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www.mmsa.ca/about-us/region

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Version 1.0
November 2017

NOTE: The brochure has no legal status and cannot be used as an official interpretation of the various bylaws, codes, and regulations in effect. Applicants are advised to contact their municipality or the MMSA prior to making an application to obtain assistance. The MMSA does not accept responsibility for persons relying solely on this information.

PROCESSING TIMES

Due to the varying complexity in LUB amendment applications there is no standard amendment timeline, and there is no maximum timeline established by the Province.

Typically, a LUB amendment will take no less than six weeks from the submission of the application. After the proposed bylaw is drafted, the amendment(s) are presented to Municipal Council at a minimum of two council meetings. One meeting for first reading, and another meeting for the public hearing, and second and third readings.

Prior to the public hearing, the bylaw must be advertised for a minimum of two weeks in a local newspaper.

WHAT IS A PUBLIC HEARING?

A public hearing is a public meetings where affected parties may be heard by council prior to making a decision. Typically public hearings are held prior to providing second reading of a bylaw.

APPEALS

Municipal Council is the final decision making authority for LUB amendments. As such, decisions made by Council regarding LUB amendments cannot be appealed.

After an amendment decision, the same or a similar application is typically not allowed to be (re)applied for a set amount of time as established in the municipality's LUB.

LAND USE BYLAW AMENDMENTS

a guide to amending the
Land Use Bylaw

www.mmsa.ca

WHAT IS A LAND USE BYLAW?

The land use bylaw (LUB) regulates the use and development of land and buildings in a municipality. Every municipal in Alberta must have a LUB.

The LUB establishes:

- land use districts, which are applied to lands within municipality,
- permitted and discretionary uses, which are listed in land use districts,
- site provisions, and additional regulations for each district,
- general regulations (e.g. parking)
- specific use regulations (e.g. home-based business), and
- development processes.

LUB AMENDMENTS

A land use bylaw amendment is required when a proposed development is not allowed or contemplated by the LUB. If the LUB does not allow a development, the development authority **cannot** approve the application. Municipal Council is the decision-making authority for LUB amendments.

There are two types of amendments to the LUB:

1. Re-designation - The land use district applied to a specific parcel is changed from one district to another. This changes the uses enabled on a specific parcel.
2. Text - Text amendments may updated the uses listed in a district, the development regulations, or the development process.

Please note: A land use bylaw amendment is not an approval for a specific development. Subsequent to the LUB amendment process, the applicant is required to apply for a development permit.

STATUTORY PLANS

There are several other documents termed “statutory plans”, which are established by municipal bylaw and guide municipal land use decisions.

An amendment to the LUB must be consistent with these plans, or the inconsistent plans must also be amended. These plans may include the:

- Intermunicipal Development Plan (IDP),
- Municipal Development Plan (MDP),
- Area Structure Plan (ASP), and
- Area Redevelopment Plan (ARP).

HOW DO I APPLY?

An amendment application should be made in writing, using the municipality’s application form.

The application should include:

- The applicant’s contact information,
- A legal land description (if relevant),
- The proposed amendment,
- A rationale for the proposed amendment, and
- The application fee.

Prior to submitting an application the applicant should meet with the municipality to review the application requirements. In some circumstances, additional information may be required. Examples of additional information requirements include:

- Environmental Impact Assessments,
- Geotechnical Reports, and
- Wetland assessments.

LUB AMENDMENT PROCESS

Proposed development does not conform to the LUB

Pre-application meeting

Applicant submits a complete application

Application may be circulated to municipal departments and relevant agencies for review

An amending bylaw and planning report is prepared

First reading of the amending bylaw

Advertising for two weeks

Public hearing

Bylaw is defeated or no further readings are given. The amendment is not adopted.

Second and third reading of the amending bylaw
The amendment is adopted.