

## BYLAW 43-17

### A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA TO AMEND THE LAND USE BYLAW 40-98

**WHEREAS** pursuant to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council may pass a Bylaw for the purpose of amending the Land Use Bylaw (40-98) within the Town of Okotoks, and

**WHEREAS** Council deems it desirable to amend Land Use Bylaw 40-98; and

**WHEREAS** notice of the intention of Council to pass a bylaw has been given in accordance with Section 606 of the *Municipal Government Act*.

**NOW THEREFORE** the Council of the Town of Okotoks enacts that Land Use Bylaw 40-98 is amended as follows:

1. Section 17 [Interpretation] is amended by deleting the definition of “Act” and replacing it with the following:  
*Act* means the *Municipal Government Act*, RSA 2000, c M-26, as amended, and any amendments or substitutions thereof.
2. Section 17 [Interpretation] is amended by adding the definition of “Town”:  
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.
3. Section 3.4.0 [Non-Compliance with Information Requirements] is amended by deleting section 3.4.1 in its entirety and replacing it with the following:  
3.4.1 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 *Act*.
  - (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 *Act*.
  - (b) Despite 3.1.1, 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.
4. Section 4.4.1 [Discretion of the Development Authority] is amended by deleting section 4.4.1(c) in its entirety and replacing it with the following:
  - (c) notice is given in accordance with sections 4.5.1 and 4.5.3 of this Bylaw.

5. Section 4.5.0 [Issuance of Development Permits and Notices] is amended by:
  - (A) Revising 4.5.1(e) to read as follows:

4.5.1(e) 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 24 hours of the decision being made, in accordance with the *Act*.
  - (B) Revising 4.5.1(f) to read as follows:

4.5.1(f) 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 *Act*.
  - (C) Revising 4.5.1(g) to read as follows:

4.5.1(g) Delivery of any notice provided under this Bylaw and sent by regular mail shall be deemed to have been received in accordance with the *Interpretation Act* and amendments thereto.
  - (D) Deleting 4.5.3(a)(i) and (ii) in their entirety and replacing with the following:
    - (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
    - (ii) A development permit shall not be issued until twenty-one (21) days after the Notice of Decision has been published and until all applicable prior to release conditions have been met.
  - (E) Deleting 4.5.3(c) in its entirety and replacing it with the following:
    - (c) 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.
6. Section 4.5.4 [Refusals] is amended by deleting sections 4.5.4(a) and (b) and replacing them with the following:
  - (a) 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 *Act*.
  - (b) 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 *Act*, the application is deemed to be refused.
7. 5.2.1 [Appeal Procedure] is amended by adding the words "in the *Act*." to the end of the sentence.

8. 16E.3.5 [Procedure] is amended by adding the words “Despite section 5.2.1 of this Bylaw,” before the sentence.
9. This Bylaw shall come into full force and effect upon third and final reading, and Bylaw 40-98 and any amendments thereto are hereby amended upon this Bylaw coming into effect.

READ A FIRST TIME this 11<sup>th</sup> day of December, 2017.

READ A SECOND TIME this            day of            , 2018.

READ A THIRD TIME AND PASSED this            day of            , 2018.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer