

BYLAW NO. 05-2023

A BYLAW OF THE CITY OF LLOYDMINSTER IN THE PROVINCES OF ALBERTA AND SASKATCHEWAN TO AMEND BYLAW 5-2016, BEING THE CITY OF LLOYDMINSTER LAND USE BYLAW

WHEREAS *The Lloydminster Charter* provides authority to City Council to amend bylaws;

NOW THEREFORE the Council of the City of Lloydminster deems it necessary to amend Bylaw 5-2016 the City of Lloydminster Land Use Bylaw; and

NOW THEREFORE, the Council of the City of Lloydminster, pursuant to the authority granted in *The Lloydminster Charter*, enacts as follows:

1. SHORT TITLE

1.1. This Bylaw shall be cited as the Land Use Bylaw Amending Bylaw.

2. AMENDMENT

2.1. Bylaw No. 5-2016 is hereby amended in the following manner:

- That a new Section be inserted after 2.16.6 as follows:

"2.16.7 The Development Officer may require, as a condition of issuing a Development Permit, that a developer, applicant, and/or owner repair or reinstate, or to pay for the repair or reinstatement of, to original condition, any street furniture, curbing, sidewalk, road surface, landscaping, tree planting, curb cock, fencing, or any other property owned or occupied by the City which is damaged, destroyed or otherwise disturbed by development or construction upon the Site, in accordance with any policy established by the City from time to time."

- That Section 4.12.18 be deleted in its entirety and replaced with the following:

"4.12.18 If any Landscaping does not survive the two (2) year maintenance period and is not replaced within one (1) year, the City may replace the Landscaping by drawing on the security deposit pursuant to Section 4.12.22. If any damages pursuant to Section 2.16.7 are not repaired within four (4) weeks of notification, the City may repair the damages by drawing on the same deposit."

- That Section 4.12.19 be deleted in its entirety and replaced with the following:

"4.12.19 Where financial security has been collected by the City, the Landscaping shall be completed in accordance with the approved plan within one (1) year of the completion of the Development. Where no security has been collected by the City, the Landscaping shall be completed within two (2) years from the date of the Occupancy Permit."

- That Section 4.12.22 be deleted in its entirety and replaced with the following:



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"4.12.22 The applicant may be required, at the discretion of the Development Officer and as a condition of the Development Permit approval, to provide to the City either a certified cheque or an Irrevocable Letter of Credit equal to 100% of the costs of the required Landscaping. The amount shall be based on the approved Landscape plan and be estimated by the Owner or Owner's representative. The estimated cost is subject to review and increase by the Development Officer if the amount is deemed to be insufficient. The amount shall include, but is not limited to, the cost of the following:

- a. Rough grading of Landscape area;
- b. Minimum of 150 mm depth of topsoil and sod or seed;
- c. Preparation of planting beds;
- d. Preparation of hard surfacing and parking areas;
- e. Trees and shrubs in accordance with this section; and
- f. Damages that may be caused in the course of construction or landscaping."

- That Section 4.12.23 be deleted in its entirety and replaced with the following:

"4.12.23 The conditions upon which the security is held by the City shall be:

- i. 80% of the Letter of Credit, to an amount of not less than \$5,000, will be released upon issuance of a Construction Completion Certificate with respect to the Landscaping;
- ii. The balance of the Letter of Credit to be released as provided in Section 4.12.23.vi;
- iii. The applicant shall replace all required Landscaping that does not survive the two (2) year period following issue of Construction Completion Certificate, with a suitable, similar material;
- iv. If the Landscaping is not completed in two (2) years of the date the Development Permit is issued, then the proceeds of the Letter of Credit shall be used by the City to undertake the Landscaping. If such amount shall be insufficient to cover the cost of the work the deficiency shall be a debt due from the developer to the City;
- v. If property owned or occupied by the City was found to be damaged, destroyed, or otherwise disturbed by development or construction upon the Site, and the Owner fails to repair said damage within four (4) weeks of notification to repair the same, then the proceeds of the Letter of Credit shall be used by the City to undertake the repairs. If such amount shall be insufficient to cover the cost of the work the deficiency shall be a debt due from the developer to the City; and



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vi. Upon application by the Owner or the Owner’s representative, a Letter of Credit shall be fully released if:

- a. the required Landscaping has been well maintained and is a healthy condition after two growing seasons; and
- b. no property owned or occupied by the City was found to be damaged, destroyed, or otherwise disturbed by development or construction upon the Site.”

• That a new Section be inserted after Section 4.12.24 as follows:

“4.12.25 If any amount owing to the City pursuant to Sections 4.12.23.iv and 4.12.23.v is unpaid within thirty (30) days, the City shall cause the costs and expenses incurred in doing so to be placed against the tax roll of the property concerned.”

3. NUMBER AND GENDER REFERENCES

3.1. All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

4. SEVERABILITY

4.1. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

This Bylaw shall come into force and effect upon the final passing thereof.

INTRODUCED AND READ a first time this 27th day of February, 2023, A.D.


PUBLIC HEARING held this 3rd day of April, 2023, A.D.

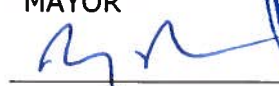
READ a second time this 3rd day of April, 2023, A.D.

READ a third time this 3rd day of April, 2023, A.D.

April 3, 2023
Date Signed

April 3, 2023
Date Signed


MAYOR


CITY CLERK

