



Village of Standard Draft Land Use Bylaw

Council Workshop

April 24, 2024

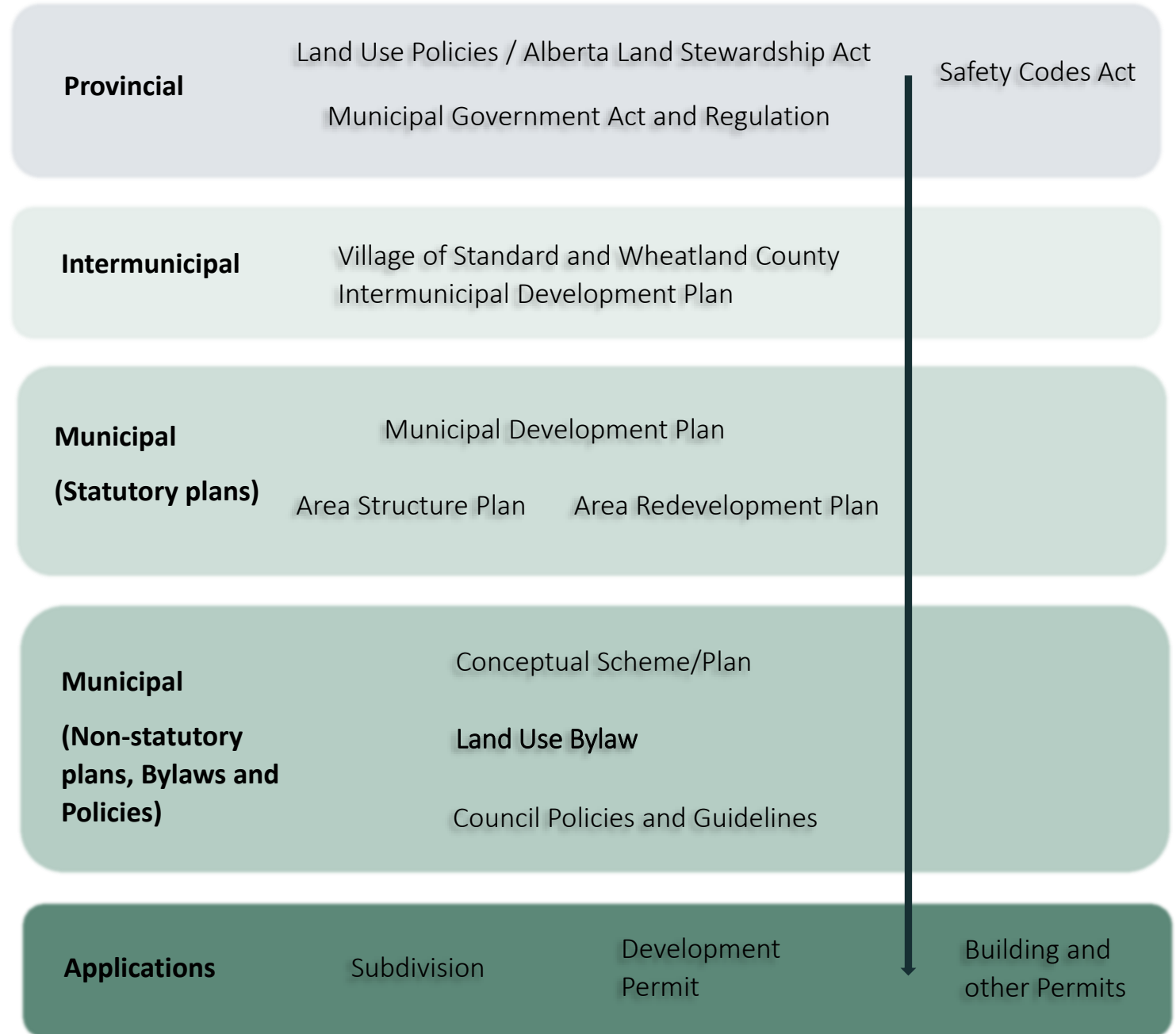
Requirement for LUB

- Required under Section 640(1) of the *Municipal Government Act*
 - Prohibits or regulates the use and development of land and buildings
 - Impose design standards
 - Determine population density
 - Protect agricultural land
 - Divides a municipality into districts and prescribes uses that are permitted, or may be permitted
 - Establishes a method for making decisions and issuing development permits, including development that does not comply with the land use bylaw

Purpose of a LUB

- To implement the long-term vision, goals and policies of the Standard Municipal Development Plan and (other statutory plans such as IDPs, ASPs)
- Used day-to-day in making decisions on development permit applications
- Must be consistent with Standard's higher level plans

Planning Hierarchy



Scope of LUB Review Project

Complete replacement of LUB required rather than an “update”

- implement directions in new MDP adopted April 2022
- reorganization and reformatting
- meet new requirements of the *Municipal Government Act*
- update regulations to be current with case law – elimination of some regulations
- make more user-friendly & consistent
- delete forms in Appendix, not required to be in the LUB

For these reasons, there is no “redline” version to see the differences – they are too significant to show in track changes.

Part A

The
Approvals
Process

Effective Date and Transition

- Depending on the extent of the revisions, the effective date may need to be set after the date the bylaw is given third reading (adopted) by Council
- For example, how are permits that are currently submitted, but no decision has been made? Is it spring permit/construction season?
- Anticipated that Standard should give about 30-60 days from adoption until it becomes effective. This allows time to process any applications that have been submitted in advance. This can be determined closer to first reading.

Non-Conforming Buildings and Uses

- A LUB effects land use changes over time – BUT..... Need to be considerate of its effect on existing property owners and making existing developments non-conforming.
- Non-conforming means a building or use that is lawfully constructed/in effect, when on the date a land use bylaw becomes effective will not comply with the land use bylaw (MGA 616 q & r)
- Must be very considerate to not unintendedly make buildings or uses non-conforming.
 - For example, increasing yard setbacks or removing uses from districts.

Permits Not Required

- Clarification of when a permit is not required AND if/when the development also does not need to meet LUB standards
- Some new things exempted from DP, for example:
 - Telecommunication Structure – see the new proposed policy
 - Minor Home Occupations
 - Solar panels (for personal use)
 - Fences, patios
 - Building demolition
 - Extensive agriculture
 - Signs

DP Applications

- Better clarity on what is required for DP application
- Updated MGA requires a formal *notice of complete or incomplete application* issued to the applicant within 20 days. **LUB must be very clear on what is required for a complete application**
- The DP application forms will need to be updated when the new LUB comes into effect
- Recommended by municipal lawyers that an application is not even accepted without the fee being paid
- Updated MGA also requires that a municipality obtain consent to communicate via emails for DP applications. This will be added to the DP application form as well.

Notice of Complete or Incomplete

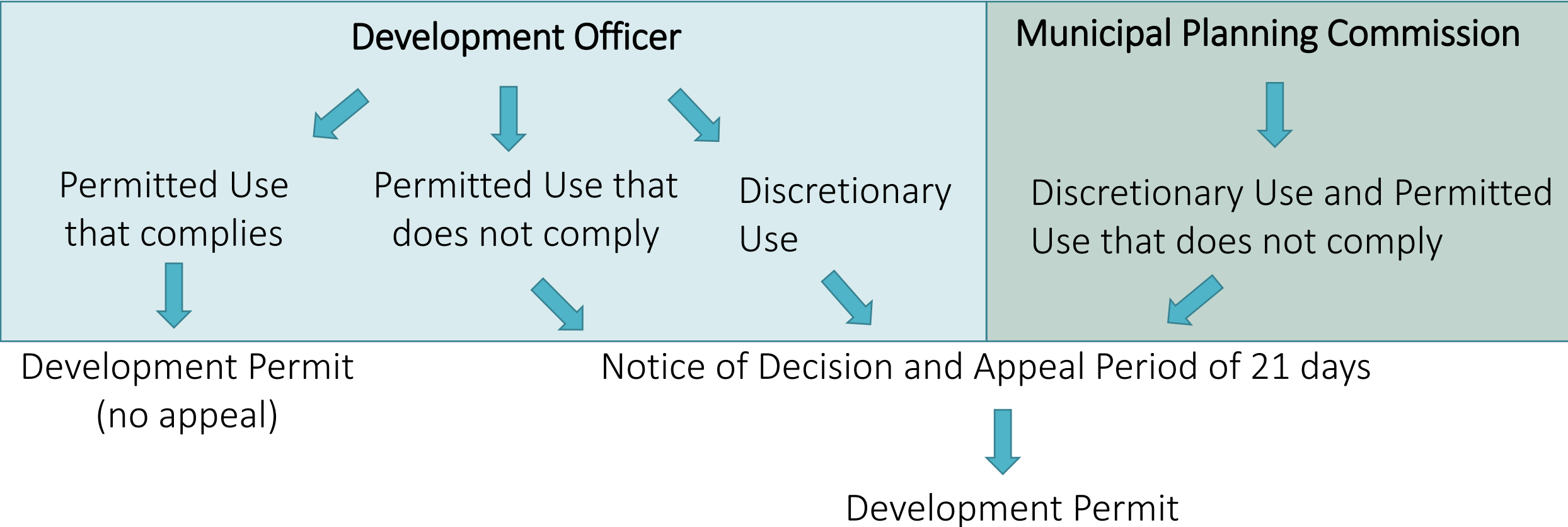
- New-ish requirement of MGA
 - Development Officer must issue a notice of complete or incomplete application in appropriate format
 - Timelines in MGA must be followed
 - i.e. 20 days* to complete application notice
 - i.e. 40 days* to decision
- *Unless an extension agreement is entered into

Development Authority

- The current LUB allows the Development Officer to decide on permits for both permitted and discretionary uses, and the MPC on discretionary uses
 - Must be clear: cannot be both
- The draft LUB requires the Municipal Planning Commission to decide on discretionary uses (except Home Occupations and Accessory Buildings) and on similar use applications, and relocated buildings

Development Authority

- LUB must be clear on who the Development Authority will be and DP Process



Development Authority

- MPC should not decide on permitted uses
- Development Officer can decide on discretionary uses - *there will still be an appeal period*
- MPC decisions take longer - scheduling MPC meeting

Important to ensure that uses are correctly placed in the Permitted or Discretionary use category for each land use district

Variance Powers

- Proposed to increase variance powers of Standard Development Officer from 0% to 20%
- MPC would decide where greater than 20% variance (up to 100%)
- Reduces the need for MPC meetings for small variances
- Reduces the need for SDAB appeals for variances above 20%
- Does not change the right of an affected person to appeal the decision

Permitted and Discretionary Use Permits

- For a Permitted Use application that meets the LUB, a Development Permit is immediately issued, no right to appeal
 - Can add conditions of approval, but these are very limited to exact statements explicitly written in the LUB
- For a Discretionary Use application, or where there is a variance required, the permit may or may not be approved, and there is a right to appeal an approval or a refusal
 - Can add any condition of approval deemed necessary to address a planning concern, does not need to be explicitly written into the LUB but should be those listed in subsection 5.4.5 and 5.6

Notice of Decision and Appeals

- Is issued for a Discretionary Use permit or where a variance is approved
- Must issue the decision to the applicant – they have 21 days to submit an appeal from the date the notice is sent. Can appeal a refusal, or a condition of approval
- Must advertise the decision to the public. Standard has chosen to advertise via a posting on the property (versus mailing a letter or newspaper ad). An affected person has 21 days to submit an appeal of an approval from the date the notice is posted on the property
- If no appeal is received, a Development Permit is issued immediately after the 21 days.

Bylaw Enforcement

- Standard has put into the LUB the opportunity to do enforcement with Stop Orders and issuing Tags/Tickets.
- Tags can be issued by a Designated Officer of the Village
- Tickets must be issued by a Peace Officer
- Discussion: What are appropriate amounts for penalties related to the LUB?

Offence	First Offence	Second Offence and Additional Offences
Failure to obtain a development permit	\$250	\$500
Failure to obtain a development permit for a Sign	\$100	\$200
Failure to comply with development permit conditions	\$500	\$1000
Failure to comply with District regulations	\$500	\$1000
Failure to comply with any other regulation or standard of the Bylaw	\$250	\$500

Part B

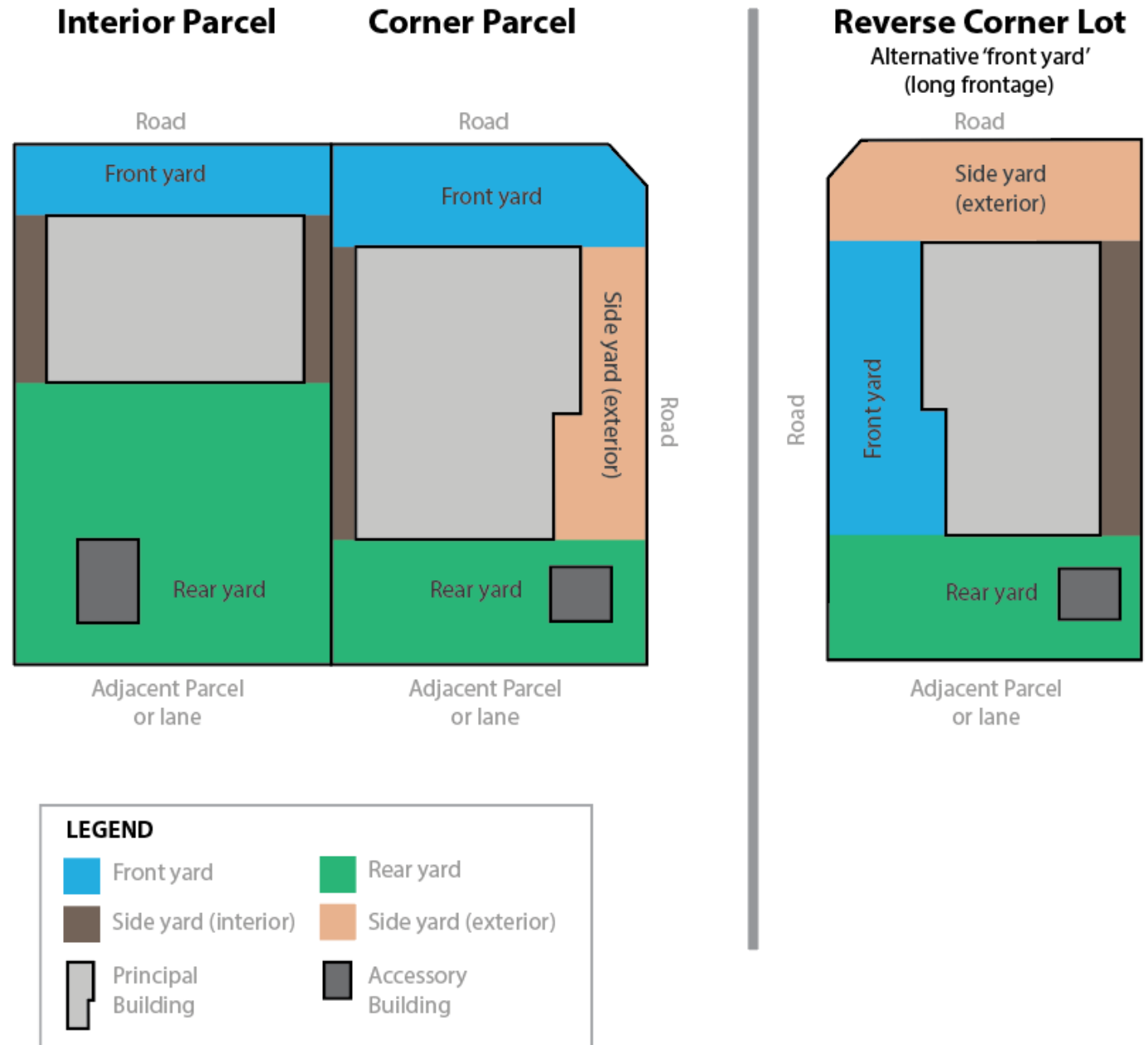
General
Regulations

Applicability of General Regulations

- These regulations may apply to ALL developments, independent of the use or the district.
- There is a new separate section for regulations that relate to a specific use (Part C).
- Let's discuss some key changes, but feel free to ask questions on any of these sections.

9.11 Corner Lots

- Better clarification and illustration of corner and irregular lots



9.14 Drive-Thrus & Vehicle Oriented

- Includes regulations for drive-throughs, which is a design of a development, not a “use”
- Intended to reduce traffic issues and ensure adequate queuing and site layout

9.15 Renewable Energy

- Eliminated “commercial development” - these fall under the approval of the Province (the AUC)
- For personal electrical generation, proposed as a permitted use and no development permit required as long as it is compliant with regulations. These are regulated similarly to fences
- Moved “private wind” – created its own use of Small Wind Energy Systems

Part C

Specific Use
Regulations

Applicability of Specific Use Regulations

- These regulations apply to a specific use, no matter what district the use is located in.
- In the current LUB, these regulations are mixed into the General Regulations (Part VII)
- Let's discuss the key changes to this section, but please feel free to ask questions

10.1 Accessory Buildings

- Three ‘types’ of Accessory Buildings.
 1. typical buildings, such as sheds and garages
 2. fabric covered
 3. shipping containers – these were previously referred to as “Storage Structures”. There was a lot of confusion of what the difference was between a storage structure and an accessory building.

10.2 Accessory Dwelling Units

- The current LUB defines secondary and garden suites as a use, but only allows for secondary suites, which has no regulations
- Two types of ADUs proposed, attached & detached
- The new regulations address density, height, floor area, etc to ensure the character of the neighbourhood is maintained
- *Discussion: should detached ADUs be allowed? Which districts? Maximum building height?*

10.3 Home Occupations

- Also, two classifications of Home Occupations proposed. This will support and enable home occupations in Standard.
 - A minor, which would not have any impact on an adjacent neighbor (more than regular from a residential home). This would not require a DP. i.e. only in the main dwelling, no additional employees, 15% of the dwelling
 - A major, which has more potential for impact on an adjacent neighbor. This would require a DP and be discretionary. Although it is discretionary, the Development Officer makes the decision on these applications. i.e. may be: within a garage, employees that are not residents, outdoor storage, up to 25% of the dwelling

10.6 Pet Care Services

- Not currently a use listed or allowed in Standard, proposed to be added
- Concerns can be noise (barking) and wastes near residential uses

Deleted Uses

- Modular Homes, Moved on Dwelling, RTM Dwelling – these are all pre-fabricated/manufactured buildings that are moved on. The use for all of them is a dwelling, instead have created regulations for building massing and appearance
- Communication Towers – separate Council policy proposed in alignment with federal approvals process
- Group Homes – cannot regulate ‘user’
- Day Homes – this is a major home occupation

Part D

Signs

Sign Requirements

- Proposed to require no permits for any signs that meet the requirements of the LUB
- Specific application requirements related to Signs
- General regulations specific to signs
- Each sign type is listed as a permitted or discretionary use in each district, or is not allowed.

Part E

Districts

Residential Districts Overview

- Kept 2 separate residential districts
 - R-1 Detached Residential and
 - R-G General Residential

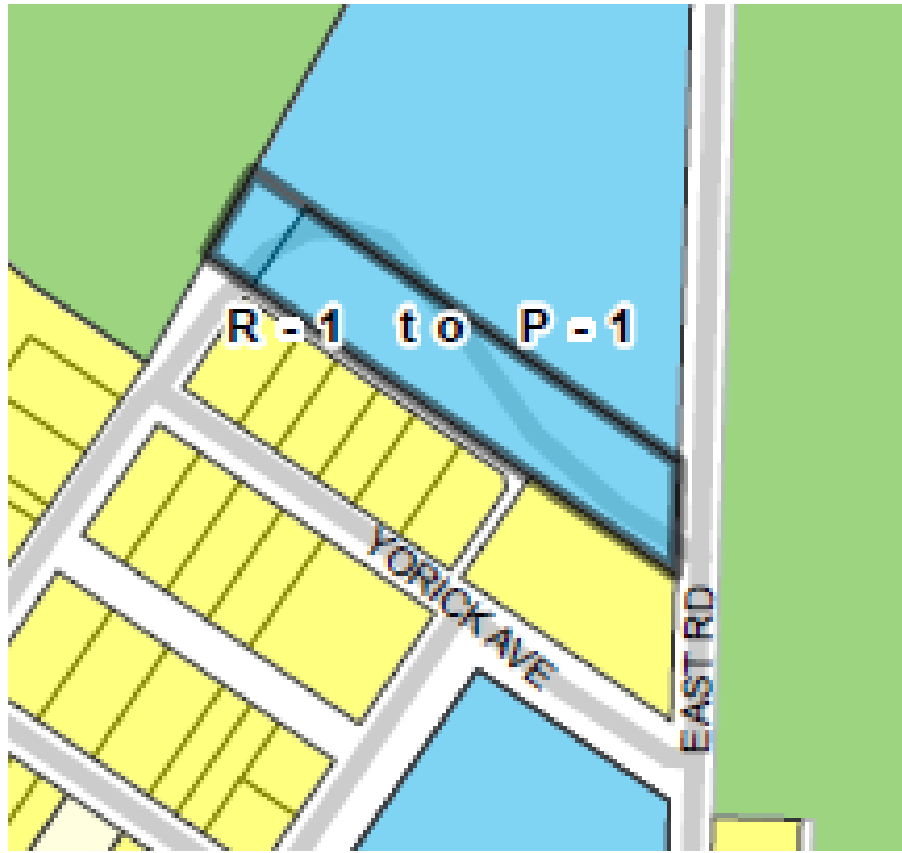
R-1 District

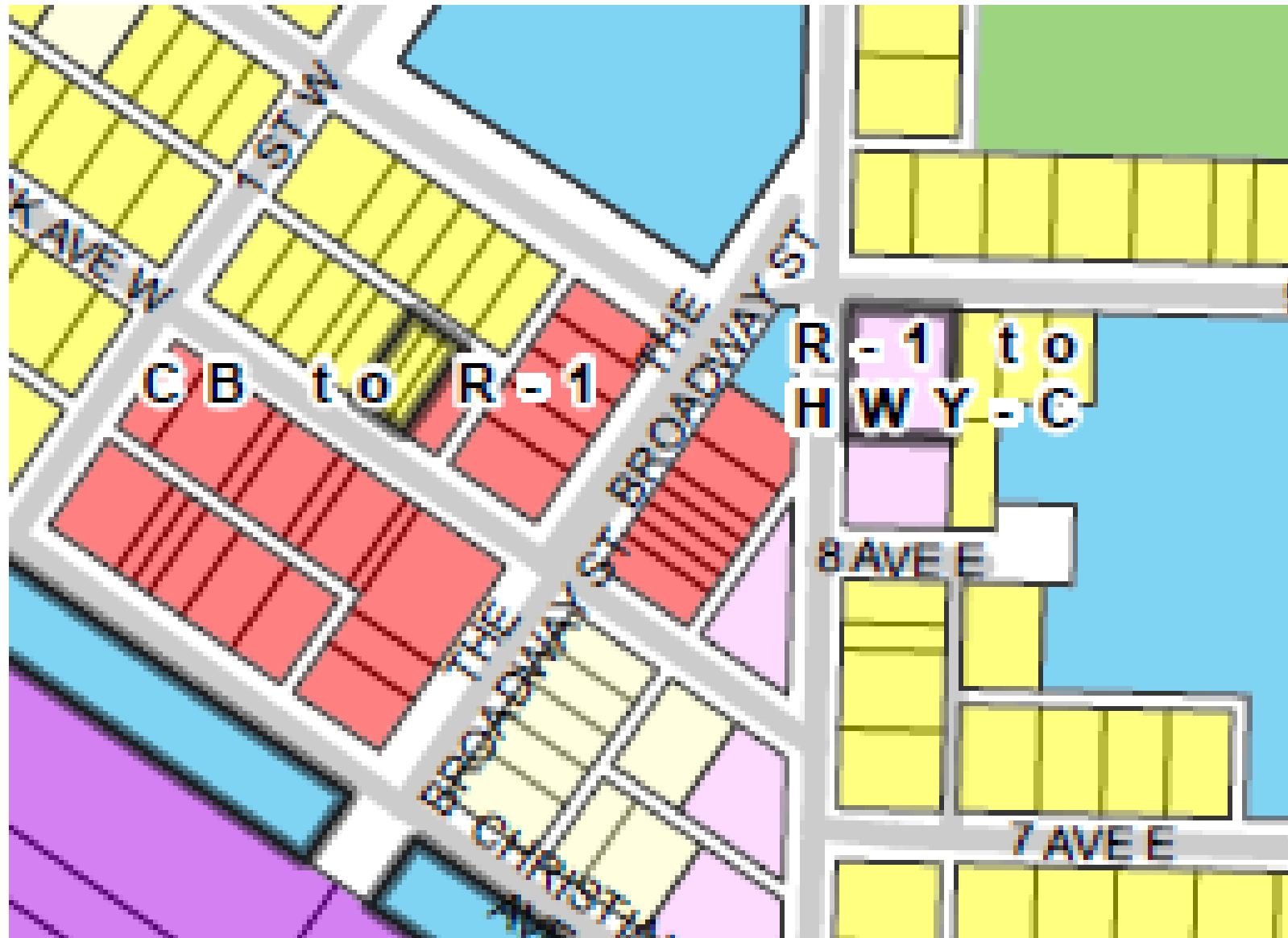
- More permitted uses proposed, such as duplexes as a permitted use and ADUs as discretionary uses.
 - *Discussion: Duplexes are not currently allowed in the R-1. Could be moved to discretionary uses instead.*
- Added Manufactured Homes and regulations such as minimum width and building design requirements.
 - *Discussion: Could add this use to the permitted uses?*
- Kept minimum gross floor area the same.
- *Discussion: Should the size of dwellings be smaller to address affordable housing?*
- Clarification that a driveway must be 6 m long, despite the front yard setback

R-G District

- Proposed to add ADUs as a permitted use.
 - *Discussion: permitted or discretionary uses?*
- Kept minimum gross floor area the same.
 - *Discussion: Should the size of dwellings be smaller to address affordable housing?*

Proposed residential rezonings





Commercial Districts

- Kept two separate commercial districts
- A central business 'downtown' district, and a more general district that is located along major roads.
- Commercial uses have been refined – not too specific (i.e. retail is retail, no matter what is being sold, food or clothes, baker or butcher)

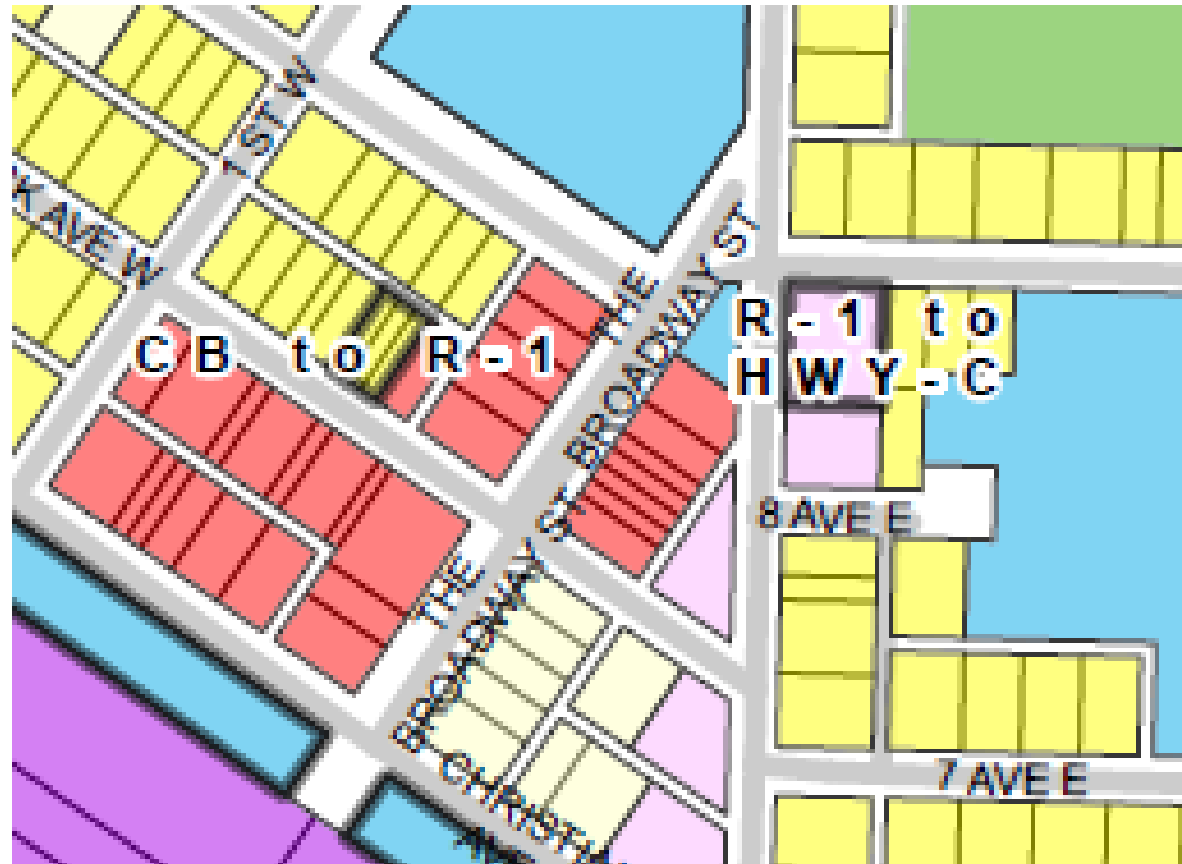
C-B Central Business District

- Permitted uses are those that are desired in a downtown – create a walkable pedestrian environment that includes retail, civic and cultural uses.
- Proposed to delete some uses which do not best meet the purpose and intent of a downtown. For example, automotive oriented uses like car wash, gas bar, and Accessory building – shipping container.
- If deleted, any existing businesses of this nature would be able to continue, but they would not be able to expand on their current site. New businesses would need to locate in the C-1 District.
- If not deleted, a new gas station or cash wash (for example) could open in the downtown.

HWY-C General Commercial District

- This district is meant for uses that require larger lots and generate more vehicle traffic
- Proposed increased maximum building height to 14 m

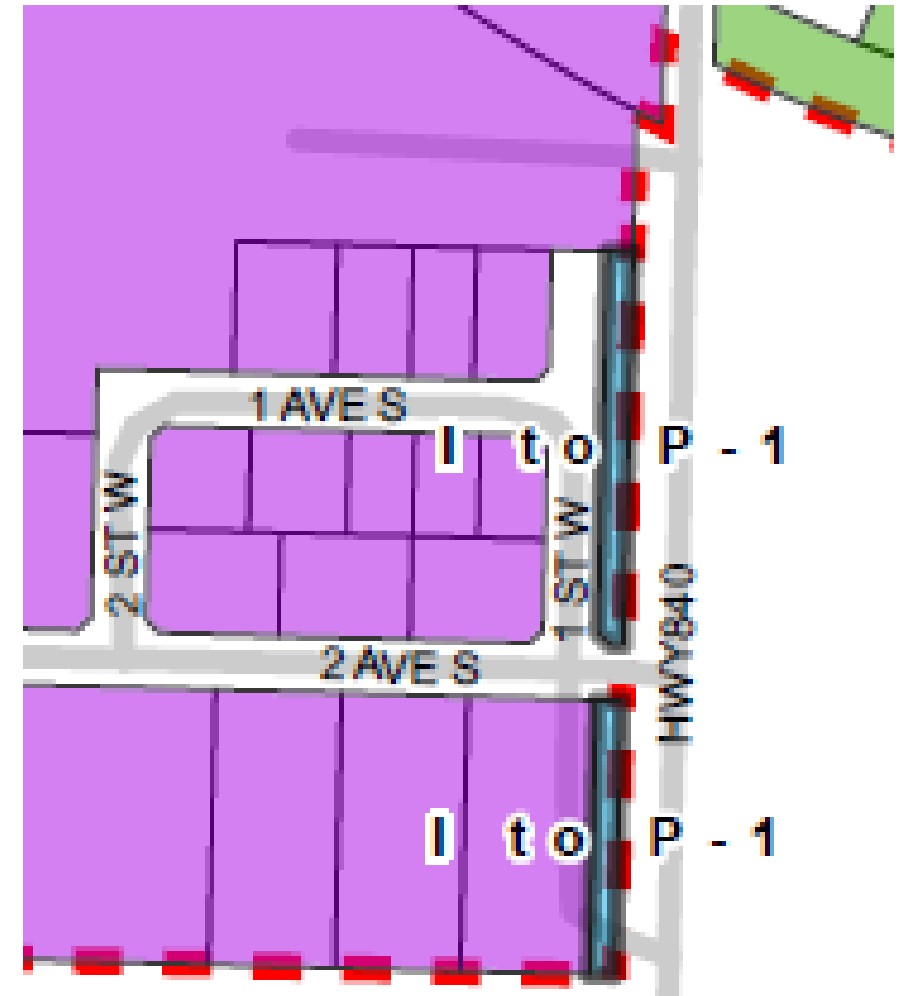
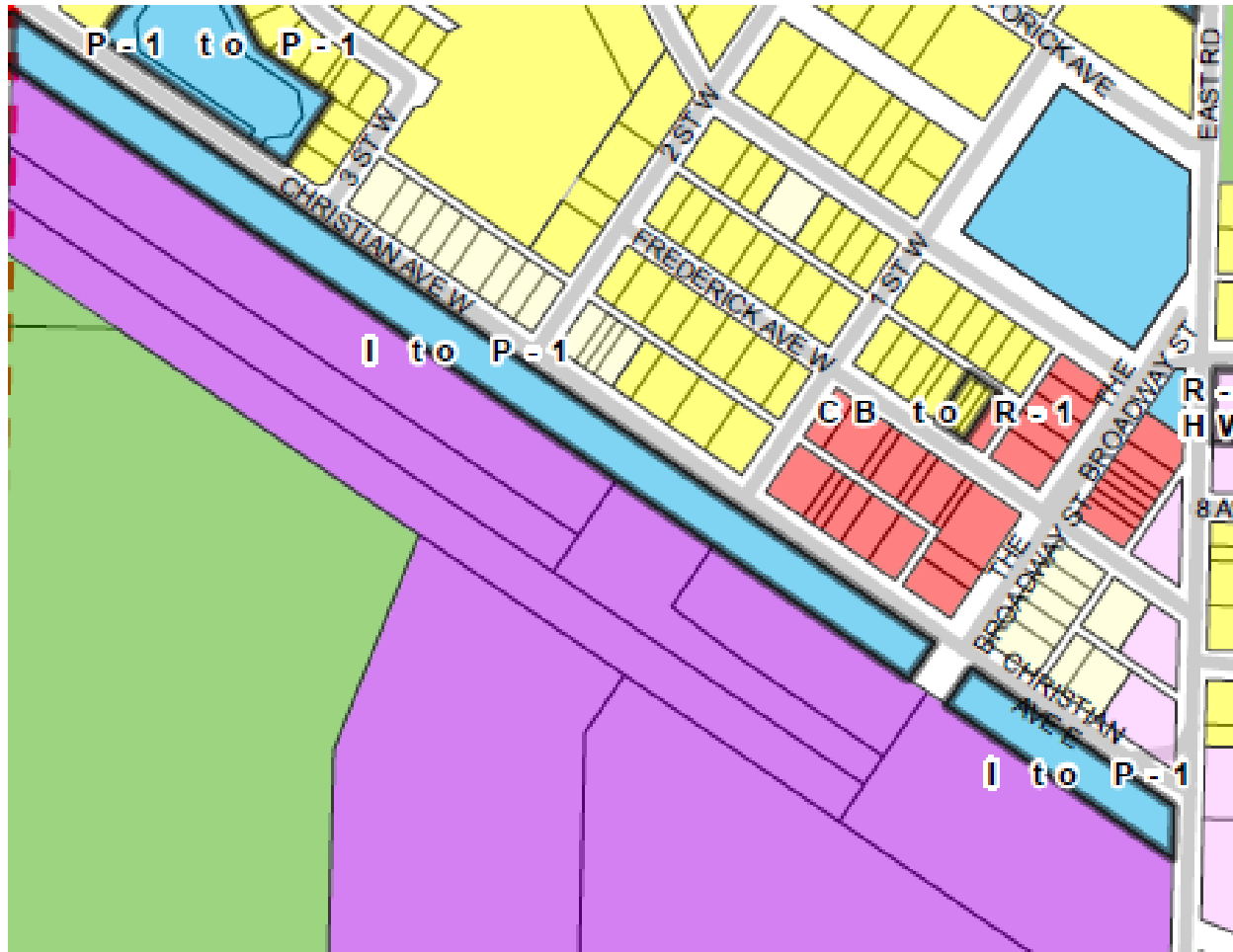
Proposed Commercial rezonings



I - Industrial District

- Proposed more uses in permitted
- Increased maximum building height
- Deleted regulations that are not municipal jurisdiction

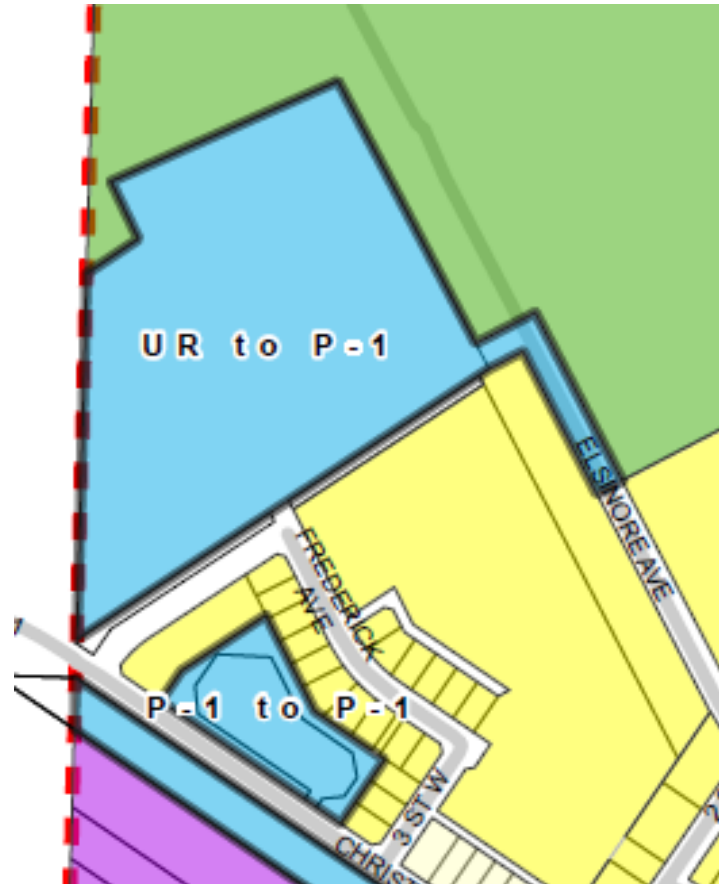
Proposed Industrial rezonings



P-1 Public Service District

- Refined uses and definitions (i.e. Park, Tennis court, Sports field, swimming pool, playground, arena, curling rink, golf course can all go into Park, Athletic & Recreational Facility-Indoor or –Outdoor).
- Where there are permitted uses, there needs to be standards listed if you want to have any standards at all (cannot be at discretion of Development Authority).
- Only standards proposed is maximum building height (no minimum yards specified)

Public Services rezonings



UR – Urban Reserve District

- Must have more permitted uses than “Park”
 - The courts view this as “taking of lands” that are private for municipal public uses
 - MGA would require Standard to purchase these lands within 6 months
 - Have added many other private uses to permitted uses

Part F

Development
Overlays

Development Overlays

- Purpose is to address specific goals or objectives of the MDP, specifically undermining hazards [MDP 4.1.3c]
- Applies to a specific area on a map – data provided by the Alberta Energy Regulator on the Coal Mine Map Viewer for undermining
- Land Use District rules are subordinate to the Development Overlay

Undermining Area Hazard Overlay Map



Undermining Area Hazard Overlay Regulations

- In the identified area, only certain uses allowed that are low risk
- However, additional uses may be approved where an undermining report is prepared by a qualified professional

Part G

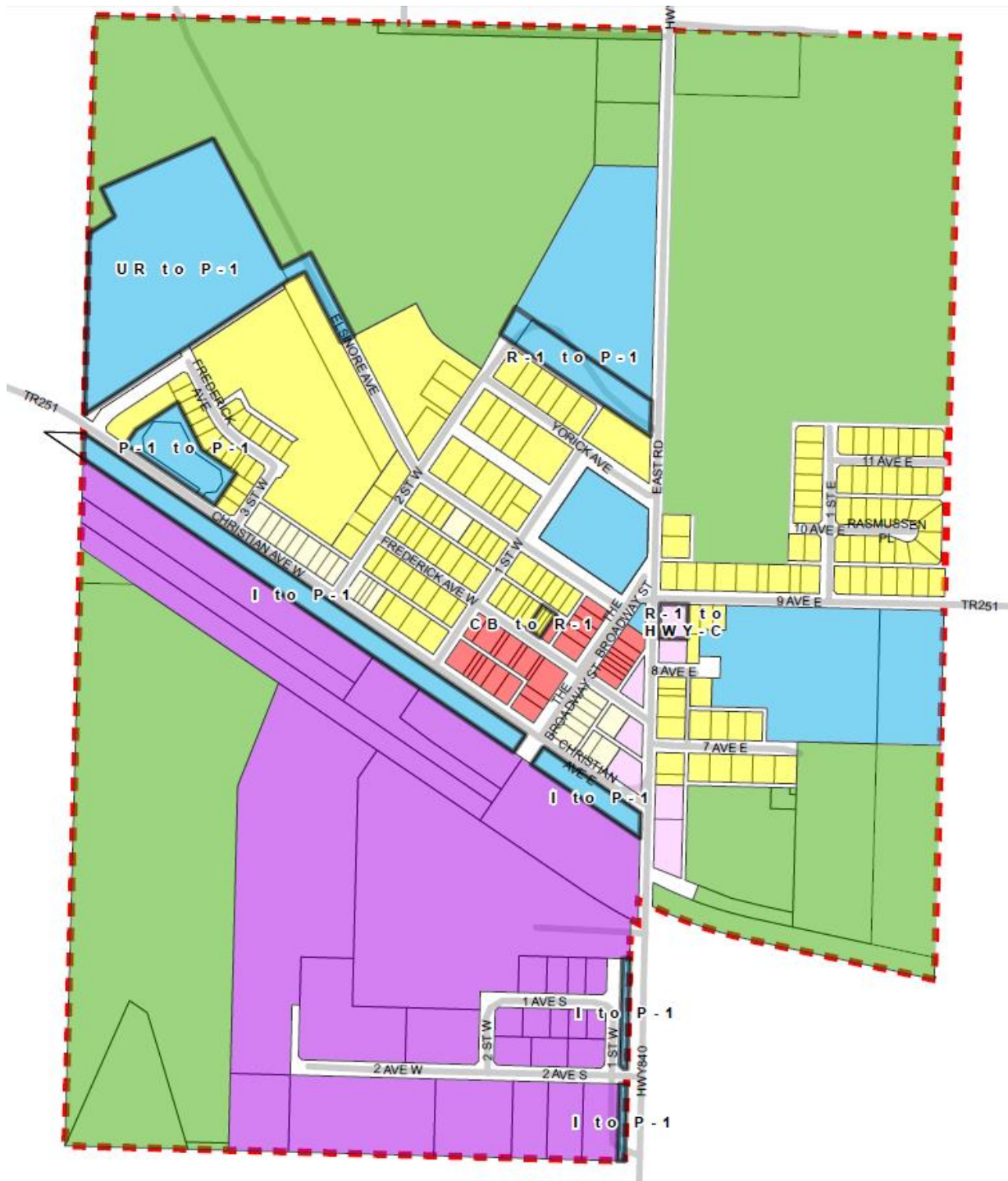
Definitions

Definitions

- All general terms are **bold** and *italicized* font
- All uses are **Bold** and **Capitalized** – ensure every use is defined
- All provincial legislation is *Italicized*
- Ensure every word is consistent with definitions, do not use un-defined terms

Part H

Land Use
Districts Map



Land Use District Map

2024 Draft V2
1st Reading

- Town Boundary
- Legal Parcels
- Existing Road
- Map Changes
- CB - Central Business
- HWY-C - Highway Commercial
- I - Industrial
- P-1 - Public Service
- UR - Urban Reserve
- R-1 - Detached Residential District
- RG - General Residential
- LUB_Template

Land Use Districts

Telecommunications Structure Policy

- Recommended by ISED that a municipality have a policy rather than in the LUB to address any municipal concerns or preferences (i.e. tower siting and design)
- The municipality issues a “Letter of Concurrence” to ISED rather than a Development Permit

Next Steps

1. Revisions to the LUB
2. Prepare information on draft LUB for public and specific landowners where required
3. Council approval process
 - First Reading – Public Hearing – Second Reading – Third Reading*
6. LUB comes into effect at chosen date