

PART 4 – ADMINISTRATIVE CLAUSES

SECTION 10 CONTROL OF DEVELOPMENT

- (1) Except as otherwise provided in this Bylaw or in the *Municipal Government Act*:
 - (a) No person shall commence a development unless a Development Permit has first been issued therefore pursuant to this Bylaw; and
 - (b) No person shall carry out or continue a Development except in accordance with the terms and conditions of a Development Permit.

SECTION 11 WHERE A DEVELOPMENT PERMIT IS NOT REQUIRED

- (1) A Development Permit is not required in respect of the following Developments which shall nonetheless comply with the provisions of this Bylaw and must be carried out or performed in accordance with all other applicable legislation, regulations and bylaws:
 - (a) Maintenance, repair or alteration of any Building or Development, either internally or externally, that does not include structural alterations and complies with required design regulations, where such work does not result in changes to the Use or intensity of the structure.

(Bylaw C-1162-21, April 11, 2023)
 - (b) The completion of a Building which was lawfully under construction at the date this Bylaw comes into full force and effect, provided that:
 - (i) The Building is completed in accordance with the terms of any permit granted by the City, subject to the conditions of that permit; and
 - (ii) The Building is completed within a period of twelve months from the date this Bylaw comes into effect.
 - (c) Construction or maintenance of a Street, Alley or Utility undertaken on a public Street or Utility Easement, or to connect a Street, Alley or Utility with a lawful use of Buildings or land.
 - (d) Landscaping, excluding retaining walls, where the proposed Grades will not adversely affect the subject, Abutting or Adjacent properties, except where a Development Permit allows for such Landscaping;
 - (e) Decks, patios and stairways that do not exceed 0.6 m in height.

(Bylaw C-1025-17, March 5, 2018)

- (f) The erection, construction, or the maintenance of gates, Fences, or other means of enclosure less than 2.0 m in height provided that the erection of such a fence or gate conforms to Sections 34 and 50 of this Bylaw.
(Bylaw C-1057-18, March 18, 2019)
- (g) Hard Surfacing of any area on a residential Site for the purpose of providing vehicular access from a Street or alley to the required On Site Parking Stall(s), unless the Hard Surfacing exceeds 6.1 m in width.
- (h) The construction, maintenance and repair of driveways and parking pads installed in accordance with (g) above, and with Part 8 of this Bylaw, private walkways and similar works provided the construction is wholly confined within the legal boundaries of the Site.
- (i) An Accessory Building less than 10.0 m² in a residential District.
- (j) The erection of flagpoles and other poles not exceeding 4.5 m in Height, provided it is not located in a Side or Front Yard, or on a Building or structure, and meets the required Setbacks for Accessory Buildings. Notwithstanding, flags and banners are regulated under Section 96 of this Bylaw.
- (k) The installation and operation of a satellite dish antenna less than 0.9 m in diameter.
- (l) Television or communication towers or aerials as regulated by Industry Canada, except as described in Section 63 of this Bylaw.
- (m) A Change of Use which:
- (i) does not result in exterior and structural alterations to the Building or Site;
 - (ii) does not result in additional gross floor area to the building;
 - (iii) is a Permitted Use in the applicable district with the same parking requirements; or supported by a parking analysis if parking requirements are not the same; and,
 - (iv) complies with regulations that restrict the size and location of the Use in the applicable district.

(Bylaw C-1226-22, December 05, 2022)

- (n) A home office, provided the following:
- (i) No individual other than the resident of the Dwelling is employed there;
 - (ii) The business does not generate any pedestrian or vehicular traffic;
 - (iii) There are no On Site Signs or advertisements;

- (iv) No outdoor storage of materials, goods or finished products for business purposes; and
(Bylaw C-1057-18, March 18, 2019)
- (v) The business is operated as an Accessory Use and does not change the residential character or appearance of the Dwelling.
- (o) A Temporary Building, not to be used for residential purposes, the sole purpose of which is incidental to the construction or alteration of a Principal Building or Development for which a Development Permit has been issued under this Bylaw, provided the Temporary Building is on the same Site as the Principal Building under construction whichever occurs first. The Temporary Building shall not be sited on any Street and shall be removed within one year of the commencement of construction or upon completion of the construction. Temporary Buildings of this nature on a separate Site do not require a Development Permit but shall require written permission from the landowner to occupy said Site.
- (p) City sanctioned special events held on municipal property.
- (q) Solar Collectors located and installed in complete conformity with Section 77 of this Bylaw.
- (r) Fire pits.
- (s) Those Uses and Developments exempted by the *Municipal Government Act*.
- (t) Signs which do not require a permit as described in Part 10 of this Bylaw.
- (u) An emergency measure, undertaken only by the City of Spruce Grove or by a contractor on behalf of the City.
(Bylaw C-942-15, Jan. 29, 2016)
- (v) Privacy walls in compliance with Section 34 of this Bylaw.
(Bylaw C-1025-17, March 5, 2018)
- (w) Stripping and grading where it covers an area less than 1,000m² and does not impact Natural Areas, Wetlands, Waterbodies, and/or Watercourses. This includes removal of trees, brush, and topsoil.
(Bylaw C-1270-23, Oct. 10, 2023)
- (x) All-Terrain Vehicles and Recreational Vehicles in compliance with Section 47 of the Land Use Bylaw.
(Bylaw C-1300-24, May 27, 2024)

SECTION 12A APPLICATION FOR A DEVELOPMENT PERMIT

- (1) An application for a Development Permit shall be made in writing on the proper application form. All permit applications shall include the following:
 - (a) The authorization and signature of the Registered Owner or authorized agent and accompanied by a letter of authorization when an application is made by

any person other than the Registered Owner on which the Development is proposed.

- (b) A description of the proposed Use of all parts of the land and Buildings.
- (c) Description of adjacent land uses. (Bylaw C-1000-17, June 27, 2017)
- (d) Right of entry authorization;
- (e) The estimated cost of the proposed Development excluding land;
- (f) A copy of the certificate of title for the subject property, issued within fifteen business days prior to the application date;
- (g) A fee as set out in the Development Fees Bylaw;
- (h) Site Plan Requirements: Site plan or a Real Property Report signed by an Alberta Land Surveyor and prepared within one year of the date of application satisfactory to the Development Officer showing all of the following as required:
 - (i) Front, Side and Rear Yard Setbacks;
 - (ii) Outlines of roof overhangs;
 - (iii) North arrow;
 - (iv) Legal description of the property;
 - (v) Location of all existing and proposed municipal local improvements, Principal Building, Accessory Buildings, Garages, carports, Fencing, access points, Hard Surfacing and Landscaping;
 - (vi) Site grading with elevations at all Corners of the Site, the proposed Development, and adjacent Streets, Alleys and sewers;
 - (vii) Location and depth of existing and proposed services and shallow utilities including materials and connection details; (Bylaw C-1057-18, March 18, 2019)
 - (viii) Exterior Building elevations showing Height, elevation of lowest openings of lots adjacent to water bodies, including storm water ponds, horizontal dimensions and finishing materials of all Buildings, existing and proposed; (Bylaw C-981-16, Jan. 25, 2017)
 - (ix) The lowest finished floor elevation of either the Basement or main floor in the Principal and Accessory Buildings where applicable;
 - (x) The location of required parking and driving aisles; (Bylaw C-1057-18, March 18, 2019)

- (xi) A Landscaping plan in accordance with Part 9 of this Bylaw;
- (xii) Storm Water Management Plan including pipe sizing and orifice calculations, ponding depths and runoff rates;
(Bylaw C-1057-18, March 18, 2019)
- (xiii) Easements and party wall agreements;
- (xiv) Existing and proposed Utility rights-of-way;
- (xv) Location of off-Street loading, recycling and garbage containment areas;
- (xvi) Location of all lighting and light standards, catch basins, utility poles, hydrants and utility fixtures;
- (xvii) A lighting plan;
- (xviii) Access points to and from the Site;
- (xix) A pedestrian circulation plan within the Site; and
- (xx) The type and location of traffic signs within private property and entering/exiting public road rights-of-way.
(Bylaw C-1226-22, December 05, 2022)
(Bylaw C-1057-18, March 18, 2019)

(i) Supplementary Information Requirements:

- (i) A Geotechnical Report may be required but not limited to the following circumstances:
 - a. When the development is located within prescribed setbacks of a creek bank or, near slopes;
 - b. Where flooding, slope stability or land topography is a concern;
 - c. Where a known soil disturbance has occurred on a registered lot, such as adjacent to servicing trenches within lot boundaries, or known areas of deep engineering fill of equal or greater than 1.5 m depth;
 - e. Where developments require special foundation due to height or other construction conditions;
 - f. Where large retaining walls are proposed higher than 1.2 m and within a prescribed distance from a structure where it forms part of the structural integrity of that building, parking lot or other similar structures.

- (ii) A Traffic Impact Analysis may be required but not limited to the following circumstances:
 - a. Where it is determined that the proposed development could impact surrounding transportation network either due to anticipated traffic volume generation, proximity to intersections or other accesses.
 - b. When a proposed development is requesting additional access to a collector or arterial road.
 - c. When a proposed development is a special event center, a more detailed analysis may be required.
- (iii) An Environmental Site Assessment, to the satisfaction of the Development Officer, may be required in the following circumstances, but not limited to:
 - a. There is a likelihood that contamination could exist on-site or on an adjacent site; or
 - b. An historical use had an environmentally hazardous operation/infrastructure.

(Bylaw C-1226-22, December 05, 2022)

- (j) Such additional information as the Development Officer may deem necessary.

(Bylaw C-1057-18, March 18, 2019)

- (k) Pursuant to the City's Municipal Development Standards, applications for Development Permits shall not be accepted unless the required Construction Completion Certificate is granted by the Engineering Department.

(Bylaw C-900-15, Feb. 23, 2015)

(Bylaw C-1104-19, May 29, 2020)

- (l) When a Development Permit Application is for an activity involving the use, manufacturing or storage of hazardous substances, the Development Officer may require the applicant to submit a risk assessment prepared by a qualified environmental professional such as an engineer, biologist, planner, geologist or hydrogeologist. The Development Officer may impose any conditions necessary to mitigate the risks associated with the use, manufacturing or storage of hazardous substances identified in the assessment.

(Bylaw C-1104-19, May 29, 2020)

(Bylaw C-1226-22, December 05, 2022)

SECTION 12B DEVELOPMENT PERMIT APPLICATION COMPLETENESS REVIEW

- (1) Unless extended by an agreement in writing between the applicant and the Development Officer, the Development Officer shall within 20 days after receipt of an application for development:

- (a) issue a written acknowledgment to the applicant advising that the application is complete; or
 - (b) issue a written notice to the applicant advising that the application is incomplete, listing the documentation and information that is still required, and setting a date by which the required documentation and information must be submitted.
- (2) If the required documentation and information is not provided by the date set in the notice issued pursuant to Section 12B.(1)(b), the Development Officer shall issue a written notice to the applicant stating that the application has been refused and the reason for the refusal.
 - (3) Upon receipt of the required documentation and information by the date set in the notice issued pursuant to Section 12B.(1)(b), the Development Officer shall issue a written acknowledgment to the applicant advising that the application is complete.
 - (4) Notwithstanding the issuance of a written acknowledgement issued pursuant to sections 12B.(1)(a) and 12B.(3), the Development Officer may request additional information or documentation from the applicant that the Development Officer considers necessary to review the application.

(Bylaw C-1226-22, December 05, 2022)

SECTION 12C APPLICATION TO SUBDIVIDE AND COMPLETENESS REVIEW

- (1) Unless extended by an agreement in writing between the applicant and the Development Officer, the Development Officer shall within 20 days after receipt of an application for development:
 - (a) issue a written acknowledgment to the applicant advising that the application is complete; or
 - (b) issue a written notice to the applicant advising that the application is incomplete, listing the documentation and information that is still required, and setting a date by which the required documentation and information must be submitted.
- (2) If the required documentation and information is not provided by the date set in the notice issued pursuant to Section 12C.(1)(b), the Subdivision Authority shall issue a written notice to the applicant stating that the application has been refused and the reason for the refusal.
- (3) Upon receipt of the required documentation and information by the date set in the notice issued pursuant to Section 12C.(1)(b), the Subdivision Authority shall issue a written acknowledgment to the applicant advising that the application is complete.
- (4) Notwithstanding the issuance of a written acknowledgement issued pursuant to sections 12C.(1)(a), and 12C.(3), the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

SECTION 13 DECISIONS ON DEVELOPMENT PERMITS

- (1) A complete application for a Development Permit shall be considered by the Development Officer who shall:
 - (a) Approve, with or without conditions, an application for a Permitted Use where the proposed Development conforms to this Bylaw;
 - (b) Approve, with or without conditions, or refuse an application for a Discretionary Use;
 - (c) Notwithstanding Section 8(2)(f) of this Bylaw, if a proposed Use of land or a Building does not conform to the wording of any Use definition or generally conforms with the wording of two or more Use class definitions in the District, the Development Officer may, in his or her discretion, determine that the Use conforms to and is included in the Use class which he or she considers most similar in character and General Purpose to a Use permitted in that Land Use District and may allow the Development as a Discretionary Use; and
 - (d) Notwithstanding any provisions or requirements of this Bylaw, the Development Officer may establish a more stringent standard for a Discretionary Use when the Development Officer deems it necessary to do so.
- (2) For a Permitted or Discretionary Use, the Development Officer may require any or all of the following:
 - (a) That the applicant enter into an agreement with the City to construct or pay for construction of roadways, Utilities, walkways, parking and loading areas, and any Off Site levies or redevelopment levies imposed by bylaw. To ensure compliance with the conditions of the agreement a caveat may be registered on the certificate of title to be filed on the subject Site in favour of the City;
 - (b) Financial guarantees in a form and amount acceptable to the City to secure performance of any of the conditions of a Development Permit;
 - (c) That servicing for the supply of water, electric power, sewerage and Street access are extended to the subject Site, including payment of the costs for installing or constructing any such Utility by the applicant. In the case that satisfactory arrangements for services cannot be made, the Development Permit shall be refused.
- (3) Prior to issuing a decision, the Development Officer may refer any application to any municipal department or external agency for comment where applicable.
- (4) For a Development Permit application in a Direct Control District, the Development Officer shall:

- (a) Make a decision where Council has delegated its authority to the Development Officer, based on Council's instructions and this Bylaw; or
 - (b) Prepare a recommendation for Council to make a decision regarding the Development Permit application where Council has not delegated authority to the Development Officer. The recommendation may be for approval with or without conditions, or a refusal with reasons given for the refusal.
- (5) Council may, pursuant to the provisions of the *Municipal Government Act* and by an amendment to this Bylaw, designate any area of land a Direct Control District.
- (6) The Bylaw creating a Direct Control District shall:
- (a) Provide for the one or more Uses of land available in that District;
 - (b) Provide for the land use regulations applicable to that District, either in addition to the regulations of this Bylaw, or in substitution therefore or in any combination thereof;
 - (c) Identify the Development Officer and any particular methods of Development approval applicable to that District; and
 - (d) Such other matters as Council may determine to be desirable or required.

SECTION 14 VARIANCES

- (1) The Development Officer may allow a variance to a Development regulation provided that the Development Officer is of the opinion that:
- (a) The variance does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring Sites; and
 - (b) The proposed Development conforms with the Use prescribed for that land or Building in this Bylaw.
- (2) In addition to the consideration provided under Section 14(1) of this Bylaw, and subject to Sections 14(3) and 14(4), a variance may only be granted if, in the opinion of the Development Officer the variance:
- (a) Requested maintains the intent and purpose of the Municipal Development Plan;
 - (b) Requested maintains the General Purpose and intent of the Land Use District which is being applied;

- (c) Is desirable for the appropriate and orderly Development or Use of the land;
and
- (d) In the opinion of the Development Officer, is truly minor in nature.
- (3) Notwithstanding Sections 14(1) and 14(2) the Development Officer shall not grant a variance from the regulations prescribing Site Coverage, or Density. Further, within the GPL – Greenbury Planned Lot District, the Development Officer shall not grant a variance to the required Side Yard Setback or lot access. Subject to Sections 14(1) and 14(2), the Development Officer may grant a variance from the regulations prescribing Height up to 10% of the maximum prescribed Height.
(Bylaw C-1000-17, June 27, 2017)
(Bylaw C-1057-18, March 18, 2019)
- (4) For the Semi-Detached Dwelling and Street Oriented Row Housing Lots that have a lot depth of less than 30 m created prior to the coming in force of this Bylaw (Bylaw C-824-12) and notwithstanding the regulations of the R1 and R2 Districts, the Development Officer may vary the site regulations to reflect those described below:
(Bylaw C-981-16, Jan. 25, 2017)
- (a) Site Coverage shall not exceed 65%.
- (b) Minimum Front Yard Setback
- (i) The minimum Front Yard Setback shall be 4.0 m. Where a residential district across a Street is required to provide a Yard Setback of more than 4.0 m from the Street, each Development in this district shall provide an equivalent Front Yard Setback.
- (ii) Where the Front Yard is determined by the Development Officer to be a flanking yard, a flanking yard Setback of twenty percent of the Site Width will be required, at a minimum 2.4 m.
- (c) Minimum Side Yard Setback
- (i) In the case of one Storey Developments, there shall be one minimum Side Yard Setback of 1.35 m, except in the case of internal Dwellings of Row Housing where the unit sharing two common walls shall have no Side Yard requirements.
- (ii) In the case of Row Housing two Storeys or higher, there shall be one minimum Side Yard Setback of 1.5 m, except in the case of internal Dwellings of Row Housing where the unit sharing two common walls shall have no Side Yard requirements.
- (iii) A minimum Side Yard Setback of 4.5 m shall be provided where a Site or condominium unit Abuts a Site in another district.
- (d) Minimum Rear Yard Setback

- (i) The minimum Rear Yard Setback shall be 6.0 m. In the case of a Corner Site, the minimum Setback for the yard flanking the Alley at the rear of the Site shall be 4.5 m.
- (5) A variance shall be considered only in cases of hardship or practical difficulties particular to the use, character or situation of land or Buildings which are not common to other Sites in the same Land Use District.
- (6) A Development Officer may grant a variance to a Design Regulation in the C1 - City Centre Commercial District for a Non-Conforming Building for a minor alteration where in their opinion it would contribute a positive aesthetic improvement to a Building.
(Bylaw C-1162-21, April 11, 2023)
- (7) The Development Officer may grant a variance to Setbacks or Site Coverage for a Non-Conforming Building which was approved under a previous Bylaw, where the Building was developed according to the regulations of the previous Bylaw.
(Bylaw C-900-15, Feb. 23, 2015)
- (8) All requests for a variance shall be made through a Development Permit application, clearly stating the reasons for the variance, outlining the applicable criteria identified in Section 14(2) of this Bylaw, and the nature of the hardship or practical difficulties that will arise if the variance is not granted.
- (9) If a variance is granted pursuant to this Section, the Development Officer shall specify its nature in the Development Permit approval.

SECTION 15 CONDITIONS OF DEVELOPMENT PERMIT

- (1) The Development Officer, or Council in the case of a Direct Control District, may impose such conditions on the approval of a Development Permit application as are necessary to uphold the intent and objectives of the following:
 - (a) The *Municipal Government Act*;
 - (b) The Municipal Development Plan;
 - (c) Area Structure Plans or Area Redevelopment Plans; and/or
 - (d) Subdivision and Development Regulations.
- (2) As a condition of approval for a Development Permit, the Development Officer may require that the applicant enter into an agreement with Council as per the *Municipal Government Act*, to do any or all of the following:
 - (a) Construct or pay for the construction of:
 - (i) A Street required to give access to the Development;

- (ii) A pedestrian walkway system and Sidewalks to provide circulation within the Development, or to give access to an adjacent Site or Development, or both; and
 - (iii) Off Street or other Parking Facilities and loading and unloading facilities.
- (b) To construct, install or pay for any local improvements and Utilities which are needed to serve the Development, including, but not limited to, On Site stormwater management facilities and any required Easements, and joint drainage and access requirements.
 - (c) To pay all applicable development charges and levies imposed by bylaw.
 - (d) To repair or reinstate, to original condition, any street furniture, curbing, sidewalk, Boulevard Landscaping or trees which may be damaged or destroyed or otherwise harmed by Development or building operations upon the Site.
 - (e) To provide an irrevocable letter of credit, or other form of security acceptable to the Development Officer, to guarantee performance of the conditions of the Development Permit.
 - (f) To attend to all other reasonable matters the Development Officer considers appropriate.
- (3) Development on a Site may be prohibited when satisfactory arrangements have not been made by the developer to complete the required improvements specified in Section 15(2).
- (2) To ensure compliance with a development agreement the City may register a caveat against the property being developed which shall be discharged upon the terms of the agreement being met. Costs associated with the preparation and registration of a caveat shall be borne by the applicant. Costs for removal of said caveat shall be borne by the requestor, based upon the fees in the Development Fees and Fines Bylaw.
- (Bylaw C-981-16, Jan. 25, 2017)
- (5) Subject to this Bylaw, any Statutory Plan, and the *Municipal Government Act*, the Development Officer may attach whatever conditions it considers appropriate to a Development Permit for either a Permitted or Discretionary Use, including, but not limited to the following:
- (Bylaw C-981-16, Jan. 25, 2017)
- (a) Landscaping requirements;
 - (b) Noise attenuation;
 - (c) Special parking provisions;
 - (d) Location, appearance and character of the Building;

(e) Provision of a Real Property Report prior to occupancy of the development; (Bylaw C-865-13, Feb. 10, 2014)

(f) Grading of a Site to protect adjacent properties; and

(g) Ensuring the proposed Development is compatible with surrounding land Uses; and

(h) Limiting hours of operation and number of patrons. (Bylaw C-1025-17, March 5, 2018)

(6) In the absence of an agreement under Section 15(2), the Development Officer may require, as a condition of issuing a Development Permit, that an applicant provide an irrevocable letter of credit or other form of security acceptable to the Development Officer, to ensure completion of the Development in conformance with the Land Use Bylaw, and to cover the cost of repairing local improvements which may be damaged during the process of Development. Any unused portion of the security shall be returned after the final occupancy permit has been issued.

(7) When services or facilities are required, a person shall not begin the excavation for the Foundation nor commence the Development until provision has been made for such services or facilities to the satisfaction of the approving authorities.

SECTION 16 NOTICE OF DEVELOPMENT PERMIT DECISION

(1) All decisions on applications for a Development Permit shall be given in writing to the applicant.

(2) If an application is approved with conditions, the notice of decision shall contain the conditions imposed as part of the approval.

(3) If an application is refused, the notice of decision shall contain the reasons for the refusal.

(4) A notice of decision shall indicate the following:

(a) The date the decision was made;

(b) The location and use of the subject Site;

(c) The decision of the Development Officer; and

(d) That a development appeal to the Subdivision and Development Appeal Board may be made by a person affected by the issue of a Development Permit for a Discretionary Use or the granting of a variance, or the refusal of a Development Permit, pursuant to the provisions in the *Municipal Government Act*.

- (5) When a Development Permit is approved for a Discretionary Use, or a variance is granted, the Development Officer shall provide notice to the community by undertaking any or all of the following:
- (a) Publishing a notice in the local newspaper;
 - (b) Mailing a notice to all assessed property owners who may be affected by the proposed development, or those assessed property owners within 30.0 m of the subject Site, at the discretion of the Development Officer; and/or
 - (c) Posting a notice on the City's website.
- (Bylaw C-942-15, Jan. 29, 2016)
- (6) A notice described in Section 16(5) shall state the following:
- (a) The proposed use of the Development and the variance, if any, granted;
 - (b) That any person who objects to the proposed Use may make an appeal in writing to the Subdivision and Development Appeal Board; and
 - (c) The date by which appeals must be received.
- (7) For the purpose of this Bylaw, the date a Notice of Decision is deemed to have been given:
- (a) On the date the Notice of Decision is issued in accordance with Section 16;
 - (b) On the date that a written appeal decision is issued for decisions made by the Subdivision and Development Appeal Board;
 - (c) Any work undertaken by any person with a Development Permit that has been approved prior to the twenty one (21) days within which an appeal may be filed, or prior to an appeal decision made by the Subdivision and Appeal Board, does so at their own risk.
- (Bylaw C-1104-19, May 29, 2020)

SECTION 17 REFUSED PERMITS

- (1) Where an application for a Development Permit has been refused, by either the Development Officer, or the Subdivision and Development Appeal Board, the Development Officer may not accept another application for a Development Permit on the same Site for the same or similar land Use until at least six months after the date of the last refusal.
- (2) Notwithstanding the above, the Development Officer may accept a new Development Permit application for a Development that was previously refused if the

application is substantially different or requests a variance if a variance was not originally requested.

- (3) As per the *Municipal Government Act*, a Development Permit is deemed refused at the option of the applicant when no Development Permit decision has been made within forty days of the submission of a complete application, unless an agreement to extend the forty day period is entered by the applicant and the Development Officer.

SECTION 18 VALIDITY OF DEVELOPMENT PERMITS

- (1) A Development Permit shall expire and shall no longer be valid after one year from the date the Notice of Decision is given, if no construction has been initiated. Construction includes, but is not limited to, Site surface preparation or excavation. Furthermore:
 - (a) Work such as engineering studies, geotechnical investigations, Site surveys, soils analysis, environmental assessment and the like shall not be considered as construction in the context of this subsection; and
 - (b) In the case of a change of Use within an existing structure, where no significant construction or reconstruction is necessary, the applicant shall have the new Use in operation within one year of the issue of the Development Permit.
- (2) The Development Officer or Council may cancel or suspend a Development Permit, by written notice to the permit holder in the case of the following:
 - (a) The application for the Development Permit contains a misrepresentation;
 - (b) The application for the Development Permit was incomplete, in that relevant facts were omitted;
 - (c) The conditions of the Development Permit are not fulfilled or are not in the process of being fulfilled;
 - (d) The applicant fails to comply with a Stop Order as per the *Municipal Government Act*; or
 - (e) The Development Permit was issued in error.
- (3) Where a Development Permit is issued for a Site where any other Development Permit has been approved, all previous permits shall be invalid if the physical aspects of the Development conflict, or both could not occur simultaneously upon the Site, in conformity with the regulations of this Bylaw.

- (4) Notwithstanding Section 18 (1) above, time shall not run during an appeal of the Development Permit to the Subdivision and Development Appeal Board and any consequent court proceedings until:
- (a) The Subdivision and Development Appeal Board has issued a written decision of its approval of the Development Permit and there is no appeal from this decision of the Subdivision and Development Appeal Board; or
 - (b) The Alberta Court of Appeal denies leave to appeal; or
 - (c) The Alberta Court of Appeal has granted leave to appeal, heard the appeal on the merits, made its decision, and any appeal to the Supreme Court of Canada from that determination by the Alberta Court of Appeal has been finally determined.
- (5) The Development Officer or Council may extend the period of time that a development permit is valid for a period not to exceed twelve (12) months, as long as the development that is the subject of the development permit has commenced within twelve (12) months from the date of the issuance of the development permit or, in the opinion of the Development Officer or Council, has been carried out with reasonable diligence.

(Bylaw C-942-15, Jan. 29, 2016)

SECTION 19 DEVELOPMENT APPEALS

- (1) An appeal may be made to the Subdivision and Development Appeal Board where a Development Officer:
- (a) Refuses an application for a Development Permit;
 - (b) Fails to issue a decision and the permit is deemed refused;
 - (c) Issues a Development Permit subject to conditions;
 - (d) Grants or refuses to grant a variance; or
 - (e) Issues a Stop Order pursuant to the *Municipal Government Act*.
- (2) The *Municipal Government Act* shall apply in the case of subdivision or Development appeals, and hearings shall be held in conformance with the process and requirements therein.
- (3) Further to Section 19 (2), the Subdivision and Development Appeal Board Bylaw shall set out regulations for the Board and procedures during an appeal.
- (4) Decisions made by Council with respect to a Direct Control District are not subject to appeal to the Subdivision and Development Appeal Board.

- (5) The Subdivision and Development Appeal Board may direct repayment of an appeal fee if the Board upholds an appeal. The Board may determine that all or part of the appeal fee be returned to the appellant.

SECTION 20 AMENDMENTS OF BYLAW

- (1) This Bylaw and all amendments shall be enacted in conformance with the *Municipal Government Act*, the Subdivision and Development Regulation, the Municipal Development Plan, the relevant Area Structure Plan, and any other relevant Statutory Plan.
- (2) All amendments to this Bylaw shall be made following a public hearing in accordance with the *Municipal Government Act*. An application to amend this Bylaw may be made as follows:
 - (a) In the case of an application for a redistricting amendment, the Registered Owner or their authorized agent may apply in writing to the City to have the Land Use designation of the Site amended; or
 - (b) In the case of an application for a text amendment, any person may apply in writing to the City to have the text amended.
- (3) Council may initiate amendments to this Bylaw. If deemed necessary, and in accordance with the provisions of the *Municipal Government Act*, the City may initiate an amendment to this Bylaw affecting any parcel of land without the Registered Owner's consent.
- (4) A person may request an amendment to this Bylaw by applying in writing as described in Section 21 of this Bylaw.

SECTION 21 AMENDMENT APPLICATIONS

- (1) A Land Use Bylaw amendment application shall be made to the City on the prescribed form, and shall be signed by the applicant or the applicant's agent authorized in writing.
- (2) The following information and documents shall accompany an application for amendment to the Land Use Bylaw as it applies to the districting of a Site:
 - (a) The name, address and phone number of the applicant and the Registered Owner of the subject Site, and notice of who will act as the contact person for the application;
 - (b) A letter of authorization from the Registered Owner of the land, their agent, or other persons having legal or equitable interest in the land;
 - (c) The legal land description;

- (d) If applicable, the municipal address(es);
 - (e) A current copy of the certificate of title for the lands, searched within thirty days;
 - (f) A written statement from the applicant explaining the reasons for the proposed amendment, and how the redistricting conforms with the relevant Statutory Plans;
 - (g) A plan indicating the Site to be amended, the current and proposed Land Use Districts as they apply to the Site, the relationship to adjacent land uses within 90.0 m of the subject area and the location of any prominent natural and man-made physical features; and for residential areas, a Street layout of the proposed area and surrounding lands. The plan shall be submitted as follows:
 - (i) A printed copy produced at an appropriate scale with the necessary labels and dimensions; and
 - (ii) A digital AutoCAD copy in .dwg format.
 - (h) Where applicable, a concept plan showing a preliminary Site layout, including the general location of future Development, vehicular and pedestrian circulation (i.e., internal roads, Parking Facilities, Loading Areas, Alleys, and key access points), and connections to adjacent Sites;
 - (i) Permission for right-of-entry by a designated officer;
 - (j) The fee as set out in the Development Fees Bylaw;
 - (k) An Environmental Site Assessment, to the satisfaction of the Development Officer, in the following circumstances:
 - (i) When there is a likelihood that contamination could exist on-site or on an adjacent site and the proposal is proposing to change from non-residential to residential uses; or
 - (ii) An historical use had an environmentally hazardous operation/infrastructure.

(Bylaw C-981-16, Jan. 25, 2017)
(Bylaw C-1226-22, December 05, 2022)
 - (l) Any other information required, which may include but is not limited to approvals from the Province of Alberta, traffic impact analyses, geotechnical information; and

(Bylaw C-981-16, Jan. 25, 2017)
 - (m) Any other information deemed necessary.

(Bylaw C-981-16, Jan. 25, 2017)
- (3) An application for a text amendment to this Bylaw must include the following information:

- (a) A written statement from the applicant explaining the reasons for the proposed Bylaw amendment;
 - (b) The content of the proposed text amendment;
 - (c) A written statement from the applicant describing the impact that the amendment will have on the Site, adjacent lands and the City in general should Council approve the proposed bylaw amendment;
 - (d) The fee as set out in the Development Fees and Fines Bylaw; and
(Bylaw C-1226-22, December 05, 2022)
 - (e) Any other information deemed necessary by the Development Officer or Council.
- (4) The City may refuse to accept an application to amend this Bylaw if the required information has not been supplied or if the information is of inadequate quality to properly evaluate the application.
- (5) After accepting an application to amend this Bylaw, the application shall be processed for consideration by Council in accordance with this Bylaw and City Policy 7,005 Information Requirements for Redistricting Bylaws. (Bylaw C-981-16, Jan. 25, 2017)
- (6) When an application is made for an amendment to this Bylaw, the City requires the following steps to be followed to complete the public participation process including the public hearing:
- (a) Notification of a public hearing to Registered Owners of land within 30.0 m of the affected area, or those determined by the City to be affected;
 - (b) The public hearing held by Council; and
 - (c) The Director of Planning and Development may require that the applicant hold at least one public meeting prior to the public hearing.
(Bylaw C-1247-33, June 12, 2023)
- (7) Council, after considering:
- (a) Any representations made at the public hearing;
 - (b) The Municipal Development Plan, Area Structure Plan, or any other Statutory Plan affecting the application, and the provisions of this Bylaw; and
 - (c) Any other relevant information and documents presented before Council, Council may make any changes it considers necessary to the proposed amendment if such changes are appropriate, and
 - (i) proceed to pass the proposed amendment;

- (ii) defer the amendment application for more information, such as the completion of an Area Structure Plan;
 - (iii) or defeat the proposed amendment.
- (8) When an application for a redistricting amendment is refused by Council, another application shall not be made with respect to the same land for a change in Land Use designation for at least six months from the date of Council's decision, unless:
 - (a) Council otherwise directs; or
 - (b) New information related to the amendment is submitted by the applicant and is deemed to be substantially different by the Development Officer.