

Current Land Use Bylaw	Draft Land Use Bylaw
Administrative Sections	Administrative Sections
<p>1. PURPOSE</p> <p>The purpose of this bylaw is to regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose, among other things,</p> <ul style="list-style-type: none"> ➤ to divide the municipality into districts; ➤ to prescribe and regulate for each district the purposes for which land and buildings may be used; ➤ to establish the office of Development Authority; ➤ to establish a method of making decisions on applications for development permits including the issuing of development permits; ➤ to prescribe a procedure to notify owners of land likely to be affected by the issue of a development permit; and ➤ to establish a procedure for appeals against the decisions of the Development Authority. <p>3. INTERPRETATION</p> <p>3.1. Any doubt as to the meaning of a word, or the boundaries of a land use district shown on Schedule C, shall be settled by a resolution of Council.</p> <p>3.2. In accordance with Alberta Land Titles practice, all areas and distances in this bylaw are in metric measure. Imperial equivalents are given as a convenience but may not be exact. In case of conflict, the metric measure shall govern.</p>	<p>1. ENACTMENT AND INTERPRETATION</p> <p>1.1. Title, Purpose and Contents</p> <p>1.1.1 This bylaw is referred to as the Town of Ponoka Land Use Bylaw.</p> <p>1.1.2 The purpose of this bylaw is to regulate and control the uses and development of land and buildings within the Town of Ponoka to achieve fair, orderly and economic development of land.</p> <p>1.1.3 The contents of this bylaw shall include:</p> <ul style="list-style-type: none"> i. Part 1 comprising Section 1 to Section 3, inclusive, and all Schedules and Appendices to those Sections; ii. Part 2, comprising all of the Development Regulations and Special Regulations, being Section 4 to Section 5, inclusive, and all Schedules and Appendices to those Sections; iii. Part 3, comprising all of the District and Direct Control Provisions, being Section XX to Section XX, inclusive, and all Schedules and Appendices to those Sections; iv. Part 4, comprising the Land Use Districts and Overlay Maps; and v. Part 5, comprising the Direct Control Districts. <p>1.2. Repeal, Enactment, Transition and Interpretation</p> <p>1.2.1. This bylaw shall come into force and take effect upon the date it receives Third Reading from Town Council (the effective date)</p> <p>1.2.2. The Town of Ponoka Land Use Bylaw 013-97 and all amendments thereto is repealed.</p>

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<p>3.3. The words <i>he, him, and his</i> are to be read as <i>she, her, and hers</i>, and the singular is to be read as the plural, as the case requires.</p> <p>3.4. When an area of land has been reclassified prior to subdivision, the reclassification shall be interpreted as following the boundaries of the subdivided lot or lots, even if the area of the lot(s) and the area set out in the reclassification bylaw are not identical.</p> <p>3.5. Where the boundary of a lot is also the boundary between two land use districts, and the lot boundary is then adjusted through subdivision, the land classification follows the new lot boundary.</p>	<p>1.2.3. Subject only to the provisions in the Municipal Government Act respecting legal non-conforming uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this bylaw govern from the effective date onward.</p> <p>1.2.4. Where there is a conflict between the applicable provisions of Section XX and/or Section XX and the provisions of a Land Use District, then the provisions of Section 4 and/or Sections shall take precedence.</p> <p>1.2.5. In the case of any conflict between the text of this bylaw and any maps or drawings used to illustrate any aspect of this bylaw (including Part 4, the Land Use District and Overlay Map) the text shall govern.</p> <p>1.2.6. In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall govern.</p> <p>1.2.7. Where the number of dwelling units, landscaping materials, parking spaces, or any other regulation is determined by reference to a unit such as floor area, or the like, the next higher number shall be taken where the calculation results in a fractional number of 0.5 or more.</p> <p>1.2.8. Where a regulation involves two or more provisions connected by the conjunction “and” it indicates that all the connected items shall apply in combination; “or” indicates that the connected items may apply singly.</p>
<p>23. REQUIREMENTS OF OTHER AUTHORITIES</p> <p>23.1. A development authorized under this bylaw is subject to provincial and federal law, other bylaws, statutory plans, intermunicipal agreements, and any easements, caveats, covenants, and other encumbrances on the title to the land in question.</p> <p>23.2. Nothing in this bylaw removes the obligation of a person to obtain other permits, licenses, or approvals under other legislation.</p>	<p>1.3. Establishment of Fees</p> <p>1.3.1. The Development Permit application fee and fees for other matters arising through this Land Use Bylaw shall be as established by resolution of Council. Council may at any time by resolution increase, decrease or establish new fees for matters covered by this Bylaw.</p> <p>1.4. Other Legislative Requirements</p> <p>1.4.1. Nothing contained in this bylaw relieves any person from the requirement to comply with the provisions of any other applicable Federal, Provincial or</p>

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<p>DEFINITIONS</p> <p>In this bylaw:</p> <p>Act means the <u>Municipal Government Act</u> and the regulations pursuant thereto.</p> <p>Applicant means an owner, agent or any person, firm, or company required to obtain or having obtained a development permit.</p> <p>Area Structure Plan means a plan adopted by Council as an Area Structure Plan pursuant to the Act.</p> <p>Building permit means a permit authorizing construction and issued under the <u>Safety Codes Act</u>.</p> <p>Council means the Town of Ponoka Council.</p> <p>Discretionary use means the use of land or a building provided for in this bylaw for which a development permit <i>may</i> be issued upon an application having been made.</p> <p>Easement means a right to use land, generally for access to other property, or as a right-of-way for a public utility.</p> <p>Municipal Development Plan means the Plan adopted by Bylaw No. 002-97.</p>	<p>Municipal law nor the provisions of any caveat, easement or other instrument affecting a building or land.</p> <p>1.4. Definitions</p> <p>In this bylaw:</p> <p>Act means the Municipal Government Act and the regulations pursuant thereto;</p> <p>Adjacent means land that is contiguous to the parcel of land that is the subject of an application and includes that would be contiguous if not for a highway, road, river or stream;</p> <p>Applicant means an owner, agent or any person, firm, or company required to obtain or having obtained a development permit;</p> <p>Area Redevelopment Plan means a plan adopted by pursuant to the Municipal Government Act that provides a detailed long range plan that coordinates the conservation and coordinated redevelopment of older neighbourhoods, and sets out the policies for the redevelopment of vacant and underutilized parcels of land and buildings;</p> <p>Area Structure Plan means a plan adopted pursuant to the <i>Municipal Government Act</i> and amendments thereto that provides a framework that describes proposed land uses, density of population, sequence of development, general location of major roadways, public utilities in the area, and any additional requirements that Council may require;</p> <p>Building means anything constructed or placed on, in, over or under land (e.g. house, shed, fence, sign, parking lot, etc.) but does not include a highway or public roadway or a bridge forming part of a highway or public roadway;</p> <p>Building permit means a permit authorizing construction and issued under the <u>Safety Codes Act</u>;</p> <p>Chief Administrative Officer means the person appointed as the Chief Administrative Officer by Council;</p> <p>Council means the Town of Ponoka Council;</p>

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<p>Municipality means the Town of Ponoka.</p> <p>Owner means, in addition to the meanings set out in the Act, a purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the Certificate of Title of the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the Certificate of Title.</p> <p>Permitted use means the use of land or a building provided for in this bylaw, and for which, if it complies in every way with this bylaw, a development permit <i>shall</i> be issued with or without conditions as provided for in this bylaw.</p> <p>Use means a use of land or a building as determined by the Development Authority, or on appeal by the Subdivision and Development Appeal Board.</p> <p>All other words have the meanings assigned to them by Sections 1 and 616 of the Act.</p>	<p>Crime Prevention Through Environmental Design (CPTED) means a set of principles intended to prevent crime by changing or managing the physical environment to produce behavioral effects that will reduce the incidences and fear of crime;</p> <p>Development means:</p> <ol style="list-style-type: none"> a) An excavation or stockpile and the creation of either of them; b) A building or an addition to or replacement or repair of a building, and the construction or placing in, on, over or under land of any of them; c) A change of use or land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; d) A change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building. <p>Development Agreement means an agreement that is a contract between a developer and the municipality regarding the specifications for construction of certain items needed to service a development or subdivision, as a condition of development or subdivision in accordance with the <i>Act</i>;</p> <p>Development Authority means the person or persons appointed pursuant to the Development Authority Bylaw;</p> <p>Development Officer means a person appointed as a Development Officer pursuant to this Land Use Bylaw;</p> <p>Development Permit means a document authorizing a development issued pursuant to this Land Use Bylaw;</p> <p>Discretionary use means the use of land or a building provided for in this bylaw for which a development permit <i>may</i> be issued, with or without conditions, upon an application having been made to the Development Authority;</p> <p>Easement means a right to use land, generally for access to other property, or as a right-of-way for a public utility;</p>

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	<p><i>Encroachment</i> means any portion of a building, fence, driveway, retaining wall or other structure on a parcel which extends beyond the property line onto adjacent public or privately owned property;</p> <p><i>Encroachment agreement</i> means a legal agreement, registered on title between a property owner and the owner of adjacent property, either a government or private landowner, confirming that an encroachment has been accepted and authorized;</p> <p><i>Intermunicipal Development Plan</i> means a plan adopted as an intermunicipal development plan pursuant to the Municipal Government Act and providing the framework for land use coordination and referrals between the Town of Ponoka and Ponoka County;</p> <p><i>Municipality</i> means the Town of Ponoka;</p> <p><i>Municipal Development Plan</i> means a plan adopted as a municipal development plan pursuant to the Municipal Government Act and providing a framework for future land use and development within the municipality;</p> <p><i>Non-conforming building</i> means a building,</p> <ul style="list-style-type: none"> a) That is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or land on which the building is situated becomes effective, and b) That on the date a land use bylaw becomes effective does not, or when constructed will not, comply with the Land Use Bylaw; <p><i>Non-conforming use</i> means a lawful specific use,</p> <ul style="list-style-type: none"> a) Being made of land or a building or intended to be made of a building lawfully under construction, at the date this Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and b) That on the date this Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw: <p><i>Off-site levy</i> means a levy imposed pursuant to the <i>Municipal Government Act</i>;</p> <p><i>Outline Plan</i> means a non-statutory, comprehensive future land use and development plan approved by Council. An outline plan shall include detailed information regarding future lands uses, site servicing, roads and phasing;</p>

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	<p>Owner means the person who is registered under the Land Titles Act as the owner, or in respect of any property other than land, the person in lawful possession of it;</p> <p>Permitted use means the use of land or a building provided for in this bylaw, and for which, if it complies in every way with this bylaw, a development permit <i>shall</i> be issued with or without conditions as provided for in this bylaw;</p> <p>Renovations means the alteration of any building that changes the outward appearance of a building façade, but does not structurally alter the building;</p> <p>Subdivision Authority means the person, persons or organization appointed pursuant to the Subdivision Authority Bylaw;</p> <p>Statutory Plan means an intermunicipal development plan, or a municipal development plan, or an area structure plan, or an area redevelopment plan;</p> <p>Structural alteration means any change to the roof, foundation or exterior walls of a structure that results in the expansion of the usable floor area of a structure or reduces existing setback distances. For the purpose of this Bylaw, this definition is used in determining whether changes to buildings require a development permit;</p> <p>Use means a building or an area of land and the function and activities therein or thereon;</p> <p>Variance means any discrepancy between a regulation contained within this bylaw and a proposed or existing development;</p>

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<p>4. DEVELOPMENT AUTHORITY</p> <p>4.1. The office of Development Authority is hereby established and shall be filled by a person(s) appointed by resolution of Council.</p> <p>4.2. The Development Authority shall:</p> <p>4.2.1. maintain a copy of this bylaw as amended, and make it available to any person on a cost recovery basis;</p> <p>4.2.2. maintain a register of all applications, the decisions made on them, and the reasons for those decisions, and make it available to any person at no charge;</p> <p>4.2.3. review and process all applications for a development permit, and make and issue a decision in accordance with this bylaw;</p> <p>4.2.4. enforce this bylaw in conformance with the Act; and</p> <p>4.2.5. carry out the other duties imposed on him by this bylaw and the Act.</p> <p>4.3. For the purposes of Section 542 of the Act, the Development Authority is an authorized person of the municipality.</p>	<p>2. ADMINISTRATION</p> <p>2.1. Development Authority, Applications and Amendments</p> <p>2.1.1. The Development Authority is established by bylaw pursuant to the Municipal Government Act.</p> <p>2.1.2. The Development Authority shall exercise development powers and duties on behalf of the Town.</p> <p>2.1.3. The Development Authority shall be the Development Officer.</p> <p>2.2. Development Officer</p> <p>2.2.1. The office of the Development Officer is hereby established and shall be filled by a person or persons appointed by the Chief Administrative Officer.</p> <p>2.2.2. The Development Officer shall:</p> <ul style="list-style-type: none"> i. Receive and process all Development Permit applications; ii. Keep and maintain, for inspection by the public during normal office hours a copy of this bylaw and all amendments thereto and a register of all applications for development, including the decisions thereon and the reasons therefore; iii. Receive applications for amendments to this bylaw and make recommendations to Council; iv. Consider and decide on all Development Permit applications; v. Receive, consider and decide on requests for time extensions for Development Permits which have been issued; vi. Sign and issue all Development Permits; and vii. Carry out enforcement of the bylaw, and such other duties as may be prescribed in this bylaw.

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<p>5. SUBDIVISION AND DEVELOPMENT APPEAL BOARD</p> <p>The Subdivision and Development Appeal Board established by Bylaw No. 11-95 shall hear and decide upon appeals against the decision (or lack of decision) of the Development Authority.</p> <p>6. DEVELOPMENT PERMIT REQUIRED</p> <p>No development other than that listed in Section 7 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.</p> <p>7. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT</p> <p>The following development shall not require a development permit:</p> <p>7.1. Those uses of land or a building which are <i>exempt</i> under Section 618 or 619 of the Act or under regulations pursuant to those sections;</p> <p>7.2. The <i>completion and use</i> of a building which was lawfully under construction at the date of adoption of this bylaw;</p>	<p>2.3. Council</p> <p>2.3.1. Council shall decide upon amendments to this bylaw.</p> <p>2.4. Subdivision and Development Appeal Board</p> <p>2.4.1. The Board is authorized to perform such duties as specified in the Subdivision and Development Appeal Board Bylaw and the Act, as amended.</p> <p>2.5. Control of Development</p> <p>2.5.1. No development shall be undertaken or use commenced unless a Development Permit, where such a permit is required, has first been obtained, and the development proceeds in accordance with the terms and conditions of the Development Permit.</p> <p>2.5.2. A Development Permit shall not be valid unless it conforms to this bylaw and the provisions of the Act.</p> <p>2.5.3. Development Permits issued on the basis of plans and applications approved by the Development Officer, authorize only the development set forth in such approved plans and applications. Development contrary to that authorization shall be deemed a violation of this Bylaw and subject to enforcement as provided in Section 3.0.</p> <p>2.6 Development for which No Permit is Required</p> <p>2.6.1. A Development Permit is not required for the following developments, provided they comply with the provisions of this bylaw and must be carried out or performed in accordance with all other applicable legislation, regulations and bylaws:</p> <ul style="list-style-type: none"> i. The construction, maintenance and repair of services and utilities carried out by or on behalf of Federal, Provincial, Municipal or public authorities on land which is publicly owned or controlled; ii. The use of a building or part thereof as a temporary polling station,

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7.3. The use of a building or property which was authorized under a <i>previous bylaw</i> ;	returning officer's headquarters, candidate's campaign office and any other official temporary use in connection with a Federal, Provincial or Municipal election, referendum or census;
7.4. The <i>maintenance</i> of or repair to any building, provided that such works do not include structural alterations or major works of renovation;	iii. The use of land by the Town of which the Town is the legal or equitable Owner for a purpose approved by a simple majority vote of Council in connection with any Public Utility carried out by the Town;
7.5. Internal <i>alterations</i> to a building, provided these alterations do not result in an increase in the number of dwelling units in the building (but a permit under the <u>Safety Codes Act</u> may still be required);	iv. Excavation, stripping, or site grading that is part of a development for which a Development Permit has been issued;
7.6. The construction of <i>gates, fences, walls</i> , or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than 1 metre in height in front yards and less than 1.5 metres in side and rear yards, and subject to Section 6 of Schedule A;	v. Removal of soil from a site or stockpiling of soil on a site when a Development Agreement, pursuant to a subdivision approval, has been duly executed for that site and the removal or stockpiling is in accordance with the agreement and approval;
7.7. <i>Landscaping and paving</i> , provided that grades and water flows are not substantially altered;	vi. The completion of a Building which was lawfully under construction or for which a valid Development Permit was issued prior to the date of approval of this bylaw provided that the Building is completed in accordance with the terms of the permit granted by the Town in respect of it, and subject to the conditions to which that permit was granted; and the Building, whether or not a permit was granted in respect of it, is commenced within a period of twelve (12) months from the date of issuance of the last permit relating thereto;
7.8. The construction or maintenance of any utility, work, or improvement undertaken by the municipality or a utility in a <i>street or utility lot</i> ;	vii. The erection or installation of a temporary office, machinery and equipment needed in connection with construction of a Development for which a permit has been issued, for the period required for completion of that Development, excepting any machinery and equipment that requires a Road closure permit;
7.9. A <i>temporary</i> building or sign, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this bylaw; and	viii. Development carried out under a Development Agreement;
7.10. New single storey buildings, not on permanent foundation, under 15 square metres (160 sq ft) in size which are <i>accessory</i> to a residential use. These buildings are bound by yard and setback rules.	ix. The erection, construction, maintenance, improvement, or alteration of gates, fences, pergolas, arbors, walls, recycling or compost enclosures, or other means of enclosure, subject to specific fencing, landscaping or screening provisions contained in this bylaw; x. Landscaping where the proposed grades will not adversely affect the drainage of the subject property or abutting properties, and will not change the grade of the subject property at any property boundary; xi. Hard surfacing of any area that is part of a Development for which a Development Permit has been issued, for the purpose of providing

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	<p>vehicular or pedestrian access or parking where such access or parking area does not drain onto abutting properties, and similar works provided the construction is wholly confined within the legal boundaries of the subject property;</p> <p>xii. Uncovered decks, landings, and patios that are less than 0.6 m in height above adjacent finished grade;</p> <p>xiii. Unenclosed steps or stairs that meet the applicable yard projections;</p> <p>xiv. The construction or placement of an accessory building, located in a rear yard of a residential district, which is not greater than 10 m² in area, with a height not greater than 2.44 m, and meets the setback requirements of the district, and where no other accessory building exists on the parcel.</p> <p>xv. Accessory buildings on any parcel with an approved or existing agricultural operation;</p> <p>xvi. Shipping containers within an industrial district that meet the requirements of Section ___ Shipping Containers;</p> <p>xvii. Signs as per Section __ Signs Not Requiring a Permit;</p> <p>xviii. Geothermal energy devices that meet the requirements of the district in which they are located;</p> <p>xix. The installation and operation of a radio antenna or satellite dish provided they _____;</p> <p>xx. Installation of solar collectors attached to a wall or a roof surface of a principal or accessory building;</p> <p>xxi. Fire pits provided they meet the requirements of the Town's _____.</p> <p>xxii. Works of maintenance, repair or alteration to a building provided that such works do not include structural alterations or change the use or intensity of the use of the building.</p>

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<p>9. APPLICATION FOR A DEVELOPMENT PERMIT</p> <p>9.1. An application for a development permit shall be made to the Development Authority in writing on the appropriate form, signed by the owner or his authorized agent, and shall be accompanied by</p> <ul style="list-style-type: none"> 9.1.1. a statement of the former, present, and proposed use of a lot and any buildings on it; 9.1.2. the legal description and municipal address; 9.1.3. a site plan drawn to scale and showing the boundaries of the lot, the locations of existing and proposed buildings, any front, rear, and side yards, any provision for off-street loading and vehicle parking, and access and egress points to the site; 9.1.4. all easements and utilities, and the proposed connections to utilities; 9.1.5. the proposed site grading and drainage; 9.1.6. the estimated commencement and completion dates of any construction; 9.1.7. the estimated cost of the project or contract price; and 9.1.8. the appropriate fee. <p>9.2. The Development Authority may also request</p> <ul style="list-style-type: none"> 9.2.1. details of the proposed finish of the building and the landscaping of the lot; 9.2.2. a real property report drawn by an Alberta Land Surveyor, if there is any doubt as to the boundaries of the lot; 	<p>2.7 Development Permit Applications</p> <p>2.7.1 An application for a Development Permit for new development shall be made to the Development Officer in writing on the appropriate form as prescribed by the Development Officer. The application shall also include, but is not limited to:</p> <ul style="list-style-type: none"> i. A copy of the Certificate of Title to the land and, if the applicant is not the owner, a letter of authorization from the property owner(s) and statement of the applicant’s interest in the land; ii. Copies of all Restrictive Covenants registered on the Certificate Title to the land; iii. A scaled detailed Site plan, which shall be prepared by a registered professional and showing maximum building footprint and ground level development (existing and proposed, including Accessory buildings), adjoining Roads, properties, Abutting land uses, Buildings, north arrow and containing the following information: <ul style="list-style-type: none"> a. All Setbacks/Yards dimensioned in metres (m); b. Lot Area in square metres (m²); c. Lot Coverage as a percentage (%); d. Gross Floor Area in square metres (m²); e. Number of parking stalls, bike parking stalls, Loading Spaces, accesses, layout dimensions, pedestrian Walkways, Screening, curbing and surface treatment; f. Underground utilities, and refuse and recycling bins; g. Off-site information as may be relevant to the design; Abutting Buildings or proposed Buildings, sidewalks, overhead and underground utilities; and h. Any other information required by the Development Officer. iv. A letter of intent describing the proposed use and/or development. v. Each application for a development permit shall be accompanied by a non-refundable processing fee.

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<p>9.2.3. engineering and other reports to prove the safety and suitability of the site for the purpose intended, including a declaration that the site is free from contamination; and</p> <p>9.2.4. a copy of the current title to the lot.</p> <p>9.3. In the case where an application for a development permit has been refused initially or on appeal, the Development Authority may refuse to accept another application for a permit on the same property, and for the same or similar use of the land by the same or any other applicant for six months after the date of previous refusal, unless the circumstances have changed sufficiently to warrant otherwise.</p>	<p>vi. Elevations to scale including all of the following information:</p> <ul style="list-style-type: none"> a. Site grading plans and/or Site drainage plans, to the satisfaction of the Development Officer, showing the proposed Development and Landscaping including the existing and proposed design geodetic Site Grades, Road Grades and Foundation Grades; b. Height in metres of all Buildings; c. Number of Storeys; d. Exterior treatment on all elevations identifying materials and colours; e. Road elevations to scale; f. Sign detail; and g. Any other information required by the Development Officer. <p>vii. Landscape plan(s) including the following information:</p> <ul style="list-style-type: none"> a. Clearly delineate the form of the landscape by defining the extent of lawns, planted areas, fencing, and Hard Surfacing; b. Show the location and general description of species, including size and height; c. Show the location, size, and general elements included in the Amenity Areas, such as seating areas or patios; d. Provide information regarding the Abutting neighbourhood and Site context, impact on views, scale, and relationship to development; and e. Any other information required by the Development Officer.
<p>21. RESOLUTIONS</p> <p>21.1. Forms and fees referred to in this bylaw shall be established by resolution of Council.</p> <p>21.2. <u>Downtown Design Guidelines</u> may be adopted by resolution of Council.</p> <p>21.3. A Downtown Design Review Committee may be established by resolution of Council to undertake the work described in Section 11 of this bylaw.</p>	<p>2.7.2. The Development Officer may require a Crime Prevention Through Environmental Design assessment prepared by a qualified professional for Commercial, Industrial, and multiple building Row House and Town House developments, and Apartment Residential, and Public Service Developments.</p> <p>2.7.3. Notwithstanding Section 2.7.1, the Development Officer may reduce the detail of information required where the information is not available or where the level of detail is not required.</p>

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<p>10. PUBLIC CONSULTATION PRIOR TO DECISION</p> <p>Before deciding on an application for a development permit for a discretionary use, or before relaxing or waiving or interpreting any part of the bylaw, the Development Authority may consult the owners of nearby land by mail or by advertising in the local newspaper, and if the neighboring landowners reply within 14 days, the Development Authority shall consider their comments and recommendations before issuing a development permit.</p>	<p>2.8. Special Information Requirements</p> <p>2.8.1. In addition to the information required pursuant to Section 2.7, the Development Officer may require the following information and studies:</p> <ul style="list-style-type: none"> i. A public meeting in the community; ii. Area Structure Plan or Outline Plan or Conceptual Scheme; iii. Environmental Site Assessment; iv. Geotechnical Study and/or Slope Stability Study; v. Lighting Impact Assessment; vi. Noise Impact Assessment; vii. Parking Demand Study; viii. Real Property Report ix. Transportation Impact Assessment; x. Urban Design Study; and xi. Any other information required by the Development Officer. <p>2.8.2. Impact of Uses on Adjacent Residential Areas</p> <ul style="list-style-type: none"> i. The Development Officer may require the submission of an impact statement as part of the development permit application for any proposed non-residential use that is in close proximity (as determined by the Development Authority) to one or more residential parcels. The impact statement shall indicate the measures to be taken to ensure that noise, visual and other confirmed or potential impacts will be addressed so that the proposed use will not negatively affect the said residential district(s). <p>2.8.3. Environmental Nuisance and Health Impacts Assessment</p> <ul style="list-style-type: none"> i. When an application for a Development Permit is for industrial activities designated for either approval or registration under the <i>Environmental Protection and Enhancement Act</i>, as amended from time to time, or the <i>Environmental Management and Protection Act</i>, as amended from time to time, the Development Officer may require the application to contain an Environmental Nuisance and Health Impacts Assessment prepared by an environmental professional such as an engineer, biologist, planner, geologist or hydrogeologist and the Development Officer may impose any conditions necessary to mitigate environmental Nuisances and health

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	<p>impacts identified in the assessment. The Environmental Nuisance and Health Impacts Assessment shall:</p> <ol style="list-style-type: none"> a. Identify the nature and quantities of substance releases; b. Identify the provincial standards for the proposed industrial operation; c. Identify any sensitive land uses or Districts that could contain sensitive land uses, existing or proposed, which could be detrimentally impacted by the substance releases; d. Demonstrate what remedial measures shall be undertaken; e. Identify and recommend any separation distances or other land use planning measures that could be undertaken; and f. Any other information required by the Development Officer <p>2.8.4. Sun Shadow Impact Study</p> <ol style="list-style-type: none"> i. The Development Officer shall require a Sun Shadow Impact Study where the proposed development is greater than four (4) Storeys. This Study shall be prepared by a registered Professional Engineer or Architect. <p>2.8.5. Contaminated Sites</p> <ol style="list-style-type: none"> i. If it appears to the Development Officer that a site may be contaminated as a result of a former use, or if an application for a development permit indicates that the site was previously used for another purpose, the Development Officer may require the applicant to supply a Phase 1 Environmental Site Assessment to be completed and signed by a qualified professional entitled to conduct remediation and reclamation work in the Province of Alberta, indicating that the site is free of contamination and suitable for the proposed use. <p>2.8.6. Assessment of Risk for Industrial Activities</p> <ol style="list-style-type: none"> i. When an application for a Development Permit is for an activity involving the use or storage of hazardous substances, the Development Officer may require the application to contain an Assessment of Risk prepared by an environmental professional such as an engineer, biologist, planner, geologist or hydrogeologist. ii. The Assessment of Risk shall: <ol style="list-style-type: none"> a. Identify hazardous substances and their quantities;

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	<ul style="list-style-type: none"> b. Estimate the expected frequency of the occurrence of a hazardous event; c. Assess the possible consequences of such an event; d. Determine annual individual risk and compare to risk acceptability criteria; e. Demonstrate how the proposed facility and operations shall contribute to the following risk management objectives: risk reduction at source; risk reduction through land use planning around industrial Sites and pipeline and dangerous goods corridors; emergency preparedness; emergency response; risk communication and public participation; and identify and recommend risk-based separation distances and other measures to reduce risk; and f. Any other information required by the Development Officer. <p>2.9. Complete and Incomplete Development Permit Applications</p> <p>2.9.1. Upon receipt of an application the Development Officer shall within 20 days determine whether the application is complete. An application is complete, if in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application. The 20 day timeline may be extended if agreed upon in writing between the applicant and the Development Officer.</p> <p>2.9.2. If the Development Officer deems a development permit application to be complete, the Development Officer shall issue a letter to the applicant indicating:</p> <ul style="list-style-type: none"> i. The date the application was received and deemed complete, ii. Confirmation the Development Officer will begin processing the application, and iii. The date the 40 days to process the application expires. <p>2.9.3. If the Development Officer determines an application is incomplete, the Development Officer shall issue a letter to the applicant, indicating the following:</p> <ul style="list-style-type: none"> i. The application is considered incomplete, ii. A detailed list of the outstanding documents and/or information required by

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	<p>the Development Officer in order for the application to be considered complete,</p> <p>iii. The date which the required outstanding documents and/or information must be submitted to the Development Officer, as either set out in the letter, or as agreed upon between the applicant and Development Officer, prior to the expiry of the 20 day review period.</p> <p>2.9.4. If the Development Officer determines that the information and documents submitted by the applicant at the request of the Development Officer pursuant to Section 2.10.3 are complete, the Development Officer must issue a letter to the applicant indicating:</p> <ul style="list-style-type: none"> i. The application is complete, ii. Confirmation the Development Officer will begin processing the application, and iii. The date the 40 days to process the application expires. <p>2.9.5. If the applicant fails to submit the outstanding information and documents requested by the Development Officer to complete the application on or before the date referred to in the letter issued to the applicant under Section 2.10.3, the application is deemed to be refused.</p> <p>2.9.6. If the application is deemed refused because the applicant failed to provide the Development Officer with the requested information, the Development Officer shall issue to the applicant a letter indicating the application has been refused and the reason(s) for the refusal, within 7 days of the expiry of the date in the letter sent to the applicant pursuant to Section 2.10.3.</p> <p>2.9.7. Despite that the Development Officer has issued a letter acknowledging an application as complete, in the course of reviewing the application, the Development Officer may request additional information or documentation from the applicant that the Development Officer considers necessary to review the application.</p> <p>2.9.8. If the Development Officer does not make a determination of an application's completeness within 20 days of receiving the application, or within an alternative</p>

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	<p>timeline agreed upon between the applicant and Development Authority, the application is deemed to be complete.</p> <p>2.10. Time Limits for Decisions on Development Permit Applications</p> <p>2.10.1. Once an application for a development permit has been deemed complete, the Development Officer shall consider and decide on the application within 40 days of the date that the application was deemed complete, or within such longer period as the applicant may have agreed to in writing.</p> <p>2.10.2. An application for a Development Permit may, at the option of the applicant, be deemed to be refused when a decision on the application is not made by the Development Officer within 40 days of the date that the application was deemed complete or such later date set out in a time extension agreement signed by the applicant.</p> <p>2.11. Notification of Development Permit Applications</p> <p>2.11.1. Prior to an application being decided upon for a permitted use requiring a variance or a discretionary use the Development Officer may:</p> <ul style="list-style-type: none"> i. Cause a notice to be published once in a newspaper circulating in the Town; and ii. Cause a notice to be sent by mail to all assessed property Owners within 30 m of the Site. <p>2.11.2. Any notice sent pursuant to Section 2.11.1 shall state:</p> <ul style="list-style-type: none"> i. The proposed use of the Building or Site; ii. That any person who objects to the proposed use of the Site may deliver to the Development Officer a written statement of their objections indicating: their full name and address for service of any notice to be given to them in respect of the objection; and the reasons for their objections to the proposed use; and iii. The date by which objections must be received by the Development Officer.

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<p>13. DECISION BY THE DEVELOPMENT AUTHORITY</p> <p>13.1. Subject to Section 12 of this bylaw, the Development Authority shall decide on all applications for a development permit.</p> <p>13.2. The Development Authority shall decide upon an application for a development permit within 40 days of receiving a complete application.</p> <p>13.3. An applicant for a development permit may authorize the Development Authority, in writing, to take a longer period of time to make a decision.</p> <p>13.4. An application for a development permit may, at the option of the applicant, be deemed to be refused when a decision is not made on it by the Development Authority within 40 days after receipt of the application by the Development Authority, and the applicant may appeal as if the application had been refused.</p> <p>13.5. In the case where a proposed specific use of land or a building is not provided for in any district in this bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district in Schedule B, and approve it.</p> <p>13.6. The Development Authority may approve an application for a development permit,</p>	<p>2.12. Referrals</p> <p>2.12.1. The Development Officer may refer any application to any agency or authority for comment.</p> <p>2.12.2. The Development Officer shall refer to any abutting municipality for consideration and recommendation, any application that relates to lands abutting the municipal boundary.</p> <p>2.12.3. After seven (7) days from the date of referral, pursuant to Sections 2.12.1 and 2.12.2, the application may be dealt with by the Development Officer whether or not comments have been received.</p> <p>2.13 Decisions on Development Application</p> <p>2.13.1 In making a decision on a Development Permit application for a Permitted Use, the Development Officer:</p> <ul style="list-style-type: none"> i. Shall approve the application, with or without conditions, if the proposed Development conforms with this Bylaw; or ii. May choose to refuse the application, and provide rationale for refusal, if the proposed Development does not conform to this Bylaw. <p>2.13.2 On receipt of an application for a Discretionary Use, the Development Officer:</p> <ul style="list-style-type: none"> i. May refuse the application regardless of whether it meets the requirements of this Bylaw, and provide rationale for refusal; ii. May approve the application, with or without conditions, where the facts presented establish that the proposed Development: <ul style="list-style-type: none"> a. Will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity; and b. Complies with the applicable provisions of this Bylaw and will not be contrary to the Municipal Development Plan, or any other applicable Statutory Plan. iii. May refuse the application if the proposed Development does not conform to this Bylaw, and provide rationale for refusal.

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<p>notwithstanding that the proposed development does not comply with this bylaw, if, in his opinion,</p> <p>13.6.1. the proposed development would not</p> <p>13.6.1.1. unduly interfere with the amenities of the neighborhood, or</p> <p>13.6.1.2. materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land, and</p> <p>13.6.2. the proposed development conforms with the use prescribed for the land or building in this bylaw,</p> <p>and this power extends to nonconforming buildings pursuant to Section 643(5)(c) of the Act.</p> <p>13.7. In making a decision, the Development Authority may approve the application unconditionally, or impose conditions considered appropriate, permanently, or for a limited period of time, or refuse the application.</p> <p>13.8. When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.</p> <p>13.9. The Development Authority <i>may</i> issue a development permit subject to the condition that the applicant:</p> <p>13.9.1. amends the proposal to conform with this or other bylaws;</p> <p>13.9.2. pays an off-site levy or redevelopment levy imposed by bylaw;</p> <p>13.9.3. enters into an agreement pursuant to Section 650 of the Act concerning servicing of the site;</p>	<p>2.13.3 The Development Officer shall refuse a Development Permit for any application which is not within the intent of this Bylaw.</p> <p>2.13.4 The Development Officer shall refuse a Development Permit for a use that is not listed as a Permitted Use or a Discretionary Use in the District in which the building or land is located.</p> <p>2.13.5 In the case where a proposed specific use of land or a building is not provided for in any district in this Bylaw, the Development Officer may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district and approve it.</p> <p>2.14 Discretion and Variance Authority</p> <p>2.14.1. A variance shall only be approved if, in the opinion of the Development Officer, it will not materially interfere with the amenities of the neighbourhood, or affect the use, enjoyment or value of neighbouring properties; and</p> <p>2.14.2. The proposed Development is listed either as a permitted or discretionary use in the subject land use district.</p> <p>2.14.3. If a variance is granted pursuant to this Section, the Development Officer shall specify its nature in the Development Permit approval.</p> <p>2.15 Development Permit Conditions</p> <p>2.15.1 As a condition of Development Permit approval, the Development Officer may require that the applicant enter into and comply with a Development Agreement with the Town which, in addition to other matters, may require the applicant:</p> <p>i. To construct or pay for the construction of:</p> <p>a. A Road required to give access to the Development;</p> <p>b. A pedestrian Walkway system to serve the Development or to connect the pedestrian Walkway system serving the development with a pedestrian Walkway system that services or is proposed to serve an</p>

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<p>13.9.4. registers an easement to protect a utility line;</p> <p>13.9.5. repairs any municipal improvements that may be damaged as a result of the development;</p> <p>13.9.6. finishes a building, or landscapes or paves a lot;</p> <p>13.9.7. grades a lot to the satisfaction of the municipality;</p> <p>13.9.8. supplies parking to meet the requirements of the bylaw;</p> <p>13.9.9. registers a restrictive covenant concerning architectural controls and landscaping; or</p> <p>13.9.10. deposits a letter of credit or performance bond guaranteeing that any of the above conditions are met.</p>	<p>Abutting Development, or both; and,</p> <p>c. Off-street or other parking facilities and loading and unloading facilities;</p> <p>ii. To install or pay for the installation of a public utility described in s. 616(v)(i) to (ix) of the <i>Municipal Government Act</i> that is necessary to serve the development, whether or not the public utility is, or will be, located on the land that is the subject of the development;</p> <p>iii. To pay all applicable development charges and levies including Off-site and redevelopment levies;</p> <p>2.15.2 The Development Officer may require the applicant to repair or reinstate, to original condition, any street furniture, curbing, sidewalk, boulevard Landscaping or trees which may be damaged or destroyed or otherwise harmed by development or building operations upon the Site.</p> <p>2.15.3 The Development Officer may require the applicant to provide an irrevocable letter of credit, or other form of security acceptable to the Development Officer, to guarantee performance of the conditions of the Development Permit and Development Agreement.</p> <p>2.15.4 The Development Officer may require the applicant to attend to all other reasonable matters the Development Officer considers appropriate.</p> <p>2.15.5 To ensure compliance with a Development Agreement, the Town may register a caveat against the property being developed which shall be discharged upon the terms of the agreement being met.</p> <p>2.15.6 The Development Officer may require, as a condition of issuing a Development Permit, that a developer provide securities to the Town to ensure completion of the Development in conformance with this Bylaw and the conditions of the Development Permit, and to cover the cost of repairing municipal improvements which may be damaged during the process of development.</p> <p>2.15.7 The Development Officer may incorporate in a Development Permit any conditions considered appropriate with which the Development shall comply and</p>
<p>22. CONTINUATION OF CONTROLS</p> <p>A condition attached to a development permit issued under a former bylaw continues under this bylaw.</p>	

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	<p>which are consistent with regulations in this Bylaw.</p> <p>2.15.8 In approving a Discretionary Use, the Development Officer may prescribe specific development standards with respect to that use or form of development, provided those standards are necessary to secure compliance with the requirements of this Bylaw with respect to:</p> <ul style="list-style-type: none"> i. The nature of the proposed Site, including its size and shape and the proposed size, shape and arrangement of Buildings; ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic and the adequacy of proposed Off-street Parking and loading; iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odour; and iv. Treatment given to aspects such as Landscaping, Screening, open spaces, parking and loading areas, lighting and Signs, and the colour, materials and architectural detail. <p>2.15.9 In approving a discretionary use, the Development Officer may issue a Temporary Development Permit for a period not exceeding one (1) year.</p> <p>2.15.10 Where a Temporary permit is issued, the Development Officer shall:</p> <ul style="list-style-type: none"> i. Require that the use be stopped or the Temporary Development removed once the permit expires; ii. Require that the Development be developed in accordance with Section 5.26, if applicable; and, iii. Impose a condition that the Town is not liable for any costs incurred in removing the Development. <p>2.16 Restrictions on Issuance of a Development Permit</p> <p>2.16.1 The Development Officer may prohibit the erection of a building on any site where it would otherwise be permitted or discretionary when, in the opinion of the Development Officer, satisfactory arrangements have not been made for the supply to such building or site of water, electric power, sanitary sewer, storm sewer, road access, or other services or facilities, including the payment of the</p>

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<p>6. NOTICE OF DECISION</p> <p>When a permit has been granted for a discretionary use, or pursuant to Subsections 12.5 or 13.6 of this bylaw, the Development Authority</p> <p>16.1. shall immediately mail a notice in writing to the registered owners of all adjacent land and to any other person who may, in his opinion, be affected; and</p> <p>16.2. may immediately publish in a newspaper circulating in the municipality a notice stating the location of the property for which the application has been made and the use approved; and</p> <p>16.3. may post a notice of the decision conspicuously on the property for which the application has been made,</p> <p>and the notice shall set out the rights of persons to appeal against the issuance of the Development Permit.</p>	<p>costs of installing any such service or facility.</p> <p>2.17 Notification of Development Approval</p> <p>2.17.1 A decision of the Development Officer on an application for a development permit shall be given in writing and a copy of it sent by ordinary mail to the applicant.</p> <p>2.17.2 When an application for a development permit is approved, with or without conditions, the Development Officer shall:</p> <ul style="list-style-type: none"> i. Send a notice of the decision by ordinary mail to all persons the Development Officer considers may be affected; and/or ii. Arrange for the Notice of Decision to be published in a newspaper circulating in the Town stating the legal description and civic address of the site of the development and identifying the use which has been approved. <p>2.17.3 When an application for a development permit is refused, the Notice of Decision shall be delivered by mail to the applicant.</p> <p>2.17.4 The Development Officer shall send the Notice of Decision on a development permit application to the applicant on the same day that the decision on the application is made in writing and signed by the Development Officer.</p> <p>2.17.5 For the purposes of this Bylaw, the date of Notice of Decision is deemed to have been given on the date it appears in the newspaper.</p> <p>2.17.6 Where this Land Use Bylaw requires a document to be sent to a person, the document may be sent by electronic means if</p> <ul style="list-style-type: none"> i. The recipient has consented to receive documents by electronic means and has provided an email address, website or other electronic address for that purpose, and ii. It is possible to make a copy of the document from the electronic transmission.

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<p>14. DEVELOPMENT PERMITS</p> <p>14.1. A development permit for a permitted use, and in respect of which the bylaw was not relaxed or varied or misinterpreted, comes into effect immediately.</p> <p>14.2. A development permit for a conditional use, or in respect of which the bylaw was relaxed or varied or misinterpreted, does not come into effect until 14 days after the date of issue.</p> <p>14.3. If a valid appeal is made pursuant to this bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.</p> <p>14.4. A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant and to any person who has expressed an interest in the matter.</p> <p>17. APPEAL PROCEDURE</p> <p>17.1. An appeal against a decision of the Development Authority shall be launched by filing notice, with the appropriate fee, with the Secretary of the Subdivision and Development Appeal Board.</p> <p>17.2. The procedure for hearing and determining appeals against a decision of the Development Authority is set out in Sections 684 to 687 of the Act.</p> <p>17.3. No appeal lies against a development permit for a permitted use unless the bylaw was relaxed, varied, or misinterpreted.</p> <p>17.4. In making its decision, the Development Appeal Board <i>is bound</i> by the uses of land set out in this bylaw, and <i>shall have regard for</i> all other parts of this bylaw and all statutory plans.</p>	<p>2.18 Validity of Development Permit</p> <p>2.18.1 A Development Permit is not in effect until twenty-one (21) days after the Notice of Decision has been given pursuant to Section 2.19. If an appeal is lodged with the Subdivision and Development Appeal Board, no Development shall be commenced until the appeal is finally determined.</p> <p>2.18.2 When services or facilities are required, a person shall not begin the excavation for the foundation, nor commence the Development until provision has been made for such services or facilities to the satisfaction of the Development Officer.</p> <p>2.19 Appealing a Decision</p> <p>2.19.1 The applicant for a Development Permit may appeal to the Subdivision and Development Appeal Board if the Development Officer:</p> <ul style="list-style-type: none"> i. Refuses a Development Permit; ii. Fails to make a decision on a Development Permit within forty (40) days of receipt of a completed application; iii. Issues a Development Permit subject to conditions; or iv. Issues an order under the Municipal Government Act. <p>2.19.2 In addition to the applicant, any person affected by an approved Development Permit may appeal to the Subdivision and Development Appeal Board.</p> <p>2.19.3 Notwithstanding Sections 2.21.1 and 2.21.2, no appeal lies in respect of the issuance of a Development Permit for a Permitted Use, unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted.</p>

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	<p>2.19.4 A person desiring to appeal to the Subdivision and Development Appeal Board shall file with the Clerk of the Subdivision and Development Appeal Board written notice of appeal within the following time periods:</p> <ul style="list-style-type: none"> i. In the case of an appeal by an applicant for a development permit, within twenty-one (21) consecutive days of the date of the written decision on the application or the date of the deemed refusal; ii. In the case of an appeal by a person affected by a stop order or a decision made by the Development Officer, within twenty-one (21) consecutive days of the date on which the order or decision was made, iii. In the case of an appeal by a person affected by a development permit issued by the Development Officer, within twenty-one (21) consecutive days of the date of issuance of the Notice of Decision under Section 2.19.4. <p>2.19.5 A decision on a Development Permit application within a Direct Control District is limited to whether or not the Development Officer followed the directions of Council. If the Subdivision and Development Appeal Board finds that the Development Officer did not follow Council’s directions, it may, in accordance with Council’s directions, substitute its decision for that of the Development Officer.</p> <p>2.20 The Appeal Process</p> <p>2.20.1 The Clerk of the Subdivision and Development Appeal Board shall ensure persons required to be notified under the provisions of the Subdivision and Development Appeal Board Bylaw and the Act are given notice of appeal.</p> <p>2.20.2 If a notice of appeal of a decision on a Development Permit application is served on the Clerk of the Subdivision and Development Appeal Board, the permit shall not be effective until:</p> <ul style="list-style-type: none"> i. The decision to approve the permit is upheld by the Subdivision and Development Appeal Board; or ii. The Clerk receives written notice from the Appellant indicating that the appeal is withdrawn. <p>2.20.3 In dealing with an appeal, the Subdivision and Development Appeal Board shall</p>

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	<p>follow the process described in the Subdivision and Development Appeal Board Bylaw and the Act.</p> <p>2.20.4 If a decision to approve a Development Permit is reversed by the Subdivision and Development Appeal Board, the Development Permit shall be null and void.</p> <p>2.20.5 If a decision to refuse a Development Permit is reversed by the Subdivision and Development Appeal Board, the Subdivision and Development Appeal Board shall direct the Development Officer to issue a Development Permit in accordance with its decision.</p> <p>2.20.6 If a decision to approve a Development Permit application is varied by the Subdivision and Development Appeal Board, the Subdivision and Development Appeal Board shall direct the Development Officer to issue a Development Permit in accordance with its decision.</p> <p>2.20.7 The decision of the Subdivision and Development Appeal Board is binding except on a question of jurisdiction or law, in which case the Appellant may seek permission to appeal to the Alberta Court of Appeal as provided in the <i>Municipal Government Act</i>.</p> <p>2.21 Notice of Appeal</p> <p>2.21.1 The Clerk of the Subdivision and Development Appeal Board shall, at least five (5) days prior to the hearing of an appeal publish a notice in a newspaper circulating in the Town stating:</p> <ul style="list-style-type: none"> i. The subject and nature of the appeal; ii. The time, date and location of the hearing; and iii. Any other matters the Clerk considers necessary. <p>2.21.2 The Clerk shall also notify in writing the Appellant, the Development Officer, objectors of record, abutting landowners, and any other person that the Subdivision and Development Appeal Board considers should be notified.</p>

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<p>15. SUSPENSION OR CANCELLATION OF A DEVELOPMENT PERMIT</p> <p>15.1. If the development authorized by a permit is not commenced within 12 months from the date of issuance, or carried out with reasonable diligence, the permit is void, unless an extension has previously been granted by the Development Authority.</p> <p>15.2. If a Development Permit was issued in error or was obtained through misrepresentation, the Development Authority may revoke it by sending a notice to the applicant by double registered mail.</p>	<p>2.22 Expiry of Permit</p> <p>2.22.1 Once a Development is initiated in relationship to an approved Development Permit, the Permit remains valid until the work is completed. However, if a Development is not completed to a standard acceptable to the Development Officer within two (2) years of the issuance of the Permit, or an extension thereof, the Development Officer may cancel the Development Permit and direct that the Site be returned to its original condition or a state acceptable to the Development Officer.</p> <p>2.23 Resubmission Interval</p> <p>2.23.1 Where an application for a development permit has been refused, the Development Officer shall refuse to accept another application for the same or a similar use on the same site:</p> <ul style="list-style-type: none"> i. Within six (6) months of the date of a refusal by the Development Officer; or ii. Within six (6) months of the date of a written decision of the Board on a previous application, if the previous application was appealed to and subsequently refused by the Subdivision and Development Appeal Board; or iii. Within six (6) months of the date of a written decision of the Alberta Court of Appeal on the previous application if the application has been appealed to the Alberta Court of Appeal; or iv. During the time prior to the decision of the Board or the Alberta Court of Appeal, if the application has been appealed to the Board or the Alberta Court of Appeal. <p>2.23.2 Section 2.23.1 shall not apply in the case of an Application for a Development Permit for a Permitted Use if the Application complies with all of the regulations of this Bylaw.</p>

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	<p>2.24 Subdivision Applications</p> <p>2.24.1 Upon receipt of an application the Subdivision Authority shall within 20 days determine whether the application is complete. An application is complete, if in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application. The 20 day timeline may be extended if agreed upon in writing between the applicant and the Subdivision Authority.</p> <p>2.24.2 If the Subdivision Authority deems a subdivision application to be complete, the Subdivision Authority shall issue a letter to the applicant indicating:</p> <ol style="list-style-type: none"> i. The date the application was received and deemed complete, ii. Confirmation the Subdivision Authority will begin processing the application, and iii. The date the 60 days to process the application expires. <p>2.24.3 If the Subdivision Authority determines an application is incomplete, the Subdivision Authority shall issue a letter to the applicant, indicating the following:</p> <ol style="list-style-type: none"> i. The application is considered incomplete, ii. A detailed list of the outstanding documents and/or information required by the Subdivision Authority in order for the application to be considered complete, iii. The date which the required outstanding documents and/or information must be submitted to the Subdivision Authority, as either set out in the notice, or as agreed upon between the applicant and Subdivision Authority, prior to the expiry of the 20 day review period. <p>2.24.4 If the Subdivision Authority determines that the information and documents submitted by the applicant at the request of the Subdivision Authority are complete, the Subdivision Authority shall issue a letter to the applicant indicating:</p> <ol style="list-style-type: none"> i. The application is complete, ii. Confirmation the Subdivision Authority will begin processing the application, and

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	<p>iii. The date the 60 days to process the application expires.</p> <p>2.24.5 If the applicant fails to submit the outstanding information and documents requested by the Subdivision Authority to complete the application on or before the date referred to in the letter issued to the applicant, the application is deemed to be refused.</p> <p>2.24.6 If the application is deemed refused because the applicant failed to provide the Subdivision Authority with the requested information, the Subdivision Authority shall issue to the applicant a letter indicating the application has been refused and the reason for the refusal, within 7 days of the expiry date.</p> <p>2.24.7 Despite that the Subdivision Authority has issued a letter acknowledging an application as complete, 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.</p> <p>2.24.8 If the Subdivision Authority does not make a determination of an application’s completeness within 20 days of receiving the application, or within an alternative timeline agreed upon between the applicant and Subdivision Authority, the application is deemed to be complete.</p> <p>2.24.9 The Subdivision Authority shall consider and decide on any application for a subdivision approval, within 60 days of the date that the application is deemed complete, or within such longer period as the applicant may have agreed to in writing.</p>

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<p>20. AMENDMENT</p> <p>20.1. A person may apply to have this bylaw amended, by applying in writing, giving reasons in support of the application, and paying the appropriate fee.</p> <p>20.2. An application to change the district of any land may be initiated only by the owner of that land, or by Council.</p> <p>20.3. An amendment to this bylaw must be consistent with the Act and Regulations, the <u>Municipal Development Plan</u>, and any area structure plan that has been adopted by bylaw.</p> <p>20.4. A proposal to amend the bylaw must be advertised in the same way as a Notice of Decision as set out in Section 16.</p>	<p>2.25 Land Use Bylaw Amendments</p> <p>2.25.1 Council may, at any time, initiate an amendment to this bylaw. If deemed necessary, and in accordance with the provisions of the Act, the Town may initiate an amendment to this bylaw affecting any parcel of land without the owner's consent.</p> <p>2.25.2 A person may request to have this Land Use Bylaw amended by applying in writing to the Development Officer. The application shall be signed by the applicant or their agent. The following information and documents will accompany the application:</p> <ul style="list-style-type: none"> i. A summary of the concerns expressed at a public meeting in the community, if the meeting is deemed necessary; ii. The preparation, submission and/or amendment of an Area Structure Plan, Outline Plan, or Conceptual Scheme if necessary; iii. A non-refundable fee as set out in the fee schedule; iv. If the amendment involves the re-districting of land to a different Land Use District, a current Certificate of Title (issued not later than 30 days prior to the receipt of the amendment application) for the land affected or other documents satisfactory to the Development Officer including evidence of the applicant's interest in the said land; v. A map of the Site and surrounding area drawn to scale and accurately dimensioned to the satisfaction of the Development Officer; and vi. A statement of the purpose and reasons for the proposed amendment(s). vii. A letter of authorization from the property Owner(s) where the applicant is not the registered Owner of the property. viii. Any information and/or studies required by the Development Officer, such as but not limited to those listed in Section 2.8. <p>2.26. Land Use Bylaw Amendment Process</p> <p>2.26.1 Upon receipt of a completed amendment application, the Development Officer shall:</p> <ul style="list-style-type: none"> i. Examine the proposed amendment and prepare a written report on the

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	<p>proposed amendment; and</p> <ul style="list-style-type: none"> ii. Advise the applicant in writing that he: <ul style="list-style-type: none"> a. Is prepared to recommend the amendment to Council without further investigation; b. Is not prepared to recommend the amendment; c. Requires further investigation to make a recommendation; or d. Is prepared to recommend an alternative amendment. iii. Upon receiving the advice of the Development Officer, the applicant shall advise the Development Officer if: <ul style="list-style-type: none"> a. He wishes the proposed amendment to proceed to Council, in which case he must prepay the advertising costs referred to in the fee schedule prior to the amendment proceeding to Council; or b. He does not wish to proceed to Council with the proposed amendment, in which case the application is considered abandoned. c. If the applicant does not respond to the Development Officer's notification, the application shall be cancelled after one year from the date of the notice of the Development Officer. iv. The Development Officer shall present for the consideration of Council any proposed amendment to this Bylaw, and the proposed amendment shall be accompanied by the report and recommendations of the Development Officer. <p>2.26.2 The amendment application may be referred by the Development Officer to:</p> <ul style="list-style-type: none"> i. Any municipal department, abutting municipality, government agency, or other external agency for comment; and ii. Council for first reading and to establish a date for a public hearing to be held prior to second reading. <p>2.26.3 After the date for a public hearing has been set by Council, a notice of the amendment application shall be published once a week for two (2) consecutive weeks in a newspaper circulating in the Town. This notice shall contain:</p> <ul style="list-style-type: none"> i. The legal description, municipal address and a map of the land which is the subject of the application; ii. The purpose of the proposed amendment; iii. One or more places where a Copy of the proposed amendment may be

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	<p>inspected by the public during reasonable hours;</p> <ul style="list-style-type: none"> iv. The date, place, and time that Council will hold a public hearing on the amendment; and v. An outline of the procedures to be followed by anyone wishing to be heard at the public hearing, and an outline of the procedures to be followed at the public hearing. <p>2.26.4 If the amendment involves the re-districting of land to a different Land Use District a notice shall also be given to the assessed Owner of the subject land, to landowners located within 30 m of the subject land at the addresses shown for each Owner on the assessment roll of the Town.</p> <p>2.26.5 Council, after considering:</p> <ul style="list-style-type: none"> i. Any representations made at the public hearing; ii. Any Intermunicipal Development Plan, Municipal Development Plan, Area Structure Plan, Area Redevelopment Plan, Outline Plan or Conceptual Scheme affecting the application this Bylaw; iii. Other relevant considerations properly brought before Council including but not limited to: <ul style="list-style-type: none"> a. Compatibility with surrounding development in terms of land use, function and scale of development; b. Traffic impacts; c. Relationship to, or impacts on, services such as water and sewage systems, storm sewers, public transit and other utilities and public facilities such as recreational facilities and schools; d. Relationship to municipal land, right-of-way or easement requirements; e. Effect on stability, retention and rehabilitation of desirable existing uses, Buildings, or both in the area; f. Necessity and appropriateness of the proposed Land Use District in view of the stated intentions of the applicant, and g. Relationship to the documented concerns and opinions of area residents regarding the application, and; h. Any other matter considered appropriate. <p>may pass the proposed amendment; make any changes it considers necessary to the</p>

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<p>8. NON-CONFORMING BUILDINGS AND USES</p> <p>If a building or land use is not allowed in this bylaw, but was legally in existence at the date of passage of this bylaw, it may continue legally as a non-conforming use and be maintained, pursuant to Section 643 of the Act, but it may not be enlarged or replaced except pursuant to Section 13.6 of this bylaw.</p>	<p>proposed amendment, and proceed to pass the proposed amendment without further advertisement or hearing; defer the amendment application for more information, such as an amendment to or the completion of an Area Structure Plan; or refuse the proposed amendment.</p> <p>2.26.6 If Council refuses an application for an amendment, the Development Officer shall not accept another application on the same land for the same or similar amendment until six (6) months have passed after the date of such refusal.</p> <p>3. Contravention and Enforcement</p> <p>3.1. Non-conforming Buildings and Uses</p> <p>3.1.1 Where at the date of approval of this Bylaw, a Building is lawfully under construction or all required permits for the construction of a Building have been issued, the Building shall be deemed to be a Building existing at the date of the approval of this Bylaw subject to the erection of any such Building being commenced within one (1) year after the date of the issue of the last permit relating thereto.</p> <p>3.1.2 The lawful use of land or of a Building or other Structure existing at the date of the approval of this Bylaw that does not conform to this Bylaw may be continued; but if the Non-conforming Use is discontinued for a period of at least six (6) consecutive months, the future use of the land, Building or other Structure shall be in conformity with this Bylaw.</p> <p>3.1.3 The lawful use of a Building existing at the time of the approval of this Bylaw that does not conform to this Bylaw may be extended throughout the Building; but no Structural Alterations except those required to make it a conforming Building shall be made in the Building while the Non-conforming Use is continued. For the purposes of this Section, repairs, maintenance or installations that do not alter the size of the Building or involve the rearrangement or replacement of structural supporting elements shall not be considered to be</p>

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	<p data-bbox="1542 172 1830 201">Structural Alterations.</p> <p data-bbox="1427 245 2564 386">3.1.4 If a Building that does not conform to the provisions of this Bylaw is destroyed by fire or other cause to an extent of seventy-five (75) percent or more of the value of the Building, above its foundation, it shall not be rebuilt or repaired except in conformity with the provisions of this Bylaw.</p> <p data-bbox="1427 430 2564 605">3.1.5 Where the land use of a Building existing at the time of the approval of this Bylaw conforms to this Bylaw, but the Building itself does not conform to the Bylaw, Structural Alterations and additions which conform to the requirements of this Bylaw may be made but the element of non-conformity shall not be increased by such alteration or additions.</p> <p data-bbox="1427 649 2564 751">3.1.6 A Non-conforming Use of part of a parcel shall not be extended or transferred in whole or in part to any other part of the parcel, and no additional Buildings shall be erected upon the parcel while the Non-conforming Use continues.</p> <p data-bbox="1427 795 2564 862">3.1.7 A change of tenants or occupants of any land or Building shall not be deemed to affect the use of the land or Building.</p> <p data-bbox="1427 906 2564 1118">3.1.8 When a Building is a Non-conforming Building solely by reason of its encroachment into a required Yard or Setback or inadequate parking the Development Officer may allow an extension of or an addition to the Building if such extension or addition will not in itself constitute an encroachment into any required Yard, and if such extension or addition complies with the provisions of this Bylaw.</p> <p data-bbox="1427 1162 2564 1304">3.1.9 No existing Structure or Site shall be deemed to be Non-conforming by reason only of the conversion from the imperial system of measurement where such non-conformity is resultant solely from such change and is reasonably equivalent to the metric standard herein established.</p>

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<p>19. CONTRAVENTION</p> <p>19.1. If the Development Authority finds that a development or use of land or buildings is not in accordance with:</p> <p>19.1.1. the Act or Regulations, or</p> <p>19.1.2. a development permit or subdivision approval, or</p> <p>19.1.3. this bylaw,</p> <p>he may proceed in accordance with Sections 541 to 556 and/or Sections 645 and 646 of the Act.</p>	<p>3.2 Non-conforming Parcels</p> <p>3.2.1 Parcels created prior to the adoption of this Bylaw, regardless of area or dimensions, may be used for any of the Permitted Uses of the Land Use District in which they fall, subject to the limitations contained therein.</p> <p>3.2.2 Where a Lot is reduced in size as a result of taking land for public use by the Town, Provincial or Federal Government, the Board of a School Division, or a Public Utility by dedication, expropriation, or purchase, the Lot and Buildings and Structures thereon are deemed to conform with the provisions of this Bylaw, and the Lot shall be considered to exist as it did prior to the taking of land for the purpose of further development upon the Lot under its existing regulations, provided such taking:</p> <ul style="list-style-type: none"> i. Does not reduce a minimum Front, Side or Rear Yard below 1.5 m unless this Bylaw does not require such Yard; ii. The utility installation does not endanger the continuing use of the property as permitted by this Bylaw, as determined by the Development Officer; and iii. Does not result in the Lot being rendered unsuitable for any of the Uses Permitted or Discretionary contained in the Land Use District which the Lot is located, as determined by the Development Officer. <p>3.3. Contravention</p> <p>3.3.1. Every person or corporation who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act which violates any of the provisions of this Bylaw, or fails to comply with any order, notice, or direction given under this Bylaw is guilty of an offence against this Bylaw and is liable to the penalties hereby imposed.</p> <p>3.3.2. The Development Officer may suspend or revoke a Development Permit where:</p> <ul style="list-style-type: none"> i. The applicant fails to comply with the conditions of issuance of a permit; ii. Any person undertakes, causes or permits any Development on a Site contrary to the terms or conditions of a permit, or;

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<p>19.2. Contravention of this bylaw is an offence and is subject to a fine not more than \$500.00 under Section 566 of the Act.</p> <p>19.3. If a person, knowing that a development permit is required, starts construction before obtaining such a permit, the fee for the development permit shall be doubled.</p>	<p>iii. The Development does not comply with the Development agreement.</p> <p>3.3.3. Any person who undertakes, causes or permits any Development on a Site without a Development Permit, or after a permit has been suspended or revoked, shall discontinue such Development forthwith upon notice in writing issued by the Development Officer so requiring and shall not resume such Development unless a permit has been issued or the permit reinstated.</p> <p>3.3.4. If, in the opinion of Development Officer, it appears that a Development Permit has been obtained by misrepresentation, the Development Officer may suspend or revoke the Development Permit.</p> <p>3.4 Notice of Contravention</p> <p>3.4.1 Once the Development Officer has found a violation of this Bylaw, the Development Officer may first notify the Owner of the property, the person or corporation in possession of the land or Development or the person responsible for the Bylaw violation or contravention, by either:</p> <ul style="list-style-type: none"> i. Delivering, in person or by ordinary mail or fax, a Notice of Contravention Form; or ii. Posting a “Notice of Contravention Form” in a conspicuous location on the Site. <p>3.4.2 A “Notice of Contravention Form” may state:</p> <ul style="list-style-type: none"> i. The nature of the violation of this Bylaw; ii. The scope of the corrective measures, including resubmission of a development permit application and payment of the required development permit application fee, required to comply with this Bylaw; iii. The time limit within which such corrective measures must be performed; and iv. The penalties for the violation. <p>3.5 Stop Orders</p> <p>3.5.1 If the Development Officer finds, subsequent to the issuance of a Notice of</p>

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	<p>Contravention, that a Development or use of land or Building is not in accordance with:</p> <ul style="list-style-type: none"> i. The Act or the regulations thereunder; ii. This Bylaw; iii. A Development Permit, or conditions thereof; or iv. The Notice of Contravention <p>the Development Officer shall issue a Stop Order in writing to the registered Owner, the person or corporation in possession of the land or Buildings or the person or corporation responsible for the contravention of all or any of them to:</p> <ul style="list-style-type: none"> a. Stop the Development or use of the land or Building in whole or in part as directed by the notice; b. Demolish, remove or replace the Development; or c. Take such other measures as are specified in the notice so that the Development or use of the land or Building is in accordance with the Act, and the regulations thereunder, a Development Permit, subdivision approval or the Bylaw, as the case may be, within the time specified by the order. <p>3.5.2 If a person fails or refuses to comply with a Stop Order, the Town may, in accordance with the Act, enter upon the land or Building and take such action as is necessary to carry out the order.</p> <p>3.5.3 If the Town takes action to carry out a Stop Order, the Town shall cause the costs and expenses incurred in doing so, to be placed on the tax roll of the property concerned.</p> <p>3.5.4 The Town may register a caveat with respect to the Stop Order in the Land Titles Office.</p> <p>3.6 Penalties</p> <p>3.6.1 A person or corporation who:</p> <ul style="list-style-type: none"> i. Contravenes any provision of this Bylaw;

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	<ul style="list-style-type: none"> ii. Contravenes any provision of an order, regulation, or permit in force pursuant to this Bylaw; iii. Is to do any act or thing required to be done by an order, regulation, or permit in force pursuant to this Bylaw; iv. Suffers or permits any act or thing to be done in contravention of any provision of an order, regulation, or permit in force pursuant to this Bylaw; or v. Obstructs or hinders any person in the performance of his duties under this Bylaw or under any order, regulation, or permit in force pursuant to this Bylaw; Is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000.00. <p>3.6.2 In addition to the penalties provided in Section 3.6.1, a judge or the court who convicts a person or corporation under Section 3.6.1 in respect of a Development carried on in contravention of this Bylaw or any Order, regulation, or permit in force pursuant to this bylaw, may order that person or corporation to observe, perform or carry out any matter or thing that may be necessary to remedy the contravention for which the penalty was imposed.</p> <p>3.6.3 The conviction of an offender upon breach of any of the provisions of the bylaw shall not bar prosecution against the same offender upon any subsequent breach of the same or any other provision of this bylaw or prosecution under any other applicable bylaw or statute.</p>