
FAQ's - Frequently Asked Questions: Land Use Bylaw

What is a Land Use Bylaw (LUB)?

The *Municipal Government Act* (MGA) addresses planning and development in Alberta and requires all municipalities to pass a land use bylaw (or zoning bylaw), which, establishes and regulates the use of land. The Land Use Bylaw is a key planning tool in implementing policies outlined in the *Municipal Development Plan* (MDP) and *Area Structure Plans* (ASP). The MDP is a strategic plan that outlines the County's long-term vision for future growth and development. ASPs establish the general land use, transportation, and servicing framework for specific areas undergoing substantial new development. Land use bylaws provide municipalities with a way to co-ordinate land uses, protect areas by preventing incompatible uses, and establish appropriate standards for development. They contain specific regulations - for example, which uses are permitted within a land use district, maximum height for buildings, the minimum setbacks, and the maximum number of dwelling units allowed on a parcel and other requirements.

How does the Land Use Bylaw work in Mountain View County?

All lands within Mountain View County are currently regulated by Land Use Bylaw No. 55/95. The County is divided into "land use districts", where different land uses are permitted and/or discretionary. Most of the lands are zoned for specific uses or ranges of uses commonly found in a rural municipality. There are districts, for example, which residential uses, commercial uses, industrial uses, or parks and recreational activities. In undeveloped parts of the County, land is often zoned agricultural which does not allow for developments that may cause land use conflict. A land use change usually requires an amendment to the Land Use Bylaw.

Why is the County reviewing and updating its Land Use Bylaw?

In recent years Mountain View County has undergone rapid change. While the land and economic base remains primarily agriculture, the County is experiencing significant growth in oil and gas exploration and forestry, as well as various forms of commercial, industrial and residential development. In order to manage growth and development in a positive way, the County updated its *Municipal Development Plan* (MDP) in October 2007. As the Land Use Bylaw is a key implementation tool, it now needs updating to reflect new policy directions in the MDP. The review also presents an opportunity to make the LUB more user-friendly and comprehensive, and to introduce commercial and industrial design guidelines that encourage quality development that is aesthetically pleasing.

Who is responsible for the preparation of the Land Use Bylaw Review and Commercial / Industrial Design Guidelines?

A Steering Committee formed by Council members and citizens at-large oversees the Land Use Bylaw Review and Commercial / Industrial Design Guidelines. The actual document is being drafted by Armin A. Preiksaitis & Associates Ltd., a land use planning consulting firm, and County administration.

When will the Land Use Bylaw Review and Commercial / Industrial Design Guidelines be completed?

The project commenced in April 2008 and has been on-going over an eighteen-month period with Council approval expected prior to the end of 2009.

What issues and opportunities will be considered during the review of the Land Use Bylaw?

The Land Use Bylaw and Commercial / Industrial Design Guidelines will ensure that the County is a sustainable community by guiding development while respecting the environment. Over the past months, a detailed issue identification process was conducted to identify gaps and concerns with the LUB, which includes a survey with County administration, a series of workshops held with Administration and the Steering Committee, and two public open houses held in fall 2008 and spring 2009. This process identified opportunities to streamline development review and approval process; improve how the Land Use Bylaw deals with subdivision and development, avoids land use conflicts; regulates keeping of livestock, infrastructure capacity building, environmental protection strategies; conservation and energy-efficient design; as well as introduces new landscaping and building design standards.

What benefits will the new Land Use Bylaw have for landowners, residents and businesses in the County?

The new Land Use Bylaw will enable more efficient day-to-day management of development permit and rezoning applications by County staff and quicker response to County-wide development opportunities from both staff and Council. It will be a more user-friendly document for the public and other stakeholders to understand and work with. Also, the new Land Use Bylaw will bring the County land use planning policies, process and regulations into conformity with the recent amendments to the Municipal Development Plan passed on June 3, 2009. After adopted by Council, the new Land Use Bylaw will be available electronically on the County's website. This will ensure ease of access, better customer service, and up-to-date content

What are the benefits of having Commercial / Industrial Design Guidelines?

The Commercial / Industrial Design Guidelines will generally apply to all new commercial and industrial development in the County. The intent of these guidelines is to improve the appearance of new industrial and commercial development throughout the County, including along high-visibility highways and County main roads. They are also designed to provide an orderly and logical development pattern that is easily recognized by residents, enhancing both the quality of life and quality aesthetics in Mountain View County.

Will the Commercial / Industrial Design Guidelines increase the cost of development?

First impression is very important when people come to the County. The Commercial / Industrial Design Guidelines lay out a set of standards that together define the minimum quality of development which is consistent with the image desired by Mountain View County. There is likely to be some increase in cost for developers to implement the guidelines, nonetheless, good design does not necessarily implies increased cost. The Commercial / Industrial Design Guidelines recognize that development may occur at different scales and locations within the County, which imply that the level of expectations may vary according to these factors. Therefore the guidelines provide for design solutions that may be applied on a case-by-case basis. In addition, where a site is within an

area structure plan area, any design guidelines already laid out in the area structure plan prevail over the guidelines in the draft Land Use Bylaw. For area structure plans with no design guidelines, the guidelines of the draft Land Use Bylaw will apply.

What if my development does not comply with the draft Land Use Bylaw?

The draft Land Use Bylaw includes a number of provisions that incorporate performance standards of the current Land Use Bylaw 55/95 to allow for most properties and their existing buildings, to be deemed in compliance with the draft Land Use Bylaw, essentially “grandfathering” such properties. In cases where this translation was not possible, the Municipal Government Act grants legally non-conforming standard to buildings so long as the use continues for at least 6 months. Also, where a property contains a use that is currently lawful under the current Land Use Bylaw 55/95 but that will not be allowed under the draft Land Use Bylaw, there are provisions to protect that use as a legal non-conforming use. Provisions in the draft Land Use Bylaw are not meant to curtail existing rights.

What can I do if I have more livestock on my property than the limits stated in the draft Land Use Bylaw?

The draft Land Use Bylaw does not regulate livestock on properties larger than 4.1 hectares (10 acres). After the draft Land Use Bylaw is adopted, affected property owners of properties smaller than 4.1 hectares (10 acres) will be notified and required to register the current livestock holdings on their parcel, so that they can be identified as a legal non-conforming use and can continue to keep their current number of livestock. There will be a grace period to allow affected property owners to come and register their livestock, the time period of which is to be established by the County. Those property owners that do not establish the status as a legal non-conforming use by way of the registration process will have the onus in the future of establishing the keeping of livestock in numbers which exceed those allowed by the new Land Use Bylaw as a legal non-conforming use. The Steering Committee is seeking specific comments on this proposed approach.

What can I do if I have more domestic animals on my property than the limits stated in the draft Land Use Bylaw?

The draft Land Use Bylaw proposes that the keeping of dogs and pets for domestic purposes is allowed in agricultural and residential districts without the requirement for a development permit, the maximum number being five (5) in the former and three (3) in the latter. Unweaned pups are also allowed without the requirement of a development permit until such animals are six (6) months of age. For unique circumstances, for instance, the keeping of cats in commercial / industrial developments as a measure to control mice, or keeping of dogs to guard the property, shall be supported by the bylaw in accordance with the district regulations. The keeping, either on a temporary or permanent basis, of any wildlife animals and/or endangered animal as defined by the Alberta’s *Wildlife Act* must be in accordance to this Provincial regulation. The keeping of dogs will also have to be consistent with the County’s Dog Bylaw 33/04.

How many Recreational Vehicles can I keep in my property according to the draft Land Use Bylaw?

Regulating recreational vehicle storage, especially in large numbers on agricultural lands is essential to protect the Mountain View rural life style. There is also a high demand for recreational vehicle

storage near urban centres and along collector roads. The maximum number of recreational vehicles on a parcel is subject to their associated impacts, thus the draft Land Use has established the following thresholds:

- In the **A-AG Agricultural General District** and the **A-SH Agricultural Small Holding District** a maximum of four (4) recreational vehicles are allowed to be kept on a permanent basis without requiring a development permit. For unique circumstances, a maximum of six (6) recreational vehicles are allowed to be kept on a temporary basis for a maximum of thirty (30) consecutive days.
- In the **R-LD Low Density Country Residential District** and the **R-MD Medium Density Estate Residential District**, a maximum of two (2) recreational vehicles are allowed to be kept on a permanent basis without requiring a development permit.
- In the **R-HD High Density Residential District**, only one (1) recreational vehicle is allowed to be kept on a permanent basis without requiring a development permit.
- The storage of more than four (4) recreational vehicles for more than 30 days is considered an industrial use and therefore is only supported if the development is located in the appropriate district and the issuance of a development permit.

How will my property taxes be affected by the draft Land Use Bylaw?

The assessment for tax purposes has nothing to do with zoning. It is entirely contingent on the use of the parcel and thus will not affect taxes.

Why is the draft Land Use Bylaw introducing a Business License requirement in the County and what types of costs are likely to be associated with business licenses?

Business License is a tool that municipalities apply to create a database of businesses operating in the County. No fee is set yet at this time. Also, business licenses are not meant to increase property tax neither apply to general farming practices. The implementation of a business licensing program in conjunction with the land use bylaw will help streamline the approval process for businesses with minimal impact.

What opportunities for input are provided in the Land Use Bylaw Review and Commercial / Industrial Design Guidelines process?

Opportunities for input from residents, stakeholders and the general public are provided at key points of the Land Use Bylaw Review and Commercial / Industrial Design Guidelines process. These include:

- Public Open House on September 23, 2008 to provide an overview of the project and validate issues and opportunities.
- Public Open House on June 11, 2009 to learn more about the framework of the draft Land Use Bylaw and strategic directions.
- Public Open House on September 15, 2009 to review and provide feedback on the *draft Land Use Bylaw and Commercial / Industrial Design Guidelines*.
- Public Hearing for input prior to finalization of the *Land Use Bylaw and Commercial / Industrial Design Guidelines* (TBA).

Public meeting notices and draft documents can be found on the County's website at www.mountainviewcounty.com.

How can I stay informed of work on the Land Use Bylaw Review and Commercial / Industrial Design Guidelines?

You will be able to stay informed by:

- Attending the Land Use Bylaw Roundtable to be held on January 12, 2010. If you wish to attend, please RSVP to Michelle Steckly at 403-335-3311, ext. 209 or at michelle.steckly@mountainviewcounty.com. Space is limited and first priority will be given to those who have not yet attended a session.
- Returning the Comment Sheet and completing the contact information section
- Visiting the Mountain View County Land Use Bylaw Review website at www.mountainviewcounty.com/lubreview.html
- Monitoring local media
- Contacting the County directly

For more information contact:

Nathan Petherick, ACP, MCIP
Manager/Senior Planner, Planning and Development
Services
Mountain View County
Postal Bag 100
Didsbury, AB T0M 0W0
Ph: (403) 335-3311
Email: Nathan.Petherick@mountainviewcounty.com

Marcelo Figueira, ACP, MCIP
Armin A. Preiksaitis & Associates Ltd.
#605 10080 Jasper Avenue
Edmonton, AB T5J 1V9
Ph: (780) 423-6824
Email: mfigueira@arminap.ca