



Corporate

NO: R142

Report

COUNCIL DATE: July 8, 2002

REGULAR COUNCIL			
TO:	Mayor & Council	DATE:	July 2, 2002
FROM:	General Manager, Planning & Development	FILE:	6645-01
SUBJECT:	Proposed Revisions to Development Permit, Development Variance Permit and Temporary Use Permit Forms		

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Approve the amendments to the Development Application Procedure By-law, 1997, No. 13196 by deleting the current Schedules B, C and D and replacing them with new Schedules B, C and D, attached to this report as Appendix I; and
2. Authorize the Acting City Clerk to bring forward the necessary amendment by-law.

INTENT

The purpose of this report is to obtain Council approval for revisions to the City's standard Development Permit, Development Variance Permit and Temporary Use Permit forms.

BACKGROUND

Section 928(4) of the *Local Government Act* stipulates that a local government may, by by-law, designate the forms used for Development Permits, Development Variance Permits and Temporary Use Permits.

In 1997, City Council adopted a Development Application Procedure By-law that included the forms for Land Development Applications, Development Permits, Development Variance Permits and Temporary Use Permits. Since 1997, the Planning and Development Department has implemented a number of new land development

application review processes, Council has adopted a number of policy changes and the name of the *Municipal Act* has changed to the *Local Government Act*, each of which contribute to the need to modify the current Development Permit, Development Variance Permit and Temporary Use Permit forms.

DISCUSSION

The forms have been revised to make them simpler and easier to understand, to address changes in policy, to resolve current problems associated with the sequencing of approvals and to ensure that the wording of the Permits is consistent with the *Local Government Act*. All of the proposed changes have been reviewed by the Assistant City Solicitor and are found to be satisfactory. The following provides a brief description of the proposed modifications:

Change of Legal Description

When City Council issues a DP or DVP, as part of a land development project, the Clerk's Office ensures that the DP or DVP is signed by the Mayor and City Clerk and then apprises the Land Title Office to place a notation on the title of the subject lot (or lots).

In many circumstances, the DP and/or DVP being issued by City Council applies to a new legal lot proposed to be created as part of the land development project, rather than to the parent parcel from which the new lot is being created. The City's practise has been to withhold the execution of the Permit until the proposed lot is created and the new legal description is established. The Assistant City Solicitor advises that this practice needs to be adopted by Council. On this basis, both the proposed DP form and the proposed DVP form have been changed by adding a new clause that allows the City to insert a new legal description after the DP or DVP has been issued.

Deposit of Landscaping Security at Building Permit Stage

In accordance with the policy adopted by Council, the developer submits landscaping security at the Building Permit stage rather than at DP or DVP issuance stage, as was the case in the past. Both the proposed DP and DVP forms have been amended to reflect this policy change.

Limited Application of Permit

In some cases, the DP or DVP being issued applies to only one of several buildings on a lot or to a new building or building(s) proposed to be constructed on the lot. Both the proposed DP and DVP forms have been amended to allow the DP or DVP to apply to specific areas of a lot, rather than to the entire lot and to specific buildings, both existing and proposed, on a lot.

DVP Expiry Date

As part of their land development application, developers often request variances to City By-laws or to Land Use Contracts. The issuance of a DVP by Council, early in the land development application process, provides a level of assurance to the developer that Council supports the proposed development which, in turn, enables developers to proceed with the completion of a servicing agreement and the fulfilment of all other conditions of approval.

In accordance with the provisions of the *Local Government Act*, a DVP expires two years after it is issued,

unless the construction permitted by the DVP is substantially commenced within that two year time period. In some cases, more than two years is required to complete the servicing agreement and fulfil all conditions of approval during which time the DVP approval expires because construction of the project has not commenced. The applicant is then faced with the requirement of submitting a new DVP application and repeating the DVP approval process.

To eliminate the need for this duplication of process, in relation to some aspects of a specific project, the terms of the DVP form are proposed to be revised, such that a DVP will not expire if construction is commenced within, either two years from the date a DP associated with the project is issued, or until a subdivision associated with the project is registered at the Land Title Office. To ensure that the DVP is not held in abeyance indefinitely, it is proposed that the form include a condition that the DVP will expire if the subdivision associated with the DVP is not registered at the Land Title Office within three years of the date the DVP is issued.

CONCLUSION

In 1997, City Council adopted a new Development Application Procedure By-law that included DP, DVP and TUP forms. Since that time, the City has implemented a number of policy changes and the *Local Government Act* has been amended, all of which have brought about the need to amend the wording of the standard DP, DVP and TUP forms. This report documents revisions that are proposed to the subject forms. It is recommended that Council approve the revised DP, DVP and TUP forms, as documented in Appendix I and authorize the Acting City Clerk to introduce the necessary amendment by-law.

Murray D. Dinwoodie
General Manager
Planning and Development Department

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c.c. City Solicitor
Acting City Clerk

Attachment

Appendix I – Proposed DP, DVP, and TUP Forms

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