

BRAZEAU COUNTY

BYLAW NO: 856-14

BEING A BYLAW OF BRAZEAU COUNTY, IN THE PROVINCE OF ALBERTA, TO AMEND LAND USE BYLAW NO. 782-12, AS AMENDED

WHEREAS, Council of Brazeau County deems it expedient and proper, under the authority of and in accordance with the *Municipal Government Act*, RSA 2000, Chapter M-26 and amendments thereto, to make certain amendments to Land Use Bylaw No. 782-12, As amended; and

WHEREAS, Council of Brazeau County deems it desirable to allow its Development Authorities to exercise discretion in applying the policies and standards of the Land Use Bylaw No. 782-12, as amended, to development permit approvals; and

WHEREAS, pursuant to Subsection 640(6) of the *Municipal Government Act*, RSA 2000, Chapter M-26, A land use bylaw may authorize a development authority to decide on an application for a development permit even though the proposed development does not comply with the land use bylaw or is a non-conforming building; and

WHEREAS, the public participation requirements of Section 692 of the *Municipal Government Act*, RSA 2000, Chapter M-26, have been complied with;

NOW THEREFORE, the Council of Brazeau County, duly assembled, enacts as follows:

1. That clause 3.3(5)(b) of Bylaw 782-12, as amended, is hereby deleted in its entirety and replaced with:
 - “(b) For a permitted use in any district, the Development Officer may approve an application for a development permit requiring a variance of a minimum requirement by up to fifty (50%) percent if, in the opinion of the Development Officer, the proposed development:
 - (i) would not:
 - a. unduly interfere with the amenities of the neighbourhood; or
 - b. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
 - (ii) conforms with the use prescribed for that land or building under this Bylaw.”
 - ; and
2. That clause 3.3(6)(b) of Bylaw 782-12, as amended, is hereby deleted in its entirety and

replaced with:

“(b) For a discretionary use, a permitted use requiring variance of a minimum requirement in excess of 50%, or a permit for any use requiring a variance to a general development standard the Municipal Planning Commission may approve an application for a development permit even though the proposed development does not comply with the land use bylaw or is a non-conforming building if, in the opinion of the Municipal Planning Commission, the proposed development:

- (i) would not:
 - a. unduly interfere with the amenities of the neighbourhood; or
 - b. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
- (ii) conforms with the use prescribed for that land or building under this Bylaw.”
; and

3. That this Bylaw shall take effect upon the final passing thereof.

READ a first time this 2nd day of December, 2014,

READ a second time this 20th day of January, 2015,

READ a third time and finally passed this 20th day of January, 2015.

Reeve

Chief Administrative Officer