



BYLAW NUMBER 193/2017

A BYLAW TO AMEND THE LAND USE BYLAW No. 189/2016

A bylaw of the Town of Bentley, in the Province of Alberta, pursuant to provisions of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto, to provide for the amendment of the Land Use Bylaw No.189/2016

WHEREAS: Section 639 of the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, provides that every municipality must pass a land use bylaw; and

WHEREAS: the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, permits a Council to amend the Land Use Bylaw; and

WHEREAS: the Council of the Town of Bentley deems it necessary and expedient to amend the Land Use Bylaw No. 89/2016;

NOW THEREFORE, the Council of the Town of Bentley, duly assembled enacts as follows:

1. THAT Part 3.0 section 3.3.1 is amended by adding the attached sections (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), shown in the attached Schedule A, following subsection 3.3.1 Permission for Development
2. THAT Part 3.0, section 3.4 Notification of Decision is amended to add the attached section 3.4.1 shown in the attached Schedule A.
3. THAT Part 3.3 (10), is amended by adding the following text, “, except for those applications refused as incomplete applications,” after “Where an application for a development permit has been refused”, as shown in attached Schedule A section 3.3 (10).
4. THAT Part 3.0 section 3.8 titled Appeals Procedure is amended by replacing with the attached subsection 3.8. (1) and 3.8 (2) shown in the attached Schedule A.
5. THAT Part 1.0 section 1.8 titled Definitions is amended by adding the following definition; “**Subdivision Authority**” means the person, persons or organization appointed pursuant to the Town of Bentley Subdivision Authority Bylaw;”
6. THAT Part 2.0 is amended by adding section 2.10 titled Subdivision Approval Application and section 2.11 titled Subdivision Approval Time Limits, in attached Schedule A.

_____Initial

7. THAT this bylaw take effect following proclamation of Bill 21 Modernized Municipal Government Act.

Read for a first time on the 15th day of August, 2017

Public Hearing held on the _____ day of _____, 2017

Read for a second time on the _____ day of _____, 2017

Read for a third and final time on the _____ day of _____, 2017

Mayor Lynda Haarstad Petten

Chief Administrative Officer

DRAFT

BYLAW NUMBER 193/2017
Town of Bentley

SCHEDULE A

Section 3.3.1 PERMISSION FOR DEVELOPMENT

- (d) Upon receipt of an application the Development Authority shall within 20 days determine whether the application is complete. An application is complete, if in the opinion of the Development Authority, the application contains the documents and other information necessary to review the application. The 20 day timeline may be extended if agreed upon in writing between the applicant and the Development Authority.
- (e) If the Development Authority deems a development permit application to be complete, the Development Authority shall issue a letter to the applicant indicating:
 - a. The date the application was received and deemed complete,
 - b. Confirmation the Development Authority will begin processing the application, and
 - c. The date the 40 days to process the application expires.

INCOMPLETE APPLICATIONS

- (f) If the Development Authority determines an application is incomplete, the Development Authority shall issue a notice in writing to the applicant, indicating the following:
 - a. The application is considered incomplete,
 - b. A detailed list of the outstanding documents and/or information required by the Development Authority in order for the application to be considered complete,
 - c. The date which the required outstanding documents and/or information must be submitted to the Development Authority, as either set out in the notice, or as agreed upon between the applicant and Development Authority,

Prior to the expiry of the 20 day review period.
- (g) Additional information the Development Authority may request for a development permit application includes, but is not limited to:
 - a. Hosting a public meeting in the community and submitting a record of the meeting and summary of input;
 - b. Traffic Impact Assessment to determine possible effects of the development on the transportation and traffic system;
 - c. Environmental Site Assessment to identify potential site contamination;
 - d. Noise Impact Assessment to examine the noise emitted from the facility;

BYLAW NUMBER 193/2017
Town of Bentley

SCHEDULE A

- e. Lighting Impact Assessment to determine the potential light impact to adjacent properties during construction and operation of the site;
- f. Sun Shadow Impact Study to determine the impact of development in terms of sun and daylight access to surrounding property;
- g. Servicing Study to assess the capacity of municipal servicing to accommodate future development;
- h. Geotechnical Assessment of the site for design of structures;
- i. Real Property Report illustrating locations of property improvements relative to property boundaries;
- j. Flood proofing assessment of the development if it is located in a flood prone area;
- k. Slope Assessment to assess the safe design of a slope;
- l. Risk Assessment for hazards associated with the use or storage on site;
- m. CPTED Analysis to analyze the built form in reducing the incidence of crime;
- n. Parking Demand Study to estimate the parking demand of the proposed use;
- o. Such other plans and information as the Development Authority may consider necessary to properly evaluate the proposed development.

All submitted documents are to be prepared by qualified registered professionals in their respective fields. All submitted documents shall include certification by the professional who prepared the document.

- (h) If the Development Authority determines that the information and documents submitted by the applicant at the request of the Development Authority are complete, the Development Authority must issue a letter to the applicant indicating:
 - a. The application is complete,
 - b. Confirmation the Development Authority will begin processing the application, and
 - c. The date the 40 days to process the application expires.

- (i) If the applicant fails to submit the outstanding information and documents requested by the Development Authority to complete the application on or before the date referred to in the notice issued to the applicant, the application is deemed to be refused.

BYLAW NUMBER 193/2017
Town of Bentley

SCHEDULE A

- (j) If the application is deemed refused because the applicant failed to provide the Development Authority with the requested information, the Development Authority shall issue to the applicant a letter indicating the application has been refused and the reason(s) for the refusal, within 7 days of the expiry date.

- (k) Despite that the Development Authority has issued a letter acknowledging an application as complete, in the course of reviewing the application, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

- (l) If the Development Authority does not make a determination of an application's completeness within 20 days of receiving the application, or within an alternative timeline agreed upon between the applicant and Development Authority, the application is deemed to be complete.

TIME LIMITS

- (m) The Development Authority shall, within 20 days after the receipt of an application for a development permit, determine whether the application is complete, or within such longer period as the applicant may have agreed to in writing.

- (n) The Development Authority shall consider and decide on any application for a development permit, within 40 days of the date of issuance of a letter to an applicant indicating the application is complete, or within such longer period as the applicant may have agreed to in writing.

Section 3.4. DEVELOPMENT PERMITS AND NOTICES

1. A decision of the Development Officer or the MPC on an application for a development permit shall be given in writing and a copy of it sent by ordinary mail to the applicant on the same day the decision is made.

Section 3.3.10 RE-APPLICATION FOR A DEVELOPMENT PERMIT

In the case where an application for a development permit has been refused, except for those applications refused as incomplete applications, the Development Officer shall refuse to accept another application for the same or a similar use on the same lot or site until 6 months have passed from the date of such refusal unless in the opinion of the Development Officer the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

BYLAW NUMBER 193/2017
Town of Bentley

SCHEDULE A

Section 3.8 APPEALS PROCEDURE

1. An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days of the date of the letter issued to the applicant acknowledging a complete application, and an applicant may appeal in writing, as provided for in this Land Use Bylaw, unless the applicant enters into an agreement with the Development Officer to extend the 40 day period.

2. Where the Development Authority
 - a. Fails to issue a development permit to a person, or
 - b. Refuses an application for a development permit, or
 - c. Issues a development permit subject to conditions, or
 - d. Issues an order under the Municipal Government Act,

The person applying for the permit or affected by an order, a decision, or development permit may appeal to the Subdivision and Development Appeal Board in accordance with the Municipal Government Act

BYLAW NUMBER 193/2017
Town of Bentley

SCHEDULE A

Section 2.10 SUBDIVISION APPROVAL APPLICATION

1. Upon receipt of an application the Subdivision Authority shall within 20 days determine whether the application is complete. An application is complete, if in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application. The 20 day timeline may be extended if agreed upon in writing between the applicant and the Subdivision Authority.

2. If the Subdivision Authority deems a subdivision application to be complete, the Subdivision Authority shall issue a letter to the applicant indicating:
 - a. The date the application was received and deemed complete,
 - b. Confirmation the Subdivision Authority will begin processing the application, and
 - c. The date the 60 days to process the application expires.

3. If the Subdivision Authority determines an application is incomplete, the Subdivision Authority shall issue a notice in writing to the applicant, indicating the following:
 - a. The application is considered incomplete,
 - b. A detailed list of the outstanding documents and/or information required by the Subdivision Authority in order for the application to be considered complete,
 - c. The date which the required outstanding documents and/or information must be submitted to the Subdivision Authority, as either set out in the notice, or as agreed upon between the applicant and Subdivision Authority,

Prior to the expiry of the 20 day review period.

4. If the Subdivision Authority determines that the information and documents submitted by the applicant at the request of the Subdivision Authority are complete, the Subdivision Authority shall issue a letter to the applicant indicating:
 - a. The application is complete,
 - b. Confirmation the Subdivision Authority will begin processing the application, and
 - c. The date the 60 days to process the application expires.

5. If the applicant fails to submit the outstanding information and documents requested by the Subdivision Authority to complete the application on or before the date referred to in notice issued to the applicant, the application is deemed to be refused.

BYLAW NUMBER 193/2017
Town of Bentley

SCHEDULE A

6. If the application is deemed refused because the applicant failed to provide the Subdivision Authority with the requested information, the Subdivision Authority shall issue to the applicant a letter indicating the application has been refused and the reason for the refusal, within 7 days of the expiry date.

7. Despite that the Subdivision Authority has issued a letter acknowledging an application as complete, in the course of reviewing the application, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

8. If the Subdivision Authority does not make a determination of an application's completeness within 20 days of receiving the application, or within an alternative timeline agreed upon between the applicant and Subdivision Authority, the application is deemed to be complete.

Section 2.11 SUBDIVISION APPROVAL TIME LIMITS

1. The Subdivision Authority shall, within 20 days after the receipt of an application for a subdivision approval, determine whether the application is complete, or within such longer period as the applicant may have agreed to in writing.

2. The Subdivision Authority shall consider and decide on any application for a subdivision approval, within 60 days of the date of issuance of a letter to an applicant indicating the application is complete, or within such longer period as the applicant may have agreed to in writing.