

**BYLAW 19-015
OF
LAC LA BICHE COUNTY**

A BYLAW OF LAC LA BICHE COUNTY IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 17-004, BEING THE LAND USE BYLAW OF LAC LA BICHE COUNTY.

WHEREAS Council has adopted Bylaw 17-004 to be used as the Lac La Biche County Land Use Bylaw; and

WHEREAS it is deemed expedient to amend Bylaw 17-004 as set out in Section 692 of the Municipal Government Act, R.S.A. 2000, Chapter M 26, as amended;

NOW THEREFORE under the authority and subject to the provisions of the Municipal Government Act, and by virtue of all other powers enabling it, the Council of Lac La Biche County, duly assembled, enacts as follows:

1. Section A3: DEVELOPMENT AUTHORITIES of Land Use Bylaw 17-004 shall be amended as per Schedule A of this Bylaw;
2. Section D1: DEVELOPMENT PROCESS of Land Use Bylaw 17-004 shall be amended as per Schedule A of this Bylaw;
3. Section D1.5: DECISIONS of Land Use Bylaw 17-004 shall be amended as per Schedule A of this Bylaw;
4. Section D1.6: VARIANCE AUTHORITY of Land Use Bylaw 17-004 shall be amended as per Schedule A of this Bylaw; and
5. This bylaw shall come into effect upon passing of the third reading.

MOTION BY COUNCILLOR BORGUN THAT BYLAW 19-015 BE GIVEN FIRST READING THIS 13TH DAY OF AUGUST, 2019.

"Original Signed"

Mayor

"Original Signed"

Chief Administrative Officer

MOTION BY COUNCILLOR STEDMAN THAT BYLAW 19-015 BE GIVEN SECOND READING THIS 10TH DAY OF SEPTEMBER, 2019.

MOTION BY DEPUTY MAYOR TKACHUK BYLAW 19-015 BE GIVEN THIRD AND FINAL READING THIS 10TH DAY OF SEPTEMBER, 2019.

"Original Signed"

Mayor

"Original Signed"

Chief Administrative Officer

A3 DEVELOPMENT AUTHORITIES

A3.1 GENERAL

- 1) The Development Authority is established by Bylaw 19-017, pursuant to the Act and as amended from time to time.

A3.2 DEVELOPMENT OFFICER

- 1) The person or persons selected as a Development Officer shall be designated by the Chief Administrative Officer to exercise development powers and duties on behalf of the County and in accordance with Bylaw 19-017, as amended from time to time.

A3.3 MUNICIPAL PLANNING COMMISSION

- 1) The Municipal Planning Commission is established by the Municipal Planning Commission Bylaw.
- 2) The Municipal Planning Commission is authorized to act as the Development Authority in accordance with Section D1.1 (3) and Section D1.6 of this Bylaw, and as the Subdivision Authority on behalf of the County.

A3.4 COUNCIL

- 1) Council shall serve as the Development Authority for all development contained in a Direct Control District.
- 2) Notwithstanding (1), Council may, at its discretion and in accordance with the requirements of the Act, delegate its responsibilities to the Municipal Planning Commission or a Development Officer.

A3.5 DEVELOPMENT COMPLIANCE OFFICER AND OR LAND USE BYLAW ENFORCEMENT OFFICER

- 1) The office of the Development Compliance Officer and Land Use Bylaw Enforcement Officer is hereby established by this Bylaw.
- 2) The person or persons selected as the Development Compliance Officer and or Land Use Bylaw Enforcement Officer shall be designated by the Chief Administrative Officer.
- 3) The Development Compliance Officer and or Land Use Bylaw Enforcement Officer shall exercise the powers of a Designated Officer, unless otherwise appointed through the Chief Administrative Officer or as approved by bylaw of Council.

A3.6 SUBDIVISION AUTHORITY

- 1) The Subdivision Authority is established by Bylaw 19-018, pursuant to the Act and as amended from time to time.

A3.7 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- 1) The Subdivision and Development Appeal Board is established by Bylaw 07-015 pursuant to the Act and as amended from time to time.

D1 DEVELOPMENT PERMITS

D1.1 DUTIES AND RESPONSIBILITIES

- 1) The Development Officer shall:
 - a. receive and review development permit applications to determine if they are complete. When deemed complete, a letter must be sent to the applicant in accordance with the Act;
 - 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 permanent register of all applications for development, including the decisions thereon and the reasons therefore;
 - d. consider and issue decisions on development permit applications for permitted uses;
 - e. refer applications for development permits to the Municipal Planning Commission for a decision for:
 - i. permitted uses where the development proposed involves a variance from the requirements of this Bylaw as per the “*Variance Authority Table*”;
 - ii. work camps other than those stated in C2.30(3)(a);
 - iii. discretionary uses. and
 - f. for Direct Control Districts, refer applications for development permits as per the authority prescribed within the district.
- 2) The Development Officer may:
 - a. may refer for comments, a development permit application, to any municipal, provincial, or federal department or any other agency, body or individual deemed appropriate; and
 - b. refer development permit applications to the Municipal Planning Commission for those uses listed as permitted uses which the Development Officer wishes to refer to the Municipal Planning Commission
- 3) The Municipal Planning Commission shall:
 - a. issue decisions for development permit applications for discretionary uses; and
 - b. issue decisions for permitted uses which the Development Officer refers to it, including development applications that propose a variance from the requirement of this Bylaw as per the “*Variance Authority Table*”.
- 4) The Subdivision and Development Appeal Board shall:
 - a. performed such duties as are specified in the Subdivision and Development Appeal Board Bylaw.

D1.5 DECISIONS

- 1) In making a decision on a development permit for a permitted use, the Development Authority:
 - a. shall approve, with or without conditions, the application if the proposed development complies with this Bylaw; or
 - b. shall refuse the application if the proposed development does not conform to this Bylaw.
- 2) In making a decision on a development permit for a discretionary use, the Development Authority:
 - a. may approve the application if it meets the requirements of this Bylaw, with or without conditions, based on the merits of the application; or
 - b. may refuse the application even though it meets the requirements of this Bylaw; or
 - c. shall refuse the application if the proposed development does not conform to this Bylaw.

- 3) Notwithstanding Sections D1.5(1) and D1.5(2) the Development Authority may consider an application for a development permit for a permitted use or a discretionary use, but that does not otherwise comply with this Bylaw if, in the opinion of the Development Authority;
 - a. the proposed development would not:
 - i. unduly interfere with the amenities of the neighbourhood; or
 - ii. materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
 - b. the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- 4) The Development Authority shall refuse a development permit for a use that is not listed as a permitted use or discretionary use in the district in which the proposed development is located.
- 5) Notwithstanding subsection (3), in the case where a proposed use of land or a building is not listed as a permitted use or discretionary use in this Bylaw, the Development Authority may determine that such a use is similar in character and purpose to a permitted use or discretionary use prescribed for that land use district and may allow the development as a discretionary use.
- 6) Notwithstanding any requirements of this Bylaw, the Development Authority may establish a more stringent standard for a discretionary use when the Development Authority deems it necessary to do so.
- 7) The Development Authority must, within twenty (20) days after the receipt of an application for a development permit, determine whether or not the application is complete. Written notice shall be provided to the applicant, if written notice is not received within the allotted time the development application is deemed complete. If additional information is required, the Development Authority may place a timeline to obtain the necessary information.
- 8) The timeframe listed in subsection (7) may be extended by an agreement in writing between the applicant and the Development Authority.
- 9) The Development Authority shall consider and decide on an application for a development permit within forty (40) days in its complete and final form. An application shall, at the opinion of the applicant, be deemed to be refused when a decision is not made by the Development Authority within forty (40) days after the receipt of the completed application unless an agreement to extend the forty (40) day period is established between the applicant(s) and the Development Authority. In the absence of a time extension, an appeal may be filed by the applicant pursuant to Section D3.
- 10) When an application is refused, the decision shall outline the specific reasons for the refusal, the time periods within which an appeal can be made, and to whom the applicant can make the appeal, if so desired. The refusal notice shall be provided in writing to the applicant.
- 11) Where a proposed development involves the subdivision of land, no development permit shall be issued until the subdivision has been registered with Alberta Land Titles.

D1.6 VARIANCE AUTHORITY

- 1) Unless otherwise prescribed elsewhere in the Land Use Bylaw, all development permit applications for a variance shall be as per the “Variance Authority Table”.
- 2) The Development Authority may issue a variance in accordance with the following table:

“Variance Authority Table”

	Percentage of variance that may be granted by a Development Officer	Percentage of variance that may be granted by the Municipal Planning Commission
Permitted Uses	0.1 to 25.0%	25.1 to 50.0%
Discretionary Uses	0%	0.1-50%

Any variance in excess of 50% shall be refused by the Development Authority.

- 3) In addition to the consideration provided under subsection (1), a variance may only be granted if, in the opinion of the Development Authority, approval of the proposed variance:
 - a. is consistent with the purpose and intent of the Municipal Development Plan and any other applicable statutory plan;
 - b. maintains the purpose and intent of the applicable district and this Bylaw;
 - c. is desirable for the appropriate and orderly development of the use of the land;
 - d. is appropriate given geotechnical considerations such as flooding and slope stability;
 - e. includes factors unique to the development, use and lot which are not generally common to other development and land in the same district and which would result in unnecessary hardship or practical difficulties for the proposed development to comply with the provisions of this Bylaw;
 - f. will not cause negative impacts on community services such as schools, parks, fire protection, and health;
 - g. respects municipal and, rights-of-way, or easement requirements;
 - h. can be designed to mitigate impacts on adjacent lots; and
 - i. is required to accommodate new development that is to be located on pre-existing lot that does not meet the minimum lot area requirements of the subject land use district.
- 4) All requests for a variance shall be considered through the Development Permit Application process. A variance shall include justification as to why the regulation cannot be adhered to.
- 5) If a variance is granted pursuant to this section, the Development Authority shall specify its nature in the development permit approval.