

BYLAW NO. 15/2018

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF PEACE NO. 135 IN THE PROVINCE OF ALBERTA

TO AMEND THE MUNICIPAL DISTRICT OF PEACE LAND USE BYLAW No. 1/2012

WHEREAS, the Council of Municipal District of Peace No.135, in the Province of Alberta, has adopted the Municipal District of Peace No. 135 Land Use Bylaw No. 1/2012 to regulate land use and development within the municipality; and

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

WHEREAS, the Council of Municipal District of Peace No.135, in the Province of Alberta, deems it necessary to amend the Municipal District of Peace Land Use Bylaw No. 1/2012; and

WHEREAS, the said amendment will revise the definition of "Development Officer" and update the current provisions on the composition, duties and functions of Administrative Agencies in the Land Use Bylaw;

NOW THEREFORE, Pursuant to Sections 230, 606 and 692 of the Province of Alberta *Municipal Government Act*, the Council of Municipal District of Peace No.135, duly assembled, hereby enacts as follows:

1. Replace the Development Officer definition in section 1.4 as follows:

DEVELOPMENT OFFICER means the Chief Administrative Officer or a person delegated by the Chief Administrative Officer exercising development powers and duties on behalf of the Municipal District of Peace No.135.

2. Remove "PART TWO - AGENCIES" and replace with the attached "Schedule A".

SEVERABILITY

3. 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.

EFFECTIVE DATE

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

Received first reading given on the 11th day of September, 2018.



Robert Willing, Reeve




Barbara Johnson, Chief Administrative Officer

A public hearing was held on the 9th day of October, 2018.

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Second reading given on the 9th day of October, 2018.

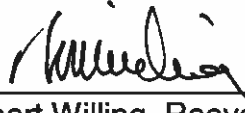


Robert Willing, Reeve



Barbara Johnson, Chief Administrative Officer

Third Reading given on the 9th day of October, 2018.



Robert Willing, Reeve



Barbara Johnson, Chief Administrative Officer

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2.1 DEVELOPMENT OFFICER

- (1) Development Officer
 - (a) The Development Officer is the Development Authority for the MD, as established by the Municipal District of Peace No. 135 Development Authority Bylaw, in accordance with Section 624 of *the Municipal Government Act*.

2.2 DUTIES AND POWERS OF THE DEVELOPMENT OFFICER

- (1) In accordance with the Act, the Development Officer shall:
 - (a) Receive, consider and decide upon applications for development permits for permitted and discretionary uses in all districts, except the Direct Control District, for which Council is the decision-making body, unless referred by Council to the Development Officer;
 - (b) Keep and maintain for public inspection during office hours, a copy of this Bylaw and all amendments and resolutions thereto;
 - (c) Ensure that copies of this Bylaw, including all amendments and resolutions thereto, are available to the public at a reasonable cost; and
 - (d) Keep a register of all applications for development permits, including the decisions and reasons for the decision, for a minimum period of seven (7) years.
- (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 Authority and the applicant.
- (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 subsection (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). 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.
- (4) Notwithstanding subsection (3)(a) or (b), if the Development Officer does not issue a notice of complete or incomplete application for a development permit application within 20 days of the receipt or the extended time period agreed upon between the Development Officer and the applicant, the application is deemed to be complete.

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- (5) Notwithstanding the issuance of a notice of complete or incomplete application pursuant to subsection (3)(a) or (b), or failure to issue a notice under subsection (4), the Development Officer may request additional information or documentation from the applicant that the Development Officer considers necessary to review the application.
- (6) If an applicant who has been issued a notice of incomplete application under subsection (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 documents by the date given in the notice, the application is deemed refused.
- (7) Where an application for a development permit is deemed refused under subsection (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.
- (8) Unless extended by a written agreement between the Development Officer and the applicant, the Development Officer 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 (3)(a) or (6)(a), or
 - (b) within 40 days from the receipt of the application, if no notice is issued under subsection (3)(a) and (b).
- (9) Notwithstanding subsection (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 (8).
- (10) The Development Officer shall approve all applications for a “permitted use” unconditionally or with conditions necessary to bring the application into conformity with the Bylaw.
- (11) In making a decision on an application, the Development Officer may:
 - (a) Approve the application unconditionally;
 - (b) Approve the application and attach conditions including but not limited to a developers agreement that may require any or all of the following:
 - i. the construction, operation and maintenance of public roads, pedestrian walkway system, sewer, public utility, and water facilities;
 - ii. the location of refuse disposal facilities;
 - iii. on-site storm water management;
 - iv. access for fire and police protection;
 - v. general access and circulation;
 - vi. provision for recreational areas;

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- vii. landscaping and other aesthetic considerations
- viii. building design and site layout;
- ix. provisions for parking facilities;
- x. provisions for loading and unloading facilities;
- xi. buffering, screening and fencing;
- xii. arrangements to ensure that all property taxes are paid in full at the time of development permit approval to the satisfaction of the MD; or
- xiii. any other planning condition at the discretion of the Development Officer.

(c) Refuse the application.

- (12) In the case where a proposed specific use of land or a building is not provided for in any district in the Land Use Bylaw, the Development Officer may determine that such use is similar in character and purpose to a "Permitted Use" or "Discretionary Use" prescribed for the District and may issue a Development Permit.
- (13) Notwithstanding any provisions or requirements set out in the Bylaw, the Development Officer may establish a more stringent standard for uses listed under "Discretionary Uses" when it is deemed necessary to do so.
- (14) The Development Officer may require an application to be referred to the Mackenzie Municipal Services Agency or any other agency in order to receive qualified comment or advice.

2.3 DEVELOPMENT APPEAL BOARD

- (1) The Development Appeal Board shall be established by separate Bylaw.
- (2) The Development Appeal Board shall carry out those duties and responsibilities that are assigned to it in the Municipal District of Peace No. 135 Development Appeal Board Bylaw, as established in accordance with section 627 of the *Municipal Government Act*.

2.4 THE MACKENZIE MUNICIPAL SERVICES AGENCY

- (1) The Mackenzie Municipal Services Agency shall serve as an advisor to the MD, its Council and agencies.