

Item 7.3.1 “Land Use Bylaw Housekeeping Amendments”

Proposed Bylaw #44P2025, Items 1.(e) and 1(g) on Page 719



- (d) Amend subsection 34(1)(b)(i) by deleting “21 day”.
- (e) Amend subsection 34(1)(b)(ii) by adding “filed within the appeal period,” after “in the case of an appeal to the ***Appeal Body***,” and deleting “or the Alberta Court of Appeal in the case of an appeal or leave to appeal of a decision of the ***Appeal Body***.”
- (f) Amend subsection 39(1)(b)(i) by deleting “21 day”.
- (g) Amend subsection 39(1)(b)(ii) by adding “filed within the appeal period,” after “in the case of an appeal to the ***Appeal Body***,” and deleting “or the Alberta Court of Appeal in the case of an appeal or leave to appeal of a decision of the ***Appeal Body***.”

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The Planning and Development Services Report (Pages 711 – 715) states:

DISCUSSION

Land Use Bylaw 1P2007 (the Bylaw) is periodically amended to address recurring issues and support its continued functionality. These types of amendments are called “housekeeping” as they are minor in scope and technical in nature.

This report recommends 12 Bylaw amendments to address opportunities for improvement.

Administration is recommending the following changes to the Bylaw:

- Six amendments to setback, parcel coverage, mobility storage and other rules that are inadvertently resulting in unnecessary development permits, relaxations, and added costs, creating a barrier to the development of new housing.
- Three textual amendments providing clearer language making the Bylaw easier to understand.
- Two amendments that provide more operational flexibility for health care services and special functions.

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Proposed Housekeeping Amendments Benefits and Themes (Page 729):

Proposed Amendment	Consistency	Efficiency	Reducing barriers	H
▼				
Clearer Language				
7. <u>Textual clarity for notification of decision for development permits</u>	✓		✓	

None of these statements are true with respect to proposed bylaw 44P2025 items 1.(e) and 1.(g).

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Proposed Housekeeping Amendments Benefits and Themes (Page 732):

7. Textual clarity for notification of decision for development permits

Issue:

The Bylaw does not state that the required advertising for a permitted use development permit that does not meet the rules of the Bylaw can be done online.

The Bylaw references a 21 day “appeal period” however the Municipal Government Act regulates the “appeal period” and is subject to change by the Province. Changes by the Province would require subsequent Bylaw amendments.

Proposed Solution:

Amend the Bylaw to allow permitted use development permits that do not meet the rules of the Bylaw to be advertised online, and remove the reference to the 21 day appeal period.

Land Use Bylaw sections or districts impacted by the amendment:

Part 2, Division 4, section 34, and Part 2, Division 5, section 39

The issue with having to delete the Alberta Court of Appeal wording in Section 34 and Section 39 is not stated. There is no proposed solution either.



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Proposed Amendments to Land Use Bylaw 1P2007 Redline Copy (Page 739)

39 (1) After approving a *development permit* application for a *discretionary use*, the **Development Authority** must:

- (a) publish a notice online for the public stating the location and *use* of the *parcel* for which the application has been approved; and
- (b) endorse the *development permit* as of the date of the decision, but must not release the permit to the applicant:
 - (i) before the ~~21 day~~ appeal period referred to in the *Municipal Government Act* has expired; or
 - (ii) in the case of an appeal to the *Appeal Body*, filed within the appeal period, until such time as the appeal has been fully dealt with by the *Appeal Body*, or the Alberta Court of Appeal in the case of an appeal or leave to appeal of a decision of the *Appeal Body*. or the appeal has been withdrawn or abandoned.

The current wording is clear and easy to understand.

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The Development Authority must not release the permit to the applicant until such time as the appeal has been fully dealt with by the Alberta Court of Appeal in the case of an appeal or leave to appeal of a decision of the Appeal Body.

This amendment is not about “clearer language” or “textual clarity”. It is not a housekeeping item that is “minor in scope and technical in nature”. This is an essential fundamental change in how the development permits are handled by the City while there is a pending appeal.

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April 15, 2025 – construction started

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May 2, 2025 – basement is built

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Rowhouse with 9 units: 5 above grade and 4 basement units

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West Elevation



Rowhouse with 9 units: 5 above grade and 4 basement units