

LAND USE BYLAW AMENDMENTS
PROCESS/GUIDELINES
(NEW FEE SCHEDULE – EFFECTIVE JANUARY 1, 2019)

1. **Introduction**

All amendments to the Land Use Bylaw shall be made by an amending Bylaw in accordance with the *Municipal Government Act*.

2. **Applicant**

City Council may initiate amendments to the Land Use Bylaw, or any person may apply for an amendment. However, no person, other than the owner of a site, his authorized agent, or any person who has a legal or equitable interest in a site may apply to have the district designation of a site amended.

3. **Method of Application**

(1) An application on the prescribed form shall be submitted to the City Clerk Department in duplicate and shall be accompanied by:

- (a) a statement of the reasons for the application;
- (b) payment of fee includes the 5% E-Permit surcharge:
 - (i) Text Amendment or Direct Control (DC) Rezoning – **\$6,034.90**
 - (ii) Rezoning – **\$4,665.40**

and

- (c) in the case of an application to amend the district designation of a site:
 - (i) a copy of the certificate of title for the site issued no more than 30 days prior to the date of the application,
 - (ii) evidence satisfactory to the City Clerk that the application is authorized by the registered owner of the site if the registered owner is not the applicant,
 - (iii) a map of an appropriate scale indicating the location of the site and its relationship to existing land uses and developments within 60m of the boundaries of the site, and
 - (iv) where an application is for a redesignation to DC - Direct Control District, the reasons why particular control should be exercised over the site and why another district designation is not appropriate.

Applicants who dispute a fee may request a review by the General Manager of Planning and Development Services. The decision of the General Manager may be appealed to the Chief Administrative Officer (CAO). The Decision of the CAO will be final and binding.

4. **Applications Procedure**

(1) An application to amend the Land Use Bylaw shall be referred by the City Clerk to the Municipal Planning Commission and the General Manager of Planning and Development Services for comments.

In addition, the City Solicitor Department will arrange for the preparation of the appropriate amending Bylaw and its presentation to City Council for First Reading.

- (2) After the proposed amending Bylaw receives First Reading, the City Clerk shall forthwith cause to be published, in the local newspaper as required by the Municipal Government Act, a notice of the proposed amendment stating:
- (a) The legal description of the land,
 - (b) The civic address of the property,
 - (c) The purpose of the proposed amending Bylaw,
 - (d) The one or more places where a copy of the proposed amending Bylaw may be inspected by the public during reasonable hours,
 - (e) The one or more dates, places and times that City Council will hold a Public Hearing on the proposed amending Bylaw, which shall be at least five (5) days before the Public Hearing,
 - (f) An outline of the procedure to be followed by anyone wishing to be heard at the Public Hearing, and
 - (g) In addition to the legal advertising, written notice as required by the Municipal Government Act will be given to the assessed owner of the land involved as well as to each owner of adjacent land.

5. **Public Notice and Hearing**

- (1) City Council shall hold the Public Hearing at the time and place stated in the Public Notice, at which it may hear:
- (a) The applicant or a person acting for the applicant,
 - (b) Any person who claims to be affected by the proposed amending Bylaw,
 - (c) Any other person that City Council agrees to hear, and
 - (d) Public Notice and Hearing of Land Use Bylaw amendments shall be conducted in accordance with the Municipal Government Act.

6. **City Council Decision**

- (1) City Council, after considering the submissions made at the Public Hearing by various parties pertaining to the amending Bylaw, may at its sole discretion:
- (a) approve the amending Bylaw,
 - (b) approve the amending Bylaw with conditions, or
 - (c) refuse the amendment to the Bylaw.
- (2) Where City Council is of the opinion that the amendment is applicable to and for the benefit of the community at large, City Council may direct that the fee be returned to the applicant.

7. **Re-Application**

When an application for a change in the district designation of a site has been refused by City Council, another application for the same or similar change in the district designation of the site may not be made by the same or any other applicant until six (6) months after the date of the refusal of the application.

