permit that has been approved by the Subdivision and Development Appeal Board, the Land and Property Rights Tribunal, the Alberta Court of Queen's Bench or the Alberta Court of Appeal.

3.23 Add Subsection 2.15.3

An appeal may be made to the Land and Property Rights Tribunal where is the land is:

(a) The subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission; or

(b) The subject or a license, permit, approval or other authorization granted by the Minister of Environment and Protected Areas.

3.24 Amend Paragraph 2.19.1(b) to read:

the ~~Municipal Government Board~~ Land and Property Rights Tribunal on a decision of an appeal under Section 619 of the Municipal Government Act, an intermunicipal dispute under Division 11 of the Municipal Government Act or a subdivision appeal.

3.25 Amend Paragraph 2.19.2(b) to read:

the ~~Municipal Government Board~~ Land and Property Rights Tribunal or the Subdivision and Development Appeal Board; and

3.26 Add a new Subsection 5.10.1 and reformat accordingly:

The Development Authority shall consider applications for grading, stripping and/or stockpiling as a discretionary use within the relevant land use district of this Bylaw unless otherwise exempted under paragraph 2.3.1(o).

3.27 Amend Subsection 5.10.2 (formerly 5.10.1) to read:

3.28 A development permit application is required to strip, excavate, stockpile or grade land ~~as a permitted use~~ within a district if the project involves any of the following:

- 3.29 Add Paragraph 5.10.1(c) and reformat accordingly:
- the area to be disturbed is within a natural wetland or drainage course;
- 3.30 Delete Subsection 5.10.4 and reformat accordingly:
- ~~The Development Authority shall consider every application to strip, excavate, stockpile or grade land as a permitted use within the designated district of this Bylaw provided said stripping, excavation, stockpiling or grading is compliant with Section 5.9 or is required in addition to a development for which a development permit was issued.~~
- 3.31 Amend Subsection 5.11.1 to read:
- Where a parcel abuts or contains a natural slope, coulee, ravine or valley of 3m or more of valley depth, with or without a waterbody present, the setbacks from the top of bank ~~of the natural slope, coulee, ravine or valley~~ shall be determined by a slope stability report in accordance with Section 4.3 of the Municipal Development Plan.
- 3.32 Delete Figure 5.2 and reference to the Figure in Subsection 5.11.2.
- 3.33 Amend Subsection 5.11.3 to read:
- Notwithstanding any district regulation to the contrary, no development shall be allowed within 15m (49.2ft) ~~of the toe or crest of~~ any slope of 15% or greater, unless a lesser or greater amount is identified as acceptable in a slope stability report prepared by a practicing professional engineer.
- 3.34 Amend Paragraph 6.1A.1(c) to read:
- Shall be constructed on a ~~permanent~~ foundation which may or may not include a basement.
- 3.35 Amend Paragraph 6.1A.1(i) to read:
- Shall not be permitted on the same parcel containing a group home (major or minor), farm help accommodation, bed and breakfast, visitor accommodation ~~or home-based business (level 3)~~.
- 3.36 Amend Paragraph 6.1.A.2(a) to read:
- Maximum floor area of Accessory Dwelling Units shall be: 115m² (1,237ft²) in the R1 district and on AG-Residential parcels within the AG and AG2 Districts, and 80m² (861sqft) in all other residential districts. There shall be no maximum floor area regulations on AG-Major and AG-Minor parcels within the AG and AG2 Districts, or within the IND-Integrated Neighbourhood District and CMUD-Commercial Mixed-Use District.
- 3.37 Add Subsection 6.11A.4 to read:
- For an Event Venue, the operator must reside in an onsite dwelling and be in attendance for every event.
- 3.38 Amend Subsection 6.13A.3 to read:

~~A parcel containing farm help accommodation shall not contain an accessory dwelling unit. Accessory dwelling units shall be included in the maximum number of farm help accommodation buildings on a parcel.~~

- 3.39 Remove Subsection 6.16.9:

~~A parcel containing a home based business Level 3 shall not contain an accessory dwelling unit.~~

- 3.40 Amend Subsection 6.20.1 to read:

The storage of *recreational vehicles* does not require a development permit if this storage shall comply with the provisions in Table 6.2 and the provisions of this Section:

- 3.41 Amend Table 6.2 to read:

Table 6.2: Maximum Number of *Recreational Vehicles* Allowed on a Parcel

District	Maximum number of recreational vehicles allowed on a parcel without a development permit
AG – Major	5
AG – Minor	5
AG – Residential	3
<u>AG2</u>	<u>5</u>

- 3.42 Amend Table 6.3 to read:

Table 6.3: Number of *Shipping Containers* allowed on a Parcel without a development permit

District	Maximum number of shipping containers allowed on a parcel without a development permit
AG – Major	5
AG – Minor	3
AG – Residential	1
<u>AG2</u>	<u>5</u>

- 3.43 Amend Heading 11.3 to read:

~~DC – RE~~ RE - DC

- 3.44 Amend Subsection 6.37A.1 to read:

The number of guest units shall not exceed 10 units in the AG and AG2 land use districts. Any proposal containing 11 or more guest units shall apply for a redistricting.

- 3.45 Amend Paragraph 13.3.3(k) to read:

The assessment will demonstrate that the interface between the private and public realm is not adversely affected. This will involve assessing the variance in context to the Sturgeon Valley South Area Structure Plan, adopted Neighbourhood Area Structure Plan, and the applicable approved Architectural and Urban Design Standards. ~~The assessment will determine whether the change has an impact on the existing stormwater model and~~

~~whether it will adversely impact the existing stormwater system. This could involve carrying out stormwater modeling to confirm the system can accommodate the increase stormwater runoff.~~

- 3.46 Amend Subsection 13.7.7 to include under Parcel Coverage:

A minimum of 15% of the total parcel coverage must be a permeable surface.

- 3.47 Amend Subsection 13.8.4 to read:

Building Placement Standards	
Principal Buildings	
Primary and secondary* frontage setback (no front parking)	▪ A 0.0 m maximum minimum.
	▪ B 3.0 m minimum maximum.

- 3.48 Amend Paragraph 15.5.5(i) to read:

Natural resource extraction or secondary processing in this district shall follow the regulations provided in Section 11.2 or Section 11.3 (in alignment with the corresponding setback from dwellings).

- 3.49 Replace all reference to the ~~Petroleum Tank Management Association~~ with the Alberta Safety Codes Authority.

- 3.50 Replace all reference to ~~applicant~~ with developer.

- 3.51 Remove Subsection 17.15.3

~~Decision-Making Authority~~

~~In this district, the decision making authority is the Municipal Planning Commission.~~

- 3.52 Amend Paragraph 18.5.3(d) to read:

Notwithstanding Paragraphs 18.5.3(b & c), development permits for residential uses and uses accessory to residential development will not be time limited.

4. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the Bylaw is deemed valid.

5. This Bylaw shall come into force upon being passed.

Read a first time this 28th day of November, 2023.

Read a second time this 27th day of February, 2024.

Read a third time this 27th day of February, 2024.

“Original Signed”

Alanna Hnatiw
MAYOR

“Original Signed”

Reegan McCullough
COUNTY COMMISSIONER (CAO)

February 27, 2024
DATE SIGNED