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| Policy No: | PD 1705-01 |
| Policy Title: | Land Use Bylaw Amendment Request Policy |
| Resolution No.: | |
| Approval Date: | May 25, 2021 (Resolution #CM20210525.1010) |
| Revision Date(s) | |
| Next Review Date: | May 25, 2026 |
| Responsible Department: | Planning & Legislative Services |

SECTION 1.0 – POLICY STATEMENT

1. The Town of St. Paul wishes to treat its developers, ratepayers, and building contractors equally in a fair and consistent manner.

SECTION 2.0 – PURPOSE

1. To outline the steps for Staff, Council and an Applicant/Owner for requests to amend the Land Use Bylaw in the Town of St. Paul.
2. This policy is meant to compliment the rules & regulations in the Land Use Bylaw. Where this policy or the Land Use Bylaw conflicts (due to amendments), the Land Use Bylaw will prevail.

SECTION 3.0 – DEFINITION

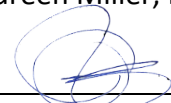
1. As stated within the Land Use Bylaw.

SECTION 4.0 – PROCEDURE

1. Upon receipt of a written request of the attached **Schedule A – Procedures and Timelines** and **Schedule B – Application Form**.



Maureen Miller, Mayor



Kim Heyman, Chief Administrative Officer

SCHEDULE “A”

LAND USE BYLAW AMENDMENT (MAP & TEXT)

The Land Use Bylaw is a policy document that regulates the use and development of land and buildings in St. Paul to achieve the orderly and economic development of land. It is approved by Town Council and required by the Province of Alberta’s Municipal Government Act. There are two primary components of the Land Use Bylaw 1) the text and 2) the map. The text of the bylaw describes specific land use districts and their requirements with details such as:

- The types of development that are allowed,
- Required setbacks from property lines and other buildings,
- Maximum building density and height, and
- Parking requirements and sign regulations.

The second major component of the Land Use Bylaw is the Land Use Map, which graphically identifies each parcel in Town and its current land use district. Any changes to the Land Use Bylaw must be completed through the public hearing process and be presented to Town Council for the final decision.

What is a Text Amendment?

A text amendment is a change to the wording of any part of the Land Use Bylaw (excluding the Land Use Map).

When is a Text Amendment Necessary?

When an existing land use district does not fit the plans of the applicant, or a definition doesn’t identify a particular use, a text amendment to the Land Use Bylaw may be submitted to the Town. Town administration will review the proposed amendment and provide a recommendation to Council. Town Council will approve or refuse the amendment.

What is Rezoning?

A land use district (sometimes referred to as a Zone) outlines the permitted and discretionary uses that are allowed on a parcel of land. Rezoning (map amendment) is a change to the specific land use district applied to a parcel of land which changes the kinds of uses and requirements of development on that parcel. For example, rezoning a parcel from Residential Low Density District (R1) to Residential High Density District (R3) to allow for the development of an apartment building.

Rezoning is a map amendment made to the Land Use Map and does not change any text.

When is Rezoning necessary?

Rezoning (map amendment) is required when a landowner wishes to change the existing land use district of a parcel of land to a different land use district. This would typically be done when the planned land use is not a permitted or discretionary use under the current land use district. Town administration will review the proposed amendment and provide a recommendation to Council. Town Council will approve or refuse the amendment.

WHAT STEPS ARE INVOLVED IN AMENDING THE LAND USE BYLAW (LUB)?

| Steps that an Applicant, Staff, & Council will undertake with a LUB Amendment | Timeline |
|--|---------------------|
| <p>Step 1: Pre-Application Meeting</p> <p>Before any application is submitted, it is recommended that an applicant meet with Planning & Development staff to discuss the proposed development. This meeting can be held in-person or on the telephone and helps both the applicant and staff to determine what would be required to make your application a reality.</p> <p>Due to COVID-19, please call 780.645.4481 to book a meeting in advance of filing your application.</p> | n/a |
| <p>Step 2: Application Submission</p> <p>Once your application is complete, it is submitted to the Town for review and processing. Please see the Application Checklist attached to this package for the specific technical requirements of the application.</p> <p>Staff will review the application for completion. An application acceptance letter is sent to the applicant once the application is deemed complete.</p> <p>Staff prepares the Proposed Bylaw and Technical Report with the proposed bylaw, mapping, site inspection photos and reviews the applicable adopted planning documents. Staff consults with other Town departments if needed.</p> <p>The Director requests a tentative date for First Reading through the Chief Administrative Officer.</p> | 20-30 business days |
| <p>Step 3: First Reading</p> <p>Once an application is accepted as complete, Planning & Development staff will review the application and prepare a technical report for the proposed bylaw (the legal instrument on which the Land Use Bylaw Amendment is enacted), that will be presented to Council for First Reading.</p> <p>It should be noted that every proposed bylaw has 3 distinct separate readings. It has been a best practice and recommended by Council to allow for First Reading so that public input can be obtained. Council at anytime can defeat/deny further readings of a proposed bylaw at any bylaw reading.</p> <p>Staff will issue a decision letter and advise the applicant of the public hearing date.</p> | |

| Steps that an Applicant, Staff, & Council will undertake with a LUB Amendment | Timeline |
|---|---|
| <p>Step 4: Circulation</p> <p>If First Reading is approved by Council, Planning & Development staff will prepare a series of letters and maps that will be sent to a number of stakeholders, including:</p> <ul style="list-style-type: none"> • Other Government Agencies (Provincial & Federal) • Utility Companies • Town Departments, and • Adjacent Landowners <p>Stakeholders have a time limit of 21 days to voice in writing any concerns or support for the project. The applicant will be provided copies of the comments received, and will be expected to address and rectify any issues that arise. The circulation of all land use applications is required by law under the Municipal Government Act and helps to facilitate a transparent planning process.</p> <p>Staff prepares advertising and notification of public hearing date. The proposed bylaw must be advertised in the local newspaper for 2 consecutive weeks with the last date of advertisement 5 days before the Public Hearing is held.</p> <p>Staff forwards all feedback to the applicant so that they may prepare for the public hearing.</p> | <p>21 calendar days</p> |
| <p>Step 5: Recommendation</p> <p>Once circulation is complete, Planning & Development staff will prepare a Public Hearing Background Report to include all stakeholder feedback and include a recommendation to Council based on this feedback and planning documents.</p> | <p>5-10 business days</p> |
| <p>Step 6: The Public Hearing Process</p> <p>An important legislated step in the land use bylaw amendment process is such that a Public Hearing by Town Council to be held before Second Reading. It provides a final opportunity for the public to voice their concerns of support or non-support for the Land Use Bylaw Amendment(s). To streamline the process, all comments should be submitted to the department's general email box at pd@town.stpaul.ab.ca.</p> <p>The developer and registered owner (if different) are both encouraged to attend the public hearing to hear any comments in regards to the proposed bylaw. As well, Council may ask questions to gain clarification on the submitted proposal.</p> <p>Council may request such information as it considers necessary in order to reach a decision on the proposed amendment.</p> | <p>After Step 4 and 5 are completed</p> |

| Steps that an Applicant, Staff, & Council will undertake with a LUB Amendment | Timeline |
|---|--|
| <p>Step 7: Final Bylaw Readings</p> <p>If no opposition is received, Council could consider further bylaw readings after the Public Hearing is closed.</p> <p>If any opposition is raised by the public or referral agencies at the Public Hearing in regards to the proposal, it can be requested by Council/Staff for the applicant to prepare a letter mitigating any concerns brought up at the public hearing. Attendance is also recommended at the Second or Third and Final Readings of the proposed Bylaw.</p> <p>Staff will issue a letter of decision to the applicant.</p> <p>If the amendment is approved by Council, it becomes an amendment to the Land Use Bylaw. Council's approval or refusal of redistricting is final and cannot be appealed.</p> <p>If a subdivision application is made at the same time, the subdivision application can now be processed for a decision by the Subdivision Authority.</p> <p>Notwithstanding any provisions in Parts 7.21 and 7.22 of the LUB, where an application for amendment to this Bylaw has been refused by Council, another application for amendment on the same site for the same or similar use of land may not be made, at the discretion of Council, by the same or any other applicant until at least 6 months from the date of Council's decision.</p> | <p>Same evening</p> <p>Usually at the following Regular Council Meeting.</p> |

****The timelines above are for illustrative purposes only and overall can take up to 3-5 months for processing. Each application is unique and will be dealt with on a case-by-case basis. Timelines may be extended if Council is currently considering a proposed bylaw: Area Structure Plan (New or an Amendment), Municipal Development Plan (new or an Amendment), Land Use Bylaw (new or an Amendment) that may affect your proposal.***

****Should your proposal require an amendment another statutory or non-statutory plan, staff will advise you of same.***

OTHER ITEMS TO CONSIDER

Other Costs

Some of the other costs that may or may not be incurred by your land use bylaw amendment application could include, but, are not limited to:

- Consultant Fees incurred by the Town
- Surveying Fees
- Engineering Studies and Reports
- Comprehensive Site Plan
- Other costs associated with meeting the conditions of a concurrent subdivision approval, if applicable such as Municipal and School Reserves and Off-Site Levies.

Other Documents to Consult

Additional information that may assist in preparing a Land Use Bylaw amendment application:

- The Town of St. Paul and County of St. Paul No. 19's Intermunicipal Development Plan (IDP)
- The Town of St. Paul Municipal Development Plan (MDP)
- Any applicable Area Structure Plan (ASP)
- Strategic Plan 2021 – 2023
- Off-Site Levy Bylaw
- Public Participation Policy
- Municipal Engineering Standards

SCHEDULE "B"

LAND USE BYLAW AMENDMENT APPLICATION FORM

SECTION A: APPLICANT AND OWNER CONTACT INFORMATION

Applicant Information

| | |
|-------------------------------------|-------------------|
| Applicant/Agent: _____ | Phone: _____ |
| Address: _____ | Cell Phone: _____ |
| City/Prov. _____ Postal Code: _____ | |
| Email address: _____ | Signature: _____ |

Applicant/Agent Authorization: I am the applicant/agent authorized to act on behalf of the registered owner and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.

Registered Owner Information *A copy of the Corporate Registry must be submitted for property owned by a Corporation.

☐ Owner same as applicant

| | |
|--|-------------------|
| Registered Owner Name (as shown on land title): _____ | Phone: _____ |
| Address: _____ | Cell Phone: _____ |
| City/Prov. _____ Postal Code: _____ | |
| Email address: _____ | Signature: _____ |

Applicant/Agent Authorization: I am the applicant/agent authorized to act on behalf of the registered owner and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.

SECTION B: SITE INFORMATION

Legal: Lot _____ Block _____ Plan _____ and Part of _____ ¼ Sec _____ Twp _____ Rge _____ W4M

Street Address: _____

SECTION C: LAND USE BYLAW (LUB) AMENDMENT OR NEW PLAN OR PLAN AMENDMENT

| | | | |
|---|--|---|---|
| <input type="checkbox"/> New Statutory Plan Details: _____ | <input type="checkbox"/> LUB Text Amendment Section # in LUB: _____ | <input type="checkbox"/> LUB Map Amendment Current Zoning: _____ Proposed Zoning: _____ | <input type="checkbox"/> Other Amendment Name of Plan: _____ Details: _____ |
|---|--|---|---|

LAND USE BYLAW AMENDMENT APPLICATION FORM

SECTION D: AUTHORIZATION

Right of Entry

Pursuant to Section 542 of the Municipal Government Act, I hereby **do** ☐ or **do not** ☐ (please check one box) grant consent for a designated officer of the Town of St. Paul to enter upon the land as described above, for a site inspection.

Registered Owner: _____

Signature: _____

SECTION E: CHECKLIST

The following information is required in support of applications to amend the Land Use Bylaw:

- ☐ Application Fee of \$1000.00
- ☐ A letter or email outlining your intent, including the specific use of your lands, potential traffic impacts, or any other information you feel necessary for the Council to consider.
- ☐ For a statutory plan or rezoning, a clearly reproducible or surveyed map showing the lands proposed to be included in the plan and/or rezoned, complete with dimensions and areas (in hectares or acres).
- ☐ A Current Certificate of Title (dated within the last 30 days) and one (1) copy of each easement document, right-of-way or other legal document registered on the property that affects the use of the lands.
- ☐ Any additional information as requested by Planning & Development Staff at the pre-application:

INTERNAL USE ONLY

Type of Payment: ☐ DEBIT ☐ CASH ☐ CHEQUE ☐ CREDIT CARD Staff Name / Title: _____

Fee: \$1000.00

Receipt #: _____ Bylaw No: _____

Application Received Date: _____ Tax Roll No: _____

Application Deemed Complete Date: _____

The personal information provided is being collected under the authority of the Municipal Government Act and will be used for the purposes under that Act. The personal information that you provide may be made public, subject to the provisions of the Freedom of Information and Protection of Privacy Act. Any questions regarding the collection, use or disposal of this information should be directed to the FOIP Coordinator for the Town of St. Paul at 780-645-4481.