

BYLAW 14-2018

A BYLAW OF STRATHCONA COUNTY IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AMENDING BYLAW 6-2015, AS AMENDED, BEING THE STRATHCONA COUNTY LAND USE BYLAW.

WHEREAS it is deemed advisable to amend Bylaw 6-2015, the Strathcona County Land Use Bylaw.

NOW THEREFORE, the Council of Strathcona County, duly assembled, pursuant to the authority conferred upon it by the *Municipal Government Act*, RSA 2000, c M-26, as amended, enacts as follows:

THAT Bylaw 6-2015, as amended, is hereby further amended by:

1. deleting the text "a-use" from the definition of ACCESSORY USE in section 1.17, and replacing it with "a use";
2. deleting the text "/PROCESSING" from section 1.17 and the title of section 6.2;
3. adding the following after the definition of "ENCLOSED PARKING" in section 1.17:

"ENTERTAINMENT, SPECTATOR means an enclosed building designed specifically for the presentation of live artistic performances or the showing of motion pictures. Typical uses include but are not limited to auditoria, cinemas, theatres, and concert halls. This does not include entertainment developments associated with nightclubs."
4. deleting the text "accessory structure" from the definition of "GARAGE" in section 1.17, and replacing it with "accessory building";
5. deleting the reference to section "3.14" in the definition of "PROJECTION" in section 1.17, and replacing it with "3.13";
6. deleting the text "(see structure, accessory)" from the definition of "STRUCTURE, ACCESSORY" in section 1.17, and replacing it with "(see accessory structure)";
7. deleting section 2.5.1 b), and replacing it with the following:

"b) within 20 days after the receipt of an application for a development permit, shall review all applications for a development permit to determine if they are complete and made for the appropriate use;"

8. deleting section 2.9.4, and replacing it with the following:

"2.9.4. An application for a development permit is complete if the application contains the documents and information required by Section 2.9 to the satisfaction of the Development Authority. Despite the forgoing, if an application does not contain all of the documents and information required by Section 2.9, the Development Authority may determine such application to be complete if in the opinion of the Development Authority that missing document or information is not necessary to review the application."

9. adding the following after section 2.9.4:

"2.9.5. Unless extended by an agreement in writing between the applicant and the Development Authority, within 20 days after the receipt of an application for a development permit the Development Authority shall:

- a) issue a written acknowledgement to the applicant advising that the application is complete; or
- b) issue a written notice to the applicant advising that the application is incomplete, listing the outstanding documents and information, and setting a date by which the outstanding documents and information must be submitted in order for the application to be complete.

2.9.6. If the outstanding documents and information are provided by the date set in the notice issued pursuant to Section 2.9.5 b), the Development Authority shall issue a written acknowledgement to the applicant advising that the application is complete.

2.9.7. If the outstanding documents and information are not provided by the date set in the notice issued pursuant to Section 2.9.5 b) the Development Authority shall issue a written notice to the applicant that the application has been refused and the reason for the refusal.

2.9.8. Despite that the Development Authority has issued a written acknowledgement pursuant to Section 2.9.5 a) or Section 2.9.6, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

2.9.9. Any written acknowledgement or notice issued pursuant to Section 2.9 shall:

- a) include:
 - i) the date of issuance of the notice of acknowledgement;
 - ii) contact information for the Development Authority;
 - iii) the Development Authority file number for the application; and
 - iv) any other information at the discretion of the Development Authority; and
- b) be sent by electronic mail or regular mail to the applicant, or hand delivered to the applicant."

10. deleting section 2.11.1, and replacing it with the following:

"2.11.1. If the Development Authority does not make a decision on an application for a development permit within 40 days after the receipt by the applicant of a written acknowledgement under Section 2.9.5 a) or Section 2.9.6, or within such extended time period as agreed to in writing between the applicant and the Development Authority, the application is, at the option of the applicant, deemed to be refused."

11. deleting section 2.12.1, and replacing it with the following:

"2.12.1. On the same day as a decision of the Development Authority on an application for a development permit, the Development Authority shall:

- a) send by regular mail to the applicant or hand deliver to the applicant a written notice stating the Development Authority's decision, the date of the decision, and if the Development Authority has refused an application for a development permit then the reasons for the refusal;
- b) if the owner is not the applicant, send to the owner by regular mail a copy of the written notice given to the applicant; and
- c) post a notice for public viewing in County Hall or the Strathcona County Community Centre stating the Development Authority's decision and the date of the decision."

12. deleting section 2.12.2, and replacing it with the following:

"2.12.2. In addition to the requirements in Section 2.12.1, if the Development Authority issued a development permit for a discretionary use, the Development Authority shall post on the County's website and send by regular mail to adjacent landowners as identified on the County's assessment roll a written notice stating the Development Authority's decision, the right of appeal therefrom, the date of the decision, and the nature and location of the development."

13. deleting section 2.12.3, and replacing it with the following:

"2.12.3. In addition to the requirements in Section 2.12.1, if the Development Authority granted a variance and issued a development permit, the Development Authority shall send by regular mail to adjacent landowners as identified on the County's assessment roll a written notice stating the Development Authority's decision, the right of appeal therefrom, the date of the decision, and the nature and location of the development."

14. adding the following immediately after the end of the first sentence in section 2.13.8:

"The foregoing does not apply to an application that has been refused pursuant to Section 2.9.7."

15. deleting section 2.17.3, and replacing it with the following:

"2.17.3. An appeal by an applicant or a person affected by a stop order is commenced by filing a notice of appeal, containing reasons, with the Subdivision and Development Appeal Board:

- a) with respect to an application for a development permit, within 21 days of the date of the Development Authority's decision;
- b) with respect to an application for a development permit, and if no decision is made by the Development Authority within the 40 day period, or within any extension of that period, within 21 days after the date the period or extension expires; or
- c) with respect to a stop order, within 21 days after the date on which the stop order is made."

16. deleting section 2.17.4, and replacing it with the following:

“2.17.4. An appeal by any person affected by an order, decision or development permit made or issued by the Development Authority is commenced by filing a notice of appeal, containing reasons, with the Subdivision and Development Appeal Board within 21 days after the date on which the notice of the issuance of the development permit was given in accordance with this Bylaw.”

17. adding the following after section 2.18:

“2.19 DETERMINING COMPLETE SUBDIVISION APPLICATIONS

2.19.1. Unless extended by an agreement in writing between the applicant and the Subdivision Authority, within 20 days after the receipt of an application for subdivision approval the Subdivision Authority shall:

- a) issue a written acknowledgement to the applicant advising that the application is complete; or
- b) issue a written notice to the applicant advising that the application is incomplete, listing the outstanding documents and information, and setting a date by which the outstanding documents and information must be submitted in order for the application to be complete.

2.19.2. If the outstanding documents and information are provided by the date set in the notice issued pursuant to Section 2.19.1 b), the Subdivision Authority shall issue a written acknowledgement to the applicant advising that the application is complete.

2.19.3. If the outstanding documents and information are not provided by the date set in the notice issued pursuant to Section 2.19.1 b) the Subdivision Authority shall issue a written notice to the applicant that the application has been refused and the reason for the refusal.

2.19.4. Despite that the Subdivision Authority has issued a written acknowledgement pursuant to Section 2.19.1 a) or Section 2.19.2, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

2.19.5. Any written acknowledgement or notice issued pursuant to Section 2.19 shall:

- a) include:
 - i) the date of issuance of the notice of acknowledgement;
 - ii) contact information for the Subdivision Authority;
 - iii) the Subdivision Authority file number for the application; and
 - iv) any other information at the discretion of the Subdivision Authority; and
 - b) be sent by electronic mail or regular mail to the applicant, or hand delivered to the applicant."
18. deleting section 4.4.3 b), and replacing it with the following:
- "b) barrier free parking space size shall be in accordance with the Alberta Building Code."
19. relocating the definition of "PORTABLE SIGN" to directly after the definition of "PERMANENT SIGN" in section 5.2.2;
20. deleting the reference to section "5.14.2 a)" in section 5.14.4, and replacing it with "5.14.3 a)";
21. adding the following after section 7.1.5 d) ii) and renumbering accordingly:
- "Despite 7.1.5 d) ii) above, the minimum setback from a side lot line that abuts a flanking road shall be 3.0 m for lots registered after March 27, 2018."
22. adding the following after section 7.2.5 e) ii) and renumbering accordingly:
- "Despite 7.2.5 e) ii) above, the minimum setback from a side lot line that abuts a flanking road shall be 3.0 m for lots registered after March 27, 2018."
23. adding the following after section 7.2.6 f):
- "g) The maximum height shall be 4.5 m."
24. deleting the text "and plant nursery" from the list of permitted uses in section 7.12.2.;

25. deleting the text "and plant nursery" from the list of discretionary uses in section 7.16.2.; and
26. deleting the reference to sections "17.9.3. and 17.9.4." from section 7.19.2. a), and replacing it with "7.19.3. and 7.19.4.".

Read a first time this ____ day of _____, 2018.

Read a second time this ____ day of _____, 2018.

Read a third time this ____ day of _____, 2018.

Signed this ____ day of _____, 2018.

Mayor

Director,
Legislative and Legal Services