

TOWN OF OKOTOKS BYLAW 43-17
ATTACHMENT 1 – SUMMARY OF AMENDMENTS

Bylaw section	Existing wording (where applicable)	Proposed wording	Rationale for revision or addition
17	Act means the Act 2000 RSA, as amended, and any parallel or successor legislation.	Act means the <i>Municipal Government Act</i> , RSA 2000, c M-26, as amended, and any amendments or substitutions thereof.	Brings attention to what the Act is and parallels language used in the Community Standards Bylaw.
17	N/A	Town means the Town of Okotoks, a municipal corporation in the province of Alberta, or the area within the corporate limits of the Town of Okotoks, as the context requires.	Differentiates between Town, used to describe the corporation, and town, used to describe the community.
3.4.1	When sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may return the application to the applicant for further details or hold the application and request the additional information. The application shall be deemed incomplete until all required information and the fee has been submitted.	<p>The Development Authority must review development permit applications to determine whether they are complete, and provide written notice to applicants, in accordance with section 683.1(1) of the <i>Act</i>.</p> <p>(a) When the Development Authority determines that the development permit application is complete, the Development Authority must provide notice in accordance with section 4.5.1 of this Bylaw and the <i>Act</i>.</p> <p>(b) Despite 3.1.1, in the course of reviewing the</p>	Amendment to the MGA whereby municipalities must determine whether an application is complete within 20 days after the receipt of a DP application. (s. 683.1(1))

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		application, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.	
4.4.1(c)	<p><i>The Development Authority may approve a development permit application for a proposed development with variances if:</i></p> <p>(c) a notice is published in a newspaper circulating in the Municipality stating the location of the property for which the variance has been made and the Bylaw requirements being varied pursuant to this Section.</p>	<p><i>The Development Authority may approve a development permit application for a proposed development with variances if:</i></p> <p>(c) notice is given in accordance with sections 4.5.1 and 4.5.3 of this Bylaw.</p>	Notice is already dealt with under sections 4.5.1 and 4.5.3. Reference is maintained for completeness of the LUB section.
4.5.1(e)	Any notice to be provided under the Bylaw shall be in writing.	Any notice to be provided under this Bylaw shall be in writing, and must specify the date on which the decision was made, and must be given or sent to the applicant within twenty-four (24) hours of the decision being made, in accordance with the Act.	Amendment to the MGA whereby a decision on a DP must specify the date the decision was made and any other information required by the regulations. The decision must be given or sent to the applicant on that same day. (s. 642(3)). Legal advice indicates references to “same day” in the legislation is interpreted to mean “within a 24 hour period.”

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4.5.1(f)	Notices shall be provided by e-mail, unless otherwise directed by the applicant, addressed to the parties at the addresses specified on the application form. Notices shall be deemed to have been received the next business day after delivery.	Any notice to be provided under this Bylaw shall be provided by email, unless otherwise directed by the applicant, addressed to the parties at the addresses specified on the application form and be deemed to have been received in accordance with the <i>Act</i> .	Amendment to the MGA whereby the municipality may send documents by electronic means and that a document sent by electronic means is presumed to have been received 7 days after it was sent. (s. 608)
4.5.1(g)	Delivery of any notice provided under this Bylaw and sent by regular mail shall be in accordance with the Interpretation Act 23(1) and amendments thereto.	Delivery of any notice provided under this Bylaw and sent by regular mail shall be deemed to have been received in accordance with the <i>Interpretation Act</i> and amendments thereto.	Clarifying the intention of the existing LUB regulation.
4.5.3(a)	<p><i>When an application for a discretionary use is approved with or without conditions or a variance is granted:</i></p> <p>(i) the Notice of Decision shall be provided to the applicant and a notice published in a newspaper circulating in the Municipality stating the location of the property for which the application has been made, the use approved and any Bylaw requirements which were varied, and</p> <p>(ii) a Development Permit shall not be issued until fourteen (14) days after the Notice of Decision has</p>	<p>(i) The Notice of Decision shall be provided to the applicant and a notice shall be published on the Town's website stating the location of the property for which the application has been made, the use approved and any Bylaw requirements which were varied. At the discretion of the Development Authority, notice may also be published in a newspaper circulating in the municipality, and</p> <p>(ii) A development permit shall not be issued until twenty-one (21) days after the Notice of Decision has</p>	<p>(i) Amendment to the MGA whereby a Council may now, by bylaw, provide for one or more methods, which may include electronic means, for advertising notices of decision for DP applications. (s. 606.1) Advertising on the Town's website allows for expediency and flexibility in issuing DPs.</p> <p>(ii) Amendment to the MGA whereby an appeal must be filed within 21 days from the date the decision is made or, where no decision is made, from the date the time period for making a</p>

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	been advertised and when applicable all prior to release conditions have been met.	been published and until all applicable prior to release conditions have been met.	decision expires. (s. 686(1))
4.5.3(c)	For the purpose of this Bylaw, Notice of Decision for approval of a discretionary use or a variance is deemed to have been given on the date the Notice of Decision is published in a newspaper.	For the purposes of this Bylaw, Notice of Decision for approval of a discretionary use or a variance is deemed to have been given on the date the Notice of Decision is published on the Town's website.	Amendment to the MGA whereby a Council may now, by bylaw, provide for one or more methods, which may include electronic means, for advertising notices of decision for DP applications. (s. 606.1) Advertising on the Town's website allows for expediency and flexibility in issuing DPs.
4.5.4(a)	When an application for a Development Permit is refused, the Notice of Decision including reasons for refusal shall be mailed to the applicant.	When an application for a development permit is refused, the Development Authority must provide notice in accordance with section 4.5.1 of this Bylaw and the <i>Act</i> .	
4.5.4(b)	Delivery of any notice provided under this Bylaw and sent by regular mail shall be in accordance with the Interpretation Act 23(1) and amendments thereto.	If an application is incomplete and the applicant fails to submit all the outstanding information and documents on or before the date referred to in the notice to the applicant required under the <i>Act</i> , the application is deemed to be refused.	Existing section is redundant with LUB section 4.5.1. Amendment to MGA whereby the application is deemed refused if the applicant fails to submit outstanding information before the date given. (s. 683.1(8))
5.2.1	Anyone receiving notice of, and affected by, an order, decision or development permit decision, made or issued by the Development	<i>Anyone receiving notice of, and affected by, an order, decision or development permit decision, made or issued by the Development</i>	Clarification of time period referenced. Coincides with MGA requirements under s. 686(1).

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	Authority, may appeal to the Subdivision and Development Appeal Board by serving written notice to the Board in the time period specified.	<i>Authority, may appeal to the Subdivision and Development Appeal Board by serving written notice to the Board in the time period specified in the Act.</i>	
16E.3.5	There is no appeal to the Subdivision and Development Appeal Board provided for a decision made by Council on an application for a development permit in a Direct Control District.	Despite section 5.2.1 of this Bylaw, <i>there is no appeal to the Subdivision and Development Appeal Board provided for a decision made by Council on an application for a development permit in a Direct Control District.</i>	Clarification that there is no appeal with respect to a DP application decision made by Council. (MGA s. 685(4)).

Prepared by:
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