

**BYLAW NO. 19-12
TOWN OF FALHER**

A BYLAW OF THE TOWN OF FALHER, IN THE PROVINCE OF ALBERTA, TO AMEND BYLAW NO. 14-05.

WHEREAS the Council of the Town of Falher, in the Province of Alberta has adopted Bylaw No. 14-05, being the Land Use Bylaw; and

WHEREAS the Council of the Town of Falher, pursuant to the provisions of the *Municipal Government Act*, R.S.A. 2000, deems it advisable to amend the said Bylaw.

WHEREAS the Council of the Town of Falher, in the Province of Alberta, deems it necessary to amend the Town of Falher Land Use Bylaw to properly refer to a Subdivision and Development Appeal Board, 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, the Council of the Town of Falher, duly assembled, hereby enacts as follows:

1. **Add the following definition of "CLERK" to Section 1.5 DEFINITIONS:**

"CLERK" means the Clerk to the Subdivision and Development Appeal Board.

2. **Replace Section 3.4 SUBDIVISION AND DEVELOPMENT APPEAL BOARD with the following:**

3.4 ESTABLISHMENT OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD.

- 3.4.1 The Subdivision and Development Appeal Board for the Town is established by separate bylaw in accordance with Section 627 of the *Municipal Government Act*.
- 3.4.2 The Subdivision and Development Appeal Board for the Town shall perform such duties as are specified in the *Act*.

3. **Add the following subsections to Section 4.3 COMPLETED DEVELOPMENT PERMIT APPLICATION:**

- 4.3.6 Notwithstanding the issuance of a notice of complete or incomplete application pursuant to subsection 4.3.3, or failure to issue a notice under subsection 4.3.4, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.
- 4.3.7 Where an application for a development permit is deemed refused under subsection 4.3.5(b), the Development Officer shall issue a notice to the applicant, stating that the application has been refused and the reason for the refusal.
- 4.3.8 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 4.3.3 (a) or 4.3.5 (a), or
 - (b) within 40 days from the receipt of the application, if no notice is issued under subsection 4.3.4.

4. **Replace subsection 5.5.1 under Section 5.5 WAITING PERIOD FOR RE-APPLICATION with the following:**

- 5.5.1 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 on the same parcel of land and for the same or similar use of the land by the same or another applicant may not be accepted by the Development Officer for at least six (6) months after the date of the refusal, unless the application was deemed refused or refused under section 4.3.5 (b).

5. **Replace Section 8.1 METHOD OF APPEAL under PART 8 APPEALING A DECISION with the following:**

8.1 METHOD OF APPEAL

- 8.1.1 The Appeal Board shall perform such duties and follow such procedures as specified in the Act and the Subdivision and Development Appeal Board Bylaw.
- 8.1.2 A decision on a development permit application may be appealed by serving a written notice of appeal to the Clerk within twenty-one (21) days from the date the decision on the permit has been advertised in a local newspaper.
- 8.1.3 No appeal shall be accepted by the Clerk without the submission of the appeal fee prescribed by Council.

6. **Remove Section 8.2 NOTIFICATION OF APPEAL.**

7. **Replace Section 8.3 DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD with the following:**

8.2 DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD.

- 8.2.1 When a notice has been served to the Clerk with respect to a decision to approve an application for a development permit, the development permit shall not be effective before:
- (a) the decision of the Development Officer has been sustained by the Subdivision and Development Appeal Board; or
 - (b) the Clerk to the Subdivision and Development Appeal Board has received written notification from the appellant that the appeal has been abandoned.
- 8.2.2 If the decision to approve a development permit application is reversed by the Subdivision and Development Appeal Board, the development permit shall be null and void.
- 8.2.3 If the decision to refuse a development permit application is reversed by the Subdivision and Development Appeal Board, the Development Officer shall issue a development permit in accordance with the decision of the Board.
- 8.2.4 If the decision to approve a development permit application is varied by the Subdivision and Development Appeal Board, the Development Officer shall issue a development permit in accordance with the terms of the decision of the Board.

8. **Replace subsection 9.1.2 and subsection 9.1.3 under Section 9.1 METHOD OF APPLICATION with the following:**

- 9.1.2 Any owner of a site or his authorized agent or other persons having a legal or equitable interest in the site may, in accordance with Section 9.2, in writing to the Development Officer to have the land use designation of the site amended.
- 9.1.3 The Town may indicate amendments to this Bylaw which shall be advertised in accordance with Section 9.4.3.

9. **Replace Section 9.2 PLANS AND INFORMATION REQUIRED with the following:**

9.2 PLANS AND INFORMATION REQUIRED:

- 9.2.1 All applications for amendment to the Land Use Bylaw pursuant to Section 9.1.2 shall be made to the Development Officer on the prescribed application Form and shall be accompanied by the following:
- (a) a copy of the certificate of title for the lands affected, copies of any caveats registered by the Town of Falher or restrictive covenants and any other documents satisfactory to the Development Officer verifying that the applicant (except where an authorized agent is used) has a legal interest in the land for at least the period of time necessary to process the application to a public hearing;

- (b) a statement of the reasons for the request to amend the Bylaw;
- (c) properly dimensioned and scaled vicinity maps indicating the site to be amended, its relationship to existing land uses with a 30 metre (99 ft.) radius of the boundaries of the site;
- (d) a non-refundable fee as established by resolution of Council; and
- (e) where the applicant is an agent for the owner, a cover letter from the owner must be provided verifying the agent's authority to make the application.

10. Replace Section 9.3.1 under Section 9.3 INCOMPLETE FORMS REJECTED with the following:

9.3.1 The Development Officer may refuse to accept an application to amend this Bylaw if the information required by Section 9.2 has not been supplied or if, in his opinion, it is of inadequate quality to properly evaluate the application.

11. Replace Section 9.4.1 under Section 9.4 THE REVIEW PROCESS FOR A BYLAW AMENDMENT with the following:

9.4.1 Upon receipt of a complete application in accordance with Section 9.2, the Development Officer shall refer the application to Council for first reading.

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

13. That this bylaw shall take force and effect on the date of its final passage.

READ a first time this _____ day of _____, 2019

MAYOR

MUNICIPAL ADMINISTRATOR

READ a second time this _____ day of _____, 2019.

READ a third time and finally passed this _____ day of _____, 2019.

MAYOR

MUNICIPAL ADMINISTRATOR