

## Bylaw 18305

### Text Amendment to Zoning Bylaw 12800 - Implementation of Mandatory Municipal Government Act Changes to Subdivision and Development Permit Application Requirements

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#### Purpose

To amend Zoning Bylaw 12800 in order to implement recent *Municipal Government Act* changes pertaining to the review and communication requirements for development permit and subdivision applications.

#### Readings

Bylaw 18305 is ready for three readings after the public hearing has been held. If Council wishes to give three readings during a single meeting, Council must unanimously agree "That Bylaw 18305 be considered for third reading."

#### Advertising and Signing

This Bylaw has been advertised in the Edmonton Journal on Friday, February 9, 2018, and Saturday, February 17, 2018. The Bylaw can be passed following third reading.

#### Position of Administration

Administration supports this Bylaw.

#### Report

The Government of Alberta recently completed a comprehensive review and amendment of the *Municipal Government Act*, with the majority of changes coming into force on October 26, 2017. As a result of these changes, text amendments are now required in order to bring Zoning Bylaw 12800 into compliance with the *Municipal Government Act*.

The proposed amendments address five key changes to the *Municipal Government Act*.

- The first change relates to how the City communicates with applicants at the intake and decision stages of development permit and subdivision applications. The *Municipal Government Act* now requires the City to set a timeframe to determine application completeness and to notify the applicant accordingly. The proposed amendments to Zoning Bylaw 12800 would implement the 20 day period set by the *Municipal Government Act*. It is anticipated that notifications will be provided more quickly for the majority of applications, however this timeline accounts for complex applications that may require additional upfront review. The notification to the applicant will either indicate the application is complete, or identify the missing pieces of information and set a date within which the information is to be provided for the application to be considered complete.

Failure to submit the information within the specified timeframe may result in the application's refusal.

In order to accommodate this requirement, greater clarity in Zoning Bylaw 12800 is required to define what is meant by a complete development permit application. Currently Zoning Bylaw 12800 specifies when an application has been received, but not when it is considered complete. Therefore amendments to Zoning Bylaw 12800 are proposed that would clearly differentiate between when an application is considered to have been received, and when it can be considered complete.

- The second change *Municipal Government Act* change is also related to application completeness. If an application is deemed refused on the basis that it is incomplete, the applicant will not have to wait before re-applying for the same development on the same site. The proposed amendments to Zoning Bylaw 12800 would implement this change.
- The third *Municipal Government Act* change pertains to the applicant's ability to request that their development permit application be refused if a decision is not made within a specified time period. Zoning Bylaw 12800 currently defines this time period as 40 days, measured from the time an application is received. However, along with the new communication requirements outlined in the first bullet above, the *Municipal Government Act* now requires that the 40 days be measured beginning on the date the applicant receives acknowledgement that their application is complete. This is reflected in the proposed amendments to Zoning Bylaw 12800.
- The fourth *Municipal Government Act* change requires the City to send notice of the development permit decision to the applicant on the same day the decision is made. In order to meet this requirement, the amendments propose to allow notification of the decision to be sent to the applicant by electronic mail, a method that has been enabled by the recent changes to the *Municipal Government Act*. The proposed amendments to Zoning Bylaw 12800 will also allow application completeness notifications and requests for further information to be sent by electronic mail, which will ensure logistical efficiencies and avoid the added cost of communicating by ordinary mail.

The proposed amendments do not change the requirement for the City to send notices by regular mail to property owners within 60 metres of a discretionary development permit or subdivisions, or to adjacent neighbours of Class A development in the mature neighbourhoods. These parties will continue to receive notices by regular mail.

- The fifth *Municipal Government Act* change extends the appeal period from 14 days to 21 days on a discretionary development permit and creates a different point of reference for how to measure the appeal period. An applicant's appeal period now begins on the date a decision was made, while the appeal period for an affected party will continue to be measured from the point in time when the notice of the development permit decision was given. The proposed amendments

to Zoning Bylaw 12800 implement this new timeline and reference points for its measurement, as set out in the revised *Municipal Government Act*.

The Bylaw is proposed to go into effect May 1, 2018. This delayed effective date will ensure internal processes can be put in place to deliver the new requirements in an efficient way.

The proposed amendments will bring Zoning Bylaw 12800 into compliance with the *Municipal Government Act* and minimize any costs associated with the new requirements by making use of new electronic notification options.

### Corporate Outcomes

#### Corporate Outcome: The City of Edmonton has a resilient financial position

Outcome	Measure	Result	Target
Zoning Bylaw 12800 is in legal compliance with Provincial legislation	Legal conformance with legislation	Reduced legal risk	No legal challenges related to procedures required by the changes to the Municipal Government Act

### Public Consultation

Public engagement was not undertaken for this text amendment, as the amendment is an administrative requirement of the *Municipal Government Act*. The report was circulated for information to the following groups:

- Urban Development Institute,
- Canadian Home Builders' Association,
- Infill Development in Edmonton Association,
- Commercial Real Estate Development Association,
- Edmonton Federation of Community Leagues, and
- Representatives of the sign industries.

### Attachments

1. Bylaw 18305
2. Mark-up of Proposed Text Amendment to Zoning Bylaw 12800