



Draft 2023 Land Use Bylaw

Frequently Asked Questions



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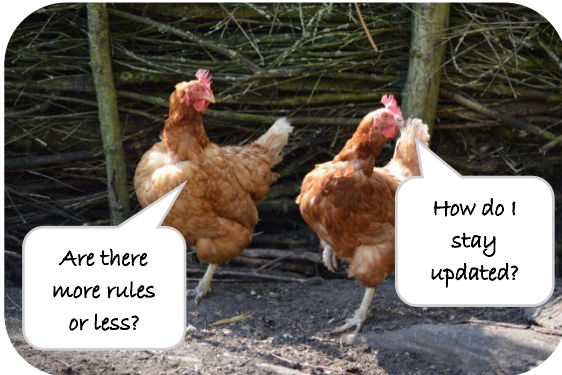
Draft 2023 Land Use Bylaw

Frequently Asked Questions

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Frequently Asked Questions



1. Do I require a development permit to farm, fence my property, or build a barn?

No, a development permit is not required for crop production, raising livestock, constructing farm buildings and structures, or to erect fences in the Rural Agricultural General District, which is the default zone for all rural properties.

A Farm Building is considered any accessory building or structure *incidental to the production of crops or raising of livestock*, including the use of shipping containers and fabric covered buildings. The LUB does have minimum setbacks for Farm Buildings that must be adhered to including, 30m (100 ft.) from a front property line; and 7.5m (25ft.) from a side or rear property line. To build within these setbacks a permit would be required.

2. What is a Land Use Bylaw (LUB)?

A Land Use Bylaw is a zoning rulebook that sets building and development regulations for municipalities in Alberta.

3. Is a Land Use Bylaw required by law?

Each municipality is required by provincial law to have a Land Use Bylaw and keep it up to date with provincial legislation (which has changed a lot recently).

4. What is a Land Use Bylaw used for?

An LUB regulates what land can be used for and what size and type of buildings are allowed. In many ways it is a rulebook for neighbourly relations whereby the freedom to do what one wants is limited by how it might negatively impact one's neighbour.

5. Are there more rules or less rules in the Draft LUB?

Less! Most of the significant changes in the Draft Land Use Bylaw allow more opportunities for landowners to develop and subdivide their land as they wish. For example, terms for dwelling types have been simplified to give landowners more choices (e.g., prefabricated dwelling types now include ready-to-move and modular construction types).

6. Why is the Land Use Bylaw being updated?

The current LUB was adopted in 2017. Since that time the province has significantly changed provincial legislation and the LUB needs to be updated to align with those changes. Additionally, the province directed all municipalities look at ways to reduce "red tape". Draft revisions are believed to reduce red tape in the Land Use Bylaw while allowing more development opportunities for landowners and citizens.

7. Who is updating the Land Use Bylaw?

Starland County administration is leading the project and has requested Palliser Regional Municipal Services (PRMS) to collaborate with the County and support their research, drafting, and engagement efforts. Starland County is a member (shareholder) of PRMS – a not-for-profit company providing planning, subdivision, GIS mapping, and safety codes support to its 25 members in southeastern Alberta.

8. How can I stay updated and participate?

The County released the full draft of the 2023 Land Use Bylaw for public review on the website

<https://www.starlandcounty.com>. There are upcoming opportunities to participate in the project and provide feedback:

1. A public survey will be available in June 2023
2. A Public Open House will be held June 27, 2023 (details will be posted on the website once available.)
3. Prior to adoption, Council will hold a public hearing.

For project related inquiries please contact:

County CAO Christopher Robblee at 403-772-3793 or christphoe@starlandcounty.com.

9. What is the project timeline?



Frequently Asked Questions

(long version)

1. Do I require a development permit to farm, fence my property, or build a barn?

No, a development permit is not required for crop production, raising livestock, constructing farm buildings and structures, or to erect fences in the Rural Agricultural General District, which is the default zone for all rural properties.

A Farm Building is considered any accessory building or structure *incidental to the production of crops or raising of livestock*, including the use of shipping containers and fabric covered buildings. The LUB does have minimum setbacks for Farm Buildings that must be adhered to including, 30m (100 ft.) from a front property line; and 7.5m (25ft.) from a side or rear property line. To build within these setbacks a permit would be required.

2. What is a Land Use Bylaw (LUB)?

In essence, a Land Use Bylaw is a “rulebook” that sets development requirements and standards for a municipality. It regulates what land can be used for, what form and scale of development can be built, and where it can be built.

As a municipal document, the Land Use Bylaw aims to balance landowner rights with the interests of the community. In many ways it is a rulebook for neighbourly relations whereby the freedom to do what one wants is limited by how it might negatively impact one’s neighbour.

Therefore, beyond updating the current Land Use Bylaw to meet legislative requirements of the *Municipal Government Act (MGA)*, the County needs to engage residents to ensure the Land Use Bylaw is tailored to the needs and aspirations of the community.

3. What are the legal requirements of a Land Use Bylaw?

A Land Use Bylaw must be aligned with all relevant provincial legislation, mainly the Municipal Government Act, as well as with all statutory plans of the municipality.

The current Land Use Bylaw requires updates to align with recent changes done by the province to the Municipal Government Act.

The Land Use Bylaw also needs to be updated to align with the new the County Municipal Development Plan. In 2019, the County adopted a Municipal Development Plan (MDP), which is intended to guide long-range planning and land use in the County for the foreseeable future.

The current Land Use Bylaw was adopted in 2017 and needs to be updated to align with new provincial laws and the new MDP.




The MGA has three basic requirements for each Land Use Bylaw:

1. Must divide the municipality into districts (zones).
2. Each district must have permitted uses and/or discretionary uses.
3. Must outlines a process for making decisions on applications.






Overview of Major Changes

The Draft Land Use Bylaw proposes the following changes. All changes are intended to make it easier for landowners to develop and subdivide their land while supporting the goals and policies of the Municipal Development Plan (MDP).

4. Hamlet Districts Changes

District	Proposed Changes	Reason
Hamlet Residential (HR) 	<ul style="list-style-type: none"> Added Duplex dwellings to permitted uses. Added Tiny Home Dwelling to discretionary uses. 	<ul style="list-style-type: none"> Improves flexibility to accommodate residential development proposals.
Hamlet Commercial (HC) 	<ul style="list-style-type: none"> Added more discretionary uses to address gaps, including the ability for dwellings – attached or detached from a business. Added minimum standards where they were missing (e.g., parcel area, front yard setbacks) 	<ul style="list-style-type: none"> Improves flexibility to accommodate development proposals. Clarifies development standards.
Hamlet Industrial (HI) 	<ul style="list-style-type: none"> Added a key permitted use – Light Manufacturing Added more discretionary uses. Added minimum standards where they were missing (e.g., parcel area, front yard setbacks) to add clarity. 	<ul style="list-style-type: none"> Improves flexibility to accommodate development proposals. Clarifies development standards.

5. Rural District Changes

District	Proposed Changes	Reason
<p>Rural Agricultural General (RAG)</p> 	<ul style="list-style-type: none"> • Update name and purpose statement. • Increase permitted uses to facilitate community development. • Clarify minimum parcel area requirements. • Allow subdivision for vacant parcels and clarify subdivision of fragmented quarter sections. • increase number of allowable dwellings per parcel 	<ul style="list-style-type: none"> • Change reflects reality of development since the district already allows many non -agriculture uses that are compatible with agriculture practices. • Permitted uses have reduced application requirements and processing timelines compared to discretionary uses. • Increasing subdivision potential and dwelling numbers increases the ability for population growth and community investment in the RAG district
<p>Rural Business (RB)</p> 	<ul style="list-style-type: none"> • Simplify <u>rural districts</u> by creating a single Rural Business District to replace the Rural Industrial (RI), Commercial/Industrial (C/I), and Rural Small Holdings (RSH) districts 	<ul style="list-style-type: none"> • C/I, Rural Industrial and Rural Small Holdings districts did not have clear differences in regulations or practical use – thus made sense to combine them. • Any rural business could be accommodated by the proposed RB district
<p>Country Residential (CR)</p> 	<ul style="list-style-type: none"> • Update purpose statement • Increase number of permitted uses • Remove animal regulations for horse, sheep, and cattle 	<ul style="list-style-type: none"> • Residential development is intended to be compatible with surrounding agricultural activities; whereas the existing purpose statement suggests it should be entirely separated from agricultural activities. • Keeping of horses, sheep or cattle in the CR district has not been a community concern
<p>Residential Resort (RR)</p> 	<ul style="list-style-type: none"> • Increase number of permitted uses • Add parcel area requirements. • Increase setback to adjacent parcels from 6m to 7.5m • Add maximum building height 	<ul style="list-style-type: none"> • Adding parcel requirements and building height maximums, and also increasing the setbacks ensures development in the RR is consistent with other districts and provides better guidance to the Development Authority for processing permitted use applications.
<p>Airport District (AD)</p> 	<ul style="list-style-type: none"> • Update district to address ancillary uses for airport developments that are not considered to be integral to aeronautic operations of the <u>Drumheller Airport</u>. 	<ul style="list-style-type: none"> • Clarifies developments considered integral to aeronautics are under Federal jurisdiction and not subject to the LUB

Development Permits

6. How do I know if a Development Permit is required under the Draft Land Use Bylaw?

Section 1.9 of the Land Use Bylaw details when a development permit is not required. The following list summarizes types of development and land uses that do not require a Development Permit under the Draft LUB:

- Extensive Agriculture
- Day Home (up to 6 kids in accordance with the *Alberta Family Day Home Standards*)
- Home Occupation – Phone & Desk
- Home Occupation – Minor (RAG, CR, RB, CR, RR, and AD districts only)
- Non-structural alterations
- Landscaping (when it's not part of a permit approval)
- Patio or deck
- Fences (in accordance with requirements of Section 2.11)
- Temporary shipping containers associated in accordance with Section 3.1.
- Permanent shipping containers in accordance with Section 3.1 (RAG, RB, HI, and AD districts only)
- Parking/ storing Recreational Vehicles in a hamlet in accordance with the Section 3.7
- Beekeeping
- Small accessory buildings in the Hamlet
- In RAG, accessory buildings and buildings used for agricultural purposes.
- Installation of Solar Energy System - Microgeneration (private use only)
- Some sign

7. I wish to start a home business. What do I need to know?

The Draft LUB clarifies that most home-based businesses do not require a permit. Larger home-based businesses may require a permit depending on the size and location of the business. Three types of home occupations are defined in the Draft LUB:

- Home Occupation – Phone & Desk (no permit required anywhere)
- Home Occupation – Minor (permit only required in Hamlets)
- Home Occupation – Major (permit required in all districts)



A full review of LUB Section 3.3 is highly recommended, however general requirements for each home occupation type is summarized here:

Requirement	Home Occupation Classifications		
	Phone & Desk	Minor	Major
Development permit required?	No	No: RAG, RB, CR, RR, and AD Districts Yes: HR, HC, and HI Districts	Yes
Use of Accessory Building?	No	No	Yes
On-premises sales or customer visits?	No	Max. 10 per week	Max. 20 per week
Commercial deliveries?	No	No	Yes
On-site storage of commercial vehicles?	No	No	Max. 2
Food prepared and/or sold on site?	No	No	Yes
Off-site employees? (Persons not living in the Dwelling Unit)	No	No	Yes
Outdoor storage or display of materials, commodities or finished products related to the use?	No	No	Yes
On-site advertising?	No	1 non-illuminated sign or name plate not exceeding 1 sq.m. (10 sq.ft.)	

Agricultural General (RAG) District

The following summarizes the subdivision and density standards proposed for the Rural Agricultural General District (RAG):

RAG – Agricultural General (LUB Section 4.3)	
Parcel Area	<ul style="list-style-type: none"> • <u>Extensive Agriculture</u>: min. 64.8 ha (160 ac) – no 80-acre splits • <u>Farmstead Separation</u>: area of improvements • <u>Vacant Parcel</u>: 1.2 ha – 2.4 ha (3.0 – 6.0 acres)
Parcel Density	<ul style="list-style-type: none"> • Maximum 2 parcels per unfragmented ¼ section* *unless a portion of ¼ has been rezoned to allow more parcels
Dwelling Density	<ul style="list-style-type: none"> • Permitted: 2 dwelling units • Discretionary: 3+ dwelling unit

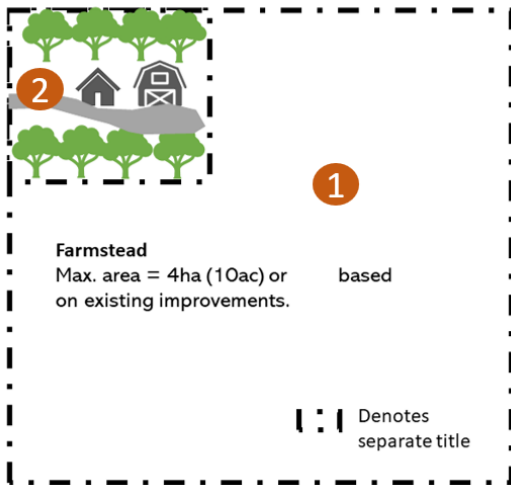


Figure 2: Proposed subdivision regulations for the RAG – Rural Agricultural General District (unfragmented quarter section).

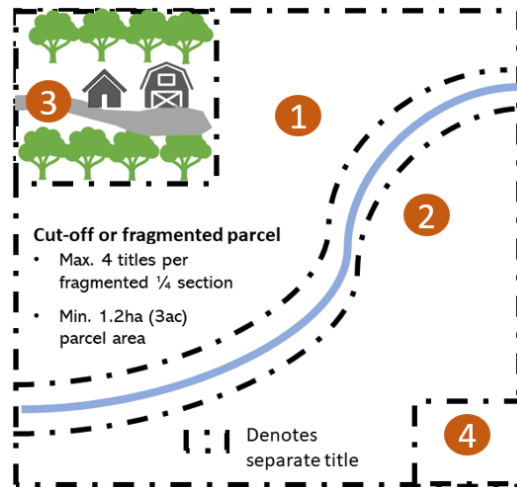


Figure 1: Proposed subdivision regulations for the RAG – Rural Agricultural General District (fragmented quarter section).

Next Steps and Contact Information

8. Who is updating the Land Use Bylaw?

Starland County administration is leading the project and has requested Palliser Regional Municipal Services (PRMS) to collaborate with the County and support their research, drafting, and engagement efforts. Starland County is a member (shareholder) of PRMS – a not-for-profit company providing planning, subdivision, GIS mapping, and safety codes support to its 25 members in southeastern Alberta.

9. What is the project timeline and where are we at in the process?

The following diagram shows the next steps and projected timeline for the remainder of the project:



10. How can I stay updated on the project and participate in the process?

The County released the full draft of the 2023 Land Use Bylaw for public review on the website <https://www.starlandcounty.com>. There are upcoming opportunities to participate and provide feedback:

1. A public survey will be available in May 2023.
2. A Public Open House will be held in May or June 2023 (details will be posted on the website once available.)
3. Prior to adoption, Council will hold a public hearing.

All feedback and any changes to the draft LUB resulting from feedback will be recorded and presented to Council at the June 2023 Council meeting (1st reading). The Council meeting date and time will be confirmed a minimum of 2 weeks in advance on the County’s website.

At first reading, Council may direct staff to make further changes, research, or engage, prior to the public hearing. Notice of the public hearing will be advertised and will outline deadlines for written comments and requests to present at the public hearing. After the public hearing, Council will decide if they will proceed with adoption of the Land Use Bylaw.

11. How can I determine if the new LUB will impact my property?

Here are some suggested steps to review how the proposed LUB will impact your property:

- a) **Find your District (aka Zone):** Review the current and proposed land use district maps provided in the Draft Land Use Bylaw to understand what land use district your property is designated (aka “zoned”) and if it’s zoning may change as a result of Council adopting the proposed Land Use Bylaw. Knowing your district (“zoning”) will allow you to see what uses and forms of developments are permitted or discretionary for your property.
- b) **Determine your Use:** Determine what use(s) exist on your property by reviewing the permitted and discretionary use list for your district. If a use is not listed as either permitted or discretionary, then it is prohibited by the Land Use Bylaw unless it is protected under provincial law, such as agricultural practices (e.g., Agricultural Operations Protection Act - AOPA). If you are not sure which use your development may be defined as, then you can review the use definitions in Section 6.
- c) **Review your RPR:** Review your current Real Property Report (RPR) if you have one. It will show you where your buildings are in relation to your property lines. You can then review the proposed yard setbacks, and site coverage requirements for your property and see if your property complies.
- d) **Review the General and Specific Use Regulations:** Be sure to read and understand how all the ‘Sections’ of the Land Use Bylaw apply to your property. For example, Section 2 – General Land Use Regulations, *and* Section 3 – Specific Uses will apply *in conjunction* with the regulations in your district in Section 4.
- e) **Future Development Plans:** if you plan on building, subdividing, or starting a home-based business, then the Draft Land Use Bylaw will govern if and how you will be able to do so. It is important to understand how the Land Use Bylaw defines and regulates a use. If a use is permitted or discretionary in your district, then you must also become informed of the application requirements (see Section 1), general development characteristics of your site (i.e., are there screening or fencing requirements, is the land near a highway, etc.) and specific use regulations (i.e., home occupations, additional dwelling units, etc.).

12. I would like more information about the draft Land Use Bylaw, who can I talk to?

For project related inquiries please contact:

County CAO Christopher Robblee at 403-772-3793 or christphoer@starlandcounty.com