

**BYLAW 2018-09**

**BEING A BYLAW OF PARKLAND COUNTY FOR THE PURPOSE OF AMENDING  
LAND USE BYLAW 2017-18**

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**WHEREAS** the Council of Parkland County passed a Bylaw pursuant to Part 17, Section 630 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, known as the Parkland County Land Use Bylaw 2017-18 for the purpose of regulating and controlling the use and development of land and buildings within Parkland County;

**WHEREAS** and pursuant to Part 17, Section 692 of the *Municipal Government Act* the Council of a municipality is authorized to amend a Land Use Bylaw; and

**WHEREAS** Section 692 of the *Municipal Government Act* requires the Council of a municipality to hold a public hearing and advertise such a Bylaw in accordance with Sections 230 and Section 606 of the *Municipal Government Act*, respectively.

**NOW THEREFORE** the Council of Parkland County duly assembled hereby enacts the following:

**BYLAW 2018-03 AMENDMENTS:**

1. That Bylaw 2017-18, being the Land Use Bylaw is amended as follows:

(1) Adding the following provisions to Section 16.3:

- a. The Development Authority must, within twenty (20) days after receipt of an application for a development permit, make a determination whether the application is complete.
- b. An application for development permit is complete if,
  - i) in the opinion of the Development Authority, the application contains the documents and information necessary to review the application and in accordance with this Section; or
  - ii) the Development Authority does not make a determination within the time period referred to in Section 16.3.5 or Section 16.3.7.
- c. The time period to determine if the application is complete referred to in Section 16.3.5 may be extended by an agreement in writing between the applicant and the Development Authority.
- d. If the Development Authority determines the application is complete in accordance with Section 16.3.6(a), the Development Authority must issue to the applicant an acknowledgment in accordance with Section 16.13.8 that the application is complete.
- e. If the Development Authority determines that the application is incomplete, the Development Authority must issue to the applicant a notice in accordance with Section 16.13.9 that the application is incomplete.
- f. Notwithstanding the date set out in the notice referred to in Section 16.3.9, the Development Authority and applicant may agree on a later date for the application to be considered complete.

- g. If the Development Authority determines that the information and documentation submitted under Section 16.3.9 is complete, the Development Authority must issue to the applicant an acknowledgement in accordance with Section 16.13.8 that the application is complete.
  - h. If the applicant fails to submit all the outstanding information and documentation on or before the date referred to in Section 16.3.9, the application is deemed to be refused.
  - i. If an application is deemed to be refused under Section 16.3.12, the Development Authority must issue to the applicant a notice in accordance with Section 16.13.10.
  - j. Notwithstanding Sections 16.3.6 and 16.3.11, in the course of reviewing the application, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.
- (2) Adding the following Subsection to Section 16:
- a. 16.3(1) Application to Subdivide
- (3) Adding the following paragraphs to Subsection 16.3(1)
- a. An application proposing to subdivide land shall be in accordance with the relevant sections of the *Municipal Government Act*.
  - b. The Subdivision Authority must, within twenty (20) days after receipt of an application for subdivision approval, make a determination whether the application is complete.
  - c. An application to subdivide is complete if,
    - i) in the opinion of the Subdivision Authority, the application contains the documents and information necessary to review the application; or
    - ii) the Subdivision Authority does not make a determination within the time period referred to in Section 16.3(1).1 or Section 16.3(1).4.
  - d. The time period to determine if the application is complete referred to in Section 16.3(1).1 may be extended by an agreement in writing between the applicant and the Subdivision Authority.
  - e. If the Subdivision Authority determines the application is complete in accordance with Section 16.3(1).3(a), the Subdivision Authority must issue to the applicant an acknowledgment in accordance with Section 16.13(1).1 that the application is complete.
  - f. If the Subdivision Authority determines that the application is incomplete, the Subdivision Authority must issue to the applicant a notice in accordance with Section 16.13(1).2 that the application is incomplete.
  - g. Notwithstanding the date set out in the notice referred to in Section 16.3(1).6, the Subdivision Authority and applicant may agree on a later date for the application to be considered complete.
  - h. If the Subdivision Authority determines that the information and documentation submitted under Section 16.3(1).6 is complete, the Subdivision Authority must issue to

the applicant an acknowledgement in accordance with Section 16.13(1).1 that the application is complete.

- i. If the applicant fails to submit all the outstanding information and documentation on or before the date referred to in Section 16.3(1).6 or 16.3(1).7, the application is deemed to be refused.
- j. If an application is deemed to be refused under Section 16.3(1).9, the Subdivision Authority must issue to the applicant a notice in accordance with Section 16.13(1).3.
- k. Notwithstanding Sections 16.3(1).3 and 16.3(1).5, in the course of reviewing the application, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

(4) Deleting the heading of Subsection 16.8 and replacing with the following:

- a. Incomplete Application for Development Permit and Subdivision

(5) Deleting paragraphs under Subsection 16.8 and replacing with the following:

- a. The Development Authority shall process applications for development permit in accordance with Section 16.3.5 to 16.3.14.
- b. The Subdivision Authority shall process applications to subdivide in accordance with Section 16.3(1).
- c. An application for a development permit or a subdivision shall not be considered complete until such time that the Development Authority or the Subdivision Authority respectively is satisfied that the documentation and information is sufficient and of a quality necessary to adequately review the merits of the application. The sufficiency and quality of the information and documentation shall be at the discretion of respective decision-making Authority, taking into consideration the nature, characteristics, and complexity of the application.
- d. Application fees for development permit or to subdivide is for processing an application. Processing an application includes, among other things, determining whether the application is complete in accordance with Section 16.3.5 to 16.3.14 for a development permit or in accordance with Section 16.3(1) to subdivide. If an application is deemed incomplete in accordance with Sections 16.3.9 or 16.3(1).6 or deemed refused in accordance with Section 16.3.12 or 16.3(1).9, the respective decision-making Authority may not return any portion of the application fee to the applicant.
- e. A development permit application or an application to subdivide shall not be deemed to be complete until all applicable fees have been paid in full to Parkland County.

(6) Deleting the heading of Subsection 16.13 and replacing with the following:

- a. Notice of Development Permit Applications and Decisions

(7) Adding the following paragraphs to Section 16.13:

- a. If the Development Authority determines that an application is complete in accordance with Section 16.3.6(a) or 16.3.11, the Development Authority must issue an acknowledgement in writing by either regular mail or electronic mail within five (5) days of the Development Authority making its determination. The acknowledgement must:
  - i) specify the date on which the application is deemed complete;
  - ii) identify the development subject to the application;
  - iii) state the legal land description; and
  - iv) state the applicant's name.
- b. If the Development Authority determines that an application is incomplete in accordance with Section 16.3.9, the Development Authority must issue to the applicant a notice by either regular mail or electronic mail within 20 days after receipt of an application for development permit or within the period referred to in Section 16.3.10. The notice must:
  - i) provide reason(s) why the Development Authority has determined the application to be incomplete;
  - ii) specify any outstanding documentation and information considered necessary in order to review the application; and
  - iii) set out a date for which any outstanding documentation and information must be submitted.
- c. If an application for development permit is deemed refused in accordance with Section 16.3.13, the Development Authority must issue to the applicant a notice in writing and by regular mail within twenty (20) days of receipt of the requested information and documentation or of the date set out on the notice referred to in Section 16.3.9. The notice must specify:
  - i) that the application is refused;
  - ii) the date on which the application was deemed to be refused; and
  - iii) the reason(s) for the refusal.

(8) Adding the following Subsection to Section 16:

- a. 16.13(1) Notice of Subdivision Applications

(9) Adding the following paragraphs to Subsection 16.13(1)

- a. If the Subdivision Authority determines that an application is complete in accordance with Section 16.3(1).3(a) or 16.3(1).4, the Subdivision Authority must issue an acknowledgement in writing by either regular mail or electronic mail within five (5) days of the Subdivision Authority making its determination. The acknowledgement must:
  - i) specify the date on which the application is deemed complete;
  - ii) state the legal land description; and
  - iii) state that the County is required to render a decision within 60 days after which the application has been deemed complete or in accordance with an time extension agreement.

- b. If the Subdivision Authority determines that an application is incomplete in accordance with Section 16.3(1).6, the Subdivision Authority must issue to the applicant a notice by either regular mail or electronic mail within twenty (20) days after receipt of an application to subdivide or within the period referred to in Section 16.3(1).4. The notice must:
  - i) provide reason(s) why the Subdivision Authority has determined the application to be incomplete;
  - ii) specify any outstanding documentation and information considered necessary in order to review the application; and
  - iii) set out a date for which any outstanding documentation and information must be submitted.
- c. If an application to subdivide is deemed refused in accordance with Section 16.3(1).9, the Subdivision Authority must issue to the applicant a notice in writing and by regular mail within twenty (20) days of receipt of the requested information and documentation or of the date set out on the notice referred to in Section 16.13(1).2(c). The notice must specify:
  - i) that the application is refused;
  - ii) the date on which the application was deemed to be refused; and
  - iii) the reason(s) for the refusal.

(10) Deleting the heading of Subsection 16.14 and replacing with the following:

- a. Issuance, Validity and Cancellation of Development Permits

(11) Deleting the paragraphs under Subsection 16.14 and replacing with the following:

- a. Once an application for a Development Permit has been approved by the Development Authority, the Development Permit shall not be valid unless and until:
  - i) any conditions of approval, except those of a continuing nature, have been fulfilled; and
  - ii) no Notice of Appeal from such approval has been served on the Subdivision and Development Appeal Board within the time specified in this Land Use Bylaw.
- b. The Development Authority shall suspend a Development Permit upon receipt of a filed Notice of Appeal to the Subdivision and Development Appeal Board. The Development Permit remains suspended until:
  - i) the Chair of the Subdivision and Development Appeal Board has signed the decision of appeal and the time for filing a leave to appeal application to the Court of Appeal has passed without a leave to appeal being filed;
  - ii) the Court of Appeal denies leave to appeal and any appeal from that denial has been finally determined;
  - iii) the Alberta Court of Appeal has granted leave to appeal, heard the appeal on the merits, made its decision, and any appeal to the Supreme Court of Canada from that determination of the Alberta Court of Appeal has been finally determined; or

- iv) the appeal is otherwise resolved; and
  - v) any conditions of approval, except those of a continuing nature, have been fulfilled.
- c. The Development Authority shall not issue a temporary or otherwise time limiting Development Permit for a permanent structure.
- d. A Development Permit is not considered valid if a Development Permit was approved for a use and with a condition that specifies an expiration date and that date has passed.
- e. Continuation of the same or similar use beyond the expiration date must be reconsidered by the Development Authority and, subject to the provisions of the Land Use Bylaw in effect, be authorized by the Development Authority under a separate Development Permit approval.
- f. Unless otherwise specified on the face of the development permit or in the conditions of development approval, if the Development authorized by a Development Permit is not commenced and diligently pursued within twelve (12) months from the effective date of the permit, such permit approval ceases and the permit itself is deemed void, expired and without effect, unless an extension to this period has been previously granted.
- g. Where an application for a development permit is deemed refused or cancelled by the Development Authority, or on a refusal from an appeal to the Subdivision and Development Appeal Board:
  - i) The submission of another application for a development permit for the same or similar use on the same Parcel by the same or any other applicant may not be made for a period of twelve (12) months from the date of issue of the refusal, or cancellation.
  - ii) Notwithstanding 16.14.7(a), Council may, by resolution waive the twelve (12) month waiting period.
  - iii) Section 16.14.7(a) does not apply for deemed refusals under 16.3.12.
  - iv) If necessary, the determination of what constitutes same or similar use shall be made by referring the matter to the Development Authority.
- h. If a use to which a Building, or a portion of a Building, is put ceases for a period of six (6) months or less, the re-establishment of the same or similar use in the premises does not require a Development Permit, unless:
  - i) structural changes are made or proposed to be made; or
  - ii) there is a change in the intensity of the use.
- i. If a use to which a Building, or portion of a Building, is put ceases operation for more than six (6) months, the re-establishment of a use in the building requires the use to be authorized by a new Development Permit.
- j. Clauses **Error! Reference source not found..8)** and **Error! Reference source not found..9)** do not apply to the use of Dwelling Units for residential purposes.
- k. The Development Authority may cancel a development permit following its approval if:
  - i) any person undertakes development, or causes or allows any development to take place on a Parcel that is contrary to the development permit;

- ii) the application for the development permit contained a material misrepresentation;
  - iii) material facts were not disclosed during the application for development permit;
  - iv) the development permit was issued as a result of a material error; or
  - v) the landowner requests, by way of written notice to the Development Authority, the cancellation of the development permit.
- l. Notwithstanding Section 16.14.11, the Development Authority shall not cancel a development permit that has been appealed to the Subdivision and Development Appeal Board, the Alberta Court of Appeal, the Supreme Court of Canada, or until a decision is rendered or the appeal is otherwise resolved.

(12) Deleting the paragraphs under Subsection 17.1 and replacing with the following:

- a. If the Development Authority:
  - i) fails or refuses to issue a development permit to a person;
  - ii) issues a development permit subject to conditions; or
  - iii) issues an order under Section 645 of the *Municipal Government Act*,
 the person applying for the permit affected by the order under Section 645 may appeal to the Subdivision and Development Appeal Board.
- b. In addition to an applicant under Section 17.1, any person affected by an order, decision, or development permit made or issued by a Development Authority may appeal to the Subdivision and Development Appeal Board.
- c. In accordance with Section 684 of the *Municipal Government Act*, the Development Authority must make a decision on the application for a development permit within 40 days after the receipt by the applicant of an acknowledgment under Section 16.3 of this Land Use Bylaw.
- d. A time period referred to in Section 17.1.3 may be extended by an agreement in writing between the applicant and the Development Authority.
- e. If the Development Authority does not make a decision referred to in Section 17.1.3, within the time required under Section 17.1.3 or Section 17.1.4, the application is, at the option of the applicant, deemed to be refused.
- f. A development appeal to the Subdivision and Development Appeal Board is commenced by filing a Notice of Appeal, containing reasons, with the secretary of the Subdivision and Development Appeal Board and in accordance with Section 686 of the *Municipal Government Act*.
- g. In the case of a conflict between any information expressed in this section and the *Municipal Government Act*, the latter shall govern.
- h. The *Municipal Government Act* shall govern over any information not specifically expressed within Section 17.1.

(13) Deleting Subsection 17.2

(14) Revising the following paragraphs as follows:

- a. Deleting the value "1.0 ha" and replacing with "0.8 ha" in subparagraphs 4.1.3(a)(i), 4.3.3(a)(i), 4.4.3(a)(i), 5.3.3(a)(i), 5.4.3(a)(i), 5.5.3(a)(i), 5.6.3(a)(i), 5.6.3(a)(ii), 7.6.3(a)(ii), 10.1.6(a), 10.1.6(b), 10.1.7(a), and 10.1.7(b).

(15) The following Use will be added in Section 5.3.2(c) "Discretionary Uses in the Country Residential District":

- a. RECREATIONAL VEHICLE STORAGE

(16) The following Use will be added in Section 7.1.2(c) (Discretionary Use in the Business Industrial District):

- a. RECYCLING DEPOT MAJOR

(17) Revising the wording of subparagraphs 7.1.4(a)(ii), 7.2.4(a)(ii), and 7.3.4(a)(ii) as follows:

- a. The combined side yard building Setbacks shall total at least 12.0 m with a minimum side yard building Setback of 3 m.

(18) Revising the wording of subparagraphs 7.1.4(a)(iii), 7.2.4(a)(iii), and 7.3.4(a)(iii) as follows:

- a. Minimum rear yard Setback shall be 9.0 m.

(19) Adding the following subparagraph to Subsection 7.1.4(a):

- a. Notwithstanding 7.1.4(a)(ii) and (iii), the minimum building Setback shall be 15 m from a property line that is shared with a property districted as residential.

(20) Adding the following subparagraph to Subsection 7.2.4(a):

- a. Notwithstanding 7.2.4(a)(ii) and (iii), the minimum building Setback shall be 15 m from a property line that is shared with a property districted as residential.

(21) Adding the following subparagraph to Subsection 7.3.4(a):

- a. Notwithstanding 7.3.4(a)(ii) and (iii), the minimum building Setback shall be 15 m from a property line that is shared with a property districted as residential.

(22) Deleting the numbers "9.7.2" in 9.8.1(a) and replacing with "9.8.2".

(23) Deleting the numbers "9.7.3(c)" in 9.8.3(d) and replacing with "9.8.3(c)".

(24) Deleting the numbers "9.7.5" in 9.8.4(a) and replacing with "9.8.5".

(25) Deleting the numbers "9.7.4" in 9.8.5(a) and replacing with "9.8.4".



(26) Adding the following Use Class in 11.1.2 (List of uses prohibited as Accessory Uses to any other use, unless specified in the Land Use District):

- a. Outdoor Shooting Range

(27) Revising 11.4.2 as follows:

- a. Two (2) Dwellings may, at the discretion of the Development Authority be located on a parcel provided that:
  - i) The Parcel is at least 28 ha in size;
  - ii) The Parcel is at Districted Agriculture;
  - iii) The Parcel is not located in a Multi-Parcel Residential Subdivision containing four (4) or more Parcels; and
  - iv) The Dwellings must be uses allowed within the District.

(28) Revising 11.4.4 as follows:

- a. Additional detached Dwelling(s), in accordance with 11.4.4(2) and (3) above, shall be subject to the development regulations for the applicable District.

(29) Adding a paragraph under Subsection 11.4 as follows:

- a. Notwithstanding Section 11.4.2(a), 11.4.2(b), and 11.4.3(b), the Development Authority may waive these requirements if, in their opinion, the additional Dwelling is reasonably compatible with nearby Developments, satisfies Section 16.11.1, and is supported by policies within a Statutory Plan.

(30) Deleting the words "as described in Subsection 16.4 of the Bylaw," in paragraph 12.12.5.

(31) Revising the INDUSTRIAL, HEAVY Land Use Class definition in 20.3 as follows:

- a. INDUSTRIAL, HEAVY means a large scale manufacturing or processing facility whereby external effects are likely to be felt beyond the boundaries of the site and possibly the district or neighbourhood. External effects include, but are not limited to, noise, vibration, light, noise, dust, odour, humidity, smoke, fumes, steam, heavy traffic, and other impacts that affect the safety, use, amenities and enjoyment of property. Without restricting the generality of the foregoing, these uses would generally be related to the oil and gas industry and would include for example: upgraders, plants for the manufacture of petroleum products, fertilizers, chemicals and the processing of natural gas and its derivatives.

## ENACTMENT/TRANSITION

2. Should any provision of this bylaw be deemed invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.
3. This bylaw shall come into force and take effect on the day of third reading and signing thereof.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

READ A THIRD TIME and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

SIGNED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018

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Mayor

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Chief Administrative Officer