

Section 3: Procedures

3.1 Compliance and Permits

- 3.1.1 Land, buildings, or signs in Strathcona County can only be developed or used in conformity with the uses permitted in its district and all the regulations in this *Bylaw* except for legal non-conforming uses or as approved by a Development Officer or the Subdivision and Development Appeal Board.
- 3.1.2 No person shall commence or 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 pursuant to the provisions of this *Bylaw*. (Bylaw 4-2002)
- 3.1.3 A person is responsible for complying with the requirements of other municipal bylaws, easements, environmental reserve easements, covenants, conservation agreements, development agreements, or Provincial or Federal statutes or regulations. (Bylaw 4-2002)
- 3.1.4 A development permit is not required for the following uses and developments **if** they are in conformity with **all** provisions of this *Bylaw*: (Bylaw 4-2002)

Other Legislation

- a) developments exempted by the *Municipal Government Act*;
- b) foster homes approved by Alberta Children's Services;

Temporary Uses

- c) a temporary polling station, election official's headquarters, candidate's campaign office, or any other temporary use for a federal, provincial, or municipal election, referendum, or census;
- d) a temporary building, including a residential security/operator unit, required for the erection, maintenance, or alteration of an approved development if it is removed within 30 days of project completion;

Agricultural

- e) general agriculture and accessory agricultural buildings such as granaries, silos, hay shelters, except those used as dwellings, barns or greenhouses more than 40 m², minor and major intensive livestock agriculture, and intensive horticultural agriculture;

Accessory and Minor Uses

- f) alterations including tenant improvements in a multi-tenancy building;
- g) maintenance or repair of a building that does not involve structural alterations or does not change the use or intensity of use of the building;
- h) an accessory structure less than 2.0 m high and not more than 10 m² in floor area provided it is in conformance with Section 6;
- i) satellite dishes no greater than 1.0 m in diameter that are attached to a building; (Bylaw 83-2001)

- j) the construction of a patio with a floor not more than 0.6 m high if it is in conformance with Section 6; **(Bylaw 4-2002)**

Landscaping

- k) play structures less than 3.5 m in height;
- l) a fence, wall, or gate not more than 2.0 m high if it is in conformance with Section 7;
- m) clock towers, monuments, sculptures, federal, provincial or municipal flags, and similar aesthetic enhancements not in a residential district; **(Bylaw 4-2002)**
- n) landscaping and private walkways, retaining walls, pathways and driveways where the existing grade and surface drainage pattern is not significantly altered and will not create off-site impacts, provided that there is no reduction in the amount of landscaping required by this *Bylaw*;

Site Grading

- o) site grading involving an area of less than 500m² in all districts provided that:
1. 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;
 2. the amount of topsoil or fill being added or excavated from the parcel does not exceed 40m³; and
 3. none of the topsoil or fill being brought onto the site is contaminated with construction rubble or any hazardous substances. **(Bylaw 7-2009)**
- p) site grading for approved development in accordance with an approved development permit; site grading approved by development agreement with Strathcona County; site grading for public utilities or roads; site grading under approved area structure plans; site grading within hamlets; and site grading for country residential lots with an approved surface drainage plan. **(Bylaw 7-2009)**

Tree Clearing

- q) tree clearing for areas less than 1,000 m² in the AG district and 500 m² in all other districts;
- r) tree clearing for approved development in accordance with the landscaping provisions of a development permit; tree clearing approved by development agreement with Strathcona County; tree clearing authorized by an approved area structure plan or area redevelopment plan; and tree clearing for public utilities or roads;

Signs

- s) signs listed in Section 10 of this *Bylaw* as not requiring a development permit;

Utilities

- t) utility services underground or in registered rights-of-way; **(Bylaw 15-2008)**

Demolition

- u) demolition if a development permit has been approved for new development on the same site and demolition is implicit in that permit;

Dugouts (Bylaw 15-2008)

- v) dugouts that include an area less than 1000 m² in an AG district and 500 m² in all other districts;
- w) dugouts that meet the minimum yard requirements of the applicable district and, that are a minimum of 20 m from the centreline of an internal subdivision road and/or 40 m from the centreline of a rural road; and
- x) that meet the specifications of Schedule "C-1".

3.2 Development Permit Application Requirements

3.2.1 Potential applicants are encouraged to have a pre-application meeting with the Planning and Development Services Department to discuss information and processing requirements. (Bylaw 13-2003)

3.2.2 An application for a development permit must be made to Strathcona County on a completed application form (including municipal address, statement of ownership or interest in the land, and proposed use or uses) accompanied by the fee required by the *Fees and Charges Bylaw* and a current copy of a certificate of title for the subject lands. (Bylaw 14-2008)

3.2.3 The following plans and information shall be provided with an application:

Site Information

- a) a detailed site plan or plan of survey prepared by an Alberta Land Surveyor at a preferred scale of 1:1000, with off-site servicing at a preferred scale of 1:500 horizontal and 1:15 vertical or, other scales acceptable to the Development Officer, and a legal description of the site and adjacent lots (by lot, block, subdivision and registered plan), roads, rights-of-way, easements, floodplains; top of bank and, watercourses within and abutting the lot;
- b) for sites 8 ha or greater, a plan of survey for the area of development within the parcel;
- c) in the case of a manufactured home park or multi-family housing, a detailed plan showing the proposed unit locations within the overall development area;
- d) floor plans showing all occupancies and uses; cross-sections; foundation plans; elevations; and a perspective of the proposed development including a description of the exterior finishing materials;
- e) proposed development relative to the boundaries of the site development including setbacks and yard requirements;
- f) existing development located on the subject parcel;
- g) proposed access to abutting roads;
- h) all plans shall include legends and north arrows and shall be at an appropriate metric scale.

Other Information

- a) a description of the proposed use or development at a level of detail so that the Development Officer can determine whether or not the use or development complies with the bylaw;
- b) development density (number of dwelling units by site area; floor area ratio); site coverage calculations; height by metres and number of stories according to the definitions of this Bylaw;
- c) a minimum of one copy of all the above-mentioned plans and information is required for all residential development such as single family dwellings, decks, fences, etc.; and
- d) a minimum of four copies and one electronic copy of all the above-mentioned plans and information are required for commercial, industrial, institutional and multi-family residential development. (Bylaw 14-2008)

3.2.4 In addition to the information required in subsection 3.2.3, the following information shall be provided to the satisfaction of the Development Officer:

Traffic Information

- a) a traffic impact analysis, stamped by a Professional Engineer or a Registered Professional Technologist accredited by APEGGA, for a large scale development:
 - (i) generally considered to be a development that regularly generates more than 100 trips in the peak afternoon/evening hour: typically this is a residential development with more than 100 units or a commercial development with more than 1,400 m² of gross floor area, the final decision remaining with the Development Officer; or
 - (ii) a development that because of its nature or unique circumstances may have a significant impact on the area.

Site Grading Information

- b) unless addressed as part of a reclamation plan acceptable to a Development Officer, dimensions and location of proposed site grades and drainage.

Landscape Information

- c) where landscaping is required by Section 7, dimensions and location of proposed landscaping including pedestrian circulation, exterior lighting, street furniture, utilities and irrigation systems, garbage collection areas, dimensioned layout of driveways, exits, entrances, and numbered parking and loading areas with typical stall dimensions, fencing;
- d) existing and proposed landscape and plant materials by plan and planting list (identifying common and scientific plant names, quantity, calliper, root ball size, and height at planting and maturity); and
- e) the estimated cost of landscaping where security is required by Section 7.

Additional Information:

- f) A Development Officer may require any additional information required elsewhere by this Bylaw or by the nature and magnitude of a proposed development or use. In some cases, this is listed in the specific use regulations section. This may include, but not be limited to, information such as:
 - an operational plan for a group home;
 - a geotechnical report in a potentially hazardous or unstable area;
 - a biophysical assessment on the desirability of tree clearing;
 - a hydrogeological report for a proposed intensive livestock agricultural use;
 - a reclamation plan for aggregate extraction or site grading and excavation;
 - an environmental site assessment to determine potential contamination and mitigation; and
 - an environmental impact assessment for a development with potential significant environmental effects, or a flood plain impact study. (Bylaw 14-2008)

3.2.5 Where information is required to be submitted in accordance with Section 3.2.4 (h), it shall be prepared by an accredited professional, licensed to practise in Alberta, to the satisfaction of a Development Officer. (Bylaw 4-2002)

3.2.6 An application shall not be considered complete until all the requirements above have been submitted to the satisfaction of a Development Officer. Notwithstanding, a Development Officer may consider an application if, in a Development Officer's opinion, the development is of a scale or nature as to enable a decision to be made on the application without some of the required information.

3.2.7 Upon request from an applicant, a Development Officer shall provide confirmation that an application is complete.

3.2.8 Unless an applicant grants a time extension, a Development Officer shall make a decision on a completed application within 40 days of the application being considered complete.

- 3.2.9 The Development Officer may require additional copies of plans, specifications and information for circulation purposes. (**Bylaw 14-2008**)

3.3 Development Officer

- 3.3.1 A Development Officer:
- a) shall review all applications for a development permit to determine if they are complete and made for the appropriate use;
 - b) may refer an application to any municipal, provincial, federal, or inter-jurisdictional department or any other agency or body;
 - c) may refer an application for uses such as intensive livestock agriculture, aggregate extraction, major commercial, and heavy industrial, in areas where no area structure plan or area redevelopment plan is adopted, to all adjacent municipalities and provincial and federal government land and resource agencies within 3.2 km of the area proposed for development;
 - d) shall consider and approve a development permit for a permitted use which complies with this *Bylaw* without condition or with such conditions necessary to ensure compliance;
 - e) shall consider and may approve a development permit for a discretionary use which complies with this *Bylaw* without conditions, with such conditions necessary to ensure compliance; or with conditions that are more restrictive than those in this *Bylaw*;
 - f) shall consider and may refuse a development permit for a permitted or discretionary use which does not comply with this *Bylaw*;
 - g) may consider and decide upon applications for a *Certificate of Compliance* under Section 3.11 of this *Bylaw* and shall not approve one which does not comply with this *Bylaw* unless a variance is granted;
 - h) shall receive, review, refer, and make recommendations on applications to amend the text of this *Bylaw* or the *Land Use Maps* to County Council;
 - i) may enforce the provisions of this *Bylaw*; and
 - j) shall perform other such duties as described elsewhere in the *Bylaw* including public notification and the exercise of discretion and variance.
 - k) shall consider and approve a development permit that is consistent with a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board or Alberta Energy Utilities Board. (**Bylaw 85-2005**)

3.4 Conditions

- 3.4.1 A Development Officer may impose conditions to the approval of a permitted use only to ensure compliance with this *Bylaw*.
- 3.4.2 A Development Officer may impose such conditions as a Development Officer deems appropriate for the approval of a discretionary use or where a variance has been granted. This includes limitations on the hours of operation of any discretionary use. (**Bylaw 13-2003**)
- 3.4.3 A Development Officer may impose a condition to the approval of any use requiring the applicant to:
- a) pay any off-site levy and or enter into an agreement with Strathcona County to construct or pay for the construction or upgrading of public roads, walks and utilities necessary to serve the development; and/or
 - b) provide a guaranteed security to ensure that all on-site servicing, including surface

drainage, is constructed to the satisfaction of the County Engineer. (Bylaw 79-2004)

- 3.4.4 A Development Officer may require a guaranteed security to ensure the terms of any conditions are carried out.
- 3.4.5 A Development Officer may impose conditions to any use where a license, permit, approval or other authorization has been granted by the Natural Resource Conservation Board, Energy Resources Conservation Board or Alberta Energy and Utilities Board. (Bylaw 85-2005)

3.5 Temporary Use Approvals

- 3.5.1 A temporary use or development may only be permitted where the use or development is a permitted or a discretionary use in that district.
- 3.5.2 A residential sales centre, a home business, a family care dwelling, and aggregate extraction are considered temporary uses or developments. (Bylaw 4-2002)
- 3.5.3 Where a development permit application is for a temporary use or development, a Development Officer may consider and decide upon a development for a specific period of time, not exceeding 1 year except: (Bylaw 4-2002)
- a) a residential sales centre for a period of up to 15 months;
 - b) a home business for a period of up to 3 years;
 - c) a family care dwelling for a period of up to 5 years; and
 - d) aggregate extraction for a period of up to 10 years.
- e) accessory agricultural housing for a period of up to 5 years. (Bylaw 20-2008)
- 3.5.4 Where a use is only approved for a limited period, a Development Officer:
- 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.
 - b) shall impose a condition that Strathcona 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.
- 3.5.5 A Development Officer may require the applicant to enter into an agreement with Strathcona 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, acceptable to a Development Officer, guaranteeing the removal of the development. Where buildings are involved, a Development Officer may require security of up to 25% of the value of the development or \$1,000, whichever is greater.
- 3.5.6 Section 3.5.4 does not apply to aggregate extraction. Reclamation security for aggregate extraction is required pursuant to Sections 9.8.3 unless Section 9.8.4 applies.
- 3.5.7 When a permit for a temporary use expires, a new application is 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.

3.6 Notification of Development Permits

- 3.6.1 Within five days after a decision on a development permit application, a Development Officer shall send a notice by regular mail of the decision to the applicant and post a notice in a place available to public view in the County Hall, indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision.

- 3.6.2 In addition to Section 3.6.1, within five days after approving a discretionary use, a Development Officer shall send a notice by regular mail to adjacent landowners, as identified on the Strathcona County Assessment Roll. This shall notify of the decision and right of appeal. Within 10 days after approving a discretionary use, a Development Officer shall publish a notice once in a newspaper circulating in Strathcona County, indicating the legal description, municipal address of the application, nature of the approved development, and right of appeal.
- 3.6.3 Within five days after granting a variance, a Development Officer shall send a notice to adjacent landowners, as identified on the Strathcona County Assessment Roll, advising them of the variance and the right of appeal.
- 3.6.4 Where additional parcels may be affected by the development of a discretionary use or by granting a variance, a Development Officer may notify additional landowners, individuals, or groups.
- 3.6.5 A Development Officer shall advise applicants for non-agricultural uses in or within 50 m of agricultural areas about the potential impacts on their proposed development from existing or future agricultural development in the vicinity. For purposes of this section, agricultural areas are defined as those areas shown on the *Municipal Development Plan* as Agricultural Area, Agricultural/Large Rural Residential Area, and Lakeland Area.

3.7 Validity of Development Permits

Validity

- 3.7.1 When a development permit has been issued by a Development Officer, it shall not be valid unless and until the conditions of the permit, save those of a continuing nature, have been fulfilled and no notice of appeal has been served on the Subdivision and Development Appeal Board within the appeal period.
- 3.7.2 When 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.
- 3.7.3 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 the Natural Resource Conservation Board, Energy Resources Conservation Board or Alberta Energy and Utilities Board 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 and/or, by the Natural Resource Conservation Board, Energy Resources Conservation Board and Alberta Energy and Utilities Board, shall validate, amend or revoke, as the case may be, a suspended development permit. (Bylaw 85-2005)

Expiry of Permit:

- 3.7.4 A development permit expires when development is not substantially commenced, in the opinion of a Development Officer taking into account the circumstances of the development, within 12 months from the date of its issuance or within such extended period that may be granted by a Development Officer.
- 3.7.5 Upon application before expiry, a Development Officer may grant only one extension of the effective period and the extension period shall not be longer than twelve months.
- 3.7.6 When a permit expires, a new application is 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.
- 3.7.7 If a use is intended to be discontinued for a continuous period of 6 months, any subsequent use

of the land or building shall comply with this *Bylaw* and shall require a new development permit.

Revocation or Suspension of Permit

- 3.7.8 A Development Officer may suspend or revoke a permit when:
- a) the permit was issued on the basis of incorrect information or misrepresentation by the applicant;
 - b) the permit was issued in error, or
 - c) requested by an applicant.
 - d) the development has not been completed within the required time period. All developments related to residential uses shall be completed within 24 months of the issuance of a development permit unless otherwise prescribed on the development permit. **(Bylaw 50-2007)**

3.8 Discretion

- 3.8.1 A Development Officer may approve a permitted or discretionary use that does not comply with this *Bylaw* subject to conditions that will make it in conformance.
- 3.8.2 A Development Officer may approve a discretionary use provided that the Development Officer determines that the proposed development:
- a) is consistent with the *Municipal Development Plan*, an applicable area structure plan or area redevelopment plan, and policies adopted by Strathcona County;
 - b) is compatible with the general purpose of the 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 adequate capacity for drainage, water, sewage and other utilities;
 - e) is compatible with surrounding areas in terms of land use (including the use, function, enjoyment, and value of adjacent lots), scale of development, and potential effects on the stability or rehabilitation of the area;
 - f) is appropriate having regard for geotechnical considerations such as 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; and
 - i) is consistent with municipal land, right-of-way or easement requirements.
- 3.8.3 In determining the significance of an adverse effect or nuisance factor, a Development Officer may consider the expected magnitude and consequence of the effect or nuisance; the expected extent, frequency, and duration of exposure to the effect or nuisance; the use and sensitivity of adjacent or nearby sites relative to the effect or nuisance; adherence to relevant environmental legislation or widely recognized performance standards; and the reliability and record of the proposed methods, equipment and techniques in controlling or mitigating detrimental effects or nuisances.
- 3.8.4 A Development Officer may be guided in the exercise of discretion through reference to reports prepared by an accredited professional that justify alternatives to *Bylaw* requirements.
- 3.8.5 A Development Officer should consider any known concerns and opinions of community residents, landowners, and adjacent municipalities.

- 3.8.6 A Development Officer 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 district, the general regulations, or the specific regulations.

3.9 Variances

- 3.9.1 A Development Officer may grant a variance and approve a development permit for a permitted or discretionary use, with or without conditions, which does not comply with the regulations of this *Bylaw*, provided that the Development Officer determines that:
(**Bylaw 13-2003**)
- a) the proposed development would not unduly interfere with the amenities, use, enjoyment, or value of adjacent lots;
 - b) the proposed development would be consistent with the general purpose or character (urban or rural) of the district;
 - c) there are factors unique to the development, use and site (such as the location of existing buildings) which are not generally common to other development and land in the same district and which would result in unnecessary hardship or practical difficulties for the proposed development to comply with the provisions of this *Bylaw*; and
 - d) there are mechanisms to mitigate the effect on adjacent lots.
- 3.9.2 A Development Officer should consider any known concerns and opinions of area residents and landowners.
- 3.9.3 A Development Officer may grant a variance and approve a development permit for a non-conforming use, with or without conditions, provided that the Development Officer determines, in addition to the provisions of Section 3.9.1, that the variance considers the attainment of municipal planning objectives that caused the use to be made non-conforming.
- 3.9.4 Notwithstanding Section 3.9.1, a Development Officer shall not grant a variance:
- a) to maximum height regulations in the Airport Vicinity Protection Overlay, nor where the amount of the variance exceeds more than 10% of the maximum height regulation in any other District;
 - b) to density, floor area ratio, and dwellings/ha;
 - c) for all new proposed development that is in conflict with the *Alberta Building Code* or other legislation; or (**Bylaw 4-2002**)
 - d) to the minimum distance siting requirements as calculated by formula in *Code of Practice for Responsible Livestock Development and Manure Management, 2000* unless there are factors such as siting, topography, climate, management techniques, or technology which will reduce nuisance that are not accounted for by the minimum distance siting formula.
- 3.9.5 Notwithstanding Section 3.9.1, a Development Officer shall not grant a variance beyond a variance that is specifically provided for elsewhere in the *Bylaw*.

3.10 Appeals

- 3.10.1 If a Development Officer does not make a decision within 40 days of application, refuses or fails to issue a development permit to a person, issues a development permit subject to conditions, or issues a stop order, the person applying for the permit or affected by the order may appeal, subject to the provisions of the *Municipal Government Act* and the *Subdivision and Development Appeal Board Bylaw*, to the Subdivision and Development Appeal Board.
- 3.10.2 In addition to the applicant, any person affected by an order, decision, or development permit

made or issued by a Development Officer may appeal the decision to the Subdivision and Development Appeal Board. However, there is no appeal against a development permit for a permitted use unless the provisions of this *Bylaw* were relaxed, varied, or misinterpreted.

- 3.10.3 An appeal by an applicant must be commenced within 14 days of the notification of the order or decision or when the 40-day period or any time extension expires. An appeal by any other affected person must be made within 14 days of the notice of issuance of the permit was given.
- 3.10.4 The Subdivision and Development Appeal Board shall consider and make decisions on appeals pursuant to the *Municipal Government Act*.

3.11 Certificates of Compliance

- 3.11.1 Where any development has taken place in conformance with a development permit, and the conditions, if any, attached to the permit have been fully complied with, a Development Officer may, if requested, issue a *Certificate of Compliance* stating that the completed development conforms to the requirements of this *Bylaw*.
- 3.11.2 Every application for a *Certificate of Compliance* shall include sufficient information to determine conformance with this *Bylaw*, including:
- a) completed application form;
 - b) signature of the registered owner or authorized agent;
 - c) application fee required by the *Fees and Charges Bylaw*;
 - d) legal description and property address;
 - e) use and occupancy of all parts of the site and buildings;
 - f) certified as built site plan or Real Property Report prepared by an Alberta Land Surveyor, in duplicate at an appropriate scale, showing the details of the development and the relation to property boundaries so that compliance with setbacks and yard regulations may be determined; (**Bylaw 4-2002**)
- 3.11.3 A Development Officer shall not approve an application for a *Certificate of Compliance* if necessary details of the development have not been included with the application. The application shall be deemed not to be complete until all required information has been submitted.
- 3.11.4 A Development Officer shall rely on the certified as built site plan or Real Property Report and is not required to undertake independent site inspections. A Development Officer shall not be liable for any damages arising from the use of a *Certificate of Compliance* where the errors are the result of incorrect or incomplete information provided by the surveyor. (**Bylaw 4-2002**)
- 3.11.5 A Development Officer may issue a *Certificate of Compliance* where a minor non-compliance exists, subject to the provisions of Section 3.9.
- 3.11.6 A Development Officer shall advise applicants for a *Certificate of Compliance*:
- a) for non-agricultural uses in or within 50 m of agricultural areas about the potential impacts on their proposed development from existing or future agricultural development in the vicinity. For purposes of this section, agricultural areas are defined as those areas shown on the Municipal Development Plan as Agricultural Area, Agricultural/Large Rural Residential Area, and Lakeland Area; and
 - b) in area structure plan areas, that the provisions of the approved area structure plan may have potential impact on their development.

3.12 Resubmission Interval

- 3.12.1 Where an application for a development permit has been refused by Strathcona County, another application for the same or substantially the same development shall not be considered by a Development Officer within one year of the date of the refusal unless the permit conforms to this *Bylaw*.