

Mark-up of Proposed Amendments to Zoning Bylaw 12800

~~Strike through:~~ Proposed deletion from Zoning Bylaw 12800
Underline: Proposed addition to Zoning Bylaw 12800

26. Development Permit Inspections

1. A Development Permit Inspection shall be required for the development of:
 - a. new Single Detached Housing, new Semi-detached Housing, new Duplex Housing, and new Garage and Garden Suites for all lands within the area of application of the Mature Neighbourhood Overlay;
 - b. Row Housing, Stacked Row Housing, and Apartment Housing;
 - c. Commercial Uses;
 - d. Industrial Uses;
 - e. Basic Service Uses;
 - f. Community, Educational, Recreational and Cultural Service Uses; and
 - g. any other development, at the discretion of the Development Officer.
2. At the discretion of the Development Officer, a Development Permit Inspection may not be required for the development of:
 - a. building maintenance; or
 - b. developments which consist solely of interior alterations.
3. The applicant for a Development Permit must ensure the development is available for a Development Permit Inspection.
4. The fee for the provision of Development Permit Inspections shall be determined by City Council.

Rationale

Subsection 26(1)

Subsection 26(2):

Defines what developments will require a Development Permit Inspection, as well as providing the Development Officer with the ability to require one in other appropriate circumstances.

Subsection 26(3):

Requirement for when inspections must be completed, and that sites must be available for inspection. An inspection will be automatically scheduled when occupancy is requested should the applicant not contact the City prior.

Subsection 26(4):

Creates authority to collect an inspection fee for a Development Permit Inspection. Fees are proposed to be \$500 for major developments and \$200 for infill low-density residential developments. If more than 2 inspections are required, an additional fee will be charged.

55. Landscaping

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55.3 General Planting Requirements

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

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f. required Landscaping shall be maintained in a healthy condition for a minimum of 24 months after a Development Officer determines, at the time of Development Permit Inspection, that the required Landscaping has been installed.

...

55.4 Landscape Plan and Content

1. Every application for a development listed in Section 55.3 shall include a Landscape Plan, drawn at a scale of 1:300 or larger, which clearly indicates and accurately identifies the following:
 - a. A key plan with a north arrow;
 - b. property lines and dimensions of the Site;
 - c. the approximate or estimated location of Uses, building perimeters, and Landscaping on adjacent Sites;
 - d. adjacent public area features, such as streets, Lanes, driveways, vehicular entrances, street furniture and boulevard trees;
 - e. overhead, surface and underground utilities, and limits of easements;
 - f. outlines of all Site structures to include the building footprints at Grade, location and type of underground structures and overhangs within the first two Storeys;
 - g. building entrances, porches, decks, steps, walkways, other Hardsurfacing or hardscaping features, parking areas, curbs, lighting, Fencing, walls, screens, recreational facilities and garbage collection areas. Materials, colours and patterns shall be indicated;

Section 55.3(f):

Clarifies responsibility for landscaping to be well maintained once it has been installed.

- h. existing grading and final Site grading, including the direction of Site drainage, and berming shown on a grading plan in 0.5 m contours; and the geodetic elevations of proposed catch basin rim, the corners of the Lot(s), the top and bottom of retaining walls, and of the plant material to be retained;
 - i. the Height and materials of all Fencing, screens and walls;
 - j. trees and shrubs proposed for preservation;
 - k. existing trees and shrubs labelled by common name, botanical name, size, and condition of health;
 - l. graphical illustration of the canopy and spread of existing and proposed trees and shrubs;
 - m. proposed trees, shrubs, perennials and ground covers labelled by common name, cross-referenced with a plant list identifying botanical name, quantity, size and method of planting; ~~and~~
 - n. the method of providing water to, and maintaining, the proposed Landscaping; ~~and~~
 - o. a cost estimate for the completion of the proposed Landscaping. This cost estimate shall include taxes and a minimum 10% standard contingency.
2. The Development Officer may consider an application for a Development Permit that does not provide all the information required by subsection 55.4(1) if, in the opinion of the Development Officer, the information provided is sufficient to show that the Landscaping provisions of the Bylaw ~~will~~ shall be met.
 3. The Development Officer shall approve the Landscape Plan as a condition of the Development Permit. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.
 4. The Development Officer, as a condition of Development Permit approval, shall require that the required Landscaping be maintained in a healthy condition for a minimum of 24 months after a Development Officer determines, at the time of Development Permit Inspection, that the required Landscaping has been installed.

Section 55.4(1)(n)

Section 55.4(1)(o):

Formalizes current practice of requiring a cost estimate of the approved Landscaping as part of the Development Permit process.

Section 55.4(2):

Minor wording change to clarify intent of regulation.

Section 55.4(3)

Section 55.4(4):

Creates authority for the Development Officer to add conditions to a Development Permit for required Landscaping and associated maintenance.

55.8 Guaranteed Landscaping Security

1. The Development Officer shall require, as a condition of Development Permit approval, a Guaranteed Landscaping Security from the property owner at the time of Development Permit Inspection, for every application for a development listed in Section 55.3. This Security shall be determined by the Development Officer based on the information provided with the Landscape Plan.
2. The cost of the required Landscaping shall be determined by the Development Officer based on the information provided with the Landscape Plan. If, in the opinion of the Development Officer, the estimated cost to provide the Landscaping is inadequate, the Development Officer may require a higher Landscaping cost for the purpose of determining the security required.
3. A Guaranteed Landscaping Security shall only be accepted in the form of an irrevocable letter of credit or a cheque.
4. If the Guaranteed Landscaping Security is offered in the form of a cheque, it shall be cashed and held by the City, without interest payable, until the Development Officer confirms that the required Landscaping has been maintained in a healthy condition for a minimum of 24 months.
5. If the Guaranteed Landscaping Security is offered in the form of a letter of credit, the following shall apply:
 - a. the letter of credit shall be in a form satisfactory to the Development Officer and shall allow for partial draws by the City;
 - b. the initial term of the letter of credit shall be for at least 30 months and shall automatically renew until such time as the Guaranteed Landscaping Security is no longer required;
 - c. the letter of credit may be amended to a reduced amount, at the discretion of the Development Officer, if the required Landscaping is partially completed; and

Section 55.8(1)

Section 55.8(2):

Creates requirement for the Development Officer to create a condition on a development permit that will require the property owner to provide a security for incomplete landscaping at the time of Development Permit Inspection for Major Development Permits. Additionally, these regulations allows the Development Officer to request a higher estimate if it's determined that the original estimate was too low for the approved landscaping.

Section 55.8(3)

Section 55.8(4)

Section 55.8(5):

Outlines the form that securities will be required from property owners as well as the legal requirements of the City when accepting cheques and letters of credit.

d. the letter of credit shall be fully released when the Development Officer determines that the required Landscaping has been maintained in a healthy condition for a minimum of 24 months.

6. If the property owner demonstrates to the satisfaction of the Development Officer that the required landscaping has been fully installed at the time of a Development Permit Inspection, the required Guaranteed Landscaping Security shall be reduced to 20% of the cost of the required Landscaping to ensure the required Landscaping is maintained in a healthy condition for a minimum of 24 months.

7. If the required Landscaping is not completed within one growing season of the provision of the Guaranteed Landscaping Security, the City may draw on the security for the City's use absolutely. All expenses incurred by the City, to renew or draw upon the security, shall be reimbursed by the property owner to the City by payment of an invoice or from the proceeds of the letter of credit.

8. In the event that the Guaranteed Landscaping Security is insufficient for the City to complete the required Landscaping should it elect to do so, the property owner shall pay the deficiency to the City immediately upon being invoiced. The City shall provide an accounting to the property owner indicating how the proceeds of the security were applied, within 60 days of the completing the required Landscaping

9. Further to section 55.8(7), if the Development Officer determines that the required Landscaping has not been maintained in a healthy condition for a minimum of 24 months after the landscaping has been deemed to be complete, the City may draw on the Guaranteed Landscaping Security for the City's use to maintain or replace improperly maintained Landscaping. All expenses incurred by the City, to renew or draw upon the letter of credit, shall be reimbursed by the owner to the City by payment of an invoice or from the proceeds of the letter of credit.

Section 55.8(6):

New regulation which allows for the release of 80% of the held security back to the applicant once landscaping has been completed. The remaining 20% will be used to ensure the site is appropriately maintained and will be released once the required 24 month maintenance period ends.

Section 55.8(7)

Section 55.8(8)

Section 55.8(9)

Section 55.8(10):

Update of existing regulations giving the City the authority to use the collected to complete the landscaping should it not be completed within a reasonable time frame, as well as the ability to invoice property owners should the work exceed the collected security in accordance with Section 553 of the MGA.

10. Further to section 55.8(8), in the event that the Guaranteed Landscaping Security is insufficient for the City to complete maintenance or replace improperly maintained landscaping should it elect to do so, the property owner shall pay the deficiency to the City immediately upon being invoiced. The City shall provide an accounting to the property owner indicating how the proceeds of the security were applied, within 60 days of completing the maintenance or replacing the improperly maintained Landscaping.

- ~~1. The Development Officer may require, as a condition of Development Permit approval, a guaranteed Landscaping security, from the property owner, to ensure that Landscaping is provided and maintained for two growing seasons. Only the following forms of security are acceptable:
 - a. cheque to a value equal to 100% of the landscaping cost; or
 - b. an irrevocable letter of credit in the amount of 100% of the Landscaping cost.~~
- ~~2. The estimated cost of the Landscaping shall be calculated by the owner or the owner's representative and shall be based on the information provided on the Landscape Plan. If, in the opinion of the Development Officer, these estimated costs are inadequate, the Development Officer may establish a higher Landscaping cost figure for the purposes of determining the value of the Landscaping security.~~
- ~~1. If the Landscaping security is offered in the form of a cheque it shall be cashed and held, by the City, without interest payable, until, by confirmation through inspection by the Development Officer, the Landscaping has been installed and successfully maintained for two growing seasons. Partial refund after installation of the Landscaping or after one growing season shall be considered upon request of the owner, at the sole discretion of the Development Officer.~~
- ~~2. If a letter of credit is offered as the Landscaping security, it shall be in a form satisfactory to the Development Officer. The initial term of the letter of credit shall be one year. The letter of credit shall be renewed by the owner 30 days prior to expiry and delivered to the Development Officer until such time as the Landscaping has been installed and maintained for two growing seasons.~~
- ~~3. Upon application by the owner or the owner's representative, a letter of credit may be amended to a reduced amount, for attachment to the original letter of credit, at the discretion of the Development Officer, when any of the following events~~

The regulations in Subsection 55.8 and Subsection 55.9 are no longer required as these requirements and regulations are replaced in the new regulations of Section 26 and Subsection 55.8 above.

occur:

- ~~a. the required Landscaping has been properly installed; and~~
 - ~~b. the required Landscaping has been well maintained and is in a healthy condition after one growing season.~~
- ~~6. Upon application by the owner or the owner's representative, a letter of credit shall be fully released if the required Landscaping has been well maintained and is in a healthy condition after two growing seasons.~~
- ~~1. Any letter of credit shall allow for partial draws by the City if the Landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development; or the Landscaping is not well maintained and in a healthy condition two growing seasons after completion of the Landscaping. The City may draw on a cashed security or a letter of credit and the amount thereof shall be paid to the City for its use absolutely. All expenses incurred by the City, to renew or draw upon any letter of credit, shall be reimbursed by the owner to the City by payment of invoice or from the proceeds of the letter of credit.~~
- ~~2. In the event the owner does not complete the required Landscaping, or fails to maintain the Landscaping in a healthy condition for the specified periods of time, and the value of the cashed cheque or the proceeds from the letter of credit are insufficient for the City to complete the required work should it elect to do so, then the owner shall pay the deficiency to the City immediately upon being invoiced. The City shall provide an accounting to the owner indicating how the proceeds of the letter of credit were applied, within 60 days of completing or maintaining the landscaping.~~

~~55.9 Inspections~~

~~Upon receipt of a written request from the parties involved in the development, including but not limited to the property owner, condominium association or the issuer of the Letter of Credit, an inspection of the finished Landscaping shall be completed by the Development Officer. Inspections shall be made during the normal growing season, between May 01 and September 30. All reasonable effort shall be made by the Development Officer to perform the inspection within 20 working days of receipt of the inspection request.~~