

BYLAW 1407/18
GENERAL AMENDMENTS TO LAND USE BYLAW 1385/17
STURGEON COUNTY, MORINVILLE, ALBERTA

BYLAW 1407/18 BEING A BYLAW OF STURGEON COUNTY, MORINVILLE, ALBERTA FOR THE PURPOSE OF AMENDING THE 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 the Land Use Bylaw 1385/17.

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

NOW THEREFORE BE IT RESOLVED, that the Council of Sturgeon County, duly assembled, hereby enacts as follows:

THAT LAND USE BYLAW 1385/17 BE AMENDED AS FOLLOWS:

1. Change Paragraph 1.9.4(b) to read as follows:

“Where the decision of a *development permit* application is under the authority of the *Development Authority*, the ability to appeal is available subject to Section ~~641(4)(b)~~ 685(4)(b) of the *Municipal Government Act*.”

2. Change Section 2.5 to read as follows:

“1. The *Development Authority* shall determine ~~review each application for a development permit within 20 days after the receipt of a development permit application to ascertain~~ whether it is complete in accordance with the information requirements of this Bylaw.

2. The *Development Authority* shall inform the applicant by electronic or standard mail within 20 days after the receipt of a development permit application that the application is considered complete.”

3. Change Subsection 2.6 to read as follows:

“1. An application for a *development permit* shall not be considered complete ~~and received~~ by the County until such time as the requirements of Section 2.4 have been met to the satisfaction of the *Development Authority*.

2. If an application for a *development permit* does not contain all the necessary information or does not contain sufficient details to complete an evaluation of the application and to make a proper decision, the *Development Authority* shall deem the application to be incomplete and inform the applicant by electronic or standard mail within 20 days after the receipt of a development permit application that the application is considered incomplete.

~~(a) may return the application form and all submissions to the applicant and~~

~~(b) the application shall be deemed not to have been submitted until all required information and details have been submitted to the *Development Authority*.~~

3. When notifying an applicant that their *development permit* application is incomplete, the *Development Authority* must inform the applicant that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the *Development Authority* in order for the application to be considered complete.
4. The *Development Authority* shall inform the applicant by electronic or standard mail within 20 days after the receipt of the updated application that the application is considered complete or incomplete.
- ~~3. An application for a *development permit* shall not be deemed to be complete until all applicable fees have been paid in full to the County."~~
4. Change Subsection 2.10.1 – Subsection 2.10.5 to read as follows:
 - .1 The decision of the *Development Authority* on an application for a *development permit* shall be given to the applicant in the form of a Notice of Decision.
 - .2 The Notice of Decision must be in writing, specify the date on which the decision was made and contain any other information required by the regulations of this Bylaw.
 - .3 The Notice of Decision must be given or mailed by electronic or standard mail to the applicant on the same day the decision is made.
 - .4 Where a *development permit* has been issued for a *discretionary use* and, where applicable, for a *development permit* issued in a DC district or a *development permit* for a variance to a regulation, the *Development Authority* shall ~~send mail~~ a notice by electronic or standard mail on the same day the decision is made to the applicant adjacent landowners and municipalities as per Section 2.7.
 - .5 At the discretion of the *Development Authority*, notification may be expanded beyond the adjacent landowners or the criteria identified in Section 2.7."
5. Change paragraph 2.10.6(d) to read as follows:

"that a *development permit* does not come into effect until after the ~~1421~~-day appeal period has ended and no appeals have been submitted;
6. Add the following under Section 1.6:

"*Variance*" means a deviation from a regulation listed in this Bylaw."
7. Add the following regulation as Subsection 5.15.4:

"Accessory, agricultural buildings approved by the Natural Resources Conservation Board for the purposes of operating a Confined Feeding Operation are not to be considered when calculating parcel coverage."
8. Add the following as Subsection 6.1.5:

"Notwithstanding Subsection 6.1.4 and on a vacant parcel, the *Development Authority* may accept a *development permit* application for an *accessory building* concurrent with a

development permit application for a principal building, subject to both buildings being constructed within the specified time frame approved by the development permit.”

9. Add the following definition to Part 18:

“Landscaping contractor service means a construction related service which includes the storage of soft landscaping materials such as plants, trees, and shrubs as well as hard landscaping materials such as rocks, pavers, ornaments, crushed rock, shale, or other similar materials normally accessory to the service with limited exterior storage of equipment and vehicles. This may include ancillary uses, including, but not limited to, sales, display, office, snow removal services or technical support service. This use does not include intensive agriculture but may be accessory to it.”

10. Add “Landscaping Contractor Service ***” as a Discretionary Use in Subsection 11.1.2.
11. Add the following regulations as Section 6.18 Landscape Contractor Service (and renumber Part 6 accordingly):

“.1 The business shall not generate noise, smoke, steam, dust, odour, fumes exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the Development Authority. At all times the privacy of the adjacent residential dwelling(s) shall be preserved and shall not, in the opinion of the Development Authority, unduly interfere with or affect the use, enjoyment or value of neighbouring or adjacent parcels.

“.2 Landscaping contractor service shall not be allowed on a parcel containing a home-based business level 2 or 3.

“.3 An application for a landscaping contractor service shall include measures to mitigate impacts to adjacent parcels.

“.4 All hard landscaping materials related to the business shall be kept within a screened storage area and shall not be located within the yard setbacks.

“.5 Vehicles, equipment, trailers, and machinery associated with the business shall be parked indoors or outdoors in a location that is not visible from a roadway or adjacent properties.

“.6 The number of vehicles and equipment allowed on the parcel shall be at the discretion of the Development Authority.

“.7 The number of non-resident employees on site shall not exceed ten (10).

“.8 Hours of operation shall be determined by the Development Authority having regard for both the operations and activities of the proposed landscaping contractor service and adjacent parcels.”

12. Add “Dugout” as a Discretionary Use in Section 12.3.2, 15.4.2, 15.5.2 and 15.7.2.

13. Change paragraph 2.9.2(b) to read as follows:

~~“enter into a Development Agreement with the municipality to construct, install or pay for any municipal improvements and/or utilities which will be needed to serve the development;”~~

- 14.** Re-number and change the wording of paragraph 2.9.4(h) and (i) and subsection 2.9.5 as follows:

“(h) compliance with applicable *statutory plans*; ~~and~~

(i) any such other conditions as may be reasonably required, and

~~2.9.5 (j)~~ the payment of deposits as per the County’s Fees and Charges Schedule.

- 15.** Replace the word “~~Dwelling~~” with “Principal building” in Subsection 12.3.4 and 12.4.4.

That this Bylaw shall come into force and take effect upon the date of third reading.

Read a first time this ___ day of _____ 2018.

Read a second time this ___ day of _____ 2018.

Read a third time this ___ day of _____ 2018.

MAYOR

COUNTY COMMISSIONER (CAO)

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.