

VILLAGE OF BERWYN

BYLAW NO. 668

LAND USE BYLAW AMENDMENT

A BYLAW OF THE VILLAGE OF BERWYN IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AMENDING THE VILLAGE OF BERWYN LAND USE BYLAW NO. 601, AS AMENDED.

WHEREAS Pursuant to the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, Council may amend a Land Use Bylaw, and;

WHEREAS the Council of the Village of Berwyn, in the Province of Alberta, has adopted the Village of Berwyn Land Use Bylaw No. 601, as amended, and;

WHEREAS The proposed Land Use Bylaw amendment is to properly refer to a Subdivision and Development Appeal Board, change the notification requirements for development permit applications, and update the Land Use Bylaw to comply with changes in the *Municipal Government Act* and;

NOW  
THEREFORE Pursuant to Sections 230, 606 and 692 of the Province of Alberta *Municipal Government Act*, the Village of Berwyn Council, duly assembled, hereby enacts as follows:

1. Within Section 1.5 – Definitions, remove the definition of “Development Appeal Board.”
2. Within Section 1.5 – Definitions, add the following definition of “Subdivision and Development Appeal Board”:  
  
“SUBDIVISION AND DEVELOPMENT APPEAL BOARD” means an Appeal Board established pursuant to the Act.
3. Within Section 2 – Administrative Agencies, replace Section 2.3 Development Appeal Board with the following:  
  
**2.3 ESTABLISHMENT OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD**
  - 1) The Subdivision and Development Appeal Board for the Village is established by separate bylaw in accordance with Section 627 of the *Municipal Government Act*.
  - 2) The Subdivision and Development Appeal Board for the Village shall perform such duties as are specified in the Act.
4. Within Section 3.2 Conditions of a Development Permit, replace subsection 3 with the following:
  - 3) A development permit for a discretionary use is automatically effective twenty-four (24) days after its issuance unless an appeal is lodged.
5. Within Section 3.2 Conditions of a Development Permit, replace subsection 5 with the following:

- 5) When an application for a development permit has been refused, the submission of another application on the same parcel of land and for a similar or the same use of the land by the same or another applicant may not be accepted by the Development Officer for at least six (6) months after the date of the refusal, unless the application was deemed refused or refused under section 4.3 (7)(b).
6. Within Section 4.3 Application for a Development Permit, add the following subsections:
  - 2) Within 20 days after receipt of a development permit application, the Development Officer shall determine whether the application is complete or incomplete,
  - 3) Notwithstanding subsection 2, the Development Officer may extend the time period for determining the completeness of a development permit application, based on a written agreement between the Development Authority and the applicant.
  - 4) When, in the opinion of the Development Officer:
    - (a) sufficient details of a proposed development have been included with the application for a development permit, the Development Officer shall, in a form and manner appropriate, issue a notice of complete application to the applicant, advising that the application is complete within the timeline provided for in subsection 2 or 3.
    - (b) sufficient details of a proposed development have not been included with the application for a development permit, the Development Officer shall, in a form and manner appropriate, issue a notice of incomplete application to the applicant, advising that the application is incomplete within the timeline provided for in subsection 2 or 3. The notice shall outline any outstanding information and/or documentation that must be provided by the applicant for the application to be considered complete by a date stated in the notice or as agreed upon between the Development Authority and the applicant.
  - 5) If the Development Officer does not issue a notice of complete or incomplete application for a development permit application within 20 days from the date of receipt of the application, or the extended time period agreed upon between the Development Officer and the applicant, the application is deemed to be complete.
  - 6) Notwithstanding the issuance of a notice of complete or incomplete application pursuant to subsection 4, or failure to issue a notice under subsection 5, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.
  - 7) If an applicant who has been issued a notice of incomplete application:

- (a) submits all the required information and/or documentation by the date given in subsection 4(b), the Development Officer shall, in a form and manner appropriate, issue a notice of complete application to the applicant, advising that the application is now complete.
  - (b) fails to submit all the required information and/or documents by the date given in subsection 4(b), the application is deemed refused.
- 8) Where an application for a development permit is deemed refused under subsection 7(b), the Development Officer shall issue a notice to the applicant, stating that the application has been refused and the reason for the refusal.
- 9) Unless extended by a written agreement between the Development Authority and the applicant, the Development Authority shall decide on a development permit application either:
- (a) within 40 days of receipt by the applicant the notice of complete application if issued under subsection 4 (a) or 7 (a), or
  - (b) within 40 days from the receipt of the application, if no notice is issued under subsection 5.
6. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed.
7. This bylaw shall come into force and have effect on the date of third and final reading.

First Reading given on the 13 day of February, 2020.

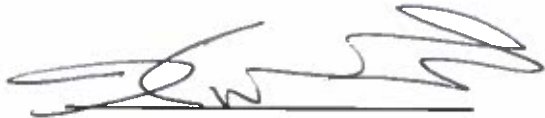


Ken Montie, Mayor

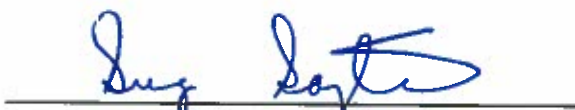


Greg Gayton, Chief Administrative Officer

Second Reading given on the 12 day of March, 2020.



Ken Montie, Mayor



Greg Gayton, Chief Administrative Officer

Third Reading and Assent given on the 12 day of March, 2020.



Ken Montie, Mayor



Greg Gayton, Chief Administrative Officer