

SECTION ONE

Purpose

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This section introduces readers to the Land Use Bylaw, establishes jurisdiction, enforcement and amendment regulations, and introduces the people and groups with the authority to exercise development powers in Town.

Jurisdiction

1.1 TITLE

This Bylaw is entitled 'Town of Drayton Valley Land Use Bylaw No. 2020/12/D', hereinafter referred to as the "Bylaw".

1.2 PURPOSE

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose, among other things to:

- a) Divide the municipality into Land Use Districts,
- b) Prescribe and regulate for each Land Use District the purposes for which land and buildings may be used,
- c) Establish the office of Development Authority,
- d) Establish a method of making decisions on applications for development permits including the issuing of Development Permits,
- e) Prescribe a procedure to notify owners of land likely to be affected by the issue of a Development Permit, and
- f) Establish a procedure for appeals against the decisions of the Development Authority.

1.3 CONSISTENCY

Municipal Government Act

- a) The Bylaw is consistent with the Municipal Government Act (MGA), as amended, and the MGA takes precedence in a case of dispute on the meanings of all words or clauses,

Alberta Land Stewardship Act

- b) The Bylaw is consistent with the Alberta Land Stewardship Act (ALSA), as amended,

Alberta Interpretation Act

- c) Timelines outlined within the Bylaw shall be complied with pursuant to the Alberta Interpretation Act, as amended,

Alberta Building Code

- d) In the case where this bylaw conflicts with the Alberta Building Code, the Alberta Building Code shall prevail,

Alberta Land Titles

- e) All measurements in this bylaw are metric, in accordance with Alberta Land Titles procedures, and where an imperial measurement is also given it is for convenience only and has no legal status, and

Municipal Development Plan

- f) The Bylaw is consistent with the 'Town of Drayton Valley Municipal Development Plan (MDP) Bylaw No. 2012/27/D, as amended.

1.4 REQUIREMENTS OF OTHER AUTHORITIES

- a) Development authorized under this Bylaw is subject to:
 - i. Federal and Provincial law (including orders by the Municipal Government Board),
 - ii. Other bylaws, statutory plans (i.e. Area Structure Plans, Area Redevelopment Plans) and inter-municipal agreements,
 - iii. Minimum Design Standards and Infrastructure Master Plans as they pertain to Transportation, Water Sanitary and/or Stormwater Management, and
 - iv. Any easements, caveats, covenants, and other encumbrances on the title to the land in question, whether or not the Development Permit refers to these other requirements.

1.5 EFFECTIVE DATE & TRANSITION

- a) 'Land Use Bylaw No. 2007/24/D' and all amendments thereto, are rescinded upon this Bylaw passing and commencing into full force and effect,
- b) The 'Town of Drayton Valley Land Use Bylaw No. 2020/12/D', is passed and comes into full force and effect when it receives third reading and is signed pursuant to the MGA,
- c) All amendments to the Bylaw, any land use Redesignations, or Development Permit applications received on or after the effective date of the Bylaw shall be processed and considered upon the provisions outlined herein, and
- d) All applications received in a complete form prior to the effective date of this Bylaw shall be processed based on 'Land Use Bylaw No. 2007/24/D' unless the Applicant requests that the application be processed based on the regulations of this Bylaw.

1.6 FEES AND CHARGES

All fees and charges under and pursuant to the Bylaw, are established within the "Fee Schedule", as amended.

1.7 INTERPRETATION

- a) Words used in the singular include the plural and words used in the present tense include the other tenses and derivative forms,
- b) Words, phrases and terms not defined in the Glossary may be given their definition in the MGA, as amended, or common dictionary definitions,
- c) Compliance with the policies in this Bylaw shall be interpreted and applied as follows:
 - i. “shall” means mandatory compliance except where a Variance has been granted pursuant to the MGA or the Bylaw,
 - ii. “should” means compliance in principle but is subject to the discretion of the Development Authority where compliance is impracticable or undesirable because of relevant planning principles or circumstances unique to a specific application,
 - iii. “may” means discretionary compliance or a choice in applying policy,
- d) Where a regulation involves two (2) or more conditions or provisions connected by a conjunction:
 - i. “and” means all the connected items shall apply in combination,
 - ii. “or” indicates that the connected items may apply singly or in combination,
 - iii. “and/or” indicates the items shall apply singly or in combination, at the discretion of the Development Authority,
- e) In the case of any conflict between the text of the Bylaw and any maps or drawings used to illustrate any aspect of the Bylaw, the text shall govern.

1.8 IMPACT OF SUBDIVISION

- a) Where a property boundary is adjusted by subdivision, or by the inclusion of closed road or other land not previously assigned a land use class, the Land Use District boundary follows the new property boundary, and
- b) Any doubt as to the boundaries of a Land Use District as shown on the Land Use Map shall be settled by a resolution of Council.

1.9 SEVERABILITY

Each provision of the Bylaw is independent of all other provisions, and if any provision of the Bylaw is declared invalid by a decision of a court of competent jurisdiction, all other provisions remain valid and enforceable.

1.10 LAND USE DISTRICT GROUPS

- a) For the purposes of the Bylaw, Land Use Districts may be referred to collectively:
 - i. ‘**Residential Districts**’, which include: R-ACG, R-GEN, R-SML, R-MLT, R-HID, R-MAN
 - ii. ‘**Commercial Districts**’, which include: C-GEN, C-DWT, C-NHD, C-HWY
 - iii. ‘**Industrial Districts**’, which include: I-LHT, I-HVY, and
 - iv. ‘**Special Districts**’, which include: S-COM, S-PRK, S-NOS, S-URB,
- b) More information on Districts can be found in **Section 5 – Land Use Districts**.

Bylaw Authorities

1.11 MUNICIPAL PLANNING COMMISSION

- a) The Municipal Planning Commission (MPC) is established pursuant to the ‘Drayton Valley Municipal Planning Commission Bylaw No. 2006/14/D, as amended,
- b) The MPC shall perform such duties as specified in this Bylaw and the ‘Drayton Valley Municipal Planning Commission Bylaw No. 2006/14/D, as amended

1.12 DEVELOPMENT AUTHORITY

- a) The Development Authority is established herein pursuant to the MGA and is a person who is authorized to exercise development powers and duties on behalf of the Town,
- b) The Development Authority shall include one or more of the following:
 - i. The Municipal Planning Commission, and/or
 - ii. The Chief Administrative Officer (CAO), and/or
 - iii. A Planning and Development Officer, and/or
 - iv. A Senior Planner of the Town

1.13 DUTIES OF THE DEVELOPMENT AUTHORITY

- a) The Development Authority shall:
 - i. Receive and process and make decisions on all Development Permit applications,
 - ii. Keep, and maintain for inspection during regular municipal office hours, a copy of the Bylaw as amended, and ensure that an online version is made available on the Town’s website and hard copies are available to the public for a fee,
 - iii. Keep a register of all Development Permit applications, and the decisions rendered on them, for a minimum of seven (7) years, and
- b) The Development Authority may:
 - i. Refer a Development Permit application, in whole or in part, to any outside agency or local authority they deem necessary for comment,
 - ii. Provide a written Time Extension Agreement, in alignment with the Bylaw,
 - iii. Allow a Variance, provided it complies with the requirements of the Alberta Building Code, and the ‘Requirements of Other Authorities’ (s.1.4),
 - iv. Refer a decision of a Development Permit to another ‘Development Authority’ (s.1.12),
 - v. Refuse a Development Permit application and provide the Applicant with notice stating the decision of refusal and the reasoning for it, or
 - vi. Issue letters certifying whether a current or proposed use of a building or property complies with this Bylaw.
- c) Notwithstanding a)i), the MPC, acting as the ‘Development Authority’ (s.1.12), shall make decisions on Development Permit applications for Discretionary Uses and permitted uses with a Variance of 31 % or more, in accordance with Section 2.10,
- d) Notwithstanding a)i), the CAO, Planning and Development Officer, or a Senior Planner of the Town, acting as the ‘Development Authority’ (s.1.12), shall make decisions on Development Permit applications for Permitted Uses and Variances of 0-30%, in accordance with Section 2.10.

1.14 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- a) The Subdivision and Development Appeal Board (SDAB) is established pursuant to the 'SDAB Bylaw No. 2018/03/D and SDAB Amending Bylaw No. 2019/05/D', as amended,
- b) The SDAB shall perform such duties as specified in this Bylaw and the 'SDAB Bylaw No. 2018/03/D and SDAB Amending Bylaw No. 2019/05/D', as amended.

Bylaw Enforcement

1.15 CONTRAVENTION

- a) Any person who contravenes, causes or permits a contravention of the Bylaw commits an offence,
- b) It is an offence for any person to commence or continue development when:
 - i. A Development Permit is required but has not been issued,
 - ii. A Development Permit has expired,
 - iii. A Development Permit has been revoked or suspended, or when
 - iv. A condition of a Development Permit has been contravened, and
- c) It is an offence for a person to prevent or obstruct a designated officer from carrying out any official duty under this Bylaw or the MGA.

1.16 ENFORCING THE BYLAW

- a) The Development Authority or a Designated Officer may enforce the provisions of the Bylaw, or the conditions of a Development Permit pursuant to the MGA and the *Provincial Offences Procedure Act* (POPA), as amended,
- b) Enforcement may be by violation ticket pursuant to POPA, notice of violation or any other authorized action to ensure compliance,
- c) The enforcement powers granted to the Development Authority under the Bylaw are in addition to any enforcement powers that the Town or any of its Designated Officers may have under POPA, and
- d) The Development Authority may exercise all such powers concurrently.

1.17 STOP ORDER

- a) Pursuant to Section 645 of the MGA where an offense under the Bylaw occurs, the Development Authority may by written notice, order the owner or the person in possession of the land or buildings, or the person responsible for the contravention to:
 - i. Stop the development or use of the land or buildings in whole or in part as directed by the notice, or
 - ii. Demolish, remove or replace the development, or
 - iii. Carry out any other actions required by the notice so that the development or use complies with the Bylaw, and
- b) A person who receives a stop order may appeal to the Subdivision and Development Appeal Board (SDAB) in accordance with the MGA,
- c) If a Stop Order isn't complied with or appealed to the SDAB by the stated deadline, the Town may elect to take further action.

1.18 STOP ORDER CAVEATS

- a) The Town may register a caveat under the *Land Titles Act* against the certificate of title for the land that is the subject to a stop order, and
- b) The Town must discharge the caveat when the stop order has been complied with.

1.19 ENTRY AND INSPECTION

- a) Pursuant to Section 542 of the MGA, a Designated Officer may, after giving twenty-four (24) hours notice to the owner or occupier of land or the structure to be entered:
 - i. Enter on that land or structure at any reasonable time, and carry out any inspection, enforcement or action required to assess or enforce compliance with this Bylaw,
 - ii. Request anything to be produced to assist in the inspection, remedy, enforcement or action, and
 - iii. Make copies of anything related to the inspection, remedy, enforcement or action,
- b) The Development Authority shall be a Designated Officer for the purposes of Section 542 of the MGA.

1.20 SPECIFIED PENALTIES

- a) Contravention of this bylaw is an offence and is subject to a fine of not more than \$10,000,
- b) Pursuant to POPA the following fine amounts are established for use on notices of violation and violation tickets:

Table 1 – Minimum Specified Penalties

| Offence | First Offence | Second Offence | Third Offence |
|---|---------------------------------|---------------------------------|------------------------------------|
| Failure to obtain a Development Permit | Double Applicable Permit Fee(s) | Triple Applicable Permit Fee(s) | Quadruple Applicable Permit Fee(s) |
| Failure to comply with Development Permit Conditions | \$500 | \$750 | \$1,250 |
| Failure to comply with District Regulations | \$1,000 | \$1,500 | \$2,000 |
| Failure to comply with any other condition of the Bylaw | \$1,000 | \$1,500 | \$1,500 |

- c) Noted fines for additional offences are for when the offence has occurred within a twelve (12) month period of the previous offence,
- d) Payment of a fine does not release the offender from the requirement to comply with the requirements of this Bylaw.

1.21 VACANT BUILDINGS

Within six (6) months of a building being vacated, owners are responsible for the following, to the satisfaction of the Development Authority:

- a) Removing any Signs,
- b) Boarding up any windows and doors that are open to the elements, and
- c) Removing any graffiti, posters and other debris.

1.22 SIGN MAINTENANCE & REMOVAL

- a) Signs not maintained to the satisfaction of the Development Authority may be required to be renovated or removed, such as:
 - i. When a sign is physically damaged or illegible, or
 - ii. When a sign is no longer relevant to the Permitted Use of the Building or the Building is vacant,
- b) Non-compliance may result in the removal of a sign and any cost associated with its removal shall be charged to the owner of the sign, and
- c) Any sign removed shall be stored for thirty (30) days; if not claimed, the sign will be disposed of at the discretion of the Town.

Bylaw Amendments

1.23 AMENDMENT

- a) Any person may apply to have the Bylaw amended,
- b) An application to change the district of any parcel may be initiated only by the owner of that parcel, tenant or agent (with the owner’s consent), or by the municipality,
- c) Council may, on its own initiative and in accordance with the MGA, initiate an amendment to the Bylaw, having referred the proposed Amending Bylaw to the Development Authority prior to first reading, and
- d) Any amendment to the Bylaw shall be made pursuant to the MGA.

1.24 APPLICATION TO AMEND THE BYLAW

A person making an application to amend the Bylaw shall do so using the appropriate application form available at the Town office and on the Town’s website and shall include the following:

- a) An application fee as set within the “Fee Schedule”, as amended,
- b) A certificate of title of the land affected or other documents satisfactory to the development authority, including the applicant’s interest in the said land,
- c) Any drawings specified by the development authority, such drawings to be on standard material and fully dimensioned, accurately figured, explicit, and complete, and
- d) Where required, a document authorizing the right of entry by a designated officer of Council to such lands or buildings as may be required for investigation of the proposed amendment.

1.25 AMENDING DUTIES OF THE DEVELOPMENT AUTHORITY

Upon receipt of a completed application requesting an amendment to the Bylaw, the Development Authority shall:

- a) Prepare an Amending Bylaw for Council,
- b) Prepare a background report, including plans and other relevant material, and submit same to Council for their review, and
- c) Provide a minimum of two (2) weeks’ notice of any public hearing to all Adjacent Registered Owners.

1.26 DECISIONS ON BYLAW AMENDMENTS

Council may, in reviewing a proposed amendment to the Bylaw:

- a) Approve the proposed Amending Bylaw as it is, or
- b) Make any changes it considers necessary to the proposed Amending Bylaw and proceed to approve it without further advertisement or hearing, or
- c) Refer the proposed Amending Bylaw back to administration for more information or further review and changes, then reschedule the application for further consideration, or
- d) Refuse the proposed Bylaw Amendment as it is.

1.27 RECONSIDERATION

If a proposed Amending Bylaw has been refused by Council, the same application shall not be resubmitted for at least six (6) months after the date of refusal, unless, in the opinion of the Development Authority, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.