

MUNICIPAL DISTRICT OF BRAZEAU NO. 77

BY-LAW NO. 22-88

A BY-LAW OF THE MUNICIPAL DISTRICT OF BRAZEAU NO. 77, IN THE PROVINCE OF ALBERTA, TO AMEND LAND USE BY-LAW NO. 8-86 (COUNTY OF PARKLAND NO. 31), BY-LAW NO. 1665-83 (COUNTY OF LEDUC NO. 25) AND MINISTERIAL ORDER DATED 81 06 30 (IMPROVEMENT DISTRICT NO. 14).

WHEREAS, the Municipal District of Brazeau No. 77 was incorporated on 88 07 01; and

WHEREAS, the Municipal District of Brazeau No. 77 is subject to Land Use By-Law No. 8-86 from the County of Parkland No. 31, By-Law No. 1665-83 from the County of Leduc No. 25 and Ministerial Order dated 81 06 30 from Improvement District No. 14; and

WHEREAS, the Municipal District of Brazeau No. 77 is desirous of establishing a common administration section to its Land Use By-Law.

NOW THEREFORE, the Council of the Municipal District of Brazeau No. 77, duly assembled, enacts as follows:

- 1) That Land Use By-Law No. 8-86 from the County of Parkland No. 31, By-Law No. 1665-83 from the County of Leduc No. 25 and Ministerial Order dated 81 06 30 from Improvement District No. 14 be amended by adding "Schedule A" attached.

- 2) That the following sections be deleted:

By-Law No. 8-86 from the County of Parkland No. 31 - Parts 3, 4, 6, 7, 8 and Schedules A, C, D and E in the Appendix.

By-Law No. 1665-83 from the County of Leduc No. 25 - Parts 2, 3, 4 and in part 8, Appendix, Forms A to E inclusive.

Ministerial Order dated 81 06 30 from Improvement District No. 14 - Parts 2 and 3, and in part 4, Sections 4.14 to 4.17 inclusive and, in part 6, Schedules, Forms A to G inclusive.

This By-Law comes into effect upon the date of it finally being passed.

READ a first time this 10th day of November, A.D., 1988.

READ a second time this 12th day of DECEMBER, A.D., 1988.

READ a third time with the unanimous consent of the Council Members present and finally passed this 12th day of DECEMBER, A.D., 1988.

REEVE

MUNICIPAL SECRETARY

MUNICIPAL DISTRICT OF BRAZEAU #77

LAND USE BYLAW

ADMINISTRATION SECTION

Yellowhead Regional Planning Commission
November 3, 1988

1. TITLE

This Bylaw may be referred to as The Municipal District of Brazeau #77 Land Use Bylaw.

2. PURPOSE

The purpose of this Bylaw is to provide for the orderly and economic use and development of land and buildings within the Municipal District of Brazeau #77 using the regulating powers provided in the Planning Act.

3. RELATIONSHIP TO PLANNING ACT

This Bylaw is enacted under the Planning Act, RSA 1980, as amended to May 31, 1984. This Bylaw is intended to be read in conjunction with the Planning Act, with amendments to the time of reading. Reference should be made to the Act and its Regulations with respect to definitions of terms, administrative matters, and the powers of agencies and officers referred to in this Bylaw if these are not set out in this Bylaw.

4. TRANSITIONAL PROVISIONS

An application for a development permit which is received in its complete and final form prior to the third reading of this Bylaw shall be processed, and any permit issued shall be in accordance with the Land Use Bylaws and Orders, and amendments thereto, which were in force prior to the passing of this Bylaw.

5. METRIC AND IMPERIAL MEASUREMENTS

The Imperial equivalents provided in parentheses after each reference to metric units of measurement are approximate and intended for information only.

6. DEVELOPMENT OFFICER

- (1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by Council.

- (2) The Development Officer shall:
- (a) decide on development permit applications where the use is permitted; and
 - (b) refer to the Municipal Planning Commission, with his recommendations, development permit applications where the use is not listed as permitted in the district.
- (3) For the purposes of the Act, the Development Officer is hereby declared to be an authorized person.

7. DEVELOPMENT PERMIT REQUIRED

No development other than that designated in the following Section shall be undertaken unless an application for it has been approved and a development permit has been issued.

8. WHERE A PERMIT IS NOT REQUIRED

- (1) The following development shall not require a development permit, but shall require a development record, as prescribed by Council, to be completed prior to commencement of work on the development:
- (a) on parcels of land exceeding 32 hectares (80 acres), used for extensive agricultural purposes and lying further than 1.6 km (1 mi) from an incorporated urban municipality, or not covered by an Area Structure Plan or an Airport Vicinity Protection Area Regulation, the carrying out of excavation, minor construction, or other operations required for the continued use of that land for agricultural purposes, except that this shall not apply to any building or other major structure to be erected within 40 m (131 ft) of the centreline of any surveyed road; or
 - (b) Single family dwellings and related accessory buildings.
- (2) The following development shall not require a development permit or the completion of a development record:
- (a) the maintenance or repair of any building if the work does not include structural alterations; or

- (b) the development and maintenance of any fence, gate or other means of enclosure, subject to the provisions of this Bylaw; or
- (c) the erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building or sign is removed within thirty (30) days of substantial completion or as determined by the Development Officer; or
- (d) the completion, alteration, maintenance or repair, by a government agency, of a street, lane or utility, undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land; or
- (e) hard-surfacing of any yard area on a lot for the purpose of providing vehicular access from a public roadway to an on-site parking stall, provided that such hard-surfacing does not drain onto adjacent properties; or
- (f) the erection of towers, flag poles and other poles not exceeding 10 m (33 ft.); or
- (g) landscaping where the proposed grades will not adversely affect the subject or adjacent properties; or
- (h) extensive agriculture; or
- (i) forestry; or
- (j) provided they are not illuminated, the erection of the following signs or advertising material placed on land or affixed to the exterior surface of a building:
 - i) signs for the purpose of identification, direction or warning relating to an institution of a religious, educational, cultural, recreational, social or similar nature, not exceeding 1.1 m² (12 ft²) in size and limited to one sign per lot or building,
 - ii) a temporary advertisement relating to the sale or leasing of land, the sale of goods or livestock, the carrying out of the construction of a building or similar work, the announcement of any local event,

not exceeding 1.8 m² (20 ft²) in size, provided that the advertisement is removed within fourteen (14) days of the completion of the event or works advertised, and

- 111) signs or advertisements related to the functions or work of a local authority.
 - (k) the erection of a sign, signboard, billboard or advertising structure on, or adjacent to, a primary highway provided a permit has been issued by Alberta Transportation; or
 - (l) as many as two unregistered motor vehicles per residential lot; or
 - (m) more than two unregistered motor vehicles where such vehicles are required as part of a farming operation.
- (3) Developments not requiring a development permit are subject to all other regulations of this bylaw.

9. APPLICATION FOR DEVELOPMENT PERMIT

- (1) An application for a development permit shall be made to the Development Officer in writing on an application form prescribed by Council, and shall:
- (a) be accompanied by a fee set by Council;
 - (b) be signed by the owner or his agent where a person other than the owner is authorized by the owner to make application; and
 - (c) be accompanied by such other information as may be required by the Development Officer to assess the conformity of the proposal to this bylaw or other relevant bylaws, resolutions, or policies of Council.
- (2) The Development Officer may impose such conditions on the approval of an application for a development permit as in his opinion are necessary
- (a) to uphold the intent and objectives of the General Municipal Plan, or
 - (b) to uphold the intent and objectives of an Area Structure Plan, or Area Redevelopment Plan, or
 - (c) to ensure the orderly and economical development of land within the municipality.

- (3) The Development Officer may approve or conditionally approve an application for a development that does not comply with this Bylaw if, in his opinion:
- (a) the proposed development would not
 - i) unduly interfere with the amenities of the neighborhood, or
 - ii) materially interfere with or affect the use, enjoyment or value of neighboring properties, and
 - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (4) Where any use is proposed which is not specifically shown in any district but is, in the opinion of the Municipal Planning Commission, similar in character, intent and purpose to other uses of land and buildings permitted by the Bylaw in that district, the Municipal Planning Commission may rule that the proposed use is a discretionary use in that district.

10. NOTICE OF DECISION

- (1) The Development Officer may require, as a condition of any permit granted, that the applicant display in a conspicuous place on the site, for no less than fourteen (14) days after the permit is issued and no further from the street or streets abutting the site than the Development Officer directs, a notice describing the proposed use.
- (2) When an application for a development permit is approved for: a discretionary use; or a use pursuant to Section 9 (3) or 9 (4), or as directed by Council, the Development Officer shall ensure that:
- (a) a notice is mailed forthwith to all assessed owners of properties within at least 30 m of the site, and to those assessed property owners who, in the opinion of the Development Officer or Council, may be affected; and
 - (b) an advertisement is forthwith published in a newspaper circulating in the area in which the land to be developed is located. This notice shall indicate:

- 1) the location of the land for which the development application was made;
- 11) the development approved;
- 111) the date the permit was issued; and
- 1v) that an appeal may be made by a person affected by the decision by serving written notice of the appeal on the Development Appeal Board within fourteen (14) days after the date the development permit was issued.

11. EFFECTIVE DATE OF PERMIT

A development permit shall come into effect:

- (a) if it is issued by Council with respect to a development in a Direct Control District, upon the date of its issue, or
- (b) if it is issued by the Development Officer, or the Municipal Planning Commission acting as Development Officer, fifteen (15) days after the date of the issue of the Notice of Decision , unless an appeal is made, or
- (c) if an appeal is made, on the date that the appeal is finally determined.

12. VALIDITY OF DEVELOPMENT PERMITS

A development permit shall lapse if development has not commenced within twelve (12) months from the date the permit came into effect, or if construction is, in the opinion of the Development Officer, discontinued for more than six (6) months, unless the Development Officer has granted an extension to this period.

13. REQUIRED CONSTRUCTION AND LANDSCAPING

- (1) Any construction, such as paving or screen fencing required under this Bylaw or as a condition of development approval must be completed to the satisfaction of the Development Officer within two (2) years of the issuance of the development permit unless an extension is granted by the Development Officer.

- (2) Any landscaping or planting required under this Bylaw or as a condition of development approval must be completed to the satisfaction of the Development Officer within one (1) growing season of the issuance of the development permit unless an extension is granted by the Development Officer.

14. SUBSEQUENT APPLICATIONS

If an application for a development permit is ultimately refused, the Municipal Planning Commission may refuse to accept another application for development on the same lot, and for the same or similar use, for at least six (6) months after the date of the refusal.

15. SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS

If, after a development permit has been issued, the Development Officer becomes aware that:

- (a) the application for the development permit contains a misrepresentation; or
- (b) facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered; or
- (c) the development permit was issued in error;

the Development Officer may suspend or cancel the notice of decision or the development permit by notice, in writing, to the applicant.

16. NON-CONFORMING DEVELOPMENT

Where a building has been built under a permit issued in accordance with any predecessor of this Bylaw, and where that building conformed to the regulations of that Bylaw, the building shall be deemed conforming to the regulations of the Land Use Bylaw provided that the use is permitted or discretionary in the relevant district.

17. APPEALS

An appeal against the Development Officer's decision may be made under the Act to the Development Appeal Board on payment of a fee set by Council.

18. APPLICATION TO AMEND BYLAW

- (1) Any person applying to have this Bylaw amended shall apply in writing to the Development Officer, furnishing reasons in support of the application and requesting that the Development Officer submit the application to the Council.
- (2) When application is made for an amendment to this Bylaw, it shall be accompanied by:
 - (a) an application fee, set by Council,
 - (b) the cost of advertising for the public hearing, which is to be borne by the applicant, although the Council may determine that the whole or part of the application fee be returned to the applicant, and
 - (c) such information as the Development Officer or Council deems necessary to assess the merit of the application.

MUNICIPAL DISTRICT OF BRAZEAU #77

**DRAFT TERMS OF REFERENCE
FOR
A GENERAL MUNICIPAL PLAN
AND
LAND USE BYLAW**

PREPARED BY:

YELLOWHEAD REGIONAL PLANNING COMMISSION

November 4, 1988

1. INTRODUCTION

1.1 BACKGROUND

The Planning Act requires that a Municipal District with a population of 10,000 or more must adopt, by bylaw, a general municipal plan. Although the population of the Municipal District of Brazeau #77 is currently 4,100, Council has recognized the utility of such a plan in providing guidance in subdivision and development matters.

The Planning Act provides that any municipality with a population of 1,000 or more must adopt a land use bylaw. It also provides that when a new municipality is formed from parts of others, the land use bylaws of the original municipalities continue in force until such time as the new municipality enacts its own land use bylaw. In order to ensure consistency in the regulations governing development in the Municipal District of Brazeau #77, Council wishes to enact a new land use bylaw to replace the three which are currently in force in various parts of the municipality.

Accordingly, on September 8, 1988, the Yellowhead Regional Planning Commission received a request from the Municipal District of Brazeau #77 for assistance in the preparation of a general municipal plan and land use bylaw.

This terms of reference is intended to set out the various tasks and responsibilities involved, an approximate timetable, and the nature of products which should result. It should be reviewed by Council and, if necessary, amended, then adopted by resolution of Council.

1.2 THE PURPOSE OF THE GENERAL MUNICIPAL PLAN

The general municipal plan described in the Planning Act is a land use oriented document which deals mainly with the development of land. In addition, the Act allows for the inclusion of "...other matters that the council considers necessary". On this basis, general municipal plans often deal with economic development, fiscal policy, and other such matters which are related to physical development. However, the central function of a general municipal plan is to provide broad policy guidance in subdivision and development matters, and in particular, in the amending and maintenance of the land use bylaw. It indicates the municipality's long term intentions with respect to development.

In doing so, the general municipal plan must conform to the Yellowhead Regional Plan as adopted by the Yellowhead

Regional Planning Commission, and ratified by the Minister of Municipal Affairs.

1.3 THE PURPOSE OF THE LAND USE BYLAW

The land use bylaw is one of the tools which can be used to implement the general municipal plan. It provides for the detailed control of development on a site by site basis. It sets out the type, size, and location of buildings as well as the specific uses to which land or buildings may be put. These controls are aimed at protecting the health and safety of residents and users, at minimizing conflicts between land uses, and encouraging aesthetically pleasing development.

The land use bylaw can also specifically control, consistent with the provincial Subdivision Regulations, the subdivision of land.

Although the land use bylaw must conform to the regional plan, there is no specific requirement in the Act for the land use bylaw to conform to the general municipal plan. It deals with the present and the near future, and therefore may impose a land use designation which does not conform to the general municipal plan. However, if and when a land use bylaw is amended, the amendment should be consistent with the general municipal plan.

2. THE PLANNING APPROACH

2.1 PHILOSOPHY

Both the general municipal plan and the land use bylaw must be carefully thought out to ensure that each control imposed is justified in terms of the long range greater public good. The documents should seek to optimize the balance between maximum protection of the natural and built environments and minimum intervention in private activities.

Toward this end, the planning process to be employed will be a land-based planning approach. The land development policies and controls in both documents will be based, in part, on a thorough analysis of the natural and man-made characteristics of land in the Municipal District of Brazeau #77.

2.2 FORMAT

For convenience, the general municipal plan and land use bylaw will be produced as separate documents.

The general municipal plan document will consist of two separate parts. One will contain descriptions of the background material gathered to provide a basis for planning, and the other will contain the policies which make up the plan.

The first part will be available to future users as a technical reference in support of its implementation. It will also be useful to future councils in reviewing the plan.

The second part of the plan will be the policy reference document. In it, each topic section will begin with a general background derived from the detailed material contained in the first part of the plan. Then, in order to clearly demonstrate the need for the controls imposed by the general municipal plan, each policy or group of policies will be related to a "rationale" which briefly outlines the reasoning behind the policy.

The land use bylaw will consist of sections dealing with: administrative matters, general provisions applying to all land use districts, special provisions applying to particular types of developments, and land use district regulations, and will include a map showing the boundaries of the districts.

2.3 GENERAL TOPICS

The following list identifies the general topics which the general municipal plan should address:

- Context Plans (higher level plans such as the
Yellowhead Regional Plan)
- Population Distribution
- Agricultural Land
- Natural Environment
- Forestry
- Resource Extraction
- Transportation
- Urban Fringe Development
- Tourism
- Country Residential Development
- Hamlets
- General Development Policies
- Area Structure and Area Re-development Plan Areas
- Annexation

At Council's discretion, other topics may be added. This may increase the project duration shown in Section 4.

2.4 SUBJECT AREA

The Municipal District of Brazeau #77 will be the subject area for the planning processes described in this terms of reference. However, the boundaries of the municipality are subject to change. If and when land is added to the municipality, it must be included within the study area and this may have the effect of lengthening the duration of the project.

3. PARTICIPANTS AND RESPONSIBILITIES

3.1 THE COUNCIL

The Council will serve as the review committee for the general municipal plan and the land use bylaw. The Council will give direction to the planner as he prepares drafts of the two documents, and will respond to those drafts. Council may at any time require revisions as it sees fit.

Council will sponsor and attend, or be represented at, such open houses, meetings with community groups, and public hearings as are required by this terms of reference and the Planning Act.

Finally, Council may, using the process prescribed in the Planning Act, and with such revisions as it requires, enact the draft land use bylaw, and/or a bylaw adopting the draft general municipal plan .

3.2 THE PLANNER

The Yellowhead Regional Planning Commission planner will take direction from Council. He will prepare drafts of portions the general municipal plan and land use bylaw for Council's review. Each portion of the draft will be made available to the Municipal Manager for distribution to the Council members one week prior to the meeting. The planner will present the material to Council and will make such revisions as the Council directs.

At Council's invitation, the planner will attend, as technical advisor, all open houses, public meetings, and public hearings at which the general municipal plan and/or land use bylaw are to be discussed.

3.3 THE MUNICIPAL ADMINISTRATION

The municipal administration will provide input to the planning process, either to the planner, or directly to

Council if Council deems it appropriate. It will also comment to Council on the material submitted by the planner.

The municipal manager will act as the contact between the planner and the municipal administration. Any meetings required between municipal staff and the planner will be arranged through the municipal manager.

The municipal administration will be responsible for arranging all meetings, hearings, or open houses sponsored by Council. If Council requires that minutes of any meetings be kept, the municipal administration will assume responsibility for this task. The municipal administration will also be responsible for distributing draft material prepared by the planner to the members of Council, and to anyone else as Council directs.

3.4 COMMUNITY GROUPS

As the draft sections of the general municipal plan and land use bylaw are prepared, Council may invite special interest groups within the community to provide input to the planning by process. The form of this participation will be determined by Council.

4. THE WORK PROGRAM

The work program is set out on the attached bar graph. The durations given on the graph are approximate. They are subject to the availability of Council and others for meetings, and to the extent of any revisions required. This schedule should be regarded as a minimum.

Work on the land use bylaw must follow the work on general municipal plan policies since the former is guided by the latter. Since revisions and public meetings require less of the planner's time than do research and draft preparation, it will be possible to begin work on the land use bylaw in the later stages of the preparation of the general municipal plan.

It should also be noted that the bar graph does not include an allowance for holidays, vacation, etc. Such factors will not necessarily increase the duration of the project, but may do so by as much as four weeks.

The following paragraphs provide a brief description of each of the tasks identified on the work program graph.

4.1 GENERAL MUNICIPAL PLAN

(a) Review Existing Documents

The existing documents referred to include the Yellowhead Regional Plan, the existing general municipal plans, and provincial government plans such as Integrated Resource Plans.

(b) Background Research

This task is crucial if the policies of the plan are to be based on the best possible knowledge of the municipality. It includes inventories/mapping of better agricultural land, the transportation system, existing land use, environmentally significant features, and population distribution.

The information gathered will be described or included in the background portion of the general municipal plan.

Yellowhead Regional Planning Commission staff will undertake as much of the required background research as their areas of expertise allow. However, should specialized studies be required to prepare a plan acceptable to Council, the hiring of any outside consultants must be the responsibility of the municipality.

(c) Initial Draft

The initial draft will be done in portions of a chapter or two each. The first will be the background information, followed by a chapter on goals and objectives. The rest will follow the general topics outlined in Sub-section 2.3. The future concept map will be included in the initial draft.

This task overlaps with the background research because there is no need for the research on all topics to be complete before work begins on the early portions of the draft.

(d) Council Review

Each portion of the initial draft will be reviewed by Council as it is completed. This is reflected in the overlap of the Council review and the preparation of the initial draft.

(e) Revisions

Where Council requires revisions to any portion of the draft, the changes will be made as soon as possible in order to ensure continuity with the remainder of the draft.

(f) Open Houses

The draft plan will, when Council directs, be the subject of open houses at Drayton Valley, Lodgepole, Cynthia, Lindale, and Buck Creek. The duration of this task is dependent on the dates upon which the open houses can be arranged.

(g) Public Hearing

The public hearing is a requirement of the Planning Act, and must be held prior to the second reading of the general municipal plan adopting bylaw.

(h) Final Draft

After the final draft is prepared, Council may give second and third reading to the adopting bylaw.

4.2 LAND USE BYLAW

The comments here are essentially the same as for the general municipal plan. No open houses will be held with respect to the land use bylaw. The public hearing for the land use bylaw will be combined with will be combined with the public hearing held for the general municipal plan.

5. PROJECT COSTS

Costs incurred in undertaking the preparation of the general municipal plan and land use bylaw will be absorbed by the Yellowhead Regional Planning Commission as per Commission policy. These costs include: copies of research and draft material; graphics for public meetings, etc.; and twenty copies of the final documents with blueline prints and cerlox binding.

The municipality will be responsible for: advertisements, rentals, and other costs of public and other meetings; multi-colored cover or graphics in the final plan; and for work beyond that covered by this terms of reference.

WORK PROGRAM

WEEKS

