

Implementation Plan for Proposed Land Use Bylaw 1385/17

Subject	Implementation guideline	Considerations
<p>1. <u>Existing site-specific parcels redistricted to DC1</u> The proposed LUB proposes to allocate DC1 zoning district to several parcels where site specific amendments were approved. The landowners may not be aware of this and may object to the proposed zoning district.</p>	<p>Administration undertakes, when LUB 1385/17 receives third reading, to notify all landowners (in writing) of the change in land use district that applies to their land. In those cases where land owners are dissatisfied with the zoning district, Administration will process Land Use Bylaw amendment applications from the said landowner to either change to a suitable conventional district or a regulated Direct Control district.</p>	<p>Fees for a LUB amendment are presently \$3,000. This fee covers staff time to process the application and advertising costs that are approximately \$800.</p>
<p>2. <u>Existing Land Use Bylaw legacy enforcement files</u> With the proposed LUB in place, the rules may have changed. How will Administration deal with existing LUB Enforcement files?</p>	<p>Administration undertakes to inform, in writing, those landowners where an enforcement file has been opened, of the options available to bring their properties into compliance with the proposed Land Use Bylaw 1385/17. A two (2) year grace period will be provided for landowners to do so. When the two (2) year period lapses, enforcement activities will be enacted.</p>	<p>Option will include, reduce size of operations to within limits regulated in the proposed Land Use Bylaw; relocate business, operations or remove non-compliant use or apply to redistrict parcels to appropriate land use district.</p>
<p>3. <u>Provincial violation tickets</u> The proposed LUB makes provision for the issuance of provincial violation tickets including fines. How are these tickets and fines going to be implemented? And who will take authority in this regard?</p>	<p>A new Enforcement Policy and procedure will be developed in collaboration with Current Planning and Development Services with Protective Services. Until this Policy and procedure have been developed and approved by Council, no violation tickets will be issued.</p>	<p>N/A</p>
<p>4. <u>Uses that are not listed in the proposed LUB.</u> What happens to “old land uses” that are not listed in the proposed LUB?</p>	<p>Administration has compiled a spreadsheet listing all the "old" uses and their new description. Those "new" uses not listed in the proposed Land Use District but approved in accordance with the current LUB, will be considered non-conforming. (see Attachment #3)</p>	<p>Non-conforming buildings and uses are governed under Section 643 of the <i>Municipal Government Act</i>.</p>

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<p>5. <u>Mobile homes (1)</u> Mobile homes are not a listed use in the proposed Land Use Bylaw. How will Administration deal with existing mobile homes that have been approved in the past?</p>	<p>New or existing mobile homes will now be considered a Single Detached Dwelling, irrespective of what year it was built or under what building code.</p>	
<p>6. <u>Mobile homes (2)</u> In certain residential land use districts in the current LUB, mobile homes were not allowed as a use in certain country residential subdivisions.</p>	<p>The current restriction was based on the architectural guidelines in certain subdivisions and registered as a caveat on title. Although it is not the purpose of the proposed Land Use Bylaw to oversee these guidelines, Administration will make applicants aware of the caveat on title preventing the construction of a mobile home on the basis of "buyer beware".</p>	
<p>7. <u>Temporary dwellings</u> Temporary Dwellings are not a listed use in the proposed Land Use Bylaw and existing permits cannot be renewed.</p>	<p>Subsection 1.6.10 provides for these dwellings to remain on the land indefinitely and be considered non-conforming. In those cases where a temporary dwelling is located on a parcel larger than 80 acres, a "Change of use" permit from a temporary dwelling to a Secondary Dwelling.</p>	<p>Change of use development permits are \$250</p>
<p>8. <u>Telecommunication Towers</u> Telecommunication Towers do not require development permit approval. Does the County have to enforce the conditions after the proposed Land Use Bylaw has been passed of permits that were issued in the past?</p>	<p>Any complaints regarding towers approved in the past are to be referred to the federal approving authority. Application for letter of concurrence for new towers is still required, as per Council's approval of the Telecommunication Tower and Antenna Systems Application for Letter of Concurrence.</p>	
<p>9. <u>Shipping containers</u> In terms of the current LUB 819/96 Bylaw: - there was no limit to the number of containers allowed on AG land, and</p>	<p>Regarding AG land, the number of shipping containers that exceed the maximum amount allowed, will now be considered non-conforming. If these containers are removed, they can only be replaced</p>	

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<p>- 1 shipping container was allowed on lots zoned as CR-1 and larger than 1ha in area.</p> <p>The number of containers under the proposed Land Use Bylaw 1385/17 are now limited on AG land and some of the CR-1 lots are now zoned R2 and no shipping containers are allowed on these parcels any longer.</p>	<p>in numbers compliant with the proposed Land Use Bylaw. And in those cases where a parcel was previously zoned CR-1, larger than 1 ha in area and has a shipping container on the land, the shipping container will now also be considered non-conforming. As soon as it is removed, it cannot be located on the property again.</p>	
<p>10. <u>Exempted accessory buildings</u> In terms of the current Land Use Bylaw, certain accessory buildings (given their size) are exempt from requiring a permit. What happens in those cases where they are not exempted anymore under the proposed Land Use Bylaw?</p>	<p>All structures that did not require a permit in terms of the current Land Use Bylaw and are in compliance with the proposed Land Use Bylaw, remain conforming. Those that do not meet the proposed setbacks though, become non-conforming. Any addition to these structures or replacement thereof, will now require a permit. In those cases where a subdivision occurs on the land (or an application for a compliance certificate has been submitted) and structures must be brought in compliance with the proposed Land Use Bylaw, variance applications will have to deal with bringing these non-conforming structures into compliance.</p>	
<p>11. <u>Signs</u> A larger array of sign regulations has been added to the proposed Land Use Bylaw. In the past and due to limited resources, Current Planning & Development Services staff have not followed up on signs erected without permits.</p>	<p>Administration will inform land owners who have signs without permits on their land, that permits are required. A grace period of one (1) year, similar to the proposed Land Use Bylaw enforcement legacy issues, will be provided for these landowners to submit an application for their signs, without any penalties being applied. When the one (1) year period lapses, regular enforcement will occur.</p>	<p>Development Permit for a sign is \$100</p>
<p>12. <u>Secondary suites</u> Secondary suites have been added as a discretionary</p>	<p>Administration will provide for a fee for service, to have a homeowner apply for the County's contractor,</p>	<p>Current re-inspection fee is \$150</p>

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residential use. The Alberta Safety Code has strict regulations when it comes to for example, basement suites and the question has been raised whether Administration needs to ensure that an application for an existing secondary suite complies with the Code, before issuing a development permit.	to undertake an Alberta Building Code inspection as part of a development permit application for an existing secondary suite. Administration to inform applicants accordingly.	
13. <u>Existing Secondary suites</u> How will Administration deal with an applicant that applies for a permit for an existing secondary suite – will there be any penalties imposed?	A two (2) year grace period will be provided for land owners to bring their illegal secondary suites into compliance.	Proposed new development permit fee for Secondary dwelling is \$350.
14. <u>Home-based businesses(HBB)</u> Permits for HBB's don't have to be renewed on a yearly basis any longer. How will Administration deal with the permits that expire at the end of 2017?	Administration undertakes to send application forms to all existing HBB's to apply before year end for an existing HBB. HBB applications will be reviewed and permits issued on a permanent basis prior to the end of 2017. Uses will be described and conditions set in accordance with the requirements of the proposed Land Use Bylaw. Applicants will have the opportunity to appeal the conditions of their permits if they wish.	HBB application fees. Permitted \$150 and discretionary \$400
15. <u>Home-based business Level 3</u> In the proposed Land Use Bylaw, HBB 3 is now a discretionary use in the AG land use district. Can existing permits that are to be renewed, be reviewed again and may be refused or additional conditions added?	Renewal of a permit implies an application for a new permit. The application must be reviewed in terms of the proposed Land Use Bylaw, conditions set equally and, based on previous performance, may be refused (by the MPC) and appealed. In those cases where a permit is refused, an option would be to allow for a two (2) year grace period during which Administration will accept a Land Use Bylaw amendment application from the said landowner and process such an application.	HBB 3 application fees \$400

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<p>16. <u>Compliance certificates</u> Compliance certificates are not addressed in the proposed Land Use Bylaw any longer. What process/procedure is going to be followed to issue compliance certificates?</p>	<p>Administration undertakes to compile a new policy, procedure and internal process and obtain Council approval for the new policy. Until that occurs, the existing internal process will be followed in the processing and issuance of compliance certificates.</p>	
<p>17. <u>Class 2 Resource Extraction pits</u> The Resource Extraction district does not allow for pits less than 5ha (12acres) in size anymore. How will Administration deal with existing Class 2 pits?</p>	<p>Existing pits with permits will become non-conforming. Existing pits without permits will be subject to enforcement action.</p>	
<p>18. <u>Airport</u> Airport is not a listed use. How will Administration deal with an application for an aerodrome, heliport or airport?</p>	<p>Administration can only control what is not covered by the <i>Aeronautics Act</i>. (Airports, aerodromes and heliports are largely covered by the Act.) Section 6.15 Hangers, has been added in this regard to address those aspects that can be enforced by the proposed Land Use Bylaw.</p>	
<p>19. <u>Unightly properties</u> Unightly properties and objects prohibited in yards are not addressed in the proposed LUB anymore.</p>	<p>Protective Services will continue to address in terms of the existing Nuisance Bylaw as well as Section 546 of the MGA.</p>	
<p>20. <u>Complexity of Land Use Bylaw</u> The proposed LUB is difficult to read and interpret for the public. How will the public know for example, how to apply for a development permit?</p>	<p>Administration will, with approval of the proposed Land Use Bylaw, update all existing “how-to brochures”, and have them available for the public as their go-to-guide for applying for permits. The website will also be updated to provide clarity and assistance with the application processes as well</p>	
<p>21. <u>Memorandum of Agreement deposits</u> Secondary dwellings are now allowed as a discretionary use on parcels larger than 80 acres. What happens in those</p>	<p>Administration will review the lists of deposits that have not been refunded and where applicable, inform the landowners of the new regulation, and the landowners may apply for a new permit for the</p>	<p>Development Permit Fee for a secondary dwelling is \$350</p>

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cases where a landowner has paid a deposit to build a new dwelling whilst living in an existing dwelling that is meant to be removed?	secondary dwelling. Existing deposits will be returned in these cases.	
<p>22. <u>New regulations</u></p> <p>New regulations for parcel coverage/maximum floor area/setbacks have been introduced in certain land use districts in the proposed Land Use Bylaw. Do the new regulations for parcel coverage/maximum floor area/setbacks apply to existing uses that have been approved in the past?</p>	<p>Uses that were approved under the current Land Use Bylaw and exceed the new coverage requirements/max floor area will become non-conforming. No additions will be allowed, except where an application for a variance is approved.</p>	