

PART 3 – DEVELOPMENT APPLICATIONS AND PROCESS

3.1 Development Permits

- 3.1.1 Except as provided in Section 3.2 Development Permit Not Required, no person shall commence a development in the City unless a Development Permit has first been issued pursuant to this Bylaw and the development is in accordance with the provisions of this Bylaw and with the terms and conditions of the Development Permit.
- ¹²3.1.2 Pursuant to Section 3.10 Conditions of a Development Permit, when a Development Permit is approved with conditions, all conditions, except those of a continuing nature, shall be satisfied prior to a development commencing.
- 3.1.3 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to obtain other Safety Code approvals or licenses that may be required by other regulatory departments or agencies.
- ³3.1.4 The Development Authority may advertise and shall notify adjacent property owners about any Development Permit applications for discretionary uses and/or any Development Permit applications involving variances.
- 3.1.5 No Development Permit for a permitted or discretionary use shall be issued in any newly developed subdivision until a Construction Completion Certificate (CCC) on all essential services has been issued by the City's Engineering Section, or a Substantial Completion Certificate has been received by the Engineer working on behalf of the developer for the subdivision.

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3.2 Development Permit Not Required

3.2.1 A Development Permit is not required for the following developments provided that the proposed development complies with the applicable provisions of this Bylaw (**Table 1**):

Table 3.2: Development, Activities and Uses for which a Development Permit Is Not Required

Development, Activity or Use	Condition under which a Development Permit is Not Required
¹ Accessory Buildings	² Shall be less than 10.0m ² (107ft ²) in area ³ (Deleted) Shall meet Land Use District provisions
Commercial and industrial Renovations	Shall not result in an increase in the building footprint ⁴ Where the intensity of the use does not change
Construction of public infrastructure	Shall be related to the construction of public infrastructure as authorized by a Development Agreement
Decks	Shall have a Height less than 0.6m (2.0ft) Shall not be included in calculation of site coverage
Fences	⁵⁶ Shall comply with provisions of Section 4.7, 5.8, 6.4, 7.2, 8.2 and 13.5
Hard Surfacing	Shall be part of a development for which a Development Permit or Development Agreement has been issued Shall be for vehicle or pedestrian access or parking ⁷ Shall comply with the provisions of Section 5.9, if applicable
Hot Tubs	⁸ Shall comply with development regulations
Landscaping	Shall be on private property

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	<p>Shall have proposed grades which do not adversely impact the site or adjacent property</p> <p>¹Landscaping other than what is required by this Bylaw or a Development Permit</p>
Development, Activity or Use	Condition under which a Development Permit is Not Required
Maintenance of a Building	Shall be routine maintenance not including structural alterations (i.e. painting or replacing siding, windows, roof, etc.)
Parks	Shall be developed by either the City or Provincial or Federal Governments
Play Equipment	Shall meet the required setbacks and maximum height regulations
Public Improvements	Shall include the construction, alteration, maintenance of repair of a public roadway
Residential Renovations	<p>Shall not increase the number of dwelling units</p> <p>Shall not increase the building footprint</p>
Satellite dishes	<p>Shall be less than 1.2m (3.9ft) in diameter</p> <p>Shall be attached directly to a roof, side wall or balcony</p>
Solar collectors	<p>Shall meet the provisions for solar collectors of the Land Use District in which they are located and may require building, Plumbing and Electrical Permits</p> <p>Shall not create more than 10 kilowatts from all solar collectors on a site</p> <p>Shall be used for thermal energy</p>
² Shipping Containers/Moving Pods	Shall be permitted in a residential district for a maximum of 14 days for the purposes of moving.

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Stripping, site grading or excavation	Shall be part of a development for which a Development Permit has been issued
Development, Activity or Use	Condition under which a Development Permit is Not Required
Tents	¹ Shall be in place for less than 24 hours
Temporary Construction Buildings (not including Show homes or temporary Sales Centers)	Shall not be used for human occupancy Shall be incidental to construction for which a Development Permit has been issued Shall be removed within 30 days of substantial completion or as determined by the Development Authority
Temporary Government Services	Shall be used in connection with a federal, provincial or municipal election, referendum or census
Temporary outdoor event and associated temporary structures	Shall be incidental to the principal and permitted use of the site. Shall last for no longer than five consecutive days including the time needed to erect and dismantle any temporary structures
Temporary swimming pools	Shall be installed on above grade on a seasonal basis Shall be removed during winter months Shall meet Land Use District provisions and the Alberta <i>Safety Codes Act</i>
Temporary Retail Sales	Shall be temporary May include hawking of food products, Christmas trees, flowers or other miscellaneous goods

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Development, Activity or Use	Condition under which a Development Permit is Not Required
Towers, Flag Poles and other Poles	Shall not exceed 4.6m (15.1ft) in height in any Residential Land Use District
Utilities on Private Land	May include railways, pipelines, irrigation ditches, conduit flumes and utility lines Shall not be integral to an approved development
Utilities on Public Land	Shall be carried out on behalf of federal, provincial or municipal authorities on land that is publicly owned or controlled
Those developments, activities and uses exempted under Section 618 of the MGA and regulations thereto	

3.3 Variance to Regulations

¹3.3.1 The Development Authority may approve or conditionally approve an application for a development that does not comply with this Bylaw, if in the opinion of the Development Authority:

(a) The proposed development would not:

- i. Unduly interfere with the amenities of the neighbourhood; or
- ii. Materially interfere with or affect the use, enjoyment, safety or value of neighbouring land; and
- iii. ²(Deleted)

and

(b) ³The proposed development conforms with the use prescribed for that land or building in this Bylaw.

(c) ⁴In consideration of the above, the Development Authority shall consider the specific merits of the application; practical difficulties peculiar to the Use,

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character, or situation of land or a building, which are not generally common to other land in the same district; and

- (d) ¹The Development Authority may consider if an error occurred in the siting of the building or structure and rectifying the error would create unnecessary hardship to the property owner.

²3.3.2 Notwithstanding Section 3.3.1, the Development Authority, shall not approve:

- (a) A development that does not comply with the provisions of this Bylaw in terms of yard setbacks or site coverage, if:
- i. The development encroaches onto or over any easement, unless an encroachment agreement has been granted in respect of it, and the development meets all other requirements of this Bylaw; or
 - ii. If the development encroaches onto or over any property line nor create any drainage problem.

(b) ³(Deleted)

⁴3.3.3 (Deleted)

3.3.4 If a variance is granted, the Development Authority shall specifically detail its nature and extent in the associated Development Permit.

⁵3.3.5 (Deleted)

⁷3.3.6 (Deleted)

⁹3.3.7 The Development Authority shall not refuse a Development on a site that does not meet the provisions of this Bylaw in terms of width, depth, or site area, provided that the site was legally registered at the time of adoption of this Bylaw and that the development meets all other requirements of this Bylaw.

3.4 Requirements for a Development Permit Application

3.4.1 An application for a Development Permit shall include:

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- (a) An application made to the Development Authority on the prescribed form that shall be signed by the applicant or the applicant's agent as well as the land owner, authorized in writing. The correctness of the information supplied shall, when required by the Development Authority, be verified by a Statutory Declaration; and
- (b) The applicable Development Permit fee as established in the City of Fort Saskatchewan Fees and Charges Bylaw.

3.4.2 The Development Authority may also require:

- (a) The proposed use or occupancy of all parts of the land and building;
- (b) Fully dimensioned plans showing the elevations, floor plans and perspective of the proposed development including a description of the exterior finishing materials and colours;
- (c) A vicinity map indicating the location of the proposed development in relation to nearby public roadways and other significant physical features which may have implications for the proposed development;
- (d) A map showing the designated land use of the site and all properties within 91.4m (299.9ft) of the boundaries of the site;
- (e) A copy of the current Certificate of Title indicating ownership of the site;
- (f) ¹Two hard copies of a site plan to an engineer or architect scale and one digital copy of a site plan showing all of the following in metric measurements:
 - i. North arrow;
 - ii. Scale of plan, to the satisfaction of the Development Authority;
 - iii. Legal description of property;
 - iv. Municipal address;
 - v. Property lines shown with dimensions;
 - vi. Front, side and rear yard setback areas shown with dimensions;
 - vii. Dimensioned layout of existing and proposed parking areas, driveways, paved areas, entrances and exits abutting public roadways shown and labeled;

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- viii. Location of sidewalks and curbs;
 - ix. Location of existing and proposed municipal and private local improvements;
 - x. Location, dimensions and height of principal building and other structures including accessory developments, garages, carports and fences;
 - xi. Location of major landscaped areas including retaining walls and existing trees;
 - xii. Site topography, drainage patterns, grade and special conditions; and
 - xiii. Location of all registered utility easements and rights-of-way.
- (g) Photographic prints showing the site in its existing condition;
 - (h) How the form, mass and character of the proposed development will relate to neighbouring developments;
 - (i) How the exterior finish of the building will relate to existing or planned facades of neighbouring buildings;
 - (j) A detailed landscaping plan of the entire site to show grading, loading and parking areas, tree planting or removal, grassed areas, the location and species of shrubs and trees, playgrounds and parks;
 - (k) A geotechnical or flood plain study prepared by a qualified engineer if, in the opinion of the Development Authority, the site is potentially hazardous or unstable;
 - (l) ¹A Phase 1 and/or Phase 2 environmental site assessment, conducted according to Canadian Standards Association (CSA) guidelines to determine potential contamination and mitigation;
 - (m) An environmental impact assessment prepared by a qualified professional if the proposed development may, in the opinion of the Development Authority, result in potentially significant environmental effects;
 - (n) A traffic impact analysis prepared by a qualified engineer specializing in transportation engineering. Such an analysis shall include, but not be limited to, impacts on adjacent public roadways, pedestrian circulation on and off the site, vehicular circulation on and off the site, turning radius diagrams for large truck

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movements on and off the site, and any other information required by the Development Authority;

- (o) A parking study prepared by a qualified engineer specializing in transportation engineering;
- (p) A noise attenuation study prepared by a qualified professional;
- (q) A report showing the effect of wind or shadow produced by the proposed development;
- (r) ¹Copies of a Plan of Survey prepared by an Alberta Land Surveyor showing the following:
 - i. the site to be developed; and
 - ii. Provide all elevations derived from geodetic datum
- (s) A reclamation plan for aggregate extraction or other major surface disturbances;
- (t) Information to assist in assessing the impact the proposed development may have on utilities, services, traffic circulation within the site and on adjacent public roadways, land use, tax base, community facilities, employment and other matters;
- (u) Samples of exterior finishing materials;
- (v) Elevation of any signs proposed for the development;
- (w) A Risk Assessment;
- (x) A Fire Safety Plan;
- (y) Information showing that the applicant has discussed the proposal with nearby property owners; and
- (z) Such other plans, photographs, or other documents and information of any kind that the Development Authority may consider necessary to properly evaluate the proposed development.

3.5 Notification and Community Consultation for Proposed Development

- ²3.5.1 Prior to the consideration of a Development Permit application for a discretionary use or for a development in a Direct Control District, the Development Authority may provide

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notification to adjacent landowners setting out the proposed use and development in a form prescribed by the Development Authority.

3.5.2 The notice required by the Development Authority pursuant to Section 3.5.1 above shall state:

- (a) The proposed use of the building or site;
- (b) That an application respecting the proposed use will be considered by the Development Authority; and
- (c) That any person who objects to the proposed use of the site may deliver to the Development Authority a written statement of objection to such use indicating:
 - i. Full name and address for service of any notice to be given in respect of the objection; and
 - ii. The reasons for the objection to the proposed use. The statement of objection must be received by the Development Authority not later than the day specified in the notice.

¹3.5.3 Prior to an application being considered for development on an infill or redevelopment site or for a development in a Direct Control District, the Development Authority may require that the applicant carry out an appropriate community consultation as per the City of Fort Saskatchewan Public Engagement Framework.

Development Approval Process

3.6 Incomplete Applications

3.6.1 An application for a Development Permit shall not be considered complete and received by the City until such time as the requirements of Section 3.4 Requirements for a Development Permit Application have been met to the satisfaction of the Development Authority, who:

- (a) May return the application form and all submissions to the applicant, together with the appropriate refund in compliance with the fee schedule; and
- (b) Shall deem the application not to have been submitted until all required information and details have been submitted.

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3.7 Development Permit Review Process

3.7.1 The Development Authority may refer a Development Permit application to any City Department and to any external agency for comment and advice.

¹3.7.2 In reviewing a Development Permit application, the Development Authority shall consider any technical study deemed necessary to support the land use planning review of the application and, based on the results of such technical studies, may approve or refuse the application and/or impose such conditions as are considered necessary to mitigate any potential impacts.

²3.7.3 (Deleted)

3.7.4 Pursuant to Section 684 of the MGA, if a Development Authority decision has not been made on an application within 40 days of a complete application being received by the City, the applicant may deem the application refused unless the applicant chooses to enter into an agreement with the Development Authority to extend the 40 day review period.

3.7.5 For an application for a Development Permit in a Direct Control District, the Development Authority shall:

- (a) Where Council has delegated the decision to the Development Authority, the Development Authority shall consider the application and may approve the application providing it meets the direction set out by Council in the Direct Control District; or
- (b) Where Council has not delegated the decision to the Development Authority, the Development Authority shall refer the application to a public Council meeting, and provide a recommendation on the application for Council's consideration.

3.8 Intermunicipal Referrals

3.8.1 The following applications shall be referred to Strathcona County, Sturgeon County and/or the City of Edmonton:

- (a) All redesignation, subdivision and Development Permit applications that, in the opinion of the Development Authority, may result in impacts to these adjacent municipalities; and
- (b) Land Use Bylaw amendment applications that affect lands located adjacent to the respective municipal boundary.

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3.8.2 In making a decision on an application, the Development Authority shall give due consideration to any recommendations or comments received from the municipality or municipalities to which it was circulated.

¹3.8.3 (Deleted)

3.9 Decision on a Development Permit

3.9.1 In making a decision on a Development Permit application for a permitted use, the Development Authority:

- (a) Shall approve, with or without conditions, the application if the proposed development conforms to this Bylaw;
- (b) May refuse the application if the proposed development does not conform to this Bylaw; or
- (c) May approve the application with variances to the Bylaw.

3.9.2 In reviewing a Development Permit application for a discretionary use, the Development Authority shall have regard to:

- (a) The circumstances and merits of the application, including but not limited to:
 - i. The impact on properties in the vicinity from such nuisance factors such as traffic, smoke, other airborne emissions, odours and noise;
 - ii. ²The design, character and appearance of the proposed development and, in particular, whether it is reasonably compatible with, and complementary to the surrounding properties and land use; or
 - iii. The servicing requirements for the proposed development;
- (b) The purpose and intent of any applicable Statutory Plan adopted by the City; and
- (c) The purpose and intent of any non-statutory plan and pertinent policy adopted by the City.

3.9.3 In making a decision on a Development Permit application for a discretionary use, the Development Authority:

- (a) May approve the application, with or without conditions, based on the merits of the application if it conforms to the requirements of this Bylaw and any applicable approved Statutory Plan or approved policy affecting the site;

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- (b) May refuse the application even if it conforms to the requirements of this Bylaw; and/or
- (c) May refuse the application if the proposed development does not conform to the requirements of this Bylaw.

3.9.4 When considering a Development Permit application for a permitted or discretionary use, the Development Authority may require conformance to approved subdivision Engineering Drawings including, but not limited to:

- (a) Lot grading;
- (b) Roadway plans;
- (c) Utility servicing plans; and
- (d) Storm water servicing plans.

3.9.5 Notwithstanding any other provisions or requirements of this Bylaw, the Development Authority may establish a more stringent standard or requirement for a discretionary use when the Development Authority deems it necessary to do so.

⁴3.9.6 (Deleted)

²3.9.7 (Deleted)

3.9.8 Variances shall be processed and notification to adjacent owners given in accordance with Sections 3.11.4 through 3.11.6 of this Bylaw.

³3.9.9 (Deleted)

⁴3.9.10 Where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Development Authority may exercise discretion to deem that the use conforms to and is included in that Use Class which he considers to be the most appropriate in character and purpose. In such a case, the use shall be considered a Discretionary Use, whether or not the Use Class is listed as Permitted or Discretionary within the applicable District.

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3.10 Conditions of a Development Permit

¹3.10.1 Where applicable and as considered necessary, the Development Authority may impose such conditions on a Development Permit as are considered necessary:

- (a) To uphold the intent and objectives of the Municipal Development Plan under preparation or as adopted;
- (b) To uphold the intent and objectives of an Area Structure Plan or Area Redevelopment Plan under preparation or as adopted;
- (c) To conform to the applicable provisions of this Bylaw; and
- (d) ²³(Deleted)
- (e) To provide security acceptable to the Development Authority to ensure performance of the conditions imposed on the Development Permit by this Bylaw.

3.10.2 Pursuant to Section 650(1) of the MGA, the Development Authority may, as a condition of issuing a Development Permit, require that the applicant enter into a Development Agreement with the City to do any or all of the following:

- (a) To construct or pay for the construction of a roadway required to give access to the development;
- (b) To construct or pay for the construction of:
 - i. A pedestrian walkway system to serve the development or to give access to an adjacent development, or both; and
 - ii. Off-street or other parking facilities as well as loading and unloading facilities;
- (c) To construct, install or pay for any local improvements and utilities which are needed to serve the development including, but not limited to on-site storm water management facilities and any required easements, and joint drainage and access requirements;
- (d) To repair or reinstate to original conditions any street furniture, curbing, sidewalk, landscaping or trees that may be damaged or destroyed or otherwise harmed by development or building operations upon the site;

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- (e) To provide security acceptable to the Development Authority to guarantee performance of the conditions imposed upon the development;
- (f) To pay any off-site levy or redevelopment levy; and
- (g) To attend to all other matters the Development Authority considers appropriate.

3.10.3 To ensure compliance with a Development Agreement, the City may register a caveat against the property being developed which shall be discharged up the conditions of the Development Agreement being met.

3.10.4 Subject to this Bylaw, any Statutory Plan and the MGA, the Development Authority may attach whatever conditions are considered appropriate to a Development Permit for either a permitted or discretionary use, including but not limited to, requirements regarding:

- (a) Landscaping;
- (b) Noise attenuation;
- (c) Special parking provisions;
- (d) Location, appearance and character of buildings;
- (e) Grading a site to protect adjacent properties;
- (f) Conditions specified elsewhere in this Bylaw; or
- (g) Any other condition to ensure that the proposed development is compatible with surrounding land uses.

3.11 Notice of Decision

3.11.1 The decision of the Development Authority on an application for a Development Permit shall be given to the applicant in the form prescribed by the City.

3.11.2 If the Development Authority refuses an application for a Development Permit, the Notice of Decision shall contain the reasons for the refusal.

¹3.11.3 (Deleted)

²3.11.4 Notification of the issuance of a permit for a discretionary use, or for a development permit for a permitted or discretionary use involving a variance, by the Development

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Authority shall describe the Development and state the decision of the Development Authority, and the right of appeal therefrom.

¹3.11.5 When an application for a Development Permit is approved for a discretionary use, for a variance, or for a development in a Direct Control District, a Notice containing the information specified in Section 3.11.4, shall be mailed within seven days to all assessed owners of properties within 60.0m (196.9ft) of the subject site.

²3.11.6 Notwithstanding Section 3.11.4, Notices may be mailed within seven days to assessed property owners as determined by the Development Authority and in accordance with following:

(a) for discretionary uses where, in the opinion of the Development Authority, the use may have the potential to affect property owners beyond the 60 m (196.9ft) radius, Notices shall be sent to additional property owners as determined by the Development Authority;

(b) for variances to low density residential developments, Notices shall be sent to, as a minimum, assessed property owners that are adjacent to the subject site.

3.12 Issuance and Validity of a Development Permit

3.12.1 Within seven days of the issuance of a Development Permit, the Development Authority shall dispatch a Notice of Decision by ordinary mail pursuant to Section 3.11 Notice of Decision.

³3.12.2 A Development Permit shall be deemed to be valid 22 days after the date of mailing of the Notice of Decision, unless an appeal is made to the Subdivision and Development Appeal Board. If an appeal against the Development Permit is made to the Appeal Authority, the Development Permit shall not come into effect unless and until any conditions of approval have been fulfilled.

3.13 Suspension and Cancellation of a Development Permit

3.13.1 If the development authorized by an approved Development Permit is not commenced within 12 months from the date of the issuance of the Development Permit, or if the applicant has not obtained an approved Building Permit within 12 months of the date of the issuance of the Development Permit, the Development Permit shall be deemed void unless the applicant advises the Development Authority, within 30 days prior to the expiry of such 12 month period and the Development Authority grants an extension.

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The Development Authority may grant up to a one year extension of a Development Permit.

¹3.13.2 A development shall be completed to the satisfaction of the Development Authority within 24 months of the issuance of the Development Permit, unless the applicant, within 30 days prior to the expiry, applies for and is granted an extension from the Development Authority. The Development Authority may grant one (1) extension of the effective period and the extension period shall not exceed twelve (12) months.

3.13.3 The Development Authority may suspend or cancel a Development Permit following its approval or issuance if:

- (a) The Development Permit application contains a misrepresentation;
- (b) Facts have not been disclosed which should have been at the time of consideration of the application for the Development Permit;
- (c) The Development Permit was issued in error;
- (d) The requirements or conditions of the Development Permit have not been complied with; or
- (e) The applicant requests in writing that the Development Authority cancel the Development Permit provided that the use, development or construction has not commenced.

3.13.4 If the Development Authority suspends or cancels a Development Permit, written notice of the suspension or cancellation shall be provided to the applicant;

3.13.5 Upon receipt of the written notice of suspension or cancellation of a Development Permit, the applicant shall cease all development and activities related to the development.

²3.13.6 Notice of the Development Authority's decision to cancel the Development Permit, shall be provided in writing by ordinary mail to the property owner and to the applicant of the Development Permit and such notice shall state the reasons for cancellation of the Development Permit.

3.14 Guaranteed Security

³3.14.1 Where required pursuant to Section ³3.10.4, prior to the issuance of any Building Permit or start of any construction, the applicant shall:

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- (a) Execute and deliver to the City a Development Agreement if required pursuant to Subsection 3.10.2;
- (b) Pay the off-site levy or redevelopment levy required by this Bylaw or any other Bylaw of the City; and
- (c) ¹Deliver to the City an Irrevocable Letter of Security, an Irrevocable Letter of Credit or a certified cheque.

3.14.2 The amount of the guaranteed security required by the Development Authority shall depend upon the conditions of the Development Permit for which the security is intended to ensure compliance.

3.14.3 The City shall hold the guaranteed security, without interest payable, until the conditions of the Development Permit have been met to the satisfaction of the Development Authority.

3.14.4 Any guaranteed security shall allow for partial draws by the City, if the conditions of the Development Permit have not been completed to the satisfaction of the Development Authority. The City may draw on a cash security, letter of credit or other security and the amount thereof shall be paid to the City for its use absolutely. All expenses incurred by the City to renew or draw upon any letter of credit or other security shall be reimbursed by the owner or developer to the City by payment of invoice from the proceeds of the security.

3.14.5 In the event that the owner or developer does not complete the required conditions of the Development Permit and the cash or proceeds from the letter of credit are insufficient for the City to complete the required work, should it elect to do so, the owner or developer shall pay any deficiency to the City immediately upon being invoiced.

²3.14.6 Once all conditions of the Development Permit are met, the applicant shall submit a Request for Inspection Form to the City. The securities shall be released once the inspection has been completed by staff, and all required works have been completed to the satisfaction of the City.

3.15 Reapplication for a Development Permit

³3.15.1 When an application for a Development Permit is refused, deemed refused or cancelled by the Development Authority, or upon a refusal from an appeal to the Subdivision and Development Appeal Board, the submission of another application for the same or similar use or development on the same parcel by the same or any other applicant shall

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not be made for a period of six months from the date of issuance of the refusal. If necessary, the determination of what constitutes same or similar use or development shall be at the discretion of the Development Authority.

3.16 Development Appeals

3.16.1 Pursuant to Section 627 and 628 of the MGA, Council shall establish, by Bylaw, a Subdivision and Development Appeal Board.

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³3.16.4 (Deleted)

⁴3.16.5 (Deleted)

⁵3.16.6 An appeal may be launched by filing a notice with the Subdivision and Development Appeal Board that provides the following:

- (a) The legal description of the property and/or the municipal address;
- (b) The address of the appellant;
- (c) The reasons for the appeal and the issue, condition in the decision, or Order that is the subject of the appeal; and
- (d) The fees prescribed by the City of Fort Saskatchewan Fees and Charges Bylaw.

3.17 Court of Appeal

3.17.1 Pursuant to Section 688 of the MGA, an appeal shall be directed to the Court of Appeal on a question of jurisdiction or law with respect to:

- (a) A decision of the Subdivision and Development Appeal Board; or
- (b) The Municipal Government Board on a subdivision appeal.

3.17.2 An application for leave to appeal pursuant to Subsection 3.17.1 above shall be filed and served within 30 days of the issuance of the decision for which an appeal is sought, and notice of the application shall be given to:

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- (a) The Municipal Government Board or the Subdivision and Development Appeal Board and the City; and
- (b) Any other person that the judge directs.