

Town of High Prairie

Bylaw No. 09-2019

A BYLAW OF THE TOWN OF HIGH PRAIRIE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AMENDING TOWN OF HIGH PRAIRIE LAND USE BYLAW NO. 05-2015.

WHEREAS Pursuant to the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, Council may amend a Land Use Bylaw, and;

WHEREAS The Council of the Town of High Prairie, in the Province of Alberta, has adopted the Town of High Prairie Land Use Bylaw No. 05-2015, as amended, and;

WHEREAS The Council of the Town of High Prairie, in the Province of Alberta, deems it necessary to amend the Town of High Prairie Land Use Bylaw to change the notification requirements for development permit applications and update the Land Use Bylaw to comply with changes in the Municipal Government Act;

NOW THEREFORE Pursuant to Sections 230, 606 and 692 of the Province of Alberta *Municipal Government Act*, the Town of High Prairie Council, duly assembled, hereby enacts as follows:

- 1. Replace the definition for Development Authority under Section 1.6 DEFINITIONS with the following:**

DEVELOPMENT AUTHORITY means the Development Officer or Municipal Planning Commission, as established by the Development Authority Bylaw No. 08-2019.

- 2. Replace the definition for Development Officer under Section 1.6 DEFINITIONS with the following:**

DEVELOPMENT OFFICER means the Chief Administrative Officer or a person delegated by the Chief Administrative Officer to exercise development powers and duties on behalf of the Town of High Prairie, as established by the Development Authority Bylaw No. 08-2019.

- 3. Remove the definition for "Secretary" in Section 1.6 DEFINITIONS.**

- 4. Add the following definition for "Clerk" to Section 1.6 DEFINITIONS:**

CLERK means the Clerk of the Subdivision and Development Appeal Board.

- 5. Replace "secretary" with "clerk" throughout the document.**

6. Replace 5.2.4 under section 5.2 CONDITIONS OF A DEVELOPMENT PERMIT with the following:

5.2.4 When an application for a development permit has been refused pursuant to this Bylaw or ultimately after appeal, the submission of another application for a development permit for the same parcel of land and for a similar use of the land by the same or another applicant may not be accepted by the Development Officer for a period of six (6) months after the date of the refusal, unless the original application was refused for incomplete application under section 2.2.7.

7. Replace "PART 2 DUTIES OF DEVELOPMENT AUTHORITY" with the attached "Schedule A".

8. Replace Section 5.3 NOTIFICATION OF PERMIT APPROVAL OR REFUSAL with the attached "Schedule B".

9. SEVERABILITY

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the bylaw is deemed valid.

10. EFFECTIVE DATE

This Bylaw shall come into full force and effect upon the date of its final passing thereof.

First Reading given on the 14th day of May, 2019.



Brian Panasiuk, Mayor



Brian Martinson, Chief Administrative Officer

The Public Hearing was advertised in South Peace News from May 22, 2019 to June 5, 2019.

Public Hearing held 11th day of June, 2019.



Brian Panasiuk, Mayor



Brian Martinson, Chief Administrative Officer

Second Reading given on the 11th day of June, 2019.



Brian Panasiuk, Mayor



Brian Martinson, Chief Administrative Officer

Third Reading and Assent given on the 11th day of June, 2019.



Brian Panasiuk, Mayor



Brian Martinson, Chief Administrative Officer

SCHEDULE A

PART TWO DUTIES OF DEVELOPMENT AUTHORITY

2.1 ESTABLISHMENT OF DEVELOPMENT AUTHORITY

- 2.1.1 The Development Authority of the Town of High Prairie is established by Bylaw No. 08-2019 and amendments thereto pursuant to Section 624 of the *Municipal Government Act*.

2.2 DUTIES AND POWERS OF DEVELOPMENT AUTHORITY

- 2.2.1 In accordance with the Act, the Development Officer shall:

- (a) receive, consider and decide upon applications for a development permit; and
- (b) keep and maintain for inspection of the public during office hours, a copy of this Bylaw and all amendments thereto, and ensure that copies are available to the public at a reasonable charge;
- (c) keep a register of all applications for Development Permits, including the decisions therein and the reasons therefore, for a minimum period of seven (7) years;
- (d) refer to all Development Permit applications proposed in a Direct Control district to Council for a decision.

- 2.2.2 The Development Officer shall, within 20 days after receipt of a development permit application, determine whether the application is complete or incomplete, unless this period is extended by a written agreement between the Development Officer and the applicant.

- 2.2.3 When, in the opinion of the Development Officer:

- (a) sufficient details of a proposed development have been included with the application for a development permit, the Development Officer shall, in a form and manner appropriate, issue a notice of complete application to the applicant, advising that the application is complete within 20 days from the receipt of the application or the extended time period agreed upon between the Development Officer and the applicant under section 2.2.2.

- (b) sufficient details of a proposed development have not been included with the application for a development permit, the Development Officer shall, in a form and manner appropriate, issue a notice of incomplete application to the applicant, advising that the application is incomplete within 20 days from the receipt of the application or the extended time period agreed upon between the Development Officer and the applicant under subsection 2.2.2. The notice shall outline any outstanding information and/or documentation and a date by which all the required information and/or documentation must be submitted by the applicant for the application to be considered complete.
- 2.2.4 Notwithstanding subsection 2.2.3, if the Development Officer does not issue a notice of complete or incomplete application for a development permit application within 20 days from the date of receipt of the application, or the extended time period agreed upon between the Development Officer and the applicant, the application is deemed to be complete.
- 2.2.5 Notwithstanding the issuance of a notice of complete or incomplete application pursuant to subsection 2.2.3, or failure to issue a notice under subsection 2.2.3, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.
- 2.2.6 If an applicant who has been issued a notice of incomplete application under subsection 2.2.3 (b):
 - (a) submits all the required information and/or documentation by the date given in the notice, the Development Officer shall, in a form and manner appropriate, issue a notice of complete application to the applicant, advising that the application is now complete.
 - (b) fails to submit all the required information and/or documents by the date given in the notice, the application is deemed refused.
- 2.2.7 Where an application for a development permit is deemed refused under subsection 2.2.6 (b), the Development Officer shall issue a notice to the applicant, stating that the application has been refused and the reason for the refusal.
- 2.2.8 Unless extended by a written agreement between the Development Authority and the applicant, the Development Authority shall decide on a development permit application either:

- (a) within 40 days of receipt by the applicant the notice of complete application if issued under subsection 2.2.3 (a) or 2.2.6 (a), or
 - (b) within 40 days from the receipt of the application, if no notice is issued under subsection 2.2.3.
- 2.2.9 Notwithstanding subsection 2.2.8, the application is, at the opinion of the applicant, deemed refused if a decision is not made within the time period provided for in subsection 2.2.8.
- 2.2.10 The Development Officer shall consider and decide upon applications for a development permit for a use listed under the "Permitted Uses" column in any land use district.
- 2.2.11 The Development Officer may, at his or her discretion, refer to the Municipal Planning Commission an application for a development permit for a permitted use in any land use district which in his or her opinion should be decided by the Commission.
- 2.2.12 The Development Officer shall refer, with recommendations, all applications for a development permit for those uses which constitute a "Discretionary Use" in any land use district to the Municipal Planning Commission for its consideration and decision.
- 2.2.13 In making a decision on an application for a "Permitted Use", the Development Officer or the Municipal Planning Commission:
 - (a) shall approve the application upon the use conforming to the Bylaw
 - (b) may approve the application where the development does not satisfy all the requirements of the Land Use Bylaw subject to the conditions necessary to ensure conformity.
- 2.2.14 Council shall decide upon all development permit applications for uses proposed for lands located within a Direct Control district.
- 2.2.15 In reviewing a Development Permit application for a "Discretionary Use", the Municipal Planning Commission:

- (a) may approve or refuse a Development Permit application which meets the requirements of this Bylaw; or
- (b) shall refuse a Development Permit application that does not meet the requirements of this Bylaw.

2.2.16 In reviewing a development permit application, the Municipal Planning Commission shall have regard to:

- (a) the circumstances and merits of the application, including but not limited to:
 - (i) the impact of such nuisance factors as smoke, airborne emissions, odors and noise on nearby properties,
 - (ii) the design, character and appearance of the development being compatible with and complementary to the surrounding properties, and
 - (iii) the servicing requirements for the proposed development;
- (b) the purpose and intent of any statutory plans adopted by the Town.

2.2.17 Notwithstanding any provisions or requirements of this Bylaw, the Development Authority may establish a more stringent standard for "Discretionary Uses" when deemed necessary to do so.

Bylaw 11-2018
July 10, 2018

2.2.18 Where the proposed use is not listed in a land use district, the Development Officer or the Municipal Planning Commission may consider the use to be so listed as a discretionary use if, in their opinion, it is sufficiently similar in character and purpose to either a listed permitted or discretionary use within the applicable district, but is not listed as a use in another district or defined in Definitions section.

2.3 VARIANCES

2.3.1 The Development Authority may allow a variance not exceeding ten percent (10%) to any front yard, side yard or rear yard setback, building height, lot width, or lot area requirement, if in the opinion of the Development Authority:

- (a) the proposed variance would not result in a development that will
 - (i) unduly interfere with the amenities of the neighbourhood, or

(ii) materially interfere with or affect the use, enjoyment or value of neighboring properties; and

(b) the proposed development conforms to the use prescribed for the land or building in this Bylaw.

2.3.2 The Development Authority may allow front yard setbacks for infill housing development in established residential districts to be varied to coincide with the average setback on the block face being developed.

2.3.3 The Development Authority shall specify the nature of the approved variance in the Development Permit decision notice.

SCHEDULE B

5.3 NOTIFICATION OF DEVELOPMENT PERMIT APPLICATION DECISIONS

- 5.3.1 When a development permit application for a permitted use is approved, the Development Officer or designate shall:
- (a) mail a Notice of Decision to the applicant or his agent on the same day that the decision is made;
 - (b) publish a copy of the Notice of Decision on the Town's website for a period of twenty-one (21) days.
- 5.3.2 When a development permit application for a discretionary use is approved, the Development Officer or designate shall:
- (a) mail a Notice of Decision to the applicant or his agent on the same day that the decision is made; or
 - (b) publish a copy of the Notice of Decision on the Town's website for a period of twenty-one (21) days, or publish the Notice of Decision in a local newspaper, stating the location and address of the property for which the application has been made, the proposed use, and the decision of the Development Authority;
 - (c) or both
- 5.3.3 When a Development Permit application is refused, the Development Officer or designate shall mail a Notice of Decision to the applicant or his agent stating the reasons for the refusal.
- 5.3.4 For the purposes of this Bylaw, the date of issuance of the Notice of Decision of the Development Authority is deemed to be the same day the Notice of Decision is signed and mailed to the applicant or their agent, or the day the Notice of Decision is published on the Town's website and/or in a local newspaper.
- 5.3.5 For the purposes of this Bylaw, the date of receipt of the Notice of Decision of the Development Authority by the applicant or their agent is deemed to be seven (7) days from the date the Notice of Decision is mailed to the applicant or their agent.

- 5.3.1 A Development Permit comes into effect twenty-four (24) days from the date of issuance. Where an appeal has been filed with the Subdivision and Development Appeal Board within twenty-one (21) days from the date of issuance of the Notice of Decision, no development shall be commenced pursuant to the Development Permit until the Board upholds the issuance of the Development Permit.