

## **Priorities Committee Meeting\_Dec01\_2020**

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### **STRATEGIC INITIATIVE AND UPDATE**

Land Use Bylaw refresh introduction

#### **Report Purpose**

To introduce the Priorities Committee to the Land Use Bylaw Refresh Project, and to provide an update on the work completed and proposed next steps.

#### **Our Prioritized Strategic Goals**

Continuously improving the way we work, as one organization, in an agile and sustainable manner

#### **Report**

### **INTRODUCTION**

#### **Purpose of land use regulation and requirement for Land Use Bylaw (LUB)**

Land use planning and the regulation of subdivision and development of land in Strathcona County is of paramount importance to many stakeholders. Part 17 of the *Municipal Government Act*, RSA 2000, c M-26 (the "MGA") contains significant provisions on these topics.

The rights and desires of a person who wishes to develop their property must be balanced against the rights and desires of the public. The statutory plans and LUB of a municipality are important tools to ensuring this.

The MGA requires that every municipality pass a LUB (Section 639) and sets out what that LUB must and may do (Section 640). Section 640(1) states: "[a] land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality." The LUB acts as the detailed blueprint and the rulebook for the County governing land use decisions.

#### **History of Strathcona County's LUB**

The current LUB (Bylaw 6-2015) received third reading on March 10, 2015 and came into force on May 11, 2015. Prior to that bylaw, the previous version was adopted in July 2001.

The adoption of the current LUB came after an extensive review process. While major changes to the structure of the bylaw were implemented as a result of that review process, the objective was to concentrate on general and specific use regulations. Based on this, the changes made were substantive in nature and focused on topics including residential use changes (secondary suites, garden suites, home businesses, home offices, and R1C zoning district issues), agricultural uses, equestrian centres, recreational vehicle storage, sign regulations, and sustainability initiatives (site lighting, wind energy conversions systems, solar collector systems).

Unlike other County bylaws, multiple and frequent amendments to a LUB are expected and include matters such as changing the zoning district for certain areas of land to accommodate development, updating and clarifying the text of regulations, and accommodating changes in legislation.

**PURPOSE OF LAND USE BYLAW REVIEW PROJECT****Past changes to legislation and the law**

The provincial review of the *MGA* resulted in numerous changes, many of which have impacted land use planning and regulation. Other items such as the legalization of recreational cannabis has impacted planning and development in the County. Further, the Courts continue to interpret legislation and consider development permit related matters, which can result in changes to the law that must be accommodated in the LUB.

The County has amended the current LUB to accommodate many of these changes; however, those amendments were focused on ensuring that the LUB was compliant with the *MGA* and the law, rather than taking a broader approach to consider whether those changes should change the structure of the LUB. This approach is typical for amendments to existing bylaws since it is the most efficient and expedient method to implement the changes and it allows the amendments to be easily identifiable.

**Future changes**

While changes to the *MGA* have been implemented, many of these new provisions have not been interpreted by the Courts. Accordingly, there may be future decisions that impact the County's LUB. It is also anticipated that there will be changes to the *MGA* to accommodate the provincial 'Red Tape Reduction' initiatives, and so the County's LUB will likely need further revision once those changes are known and considered. In addition, there are certain provisions in the County's Municipal Development Plan that should be accommodated by way of amendments to the County's LUB, and there are other projects that will result in consideration of further amendments.

A LUB is a 'living document', but there are certain improvements that can be made so that it can more easily and efficiently accommodate future amendments.

**Ongoing review and scrutiny**

Council has recognized the importance of regular review of County bylaws. Although the LUB receives ongoing review and scrutiny, it is prudent to periodically undertake a holistic review to ensure that its organization is still appropriate, and to identify improvements.

The organization and structure of a bylaw play a large role in ensuring it can be easily understood by all affected. The use of plain language will make it more understandable with modern language that strives to be clear and concise without sacrificing necessary precision in setting out rights and obligations.

Based on our review, we have identified improvements that can be made to the organization of the County's LUB. For example, the application requirements for development permits have been included in various parts of the LUB; however, it seems more logical to include all of the requirements in one place so that the reader can easily understand what is required for an application for a development permit of any type. Similarly, there are improvements to be made in the formatting of the LUB, correcting incorrect section references or uses of defined terms, and removing duplicative or unnecessary definitions. Last, a better system of inserting new sections is needed so that the numbering of the bylaw is not regularly changing based on amendments.

## **Priorities Committee Meeting\_Dec01\_2020**

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### **PROPOSED LUB**

#### **The 'Refreshed' LUB**

Based on the reasons set out above, the time has come to introduce the 'Refreshed' LUB.

The following are examples of items that are proposed to be addressed in the refreshed bylaw (this is not an exhaustive list), which also includes applicable items identified in the report of the Planning and Development Red Tape Reduction Task Force:

#### **Part 1 – Interpretation of this Bylaw**

- The use of the ^ and \* in the current LUB has been removed in the new LUB. While originally meant to be a help to the reader, these were inconsistently used and added confusion.
- Words that denote defined terms have been italicized.
- Each definition in the current LUB has been revised with the intent of adding clarity, simplifying where possible. Defined terms that were not used in the current LUB have been deleted.

#### **Part 2 – Operations and administrative procedures**

- Sections have been revised for consistency with the *MGA*.
- The Development Permit Application Requirements section has been revised so that requirements in other parts of the current LUB relating to the application requirements are now all contained in Part 2.
- The Conditions section has been revised so that it is very clear what conditions can be imposed on a development permit and, where possible, the wording mirrors that found in the *MGA*.

#### **Part 3 – General regulations**

- For the landscaping, site servicing and grading sections, many of the requirements related to security will be contained within the agreement with the development permit. Accordingly, these sections have been condensed and revised.

#### **Part 4 – Parking and loading standards**

- All sections have been revised for clarity

#### **Part 5 – Signs**

- The definitions of temporary sign and permanent sign are no longer necessary given the revisions to various definitions.
- Modernization of the language used for electronic messaging (digital signage) that addresses current technologies.

#### **Part 6 – Specific use regulations**

- The new LUB no longer includes the requirement that security be provided for Dwelling Family Care.
- The requirement to obtain a road use agreement for aggregate extraction is pursuant to County Bylaw 16-2015, not the LUB and therefore has been deleted.

## **Priorities Committee Meeting\_Dec01\_2020**

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- The County does not issue development permits for a wireless communication facility use given the authority of superior levels of government. Accordingly, this use category has been deleted.

### **Parts 7, 8 and 9 – Urban Service Area, Sustainable Urban Village and Rural Zoning Districts**

- The zoning districts are now contained within one Part (Part 7 for Urban and Rural or Schedule B for Urban Village) of the LUB instead of splitting into different parts based on urban or rural.

### **Part 10 – Environment, Open Space and Service Zoning Districts**

- The overall purpose statement is not needed for these zoning districts since each of these zoning districts has its own purpose statement.
- The zoning districts are now contained within one Part (Part 7) of the LUB.

### **Part 11 – Direct Control Zoning Districts**

- Council's responsibilities related to direct control zoning districts are set out in Sections 640 and 641 of the of the *MGA*, and it is not necessary to repeat.

The intent of the refresh is not to affect a property's current zoning, nor to introduce regulations that would negatively impact existing approvals. Items that do not fit within the parameters of the refresh will be brought back to Council for a public hearing and decision so the focus can be on those specific items. The refresh puts the bylaw into a place where it is more intuitive to use, utilizes plainer language, removes redundancy and utilizes formatting that makes it easier to incorporate future specific amendments.

### **Next steps**

Administration will return to a Priorities Committee meeting in the first quarter of 2021 with a copy of the final draft of the proposed refreshed LUB, along with a chart summarizing the differences between the current and proposed bylaw. The chart will provide an overview of the major changes between the two documents.

Based on the discussion at the Priorities Committee meeting, a public hearing will be scheduled for the first quarter of 2021 for the refreshed bylaw. If there are specific substantive changes Council would like Planning and Development Services to explore, a list will be compiled and brought forward as a report to Council at a later time and as a future project.

### **Council and Committee History**

March 10, 2015      Council approved Land Use Bylaw 6-2015, with an effective date of May 11, 2015.

### **Other Impacts**

**Policy:** n/a

**Legislative/Legal:** Section 639 of the *Municipal Government Act* requires that every municipality pass a Land Use Bylaw

**Interdepartmental:** PDS is collaborating with LLS on the LUB Refresh

**Master Plan/Framework:** n/a

**Priorities Committee Meeting\_Dec01\_2020**

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**Communication Plan**

A public hearing for the refreshed Land Use Bylaw will be advertised in the newspaper in accordance with the *MGA* as well as on the County website.