

Mark-up and Rationale of Proposed Text Amendments to Zoning Bylaw 20001

Mark-up Categories		
Changes to specific regulations will be identified using the following formatting standards:		
Black Font - Existing text in Zoning Bylaw 20001		
Strikethrough - Proposed deletion from Zoning Bylaw 20001		
<u>Underline</u> - Proposed addition to Zoning Bylaw 20001		
5.60 Landscaping		
#	Proposed Markup	Rationale
1	<p>5.60.10 Landscape Securities</p> <p>Landscape Security Requirements</p> <p>10.1 As a condition of Development Permit approval, a landscape security in the form of an irrevocable letter of credit, or cheque <u>or landscape development bond</u> must be provided <u>prior to the release of the Development Permit for building permit review</u> at the time of the Landscape inspection, as outlined in Subsection 10.7<u>5</u>, for every application for Multi-unit Housing, Cluster Housing, and non-Residential development, excluding those listed in Subsection 2.1.</p>	<p>In 2017, collection of landscape securities was moved to the landscaping inspection stage. Since this change, the rate of voluntary landscape security collection has decreased from 100% to approximately 19% and 67% of sites are deficient in required landscaping on first inspection.</p> <p>A primary reason for this low compliance rate is that there is little incentive for developers to provide a landscape security after a site has been fully</p>

		<p>developed and, in some cases, transferred ownership.</p> <p>The proposed amendment to Subsection 10.1 moves landscape security collection back to the Development Permit stage to incentivize, and ultimately ensure, completion of landscaping work in accordance with the Zoning Bylaw.</p> <p>The proposed amendment also allows placement of landscape securities in the form of bonds, expanding financing options for developers.</p>
<p>2</p>	<p>10.2 The amount of the landscape security must be sufficient to cover the cost to install and maintain the required Landscaping, as determined by the Development Planner based on information provided with the landscape plan, except that:</p> <p>10.2.1 the minimum Landscaping requirement of the Zoning Bylaw, including any associated planting beds;</p> <p>10.2.2 ground cover as provided in the landscape plan; and</p> <p>10.2.3. any additional Landscaping required under Subsection 5.1.</p> <p>10.2.1. If at the time of the initial Landscape inspection the required Landscaping has been fully installed, the amount of the landscape security may be reduced to 20% of the Landscaping costs to ensure the required Landscaping is</p>	<p>The proposed amendment to Subsection 10.2 ensures that securities are calculated based on the minimum landscape requirements of the Zoning Bylaw rather than the approved landscape plan. This ensures developers are not penalized for providing landscape plans that surpass Zoning Bylaw requirements.</p> <p>The proposed addition of Subsection 10.3 allows release of 80% of the landscape security after the first landscape</p>

	<p style="color: red;">maintained in a healthy condition for a minimum of 24 months.</p> <p style="color: red;"><u>10.3 If at the time of the first Landscape inspection the required Landscaping has been fully installed, the amount of the landscape security may be reduced to 20% of the Landscaping costs to ensure the required Landscaping is maintained in a healthy condition for a minimum of 24 months.</u></p>	<p>inspection if the landscape requirements are met. This will minimize the duration that the landscape securities are held while keeping 20% security to cover the 2-year maintenance period.</p>
	<p>10.43 Where a landscape security is submitted in the form of a cheque or other secure form of payment, the following applies:</p> <p>10.43.1. The cheque must be cashed and held by the City, without interest payable, until the Development Planner confirms that the required Landscaping has been maintained in a healthy condition in compliance with Subsection 9.2.</p> <p>10.43.2. Despite Subsection 10.43.1, a portion of the landscape security may be released prior to the completion of the maintenance period after the installation of the required Landscaping, at the discretion of the Development Planner.</p> <p>10.54. Where a landscape security is submitted in the form of a letter of credit, the following applies:</p> <p>10.54.1. The letter of credit must be in a form satisfactory to the Development Planner and must allow for partial draws by the City.</p>	<p>A minor change is proposed to the letter of credit requirements to reflect current practice.</p>

	<p>10.54.2. The initial term of the letter of credit must be for at least 1230 months and must be renewed and automatically renew until the landscape security is no longer required.</p> <p>10.54.3. The letter of credit must be fully released when the Development Planner determines that the required Landscaping has been maintained in a healthy condition in compliance with Subsection 9.2.</p> <p>10.54.4. The letter of credit may be amended to a reduced amount prior to the completion of the maintenance period after the installation of the required Landscaping, at the discretion of the Development Planner.</p>	
<p>3</p>	<p><u>10.6 Where a landscape security is submitted in the form of a landscape development bond, the following applies:</u></p> <p><u>10.6.1. The landscape development bond must be in a form satisfactory to the Development Planner and must be issued by a surety licensed to issue bonds in the Province of Alberta.</u></p> <p><u>10.6.2. The landscape development bond must be in full force and effect until the Development Planner determines that the required Landscaping has been maintained in a healthy condition in compliance with Subsection 9.2.</u></p>	<p>The proposed amendment allows placement of landscape securities in the form of bonds, expanding financing options for developers.</p> <p>Bonds can be a beneficial option because they do not tie up credit allowing money to be spent elsewhere on a project.</p>

<p>4</p>	<p>Inspections and Maintenance Period</p> <p>10.75. To verify the installation of the required Landscaping and to initiate the maintenance period, the Development Planner:</p> <p>10.75.1. must conduct an inspection after the property owner provides notice to the City upon installation of the required Landscaping; or</p> <p>10.75.2. may conduct an inspection after the occupancy of a development or commencement of a Use.</p> <p>10.86. Landscape inspections must occur during the growing season between May 1 and September 30, unless otherwise permitted at the discretion of the Development Planner.</p>	<p>Aside from renumbering, no changes to the regulation are proposed.</p>
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<p>5</p>	<p>Enforcement and Use of the Landscape Security</p> <p>10.97. The City may draw on the landscape security for the City’s use absolutely to install, maintain, or replace improperly maintained Landscaping required for the development if the Landscaping has not been:</p> <p>10.97.1. installed within 12 months after the occupancy of a development or commencement of a Use; or</p> <p>10.97.2. maintained in a healthy condition for a minimum of 24 months after the Landscaping has been determined to be installed in compliance with Subsection 10.75.</p> <p>All expenses incurred by the City to renew or draw upon the security must be reimbursed by the property owner to the City by payment of an invoice or from the landscape security.</p> <p>10.108. In the event the City uses funds from the landscape security to install, maintain, or replace improperly maintained Landscaping required for the development, the City must provide a report to the property owner or the owner’s representative indicating how the funds from the landscape security were applied after installing, maintaining or replacing improperly maintained Landscaping required for the development.</p> <p>10.108.1. If the landscape security is insufficient, the property owner must pay the deficiency to the City immediately upon being invoiced.</p>	<p>Aside from renumbering, no changes to the regulation are proposed.</p>
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