

Markup of Proposed Text Amendment to Zoning Bylaw 12800

Black Font Existing Text in Zoning Bylaw 12800
~~Strikethrough:~~ Proposed deletion from Zoning Bylaw 12800
Underline: Proposed addition to Zoning Bylaw 12800

11. ~~Authority and Responsibility of the Development Officer~~ and Subdivision Authority

11.1 Duties with Respect to Development Activities

1. The Development Officer shall receive all applications for development and:
 - b. shall review each Development Permit Application to ascertain whether it is complete in accordance with the information requirements and section 11.2 of this Bylaw, and shall, if the application complies with such requirements, enter the application in the register of applications;
 - e. shall approve, without conditions, or with such conditions as required to ensure compliance, an application for development of a Permitted Use provided the development complies with the regulations of this Bylaw, or shall refuse an application for development of a Permitted Use if the development does not comply with the regulations of this Bylaw, unless the Development Officer uses discretion pursuant to Sections 11.~~23~~ and 11.~~34~~ of this Bylaw;
 - f. may relax a regulation in a Zone or other Section of this Bylaw in accordance with the regulations contained in that Zone or Section, or may relax regulations in accordance with Sections 11.~~23~~ and 11.~~34~~, and in such case, the development applied for shall be a Class B Discretionary Development;
 - i. shall give notice of their decision on applications for development as follows:

Rationale	
	New wording provides clarity on the scope of this section
	Updated reference provided.
	Correct references provided.

- i. where an application has been approved, public notification shall be given in accordance with Section 20 of this Bylaw and notice to the applicant shall be given in writing ~~by ordinary mail~~;
- ii. where an application has been refused, notice in writing shall be given to the applicant, ~~by ordinary mail~~, and such notice shall state the reason for refusal; and
- iii. shall in the case of a Development Permit for a Temporary Sign, specify the length of time that the Development Permit remains in effect in accordance with the time limitations for such Signs set out in Section 59 of this Bylaw.

(Add the following as a new section 11.2 and renumber accordingly)

11.2 Determining Complete Development Applications

- 1. Unless extended by an agreement in writing between the applicant and the Development Officer, the Development Officer shall within 20 days after receipt of an application for development:
 - a. issue a written acknowledgment to the applicant advising that the application is complete; or
 - b. issue a written notice to the applicant advising that the application is incomplete, listing the documentation and information that is still required, and setting a date by which the required documentation and information must be submitted.
- 2. If the required documentation and information is not provided by the date set in the notice issued pursuant to section 11.2(1)(b), the Development Officer shall issue a written notice to the applicant stating that the application has been refused and the reason for the refusal.

The Municipal Government Act and proposed new subsection 11.7 now allow notification to be sent by electronic means.

This wording reflects the provisions of the Municipal Government Act

- 3. Upon receipt of the required documentation and information by the date set in the notice issued pursuant to section 11.2(1)(b), the Development Officer shall issue a written acknowledgment to the applicant advising that the application is complete.
- 4. Notwithstanding the issuance of a written acknowledgement issued pursuant to sections 11.2(1)(a) and 11.2(3), the Development Officer may request additional information or documentation from the applicant that the Development Officer considers necessary to review the application.

11.34 Limitation of Variance

- 1. In approving a Development Permit Application pursuant to Section 11.23, the Development Officer shall adhere to the following:

(Add the following at the end of section 11)

11.6 Determining Complete Subdivision Applications

- 1. Unless extended by an agreement in writing between the applicant and the Subdivision Authority, the Subdivision Authority shall within 20 days after receipt of an application for the subdivision of land:
 - a. issue a written acknowledgment to the applicant advising that the application is complete; or
 - b. issue a written notice to the applicant advising that the application is incomplete, listing the documentation and information that is still required, and setting a date by which the required documentation and information must be submitted.
- 2. If the required documentation and information is not provided by the date set in the notice issued pursuant to section 11.6(1)(b), the Subdivision Authority shall issue a written notice

Updated reference.

to the applicant stating that the application has been refused and the reason for the refusal.

3. Upon receipt of the required documentation and information by the date set in the notice issued pursuant to section 11.6(1)(b), the Subdivision Authority shall issue a written acknowledgment to the applicant advising that the application is complete.
4. Notwithstanding the issuance of a written acknowledgement issued pursuant to sections 11.6(1)(a) and 11.6(3), the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

11.7 Form and Electronic Means

1. Any notice or acknowledgment issued pursuant to section 11.2 and 11.6 shall include:
 - a. the date of issuance of the notice or acknowledgment;
 - b. contact information for the City;
 - c. the municipal address of the property subject to the application;
 - d. the City file number for the application; and
 - e. any other information at the discretion of the Development Officer or the Subdivision Authority.
2. Any notice or acknowledgment issued pursuant to section 11.2 and 11.6 may be sent by electronic means.

12. Development Classes

12.2 No Development Permit Required

Municipal Government Act enables the municipality to send required documents by electronic means.

- 1. A Development Permit is not required for:
 - s. the following Signs or activities:
 - xiii. any Development Permit Notification Sign required by Section 20.~~26~~ of this Bylaw;

Reference renumbered to correspond with proposed change to section 20.

13. Development Permit Application

13.1 General Conditions

- ~~1. For the purposes of subsection 16(1) of this Bylaw, applications for a Development Permit are not received until the applicant has:
 - a. submitted all information required pursuant to Sections 13 and Section 14 of this Bylaw;
 - b. submitted any information specifically required pursuant to the regulations of the applicable Zone or any other Section of this Bylaw; and
 - c. paid the appropriate fee as determined by City Council.~~
- 1. For the purposes of section 11.2 of this Bylaw,
 - a. applications for a Development Permit are not received until the City has accepted an application for development and the applicant has paid the appropriate fee as determined by City Council; and
 - b. applications for a Development Permit are not complete until the applicant has:
 - i. submitted all information required pursuant to Section 13 of this Bylaw; and
 - ii. submitted any information specifically required pursuant to the regulations of the applicable Zone or any other Section of this Bylaw, including any special

Due to the new Municipal Government Act requirement regarding application completeness, as reflected in proposed new section 11.2, it is necessary to clearly differentiate between the time an application is received and the time an application is acknowledged to be complete.

information required by the Development Officer pursuant to Section 14 of this Bylaw.

- 2. Notwithstanding subsection 13.1(1)(b) above, the Development Officer may consider an application if the development is of such a nature as to enable a decision to be made on the application without all of the information required in this Section.

15. Conditions Attached to Development Permit

- 9. The Development Officer may, as a condition of issuing a Development Permit, require that an applicant post a minimum of one Development Permit notification sign on Site in accordance with Section 20.56 of this Bylaw.

16. Decisions on Development Permit Applications

- 1. If the Development Officer does not make a decision on an application for a Development Permit within 40 days after the applicant's receipt of an acknowledgment that the application is complete in accordance with Section 11.2 of this Bylaw, the ~~An~~ application shall, at the option of the applicant, be deemed to be refused ~~if a decision of the Development Officer has not been made within 40 days of the receipt of the application.~~

18. Resubmission Interval

- 2. Subsection 18(1) shall not apply in the case of the following:
 - a. an application for a Permitted Use or a Use listed in a Direct Control Provision, if the application complies with all the regulations of this Bylaw; or
 - b. an application that has been deemed refused pursuant to section 11.2 of this Bylaw.

Reference renumbered to correspond with proposed change to section 20.

Section 16 revised for consistency with Municipal Government Act.

Municipal Government Act does not allow a municipality to impose a resubmission interval on a deemed refused application.

20. Notification of Development Permit Decisions

20.1 Approved Development Permit Applications

1. On the same day of the issuance of a Development Permit, the Development Officer shall dispatch a written notice to the applicant describing the development and stating the Development Officer's decision and the date of the decision. This notice may be sent by electronic means.

20.12 Class A Permitted Development

- ~~1. Within seven days of the issuance of a Development Permit for a Class A Permitted Development, the Development Officer shall dispatch a written notice describing the development and stating the Development Officer's decision, by ordinary mail to the applicant of the Development Permit.~~

21. For all lands in Residential Zones within the Mature Neighbourhood Overlay as shown in Appendix I to Section 814, and Established Neighbourhoods as identified in Edmonton's The Way We Grow: Municipal Development Plan, Bylaw 15100, Maps:

- a. within seven days of the issuance of a Development Permit for a Class A Permitted Development, the Development Officer shall send notice of their decision to the municipal address and assessed owners of the land Abutting and directly adjacent across a Lane from the Site which is the subject of the Development Permit for construction of, and any demolition associated with new:
 - i. Apartment Housing, Duplex Housing, Garden Suite, Row Housing, Semi-detached Housing, Single Detached Housing, or Stacked Row Housing.

20.23 Class B Discretionary Development

Municipal Government Act requires that notice of a development permit decision be sent to the applicant on the same day as the decision, and may be sent by electronic means.

Deleted to eliminate redundancy with the addition of new subsection 20.1(1). Numbering updated accordingly

1. Within seven days of the issuance of a Development Permit for a Class B Discretionary Development, the Development Officer shall dispatch a written notice by ordinary mail to all relevant parties listed below that are wholly or partially within 60.0 m of the boundaries of the Site which is the subject of the Development Permit:
 - a. each assessed owner of the Site or a part of the Site of the development;
 - b. each assessed owner of land;
 - c. the President of each Community League; and
 - d. the President of each Business Revitalization Zone.
2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.
3. Within 10 days of the issuance of a Development Permit for Class B Discretionary Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating their decision, and the right to appeal therefrom.
4. Where, in the opinion of the Development Officer, a proposed development is likely to affect other owners of land beyond 60.0 m, the Development Officer shall notify owners of land at such additional distance and direction from the Site as, in the opinion of the Development Officer, may experience any impact attributable to the development.

20.34 Refused Development Permit Applications

1. ~~Within seven days~~ On the same day of the refusal of a Development Permit Application, the Development Officer shall dispatch a written notice ~~by ordinary mail~~ to the applicant describing the development and stating the Development Officer's decision, the date of the decision, and the right of appeal therefrom. This notice may be sent by electronic means.

Municipal Government Act requires that notice of a development permit decision be sent to the applicant on the same day as the decision, and may be sent by electronic means.

~~2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.~~

20.45 Cessation of Mail Delivery

- 1. During any cessation of ordinary mail delivery, the written notice of any Development Permit decision shall be given by such other alternative means as the Development Officer may specify.

20.56 Development Permit Notification Signs

20.56.1 Area of Application

- 1. Regulations within Section 20.56.2 of this Bylaw shall apply to:

21. Appeals

~~1. Subject to the provisions of the Municipal Government Act, any person applying for a Development Permit may appeal the decision of the Development Officer to the Subdivision and Development Appeal Board by filing a written notice of appeal with the Subdivision and Development Appeal Board within 21 days after the date a decision concerning the Development Permit was made.~~

~~2.~~ Subject to the provisions of the Municipal Government Act, any person ~~applying for a Development Permit or~~ affected by a decision issued by a Development Officer about a Development Permit may appeal the decision of the Development Officer to the Subdivision and Development Appeal Board by filing a written notice of appeal with the Subdivision and Development Appeal Board within ~~14~~21 days after notice of the decision concerning the Development Permit was given.

Subsections consolidated for consistency with new subsection 20.1(1).

Section 21 revised for consistency with Municipal Government Act.

~~23.~~ A Development Permit Application shall, at the option of the applicant, be deemed to be refused in accordance with the provisions of Section 16 of this Bylaw, and the applicant shall appeal in writing to the Subdivision and Development Appeal Board ~~as provided in subsection 21(1) above, as though the application has been refused at the end of the time period in Section 16~~ within 21 days after the date of expiry of the time period specified in section 16 of this Bylaw.

43. Yards on Corner Sites and Double Fronting Sites in Residential Zones

3. Double Fronting Sites shall have two Front Yards. The Development Officer may exercise their variance powers under Sections 11.~~23~~ and 11.~~34~~ to allow only one Front Yard on a Double Fronting Site, but may allow fewer than one Front Yard.

55. Landscaping

55.2 Landscaping Requirements for Low Density Residential Developments

- 1. Unless otherwise specified in this Bylaw, or developed as part of a Multi-unit Project Development, all new Single Detached Housing, Semi-detached Housing, Duplex Housing, Row Housing and Stacked Row Housing, shall be Landscaped in accordance with the following:
 - i. notwithstanding Section 11.~~23~~, a Development Officer may vary the proportion of deciduous to coniferous trees required in Table 55.2(1)(d), in which case the application shall not be a Class B Development.

55.3 General Planting Requirements

- 1. Unless otherwise specified in this Bylaw, Landscaping shall be provided in accordance with the following:

Updated references.

- d. Notwithstanding Section 11.34, the Development Officer may vary subsection 55.3(1)(b) and subsection 55.3(1)(c) for a Public Park Use, in consultation with Parks and Biodiversity, in which case the application shall not be a Class B Discretionary Development.

410. (IL) Light Industrial Zone

410.4 Development Regulations for Permitted and Discretionary Uses

5. The maximum Height shall not exceed 14.0 m, except that the Development Officer may, notwithstanding Section 11.34, grant a variance to permit a greater Height for a building housing a General Industrial Use up to a maximum of 18.0 m, where this is required to facilitate the industrial development of the Use involved.

550. (IL) Light Industrial Zone

550.4 Development Regulations for Permitted and Discretionary Uses

4. The maximum building Height shall be 14.0 m, except that the Development Officer may, notwithstanding Section 11.34, grant a variance to permit a greater Height for: General Industrial Uses used for the storage, maintenance and servicing of aircraft; Aircraft Sales or Rentals; and Hotels.

551. (MA1) Municipal Airport Airfield Zone

551.4 Development Regulations for Permitted and Discretionary Uses

5. The maximum building Height shall be 14.0 m, except that the Development Officer may, notwithstanding Section 11.34, grant a variance to permit a greater Height for General

Industrial Uses used for the storage, maintenance and servicing of aircraft; Aircraft Sales or Rentals; and Hotels.

552. (MA2) Municipal Airport Business Industrial Zone

552.4 Development Regulations for Permitted and Discretionary Uses

6. The maximum building Height shall be 14.0 m, except that the Development Officer may, notwithstanding Section 11.34, grant a variance to permit a greater Height for General Industrial Uses used for the storage, maintenance and servicing of aircraft; Aircraft Sales or Rentals; and Hotels.

553. (MA3) Municipal Airport General Business Zone

553.4 Development Regulations for Permitted and Discretionary Uses

6. The maximum building Height shall be 14.0 m, except that the Development Officer may, notwithstanding Section 11.34, grant a variance to permit a greater Height for General Industrial Uses used for the storage, maintenance and servicing of aircraft; Aircraft Sales or Rentals; and Hotels.

571. (CS2) Community Services 2 Zone

571.3.1 Development Regulations for Permitted and Discretionary Uses

4. Height shall not exceed 10.0 m, in accordance with Section 52. The Development Officer may, notwithstanding Section 11.34, grant a variance to permit a greater Height for a building where deemed appropriate for the proposed Use and having regard to the Height allowed in adjacent Zones.

811. North Saskatchewan River Valley and Ravine System Protection Overlay

811.3 Duties with Respect to Development Activities

2. The Development Officer may allow a variance to the Setback requirements of subsection 811.3.1, under the provisions of 11.23 and 11.34 of this Bylaw. In considering a variance, the Development Officer shall require a letter from the registered owner of a property indicating that a variance is being requested and that a survey line has been staked. The Development Officer shall then notify staff from Sustainable Development, Integrated Infrastructure Services and Citizen Services who shall, together with the owner of the land or his representative and the surveyor, field check the line and advise the Development Officer on the merits of the variance being requested. Any variance granted shall be recorded on the survey and filed with the Development Permit Applications affecting the Site.

814. Mature Neighbourhood Overlay

814.5 Proposed Variances

1. When the Development Officer receives a Development Permit Application for a new principal building, new Garage Suite, or new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) or 814.3(9) of this Overlay:
 - c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.23 and 11.34.

815. Medium Density Residential Infill Overlay

815.5 Development Regulations for Apartment Housing

11. The Development Officer shall have regard for any applicable Statutory Plans and may, where a Statutory Plan specifies, notwithstanding Section 11.~~34~~ of this Bylaw, vary the regulations of both this Overlay and the underlying Zone as they affect Height, Density and Floor Area Ratio. In all cases the variances shall be within the ranges specified in the Statutory Plan. In all such cases, the application shall be a Class B Discretionary Development and the pre-application consultation provisions shall apply.

815.6 Proposed Variances

1. When the Development Officer determines that a Development Permit application for the construction of new Apartment Housing does not comply with the regulations contained in this Overlay:
 - c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit application in accordance with Section 11.~~23~~.

816. High Rise Residential Overlay

816.5 Development Regulations for Apartment Housing

10. The Development Officer shall have regard for any applicable Statutory Plan and may, where a Statutory Plan specifies, notwithstanding Section 11.~~34~~ of this Bylaw, vary the regulations of both this Overlay and the underlying Zone as they affect Height, Density and Floor Area Ratio. In all cases, the variances shall be within the ranges specified in the

Statutory Plan. In all such cases, the application shall be a Class B Discretionary Development and the pre-application consultation provisions shall apply.

816.6 Proposed Variances

1. When the Development Officer determines that a Development Permit application for the construction of new Apartment Housing does not comply with the regulations contained in this Overlay:
 - c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit application in accordance with Section 11.23.

818. Secondhand Stores And Pawn Stores Overlay

818.3 Proposed Secondhand Store or Pawn Store

1. When the Development Officer receives a Development Permit application for Secondhand Stores or Pawn Stores and the Use is Discretionary in the underlying Zone:
 - c. the Development Officer shall consider any comments directly related to the compatibility of the proposed use with surrounding uses when determining whether to approve the Development Permit application in accordance with Section 11.23.

819. Main Streets Overlay

819.3 Development Regulations

28. When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this Overlay:

- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit application in accordance with Section 11.23.

823. Medium Scale Residential Infill Overlay

823.6 Proposed Variances

- 1. When the Development Officer determines that a Development Permit application for the construction of new Apartment Housing or new Stacked Row Housing does not comply with the regulations contained in this Overlay:
 - c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit application in accordance with Section 11.23.

860 The Quarters Overlay

860.3 Variance and Interpretation

- 7. Notwithstanding Section 11.4-2 limitation of Variance, the Development Officer may consider reducing the minimum Floor Area Ratios or minimum building heights provided consideration is given to the character of the surrounding built form and the objectives of The Quarters Downtown Urban Design Plan.

910.6 (CMU) Commercial Mixed Use Zone

6. Additional Development Regulations for Specific Uses and Streets

- e. Notwithstanding Section 11.34 and the requirements of subsection 910.6(4)(b) and having regard for 910.6(6)(e), additional Height may be allowed to accommodate the additional

Floor Area Ratio for Hotel Uses where the Development Office is satisfied that new developments fit within the urban context of the area and that adverse environmental impacts, such as sun shadow, wind and massing are minimized. In such cases, the application shall be processed as a Class B application.

910.7 (HA) Heritage Area Zone

6. Additional Development Regulations for Specific Uses and Streets

- d. Notwithstanding Section 11.34 and the requirements of subsection 910.7(4)(b) and having regard for 910.7(6)(d), additional Height may be allowed to accommodate the additional Floor Area Ratio for Residential Uses and Hotels where the Development Officer is satisfied that new developments fit within the urban context of the area and that adverse environmental impacts, such as sun shadow, wind and massing are minimized. In such cases, the application shall be processed as a Class B application.

970.8 (EETL) Edmonton Energy and Technology Park Logistics Zone

4. Development Regulations

- g. The maximum Height shall not exceed 14.0 m, except that the Development Officer may, notwithstanding Section 11.34, grant a variance to permit a greater Height for a building housing a General Industrial Use or Special Industrial Use up to a maximum of 18.0 m, where this is required to facilitate the industrial development of the Use involved.

970.9 (EETM) Edmonton Energy and Technology Park Manufacturing Zone

4. Development Regulations

- b. The maximum building Height shall be 18 m except that the Development Officer may, notwithstanding Section 11.34, grant a variance to permit a greater Height for a building

housing an Industrial Manufacturing Use up to a maximum of 22m where this is required to facilitate the industrial development of the Use involved.

