

VILLAGE OF ALIX

BYLAW No. 435/18

BEING A BYLAW IN THE VILLAGE OF ALIX TO AMEND LAND USE BYLAW NO. 396/11

WHEREAS Section 639 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, provides that every municipality must pass a land use bylaw; and

WHEREAS the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, permits a Council to pass a bylaw to amend the Land Use Bylaw; and

WHEREAS the Council of the Village of Alix deems it necessary and expedient to amend Land Use Bylaw Number 396/11;

NOW THEREFORE COUNCIL OF THE VILLAGE OF ALIX DULY ASSEMBLED ENACTS AS FOLLOWS

1. THAT the following sections be added or replaced to Land Use Bylaw 396/11 as follows:

Section 3.1 Permission for Development is hereby added;

(3) Upon receipt of an application the Development Authority shall within 20 days determine whether the application is complete. An application is complete, if in the opinion of the Development 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 Development Authority.

(4) If the Development Authority deems a development permit application to be complete, the Development Authority shall issue a letter to the applicant indicating:

- (a) The date the application was received and deemed complete;
- (b) Confirmation the Development Authority will begin processing the application, and;
- (c) The date the 40 days to process the application expires.

Section 3.4 Incomplete Applications is repealed and replaced with the following;

(1) If the Development Authority determines an application is incomplete, the Development Authority shall issue a notice in writing to the applicant, indicating the following:

- (a) The application is considered incomplete;
- (b) A detailed list of the outstanding documents and/or information required by the Development Authority in order for the application to be considered complete;
- (c) The date which the required outstanding documents and/or information must be submitted to the Development Authority, as either set out in the notice, or as agreed upon between the applicant and Development Authority;

prior to the expiry of the 20 day review period.

(2) If the Development Authority determines that the information and documents submitted by the applicant at the request of the Development Authority are complete, the Development Authority must issue a letter to the applicant indicating:

- (a) The application is complete;

- (b) Confirmation the Development Authority will begin processing the application, and;
- (c) The date the 40 days to process the application expires.

(3) If the applicant fails to submit the outstanding information and documents requested by the Development Authority to complete the application on or before the date referred to in the notice issued to the applicant, the application is deemed to be refused.

(4) If the application is deemed refused because the applicant failed to provide the Development Authority with the requested information, the Development Authority 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 date.

(5) Despite that the Development Authority has issued a letter acknowledging an application as complete, in the course of reviewing the application, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

(6) If the Development 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 Development Authority, the application is deemed to be complete.

Section 4.4 Time Limit for Decision on Development Permits is repealed and replaced with the following:

(1) The Development Authority shall, within 20 days after the receipt of an application for a development permit, determine whether the application is complete, or within such longer period as the applicant may have agreed to in writing.

(2) The Development Authority shall consider and decide on any application for a development permit, within 40 days of the date of issuance of a letter to an applicant indicating the application is complete, or within such longer period as the applicant may have agreed to in writing.

Section 4.5 Notification of Development Authority Decisions s.(1) is repealed and replaced with the following;

(1) A decision of the Development Officer or the Municipal Planning Commission on an application for a development permit shall be given in writing and a copy of it sent by ordinary mail to the applicant on the same day the written decision is given.

Section 4.6 Effective Date of a Development Permit s.(1) is repealed and replaced with the following;

A development permit shall not become effective until 21 days after the date on which the notice of the issuance of the permit was given in accordance with the municipality's land use bylaw.

Section 4.8 Re-application for a Development Permit is repealed and replaced with the following;

Where an application for a development permit has been refused, except for those applications refused as incomplete applications, the Development Officer shall refuse to accept another application for the same or a similar use on the same lot or site until 6 months have passed from the date of such refusal unless in the opinion of the Development Officer the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

Section 4.9 Appealing a Decision of the Development Authority s.(1) is repealed and replaced with the following;

4.9.1 An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days of the date of the letter issued to the applicant acknowledging a complete application, and an applicant may appeal in writing, as provided for in this Land Use Bylaw, unless the applicant enters into an agreement with the Development Officer to extend the 40 day period.

- (1) Where the Development Authority:
 - (a) Fails to issue a development permit to a person, or
 - (b) Refuses an application for a development permit, or
 - (c) Issues a development permit subject to conditions, or
 - (d) Issues an order under the Municipal Government Act,

The person applying for the permit or affected by an order, a decision, or development permit may appeal to the Subdivision and Development Appeal Board in accordance with the Municipal Government Act.

(4) An appeal to the Subdivision and Development Appeal Board is commenced by filing a notice of appeal, containing reasons for the appeal, with the board within 21 days;

- (a) in the case of an appeal made by the person applying for a permit or affected by the order, after;
 - (i) the date on which the person is notified of the order or decision or the issues of the development permit, or;
 - (ii) if no decision is made with respect of the application within the 40 day period or within any extension granted under the *Municipal Government Act*, the date the period or extension expires;

or

(b) in the case of any appeal by any person affected by an order, decision or development permit made or issued by the Development Authority, after the date on which the notice of the issuance of the permit was given in accordance with Section 4.5 (1).

Section 5.0 Subdivision Approval Application is hereby added;

(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.

(2) If the Subdivision Authority deems a subdivision application to be complete, the Subdivision Authority shall issue a letter to the applicant indicating:

- (a) The date the application was received and deemed complete,
- (b) Confirmation the Subdivision Authority will begin processing the application, and
- (a) The date the 60 days to process the application expires.

(3) If the Subdivision Authority determines an application is incomplete, the Subdivision Authority shall issue a notice in writing to the applicant, indicating the following:

- (a) The application is considered incomplete,
- (b) A detailed list of the outstanding documents and/or information required by the Subdivision Authority in order for the application to be considered complete,
- (c) 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.

(4) 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 notice issued to the applicant, the application is deemed to be refused.

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.

(5) 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.

(6) 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.

(7) The Subdivision Authority shall, within 20 days after the receipt of an application for a subdivision approval, determine whether the application is complete, or within such longer period as the applicant may have agreed to in writing.

(8) The Subdivision Authority shall consider and decide on any application for a subdivision approval, within 60 days of the date of issuance of a letter to an applicant indicating the application is complete, or within such longer period as the applicant may have agreed to in writing.

THAT Part 10: Definitions be amended to include the following definition, in alphabetical order: *"Subdivision Authority means the person, persons or organization appointed pursuant to the Subdivision Authority Bylaw"*

Read a first time on the ____ day of _____, 2018.

Public Hearing held on the ____ day of _____, 2018.

Read a second time on the ____ day of _____, 2018.

Read a third and final time on the ____ day of _____, 2018.

Mayor

Chief Administrative Officer