

# **PART 2: OPERATIONS AND ADMINISTRATIVE PROCEDURES**

## **2.1 DEVELOPMENT AUTHORITY AND SUBDIVISION AUTHORITY**

- 2.1.1. The position of the Development Authority is hereby established in accordance with Section 624 of the Municipal Government Act.
- a) The Director of Planning & Development Services ("the Director") shall constitute the Development Authority for the County and shall perform duties in accordance with the Municipal Government Act, the Subdivision and Development Regulation and this Bylaw.
- 2.1.2. For administration of this Bylaw, the Director shall delegate responsibility to:
- a) any County employee designated as the Development Officer; or
- b) any other person specifically delegated in writing as having the authority to make a decision on development permit applications.
- 2.1.3. The position of Subdivision Authority is established in accordance with Section 623 of the Municipal Government Act and the County's Subdivision Authority Bylaw.

## **2.2 LAND USE BYLAW AMENDMENT APPLICATIONS**

- 2.2.1. An application to amend the text of this Bylaw or a Schedule may be made in writing to the County by:
- a) the owner of a lot or site; or
- b) the County.
- 2.2.2. The application shall be made on a form prescribed by the County, which shall be completed and accompanied by all required information, in accordance with County policies and procedures and this Bylaw.
- 2.2.3. A completed application shall require the following:
- a) a certificate of title from with thirty (30) days prior to the application date;
- b) owner authorization and where applicable, an applicant signature;
- c) a map showing the proposed change within the context of adjacent land;
- d) a written statement to describe and justify the proposal;
- e) the required application and advertising fees;
- f) permission for reasonable right-of-entry by Strathcona County staff for inspection; and
- g) any additional report, drawing or study that may be required, in order to prepare, evaluate, and make a recommendation concerning the proposed amendment. This may include, but is not limited to, an analysis by a qualified professional of the potential effect on land use, traffic, the environment, underground and aboveground utilities, and other municipal services and facilities. This information may be required to address the following:
- i) consistency with the Municipal Development Plan and other statutory plans or policies adopted by Strathcona County;
- ii) other County plans and policies.

- 2.2.4. In addition to Section 2.2.3, at the discretion of the Director, an application may include documentation of the opinions and concerns of adjacent property owners and residents obtained through a public engagement program, together with a summary of the methods used to obtain such input.
- 2.2.5. An application may be considered incomplete where:
- a) information required by Section 2.2.2 or 2.2.3 or 2.2.4 is not provided;
  - b) the quality of the information provided is inadequate to properly evaluate the application;
  - c) the Director determines that the application does not conform to an applicable Statutory Plan. In this case the applicant may be required to submit a complete application, fee and required plans to amend the applicable Statutory Plan prior to an application to amend this Bylaw being considered as complete; or
  - d) the Director determines that an Area Structure Plan or Area Redevelopment Plan is required in accordance with the MDP or County policy. In this case the applicant may be required to submit an Area Structure Plan or Area Redevelopment Plan prepared in accordance with County policy prior to considering the application to amend this Bylaw complete.
- 2.2.6. Upon deeming an application complete, the application shall be processed and an investigation and analysis of the potential effects and impacts of the proposal will be undertaken.
- 2.2.7. Referral and notification of an amendment application to applicable County departments, other agencies and bodies, adjacent owners and the public shall occur in accordance with the Municipal Government Act, the Municipal Development Plan, this Bylaw and County policies and procedures.
- 2.2.8. The applicant for an application to amend a Schedule "B" (Zoning Map) shall post a notification sign on the lot or site within fourteen (14) days of an application being deemed complete. Proof of the notification sign being posted on the lot or site in accordance with the above shall be provided upon placement of the sign.
- 2.2.9. All required notification signs shall:
- a) have a sign face of at least 1.2 m by 1.2 m in the Urban Service Area and hamlets, and 1.2 m by 2.4 m in the Rural Area;
  - b) be in a format with lettering size approved by the County;
  - c) indicate the present Zoning District, proposed Zoning District, and a general description of the proposed uses that could be developed under the proposed Zoning District;
  - d) include the maximum proposed area, height, density and floor area ratio, if applicable;
  - e) provide the County project number and contact phone number;
  - f) be placed inside the property line in a location clearly visible from the road;
  - g) not interfere with pedestrian or vehicular traffic, or obstruct visibility from a road, lane or access;
  - h) be capable of withstanding weather conditions, and be installed in a sound manner and maintained so it remains readable;
  - i) be in place until the Public Hearing is completed or the application is abandoned; and
  - j) be removed within seven (7) days of the completion of the Public Hearing or abandonment of the application.

- 2.2.10. Where an application to amend a Zoning Map falls within the Urban Service Area, a Notice of a Public Hearing for the application in accordance with the Municipal Government Act shall be mailed to the owners(s) of the subject lot(s) and the owners of all lots adjacent to and within 60 m from the lot(s) that is the subject of the proposed amendment.
- 2.2.11. Where an application to amend a Zoning Map falls within the Rural Area, a Notice of a Public Hearing for the application in accordance with the Municipal Government Act shall be mailed to the owners(s) of the subject lot(s) and the owners of all lots within 200 m from the lot(s) that is the subject of the proposed amendment.
- 2.2.12. Where a text amendment relates to a specific parcel of land, or a parcel of land in a Direct Control District, notice of the text amendment application shall be mailed to the owners(s) of the property that is the subject of the application and adjacent owners in accordance with Section 2.2.10 and 2.2.11.
- 2.2.13. A Notice of a Public Hearing in accordance with the Municipal Government Act for an application to amend the Zoning Map or text of this Bylaw shall be published once a week for two (2) consecutive weeks in at least one local newspaper circulating in the County.
- 2.2.14. Where the Director determines that additional lots may be affected by an application to amend the Zoning Map, or where applicable, the text of this Bylaw, notices of the Public Hearing shall be mailed to the owner(s) of those lots.
- 2.2.15. When an application to amend either a Zoning Map or the text of this Bylaw has been defeated by Council, the Director shall not accept a new application for the same or substantially the same amendment until one (1) year has passed from the date the Bylaw was defeated.
- 2.2.16. Despite Section 2.2.15, a new application may be accepted within one (1) year of the Bylaw being defeated, provided the Director is satisfied that a new application generally addresses the reasons for the initial Bylaw being defeated.

## **2.3 AMENDMENT TO CREATE A DIRECT CONTROL ZONING DISTRICT**

- 2.3.1. A Direct Control Zoning District shall only be used for the purpose of providing for developments that require specific regulation unavailable in other Zoning Districts:
- a) due to the unique characteristics, innovative ideas, or unusual site constraints of a proposed development; or
  - b) due to the scale, character and complexity of a proposed development.
- 2.3.2. A Direct Control Zoning District shall not be used:
- a) in substitution of any other Zoning District in this Bylaw that could be used to achieve the same result either with or without relaxation of this Bylaw; or
  - b) to regulate matters that may be addressed by subdivision or development permit approval conditions.
- 2.3.3. In addition to the application information required by Section 2.2.2 and 2.2.3 of this Bylaw, an application to create a Direct Control Zoning District:
- a) shall include a written statement indicating why, in the applicant's opinion, a Direct Control Zoning District is necessary and why the same results cannot be achieved through the use of a standard Zoning District in this Bylaw;
  - b) shall include a proposed Zoning District, laid out in a format similar to the standard Zoning District, which includes:
    - i) the general purpose of the Zoning District (i.e. residential, commercial, industrial district);

- ii) the use(s) for the site;
  - iii) a list of subdivision regulations;
  - iv) a list of development regulations; and
  - v) a list of any other regulations which apply in addition or instead of any regulation in this Bylaw.
- c) shall include documentation of the opinions and concerns of surrounding property owners and residents obtained through a public engagement program, together with a summary of the methods used to obtain such input; and
- d) may be required to include a site plan, landscape plan, and/or elevation plan attached to a Direct Control Zoning District as a schedule, where the complexity of the proposed development is such that a site plan, landscape plan, and/or elevation plan would be necessary to clarify or interpret the written regulations of a Direct Control Zoning District.

## 2.4 DIRECT CONTROL BYLAWS

- 2.4.1. Direct Control Bylaws passed under previous Land Use Bylaws are denoted on the Zoning Maps and are hereby incorporated into and form part of this Bylaw as Schedule "A", as if repeated herein at length.
- 2.4.2. For those Direct Control Districts included in Schedule "A" that were approved under the provisions of a previous Land Use Bylaw, as amended, terms shall be interpreted using the definitions and context of that Bylaw that was in force and effect at time of passage of the Direct Control District.

## 2.5 DEVELOPMENT OFFICER

- 2.5.1. The Development Officer:
- a) may meet with or provide written information and processing requirements or both to the public;
  - 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; *(Bylaw 14-2018 – Mar 27, 2018)*
  - c) may refer an application to any County department or branch, municipal, provincial, federal, or inter-jurisdictional department or any other agency or body;
  - d) may refer an application for a use in areas where no area structure plan or area redevelopment plan is adopted, to adjacent municipalities and provincial and federal government land and resource agencies within 1.5 km of the area proposed for development;
  - e) shall, in the consideration of an application relating to a Municipal Historic Resource, consult the Standards & Guidelines for the Conservation of Historic Places in Canada (Parks Canada);
  - f) shall consider and approve a development permit for a permitted use which complies with this Bylaw:
    - i) without condition; or
    - ii) with such conditions necessary to ensure compliance;
  - g) in the capacity of Development Authority, shall consider and may approve a development permit for a discretionary use which complies with this Bylaw:
    - i) without conditions;
    - ii) with such conditions necessary to ensure compliance; or
    - iii) with such conditions that are more restrictive than those in this Bylaw;

- h) in the capacity of Development Authority, may grant a variance or approve a development permit for a non-conforming building where the Development Officer determines that the variance, in addition to Sections 1.12 and 2.16, considers the attainment of the County planning objectives that caused the use to become non-conforming.
- i) in the capacity of Development Authority shall consider and may refuse a development permit for a discretionary use which otherwise complies or does not comply with this Bylaw;
- j) shall provide comment where applicable on applications to amend the text of this Bylaw or the Zoning District Maps;
- k) may enforce the provisions of this Bylaw;
- l) shall conduct other such duties as described elsewhere in the Bylaw including public notification or the exercise of discretion and variance; and
- m) in the capacity of Development Authority, with regards to an application that is consistent with a license, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, shall approve the application to the extent that it complies with the license, permit, approval or other authorization.

## 2.6 CONDITIONS

- 2.6.1. The Development Authority may impose conditions to the approval of a permitted use only to ensure compliance with this Bylaw.
- 2.6.2. The Development Authority may impose such conditions as deemed appropriate for the approval of a discretionary use or where a variance has been granted. This may include limitations on the hours of operation of any discretionary use.
- 2.6.3. The Development Authority may impose a condition to the approval of any development permit that the applicant enter into an agreement with the County to do any or all of the following:
  - a) to construct or pay for the construction of a road required to give access to the development;
  - b) to construct or pay for the construction of:
    - i) a pedestrian walkway system to serve the development, or
    - ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
  - c) to install or pay for the installation of public utilities, other than telecommunication systems or works, that are necessary to serve the development;
  - d) to construct or pay for the construction of:
    - i) on-site or other parking facilities, and
    - ii) loading and unloading facilities;
  - e) to pay an off-site levy or redevelopment levy;
  - f) to give a guaranteed security to ensure that the terms of the agreement under this section are carried out to the satisfaction of the Development Authority.
- 2.6.4. The Development Authority may require a guaranteed security to ensure the terms of a condition of approval are carried out.

## 2.7 CONTROL OF DEVELOPMENT

- 2.7.1. Land, buildings, structures or signs in the County may only be developed or used in conformity with the uses in its Zoning District and all the regulations in this Bylaw except for legal non-conforming buildings, uses or as approved by the Development Authority or the Subdivision and Development Appeal Board.
- 2.7.2. No person shall commence, cause or allow to be commenced, or carry on, or cause to allow to be carried on, any development unless a development permit has been issued under the provisions of this Bylaw.
- 2.7.3. No development or portion thereof shall be located on or over municipal lands, municipal road rights-of-way or municipal easements without the prior written consent of the County, which consent the County is not obligated to provide.
- 2.7.4. A person is responsible for complying with the requirements of other County bylaws, policies, easements, covenants, conservation agreements, development agreements, or provincial or federal statutes or regulations.

## 2.8 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

The following developments and uses shall not require a development permit provided they conform to all provisions of this Bylaw.

- 2.8.1. Those uses or development exempted by provincial or federal legislation.
- 2.8.2. The completion of a building which was lawfully under construction at the date of the adoption of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted.
- 2.8.3. Utility services underground or in registered rights-of-way.
- 2.8.4. The temporary use of a building, in connection with a federal, provincial or municipal election, referendum or census.
- 2.8.5. The conversion of a temporary dwelling (construction) to an accessory building.
- 2.8.6. Accessory agricultural buildings such as a granary, silo, or three-sided hay shelter.
- 2.8.7. Specific uses:
  - a) agriculture, general;
  - b) agriculture, minor intensive livestock where listed as a permitted use;
  - c) agriculture, intensive horticulture where listed as a permitted use and where buildings are not required for production or processing;
  - d) agriculture, product stand;
  - e) airport, private;
  - f) foster home approved by the Province of Alberta.
- 2.8.8. Accessory buildings:
  - a) not exceeding 4.5 m in height and not exceeding a ground floor area of 11.2 m<sup>2</sup> on a lot with an area less than or equal to 0.8 ha;
  - b) not exceeding 4.5 m in height and not exceeding a ground floor area of 18.6 m<sup>2</sup> on a lot with an area greater than 0.8 ha.
- 2.8.9. Accessory to residential uses:
  - a) minor development not exceeding 2.0 m in height, where there is an existing dwelling. This includes, but is not limited to a barbeque, composting bin, garbage enclosure, lawn sculpture, privacy screen or bird feeder;
  - b) pergola not exceeding 4.5 m in height;

- c) satellite dish less than 1.22 m in diameter,
  - d) unenclosed steps, landings or stairs (at grade);
  - e) deck or patio;
  - f) gate, fence, or retaining wall that conforms to Section 3.7;
  - g) non-permanent sun shelters over a deck or a patio;
  - h) air conditioning unit;
  - i) solar collectors attached to a building;
  - j) light standard or flagpole when located on a parcel containing a dwelling or manufactured home or manufactured home (singlewide), in accordance with Section 3.3;
  - k) decorative pond or water feature 0.6 m or less in depth;
  - l) private play structures less than 4.5 m in height;
  - m) home office;
  - n) care centre, minor;
  - o) outdoor recreation amenities that are devoted to the use of residents living on the same lot, including but not limited to, an above ground pool, hot tub, backyard skating rink, putting green, or tennis court; or
  - p) seasonal holiday decorations.
- 2.8.10. Demolition of a building or structure.
- 2.8.11. Internal alterations, external maintenance, or repair to any building provided that the use, intensity, height, or gross floor area of the building does not change.
- 2.8.12. A change of tenancy within an existing premise in a commercial or industrial Zoning District where:
- a) the Development Officer is satisfied that the existing development permit is valid and the approval conditions are being fulfilled; and
  - b) the change in use is from a permitted or discretionary use to a permitted use within the applicable Zoning District; and
  - c) the existing parking contained on the parcel shall accommodate the additional parking required as a result of the change in use.
- 2.8.13. Where a development permit has been issued for a principal use on a property, the erection, construction or maintenance of a temporary building necessary only for the construction, alteration, maintenance of development provided it is removed within thirty (30) days of project completion. This does not include a residential sales centre.
- 2.8.14. Clock towers, monuments, sculptures or federal, provincial or municipal flags and their support structures, as well as other similar aesthetic enhancements.
- 2.8.15. A WECS, micro where mounted to a roof or attached to an accessory building in accordance with the following provisions:
- a) one (1) WECS, micro facility per lot;
  - b) the total height shall not project 3.0 m beyond the top of the roofline of building or exceed the maximum height regulation of the applicable Zoning District; and
  - c) no nuisance shall extend beyond the property boundary.
- 2.8.16. Site grading in accordance with an executed development agreement.
- 2.8.17. Site grading involving an area of less than 1000 m<sup>2</sup> in the AG Agriculture, General Zoning District provided that:
- a) no watercourse or drainage easement is affected and water is not directed onto an abutting lot or, adjacent lands are not deprived of water as a result of altering drainage;

- b) the amount of topsoil or fill being added or excavated from the lot does not exceed 40 m<sup>3</sup> per each 500 m<sup>2</sup> area;
  - c) the topsoil or fill being brought onto the site is not contaminated;
  - d) where the topsoil is seeded to native grass or agricultural crop within one (1) growing season.
- 2.8.18. Site grading involving an area of less than 500 m<sup>2</sup> in all other Zoning Districts provided the lot is not the subject of an approved lot grading or drainage plan, and:
- a) no watercourse or drainage easement is affected and water is not directed onto an abutting parcel or, adjacent lands are not deprived of water as a result of altering drainage;
  - b) the amount of topsoil or fill being added or excavated from the parcel does not exceed 40 m<sup>3</sup>;
  - c) the topsoil or fill being brought onto the site is not contaminated;
  - d) where the topsoil is seeded to native grass within one (1) growing season.
- 2.8.19. Borrow areas in any agricultural Zoning District provided that:
- a) the excavated material is used for public utilities, services or roads within the County;
  - b) the maximum area of excavation does not exceed 8.0 ha, the maximum amount of material to be removed from the site does not exceed 40,000 m<sup>3</sup>, and the excavated material does not contain sand or gravel or both;
  - c) there is no negative impact on water flows to and from adjacent lands;
  - d) there is no negative impact on natural wetlands or drainage courses; and
  - e) the time from commencement of excavation to completion of reclamation does not exceed 120 days.
- 2.8.20. Tree clearing:
- a) for areas less than 1000 m<sup>2</sup> in the AG Agriculture General Zoning District and 500 m<sup>2</sup> in all other Zoning Districts;
  - b) for a public utility or road;
  - c) on a portion of a lot to establish a building, structure or access for an approved development permit;
  - d) in accordance with a landscaping condition for an approved development permit;
  - e) in accordance with an executed development agreement; or
  - f) where specifically illustrated in an approved area structure plan or area redevelopment plan.
- 2.8.21. Dugouts:
- a) that includes an area less than 1000 m<sup>2</sup> on a parcel 32.4 ha or greater in the AG – Agriculture General Zoning District;
  - b) that includes an area less than 500 m<sup>2</sup> on a parcel less than 32.4 ha in the AG – Agriculture General Zoning District,
  - c) that includes an area less than 500 m<sup>2</sup> in all other Zoning Districts; and
  - d) that meets the requirements of Section 3.3 of this Bylaw.
- 2.8.22. School bus parking provided that:
- a) no more than one (1) school bus is parked on a lot less than 0.81 ha;
  - b) no more than two (2) school buses are parked on a lot equal to or greater than 0.81 ha but less than 2.0 ha;
  - c) no more than three (3) school buses are parked on a lot equal to or greater than 2.0 ha but less than 4.05 ha; and



- d) no more than four (4) school buses are parked on a lot equal to or greater than 4.05 ha.
- 2.8.23. Containers:
- a) used for temporary storage during the process of renovating or moving, provided it complies with the provisions of Section 3.3.13 of this Bylaw;
  - b) used for accessory storage purposes on any industrial property.
- 2.8.24. Temporary/transient sales which are located on a lot within a commercial Zoning District where there is a principal building. This includes but is not limited to food product sales, Christmas tree sales, flower sales, or windshield repair.

## 2.9 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

- 2.9.1. The Development Authority shall determine the number of paper or electronic copies or both for a complete submission for an application for development permit.
- 2.9.2. An application for a development permit shall be made on the prescribed application form and be completed to the satisfaction of the Development Authority, and includes the following information:
- a) signature of the owner or where applicable, the agent authorized by the owner;
  - b) a copy of the Certificate of Title for the subject lands dated from within thirty (30) days of the application date, copies of any caveats or restrictive covenants registered by the County, and any other documents satisfactory to the Development Officer verifying that the applicant has a legal interest in the lands;
  - c) the fee according to the Fees and Charges Bylaw of the County;
  - d) for a principal building, a detailed site plan prepared by an Alberta Land Surveyor; for an accessory building, a detailed site plan to an appropriate scale. A site plan shall include:
    - i) legal description of the subject property;
    - ii) identification of all abutting roads, highways and road rights-of-way, and any existing or future access to the proposed development;
    - iii) identification of all water bodies, water courses, drainage courses and flood hazard areas on or abutting the lot or site including arrows indicating the direction of water flow;
    - iv) identification and location of all easements and rights-of-way on-site or abutting the lot or site;
    - v) location and dimensions of existing and proposed development including front, rear and side setbacks;
    - vi) location of existing and proposed utilities;
    - vii) proposed on-site parking and loading facilities including location and dimensions of all aisles, the dimensions and number of all parking spaces, curbing and location of any lighting;
    - viii) location of proposed landscaping;
    - ix) location and access to garbage enclosures;
    - x) location and material of sidewalks, patios, steps, porches, decks, playgrounds, amenity and open space areas, and other similar features;
    - xi) location of any abandoned, suspended or active oil or gas wells;
    - xii) north arrow, scale and date of drawing; and

- xiii) a schedule showing the area of the lot or site, building area, density, number of units, parking and loading spaces, existing and proposed site grades, and a calculation of site coverage, height and number of stories and floor area ratio.
- e) for sites 8.1 ha or greater, the site plan may focus on the area of development proposed on the lot or site, if all the required information can be shown in the focus area;
- f) in the case of a manufactured home park or multiple unit residential project, a detailed plan showing the proposed unit locations and amenity areas within the overall development area;
- g) in the case of a development of a lot or site with multiple uses, a master site plan and preliminary engineering plan for the entire site to the satisfaction of the Development Officer;
- h) scaled floor plans showing all occupancies and uses, cross section, foundation plan, elevations, perspective of the proposed development including a description of the exterior finishing materials;
- i) in the case of development of an apartment dwelling, a report or plan or both demonstrating how the building design incorporates the County's waste management practices;
- j) information from the Alberta Energy Regulator indicating that an abandoned oil and gas well site search was conducted for any proposed dwelling or building greater than 47 m<sup>2</sup> (500 ft.<sup>2</sup>);
- k) a traffic impact analysis stamped by a professional engineer or a registered professional technologist accredited by APEGA, for a large scale development;
  - i) general considered to be a development that regularly generates more than 100 trips in the peak afternoon or evening; typically this is a residential development with more than 100 units or a commercial development with more than 1,400 m<sup>2</sup> of gross floor area, the final decision remaining with the Development Authority; or
  - ii) a development that because of its nature or unique circumstances may have an impact on the area;
- l) any additional information as may be required by the Development Authority to assess or evaluate the proposed development. The Development Authority may require any or all of the following to be prepared by an accredited professional licensed to practice in Alberta:
  - i) site plan;
  - ii) Real Property Report to verify the location and dimensions of existing development that is the subject of the development permit application, or to confirm the location and dimensions of other existing development;
  - iii) geotechnical report;
  - iv) parking assessment;
  - v) biophysical assessment;
  - vi) groundwater report;
  - vii) flood hazard mapping study;
  - viii) noise attenuation study;
  - ix) reclamation plan;
  - x) wetland conservation plan;
  - xi) tree preservation plan;
  - xii) landscape plan;
  - xiii) topographical survey;

- xiv) site grading or drainage plan;
  - xv) site servicing plan;
  - xvi) risk assessment report;
  - xvii) erosion or sediment control plan; and
  - xviii) any other report, study, plan or information.
- m) for a development located within the CITP zoning district (*Bylaw 2-2020 – Sept. 17, 2020*):
- i) a detailed site plan that conforms to the Centre in the Park Area Redevelopment Plan and this bylaw which shows a potential ultimate build out scenario for the area of the CITP zoning district that contains the proposed development and includes:
    - (A) the location of build-to lines;
    - (B) the anticipated use category for buildings (such as residential, commercial, or mixed-use);
    - (C) the location, size, and orientation of surface parking areas and the locations of their accesses;
    - (D) the location, size, and orientation of publicly accessible amenity spaces;
    - (E) the location, size, and orientation of stormwater management facilities and on-site infrastructure;
    - (F) the location, size and orientation of active transportation infrastructure connections, as well as any crossings of or by active transportation infrastructure connections;
    - (G) the location, size, and orientation of internal private streets; and
    - (H) the location, size, and orientation of each vehicle access to a site;
  - ii) a servicing plan for the proposed development which outlines the proposed utilities infrastructure;
  - iii) a cross-section for internal private streets for the proposed development which includes pedestrian facilities;
  - iv) the design of active transportation infrastructure connections for the proposed development;
  - v) a parking analysis study for any non-residential use and for any residential use where the number of parking spaces is proposed to be less than what is required by this bylaw;
  - vi) a massing plan outlining building heights for the proposed development;
  - vii) a sun/shadow impact study for proposed buildings that have a height of 14.5 m or greater which provides recommendations for mitigation of shadow in publicly accessible amenity spaces and streets; and
  - viii) a phasing plan in the event the proposed development will take place in phases.
- n) Despite section 2.9.2m), the Development Officer may allow a site plan to be submitted that covers less than the entirety of the area of the CITP zoning district that contains the proposed development.

2.9.3. The Development Authority shall require the following outdoor lighting information be included with a development permit application for a new commercial, multiple unit residential, industrial, or institutional use:

- a) the location and height of all light poles, both proposed and existing, including parking lot and walkway light poles;

- b) the location of all other outdoor lighting not mounted on a pole, both proposed and existing, including walkway and building lighting;
  - c) descriptions of each style of lighting fixture that show that such fixture is either a full cut-off or directionally shielded lighting fixture. This may include, but not be limited to, catalogue cuts and illustrations by manufacturers (including sections where required), lamp types, photometric data showing angle of cut off of light emissions, wattages and initial lumen outputs; and
  - d) The Development Authority may require an applicant to submit a site lighting plan, which details site lighting conditions at the property lines, measured in LUX;
- 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. *(Bylaw 14-2018 – Mar 27, 2018)*
- 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. *(Bylaw 14-2018 – Mar 27, 2018)*
- 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. *(Bylaw 14-2018 – Mar 27, 2018)*
- 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. *(Bylaw 14-2018 – Mar 27, 2018)*
- 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. *(Bylaw 14-2018 – Mar 27, 2018)*
- 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. *(Bylaw 14-2018 – Mar 27, 2018)*

## **2.10 APPLICATIONS THE DEVELOPMENT AUTHORITY SHALL NOT ACCEPT**

- 2.10.1. The Development Authority shall not accept a development permit application when the proposed development:
- a) is for a use that is neither a permitted use, nor a discretionary use in the applicable Zoning District, or as otherwise stated within this Bylaw;
  - b) is for a use that has been prohibited within an applicable overlay; or
  - c) does not conform to the fundamental use criteria of a Zoning District.

## **2.11 DEEMED REFUSAL OF A DEVELOPMENT PERMIT**

- 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. *(Bylaw 14-2018 – Mar 27, 2018)*

## **2.12 NOTIFICATION OF DEVELOPMENT PERMIT APPROVAL**

- 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. *(Bylaw 14-2018 – Mar 27, 2018)*
- 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. *(Bylaw 14-2018 – Mar 27, 2018)*
- 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. *(Bylaw 14-2018 – Mar 27, 2018)*
- 2.12.4. Where, in the opinion of the Development Authority, additional lots may be affected by a discretionary use or by granting a variance, additional landowners, individuals, or groups may be notified.

## **2.13 VALIDITY, EXPIRY, REVOCATION AND RESUBMISSION INTERVAL OF DEVELOPMENT PERMITS**

- 2.13.1. Where a development permit has been issued by the Development Authority, it shall not be valid unless and until the conditions of the permit have been

- fulfilled and no notice of appeal has been served on the Subdivision and Development Appeal Board within the appeal period.
- 2.13.2. Where the Subdivision and Development Appeal Board has approved a development permit, the permit shall not be valid until the decision of the Board is issued in writing.
- 2.13.3. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall suspend the development permit, except where approval has been granted for a permitted use or, where a license, permit, approval or other authorization is granted by NRCB, ERCB, AER, AEUB or AUC to the extent that the application complies with the license, permit, approval or other authorization granted. The final determination of an appeal, except for those applications approved as a permitted use, by the NRCB, ERCB, AER, AEUB, or AUC shall validate, amend or revoke, as the case may be, a suspended development permit.
- 2.13.4. A development permit expires when in the opinion of the Development Authority and taking into account the circumstances of the development, the development has not substantially commenced within one (1) year from the date of its issuance or within such extended period that may be granted by the Development Authority. Development is considered to have commenced when the applicant or owner has altered the parcel to further construction of the proposed development.
- 2.13.5. Where a request to extend the approval period has been received prior to permit expiry, the Development Authority may grant one (1) extension of the effective period and the extension period shall not be longer than twelve (12) months.
- 2.13.6. When a permit expires, a new application shall be required. Such application shall be dealt with as a first application and there shall be no obligation to approve it on the basis that a previous permit had been issued.
- 2.13.7. If a use is discontinued for a continuous period of six (6) months, any subsequent use of the land or building shall comply with this Bylaw and require a new development permit.
- 2.13.8. When an application for a development permit has been refused by the Development Authority, another application for the same or substantially the same development shall not be considered by the Development Authority within one (1) year of the date of the refusal unless the development conforms to this Bylaw. The foregoing does not apply to an application that has been refused pursuant to Section 2.9.7. (*Bylaw 14-2018 - Mar 27, 2018*)
- 2.13.9. The Development Authority may suspend or revoke a development permit when:
- a) the development permit was issued on the basis of incorrect information or misrepresentation by the applicant, owner or authorized agent;
  - b) the development permit was issued in error; or
  - c) requested by an applicant.

## **2.14 TEMPORARY APPROVALS**

- 2.14.1. The following uses shall be considered temporary uses by the Development Authority where listed as a use or described within the General Regulations found in Part 3 of this Bylaw, or the Specific Use Regulations found in Part 6 of this Bylaw:
- a) residential sales centre;
  - b) home business, intermediate;
  - c) home business, major;
  - d) temporary dwelling (construction);

- e) agricultural dwelling;
  - f) agricultural housing (accessory);
  - g) dwelling, family care;
  - h) aggregate extraction;
  - i) animal breeding facility; and
  - j) show home. *(Bylaw 40-2021-Sept. 29, 2021)*
- 2.14.2. In addition to Section 2.14.1, the Development Authority may consider any permitted use or discretionary use, within a Zoning District, on a temporary basis.
- 2.14.3. Where a development permit application is for a temporary use, the Development Authority may consider for a specific period of time, not exceeding one (1) year except:
- a) a residential sales centre for a period of up to fifteen (15) months;
  - b) a home business (intermediate or major) for a period of up to three (3) years;
  - c) a family care dwelling for a period of up to five (5) years;
  - d) aggregate extraction for a period of up to ten (10) years;
  - e) agricultural dwelling for a period of up to five (5) years;
  - f) agricultural housing (accessory) for a period of up to five (5) years; and
  - g) show home for a period of up to ten (10) years.
- (Bylaw 40-2021-Sept. 29, 2021)*
- 2.14.4. Where a development is approved for a limited period, the Development Authority:
- a) shall require the cessation of use and removal of a temporary development at the expiration of the time period stated in the development permit; and
  - b) shall impose a condition that the County is not liable for any costs involved in the cessation or removal of the development at the expiration of the time period stated in the permit.
- 2.14.5. The Development Authority may require the applicant to enter into an agreement with the County guaranteeing the removal of the temporary development when the intended use is changed or discontinued. This agreement may require the applicant to post security, guaranteeing the removal of the development, to the satisfaction of the Development Officer. Where buildings are planned, the Development Officer may require a security of \$5000 or up to 25% of the estimated value of the development, whichever is greater.
- 2.14.6. Section 2.14.5 shall not apply to aggregate extraction. Reclamation security for aggregate extraction shall be required under Section 6.2.
- 2.14.7. When a permit for a temporary use expires, a new application shall be required. There shall be no obligation to approve it on the basis that a previous permit had been issued.

## **2.15 DISCRETION EXERCISED BY THE DEVELOPMENT AUTHORITY**

- 2.15.1. The Development Authority may approve a permitted use or discretionary use that does not comply with this Bylaw subject to conditions that will make it otherwise comply.
- 2.15.2. The Development Authority may approve a discretionary use provided that the Development Authority determines that the proposed development:

- a) is consistent with an applicable Statutory Plan, and policies adopted by the County;
  - b) is compatible with the general purpose of the Zoning District;
  - c) will not cause traffic impacts (in terms of daily and peak hour trip generation) and parking or public transit impacts unsuitable for the area;
  - d) is serviceable with a road and adequate capacity for drainage, water, sewage and other utilities;
  - e) is compatible with surrounding areas in terms of land use, scale of development, and potential effects on the stability or rehabilitation of the area;
  - f) is appropriate having regard for geotechnical considerations such as water table location, potential for flooding and slope stability;
  - g) will not cause a negative effect on community services and facilities such as schools, parks, fire protection, and health;
  - h) any potential adverse effect can be adequately mitigated;
  - i) is consistent with municipal land, right-of-way or easement requirements; and
  - j) the proposed development does not create a nuisance.
- 2.15.3. In determining the significance of a nuisance, the Development Authority may consider:
- a) the expected magnitude and consequence of the effect or nuisance;
  - b) the expected extent, frequency, and duration of exposure to the effect or nuisance;
  - c) the use and sensitivity of adjacent or nearby sites relative to the effect or nuisance;
  - d) adherence to relevant environmental legislation or widely recognized performance standards; and
  - e) the reliability and record of the proposed methods, equipment and techniques in controlling or mitigating detrimental effects or nuisances.
- 2.15.4. The Development Authority may be guided in the exercise of discretion through reference to reports, studies or information prepared by an accredited professional that justify alternatives to Bylaw requirements or mitigation.
- 2.15.5. The Development Authority may consider, but not be bound by, any known concerns and opinions of affected residents, landowners, and adjacent municipalities.
- 2.15.6. The Development Authority may approve a discretionary use with or without conditions, with or without changes in the development, or with or without the imposition of regulations that are more restrictive than those in the Zoning District, the General Regulations found in Part 3 of this Bylaw, or the Specific Use Regulations found in Part 6 of this Bylaw.

## 2.16 VARIANCES

- 2.16.1. The Development Authority may grant a variance and approve a development permit for a permitted use or discretionary use, with or without conditions, which does not comply with the regulations of this Bylaw, provided that the Development Authority determines that:
- a) the proposed development is consistent with the general purpose or character (urban or rural) of the Zoning District;
  - b) the proposed development conforms with the uses prescribed by this Bylaw for that lot or building;
  - c) the proposed development is appropriate to the size of the lot;



- d) the proposed development would not unduly interfere with the amenities of the neighbourhood or would not materially interfere with or affect the use, enjoyment or value of adjacent parcels of land;
  - e) there are physical factors unique to the land which would result in practical difficulties for the proposed development to comply with the provisions of this Bylaw; and
  - f) there are mechanisms to mitigate the effect on adjacent lots.
- 2.16.2. The Development Authority may consider, but not be bound by, any known concerns and opinions of affected residents and landowners.
- 2.16.3. The Development Authority may grant a variance and approve a development permit for a non-conforming building, provided that the Development Officer determines, in addition to the provisions of Section 2.16.1, that the variance considers the attainment of municipal planning objectives that caused the building to be made non-conforming.
- 2.16.4. Despite Section 2.16.1, the Development Authority shall not grant a variance:
- a) to the maximum height regulations in the Airport Vicinity Protection Overlay;
  - b) greater than 10% to the applicable maximum building height regulation in a Zoning District;
  - c) to a setback from a pipeline right-of-way;
  - d) to floor area ratio; or
  - e) to density.
- 2.16.5. Despite Section 2.16.1, the Development Authority shall not grant a variance beyond that which is specifically provided for elsewhere in the Bylaw or in the Municipal Government Act.
- 2.16.6. The Development Authority may be guided when considering a variance through reference to reports, studies or information prepared by an accredited professional.
- 2.16.7. When a development requires a variance as a result of a prior land acquisition by a municipal, provincial or federal agency or public utility, the Development Authority shall take into account the setback and lot area requirements that existed prior to the acquisition when considering the variance.

## 2.17 APPEALS

- 2.17.1. If the Development Authority:
- a) does not make a decision within forty (40) days of a complete application or within any extension;
  - b) refuses to issue a development permit to a person;
  - c) issues a development permit subject to conditions; or
  - d) issues a stop order;
- the person applying for the permit or affected by the stop order may then appeal to the Subdivision and Development Appeal Board in accordance with the Municipal Government Act and the Subdivision and Development Appeal Board Bylaw.
- 2.17.2. In addition to an applicant, any person affected by an order, decision or development permit made or issued by the Development Officer may appeal the decision to the Subdivision and Development Appeal Board. However, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied, or misinterpreted.

- 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. (*Bylaw 14-2018 – Mar 27, 2018*)
- 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. (*Bylaw 14-2018 – Mar 27, 2018*)
- 2.17.5. If the decision on a development permit application for development within a Direct Control Zoning District is made by:
- a) Council, there is no appeal to the Subdivision and Development Appeal Board; or
  - b) the Development Officer, the appeal is limited to whether the Development Officer followed the direction of Council, and if the Subdivision and Development Appeal Board finds that the Development Authority did not follow the direction, it may, in accordance with the direction, substitute its decision for the Development Authority's decision.
- 2.17.6. The Subdivision and Development Appeal Board shall consider and make decisions on appeals pursuant to the Municipal Government Act.

## 2.18 COMPLIANCE AND ENFORCEMENT

### GENERAL PROVISIONS

- 2.18.1. Enforcement may be conducted by a Designated Officer through the issuance of a violation warning, warning notice, final warning notice, stop order, violation tags or any other authorized action to ensure compliance.

### PROHIBITIONS

- 2.18.2. No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development, use, or sign that is not permitted by this Bylaw.
- 2.18.3. No person shall contravene a condition of a development permit or subdivision approval issued under this Bylaw.
- 2.18.4. No person shall authorize or undertake any development that is not compliant with the description, specifications or plans that were the basis for the issuance of a development permit.
- 2.18.5. No person shall modify any description, specifications, or plans that were the basis for the issuance of any permit by the Development Authority.

### RIGHT OF ENTRY

- 2.18.6. After reasonable notice (generally to mean 48 hours) to the owner or occupant in accordance with the Municipal Government Act, a Designated Officer may

enter property at reasonable times (generally to mean 7:30 a.m. to 10:00 p.m.) to ascertain if Bylaw requirements are being met.

- 2.18.7. A person shall not prevent or obstruct a Designated Officer from carrying out any official duty under this Bylaw. If consent is not given, the County may apply to the Court of Queen's Bench for an authorizing order.

#### **VIOLATION WARNING**

- 2.18.8. A Designated Officer may issue a violation warning for minor offences by outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures.

#### **WARNING AND FINAL WARNING NOTICE**

- 2.18.9. A Designated Officer may issue a warning notice or a final warning outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures, or both.

#### **OFFENSES AND FINES**

- 2.18.10. A person who violates the provisions of this Bylaw or permits a contravention of this Bylaw, is guilty of an offence and is liable to a fine for a first offence and for each subsequent offence as specified in the Fees and Charges Bylaw.
- 2.18.11. If the fine is not paid, the person is liable for imprisonment for not more than one year, or to both fine and imprisonment.

#### **STOP ORDERS**

- 2.18.12. On finding that a development, land use, or use of a building does not conform to the Municipal Government Act or its regulations, a development permit or subdivision approval or the conditions of either, or this Bylaw, the Development Authority may, by written notice, direct the owner of the property, the person in possession of the land, building, or sign, or the person responsible for a contravention or any or all of them, to:
- a) stop the development or use of the land or building in whole or part as directed by the notice;
  - b) demolish, remove, or replace the development or landscaping; or
  - c) carry out any other actions required by the notice for compliance.
- 2.18.13. The notice shall specify a deadline for compliance.
- 2.18.14. A person named in a stop order may appeal to the Subdivision and Development Appeal Board.

#### **ENFORCEMENT OF STOP ORDERS**

- 2.18.15. Subject to Section 542 of the Municipal Government Act, if a person fails to comply with the order of the Development Authority, a Designated Officer, or the Subdivision and Development Appeal Board, a Designated Officer may enter on the land or building and take any action necessary to carry out the order.
- 2.18.16. The County may register a caveat against the certificate of title for the land that is subject to the order, provided that the caveat is discharged when the order has been complied with.
- 2.18.17. The County's costs of carrying out any actions required for compliance may be added to the tax roll of the land subject to the order.

#### **VIOLATION TAGS**

- 2.18.18. In accordance with the Provincial Offences Procedures Act, a Designated Officer may issue a violation tag to a person for specific offences in contravention of a

violation issuing a warning notice, a final warning notice, or stop order where there is reasonable and probable grounds to believe there is a contravention of this Bylaw.

- 2.18.19. A violation tag may be issued to a person either personally or by registered mail.
- 2.18.20. The violation tag shall be in a form approved by the County and shall include the name of the person thought to have created the contravention, the offence, the penalty for the offence, a requirement that the penalty be paid within 30 days of issuance of the violation tag, the method by which the tag may be paid, and other information as may be required by the County.
- 2.18.21. Offenses and related fines are as specified in the Fees and Charges Bylaw.
- 2.18.22. Where a contravention is of a continuing nature, further violation tags may be issued.
- 2.18.23. The person to whom the violation tag is issued may, in lieu of being prosecuted, sign the plea of guilty on the violation tag and pay the specified fine to the location indicated on the violation tag.
- 2.18.24. If payment is not made within the time specified on the tag, a Designated Officer may issue a violation ticket requiring the person to whom the violation ticket is issued to appear in court on the date specified in the summons portion of the ticket.
- 2.18.25. Nothing in this Bylaw shall prevent a Designated Officer from immediately issuing a violation ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.

#### **SIGN ENFORCEMENT**

- 2.18.26. A Designated Officer may enforce the provisions of the conditions of a development permit for a sign and the regulations of Part 5 of this Bylaw relating to sign regulations.

## **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.  
(Bylaw 14-2018 – Mar 27, 2018)
- 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. (Bylaw 14-2018 – Mar 27, 2018)
- 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. (Bylaw 14-2018 – Mar 27, 2018)
- 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.  
*(Bylaw 14-2018 – Mar 27, 2018)*

- 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. *(Bylaw 14-2018 – Mar 27, 2018)*