

CITY OF ST. ALBERT

BYLAW 05/2022

A Bylaw to provide for Neighbourhood Plans

WHEREAS Section 638.2 of the *Municipal Government Act* provides that a municipality may adopt policies that do not form part of a statutory plan bylaw or a land use bylaw but may be considered in making land use planning decisions under Part 17 of the Act;

AND WHEREAS, pursuant to subsection 638.2(1) of the Act, policies dealing with land use or planning matters outside of statutory plans or the land use bylaw may be approved directly by Council by resolution or bylaw, or may be made by a person to whom Council has delegated the authority to make such policies;

AND WHEREAS Council wishes to ensure that its legislative decisions to enact or amend area structure plans and area redevelopment plans remain at a relatively broad and conceptual level, while also recognizing that effective land development or re-development typically requires close attention by developers and City planners to technical details which may need to be revised occasionally as neighbourhoods within the scope of a Statutory Plan are built out and interconnected with each other and with other lands outside the Statutory Plan;

AND WHEREAS Council has made a policy decision that the concept of the Neighbourhood Plan as a technical document approved by the Director of Planning and Development or delegate, supporting and supplementing and consistent with its associated Statutory Plan, should be an integral part of St. Albert's land planning and development process in order to allow technical issues at the neighbourhood level to be addressed effectively without resorting to a more costly and time consuming process of amending a Statutory Plan;

NOW THEREFORE, the Council of the City of St. Albert ENACTS AS FOLLOWS:

TITLE

1. This Bylaw may be referred to as the "Neighbourhood Plan Bylaw".

DEFINITIONS

2. In this Bylaw:
 - a. "Act" means the *Municipal Government Act*, R.S.A., 2000, c.M-26 and amendments thereto;

- b. “Chief Administrative Officer” or “CAO” means the person appointed by Council under the CAO Bylaw and under section 205 of the Act to be chief administrative officer for the City and includes any person to whom the CAO delegates their authority under this bylaw or any person to whom the CAO allows a delegatee to further delegate the CAO’s authority under this bylaw, provided that the CAO may not delegate to the Director the CAO’s authority under section 6 of this bylaw to review a Neighbourhood Plan;
- c. “City” means the municipal corporation of the City of St. Albert, or where the context so requires, the area contained within the boundaries of the City of St. Albert;
- d. “Council” means the municipal Council of the City of St. Albert;
- e. “Director” means the person holding the position of Director of Planning and Development, or their delegate;
- f. “Neighbourhood Plan” means a document that focuses on a geographic area commonly referred to as a neighbourhood, contained within a larger area encompassed by a Statutory Plan, intended to:
 - i. supplement and support the Statutory Plan by bringing technical precision at the neighbourhood level to aspects or elements of the Statutory Plan with particular regard to details such as land use designations, density, transportation and servicing networks and their interconnections with other neighbourhoods or other geographic areas that form part of the same Statutory Plan or other Statutory Plans; and
 - ii. to guide or inform, or become conditions of approval of, redistricting applications and development and subdivision approvals

and includes a Neighbourhood Plan that has been amended by the Director or revised by the CAO under this bylaw.
- g. “Statutory Plan” means an area structure plan or area redevelopment plan as defined in the Act;

DUTIES OF THE DIRECTOR

- 3. The Director is authorized to establish, and amend from time to time as deemed appropriate, Neighbourhood Plans that are consistent with the Statutory Plans they are intended to supplement and support.
- 4. (1) The Director may create a Neighbourhood Plan on the Director’s own initiative or upon the request of a developer or re-developer of lands within the scope of the Neighbourhood Plan.

- (2) The Director may from time to time amend a Neighbourhood Plan on the Director's own initiative or upon the request of a developer or re-developer of lands within the scope of the Neighbourhood Plan.
- (3) Regardless of who initiated the process of creating or amending a Neighbourhood Plan the Director shall consult with known land developers or re-developers in the subject area before creating or amending the content of a Neighbourhood Plan.

GENERAL

5. A Neighbourhood Plan is a policy within the meaning of section 638.2 of the Act and comes into effect only when the publishing requirements of that section have been complied with.
6.
 - (1) There is no appeal from a Director's decision with respect to the content of a Neighbourhood Plan, but a developer or re-developer of lands may make a written request to the Director that a Neighbourhood Plan or amendment to a Neighbourhood Plan be reviewed by the CAO, either before it has been published or within 60 days after the Neighbourhood Plan or amendment thereto has been published.
 - (2) When a request for review of a Neighbourhood Plan is made under subsection 6(1) the CAO shall establish a reasonable time for conducting the review and shall hear from, and accept written submissions from, both the Director and the person requesting the review.
 - (3) Upon conducting a review under subsection 6(2) the CAO is authorized to leave the Neighbourhood Plan unchanged or to make such revisions to the Neighbourhood Plan as the CAO may deem appropriate.
 - (4) Any changes made to a Neighbourhood Plan by the CAO upon review come into effect upon compliance with the publishing requirements of section 638.2 of the Act.
7. Consistent with subsection 638.2(3) of the Act the Director may:
 - a. have regard to a published Neighbourhood Plan in making a recommendation to Council on an application for redistricting; and
 - b. make compliance with a Neighbourhood Plan a condition of a subdivision approval or development permit.

8. If Council amends a Statutory Plan in a way that renders a Neighbourhood Plan intended to supplement and support it inconsistent with the Statutory Plan, the Director shall as soon as practicable thereafter make amendments to the Neighbourhood Plan to restore consistency with the Statutory Plan as amended, and shall ensure that the publishing requirements of section 638.2 of the Act are complied with in respect of the amended Neighbourhood Plan.

9. If Council approves a redistricting of land within the scope of a Neighbourhood Plan that renders the Neighbourhood Plan inconsistent with the redistricting, the Director shall as soon as practicable thereafter make amendments to the Neighbourhood Plan to restore consistency with the redistricting and shall ensure that the publishing requirements of section 638.2 of the Act are complied with in respect of the amended Neighbourhood Plan.

READ a First time this ____ day of _____ 20____.

READ a Second time this ____ day of _____ 20____.

READ a Third time this ____ day of _____ 20____.

SIGNED AND PASSED this ____ day of _____ 20____.

MAYOR

CHIEF LEGISLATIVE OFFICER