



“The Best in the West by a Damsite”

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**NOTICE OF PUBLIC HEARING
TOWN OF BASSANO
IN THE PROVINCE OF ALBERTA**

PROPOSED BYLAW NO. 880-18

**To be held at 7:30 p.m., October 22, 2018
Town of Bassano Council Chambers
502 2nd Ave**

PURSUANT to sections 230, 606 and 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Bassano in the Province of Alberta hereby gives notice of its intention to adopt Bylaw No. 880-18, being an amendment to Land Use Bylaw 845-13 for the municipality.

THE PURPOSE of the proposed Bylaw No. 880-18 is to accommodate a series of text amendments in order to comply with the recent changes to the Municipal Government Act.

THEREFORE, TAKE NOTICE THAT a public hearing to consider the Proposed Bylaw No.880-18 will be held in the Town of Bassano Council Chambers at 7:30 p.m., October 22, 2018.

AND FURTHER TAKE NOTICE THAT anyone wishing to make a presentation regarding the proposed bylaw should, in writing, notify the Chief Administrative Officer of their intention prior to 7:30 p.m. on October 22, 2018.

AND FURTHER TAKE NOTICE THAT both written and verbal presentations may be made to council at the public hearing.

AND FURTHER TAKE NOTICE THAT a copy of the proposed bylaw may be inspected at the Town of Bassano office during normal business hours or viewed on the town website www.bassano.ca.

DATED at the Town of Bassano in the Province of Alberta this 21 day of September 2018.

A handwritten signature in black ink, appearing to read "Amanda Davis".

Amanda Davis
Interim Chief Administrative Officer
Town of Bassano
502 2nd Ave
Bassano, Alberta T0J 0B0

BYLAW NO. 880/18
Land Use Bylaw Amendment
of the

TOWN OF BASSANO
In the Province of Alberta

BEING A BYLAW OF THE TOWN OF BASSANO IN THE PROVINCE OF ALBERTA, TO AMEND BYLAW NO. 845/13, BEING THE MUNICIPAL LAND USE BYLAW.

WHEREAS the Town of Bassano Council wishes to update the land use bylaw.

WHEREAS THE PURPOSE of proposed amendment is to undertake a series of text amendments in order to comply with the changes to the Municipal Government Act as identified in the attached "Schedule A".

AND WHEREAS the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Bassano in the Province of Alberta duly assembled does hereby enact the following:

1. That the amendments are indicated in attached Schedule A.
2. That Bylaw No.845/13, being the municipal Land Use Bylaw, is hereby amended and consolidated.
3. That the aforementioned amendments to Bylaw No. 845/13, being the Land Use Bylaw, shall make use of formatting that maintains the consistency of the portions of the bylaw being amended.
4. This bylaw comes into effect upon third and final reading hereof.

READ a **first** time this 10th day of September, 2018.

READ a **second** time this _____ day of _____, 2018.

READ a **third** time and passed this _____ day of _____, 2018.

Mayor – Jackie Seely

Interim Chief Administrative Officer – Amanda Davis

Schedule A

ADMINISTRATION

GENERAL

SECTION 1 TITLE

- 1.1 This bylaw may be cited as the “Town of Bassano Land Use Bylaw”.

SECTION 2 PURPOSE

- 2.1 The purpose of this bylaw is to, amongst other things:
- (a) divide the municipality into districts;
 - (b) prescribe and regulate the use(s) for each district;
 - (c) establish a method for making decisions on applications for development permits and issuing development permits for a development;
 - (d) provide the manner in which notice of the issuance of a development permit is to be given; and
 - (e) implement the Town of Bassano Municipal Development Plan and other statutory plans of the municipality, as may be developed.

SECTION 3 EFFECTIVE DATE

- 3.1 This bylaw shall come into effect upon third and final reading thereof.

SECTION 4 REPEAL OF FORMER BYLAW

- 4.1 Town of Bassano Land Use Bylaw No. 766/99 and amendments thereto are hereby repealed.

SECTION 5 SEVERABILITY

- 5.1 If any provision of this bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

SECTION 6 COMPLIANCE WITH THE LAND USE BYLAW

- 6.1 No development, other than those designated in Schedule 4 of this bylaw (Development Not Requiring a Permit), shall be undertaken within the Town unless a development application has been approved and a development permit has been issued.

- 6.2 Notwithstanding subsection 6.1, while a development permit may not be required pursuant to Schedule 4, development shall comply with all regulations of this bylaw.

SECTION 7 COMPLIANCE WITH OTHER LEGISLATION

- 7.1 Compliance with the requirements of this bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial or federal legislation, and respecting any easements, covenants, agreements or other contracts affecting the land or the development.

SECTION 8 RULES OF INTERPRETATION

- 8.1 Unless otherwise required by the context, words used in the present tense include the future tense; words used in the singular include the plural; and the word person includes a corporation as well as an individual. The *Interpretation Act, Chapter I-8, RSA 2000, as amended*, shall be used in the interpretation of this bylaw. Words have the same meaning whether they are capitalized or not.
- 8.2 The written regulations of this bylaw take precedence over any graphic or diagram if there is a perceived conflict.
- 8.3 The Land Use Districts Map takes precedence over any graphic or diagram in the district regulations if there is a perceived conflict.
- 8.4 All references to engineering requirements shall be prepared by an engineer registered with The Association of Professional Engineers, ~~Geologists, and Geophysicists~~ **Geoscientists** of Alberta (APEGGA).

SECTION 9 MEASUREMENTS AND STANDARDS

- 9.1 All units of measure contained within this bylaw are metric (SI) standards. Imperial measurements and conversions are provided for information only.

SECTION 10 FORMS, NOTICES AND FEES

- 10.1 For the purposes of administering the provisions of this bylaw, Council may authorize by separate resolution or bylaw as may be applicable, the preparation and use of such fee schedules, forms or notices as in its discretion it may deem necessary. Any such fee schedules, forms or notices are deemed to have the full force and effect of this bylaw in execution of the purpose for which they are designed, authorized and issued.
- 10.2 Application forms and notices are included in Appendix A.
- 10.3 Fees are included in Appendix D.
- 10.4 Refund of application fees requires approval of the Town Council.

- 10.5 In any case, where the required fee is not listed in the fee schedule, such fee shall be determined by the Development Officer or Municipal Planning Commission and shall be consistent with those fees listed in the schedule for similar developments.
- 10.6 If development is commenced without a valid development permit an additional fee, in the amount prescribed under the fee schedule, shall be payable upon application for the development permit.

SECTION 11 APPENDICES

- 11.1 Appendices A through F attached hereto are for information purposes only and may be amended from time to time as they do not form part of the Town of Bassano Land Use Bylaw.

APPROVING AUTHORITIES

SECTION 12 DEVELOPMENT AUTHORITY

- 12.1 The Development Authority is established by a Town of Bassano Bylaw ~~No. 839/12~~.
- 12.2 In the absence of the Development Officer, the following are authorized to act in the capacity of Development Officer:
- (a) Municipal Planning Commission;
 - (b) Chief Administrative Officer; or
 - (c) a designate(s) in accordance with the *Municipal Government Act (MGA)*.
- 12.3 The Development Officer is an authorized person in accordance with section 624 of the *MGA*.
- 12.4 The Development Authority shall perform such powers and duties as are specified:
- (a) in the Town of Bassano Municipal Subdivision and Development ~~Authority~~ Bylaw;
 - (b) in this bylaw;
 - (c) in the *MGA*;
 - (d) where applicable, by resolution of Council.

SECTION 13 SUBDIVISION AUTHORITY

- 13.1 The Subdivision Authority is authorized to make decisions on applications for subdivisions pursuant to the Subdivision Authority Bylaw, and may exercise only such powers and duties as are specified:
- (a) in the municipality's Municipal Subdivision and Development Authority Bylaw;
 - (b) in this bylaw; or
 - (c) by resolution of Council.

- 13.2 The Subdivision Authority may delegate, through any of the methods described in subsection 13.1 above, to any individual, municipal staff, or a regional services commission, any of its required functions or duties in the processing of subdivision applications. In respect of this:
- (a) The delegation of duties by the Subdivision Authority may include the authorized entity being responsible for determining the completeness of a submitted subdivision application.
 - (b) The Subdivision Authority delegate is authorized to carrying out the application process with subdivision applicants as described in the Subdivision Application Rules and Procedures section of the bylaw, including the task of sending all required notifications to applicants as stipulated.

SECTION 14 DEVELOPMENT OFFICER – POWERS AND DUTIES

- 14.1 The office of the Development Officer is hereby established and such office shall be filled by one or more persons as appointed by resolution of Council.
- 14.2 The Development Officer:
- (a) shall receive and process all applications for development permits and determine whether a development permit application is complete in accordance with section 27;
 - (b) shall maintain for the inspection of the public during office hours, a copy of this bylaw and all amendments thereto and ensure that copies of the same are available for public purchase;
 - (c) shall also establish and maintain a register in which shall be recorded the application made for a development permit and the decision made on the application, and contain any such other information as the Municipal Planning Commission considers necessary;
 - (d) shall consider and decide on applications for a development permit for:
 - (i) permitted uses that comply with this Land Use Bylaw;
 - (ii) permitted uses that request one (1) variance of a measurable standard not to exceed 10 percent;
 - (iii) permitted uses on existing registered lots where the Municipal Planning Commission granted a variance(s) to the minimum lot width, length and/or area requirements as part of a subdivision approval;
 - (iv) landscaping;
 - (v) fences, walls or other types of enclosures; and
 - (vi) demolition;
 - (e) shall refer to the Municipal Planning Commission all development permit applications for which decision making authority has not been assigned to the Development Officer;

- (f) may refer any development application to the Municipal Planning Commission for a decision and may refer any other planning or development matter to the Municipal Planning Commission for its review, comment or advice;
- (g) shall notify adjacent landowners and any persons who are likely to be affected by a proposed development in accordance with Section 34 of this bylaw;
- (h) shall receive, review, and refer any applications to amend this bylaw to Council;
- (i) shall issue the written notice of decision and/or development permit on all development permit applications and any other notices, decisions or orders in accordance with this bylaw;
- (j) may receive and consider and decide on requests for time extensions for Development Permits which the Development Officer has approved and shall refer to the Municipal Planning Commission those requests which the Municipal Planning Commission has approved;
- (k) shall provide a regular report to the Municipal Planning Commission summarizing the applications made for a development permit and the decision made on the applications, and any other information as the Municipal Planning Commission considers necessary; and
- (l) shall perform any other powers and duties as are specified in this bylaw, the Municipal Planning Commission Bylaw, the *MGA* or by resolution of Council.

SECTION 15 MUNICIPAL PLANNING COMMISSION

- 15.1 The Municipal Planning Commission may exercise only such powers and duties as are specified in the *MGA*, the Municipal Planning Commission Bylaw, this bylaw, or by resolution of Council.
- 15.2 The Municipal Planning Commission shall be responsible for:
 - (a) considering and deciding upon development permit applications referred to it by the Development Officer;
 - (b) providing recommendations on planning and development matters referred to it by the Development Officer or Council;
 - (c) considering and deciding upon requests for time extensions on development permit applications referred to it by the Development Officer;
 - (d) considering and deciding upon applications for subdivision approval;
 - (e) processing condominium certificates; and
 - (f) any other powers and duties as are specified in this bylaw, the Municipal Planning Commission Bylaw, the *MGA* or by resolution of Council.

SECTION 16 COUNCIL

- 16.1 Council shall be responsible for considering and deciding upon requests for time extensions on subdivision approvals in accordance with section 657 of the *MGA*.

SECTION 17 SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

- 17.1 The SDAB is established by the Subdivision and Development Appeal Board Bylaw ~~separate bylaw (Bylaw No. 840/12)~~ pursuant to the MGA, and may exercise such powers and duties as are specified in this bylaw and the MGA (Appendix E).

DEVELOPMENT IN GENERAL

SECTION 18 LAND USE DISTRICTS

- 18.1 The Town of Bassano is divided into those land use districts shown in Schedule 1 on the Land Use Districts Map.
- 18.2 The one or more uses of land or buildings that are:
- (a) permitted uses in each district, ~~with or without conditions~~; or
 - (b) discretionary uses in each district, ~~with or without conditions~~;
- are described in Schedule 2 – Use Table 2.2.1.
- 18.3 A land use that is not listed as a permitted or discretionary use but which is reasonably similar in character and purpose to a permitted or discretionary use in that district may be deemed a similar use by the Development Authority in accordance with Section 30, Similar Use.
- 18.4 A land use not listed as a permitted or discretionary use or not deemed a similar use, in a district is a prohibited use and shall be refused.

SECTION 19 SUITABILITY OF SITES

- 19.1 Notwithstanding that a use of land may be permitted or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Development Authority, as applicable, may refuse to approve a subdivision or issue a development permit if the Development Authority is made aware of or if in their opinion, the site of the proposed building or use:
- (a) does not have safe legal and physical access to a maintained road in accordance with the Land Use Bylaw, other municipal requirements or those of Alberta Transportation if within 300 m (984 ft) of a provincial highway or 800 m (2,625 ft) from the centre point of an intersection of a controlled highway and a public road;
 - (b) has a high water table or soil conditions which make the site unsuitable for foundations and/or sewage disposal systems in accordance with the provincial regulations;
 - (c) is situated on an unstable slope;
 - (d) consists of unconsolidated material unsuitable for building;

- (e) does not comply with the requirements of the Provincial Land Use Policies, Regional Plan, Subdivision and Development Regulation or any other applicable Statutory Plans;
- (f) is situated over an active or abandoned coal mine or oil or gas well or pipeline;
- (g) is unsafe due to contamination by previous land uses;
- (h) does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility;
- (i) does not have adequate water and sewer provisions;
- (j) does not meet the lot size and/or setback requirements or any other applicable standards or requirements of the Town of Bassano Land Use Bylaw;
- (k) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site.

19.2 Nothing in this section shall prevent the Development Officer or Municipal Planning Commission, as applicable, from issuing a development permit if the Development Officer or Municipal Planning Commission is satisfied that there is no risk to persons or property or that these concerns will be met by appropriate engineering measures or other mitigating measures and approvals from provincial and/or federal agencies have been obtained, as applicable.

SECTION 20 NUMBER OF DWELLING UNITS ON A PARCEL

20.1 No more than one dwelling unit shall be constructed or located or caused to be constructed or located on a parcel except as provided for in the land use district for which the application is made (e.g. accessory dwelling, duplex dwellings, dwelling group, multi-unit dwellings, manufactured home park, secondary suite, as permitted in the applicable land use district).

SECTION 21 NON-CONFORMING BUILDINGS AND USES

21.1 A non-conforming building or use may only be continued in accordance with the conditions detailed in section 643 of the *MGA*.

SECTION 22 DEVELOPMENT ON NON-CONFORMING SIZED LOTS

- 22.1 Development on an existing registered non-conforming sized lot that does not meet the minimum requirements for lot length, width or area specified in the applicable land use district in Schedule 2 may be permitted at the discretion of the Municipal Planning Commission.
- 22.2 The Development Officer is authorized to permit development on existing registered non-conforming sized lots for permitted uses where the Municipal Planning Commission issued a variance(s) to the minimum requirements for lot length, width and/or area as part of a subdivision approval.

SECTION 23 NON-CONFORMING VARIANCES

- 23.1 The Municipal Planning Commission is authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to section 643(5)(c) of the *MGA*.

SECTION 24 DEVELOPMENT AGREEMENTS

- 24.1 The Development Authority may require, with respect to a development, that as a condition of issuing a development permit, the applicant enter into an agreement with the municipality, pursuant to section 650(1) of the *MGA*, to do any or all of the following:
- (a) to construct or pay for the construction of a road required to give access to the development;
 - (b) to construct or pay for the construction of a pedestrian walkway system to serve the development and/or connect with existing or proposed pedestrian walkway systems that serve adjacent development;
 - (c) to install or pay for the installation of public utilities, other than telecommunication systems or works, that are necessary to serve the development;
 - (d) to construct or pay for the construction of off-street, or other parking facilities and/or loading and unloading facilities;
 - (e) to pay an off-site levy or redevelopment levy;
 - (f) to give security to ensure that the terms of the agreement under this section are carried out.
- 24.2 The Subdivision Authority may require, with respect to a subdivision that as a condition of issuing an approval for a subdivision, the applicant enter into an agreement with the municipality, pursuant to section 655(1)(b) of the *MGA*.
- 24.3 An agreement referred to in this section may require the applicant for a development permit or subdivision approval to oversize improvements in accordance with section 651 of the *MGA*.
- 24.4 A municipality may register a caveat under the *Land Titles Act* with respect to an agreement under this section against the certificate of title for the land that is the subject of the development, or for the parcel of land that is the subject of the subdivision.
- 24.5 If a municipality registers a caveat under this section, the municipality must discharge the caveat when the agreement has been complied with.
- 24.6 As a condition of subdivision approval, all development agreements may be registered concurrently by caveat onto individual lots being created.

DEVELOPMENT PERMIT RULES AND PROCEDURES

SECTION 25 DEVELOPMENT PERMIT – WHEN REQUIRED

- 25.1 Except as otherwise provided for in Schedule 4 (Development Not Requiring a Permit), all development shall be required to obtain a development permit.
- 25.2 In addition to meeting the requirements of this bylaw, it is the responsibility of the applicant to ascertain, obtain and comply with all other approvals and licenses that may be required by other federal, provincial or municipal regulatory departments or agencies.

SECTION 26 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- 26.1 This subsection does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* and any other Provincial or Federal statute.
- 26.2 This subsection does not negate the requirement of obtaining a business license where required.
- 26.3 Developments not requiring a municipal development permit are listed in Schedule 4.
- 26.4 Signs not requiring a municipal development permit are listed in Schedule 8, Section 4.
- 26.5 If there is a question as to whether a development permit is required for a particular use, the matter shall be referred to the Municipal Planning Commission for a determination.

SECTION 27 DEVELOPMENT PERMIT APPLICATION

- 27.1 An application for a development permit shall be made to the Development Officer by submitting:
- (a) a completed development permit application, signed by the registered owner or authorized by the owner pursuant to subsection ~~26.2~~ 27.2;
 - (b) the prescribed fee, as set by Council;
 - (c) a description of the existing and proposed use of the land, building(s) and/or structures and whether it is a new development, an alteration/addition, relocation or change of use and whether the use is temporary in nature;
 - (d) a site plan acceptable to the Development Officer indicating:
 - (i) the location of all existing and proposed buildings and structures and registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale;
 - (ii) existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, and surface drainage patterns;
 - (iii) where applicable, the location of existing, abandoned and proposed wells, septic tanks, disposal fields, culverts and crossings;

- (iv) any additional information as may be stipulated in the standards of development;
 - (v) any such other information as may be required by the Development Officer or Municipal Planning Commission to evaluate an application including but not limited to: conceptual design schemes, landscaping plans, building plans, drainage plans, servicing and infrastructure plans, soil analysis, geotechnical reports and/or other reports regarding site suitability; Real Property Report; or a surveyors sketch.
- 27.2 An application for a development permit must be made by the registered owner of the land on which the development is proposed. An application may be made by a person who is not the registered owner of the land only with written consent of the owner. The Development Officer may request a current title documenting ownership and copies of any registered encumbrance, lien or interest registered on title.

SECTION 27 — INCOMPLETE APPLICATIONS

- ~~27.1 — An application for a development permit shall not be considered complete and received by the Town until such time as the requirements of Section 26 have been met to the satisfaction of the Development Officer.~~
- ~~27.2 — If an application for a development permit does not contain all the necessary information or does not contain sufficient details to complete an evaluation of the application and make a proper decision, the development officer may deem the application to be incomplete and:~~
- ~~(a) — may return the application form and all submissions to the applicant, together with the appropriate refund in compliance with the fee schedule; or~~
 - ~~(b) — the application shall be deemed not to have been submitted until all required information and details have been submitted to the Development Officer.~~
- ~~27.3 — If an application for a development permit is deemed incomplete, the applicant may request that the application is reviewed by the Municipal Planning Commission as submitted for rendering a decision, provided that the applicant has submitted a duly signed request in that regard.~~

SECTION 28 DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION

- 28.1 A development officer shall, within 20 days after the receipt of an application in accordance with Section 27 for a development permit, determine whether the application is complete.
- 28.2 An application is complete if, in the opinion of the development officer, the application contains the documents and other information necessary to review the application.
- 28.3 The time period referred to in subsection 28.1 may be extended by an agreement in writing between the applicant and the development officer.

- 28.4 If the development officer does not make a determination referred to in subsection 28.1 within the time required under subsection 28.1 or 28.3, the application is deemed to be complete.
- 28.5 If a development officer determines that the application is complete, the development officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.
- 28.6 If the development officer determines that the application is incomplete, the development officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required by Section 27. A submittal deadline for the outstanding documents and information shall be set out in the notice. A later date may be agreed on between the applicant and the development officer in writing to extend the deadline.
- 28.7 When the development officer determines that the information and documents required to be submitted under subsection 28.6 are complete, the development officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.
- 28.8 If the required documents and information under subsection 28.6 have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under subsection 28.6, the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused and the reasons for refusal.
- 28.9 Despite issuance of a Notice of Completeness under subsection 28.5 or 28.7, the development authority in the course of reviewing the application may request additional information or documentation from the applicant that the development authority considers necessary to review the application.

SECTION 29 PERMITTED USE APPLICATIONS

- 29.1 Upon receipt of a completed application for a development permit for a permitted use that conforms with this bylaw, the Development Officer:
- (a) shall approve a development permit with or without conditions; or
 - (b) may refer the application to the Municipal Planning Commission for a decision.
- 29.2 Upon receipt of a completed application for a permitted use that requests a limited variance not to exceed 10 percent of one measurable standard of this bylaw, the Development Officer:
- (a) may grant the limited variance not to exceed 10 percent of one measurable standard of this bylaw and approve the development permit with or without conditions if in the opinion of the Development Officer, the variance would not unduly interfere

with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or

- (b) may refer the development application involving a request for a limited variance not to exceed 10 percent of one measurable standard of this bylaw to the Municipal Planning Commission for a decision;
- (c) is not required to notify adjacent landowners or persons likely to be affected prior to issuance of a decision on a development permit granting a limited variance under this section.

29.3 Upon receipt of a completed application for a permitted use that requests more than one limited variance, a variance(s) exceeding 10 percent of any measurable standard of this bylaw, or a variance of any other bylaw provision the Development Officer shall refer the application to the Municipal Planning Commission for a decision pursuant to Section 32 (Applications Requesting Variance of Bylaw Provisions).

29.4 The Development Officer or the Municipal Planning Commission may place any of the following conditions on a development permit for a permitted use:

- (a) requirement for applicant to enter into a development agreement;
- (b) payment of any applicable off-site levy or redevelopment levy;
- (c) geotechnical investigation to ensure that the site is suitable in terms of topography, soil characteristics, flooding, subsidence, mass wasting and erosion;
- (d) alteration of a structure or building size or location to ensure any setback requirements of this Land Use Bylaw or the Subdivision and Development Regulation can be met;
- (e) any measures to ensure compliance with the requirements of this Land Use Bylaw or any other statutory plan adopted by the Town of Bassano;
- (f) easements and/or encroachment agreements;
- (g) provision of public utilities, other than telecommunications systems or works, and vehicular and pedestrian access;
- (h) repairs or reinstatement of original condition of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise altered by development or building operations upon the site, to the satisfaction of the Development Officer or the Municipal Planning Commission;
- (i) to give security to ensure the terms of the permit approval under this section are carried out;
- (j) time periods stipulating completion of development;
- (k) requirement for a lot and/or construction stakeout conducted by an approved surveyor or agent;
- (l) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and approvals;

- (m) require the preparation of an Environmental Impact Assessment;
- (n) obtain any other approval, permit, authorization, consent or license that may be required to develop and/or service the affected land.

SECTION 30 DISCRETIONARY USE APPLICATIONS

- 30.1 Upon receipt of a completed application for a development permit for a discretionary use or a permitted use that requests more than one variance, a variance(s) exceeding 10 percent of any measurable standard of this bylaw, or a variance of any other bylaw provision, the Development Officer shall:
 - (a) refer the application to the Municipal Planning Commission for a decision pursuant to ~~Section 32 (Applications Requesting Variance of Bylaw Provisions)~~;
 - (b) notify adjacent landowners and other persons likely to be affected in accordance with Section ~~33~~ 34 (Notification of Adjacent Landowners and Persons Likely Affected).
- 30.2 After consideration of any response to the notifications of adjacent landowners and other persons likely to be affected, including the County of Newell, government departments and referral agencies as applicable, compatibility and suitability of the proposed use, and any other matters, the Municipal Planning Commission may:
 - (a) approve a development permit with or without conditions; or
 - (b) refuse to approve the development permit, stating reasons.
- 30.3 The Municipal Planning Commission may place any of the conditions stipulated in subsection ~~28~~9.4 (Permitted Use Applications) on a development permit for a discretionary use in any land use district, in addition to any other conditions necessary to ensure the quality, suitability and compatibility of a development with other existing and approved uses in the area.

SECTION 31 SIMILAR USE

- 31.1 Upon receipt of an application for a development permit for a use that is not specifically listed in any land use district, but which may be similar in character and purpose to other uses of land and structures in the land use district in which such use is proposed, the Development Officer may classify the use as either similar to a permitted use or similar to a discretionary use.
- 31.2 Where a use has been classified similar to a permitted use, the Development Officer may process the application accordingly as a permitted use or refer the application to the Municipal Planning Commission for a decision. The notice of the decision shall be subject to subsection 34 5.2 (Notice of Decision).
- 31.3 Where a use has been classified similar to a permitted use and requests more than one limited variance, a variance(s) exceeding 10 percent of any measurable standard of this bylaw, or a variance of any other bylaw provision, the Development Officer shall:
 - (a) refer the application to the Municipal Planning Commission for a decision; and

- (b) notify adjacent landowners and other persons likely to be affected in accordance with Section 33 (Notification of Adjacent Landowners and Persons Likely Affected).
- 31.4 Where a use has been classified similar to a discretionary use the Development Officer shall:
 - (a) refer the application to the Municipal Planning Commission for a decision; and
 - (b) notify adjacent landowners and other persons likely to be affected in accordance with Section 33 (Notification of Adjacent Landowners and Persons Likely Affected).
- 31.5 Upon referral of an application by the Development Officer for a use that may be similar in character and purpose to a permitted or discretionary use, the Municipal Planning Commission:
 - (a) shall rule whether or not the proposed use is similar to a use in the land use district in which it is proposed;
 - (b) if the proposed use is deemed similar to a use in the land use district in which it is proposed, the application shall be reviewed as a discretionary use application;
 - (c) if the proposed use is not deemed similar to a use in the land use district in which it is proposed, the development permit shall be refused.

SECTION 32 TEMPORARY USE

- 32.1 Where in the opinion of the Development Authority, a proposed use is of a temporary nature, it may approve a temporary development permit valid for a period of up to one year for a use, provided the use is listed as a permitted use, discretionary use or deemed similar to a permitted or discretionary use in the applicable land use district.
- 32.2 Temporary use applications shall be subject to the following conditions:
 - (a) the applicant or developer is liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period;
 - (b) the Municipal Planning Commission may require the applicant to submit an irrevocable letter of credit, performance bond or other acceptable form of security guaranteeing the cessation or removal of the temporary use; and
 - (c) any other conditions as deemed necessary.
- 32.3 A use deemed temporary in nature shall be processed in accordance with the corresponding Sections ~~29 to 32~~ **30 - 33** of this bylaw. Notification of adjacent landowners and other persons likely to be affected, including the County of Newell, government departments and referral agencies shall be in accordance with Section 33 (Notification of Adjacent Landowners and Persons Likely Affected) of this bylaw.

SECTION 33 APPLICATIONS REQUESTING VARIANCE OF BYLAW PROVISIONS

- 33.1 Upon receipt of an application for a development permit that does not comply with this bylaw but in respect of which the Municipal Planning Commission is requested to exercise discretion under subsection ~~32.3~~ **33.3**, the Development Officer shall:

- (a) refer the application to the Municipal Planning Commission for a decision; and
 - (b) notify adjacent landowners and other persons likely to be affected, including the County of Newell, government departments and any other referral agency in accordance with Section 33 (Notification of Adjacent Landowners and Persons Likely Affected).
- 33.2 The Development Officer is authorized to exercise discretion for a permitted use where a limited variance to one applicable measurable standard not to exceed 10 percent is requested, in accordance with subsection ~~28.2~~**29.2**.
- 33.3 The Municipal Planning Commission is authorized to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this bylaw, if in the opinion of the Municipal Planning Commission, the proposed development would not:
- (a) unduly interfere with the amenities of the neighbourhood; or
 - (b) materially interfere with or affect the use, enjoyment or value of neighbouring properties;
 - (c) and the proposed development conforms with the use prescribed for that land or building within Schedule 2 – Use Regulation.

SECTION 34 NOTIFICATION OF ADJACENT LANDOWNERS AND PERSONS LIKELY AFFECTED

- 34.1 Where notification of adjacent landowners and other persons likely to be affected is required under Sections ~~29 to 32~~ **30-34**, the Development Officer shall:
- (a) mail (postal service or electronic) written notice of the application at least ten (10) days before the meeting of the Municipal Planning Commission **or the decision of the development officer** to:
 - (i) adjacent landowners and other persons likely to be affected by the issuance of a development permit;
 - (ii) the County of Newell if in the opinion of the Development Officer or the Municipal Planning Commission, the proposed development could have an impact upon land uses in the Town or is adjacent to the Town boundary; and
 - (iii) any other persons, government departments or referral agency that is deemed to be affected; or
 - (b) hand deliver written notice of the application at least five (5) days before the meeting of the Municipal Planning Commission **or the decision of the development officer** to the persons and agencies specified in subsection ~~33.1~~**34.1(a)**; or
 - (c) publish a notice of the application in a newspaper circulating in the municipality or the Town newsletter at least ten (10) days before the meeting of the Municipal Planning Commission **or the decision of the development officer**; or
 - (d) post a notice of the application in a conspicuous place on the property at least five (5) days before the meeting of the Municipal Planning Commission **or the decision of the development officer**; or

- (e) post a notice on the municipal website and official social media as authorized through an advertising bylaw approved by Council in accordance with section 606.1 of the Act at least ten (10) days before the meeting of the Municipal Planning Commission or the decision of the development officer; or
- (f) any combination of the above that satisfies the requirement of the Act.

34.2 In all cases, notification shall:

- (a) describe the nature and location of the proposed use or development;
- (b) state the place and time where the Municipal Planning Commission will meet to consider the application, and state how and when written or oral submissions on the application will be received and considered;
- (c) specify the location at which the application can be inspected.

SECTION 35 NOTICE OF DECISION

35.1 Upon the decision on a development application for a permitted use that complies with the Land Use Bylaw, the Development Officer shall:

- (a) mail (postal service or electronic mail) or hand deliver a written notice of decision to the applicant; and
- (b) post a copy of the decision in a prominent place in the Town Office for at least ~~14~~21 days.
- (c) publish a notice of the decision on the municipal website, in a newspaper or the municipal newsletter circulated within the municipality.

35.2 Upon the decision on all other development permit applications, the Development Officer shall:

- (a) mail (postal service or electronic mail) or hand deliver a written notice of decision to the applicant; and
- (b) mail a copy of the decision to those originally notified of the development permit application, those that made written submissions, and any other person, government department or agency that may, in the opinion of the Development Officer, likely be affected; or
- (c) publish a notice of the decision on a municipal website in a newspaper or the municipal newsletter circulated within the municipality.

SECTION 36 COMMENCEMENT OF DEVELOPMENT

36.1 Despite the issuance of a development permit, no development is authorized to commence until the appeal period has expired in compliance with the following:

Permitted Uses:

- (a) where the notice of decision is posted in the Town Office, development shall not commence until ~~14~~ 21 days after the notice was posted;

- (b) where the notice of decision is published in the newspaper, development shall not commence until at least ~~14~~ 21 days from the date of publication;

Discretionary Uses or Applications for ~~Waivers~~ Variances:

- (c) where the notice of decision is mailed to adjacent landowners and other persons likely to be affected, development shall not commence until at least ~~19~~ 21 days from the date the decision was mailed;
- (d) where the notice of decision is published in the newspaper, development shall not commence until at least ~~14~~ 21 days from the date of publication.

36.2 If an appeal is made, no development is authorized pending the outcome of the appeal.

36.3 Any development occurring prior to the dates determined under subsection ~~35.1~~ 36.1 and ~~35.2~~ 36.2 is at the risk of the applicant.

SECTION 37 DEVELOPMENT PERMIT VALIDITY

37.1 Unless a development permit is suspended or cancelled, the development must be commenced and carried out with reasonable diligence in the opinion of the Development Officer or the Municipal Planning Commission within 12 months from the date of issuance of the permit, otherwise the permit is no longer valid.

37.2 An application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit in accordance with subsection 36.3, except for a permit for a temporary use which shall not be extended.

37.3 Upon receipt of a request to extend the validity of a development permit, the validity of a development permit may be extended for up to a period of one year by:

- (a) the Development Officer or the Municipal Planning Commission if the permit was issued by the Development Officer;
- (b) the Municipal Planning Commission if the permit was issued by the Municipal Planning Commission or approved on appeal by the Subdivision and Development Appeal Board.

37.4 The number of extensions to the validity of a development permit is limited to one approval.

37.5 When any use has been discontinued for a period of 12 months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued. This section does not apply to non-conforming uses which are regulated under Section 643 of the MGA.

SECTION 38 TRANSFERABILITY OF DEVELOPMENT PERMIT

38.1 A home occupation permit is non-transferable.

- 38.2 Any other valid development permit is transferable where the use remains unchanged and the development is affected only by a change of ownership, tenancy, or occupancy.

SECTION 39 OCCUPANCY PERMITS

- 39.1 The Development Officer or the Municipal Planning Commission may require that the holder of a development permit obtain an occupancy permit before a building or use that was the subject of a development permit is occupied and/or the approved use initiated.

SECTION 40 FAILURE TO MAKE A DECISION – DEEMED REFUSAL

- 40.1 In accordance with Section 684 of the *Municipal Government Act*, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Officer or the Municipal Planning Commission, as the case may be, is not made within 40 days of an **application being deemed complete under section 28.5 or 28.7** receipt of the completed application unless the applicant has entered into an agreement with the Development Officer or the Municipal Planning Commission to extend the 40-day decision period.

SECTION 41 REAPPLICATION FOR A DEVELOPMENT PERMIT

- 41.1 If an application for a development permit is refused by the Development Officer, the Municipal Planning Commission or, on appeal the Subdivision and Development Appeal Board, the submission of another application for a development permit on the same parcel of land for the same or for a similar use of the land may not be accepted by the Development Officer for at least 12 months after the date of refusal.
- 41.2 If an application was refused solely because it did not comply with the standards of this bylaw, the Development Officer may accept another application on the same parcel of land for the same or similar use before the time period referred to in subsection 40.1 has lapsed, provided the application has been modified to comply with this bylaw.

SECTION 42 SUSPENSION OR CANCELLATION OF A PERMIT

- 42.1 If after a development permit has been issued, the Development Officer or the Municipal Planning Commission determines that:
- (a) the application contained a misrepresentation;
 - (b) facts were not disclosed which should have been at the time of consideration of the application for the development permit;
 - (c) the development permit was issued in error; or
 - (d) the applicant withdrew the application by way of written notice;
- the Development Officer or the Municipal Planning Commission may suspend or cancel the development permit by notice in writing to the holder of it stating the reasons for any suspension or cancellation.

- 42.2 Upon receipt of the written notification of suspension or cancellation, the applicant must cease all development and activities to which the development permit relates.
- 42.3 A person whose development permit is suspended or cancelled under this section may appeal within ~~14~~ 21 days of the date the notice of cancellation or suspension is received to the Subdivision and Development Appeal Board.
- 42.4 If a development permit is suspended or cancelled, the Subdivision and Development Appeal Board shall review the application if an appeal is filed by the applicant and either:
- (a) reinstate the development permit; or
 - (b) cancel the development permit if the Development Officer or the Municipal Planning Commission would not have issued the development permit if the facts subsequently disclosed had been known during the consideration of the application; or
 - (c) reinstate the development permit and may impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.

SECTION 43 DEVELOPMENT APPEALS

- 43.1 Any person applying for a development permit or any other person affected by an order, decision or development permit made or issued by the Development Officer or the Municipal Planning Commission may appeal such an order or decision to the Subdivision and Development Appeal Board in accordance with the procedures described in the *MGA*.
- 43.2 An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal with reasons to the Subdivision and Development Appeal Board and shall be accompanied by the applicable fees.

ENFORCEMENT

SECTION 44 NOTICE OF VIOLATION

- 44.1 WHERE THE DEVELOPMENT OFFICER OR MUNICIPAL PLANNING COMMISSION FINDS THAT A DEVELOPMENT OR USE OF LAND OR BUILDINGS IS NOT IN ACCORDANCE WITH THE *MGA*, THE SUBDIVISION AND DEVELOPMENT REGULATION, A DEVELOPMENT PERMIT OR SUBDIVISION APPROVAL, OR THIS BYLAW, THE DEVELOPMENT OFFICER MAY ISSUE A NOTICE OF VIOLATION TO THE REGISTERED OWNER OR THE PERSON IN POSSESSION OF THE LAND OR BUILDINGS OR TO THE PERSON RESPONSIBLE FOR THE CONTRAVENTION.
- 44.2 SUCH NOTICE SHALL STATE THE FOLLOWING:
- (a) nature of the violation;
 - (b) corrective measures required to comply; and
 - (c) time period within which such corrective measures must be performed.

SECTION 45 STOP ORDERS

- 45.1 As set forth in the *MGA*, the Development Authority is authorized to issue an Order under Section 645 of the *MGA* if a development, land use or use of a building is not in accordance with the *MGA*, the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw.
- ~~45.2 A person who receives notice pursuant to subsection 44.1 may appeal the order to the Subdivision and Development Appeal Board in accordance with the *MGA*.~~
- 45.2 A person who receives a written Order under subsection 46.1 may by written notice within 21 days of being notified of from when the written Order is made, appeal to the Subdivision and Development Appeal Board pursuant to Section 685 of the *Act*.
- 45.3 The costs and expenses incurred in carrying out an Order shall be placed on the tax roll. The amount so placed shall be deemed for all purposes to be a tax imposed pursuant to the *Municipal Government Act*, from the date it was added to the tax roll and forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

SECTION 46 ENFORCEMENT OF STOP ORDERS

- 46.1 Pursuant to Section 646 of the *MGA*, if a person fails or refuses to comply with an order directed to the person under Section 645 or an order of a subdivision and development appeal board under Section 687, the designated officer may, in accordance with Section 542, enter on the land or building and take any action necessary to carry out the order.
- 46.2 The Town may register a caveat under the *Land Titles Act* in respect of an order referred to in subsection ~~44.1~~ 45.1 against the certificate of title for the land that is the subject of an order.
- 46.3 If a caveat is registered under subsection ~~45.2~~, 46.2, the Town must discharge the caveat when the order has been complied with.
- 46.4 If compliance with a stop order is not voluntarily effected, the Town may undertake legal action, including but not limited to, seeking injunctive relief from the Alberta Court of Queen's Bench pursuant to Section 554 of the *MGA*. In accordance with Section 553 of the *MGA*, the expenses and costs of carrying out an order under Section 646 of the *MGA* may be added to the tax roll of the parcel of land.

SECTION 47 PENALTIES AND RIGHT OF ENTRY

- 47.1 Any person who contravenes any provision of this bylaw is guilty of an offence in accordance with Part 13, Division 5, Offences and Penalties of the *Municipal Government Act* and is liable to a fine of not more than \$10,000 or to imprisonment for not more than one year or to both fine and imprisonment.
- 47.2 In accordance with Section 542 of the *MGA*, a designated officer may, after giving reasonable notice to and obtaining consent from the owner or occupier of land upon

which this bylaw or *MGA* authorizes anything to be inspected, remedied or enforced or done by a municipality:

- (a) enter on that land at a reasonable time and carry out inspection, enforcement, or action authorized or required by the enactment or bylaw;
- (b) request anything to be produced to assist in the inspection, remedy, enforcement or action; and
- (c) make copies of anything related to the inspection, remedy, enforcement or action.

47.3 If a person refuses to grant consent or refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in Section 542 of the *MGA*, the municipality under the authority of Section 543 of the *MGA* may obtain a court order.

AMENDMENTS

SECTION 48 AMENDMENTS TO THE LAND USE BYLAW

- 48.1 Any person or the Town may initiate amendments to the Town of Bassano Land Use Bylaw by submitting an application to the Development Officer.
- 48.2 All applications for amendment shall be submitted using the applicable form in Appendix A, and be accompanied by any additional information, as deemed necessary by the Development Officer to process the application.
- 48.3 The Development Officer may refuse to accept an application if, in his/her opinion, the information supplied is not sufficient to make a proper evaluation of the proposed amendment.
- 48.4 Council or the Development Officer may refer the application to the Municipal Planning Commission for their recommendation.
- 48.5 The Development Officer shall forward an application to Council for consideration when satisfied that sufficient information has been provided with the application.
- 48.6 Public hearing and notification requirements shall be in accordance with Section 692 of the *MGA*.
- 48.7 Where an application for an amendment to the Town of Bassano Land Use Bylaw has been refused by Council, another application that is the same or similar in nature shall not be accepted until at least 12 months after the date of refusal.
- 48.8 Where an application has been significantly changed, Town Council may accept an application prior to the end of the 12-month period specified in subsection 47.7.

SECTION 49 LAND USE REDESIGNATION APPLICATION REQUIREMENTS

- 49.1 A request for redesignation from one land use district to another shall be accompanied by:
- (a) a completed application form and the applicable fee;
 - (b) a copy of the Certificate of Title for the lands, dated not more than one (1) year prior to the date on which the application was made;
 - (c) a narrative describing the:
 - (i) proposed designation and future uses(s);
 - (ii) consistency with the applicable statutory plans;
 - (iii) compatibility of the proposal with surrounding uses and zoning;
 - (iv) development potential/suitability of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, floodplain, steep slopes, etc.);
 - (v) availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development;
 - (vi) any potential impacts on public roads; and
 - (vii) any other information deemed necessary by the Development Officer or Council to properly evaluate the proposal.
 - (d) conceptual lot design, if applicable;
 - (e) a geotechnical report addressing the following but not limited to:
 - (i) slope stability,
 - (ii) groundwater,
 - (iii) sewage,
 - (iv) water table, and
 - (v) flood plain analysis,if deemed necessary by the Development Officer, or Council;
 - (f) an evaluation of surface drainage which may include adjacent properties if deemed necessary by the Development Officer, or Council; and
 - (g) any other information deemed necessary by the Development Officer, or Council to properly evaluate the application.
- 49.2 An Area Structure Plan or Conceptual Design Scheme may be required in conjunction with a redesignation application involving:
- (a) industrial development;
 - (b) large-scale commercial development;
 - (c) manufactured home park;
 - (d) multi-lot residential development which has the potential to trigger capacity upgrades or expansion of infrastructure; or

- (e) as required by Council.

SECTION 50 REDESIGNATION CRITERIA

- 50.1 When redesignating land from one land use district to another, Council considerations shall include the following:
- (a) compliance with applicable standards and provisions of the Town of Bassano Land Use Bylaw;
 - (b) consistency with the Municipal Development Plan and any other adopted statutory plans;
 - (c) compatibility with adjacent uses;
 - (d) development potential/suitability of the site;
 - (e) availability of facilities and services (sewage disposal, domestic water, gas, electricity, police and fire protection, schools, etc.) to serve the subject property and any potential impacts to levels of service to existing and future developments;
 - (f) cumulative impact to the Town;
 - (g) potential impacts on public roads;
 - (h) setback distances contained in the Subdivision and Development Regulation;
 - (i) supply of suitably designated land;
 - (j) public comment and any applicable review agency comments; and
 - (k) any other matters deemed pertinent.

SUBDIVISION RULES AND PROCEDURES

SECTION 51 SUBDIVISION APPLICATIONS

- 51.1 An applicant applying for subdivision shall provide the required material and information as requested by the Subdivision Authority or its designate. A completed application shall consist of:
- (a) an official application, in the manner and form prescribed, clearly and legibly completed with all the required information and signatures provided as requested on the form;
 - (b) the applicable fees paid;
 - (c) an up-to-date and current copy of the Certificate of Title to the subject land;
 - (d) a surveyor's sketch or tentative subdivision plan with dimensions, structures, location of private sewage disposal system, professionally prepared;
 - (e) provincial abandoned gas well information;
 - (f) for vacant parcels, a soils analysis which indicates the ability of the proposed parcel to be privately serviced;

- (g) any such other information as may be required at the discretion of the Subdivision Authority in order to accurately evaluate the application and determine compliance with the land use bylaw or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, soil or slope stability analysis, drainage information, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of a conceptual design scheme or an area structure plan may be required from the applicant prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use; and
- (h) The consent to authorize the Subdivision Authority or its designate to carry out a site inspection on the subject land as authorized in accordance with the Municipal Government Act must also be provided on the submitted application form unless determined not to be needed by the Subdivision Authority.

51.2 In accordance with the *Municipal Government Act*, the Subdivision Authority or those authorized to act on its behalf, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be deficient what information is required to be submitted by a specified time period, by sending notification in the following manner:

- (a) for an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter.
- (b) for an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority.
- (c) in respect of subsection (b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding or required information items are that must be submitted by the time specified in the notice.

51.3 Notwithstanding subsection 51.2, the applicant and Subdivision Authority may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the Act to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.

51.4 A determination made by the Subdivision Authority that an application is complete for processing does not preclude the ability for the Subdivision Authority to request other information or studies to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as condition of subdivision approval.

SECTION 52 INCOMPLETE SUBDIVISION APPLICATIONS

- 52.1 The Subdivision Authority may refuse to accept and process a subdivision application where the information required under Section 51 and/or as described in a Notification of Incompleteness has not been submitted, is determined to be deficient, is still incomplete, or in the opinion of the Subdivision Authority the quality of the material supplied is inadequate to properly evaluate the application.
- 52.2 If the Subdivision Authority makes a determination that the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in subsection 51.2.
- 52.3 The notification provided for in subsection 51.2(b) shall include for the applicant the required information on the filing of an appeal and to which appeal board body the appeal lies, either the local appeal board or provincial Municipal Government Board, in accordance with the parameters of the Act.

SECTION 53 APPLICATION AND DECISION

- 53.1 All applications for subdivision approval shall be evaluated by the Town in accordance with the following criteria:
- (a) compliance with statutory plans, bylaws, and regulations;
 - (b) adequacy of road access;
 - (c) provision of municipal services and utilities, including a storm water drainage plan;
 - (d) compatibility with adjacent land uses;
 - (e) accessibility to emergency services;
 - (f) site suitability in terms of minimum dimensional standards for lots and all other criterion in this bylaw as specified in the applicable land use district in Schedule 2.
 - (g) any other matters the Town may consider necessary.
- 53.2 For the purpose of infill development, an application which proposes to subdivide an accessory structure onto a separate lot may be considered by the Subdivision Authority where:
- (a) the proposed lots meet the provisions of Schedule 3 (Dimensional Standards and Setbacks);
 - (b) the existing and proposed buildings meet the provisions of Schedule 3 (Dimensional Standards and Setbacks) based on the lot proposed layout;
 - (c) the access of each lot is provided from a public roadway not a lane or laneway;
 - (d) all lots are serviceable to the satisfaction of the municipality.
- 53.3 At the time of subdivision and as a condition of approval, 10 percent of the lands to be subdivided shall be dedicated as municipal and/or school reserve in accordance with the provisions of the *Municipal Government Act*. The Town may take municipal and/or school reserve in one or a combination of the following methods:

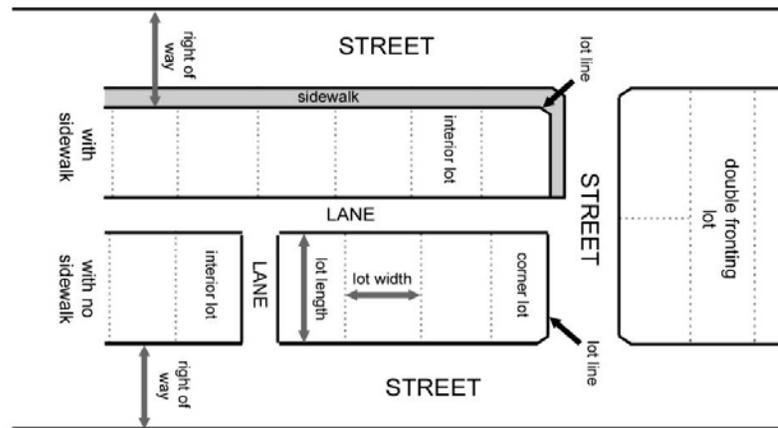
- (a) land,
 - (b) land similar in quality to the land being proposed to be subdivided,
 - (c) money in lieu, or
 - (d) deferral to the balance of the subject property.
- 53.4 Money-in-lieu of municipal reserve shall be placed in a special reserve fund, administered by the Town, to be used for recreation area and facility construction and improvement.
- 53.5 In residential areas, the Town may allocate municipal and/or school reserve for the purpose of developing parks, playgrounds, trail systems, recreation facilities, schools and similar uses.
- 53.6 In commercial or industrial areas, the Town may allocate municipal reserve for the purpose of providing a buffer between incompatible land uses or to augment the parks and trails system.
- 53.7 In addition to Municipal Reserve, land that is deemed to be protected may be left in its natural state and allocated as environmental reserve or environmental reserve easement in accordance with the provisions of the *Municipal Government Act*.

SECTION 54 LOT DESIGN

- 54.1 Through lots or double frontage lots shall be avoided, except where essential to separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. In such cases, access will be allowed only on the lower classification street.
- 54.2 Flag lots are prohibited in the single-family and multi-family development categories. Flag lots or parcels may be permitted in lots exceeding 0.2 ha (0.5 acre) under the following conditions:
- (a) the flag lot directly accesses a local or residential street;
 - (b) the aggregate width of the pole, or poles for two (2) adjacent flag lots, is a minimum of 12.1 m (40 ft) in width with minimum pole width 6.1 m (20 ft).
- 54.3 All rectangular lots and, so far as practical all other lots, shall have side lot lines at right angles to straight street lines or radial side lot lines to curved street lines. Unusual or odd shaped lots having boundary lines that intersect at extreme angles shall be avoided.
- 54.4 The lot line common to the street right-of-way line shall be the front line. All lots shall face the front line and a similar lot across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.
- 54.5 No lot or parcel shall be created which does not meet the minimum standards of the applicable land use district, except pursuant to an area structure plan which provides for the perpetual maintenance of such remnants.

- 54.6 The length and width of blocks shall be sufficient to accommodate two (2) tiers of lots with minimum standards specified by the applicable land use district and this chapter, except where a single row of lots back up to an arterial street. When reviewing proposed lot and block arrangements, the subdivision authority shall consider the following factors:
- (a) Adequate Building Sites Required: provision of adequate building sites suitable to the special needs of the type of land use (residential, commercial or other) proposed for development shall be provided, taking into consideration topographical and drainage features;
 - (b) Minimum Lot Sizes Established: minimum land use district and lot requirements defining lot sizes and dimensions shall be accommodated without creating unusable lot remnants;
 - (c) Safe Access Required: block layout shall enable development to meet all Town engineering requirements for convenient access, circulation, control and safety of street traffic.
- 54.7 At the time of subdivision, all corner lots and interior laneway corner lots shall dedicate clear vision triangles as right-of-way.

Figure 54.1



SECTION 55

SUBDIVISION APPEALS

- 55.1 In accordance with the Municipal Government Act, any land owner who applied for subdivision and was refused an approval or had conditions attached to the approval, may appeal the decision within 21 days from the decision date to the Subdivision and Development Appeal Board, or the Municipal Government Board (where the Subdivision and Development Regulation requires it). Adjacent or affected land owners have no right to appeal under the Act.