

BYLAW NO. 2018-12
A BYLAW OF THE TOWN OF BON ACCORD
TO AMEND LAND USE BYLAW 2016-03 OF THE TOWN OF BON ACCORD

WHEREAS the Municipal Government Act, R.S.A. 2000, c. M-26, as amended ("the Act") provides that a Municipal Council may amend its Land Use Bylaw;

AND WHEREAS the Council of the Town of Bon Accord wishes to amend its Land Use Bylaw 2016-03 as it affects certain lands;

NOW THEREFORE the Council of the Town of Bon Accord, duly assembled, enacts as follows.

1. Bylaw #2016-03, the Town of Bon Accord Land Use Bylaw, as amended, is hereby further amended as follows:
 - (a) PART 1.3 – Interpretation is revised by deleting the definitions for agricultural industry; agriculture, extensive; agriculture, intensive; alcohol retail sales; clubhouse; drinking establishment; general retail establishment; greenhouse and plant nursery; health services; highway commercial use; home occupation, major; home occupation, minor; hotel; industrial use, heavy, industrial use, light; industrial use, medium; neighbourhood commercial development; and private club in their entirety.
 - (b) The following definitions are inserted in PART 1.3 in alphabetical order, and Part 1.3 – Interpretation is renumbered accordingly:
 1. **“agriculture, extensive”** means the use of land or buildings, including the first dwelling or manufactured home, for an agricultural operation which requires large tracts of land (usually in the order of 32.4 ha (80.0 ac. or more). **This use may include the outdoor cultivation of industrial hemp**, but does not include intensive agriculture, **cannabis production and distribution, industrial hemp production and distribution facility**, or a confined feeding operation which requires either a registration or an approval under Part 2 of the *Agricultural Operations Practices Act*, R.S.A. 2000, c. A-7, as amended or replaced;
 2. **“agriculture, intensive”** means an agricultural operation which raises crops on a land-intensive basis. Intensive agriculture includes greenhouses, silviculture and sod farms, but does not include confined feeding operations or **a cannabis production and distribution, or industrial hemp production and distribution facilities**;
 3. **“agricultural industry”** means an industrial activity involving the processing, cleaning, packing or storage of agricultural products. Agricultural industry includes, but is not restricted to, seed cleaning and/or processing plants, **cannabis production and distribution, industrial hemp production facilities**, and grain elevators, but does not include the manufacture of processed foods from agricultural products or abattoirs;
 4. **“alcohol retail sales”** means an establishment or that part of an establishment possessing a class d liquor license which is used for the retail sales of any and all

- types of alcoholic beverages to the public for consumption off premises. This use may include as well as the sale of alcohol the retail sales of related products such as soft drinks and snack foods. **This does not include cannabis retail sales establishments;**
5. **“cannabis”** means cannabis as defined in the *Cannabis Act*, S.C. 2018, c. 16, as amended or replaced.
- a. Cannabis includes:
 - i. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
 - ii. any substance or mixture of substances that contains or has on it any part of such a plant;
 - iii. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
 - b. Cannabis does not include:
 - i. a non-viable seed of a cannabis plant;
 - ii. a mature stalk (without leaves, flowers, seeds, or branches) of a cannabis plant;
 - iii. fibre derived from a mature cannabis stalk as referred to in subsection (ii), above;
 - iv. the root or any part of the root of a cannabis plant; or
 - v. industrial hemp.
6. **“cannabis, medical”** means cannabis that is obtained for medical purposes in accordance with applicable federal law;
7. **“cannabis lounge”** means a development where the primary purpose of the facility is the sale of cannabis to the eligible public, for the consumption within the premises that is authorized by provincial or federal legislation. This use does not include cannabis production and distribution facilities;
8. **“cannabis production and distribution”** means a development used principally for one or more of the following activities relating to cannabis:
- a. the production, cultivation, and growth of cannabis;
 - b. the processing of raw materials;

- c. the making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods or products;
 - d. the storage or shipping of materials, goods, or products, or;
 - e. the distribution and sales of materials, goods, and products to cannabis retail sales stores or to individual customers;
9. **“cannabis retail sales establishment”** means a development used for the retail sales of cannabis that is authorized by provincial or federal legislation. This Use may include retail sales of cannabis accessories, as defined in the *Cannabis Act*, S.C. 2018, c. 16, as amended or replaced. This use does not include cannabis production and distribution facilities;
 10. **“clubhouse”** means the building, room, or other facility used for the activities of a group organized for a common purpose, especially a group that meets regularly. A clubhouse may include change rooms, showers, lockers, and a common area where food and non-alcoholic or alcoholic drinks are consumed. **This use does not include cannabis lounges;**
 11. **“drinking establishment”** means a development possessing a Class A Minors Prohibited liquor license, where the sale and consumption of liquor on site occurs and where liquor is the primary source of business. **This use does not include cannabis lounges;**
 12. **“general retail establishment”** means a development where groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationary, second hand goods, and similar goods are bought, rented, and/or sold from within a building. Minor public services, such as postal services and film processing depots may also be provided. General retail establishments include convenience retail stores but does not include warehouse sales establishments, or developments where gasoline, new or used motor vehicles, alcohol, **cannabis**, heavy agricultural and/or industrial equipment are sold or rented;
 13. **“greenhouse and plant nursery”** means a development where bedding, household and ornamental plants are raised, stored and sold, together with incidental accessories such as garden equipment, and fertilizers and garden care products. **This does not include cannabis retail sales or cannabis production and distribution;**
 14. **“head shop”** means a retail outlet which specializes in the sale of cannabis accessories, drug paraphernalia related to consumption of cannabis, other recreational drugs, and new age herbs, as well as counterculture art, magazines, music, clothing and home décor. This does not include cannabis retail sales establishments or a cannabis production and distribution facility;

15. **“health services”** means a development where physical or mental health services are provided on an out-patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Health services include medical, chiropractic, and dental offices, health clinics, **medical cannabis clinics**, and counselling services;
16. **“highway commercial use”** means a commercial use serving the travelling public which relies on a highly visible location in proximity to a highway or an arterial road. Highway commercial uses may include eating and drinking establishments, service stations, gas bars, convenience retail stores, hotels, motels, commercial with warehousing, drive-in businesses and personal service shops. **This does not include a cannabis retail sales establishment;**
17. **“home occupation, major”** means a business, occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the dwelling, and which does not change the character of the building in which it is located or have any exterior evidence of such secondary use other than a small sign as provided for in PART 8.13 of this Bylaw. A major home occupation may have up to one (1) employee, other than those resident in the dwelling unit working on site at any time. A major home occupation may also have more than five (5) client visits per week, and a limited amount of outdoor storage of goods. A major home occupation may include, but is not restricted to, hairdressing and cutting, garment making, millinery and similar domestic crafts, stamp and coin sales, music and/or dance instruction, minor repairs to household equipment and tutoring, or professional consulting services. **A major home occupation does not include cannabis retail sales or cannabis production and distribution.** The distinctions between major home occupations and minor home occupations are more fully described in PART 8.13 of this Bylaw;
18. **“home occupation, minor”** means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the dwelling, and which does not change the character of the building in which it is located or have any exterior evidence of such secondary use. A minor home occupation will have no employees, other than those residing in the dwelling unit, and no more than five (5) client visits per week, and no outdoor storage of any goods. A minor home occupation may include, but is not restricted to, offices of accountants, doctors, business and professional consultants, contractors, lawyers, bookkeepers, architects, catalogue sales, and minor repair shops, but does not include any development that may, in the opinion of the Development Authority, be considered to be a major home occupation. **A minor home occupation does not include cannabis retail sales or cannabis production and distribution.** The distinctions between minor home occupations and major home occupations are more fully described in PART 8.13 of this Bylaw;
19. **“hotel”** means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, where access to the rentable units is from a common entranceway. A hotel may include eating and drinking establishments, meeting rooms, personal services shops, convenience retail stores, and alcohol retail sales, but shall not include any **cannabis retail sales establishment, cannabis lounge, or an entertainment**

establishment where there is a dance floor larger than 5 m² (5 ft.²) unless specifically approved by the Development Authority;

20. **“industrial hemp”** means a cannabis plant – or any part of that plant – in which the concentration of THC is 0.3% w/w or less in the flowering heads and leaves, as defined in *Industrial Hemp Regulations*, SOR/2018-145, as amended or replaced;
21. **“industrial hemp production facility”** means the use of land, buildings, or structures licensed and/or authorized to possess, sell, provide, ship, deliver, transport, destroy, produce, export and/or import industrial hemp, including related research, under the *Industrial Hemp Regulations*, SOR/2018-145, as amended, or replaced. This does not include cannabis retail sales or cannabis production and distribution facility, or the cultivation of industrial hemp;
22. **“industrial use, heavy”** means a development which would be considered to be a medium industrial use except that, in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to:
 - a. the potential for an adverse environmental impact beyond the immediate site of the heavy industrial use;
 - b. the potential for significant toxic or noxious by-products such as air or water-born emissions; or the potential to emit significant noise, smoke, dust, odour, vibration, etc., which may be offensive or hazardous to human health, safety or well-being.

Heavy industrial uses also include: the storage of toxic, flammable or explosive products in significant quantities; rendering plants; **large scale cannabis production and distribution; large scale industrial hemp production and distribution facilities**; and natural resource or agricultural product processing plants or large-scale outdoor storage that is unsightly or visually offensive. Heavy industrial uses do not include heavy petrochemical industrial uses;

23. **“industrial use, heavy petrochemical”** means a development involved in the processing and manufacturing of petrochemicals, including oil and gas refining, which, in the opinion of the Development Authority, may emit a significant level of noise, smoke, dust, odour, vibration, etc., and which may not be compatible with the surrounding land use. **This use does not include industrial hemp production and distribution facilities or cannabis production and distribution**;
24. **“industrial use, light”** means a development which, in the opinion of the Development Authority, may be able to co-exist compatibly in proximity to other uses or population concentrations. Light industry is usually less capital intensive than heavy industry, and is more consumer-oriented than business-oriented. Light industries require only a small amount of raw materials, area and power.

For further clarification it means where:

- a. raw materials are processed, and/or

- b. semi-finished or finished goods, products or equipment are manufactured and/or assembled, and/or
- c. materials, goods and equipment normally associated with industrial or commercial business are cleaned, serviced, repaired, salvaged, and/or tested, and/or
- d. goods and equipment associated with personal or household use are cleaned, serviced, and/or repaired, and/or
- e. materials, goods and equipment are stored and/or transshipped, and/or
- f. materials, goods and equipment are distributed and/or sold to institutions and/or industrial and commercial businesses for their direct use and/or to general retail establishments and/or other retail establishments for resale to individual customers,
- g. **small scale cannabis production and distribution;**
- h. **small scale industrial hemp production and distribution facilities;** and/or
- i. personnel are trained in general industrial operations,

in such a manner, in the opinion of the Development Authority, that an adverse environmental impact is not created beyond the immediate site of the general industrial use, which does not produce significant toxic or noxious by-products, and which is compatible with other industrial and commercial uses in a concentrated setting. Light industrial uses include motor vehicle body and paint shops, but do not include the preparation of food and/or beverages for direct sale to the public.

Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory and subordinate to the general industrial use activities identified above. The floor area devoted to such accessory activities shall not exceed a total of thirty-three percent (33%) of the total floor area of the building or buildings devoted to the general industrial use, except that this restriction shall not apply where, in the opinion of the Development Authority, a significant portion of the industrial activity naturally and normally takes place out of doors;

- 25. **“industrial use, medium”** means development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, where no adverse environmental impact (noise, smoke, odour, dust or vibration) takes place beyond the boundaries of the lot on which the medium industry is located. For the purpose of this bylaw, dust refers to that which is produced as a result of the land use of the lot, rather than that which is produced as a result of travelling to and from the lot. **This use includes cannabis production and distribution and industrial hemp production and distribution facilities;**
- 26. **“medical cannabis clinic”** means any business or enterprise, whether or not operated for profit, intended to serve as a means of distributing or providing cannabis for medical purposes as defined by provincial or federal legislation;

27. **“neighbourhood commercial development”** means a development where goods and services required by area residents or employees on a day to day basis are provided, bought or sold. The gross leasable area of a neighbourhood commercial development shall not exceed 275.0 m² (2,960 ft²). Neighbourhood commercial developments include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware, and/or printed matter as well as small personal service shops. **This use does not include cannabis retail sales;**
28. **“private club”** means social or recreational activities of members of a religious, philanthropic, athletic, business, or non-profit organization or their guests, without on-site residences. Private clubs may include rooms for eating, drinking, and assembly. **This use does not include cannabis lounges;**
- (c) Part 3.5 Development Permit Applications, is amended by adding the following after Part 3.5.8, and renumbering the Part accordingly.
- 3.5.8(1) In addition to the information requirements indicated in PART 3.5.1, 3.5.3 and 3.5.4, the Development Authority may require an applicant for a subdivision or development permit for Cannabis Production and Distribution to submit any or all of the following information, prepared by a qualified professional, with the application:
- a. Waste Management Plan;
 - b. Environmental Assessment;
 - c. Traffic Impact Assessment;
 - d. Water/Wastewater Report;
 - e. Storm Water Management Plan; and/or
 - f. Any additional study or assessment necessary to address specific concerns at the discretion of the Subdivision or Development Authority.
- 3.5.8(2) In addition to the information requirements indicated in PART 3.5.1, 3.5.3 and 3.5.6, the Development Authority may require an applicant for a subdivision or development permit for Cannabis Retail Sales Establishment to submit any or all of the following information, prepared by a qualified professional, with the application:
- a. a map identifying the distance from the proposed development to all property boundaries of:
 - i. buildings containing a school or a boundary of a parcel of land on which a school is located;

- ii. parcels of land that are designated as School Reserve or Municipal and School Reserve under the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
- iii. provincial health care facilities or the boundary of a parcel of land on which the facilities are located; and
- iv. any other development or land use required by the Alberta Gaming, Liquor, and Cannabis Commission;

3.5.8(3) In addition to the information requirements indicated in PART 3.5.1, 3.5.3 and 3.5.4, an application for a development permit for an Industrial Hemp Production and Distribution Facility, may be required to include with the application, the following information:

- a. Waste Management Plan;
- b. Environment Site Assessment;
- c. Traffic Impact Assessment;
- d. Water / Wastewater report;
- e. Storm Water Management Plan;
- f. A map that identifies the distance from the proposed facility to the property boundary of a school or any other public place usually frequented by persons under the age of 18 years; and
- g. any other information as may be reasonably required by the Development Authority.
- h. The separation distance between the proposed facility and the property boundary of a school, or any other public place usually frequented by persons under the age of 18 years shall be determined by measuring a straight line from the closest point on the lot line of the lot on which the proposed facility is located to the closest point on the lot line of the lot on which the other specified use is located. The separation distance shall not be measured from district boundaries or walls of buildings.

- (d) Part 3.8 Decision Process and Re-Application, is amended in accordance with the changes identified in **Schedule A** of this Bylaw.
- (e) Part 8 Special Use Regulations, is amended by adding the following Parts after Part 8.7 Bed and Breakfast Establishments:

“8.7(1) Cannabis Production and Distribution

Regulations within this section apply to the production and development of licensed cannabis for medical and non-medical purposes.

- 1) Cannabis production and distribution developments shall not be permitted unless all applicable licensing and approvals have been provided by the provincial and federal governments.
- 2) A copy of the current license(s) and/or approvals for a proposed cannabis production and distribution development, as issued by the provincial and/or federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
- 3) The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- 4) Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
- 5) The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
- 6) The minimum required lot size shall be at the discretion of the Development Authority.
- 7) Parking and loading requirements for cannabis production and distribution facilities shall be provided based on the requirements for an industrial use in **PART 7.20** of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
- 8) Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- 9) Applications for subdivision of land for this use may be required to include the information required by the Development Authority in **PART 3.5.8(1)**.
- 10) Landscaping requirements shall be at the discretion of the Development Authority.
- 11) On site buffering measures may be required for all cannabis production and distribution facilities. Buffers may include a combination of: setbacks, landscaping, and fencing to mitigate the impacts on adjacent lots.
- 12) The minimum required setback from any watercourse or water body shall be 30.0 m (98.0 ft.).
- 13) The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.

- 14) A building or structure used for security purposes for a cannabis production and distribution development may be located in the front yard and must comply with the required minimum setbacks in the applicable district.
- 15) No outdoor storage of goods, material, or supplies shall be permitted.
- 16) Cannabis production and distribution developments shall meet security and premises requirements as required under provincial and federal legislation.
- 17) All activities related to the cannabis production and distribution shall occur within fully enclosed stand-alone building(s), including but not limited to loading, receiving, and shipping of cannabis and any other goods, materials, and supplies.”

“8.7(2) Cannabis Retail Sales Establishments

- 1) Cannabis retail sales developments shall not be permitted unless all applicable licensing and approvals have been provided by the provincial and federal governments.
- 2) A copy of the current license(s) and/or approvals for a proposed cannabis retail sales development, as issued by the provincial and/or federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
- 3) The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- 4) Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
- 5) The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
- 6) The minimum required lot size shall be at the discretion of the Development Authority.
- 7) Parking and loading requirements for cannabis retail sales shall be provided based on the requirements for a commercial use in **PART 7.20** of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
- 8) Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- 9) Applications for subdivision of land for this use may be required to include the information required by the Development Authority in **PART 3.5.8(2)**.

- 10) Landscaping requirements shall be at the discretion of the Development Authority.
 - 11) No outdoor storage of goods, material, or supplies shall be permitted.
 - 12) Cannabis retail sales developments shall meet security and premises requirements as required under provincial and federal legislation.
 - 13) Cannabis retail sales establishments, as defined in this Bylaw, shall be prohibited from locating within 100.0 m (328.1 ft.) of a public education facility, a provincial health care facility, or a parcel of land that is designated School Reserve, or Municipal and School Reserve.
 - 14) A public education facility, a provincial health care facility, or a parcel of land that is designated as School Reserve, or Municipal and School Reserve shall not be approved within 100.0 m (328.1 ft.) of an approved cannabis retail sales establishment.
 - 15) The separation distance between the cannabis retail sales establishment and the uses listed in subsections **8.7(2)(13)** and **8.7(2)(14)** shall be determined by measuring a straight line from the outer wall of the proposed cannabis retail sales establishment to the closest point on the lot containing the sensitive use.”
- (f) Part 8 Special Use Regulations is amended by adding the following Part after Part 8.13 Home Occupations:

8.13(1) Industrial Hemp Production and Distribution Facility

Regulations within this section apply to the production and development of industrial hemp.

- 1) Industrial hemp production and distribution facilities shall not be permitted unless all applicable licensing and approvals have been provided by the provincial and federal governments.
- 2) A copy of the current license(s) and/or approvals for a proposed industrial hemp production and distribution facility, as issued by the federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
- 3) The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- 4) Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
- 5) The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be

arranged to meet the requirements under municipal, provincial and federal regulations.

- 6) The minimum required lot size shall be at the discretion of the Development Authority.
 - 7) Parking and loading requirements for an industrial hemp production and distribution facility shall be provided based on the requirements for an industrial use in **PART 7.20** of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
 - 8) Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
 - 9) Applications for subdivision of land for this use may be required to include the information required by the Development Authority in **PART 3.5.8(3)**.
 - 10) Landscaping requirements shall be at the discretion of the Development Authority.
 - 11) On site buffering measures may be required for all industrial hemp production and distribution facilities. Buffers may include a combination of: setbacks, landscaping, and fencing to mitigate the impacts on adjacent lots.
 - 12) Minimum setback from any watercourse or water body shall be 30.0 m (98.0 ft.).
 - 13) The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
 - 14) A building or structure used for security purposes for a hemp production and distribution facility may be located in the front yard and must comply with the required minimum setbacks in the applicable district.”
- (g) Part 9.8(2)(b) Central Commercial (C1) District is revised to add “Alcohol retail sales”, “Cannabis retail sales establishments”, and “Head shop” to the list of Discretionary Uses, in alphabetical order, and the Part is renumbered accordingly.
- (h) Part 9.9(2)(b) Highway Commercial (C2) District is revised to add “Alcohol retail sales”, “Cannabis retail sales establishments”, and “Head shop” to the list of Discretionary Uses, in alphabetical order, and the Part is renumbered accordingly.
- (i) Part 9.10(2)(a) Industrial (M1) District is revised to add “Cannabis production and distribution” and “Industrial hemp production and distribution facility” to the list of Permitted Uses, in alphabetical order, and the Part is renumbered accordingly.
- (j) The entire Land Use Bylaw is revised to correct minor formatting, spelling and grammatical errors, where the correction will not impact the interpretation or intent of the regulations therein;

- (k) The table of contents and internal references to specific sections throughout the Land Use Bylaw are updated to reflect the insertions and deletions described herein.

READ A FIRST TIME THIS 4TH DAY OF SEPTEMBER, A.D. 2018,

READ A SECOND TIME THIS 2ND DAY OF OCTOBER, A.D. 2018,

READ A THIRD TIME THIS 2ND DAY OF OCTOBER, A.D. 2018.

Mayor

Chief Administrative Officer

Date Signed

SCHEDULE A
BYLAW 2018-12

- 1) Insert the following new PART between PART 3.7 and PART 3.8:

3.7.1 NOTICE OF COMPLETE OR INCOMPLETE APPLICATION

- 1) The Development Authority Officer shall, within 20 days of the receipt of an application for a development permit, determine whether the application is complete.
- 2) The time period referred to in PART 3.7.1(1) may be extended by an agreement in writing between the applicant and the Development Authority Officer.
- 3) An application is complete if,
- 4) in the opinion of the Development Authority Officer, the application contains the documents and other information necessary to review the application; or
- 5) the Development Authority does not make a determination within 20 days after receipt of an application for a development permit
- 6) If a Development Authority Officer determines that the application is complete, the Development Authority Officer shall issue to the applicant, by means of posted letter or electronic notification, an acknowledgment that the application is complete.
- 7) If the Development Authority Officer determines that the application is incomplete, the Development Authority Officer shall issue, to the applicant a notice, in writing or electronically, that the application is incomplete. This notice shall list any outstanding documents and information required to review the application, and provide a date by which the documents or information must be submitted in order for the application to be considered complete.
- 8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in PART 3.7.1(5), the Development Authority Officer must deem the application to be refused.
- 9) Despite that the Development Authority Officer has issued an acknowledgment under PART 3.7(1)(4) or PART 3.7(1)(5), in the course of reviewing the application, the Development Authority Officer may request additional information or documentation from the applicant that the Development Authority Officer considers necessary to review the application.

- 2) PART 3.10(1) is deleted in its entirety and replaced with the following:

- 1) When a development permit has been issued for a permitted use and no variance to any regulation has been granted as provided for by PART 3.9 of this Bylaw, the Development Authority shall, on the same day the decision is made on a development permit application, send a notice by regular mail of the decision to the applicant and post a notice in a place available to public view in the Town office, indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision.

3) PART 3.10(2) is deleted in its entirety and replaced with the following:

- 2) In addition to PART 3.10(1), on the same day the decision is made on a development permit application for a discretionary use or after a variance has been granted, the Development Officer shall:
- a. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected adjacent land owners, as identified on Town of Bon Accord Assessment Roll, to provide notice of the decision and right of appeal; and
 - b. post notice of the decision on the Town's website; and
 - c. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal; or
 - d. within ten (10) days of the date such a development permit is issued, publish a notice of the decision in a newspaper circulating in the municipality for two (2) consecutive weeks.

4) PART 3.8(6) is deleted in its entirety and replaced with the following:

- 6) The Development Officer shall require, as a condition of any permit granted, that the applicant display for no less than twenty-one days after the permit is issued, in a conspicuous place on the site and no further from the street or streets abutting the site than the Development Officer directs, a notice or notices setting out the proposed use in a form prescribed by the Development Officer, and provide a copy of the approval drawings and specifications to which the permit pertains, on site.

5) PART 4.1(6) is deleted in its entirety and replaced with the following:

- 6) An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board within twenty-one (21) days after:
- a. the date on which the person is notified of the order or decision or the issuance of the development permit; or
 - b. the Development Authority does not receive the outstanding information and documents on or before the date referred to in PART 3.7.1(8) and Section 683.1(8) of the *Act*, or
 - c. if no decision is made with respect to the application within the 40-day period or within any extension issued under Section 684 of the *Act*.

6) Section 4.1(1) is revised to insert the following subsection after Section 4.1.1(c):

4.1.1(d) The Development Authority does not receive the outstanding information and documents on or before the date referred to in PART 3.7.1(8).

7) Section 4.1(6) is deleted in its entirety and replaced with the following:

6. An appeal shall be made by serving a written notice of appeal, together with the appeal fee as determined by Council and reasons for the appeal, to the Secretary of the Subdivision and Development Appeal Board within twenty-one (21) days after.