

# LAND USE PROCEDURES BYLAW UPDATE

Committee of the Whole Meeting

May 2, 2019



## Purpose

To present Council with information, analysis and recommendations regarding a number of revisions and clarifying amendments to the *Land Use Procedures Bylaw*.



Proposed Amendments to Land Use Procedures Bylaw No. 16-028

## Background

- Staff bring forward recommended minor changes to improve the Land Use Procedures Bylaw for Council's consideration from time to time.
- The improvements that are the subject of this report have been identified by staff through day-to-day application processing.



Proposed Amendments to Land Use Procedures Bylaw No. 16-028

## Proposed Amendments

1. Clarify Zoning Definition:
  - That the Zoning Regulation Bylaw and the Zoning Bylaw 2018 are subject to this bylaw.



Proposed Amendments to Land Use Procedures Bylaw No. 16-028

## Proposed Amendments (cont'd)

2. Adjust Timing for Application Refunds:
  - A 90% refund would be available until 15 business days after application submission and a 75% refund would be available until 40 business days after application submission.



Proposed Amendments to Land Use Procedures Bylaw No. 16-028

## Proposed Amendments (cont'd)

3. Clarify that Defeated Motions Decline Applications:
  - If a motion to approve a development application is defeated by a vote of Council, the application is not approved and is considered closed.



Proposed Amendments to Land Use Procedures Bylaw No. 16-028

## Proposed Amendments (cont'd)

### 4. Signage for City-Initiated Applications:

- Signs would not be required for City-initiated development applications regardless of application type or number of parcels.



Proposed Amendments to Land Use Procedures Bylaw No. 16-028

## Proposed Amendments (cont'd)

### 5. Delegation of Encroachment Agreements:

- All encroachment agreements would be delegated to staff regardless of whether the proposed development requires approvals by Council or approvals that are delegated to staff.



Proposed Amendments to Land Use Procedures Bylaw No. 16-028

## Proposed Amendments (cont'd)

### 6. Clarify Variance Application Fees:

- Fees for variances are payable on a one-time basis.



Proposed Amendments to Land Use Procedures Bylaw No. 16-028

## Proposed Amendments (cont'd)

### 7. Clarify Heritage Alteration Permit Fees for Single Family Dwellings and Duplexes:

- No base fee is required for a Heritage Alteration Permit for a single family dwelling or duplex regardless of whether the application requires Council approval or if it is delegated to staff.



Proposed Amendments to Land Use Procedures Bylaw No. 16-028

## Proposed Amendments (cont'd)

### 8. Clarify When Resubmission Fee is Required:

- No resubmission fee is required when an applicant resubmits plans in response to staff comments.



Proposed Amendments to Land Use Procedures Bylaw No. 16-028

## Proposed Amendments (cont'd)

### 9. Procedures for Posting Signs:

- Staff would specify the number and location of notice signs taking into account the site configuration and visibility to the public.



Proposed Amendments to Land Use Procedures Bylaw No. 16-028

## Proposed Amendments (cont'd)

### 10. Add Row Numbers to the Delegated Approval Table:

- Row numbers would be added to the table in Schedule D for ease of reference.



Proposed Amendments to Land Use Procedures Bylaw No. 16-028

## Proposed Amendments (cont'd)

### 11. Development Permit Area 15F: Intensive Residential – Attached Residential Development would be added to the Delegated Approval Table in Schedule D, which would delegate the following permit types to staff for approval:

- Development Permits for an accessory building or buildings.
- Development Permits or Heritage Alteration Permits for landscaping changes where there is an approved Development Permit or Heritage Alteration Permit where no occupancy permit has been issued.



Proposed Amendments to Land Use Procedures Bylaw No. 16-028

## Proposed Amendments (cont'd)

12. Clarify that Delegated Approvals would not Impermissibly Vary the Use:

- Uses in the zoning are not impermissibly varied when considering development permits (Schedule D).



Proposed Amendments to Land Use Procedures Bylaw No. 16-028

## Proposed Amendments (cont'd)

13. Delegated Development Permits with Variances for Parking:

- Staff would be delegated authority to issue development permits with variances that propose a new use which requires no more than 5 additional motor vehicle parking stalls, even if the total variance for the building exceeds 5 motor vehicle parking stalls due to a lawful non-conformity.



Proposed Amendments to Land Use Procedures Bylaw No. 16-028



## Proposed Amendments (cont'd)

### 14. Clarify Landscaping Estimates:

- The costs to be included in landscaping security estimates.



Proposed Amendments to Land Use Procedures Bylaw No. 16-028

## Recommendation

That Council give first, second and third readings for the attached Land Use Procedures Bylaw amendments which would clarify and/or revise the following:

1. The Zoning Regulation Bylaw and the Zoning Bylaw 2018 are subject to this bylaw.
2. A 90% refund is available until 15 business days after application submission and a 75% refund is available until 40 business days after application submission.
3. If a motion to approve a development application is defeated by a vote of Council, the application is not approved and is considered closed.
4. Signs are not required for any City-initiated development applications regardless of application type or number of parcels.
5. All encroachment agreements are delegated to staff regardless of whether the proposed development requires approvals by Council or approvals that are delegated to staff.
6. Fees for variances are payable on a one-time basis.
7. No base fee is required for a Heritage Alteration Permit for a single family dwelling or duplex regardless of whether the application requires Council approval or if it is delegated to staff.



Proposed Amendments to Land Use Procedures Bylaw No. 16-028

## Recommendation (cont'd)

8. No resubmission fee is required when an applicant resubmits plans in response to staff comments.
9. Staff may specify the number and location of notice signs taking into account the site configuration and visibility to the public.
10. Addition of row numbers to the table in Schedule D for ease of reference.
11. Addition of Development Permit Area 15F: Intensive Residential – Attached Residential Development to the table in Schedule D.
12. Uses in the zoning would not be impermissibly varied when considering development permits (Schedule D).
13. Staff are delegated authority to issue development permits with variances that propose a new use which requires no more than 5 additional motor vehicle parking stalls, even if the total variance for the building exceeds 5 motor vehicle parking stalls due to a lawful non-conformity.
14. The costs to be included in landscaping security estimates.

