

**TOWN OF OLDS
BYLAW NO. 2023-04**

A bylaw of the Town of Olds, in the Province of Alberta, pursuant to provisions of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, to provide for the amendment of Land Use Bylaw No. 01-23

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

WHEREAS the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, permit a Council by bylaw to amend the Land Use Bylaw; and

WHEREAS the Council of the Town of Olds deems it necessary and expedient to amend Land Use Bylaw No. 01-23

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

- 1) That Section 1.3 Definitions, Part One is amended by:
 - a) Replacing the definition of "development authority" with "development authority means the person or persons appointed pursuant to the Town of Olds Development Authority Bylaw, as amended from time to time";
 - b) Deleting the definition of "municipal planning services provider";
 - c) Replacing the definition of "Municipal Government Act" with "Municipal Government Act means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended from time to time";
 - d) Replacing the definition of "Owner" with "Owner means a person who is registered under the Land Titles Act as an owner of a fee simple estate in a parcel of land; or a person shown as an owner of a parcel of land on the assessment roll prepared pursuant to the *Municipal Government Act*; or in respect of any property other than land, the person in lawful possession of it";
 - e) Adding the definition "temporary commercial patio means an outdoor addition which adds seating to a restaurant or drinking establishment and is not intended for year-round use."
- 2) That all references to "Municipal Government Act, 1994" throughout the Land Use Bylaw are replaced with "Municipal Government Act";
- 3) That all references to "the Municipal Planning Commission" throughout the Land Use Bylaw are replaced with "Council";

- 4) That Section 1.5 Establishment of Forms, Part One is amended by replacing the words "development authority" with "Development Officer";
- 5) That Section 1.9 Amendment of the Land Use Bylaw, Part One is replaced with the following:
 - (1) An amendment to this Land Use Bylaw may be initiated by the Town of Olds or an owner of a property that is subject to this Land Use Bylaw.
 - (2) An owner of a property that is subject to this Land Use Bylaw, or a person acting on their behalf, who wishes to amend this Land Use Bylaw may make an application to the Development Officer. The application shall include:
 - (a) a statement of the specific amendment requested;
 - (b) the purpose and reasons for the application;
 - (c) if the application is for a change of District or allowable use on a property, the legal description of the lands or a plan showing the location and dimensions of the lands;
 - (d) proof of the applicant's ownership and/or interest in the lands or authorization from an owner of the land where the applicant is not an owner; and
 - (e) an application fee as outlined in the Town of Olds Rates Bylaw.
 - (3) If the amendment is for a change of District, the Development Officer may require:
 - (a) an area structure plan to the level of detail specified by the Development Officer; and
 - (b) payment of a fee to the Town equal to the costs incurred by the Town for:
 - (i) assistance from one or more consultants in reviewing the proposed amendment and/or any supporting materials or plans submitted with or relating to the proposed amendment; and
 - (ii) preparation of any plans or studies deemed necessary by the Town to evaluate the proposed amendment.
 - (4) 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 that may have caused the request for the amendment. The analysis shall, among other things, consider the following:
 - (a) relationship to and compliance with approved statutory plans and Council policies;
 - (b) relationship to and compliance with statutory plans or outline plans that are in preparation;
 - (c) compatibility with surrounding development in terms of land use function and scale of development;
 - (d) traffic impacts;
 - (e) relationship to, or impacts on, services such as water and wastewater 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 and property owners regarding development implications.
- (5) Upon receipt of an application for amendment to this Land Use Bylaw, the Development Officer may refer it to any person or organization whose input the Development Officer deems necessary.
- (6) Upon receipt of an application for amendment to this Land Use Bylaw, the Development Officer shall determine when the application will be placed before Council and shall issue not less than five (5) days' notice to the applicant advising that he/she may appear before Council at that time and speak to the application. An application for amendment shall be placed before Council within sixty (60) days of its receipt by the Development Officer.
- (7) The Council, in considering an application for an amendment to this Land Use Bylaw that has been initiated by an owner of a property that is subject to this Land Use Bylaw, or a person authorized to make application on an owner's behalf, shall pass first reading to a bylaw to amend this Land Use Bylaw, with or without conditions or amendments.
- (8) The Council, in considering an application for an amendment to this Land Use Bylaw that has been initiated by the Town of Olds, may at its sole discretion:
 - (a) refuse the application; or
 - (b) refer the application to Administration for further information; or
 - (c) pass first reading to a bylaw to amend this Land Use Bylaw, with or without conditions or amendments; or
 - (d) defeat first reading of a bylaw to amend this Land Use Bylaw.
- (9) Following first reading to an amending bylaw, the Council shall establish the date, time and place for a public hearing on the proposed bylaw.
- (10) Following first reading of an amending bylaw, notice of the bylaw and public hearing must be given by:
 - (a) publishing notice at least once a week for two (2) consecutive weeks in at least one newspaper or other publication circulating in the community, and
 - (b) arranging for notice to appear in one or more alternative means of advertising in accordance with a Bylaw made pursuant to Section 606.1 of the Municipal Government Act, and
 - (c) if the amending bylaw proposes a change of District or allowable uses on a parcel of land, mailing or delivering notice to every owner of land at the name and address shown on the assessment roll of the municipality whose land is:
 - (i) adjacent the parcel or parcels to which the proposed bylaw relates; or
 - (ii) is completely or partially within 20m (65.5 ft) distance of any part of the parcel or parcels to which the proposed bylaw relates.
- (11) A notice of a public hearing must be advertised at least five (5) days before the public hearing occurs.

- (12) A notice must contain:
 - (a) a statement of the general purpose of the proposed bylaw and public hearing;
 - (b) the address or website where a copy of the proposed bylaw and any document relating to it or the public hearing may be inspected or obtained;
 - (c) the date, place and time where the public hearing will be held; and
 - (d) in the case of an amendment for a change of District or allowable uses on a parcel of land, include:
 - (i) the municipal address, if any, and the legal description of the parcel of land; and
 - (ii) a map showing the location of the parcel of land.
- (13) If the land referred to in subsection (10)(c) is in Mountain View County, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of Mountain View County.
- (14) Notwithstanding subsection (9), the Land Use Bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical, or typographical errors and does not materially affect the Land Use Bylaw in principle or substance.
- (15) In the public hearing, the Council:
 - (a) must hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw and who has complied with the procedures outlined by the Council, and
 - (b) may hear any other person who wishes to make representations and whom the Council agrees to hear.
- (16) After considering the representations made to it about the proposed bylaw at the public hearing and after considering any other matter it considers appropriate, the Council may:
 - (a) pass the bylaw;
 - (b) refer it to Administration for further information or comment;
 - (c) make any amendment to the bylaw it considers necessary and proceed to pass it without further advertisement or hearing, or
 - (d) defeat the bylaw.
- (17) Prior to third reading of the proposed bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.
- (18) After third reading of the proposed bylaw, the Development Officer shall send a signed copy of it to
 - (a) the applicant;
 - (b) the registered owner of the land if not the applicant;

(c) Mountain View County, if it received a copy of the proposed bylaw pursuant to subsection (12).

(19) The Development Officer shall not accept an application for an amendment to the Land Use Bylaw which is identical or similar to an application which was refused by the Council, for a period of (6) six months after the date of the refusal unless, in the opinion of the Development Officer, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

6) That sub-section (3) in Section 2.3, Permission for Development, Part Two is replaced with the following:

(3) Development Permit Applications:

The Development Officer shall:

- (a) receive all applications for a development permit; and
- (b) determine within 20 days whether the application is complete. 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. The 20-day timeline may be extended if agreed upon in writing between the applicant and the Development Officer.

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- (c) issue a letter to the applicant if the Development Officer deems a development permit application to be complete. The letter shall indicate:
 - i) The date the application was received and deemed complete,
 - ii) Confirmation the Development Officer will begin processing the application, and
 - iii) The date on which the 40 days to process the application expires.

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- (d) refer all applications for development which would result in permanent overnight accommodation, including dwellings, or public facilities to the Alberta Energy Regulator, if any of the land which is the subject of the application is within 1.5 km (0.93 miles) of a sour gas facility; and
- (e) consider and decide upon applications for a development permit for a permitted use; and
- (f) consider and decide upon applications for a development permit for all forms of signs where the proposed sign meets all standards of the Land Use Bylaw; and [2011-01]
- (g) consider and decide upon applications for all Home Occupations – Class 2 where the traffic generation would be fewer than twenty (20) customers

per week; and

- (h) consider and decide upon applications for all temporary commercial patios including those which would replace off-street parking spaces on the same parcel that are used for the associated business; and
 - (i) refer with recommendations, to Council for its consideration and decision all other applications for a development permit; and
 - (j) at his/her discretion refer to Council any application which in his/her opinion should be decided by Council; and
 - (k) refer any application to Mountain View County or any other agency or person which in his/her opinion may provide relevant comments or advice respecting the application.
- (3.1) The Development Authority shall consider and decide on any application for a development permit within 40 days of the date of issuance of a letter to the applicant indicating their application is complete, or within such longer period as the applicant may have agreed to in writing.
- (4) Council may grant a variance to reduce the requirements of any use of the Land Use Bylaw and that use will be deemed to comply with this bylaw.
- (5) Development Officer Variance Powers
The Development Officer may grant a variance to reduce any numerical requirement of the Land Use Bylaw by up to 15% for a permitted use and the permitted use will be deemed to comply with this bylaw.

7) That Section 2.4 Development Permits and Notices, Part Two is replaced with the following:

- (1) Where this Land Use Bylaw requires a document or a notice to be sent to a person, the document may be sent by electronic means if:
 - (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.
- (2) Prior to a decision being made on an application for a development permit for a discretionary use, the Development Officer shall mail or deliver notice of the application to every owner of land at the name and address shown on the assessment roll of the municipality whose land is:
 - (a) adjacent the parcel or parcels to which the proposed application relates;
or
 - (b) is completely or partially within 20m (65.5 ft) distance of any part of the parcel or parcels to which the application relates.
- (3) The notice in subsection (2) shall:

- (a) be sent at least fourteen (14) days prior to the date the Development Authority is expected to decide upon the application or the date of the Council meeting to consider the application;
 - (b) include the date, time and place of the Council meeting; and
 - (c) include a deadline for submitting comments to the Development Officer for subsequent presentation and consideration by Council.
- (4) The date of issue of a permit for a permitted use that conforms in all respects to the requirements of this Land Use Bylaw, and was approved with or without conditions, shall be the date that the Development Authority produced their written decision. The permit comes into effect immediately.
- (5) The date of issue of a permit for a discretionary use or a permitted use for which a variance or relaxation was granted, and was approved with or without conditions shall be the date that the Development Authority produced their written decision and provided notice of their decision in accordance with subsection (8). The permit comes into effect 21 days after the date of the earliest notice provided in accordance with subsection (8).
- (6) Where an appeal is made to the Subdivision and Development Appeal Board, a development permit that has been issued shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- (7) Any development proceeded with by the applicant prior to a related development permit coming into effect is done solely at the risk of the applicant.

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- (8) Notice shall be given of all development permits that have been issued by:
 - (a) publishing in a newspaper circulating in the municipality a notice of the decision; and
 - (b) in the case of a discretionary use (except sign permits) or a permitted use for which a variance or relaxation was granted, mailing or delivering notice to every owner of land at the name and address shown on the assessment roll of the municipality whose land is:
 - (i) adjacent the parcel or parcels to which the proposed application relates; or
 - (ii) is completely or partially within 20m (65.5 ft) distance of any part of the parcel or parcels to which the application relates.
- (9) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent by email or ordinary mail to the applicant on the same day the decision is produced in writing.
- (10) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
- (11) If the development authorized by a permit is not commenced within 12 months from the date of its issue, or the date of decision of the Subdivision and Development Appeal Board upon appeal, nor carried out with reasonable diligence as determined by the Development Officer, the permit ceases to be effective, unless an extension of this period, being no longer than an additional 12 months, has previously been granted by the Development Officer.

8) This Bylaw comes into force on the date it is passed.

Read for a first time on the 23rd day of January 2023.

Public Hearing held on the 27th day of February 2023.

Read a second time on the 27th day of February 2023.

Read a third and final time on the 27th day of February 2023.



Judy Dahl,
Mayor



Brent Williams,
Chief Administrative Officer

SIGNED by the Chief Elected Official and the Chief Administrative Officer this 14th day of March 2023.