

Bylaw 18305

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 2531

WHEREAS City Council at its meeting of February 22, 2001, gave third reading to Bylaw 12800, as amended; and

WHEREAS Council considers it desirable to amend the text of the Edmonton Zoning Bylaw;

NOW THEREFORE after due compliance with the relevant provisions of the Municipal Government Act RSA 2000, ch. M-26, as amended, the Municipal Council of the City of Edmonton duly assembled enacts as follows:

1. Bylaw 12800, as amended, The Edmonton Zoning Bylaw is hereby further amended by:
 - a) deleting the title of section 11, “Authority and Responsibility of the Development Officer”, and replacing it with “Responsibility of the Development Officer and Subdivision Authority”;
 - b) deleting subsection 11.1(1)(b) and replacing it with the following:
 - “b. shall review each Development Permit Application to ascertain whether it is complete in accordance with the information requirements and section 11.2 of this Bylaw, and shall, if the application complies with such requirements, enter the application in the register of applications;”;
 - c) deleting the reference to subsections “11.2 and 11.3” from subsections 11.1(1)(e) and 11.1(1)(f), and replacing it with “11.3 and 11.4”;
 - d) deleting the words “by ordinary mail” from subsection 11.1(1)(i)(i);
 - e) deleting the words “by ordinary mail,” from subsection 11.1(1)(i)(ii);
 - f) adding the following after section 11.1 and renumbering accordingly:
“11.2 Determining Complete Development Applications

1. Unless extended by an agreement in writing between the applicant and the Development Officer, the Development Officer shall within 20 days after receipt of an application for development:
 - a. issue a written acknowledgment to the applicant advising that the application is complete; or
 - b. issue a written notice to the applicant advising that the application is incomplete, listing the documentation and information that is still required, and setting a date by which the required documentation and information must be submitted.
 2. If the required documentation and information is not provided by the date set in the notice issued pursuant to section 11.2(1)(b), the Development Officer shall issue a written notice to the applicant stating that the application has been refused and the reason for the refusal.
 3. Upon receipt of the required documentation and information by the date set in the notice issued pursuant to section 11.2(1)(b), the Development Officer shall issue a written acknowledgment to the applicant advising that the application is complete.
 4. Notwithstanding the issuance of a written acknowledgement issued pursuant to sections 11.2(1)(a) and 11.2(3), the Development Officer may request additional information or documentation from the applicant that the Development Officer considers necessary to review the application.”;
- g) deleting the reference to subsection “11.2” from the newly renumbered subsection 11.4(1) and replacing it with “11.3”;
- h) adding the following to the end of the newly renumbered section 11:
- “11.6 Determining Complete Subdivision Applications**
1. Unless extended by an agreement in writing between the applicant and the Subdivision Authority, the Subdivision Authority shall within 20 days after receipt of an application for the subdivision of land:
 - a. issue a written acknowledgment to the applicant advising that the application is complete; or

- b. issue a written notice to the applicant advising that the application is incomplete, listing the documentation and information that is still required, and setting a date by which the required documentation and information must be submitted.
2. If the required documentation and information is not provided by the date set in the notice issued pursuant to section 11.6(1)(b), the Subdivision Authority shall issue a written notice to the applicant stating that the application has been refused and the reason for the refusal.
3. Upon receipt of the required documentation and information by the date set in the notice issued pursuant to section 11.6(1)(b), the Subdivision Authority shall issue a written acknowledgment to the applicant advising that the application is complete.
4. Notwithstanding the issuance of a written acknowledgement issued pursuant to sections 11.6(1)(a) and 11.6(3), the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

11.7 Form and Electronic Means

1. Any notice or acknowledgment issued pursuant to section 11.2 and 11.6 shall include:
 - a. the date of issuance of the notice or acknowledgment;
 - b. contact information for the City;
 - c. the municipal address of the property subject to the application;
 - d. the City file number for the application; and
 - e. any other information at the discretion of the Development Officer or the Subdivision Authority.
 2. Any notice or acknowledgment issued pursuant to section 11.2 and 11.6 may be sent by electronic means.”;
- i) deleting the reference to section “20.2” from subsection 12.2(1)(s)(xiii) and replacing it with “20.6”;

- j) deleting subsection 13.1(1) and replacing it with the following:
- “1. For the purposes of section 11.2 of this Bylaw,
 - a. applications for a Development Permit are not received until the City has accepted an application for development and the applicant has paid the appropriate fee as determined by City Council; and
 - b. applications for a Development Permit are not complete until the applicant has:
 - i. submitted all information required pursuant to Section 13 of this Bylaw; and
 - ii. submitted any information specifically required pursuant to the regulations of the applicable Zone or any other Section of this Bylaw, including any special information required by the Development Officer pursuant to Section 14 of this Bylaw.”;
- k) deleting the reference to subsection “13.1(1)” from subsection 13.1(2) and replacing it with “13.1(1)(b)”;
- l) deleting the reference to subsection “20.5” from subsection 15(9) and replacing it with “20.6”;
- m) deleting subsection 16(1) and replacing it with the following:
- “1. If the Development Officer does not make a decision on an application for a Development Permit within 40 days after the applicant’s receipt of an acknowledgment that the application is complete in accordance with Section 11.2 of this Bylaw, the application shall, at the option of the applicant, be deemed to be refused.”;
- n) deleting subsection 18(2) and replacing it with the following:
- “2. Subsection 18(1) shall not apply in the case of the following:
 - a. an application for a Permitted Use or a Use listed in a Direct Control Provision, if the application complies with all the regulations of this Bylaw; or
 - b. an application that has been deemed refused pursuant to section 11.2 of this Bylaw.”;
- o) adding the following at the beginning of section 20 and renumbering accordingly:
- “20.1 Approved Development Permit Applications**
1. On the same day of the issuance of a Development Permit, the Development Officer shall dispatch a written notice to the applicant describing the

development and stating the Development Officer's decision and the date of the decision. This notice may be sent by electronic means.”;

- p) deleting the newly renumbered subsection 20.2(1) in its entirety and renumbering accordingly;
- q) deleting the newly renumbered subsections 20.4(1) and 20.4(2) and replacing them with the following:
 - “1. On the same day of the refusal of a Development Permit Application, the Development Officer shall dispatch a written notice to the applicant describing the development and stating the Development Officer's decision, the date of the decision, and the right of appeal therefrom. This notice may be sent by electronic means.”;
- r) deleting the reference to subsection “20.5.2” from the newly renumbered subsection 20.6.1 and replacing it with “20.6.2”;
- s) adding the following at the beginning of section 21 and renumbering accordingly:
 - “1. Subject to the provisions of the Municipal Government Act, any person applying for a Development Permit may appeal the decision of the Development Officer to the Subdivision and Development Appeal Board by filing a written notice of appeal with the Subdivision and Development Appeal Board within 21 days after the date a decision concerning the Development Permit was made.”;
- t) deleting the newly renumbered subsections 21(2) and 21(3) and replacing them with the following:
 - “2. Subject to the provisions of the Municipal Government Act, any person affected by a decision issued by a Development Officer about a Development Permit may appeal the decision of the Development Officer to the Subdivision and Development Appeal Board by filing a written notice of appeal with the Subdivision and Development Appeal Board within 21 days after notice of the decision concerning the Development Permit was given.
 - 3. A Development Permit Application shall, at the option of the applicant, be deemed to be refused in accordance with the provisions of Section 16 of this Bylaw, and the applicant shall appeal in writing to the Subdivision and Development Appeal Board within 21 days after the date of expiry of the time period specified in section 16 of this Bylaw.”;

- u) deleting the reference to subsections “11.2 and 11.3” from subsections 43(3), 811.3(2), and 814.5(1)(c), and replacing it with “11.3 and 11.4”;
- v) deleting the reference to subsection “11.2” from subsections 55.2(1)(i), 815.6(1)(c), 816.6(1)(c), 818.3(1)(c), 819.3(28)(c), and 823.6(1)(c), and replacing it with “11.3”;
- w) deleting the reference to subsection “11.3” from subsections 55.3(1)(d), 410.4(5), 550.4(4), 551.4(5), 552.4(6), 553.4(6), 571.3.1(4), 815.5(11), 816.5(10), 910.6(6)(e), 910.7(6)(d), 970.8(4)(g), and 970.9(4)(b), and replacing it with “11.4”; and
- x) deleting the reference to subsection “11.4.2” from subsection 860.3(7) and replacing it with “11.4”.

2. This bylaw shall come into effect May 1, 2018.

READ a first time this	day of	, A. D. 2018;
READ a second time this	day of	, A. D. 2018;
READ a third time this this	day of	, A. D. 2018;
SIGNED and PASSED this	day of	, A. D. 2018;

THE CITY OF EDMONTON

MAYOR

CITY CLERK