

BYLAW 16-26
A BYLAW IN THE TOWN OF OKOTOKS
IN THE PROVINCE OF ALBERTA
TO AMEND LAND USE BYLAW 17-21

WHEREAS pursuant to the provisions of Part 17, Division 5 of the *Municipal Government Act (MGA)*, RSA 2000 c.M-26, and amendments thereto the Council of the Town of Okotoks (Council) has adopted the Land Use Bylaw 17-21 (Land Use Bylaw); and

WHEREAS Council deems it necessary to amend the Land Use Bylaw; and

WHEREAS notice of the intention of Council to pass a bylaw has been given in accordance with Section 606 of the *MGA*; and

WHEREAS Council has held a public hearing as required by Section 692 of the *MGA*,

NOW THEREFORE Council enacts that the Land Use Bylaw is amended as follows:

1. **Section 5.1 INTERPRETATION** is amended by adding the words "or Accessory" between the words *Primary* and *Building* on the first and fifth line of subsection E.2.
2. **Section 5.6 DEVELOPMENT OFFICER** is amended by adding the following new subsections after subsection C.4:
 - 2.1 C.5. Accepting revised plans for an approved Development Permit without requiring an amendment to the existing approval or new application, if in the opinion of the Development Officer, the original approval is not materially affected and is minor in nature in accordance with Section 5.15.A.28.
 - 2.2 C.6. When a change to an approved Development Permit requires an amendment to the existing approval or a new application.
3. **Section 5.8 APPEALS** is amended by deleting the words "be issued" and replacing them with "become valid" in subsection B.
4. **Section 5.14 DEVELOPMENT PERMITS REQUIRED** is amended by deleting subsection A in its entirety and replacing it with the following:
 - 4.1 A. Except as expressly otherwise provided in the Bylaw, a Development Permit must be issued and become valid, before Development can commence or be allowed to continue.
5. **Section 5.15 DEVELOPMENT PERMITS NOT REQUIRED** is amended by:
 - 5.1. renumbering subsection A.1.c to A.1.d;
 - 5.2. adding a new subsection A.1.c as follows:
 - 5.2.1 A.1.c. Is consistent with an existing Development Permit, if the Structure or Site was subject to one;

- 5.3. deleting the word "a" and replacing it with "an" in subsection A.15;
 - 5.4. deleting the word "released" and replacing it with "issued" in subsection A.15.a;
 - 5.5. deleting subsection A.16 in its entirety and replacing it with "A deck or balcony;"
 - 5.6. adding a new subsection A.17 with the following:
 - 5.6.1 A.17. A Retaining Wall, provided the Retaining Wall:
 - 5.6.1.1 a. is not located within 30 metres of an Escarpment;
 - 5.6.1.2 b. is not more than 1.0 metres at the highest point; and
 - 5.6.1.3 c. was approved as part of a subdivision design.
 - 5.7. renumbering the remaining subsections after A.17;
 - 5.8. adding the following words after *Private Utilities* in subsection A.20 [Renumbered as A.21] ",provided that any above ground structures are no larger than 10 metres squared in cumulative area per Site, and do not exceed the height of the principal building, except antennas affixed to the roof of a Primary or Accessory Building or Structure";
 - 5.9. adding a new subsection A.15.28 and A.15.29 after subsection A.15.26 [Renumbered as A.15.27] as follows:
 - 5.9.1. A.15.28. Minor changes to approved drawings for an existing Development Permit approval provided:
 - 5.9.1.1. a. There is no change to any approved uses on the Site;
 - 5.9.1.2. b. There is no new variance to any standards of this bylaw;
 - 5.9.1.3. c. No new structures, buildings, or additions thereto are proposed that would require a Development Permit on their own; and
 - 5.9.1.4. d. The date of approval of the Development Permit is not more than 2 years from the date of the proposed change; and
 - 5.9.2. A.15.29. Show Homes.
6. **Section 5.16 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS** is amended by:
- 6.1. deleting subsection A.1 in its entirety and replacing it with the following:
 - 6.1.1. A.1. A complete application form, submitted by the applicant, who shall acknowledge on the application form that they are either the registered owner of the subject property or have been authorized by the registered owner to make the application. Proof of such authorization shall be provided upon request by the Development Officer;
 - 6.2. deleting the number "30" and replacing it with "60" in subsection A.3; and
 - 6.3. deleting the words "flood risk area" and replacing it with "Flood Hazard Overlay" in subsection A.8.

7. **Section 5.18 CHANGES TO AN APPROVED DEVELOPMENT PERMIT** is amended by:
 - 7.1. deleting the words "including the Approved Site Plan, Elevation Plans (including signage), Accepted Landscaping Plan (including tree protection plan) and/or Accepted Lighting Plan" from subsection A;
 - 7.2. deleting subsection A.1 in its entirety and replacing it with the following:
 - 7.2.1. A.1 complete application form, submitted by the applicant, who shall acknowledge on the application form that they are either the registered owner of the subject property or have been authorized by the registered owner to make the application. Proof of such authorization shall be provided upon request by the Development Officer;
 - 7.3. deleting the number "30" and replacing it with "60" in subsection A.3;
 - 7.4. deleting subsection A.6 and A.7 in their entirety and renumbering the remaining sections after subsection A.5;
 - 7.5. deleting the words "are generally required for Development Permit applications" from subsection A.8.d [renumbered as A.6.d]; and
 - 7.6. adding a new subsection B as follows:
 - 7.6.1. B. An application for proposed changes to an approved Development Permit can only be made if the original Development Permit was approved within 5 years of the date of application. The Development Officer may accept an application for proposed changes to an approved Development Permit if there is an active Development Agreement in place.
8. **Section 5.23 DECISIONS ON DEVELOPMENT PERMITS** is amended by deleting the words "Development Permit for a" from subsection A, B, C and D.
9. **Section 5.24 CONDITIONS ON DEVELOPMENT PERMITS** is amended by:
 - 9.1. deleting subsection A.8 in its entirety;
 - 9.2. deleting subsection A.5 and renumbering the remaining subsections after subsection A.4; and
 - 9.3. deleting the words "Occupancy or Use Development" and replacing them with "Commencement of Development or Occupancy of the Development" in subsection A.6 [renumbered as A.5].
10. **Section 5.25 ISSUANCE OF DEVELOPMENT PERMITS** is amended by:
 - 10.1. deleting subsection A.1 in its entirety and replacing it with the following:
 - 10.1.1. A.1 Development Permit shall be issued to the applicant on the date it is approved and shall include:
 - 10.1.1.1. a. the Use or Uses that have been approved;
 - 10.1.1.2. b. any Bylaw requirements that were varied;

- 10.1.1.3. c. any conditions of approval;
 - 10.1.1.4. d. the date of decision; and
 - 10.1.1.5. e. the date the permit becomes valid, in accordance with the mandatory appeal period outlined in the *MGA*.
 - 10.2. deleting the word "release" and replacing it with "the valid date" in subsections A.2 and A.3; and
 - 10.3. deleting subsection B and B.1 in its entirety.
11. **Section 5.26 NOTICE OF DECISIONS** is amended by:
- 11.1. deleting the word "NOTICE" and replacing it with "NOTIFICATION" in section 5.26;
 - 11.2. deleting subsection A.1.a in its entirety and renumbering the remaining subsections;
 - 11.3. deleting the words "of over 20 percent of a measurable standard of the Bylaw" from subsections A.2 and A.3;
 - 11.4. deleting subsection A.2.a in its entirety and renumbering the remaining subsections;
 - 11.5. deleting the words "of over 20 percent of a measurable standard" from subsection A.3; and
 - 11.6. deleting the words "provide notice" and replacing it with "issue the applicant a notice outlining the reason(s) for refusal" in subsection B.1.
12. **Section 5.27 REPEAT APPLICATIONS** is amended by deleting the word "for" after the word *refused* in subsection A.

This Bylaw shall come into full force and effect upon third and final reading, and Bylaw 17-21 and any amendments thereto are hereby amended upon this Bylaw coming into effect.

READ A FIRST TIME this 22nd day of June 2026.

READ A SECOND TIME this day of 2026.

READ A THIRD TIME AND PASSED this day of 2026.

Mayor

Chief Administrative Officer

First Reading Version