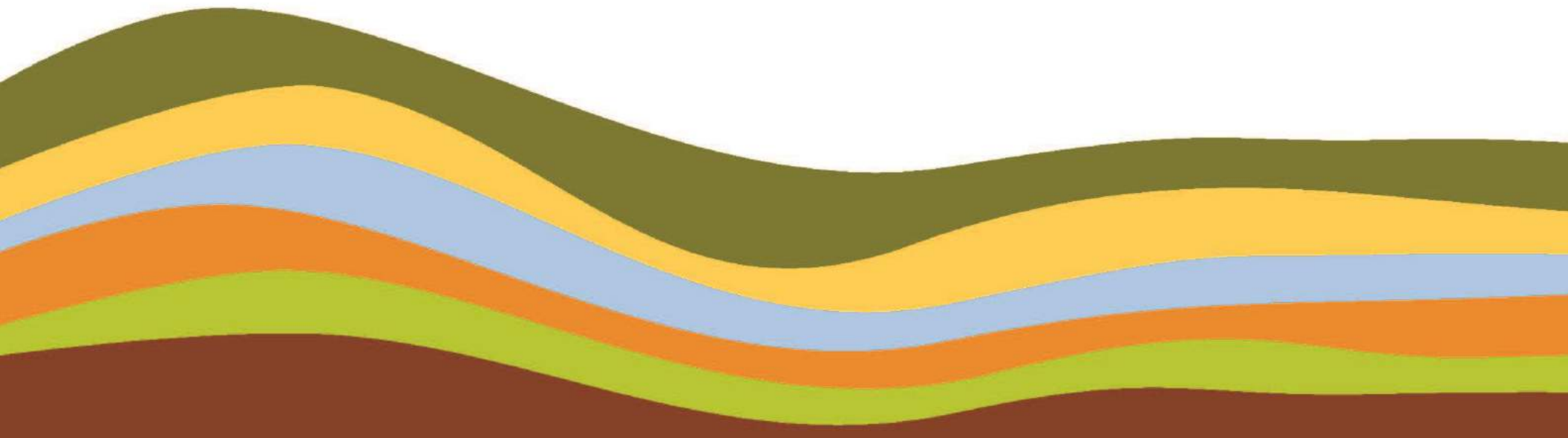

Part I

Introduction and Mandate



1 Enactment

1.1 Title

- 1.1.1 This Bylaw shall be known as and may be cited as “Lac Ste. Anne County Land Use Bylaw.”

1.2 Purpose

- 1.2.1 The purpose of this Bylaw is to regulate, control, and/or prohibit the use and development of land and buildings within Lac Ste. Anne County to ensure health and safety of its inhabitants, and also achieve the orderly and economic development of land, and:
- 1.2.2 To divide Lac Ste. Anne County into land use districts;
- 1.2.3 To prescribe and regulate the use of land or buildings within each district;
- 1.2.4 To establish a method of making decisions on applications for development permits and the issuance of development permits;
- 1.2.5 To provide the manner in which a notice of issuance for a development permit is given;
- 1.2.6 To establish the number of dwellings that may be allowed on a parcel;
- 1.2.7 To establish regulations to assist in the subdivision and development decision making process;
- 1.2.8 To establish procedures of appealing the decisions related to this Land Use Bylaw;
- 1.2.9 To establish general development standards and specific use regulations;

- 1.2.10 To establish parking, signage, and landscaping standards; and
- 1.2.11 To establish subdivision design standards for Lac Ste. Anne County.

1.3 Compliance with Other Legislation

- 1.3.1 Notwithstanding that a development permit may not be required in certain instances under this Bylaw, in no way does this exempt the applicant from complying with:
- a) Other requirements for approval by municipal Bylaw, the MGA, conditions, any other instrument affecting building or land, or other applicable regulation;
 - b) Any easement, covenant, agreement, or contract effecting the development;
 - c) Requirements of Alberta Building Code; and
 - d) Alberta Safety Codes Act, R.S.A. 2000, Chapter S-1.
- 1.3.2 The provisions and regulations of this Bylaw do not exempt any person or corporation from complying with the provisions or regulation of any other municipal, provincial, or federal statute;

1.4 Effective Date

- 1.4.1 This Land Use Bylaw comes into effect on the date of its third reading. At that time, the former Bylaw No. 24-2014, and its amendments, shall cease to apply to new subdivision and development in Lac Ste. Anne County.

1.5 Application

- 1.5.1 This Land Use Bylaw shall serve as a tool to implement policies established in the Municipal Development Plan (MDP), other statutory plans, and the *Municipal Government Act (MGA)*, as amended from time to time.
- 1.5.2 All development hereafter in Lac Ste. Anne County shall conform to the provisions of this Bylaw.

1.6 Previous Bylaws

- 1.6.1 Lac Ste. Anne County Land Use Bylaw 24-2014 as amended is hereby repealed and this Bylaw shall apply to all lands within Lac Ste. Anne County.

1.7 Application in Progress

- 1.7.1 A completed application for a development permit or subdivision, which is received before adoption of this Bylaw shall be processed in accordance with Lac Ste. Anne County's Land Use Bylaw 22-2017 as amended.

1.8 Non-Conformity

- 1.8.1 In accordance with Section 643 of the MGA, if a development permit has been issued on or before the day on which a Land Use Bylaw or a land Use Amendment Bylaw comes into force in a municipality and the Bylaw would make the development for which the permit was issued a non-conforming use or non-conforming building, the development permit continues to be in effect in spite of the coming into force of the Bylaw.

- 1.8.2 A non-conforming use of land or a building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with the Land Use Bylaw then in effect.
- 1.8.3 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.
- 1.8.4 A non-conforming use of part of a parcel may not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings may be constructed on the parcel while the non-conforming use continues.
- 1.8.5 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt, or structurally altered except:
- a) To make it a conforming building;
 - b) For routine maintenance of the building, if the Development Authority considers it necessary; or
 - c) In accordance with a Land Use Bylaw that provides minor variance powers to the Development Authority for the purposes of this Section.
 - d) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the Land Use Bylaw.
- 1.8.6 The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

1.9 Severability

1.9.1 If any Section, clause, or provision of this Bylaw, including anything shown on the land use district Map, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remainder of this Bylaw in whole or in part, other than the Section, clause or provision, including anything shown on the land use district Map, so declared to be invalid.

1.10 Interpretation

Bylaw Text

- 1.10.1 Words used in the present tense include the other tenses and derivative forms; words used in the singular include the plural and vice versa; and the word “person” includes a corporation, firm, partnerships, trusts, and other similar entities as well as an individual. Words have the same meaning whether they are capitalized or not.
- 1.10.2 The words “shall,” “must,” and “is” require mandatory compliance except where a variance has been granted pursuant to the *Municipal Government Act*.
- 1.10.3 Words, phrases, and terms not defined in this Section may be given their definition in the *Municipal Government Act* or the *Alberta Building Code*. Other words shall be given their usual and customary meaning.
- 1.10.4 Where a regulation involves two (2) or more conditions, provisions, or events connected by the conjunction “and,” this means all the connected items shall apply in combination; “or” indicates that the connected items may apply singly or in combination; and “either-or” indicates the items shall apply singly but not in combination.

1.10.5 Where reference is made to other legislation or documents, this refers to the legislation and documents as may be amended from time to time.

1.10.6 Where a use is defined as discretionary it shall be understood that all decisions related to that use are made on a case by case basis and that an approval of that use in one location does not act as a precedent allowing the same or similar use in another location.

Land Use District Map

- 1.10.7 Where a district property line is shown on the land use district Maps as approximately following:
- a) A road, lane, railway, pipeline, power line, utility right-of-way, or easement, it follows the centre line, unless otherwise clearly indicated on the land Use Maps;
 - b) It follows the Lac Ste. Anne County property line;
 - c) The edge, shoreline, or high water mark of a river, lake, or other water body, or a topographic contour line or a top of bank line, it follows that line. In the event of change, it moves with the edge or shoreline; or
 - d) A property line, if it follows the property line.
- 1.10.8 Where a district property line is shown as being generally parallel to, or as an extension of, any of the features listed above, it shall be so.
- 1.10.9 In circumstances not covered above, the district property line shall be determined by a Development Officer measuring the property line from some known location on the land use district Maps.

1.10.10 Where the application of the above interpretations does not determine the exact location of a district property line, a Development Officer shall fix the property line in doubt or dispute in a manner consistent with the provisions of this Bylaw and with the degree of detail as to measurements and directions as circumstances require. This decision may be appealed to the Subdivision and Development Appeal Board (SDAB).

1.10.11 When any road or lane is closed, it has the same districting as the abutting land. When different districts govern abutting lands, the centre of the road or lane is the district property line, unless the district property line is shown clearly following the edge of the road or lane. If the road or lane is consolidated with an adjoining parcel, that parcel's district designation applies to affected portions of the closed road or lane.

1.10.12 The Development Permit Process and its relation to other sections of the Land Use Bylaw can be found in Section 3 – Development Permit Process.

2 Approval and Appeal Authorities

2.1 Development Authority

2.1.1 The Development Authority for Lac Ste. Anne County is:

- a) The person appointed by resolution of Council as Development Officer pursuant to this Bylaw; and
- b) The Municipal Planning Commission (MPC) established by Bylaw pursuant to the MGA.

2.1.2 The Development Authority shall carry out the powers and duties set out in regulations established under the MGA and this Bylaw, as amended from time to time.

2.1.3 The Office of the Development Officer is established through this Bylaw and shall be filled by person(s) employed or contracted by the municipality.

2.1.4 The Development Officer shall perform such duties that are specified in the Development Authority Bylaw and this Bylaw.

2.1.5 The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments to it. The Development Officer shall also keep a register of all applications for development, including the decisions made on those applications, and the reasons for those decisions.

2.1.6 For the purposes of Section 542 of the MGA, the Development Officer is hereby designated as authorized by the municipality to discharge the relevant powers and functions.

2.2 Development Officer

2.2.1 A Development Officer shall be responsible for the following:

- a) Approving all forms, notices and other documents necessary for the processes of applying for development permits, notifying applicants that an application for a development permit and subdivision application is complete or incomplete, issuing a development permit, refusing to issue a development permit, cancelling or suspending a development permit and any other process that is part of the functions and duties of the Development Authority or Subdivision Authority of the Municipality
- b) Reviewing all applications for a development permit and establishing specific conditions related to each development permit application;
- c) Referring an application to any municipal, provincial, federal, or inter-jurisdictional department or any other agency or body; and
- d) Considering and approving a development permit that is consistent with a licence, permit, approval, or other authorization granted by either the Alberta Energy Regulator (AER) or Natural Resources and Conservation Board (NRCB).

2.3 Subdivision Authority

2.3.1 In accordance with Section 623(1) of the MGA, the Subdivision Authority for Lac Ste. Anne County is established thru the Subdivision Authority Bylaw pursuant to the MGA.

2.4 Subdivision and Development Appeal Board

2.4.1 The SDAB for Lac Ste. Anne County, as established through the Lac Ste. Anne County SDAB Bylaw, shall perform the duties and functions as described in the Bylaw and the MGA.

2.4.2 The SDAB shall review all appeal applications within its jurisdiction for development permit appeal, stop order appeal, and subdivision application appeal.

2.5 Municipal Planning Commission

2.5.1 The MPC is established by the Lac Ste. Anne County MPC Bylaw.

2.5.2 The MPC shall perform such duties as are specified in Sections 3, 4, 5, 6 and 7 of this Bylaw and as are specified in the MPC Bylaw and the Development Authority Bylaw.

2.5.3 The MPC shall:

- a) Decide upon all development permit applications referred to it by the Development Officer; and
- b) Perform such other duties as described or implied in this Bylaw or as may be assigned to it by Council.

2.6 Decision-Making Structure

2.6.1 The Development Officer shall be responsible for making decisions on all development permit applications involving permitted uses. Any applications involving discretionary uses or those involving variances may be decided upon by the Development Officer, or be referred to the MPC.

2.6.2 Unless the land to be subdivided is included in an approved Area Structure Plan, or the Subdivision Authority Bylaw provides otherwise, all subdivision applications beyond first parcel may be referred to MPC.

2.7 Legal Non-Conforming Uses

- 2.7.1 Notwithstanding s. 643 of the MGA and s. 1.8 of this Land Use Bylaw, the Development Authority may issue a Development Permit for an enlargement, an addition to, or the renovation or structural alteration of a non-conforming building where the Development Authority is of the opinion the enlargement, addition, renovation or structural alteration is minor in nature and does not change the general nature of the building.