

NO: R171

COUNCIL DATE: **July 27, 2015**

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## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **July 27, 2015**

FROM: **General Manager, Planning and Development**

FILE: **6520-20 (Kwomais Point Park)**

SUBJECT: **Kwomais Point Park Neighbourhood**

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## RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information; and
2. Authorize the extension of the period for withholding approval of building permit applications, which conflict with a rezoning proposal for the Kwomais Point Park neighbourhood that is currently under consideration, for a further 60 days in accordance with Section 929 of the *Local Government Act*.

## DISCUSSION

At its Regular Council – Public Hearing Meeting on June 29, 2015, Council considered Corporate Report No. R142;2015, titled "Kwomais Point Park Neighbourhood – Request for Zoning Changes" and endorsed a neighbourhood consultation process (RES.R15-1192) to determine the level of support for a proposed down-zoning of the subject neighbourhood, from Single Family Residential (RF) Zone to Comprehensive Development (CD) Zone, to limit the size and height of homes that are constructed in the neighbourhood. A survey of all property owners in the area will be undertaken for receiving indications of support or opposition to the proposed neighbourhood-wide rezoning to the CD zone. During this process, a building permit application was received by the City that conflicts with the proposed CD zone.

Section 929 of the *Local Government Act*, authorizes the City to withhold the approval of building permits for a period of 30 days, beginning on the day an application for the permit was made, where there is a conflict between a development proposed in a building permit application and a plan (such as a rezoning) that is under consideration by the City. If a local government passes a second resolution, the building permit application may be withheld for a further 60 days while the rezoning by-law is being considered by Council.

As the planning process for the proposed down-zoning of the Kwomais Point Park neighbourhood is in progress, it is appropriate for Council to adopt a resolution to extend the period of withholding building permit application approvals that conflict with the proposed rezoning for a further 60 days. The 60 day extension period will allow enough time to complete the

neighbourhood consultation process and prepare a report with recommendations for Council's consideration.

### **Legal Services Review**

Legal Services has reviewed this report and its recommendations and has no concerns.

### **CONCLUSION**

Based on the above discussion it is recommended that Council authorize the extension of the period for withholding approval of building permit applications, which conflict with a rezoning proposal under consideration by the City for the Kwomais Point Park neighbourhood, for a further 60 days in accordance with Section 929 of the *Local Government Act*.

*Original signed by*  
Jean Lamontagne  
General Manager,  
Planning and Development

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