

Bylaw No. 1105-2021

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AMENDMENT #118

A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO AMEND LAND USE BYLAW NO. 809-2013.

The *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended, grants a municipality the authority to pass a Land Use Bylaw;

AND, in accordance with the Act, the City of Leduc passed Land Use Bylaw No. 809-2013 to regulate and control the use and development of land and buildings in the City of Leduc, and the Council has deemed it expedient and necessary to amend Bylaw No. 809-2013;

AND, in accordance with the Act, notice of intention to pass this bylaw has been given and a public hearing has been held;

THEREFORE, the Council of the City of Leduc in the Province of Alberta duly assembled, hereby enacts as follows:

PART I: APPLICATION

THAT: Bylaw No. 809-2013, the Land Use Bylaw, is amended by:

1. In 1.3.3, replacing the words "Municipal Government Board" with the words "Land and Property Rights Tribunal".
2. Replacing 6.1.1.1 with the following:

"6.1.1.1. the Subdivision and Development Appeal Board as established under Municipal Bylaw; or"
3. Deleting 6.1.1.2.
4. In 6.1.1.3, replacing the words "Municipal Government Board" with the words "Land and Property Rights Tribunal".
5. Replacing 6.2.1 through 6.2.5 with the following:

"6.2.1 The person applying for the permit or affected by a Stop Order, or any person affected by a decision or Order made under this Bylaw may appeal the decision to the Appeal Authority when a Development Authority:

 - 1) refuses or fails to issue a Development Permit to a person;
 - 2) issues a Development Permit subject to conditions;
 - 3) issues a Development Permit where the provisions of the Bylaw were relaxed; and/or
 - 4) issues a Stop Order under Section 645 of the Act.

6.2.2 When the land in question:

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- 1) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site; or
 - 2) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board, or Alberta Utilities Commission license or approval; or
 - 3) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Protected Areas; or
 - 4) is subject to any other circumstance described in the regulations under Section 694(1)(h.2)(ii) of the Municipal Government Act; then the Provincial Land and Property Rights Tribunal will be the Appeal Authority in these circumstances.
- 6.2.3. Whenever the land in question is not subject to any of the conditions noted in 6.2.2, then the Subdivision and Development Appeal Board is the Appeal Authority.
- 6.2.4. An appeal must be filed with the Appeal Authority within twenty-one (21) consecutive days of the date of decision or issuance of the Development Permit."
6. Deleting 6.3. in its entirety.
 7. In the following sections, replacing "Subdivision and Development Appeal Board" with "Appeal Authority":
 - 7.9.2.5
 - 8.3.3
 - 10.5.3.1 (3)
 - 10.5.3.2 (2)
 - 10.10.1
 8. Amending 10.6.2. by replacing the current text with the following text:

"10.6.2. Notwithstanding Section 10.6.1, if an appeal is made to the Appeal Authority against the Development Permit, the Development Permit will not come into effect until the Authority approves or upholds the issuance of the Development Permit with or without conditions."
 9. Deleting the Term "Subdivision and Development Appeal Board" from Table 48: Glossary of Terms and Uses.

READ A FIRST TIME IN COUNCIL THIS 13th DAY OF September 2021.

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READ A SECOND TIME IN COUNCIL THIS _____ DAY OF _____, 2023.

READ A THIRD TIME IN COUNCIL THIS _____ DAY OF _____, 2023.

MAYOR

CITY CLERK

Date Signed