

Village of Alix – Land Use Bylaw Review (Part 1 of Proposed Changes)

Issue: Administrative Provisions – Interpretative Clauses

Clarification needed on:

- Rules of interpretation for meaning of words
- Rules of interpretation on measurements
- Additional definitions



Current Approach:

- For some items, such as the meaning of words, there is no guidance for the Development Authority
- Some guidance on interpretation issues is contained in other sections

Proposed Amendments:

Comments and Explanation:

Adding the following as Section 1.2A in Part One:

1.2A Rules of Interpretation

- (1) Words used in the present tense include the other tenses and derivative forms. Words used in the singular include the plural and vice versa. Words used in the masculine gender shall also mean the feminine gender and the neuter. Words have the same meaning whether they are capitalized or not.
- (2) Words, phrases and terms not defined in this Land Use Bylaw may be given their definition in the Municipal Government Act, Subdivision and Development Regulation or the Alberta Building Code. Other words shall be given their usual and customary meaning.
- (3) The words “shall” and “must” require mandatory compliance except where a variance has been granted pursuant to this Land Use Bylaw.
- (4) Imperial equivalents are provided beside every metric value in this Land Use Bylaw for convenience. The metric value is the actual standard to be used.

New – provides direction on how to interpret the words in the Land Use Bylaw where some may be defined and others may be based on the definition of common dictionaries; can only use the dictionary definition for terms not defined in the Land Use Bylaw

New – clarifies meaning of the terms “shall” and “must”

Moves the existing clause from Section 3.2 which confirms that metric measurements are the official measurements to be used

Proposed Amendments:	Comments and Explanation:
<p>Adding the following definitions to Part Ten: Definitions where they would appear in alphabetical order:</p> <p>“building permit” means written permission or authorization under the Safety Codes Act to commence a use, occupancy, relocation, construction or demolition of any building;</p> <p>“building relocation” means the moving a building from one site and placing it on another site or moving a building to a new location on the same site;</p> <p>“bareland condominium” means a condominium in which the units are defined in relation to the land rather than in relation to a structure. A bareland condominium shares all the other features of a conventional condominium except for the definition of the boundaries;</p> <p>“condominium” means a form of property ownership in which each owner holds title to their own unit plus a fractional interest in any common property;</p> <p>“crime prevention through environmental design (CPTED)” means a set of principles intended to prevent or reduce the likelihood of crime or fear of crime by changing or managing the physical environment;</p> <p>“decorative pond” means an enclosure constructed to contain water, which may also contain vegetation and fish, as a decorative landscaping feature;</p> <p>“derelict vehicle” means the storage, collection or accumulation of all or part of any wrecked vehicle or all or any part of a motor vehicle which is not validly registered in accordance with the Motor Vehicle Act;</p> <p>“grade” means the ground elevation established for the purpose of regulating the height of a building. The grade shall be the finished ground elevation adjacent to the walls of the building if the finished grade is level. If the finished grade is not level, the grade shall be determined by averaging the finished ground elevation for each face of the building;</p>	<p><i>New –definitions being added to assist with interpreting various requirements of the Land Use Bylaw</i></p>

Proposed Amendments:	Comments and Explanation:
<p>“Intermunicipal Development Plan” means a plan adopted by the Village of Alix and Lacombe County as an intermunicipal development plan pursuant to the Municipal Government Act;</p> <p>“Municipal Development Plan” means a plan adopted by the Village of Alix as a municipal development plan pursuant to the Municipal Government Act;</p> <p>“outdoor boiler” means any type of solid, gas, or combination fuel burning unit located separately from the principal building or any accessory building or as a stand-alone building for the generation of space heating or water heating;</p> <p>“permanent foundation” means a foundation meeting the requirements of the Alberta Building Code, including but not limited to, an engineer approved wood foundation or a poured concrete basement or a concrete block basement or a slab on grade beam;</p> <p>“private pool” means any outdoor private swimming pool or hot tub containing over 0.6m (2 ft) depth of water for the purpose of swimming, wading, or immersion of human beings;</p> <p>“soft sided building” means any building that is faced or finished on any portion of the building exterior, with flexible sheeting capable of being rolled or folded;</p> <p>“solar energy device” means a device used to collect sunlight that is part of a system that transforms energy from the sun into thermal, chemical, or electrical energy;</p> <p>“storage area or outdoor storage” means an area of land used of the purpose of storing vehicles, equipment, seasonal recreation equipment and/or other items which are associated with the principal use of the parcel;</p> <p>“structure” means anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground, but does not include pavement, curbs, walks or open-air surfaced areas;</p>	<p><i>There are other forms of foundation that can be used.</i></p> <p><i>Batteries are chemical energy.</i></p>

Proposed Amendments:	Comments and Explanation:
<p>“temporary building” means a building or structure, which may or may not have a foundation or footing, intended for placement and use on a parcel for a limited period of time;</p> <p>“wind energy device” means a structure that converts wind energy into mechanical or electrical or chemical energy;</p>	<p><i>Intended length of time that the building is present or used is more important than the physical elements making up the building</i></p>

Village of Alix – Land Use Bylaw Review (Second Part)

Issue: Administrative Provisions – Application Requirements and Screening



Clarification needed on:

- Information needed to process a development permit
- Placement of materials related to subdivision applications

Current Approach:

- Existing list looks like it is mandatory in one clause but other clauses suggest that there is discretion on what information to require
- List of additional studies and materials that could be required does not provide much direction to the Development Officer
- Information regarding subdivision applications is combined with contravention and enforcement provisions

Proposed Amendments:

Comments and Explanation:

Replacing Part Three: Development Permit Applications with the following:

3.1 Permission for Development

- (1) An application for a development permit shall be made to the Development Officer in writing on the prescribed form and must include a statement of the applicant’s interest in the land and, if the applicant is not the owner, the written consent of the owner of the land that is subject to the application.
- (2) Each application for a development permit shall be accompanied by a non-refundable processing fee based on the Fee Schedule Bylaw, as amended by Council from time to time.
- (3) The Development Officer shall determine if additional information is needed and the nature of any additional information needed, to ensure that, in their opinion, a decision can be properly made. The additional information may include:
 - (a) a statement of existing and proposed uses;

Changes are intended to address the “generic expectations” that can apply to any and all development permit applications

Text is written to allow Development Officer the ability to determine the nature of the materials needed to properly evaluate the proposed development – not all of the materials listed are required for every development permit that is submitted

Begins with mandatory items and then moves to items that may be required

Other sections of the Land Use Bylaw may add information requirements (i.e. cannabis and demolition) based on the specific nature or items that have to be considered – these have been moved to make it easier to reference

Proposed Amendments:	Comments and Explanation:
<p>(b) a copy of the Certificate of Title to the land and registered easements , rights of way, or restrictive covenants;</p> <p>(c) one or more copies of a site plan showing:</p> <ul style="list-style-type: none"> (i) north arrow; (ii) scale of plan; (iii) legal description of property (lot #, block #, plan #); (iv) lot lines shown with dimensions; (v) location of all existing and proposed buildings dimensioned to property lines; (vi) location of vehicle parking and access and egress points to the parcel; (vii) utilities, site drainage, and existing and proposed site grades; (viii) location and size (trunk diameter, height) of existing trees; (ix) for multi-family, commercial, industrial, recreational, public and other similar uses: <ul style="list-style-type: none"> i. loading space provisions; ii. garbage and storage areas and the fencing or screening proposed for same; iii. location and approximate dimensions of all existing and proposed parks, playgrounds and other amenity areas; and iv. treatment of landscaped areas; <p>(d) plans showing elevations, floor plan and the perspective of the proposed development, including a description of the exterior finishing materials and colours;</p> <p>(e) the estimated commencement and completion dates;</p> <p>(f) the estimated cost of the project or contractor price;</p> <p>(g) such other plans and information as the Development Officer may consider necessary to properly evaluate the proposed development, including but not limited to:</p>	

Proposed Amendments:	Comments and Explanation:
<ul style="list-style-type: none"> i. Hosting a public meeting in the community and submitting a record of the meeting and summary of input; ii. Traffic Impact Assessment to determine possible effects of the development on the transportation and traffic system; iii. Environmental Site Assessment to identify potential site contamination; iv. Noise Impact Assessment to examine the noise emitted from the facility; v. Lighting Impact Assessment to determine the potential light impact to adjacent properties during construction and operation of the site; vi. Sun Shadow Impact Study to determine the impact of development in terms of sun and daylight access to surrounding property; vii. Servicing Study to assess the capacity of municipal servicing to accommodate future development; viii. Geotechnical Assessment of the site for design of structures; ix. Real Property Report or similar survey evidence illustrating locations of property improvements relative to property boundaries; x. Flood proofing assessment of the development if it is located in a flood prone area; xi. Slope Assessment to assess the safe design near a slope; xii. Risk Assessment for hazards associated with the use or storage of hazardous materials on site and an inventory of the materials being stored; xiii. Crime Prevention Through Environmental Design (CPTED) analysis to analyze the built form in reducing the incidence of crime; xiv. Parking Demand Study to estimate the parking demand of the proposed use; xv. Such other plans and information as the Development Officer may consider necessary to properly evaluate the proposed development. 	<p><i>Long list of possible information that could be required is provided to give direction to the Development Officer</i></p>

Proposed Amendments:	Comments and Explanation:
<p>(4) Where the Development Officer requires any technical study or assessment, 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.</p> <p>3.2 <u>Complete Applications</u></p> <p>(1) Upon receipt of an application the Development Officer 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.</p> <p>(2) If the Development Officer deems a development permit application to be complete, the Development Officer shall issue a letter to the applicant indicating:</p> <ul style="list-style-type: none"> (a) The date the application was received and deemed complete; (b) Confirmation the Development Officer will begin processing the application, and; (c) The date the 40 days to make a decision on the application expires. <p>3.3 <u>Incomplete Applications</u></p> <p>(1) If the Development Officer determines an application is incomplete, the Development Officer shall issue a letter to the applicant, prior to the expiry of the 20 day review period, indicating the following:</p> <ul style="list-style-type: none"> (a) The application is considered incomplete; 	<p><i>Requirement addresses the quality of the information to be provided</i></p> <p><i>Changes wording to Development Officer rather than Development Authority to reflect the role of the Development Officer in screening and evaluating all development permit applications regardless of who makes the decision on the application</i></p>

Proposed Amendments:	Comments and Explanation:
<p>(b) A detailed list of the outstanding documents and/or information required by the Development Officer in order for the application to be considered complete;</p> <p>(c) The date which the required outstanding documents and/or information must be submitted to the Development Officer.</p> <p>(2) If the Development Officer determines that the information and documents submitted by the applicant at the request of the Development Officer are complete, the Development Officer must issue a letter to the applicant indicating:</p> <p>(a) The application is complete;</p> <p>(b) Confirmation the Development Officer will begin processing the application, and;</p> <p>(c) The date the 40 days to make a decision on the application expires.</p> <p>(3) If the applicant fails to submit the outstanding information and documents requested by the Development Officer to complete the application on or before the date referred to in the letter issued to the applicant, the application is deemed to be refused.</p> <p>(4) If the application is deemed refused because the applicant failed to provide the Development Officer with the requested information, the Development Officer 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.</p> <p>(5) Despite that the Development Officer 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.</p>	

Proposed Amendments:	Comments and Explanation:
<p>(6) If the Development Officer 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 Officer in writing, the application is deemed to be complete.</p>	
<p>Deleting Section 5.0 of Part Five: Contravention and Enforcement and adding the following as Part Three A: Subdivision Approval Applications:</p> <p>3.1 <u>Complete Applications</u></p> <p>(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.</p> <p>(2) If the Subdivision Authority deems a subdivision application to be complete, the Subdivision Authority shall issue a letter to the applicant indicating:</p> <p>(a) The date the application was received and deemed complete,</p> <p>(b) Confirmation the Subdivision Authority will begin processing the application, and</p> <p>(c) The date the 60 days to make a decision on the application expires.</p> <p>3.2 <u>Incomplete Applications</u></p> <p>(1) If the Subdivision Authority determines an application is incomplete, the Subdivision Authority shall, prior to the expiry of the 20 day review period, issue a letter to the applicant, indicating the following:</p>	<p><i>Places the requirements for assessing complete and incomplete subdivision applications in its own area</i></p>

Proposed Amendments:	Comments and Explanation:
<p>(a) The application is considered incomplete,</p> <p>(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,</p> <p>(c) The date which the required outstanding documents and/or information must be submitted to the Subdivision Authority.</p> <p>(2) 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.</p> <p>(3) 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.</p> <p>(4) 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.</p> <p>(5) 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.</p>	

Proposed Amendments:	Comments and Explanation:
<p>3.3 <u>Time Limit for Decisions on Subdivision Applications</u></p> <p>(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.</p> <p>(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, the date an application has been deemed complete due to expiry of the 20 day review period, or within such longer period as the applicant may have agreed to in writing.</p>	
<p>Replace 4.1 (1)(g) in Part Four: Development Permit Decision Process with the following:</p> <p>(g) That the applicant submits a Real Property Report or similar survey evidence prepared by an Alberta Land Surveyor confirming the location of specific items on the property to the satisfaction of the Development Officer; and</p>	<p><i>Requiring a full Real Property Report may be unnecessary and added expense if only one or two items need to be confirmed (example: confirm how close existing building is to one of the property lines)</i></p>

Village of Alix – Land Use Bylaw Review (Second Part)

Issue: Administrative Provisions – Granting Relaxations

Clarification needed on:

- Retaining the current limits on when and how much relaxation can be granted by the Municipal Planning Commission
- Consideration of alternative approach that would provide a greater degree of latitude at the Development Permit stage



Current Approach:

- Development Officer can grant relaxations of 10% under any minimum requirement or 10% over any maximum requirement
- Section 4.3(2)(e) limits Municipal Planning Commission to relaxations of 10% under any minimum requirement or 10% over any maximum requirement

Proposed Amendments:

Amend Section 4.3 of Part Four: Development Permit Decision Process by replacing 4.3 (2)(a) with:

- (a) a relaxation of yard or setback requirements shall be considered only where warranted by the merits of the proposed development and in response to irregular lot lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setbacks or in meeting the usual bylaw requirements or to address non-compliant yards or setbacks of existing structures;

Amend Section 4.3 of Part Four: Development Permit Decision Process by deleting 4.3 (2)(e).

Comments and Explanation:

Added reference to “yard or setback requirements” to clarify relationships between these types of standards and other standards that do not directly relate to lot and parcel shapes and sizes

Adding references to “non-compliant yards or setbacks of existing structures” makes it possible to address older buildings constructed prior to the current LUB or earlier versions of the LUB

This removes the limits on the size of relaxations that MPC can approve. MPC would be able to address variances that exceed 10%, Decisions still have be based on the merits of each case and must meet the test of not impacting adjacent properties, fitting in with the character of the area and conforming to the use allowed on the parcel.

More latitude for MPC may reduce the potential for appeals on relaxations greater than 10%.

Village of Alix – Land Use Bylaw Review (Second Part)

Issue: Administrative Provisions – Notifications

Clarification needed on:

- The methods used by the Development Officer to notify other parties about development permit decisions that have been made
- Opportunity for the use of electronic means of notification



Current Approach:

- Land Use Bylaw indicates written notice given to the applicant and does not address notice to any other parties
- Current practice of the Village is to post notices on a publicly accessible bulletin board/window and send notices to adjacent landowners on a case by case basis

Proposed Amendments:

Amend Part Four: Development Permit Decision Process by replacing Section 4.5 with:

4.5 Notification of Development Authority Decisions

- (1) A decision of the Development Officer or the Municipal Planning Commission 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 written decision is given.
- (2) When an application for a development permit is approved, the Development Officer shall
 - (a) post a notice of the decision at a publicly visible and/or accessible location in the Village Office, or
 - (b) send a notice of the decision to any persons that the Development Officer considers may be affected, or
 - (c) have the notice of decision posted on the Village website, or
 - (d) use a combination of two or more of the means of providing notice listed above.

Comments and Explanation:

Same as current text

Notice has to be provided to other parties who have the ability to appeal a decision (plus to keep people informed about changes)

Intent is to allow for a range of options that the Development Officer can use; at least one of the listed options must be used by the Development Officer for every development permit that is approved

Decisions to refuse a development permit must be sent to the applicant but do not provide much benefit by sending to other parties

Proposed Amendments:	Comments and Explanation:
<p>(3) Where this Land Use Bylaw requires a document to be sent to a person, the document may be sent by electronic means if</p> <ul style="list-style-type: none"> (a) the recipient has consented to receive documents by electronic means and has provided an email address, website or other electronic address for that purpose, and (b) it is possible to make a copy of the document from the electronic transmission. 	<p><i>Allows for the Development Officer to communicate with applicants using email and have it count as the official notice of a decision or having met a key timeline like the date to indicate their application is complete or incomplete</i></p>
<p>Amend Section 4.9(3)(b) by changing the reference to Section 4.5.(1) to Section 4.5(2).</p>	<p><i>Corrects a cross referencing in the Appeals Section</i></p>

Village of Alix – Land Use Bylaw Review (Second Part)

Issue: Administrative Provisions – Cancellation, Expiry and Validity of Development Permit

Clarification needed on:

- The difference between cancellation and expiry
- Length of time to complete an approved development



Current Approach:

- Land Use Bylaw addresses cancellation and blends with idea of expiry and validity
- Expiry aspect only addresses the issue of length of time to start a development with no expectations on when it has to be finished

Proposed Amendments:

Comments and Explanation:

Amend Part Four: Development Permit Decision Process by replacing Section 4.7 with:

4.7 Expiry and Validity of a Development Permit

- (1) A development permit shall cease to be valid twelve (12) months after the date on which the permit became effective in accordance with Section 4.6 unless, prior to the expiry of the twelve (12) months, the applicant has commenced development or an extension of time has been granted.
- (2) The applicant may apply in writing to the Development Officer for an extension of the time period to commence their development. The Development Officer may only grant one extension for up to a maximum of twelve (12) additional months.
- (3) Once work on an approved development has commenced, the development permit remains valid for twenty-four (24) months after the date on which the permit became effective in accordance with Section 4.6 unless, prior to the expiry of the twenty-four (24) months, the Development Officer has granted an extension of time in writing.

Applicant normally has 12 months to get started with their project and can request more time

All applicants get at least 24 months to build regardless of the nature, size or complexity of their project

Proposed Amendments:	Comments and Explanation:
<p>(4) The applicant may apply in writing to the Development Officer for an extension of the time period to complete their development. The Development Officer may only grant one extension for up to a maximum of twelve (12) additional months.</p>	<p><i>If a project got underway and then was put on hold or made slow progress, an additional 12 months can be given</i></p> <p><i>Maximum amount of time to start is 24 months and maximum amount of time to complete is 36 months</i></p>
<p>Amend Part Four: Development Permit Decision Process by adding the following as Section 4.7A:</p> <p>4.7A <u>Cancellation of a Development Permit</u></p> <p>The Development Authority may cancel a development permit if:</p> <ul style="list-style-type: none"> (a) the permit was issued in error; or (b) the permit was issued on the basis of incorrect information. 	<p><i>Same text that is currently in Land Use Bylaw; re-ordering of section</i></p>

Village of Alix – Land Use Bylaw Review (Second Part)

Issue: Administrative Provisions – Contravention and Enforcement

Clarification needed on:

- Ability of Municipality to have assistance in inspections and activities related to enforcement actions



Current Approach:

- Text dealing with the ability to enter onto land to inspect and take action does not expressly stated that the Municipality may include those hired or contracted to assist with approvals or enforcement of bylaws

Proposed Amendments:

Amend Part Five: Contravention and Enforcement by replacing Section 5.1(2) with the following:

- (2) If a person fails or refuses to comply with an order under subsection (1) or an order of the Subdivision and Development Appeal Board made pursuant to Part 17 of the Municipal Government Act, the municipality, including their agents and those working on behalf of the municipality, may, in accordance with section 542 of the Municipal Government Act, enter on the land or building and take any action necessary to carry out the order.

Comments and Explanation:

Reference to “their agents and those working on behalf of the municipality” clarifies that it may be an inspection team led by the Development Officer

The process to enter land or building must comply with Section 542 of the MGA regarding appropriate notice and presentation of identification, etc.

Note: the \$10,000 fine set in 5.2(2) is set out in Part 2, Division 1, Section 7 of the MGA and is for the exclusive use of a judge

Additional tax under Section 5.1(4) addresses costs of the municipality for the enforcement action and remedies

Village of Alix – Land Use Bylaw Review (Second Part)

Issue: Administrative Provisions – Amending the Land Use Bylaw

Clarification needed on:

- Items that should be considered when addressing a proposed amendment to the Land Use Bylaw



Current Approach:

- Provisions provide guidance on how to make an application and the process steps for an amendment to the Land Use Bylaw initiated by a landowner but do not speak to how to assess or evaluate a proposed amendment

Proposed Amendments:

Comments and Explanation:

Amend Part Six: Amending the Land Use Bylaw by adding the following as Section 6.1(3A):

- (3A) Upon receipt of an application for amendment to this Land Use Bylaw, the Development Officer shall initiate or undertake an investigation and analysis of the potential impacts of development resulting from or allowed as a result of the proposed amendment. The analysis shall be based on the full development potential of the proposed amendment and not on the merits of any particular development proposal. The analysis shall, among other things, consider the following impact criteria:
- (a) relationship to and compliance with approved statutory plans and Council policies,
 - (b) relationship to and compliance with statutory plans or outline plans in preparation,
 - (c) compatibility with surrounding development in terms of land use function and scale of development,

This section provides a guide on the types of issues that should be considered in reviewing an application to amend the Land Use Bylaw

Not all issues will apply to every application

For some issues, additional information may be required from the applicant (e.g. traffic study)

Proposed Amendments:	Comments and Explanation:
<ul style="list-style-type: none"> (d) traffic impacts, (e) relationship to, or impacts on, services such as water and sewage systems, and other public utilities and facilities such as recreation facilities and schools, (f) relationship to municipal land, right-of-way or easement requirements, (g) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area, (h) necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant, and (i) relationship to the documented concerns and opinions of area residents regarding development implications. 	