

BYLAW 1591/22
GENERAL AMENDMENTS TO LAND USE BYLAW 1385/17
STURGEON COUNTY, MORINVILLE, ALBERTA

A BYLAW OF STURGEON COUNTY, ALBERTA, FOR THE PURPOSE OF AMENDING THE LAND USE BYLAW 1385/17.

WHEREAS, the *Municipal Government Act*, RSA 2000 c M-26, any regulations thereunder, and any amendments or successor legislation thereto, authorize Council to establish and amend the Land Use Bylaw 1385/17;

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

NOW THEREFORE, the Council of Sturgeon County, in the Province of Alberta, duly assembled, enacts as follows:

1. Title

- 1.1. This Bylaw may be referred to as the “2022 General Amendments to Land Use Bylaw 1385/17”.

2. Purpose

- 2.1. The purpose of this Bylaw is to amend the Land Use Bylaw to reflect changes made to the County’s respective Subdivision and Development Authority Bylaws, specifically the dissolution of the Municipal Planning Commission.

3. Application

- 3.1. Land Use Bylaw 1385/17 is amended as follows:

- a. In section 1.6, change the terminology of *Development Authority* to read as follows:

“Development Authority means the ~~Development Officer or the Municipal Planning Commission of the body established as such by the County’s Development Authority Bylaw County, or both as the case may be, with the responsibility of and is responsible for receiving, considering, and deciding~~ issuing decisions on applications for development under this Bylaw.”

- b. In section 1.6, change the terminology of *Parcel width* to read as follows:

“Parcel width, in the case of a rectangular parcel means the distance measured between the two side lot lines where it abuts the road. In the case of an irregularly shaped lot such as a pie-shaped parcel, the width shall be the horizontal distance between the side parcel lines at 9m (29.5ft) from the front parcel line. For reverse pie-shaped parcels, the parcel width is the horizontal distance between the side parcel lines measured 22m (72.2ft) from the front parcel line. For other parcels where the parcel width cannot be reasonably calculated by these methods, ~~at the~~ Development Officer Authority shall determine the mean parcel width having regard

to access, shape and buildable area of the parcel, and the mean parcel width and location of buildings on abutting parcels.

- c. Change subsection 1.8.2 to read as follows:

~~"A Development Officer, acting as t~~The Development Authority."

- d. Remove paragraph 1.8.2(d):

~~"may, at its discretion, refer to the Municipal Planning Commission for a decision on any application for a permitted or discretionary use or variance, in which case the Municipal Planning Commission shall consider and decide upon the application;"~~

- e. Remove subsection 1.8.3:

~~"The Municipal Planning Commission, as Development Authority shall:~~

~~(a) — decide upon all development permit applications referred to it by a Development Officer;~~

~~(b) — with respect to DC districts, consider and decide on an application where Council has delegated the decision-making authority with direction that it considers appropriate, and~~

~~(c) — perform other such duties as described in this Bylaw or as may be assigned to it by Council."~~

- f. Remove subsection 2.8.3:

~~"Unless otherwise prescribed elsewhere in this Bylaw, all development permit applications for a variance shall be referred to the Municipal Planning Commission for a decision."~~

- g. Change subsection 2.8.6 by amending Table 2.1 Variances as follows:

District	Percentage of variance that may be granted by a Development Officer the Development Authority	Percentage of variance that may be granted by the Municipal Planning Commission
AG – Agriculture	0.1 – 29.9 <u>50%</u>	30.0 – 50%
R1 – Country Residential	0.1 – 19.9 <u>40%</u>	20.0 – 40%
R2 – Country Estate Residential	0.1 – 19.9 <u>40%</u>	20.0 – 40%
R3 – Hamlet Unserviced	0.1 – 19.9 <u>40%</u>	20.0 – 40%
R4 – Hamlet Serviced	0.1 – 19.9 <u>40%</u>	20.0 – 40%
R5 – Multi-Family	0.1 – 9.9 <u>25%</u>	10.0 – 25%
HR – Hamlet Reserve	0.1 – 9.9 <u>25%</u>	10.0 – 25%

C1 – Highway Commercial	0.1 – 9.9 <u>25%</u>	10.0 – 25%
C2 – Local Hamlet Commercial	0.1 – 9.9 <u>25%</u>	10.0 – 25%
C3 – Neighbourhood Commercial	0.1 – 9.9 <u>25%</u>	10.0 – 25%
I1 – Rural Industry Support	0.1 – 29.9 <u>50%</u>	30.0 – 50%
I2 – Local Industrial	0.1 – 29.9 <u>50%</u>	30.0 – 50%
I3 – Medium Industrial Unserviced	0.1 – 29.9 <u>50%</u>	30.0 – 50%
I4 – Medium Industrial Serviced	0.1 – 29.9 <u>50%</u>	30.0 – 50%
IR – Industrial Reserve	0.1 – 29.9 <u>50%</u>	30.0 – 50%
AP – Airport Support	0.1 – 29.9 <u>50%</u>	30.0 – 50%
EP – Environmental Preservation	0.1 – 9.9 <u>25%</u>	10.0 – 25%
INS – Institutional	0.1 – 9.9 <u>25%</u>	10.0 – 25%
POS – Public Open Space	0.1 – 9.9 <u>25%</u>	10.0 – 25%
PU – Public Utility	0.1 – 9.9 <u>25%</u>	10.0 – 25%
REC – Recreational	0.1 – 9.9 <u>25%</u>	10.0 – 25%

- h. Change section 8.8 to read as follows:

“The Development Authority may, where the Development Authority considers it appropriate, vary any or all of the landscaping regulations of this Bylaw. Before granting a variance to the landscaping standards of this Bylaw, the Development ~~Officer~~ Authority may require the applicant to submit a report from a qualified landscape professional, such as a horticulturist or landscape architect, explaining and justifying the variance.”

- i. Change paragraph 14.5.5(b) to read as follows:

“Where a single detached dwelling existed prior to the passing of Bylaw 1118/07 (June 26, 2007), it may be upgraded, expanded or rebuilt. If such a building is to be rebuilt and when necessary, the location of the proposed replacement building will be subject to the approval of the ~~Municipal Planning Commission~~ Development Authority.”

- j. Remove subsection 16.3.3:
~~*"In this district, the Decision Making Authority is the Municipal Planning Commission."*~~
- k. Remove paragraph 16.3.5(a):
~~*"All development permit applications for uses shall be reviewed and a decision shall be rendered by the Municipal Planning Commission."*~~
- l. Change paragraph 16.3.5(f) to read as follows:
~~*"None of the listed uses shall be approved without prior evidence of site suitability to the satisfaction of the Municipal Planning Commission Development Authority."*~~
- m. Change paragraph 16.3.5(g) to read as follows:
~~*Any other standards and design requirements specified by the Development Officer Authority."*~~
- n. Change subparagraph 16.3.6(c)(vii) to read as follows:
~~*"any other matters that the Municipal Planning Commission Development Authority deems necessary."*~~
- o. Change paragraph 16.3.6(d) to read as follows:
~~*"The Municipal Planning Commission Development Authority may require that additional application information be submitted with any development permit application for the purpose of assessing the suitability of the proposed development and considering the compatibility with the County's planning objectives, the site-specific conditions and the surrounding land use."*~~
- p. Remove subsection 16.4.3:
- q. ~~*"In this district, the Decision Making Authority is the Municipal Planning Commission."*~~
- r. Remove subsection 16.5.3:
~~*"(a) Decisions on development permit applications in this district shall be made by the Development Officer, acting as the Development Authority."*~~
~~*"(b) Decisions on subdivision applications in this district shall be made by the Municipal Planning Commission, acting as the Subdivision Authority."*~~
- s. Remove subsection 16.6.3:
~~*"In this district, the Decision Making Authority is the Municipal Planning Commission."*~~
- t. Remove subsection 16.7.2:
~~*"In this district, the Decision Making Authority is the Municipal Planning Commission."*~~

- u. Change paragraph 16.7.6(h) to read as follows:
"Uses on-site approved by the ~~Municipal Planning Commission~~ Development Authority shall comply with Municipal Development Plan policies."
- v. Remove subsection 16.8.2:
"In this district, the ~~Development Authority for permitted uses is the Development Officer, and for discretionary uses it is the Municipal Planning Commission.~~"
- w. Remove paragraph 16.8.10(d):
"The ~~Development Authority for all variance requests is the Municipal Planning Commission.~~"
- x. Remove subsection 16.9.3:
"The ~~Development Authority for all variance requests is the Municipal Planning Commission.~~"
- y. Change subsection 16.9.7 to read as follows::
"Uses on-site approved by the ~~Municipal Planning Commission~~ Development Authority shall comply with Municipal Development Plan policies."
- z. Remove subsection 16.11.3:
"In this district, the ~~Decision Making Authority is the Municipal Planning Commission.~~"
- aa. Remove subsection 16.12.3:
"In this district, the ~~Decision Making Authority is the Municipal Planning Commission.~~"
- bb. Remove subsection 16.14.3:
"In this district, the ~~Decision Making Authority is the Development Officer and the Municipal Planning Commission.~~"
- cc. Change subsection 16.14.3 to read as follows:

<u>Development Officer Permitted Uses</u>	<u>Municipal Planning Commission Discretionary Uses</u>
<i>Accessory, building</i>	<i>Accessory, building</i>
<i>Accessory, use</i>	<i>Accessory, use</i>
<i>Dwelling, single detached</i>	<i>Campground</i>
<i>Fleet service</i>	<i>Outdoor storage</i>

dd. Remove subsection 16.16.3:

~~“In this district, the Decision Making Authority is the Municipal Planning Commission.”~~

ee. Remove subsection 16.17.3:

~~“In this district, the Decision Making Authority is the Municipal Planning Commission.”~~

ff. Remove subsection 16.18.3:

~~“In this district, the Decision Making Authority is the Municipal Planning Commission.”~~

gg. Remove subsection 16.19.3:

~~“In this district, the Decision Making Authority is the Municipal Planning Commission.”~~

hh. Change subsection 16.19.4 to read as follows:

Development Officer Permitted Uses	Municipal Planning Commission Discretionary Uses
<i>Accessory, building</i>	<i>Accessory, building</i>
<i>Accessory, use</i>	<i>Accessory, use</i>
<i>Dwelling, single detached</i>	<i>Campground</i>
<i>Dugout</i>	<i>Eating and Drinking Establishment</i>
<i>Recreational Vehicle Storage Facility</i>	<i>Recreation facility, outdoor</i>

ii. Remove subsection 16.20.3:

~~“In this district, the Decision Making Authority is the Municipal Planning Commission.”~~

jj. Change paragraph 17.2.4(e) to read as follows:

“Where a dwelling is located within the minimum separation distance, and existed prior to the date of passing this Bylaw, the dwelling may be upgraded, expanded or rebuilt. The location of the replacement building shall be subject to the approval of the ~~Municipal Planning Commission~~ Development Authority, considering all prescribed setbacks and separations distance requirements as prescribed by this Bylaw and applicable risk assessment.”

kk. Change paragraph 17.4.5(a) to read as follows:

“Development permit applications for ~~variance seeking percentage~~ variances greater than what may be granted by the Development Officer ~~Authority~~, as listed in Table 2.1: Variances, shall be referred to the Town of Morinville for review and comment in advance of being considered by the Municipal Planning Commission refused.”

4. Severability

4.1. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

5. Effective Date

5.1. This Bylaw shall come into force on July 6, 2022.

Read a first time this 3rd day of May, 2022.

Read a second time this ___ day of _____ 20__.

Read a third time this ___ day of _____ 20__.

Alanna Hnatiw
MAYOR

Reegan McCullough
COUNTY COMMISSIONER (CAO)

DATE SIGNED