

**40 AMENDING THE BYLAW**

**40.1 Bylaw Amendments**

40.1.1 Municipal District of Bighorn Council may amend this Bylaw pursuant to the Act.

40.1.2 Any person may apply to amend this Bylaw pursuant to the Act and Section 40.2 of this Bylaw.

**40.2 Application for Bylaw Amendment**

40.2.1 An application to amend this Bylaw shall include:

- (a) a completed application on the prescribed form;
- (b) a written statement of the nature and reasons of the proposed amendment;
- (c) a statement describing how the Municipal Development Plan, any Area Structure or Redevelopment Plan and other relevant statutory plans affecting the application and this Bylaw have been considered; and
- (d) the application fee.

40.2.2 If the amendment application includes the re-districting of land to a different land use, the following shall also be included:

- (a) a copy of the current certificate of title for the land affected, copies of any restrictive covenant or caveats, or any other documentation satisfactory to the Development Authority verifying the applicant’s legal interest in the land;
- (b) if the applicant is an agent of the landowner, written approval from the landowner verifying the agent’s authority to make application;
- (c) permission for right of entry by a municipal Development Officer or Designated Officer; and
- (d) a map drawn to scale at a standard page size (letter, legal or 11” x 17”), clearly indicating the affected site and its relationship to existing land uses on adjacent properties.

40.2.3 In addition to the above, the applicant may be required to provide the following information:

- (a) a report on the availability as to the quality and quantity of potable water to supply the proposed development;
- (b) a hydrological report on land that is subject to flooding;
- (c) a development impact assessment, including the potential impact of development on wildlife habitat;
- (d) a traffic impact assessment; and
- (e) other such information that may be required at the discretion of the Development Authority.



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40.2.4 Council may require, prior to considering a proposed amendment to this Bylaw, that other plans are prepared in accordance with the Municipality's plan hierarchy.

**40.3 Amendment Process**

40.3.1 Council may, after giving consideration to a bylaw amendment application, give first reading to the Bylaw.

40.3.2 After first reading of an amending bylaw, the date, time and place for a public hearing on the proposed bylaw shall be established.

40.3.3 Advertisement and circulation of the public hearing notice shall be in accordance with the Act and the Municipal Development Plan.

40.3.4 The public hearing shall be conducted in accordance with the Council Procedural Bylaw and the Act.

40.3.5 After considering the Municipal Development Plan, an Area Structure or Redevelopment Plan and/or conceptual scheme affecting the application, representations made at the public hearing, and this Bylaw, Council may:

- (a) approve the proposed Bylaw as it is;
- (b) amend the proposed Bylaw and then approve it;
- (c) refer the proposed Bylaw back to administration for further review and/or changes;
- (d) hold another public hearing for further consideration of the application; or
- (e) refuse the proposed Bylaw as it is.

40.3.6 Where an application for an amendment to this Bylaw has been refused by Council, another application for the same or similar amendment shall not be submitted within 6 months of the date of refusal unless Council directs otherwise.

