

Part Five Amending this Bylaw

Section 26 Bylaw Amendments

26.1 Any amendment to this Bylaw shall be made pursuant to the Act.

Section 27 Contents of an Amendment Application

27.1 A Land Use Bylaw amendment application shall be made to the City on the prescribed form, and shall be signed by the applicant or his agent authorized in writing. The following information and documents will accompany the application:

- a. If the amendment involves the rezoning of land to a different conventional land use district or a Direct Control district:
 - i) A copy of the Certificate of Title for the lands affected, or any other documentation that may be required to verify that the applicant has a legal interest in the land;
 - ii) If the applicant is an agent of the landowner, a letter from the landowner verifying the agent's authority to make the application; and
 - iii) A properly dimensioned map indicating the affected site, and its relationship to existing land uses on adjacent properties;

(Bylaw C-1260-78 - September 18, 2017)

- b. A statement of the reason for the request to amend this Bylaw; and,
- c. Additional information may be required.

(Bylaw C-1260-78 - September 18, 2017)

27.2 A Traffic Impact Analysis, stamped by a Professional Engineer or a Registered Professional Technologist accredited by APEGA, may be required when applications for amendments to this Bylaw result in higher density or intensity, such as rezoning applications from low density or local commercial land use districts to medium density or general commercial land use districts.

(Bylaw C-1260-78 - September 18, 2017)

27.3 Council may require, prior to considering a proposed amendment to this Bylaw, that a developer prepare an Area Structure Plan in accordance with the Act or an Outline Plan in accordance with the Municipal Development Plan. The Area Structure Plan or Outline Plan shall address all those issues considered necessary for the proper consideration of development within the area covered by the Area Structure Plan or Outline Plan.

27.4 Public Engagement initiated by the applicant shall be required for amendment applications to this Bylaw that may result in increasing the density or intensity of the use of land.

27.5 Public Engagement initiated by the applicant shall be required for amendment applications to this Bylaw that allow for sign types that are otherwise not permitted.

27.6 The requirements for Public Engagement initiated by the applicant may vary based on the scale and/or the complexity of each amendment application.

27.7 Notwithstanding Sections 27.4 and 27.5, Public Engagement initiated by the applicant is not required for the following:

- a. An amendment application to this Bylaw that is consistent with an approved ASP, OP or ARP even if it results in increasing the density or the intensity of the subject site; and
- b. An amendment application to this Bylaw that does not result in increasing the density or intensity of the use of the subject site.

27.8 The applicant shall inform the residents within a minimum of 60m radius. The 60m radius will be measured from any part of the property boundary. The methods and extent of notification may vary based on the scale and/or complexity of the application. A combination of at least two (2) notification methods below will be required.

- 27.9 Notification methods for informing residents within the surrounding area may include, but are not limited to, the following:
- a. Distributing notices either by mail or in person;
 - b. Placing notices in common community areas;
 - c. Posting the property with an early notification sign;
 - d. Creating a project website that allows for submitting feedback;
 - e. Going door-to-door to explain the project to residents within the surrounding area; and
 - f. Holding an information session, a workshop or an open house.
- 27.10 The applicant shall inform the relevant neighbourhood association, if applicable.
- 27.11 The contents of a notice or early notification sign, if applicable, shall include the following:
- a. Address and map of the subject site;
 - b. The nature and description of the proposed project;
 - c. Date, time and location of the information session, the workshop or the open house, if applicable; and
 - d. Contact information.
- 27.12 If Public Engagement initiated by the applicant is required, then it should be undertaken during the circulation period. A community participation report shall be submitted to detail the outcome of the Public Engagement efforts. The report shall include the following:
- a. Methods for informing residents within the surrounding area;
 - b. A list of the properties that were contacted;
 - c. A summary of comments or concerns;
 - d. A summary of any efforts to address the comments or concerns; and
 - e. The date and the location of the information session, the workshop or the house, if applicable.

(Bylaw C-1260-78 - September 18, 2017)

Section 28 The Amendment Process

- 28.1 Upon receipt of an amendment application in accordance to Section 27.1, the application:
- a. May be referred to any City Department for review and comment; and
 - b. A date for a public hearing shall be established.

(Bylaw C-1260-78 - September 18, 2017)

- 28.2 An amendment application to this Bylaw may be referred to any external agency for comment and advice.

(Bylaw C-1260-78 - September 18, 2017)

- 28.3 After the date for a public hearing has been set:

(Bylaw C-1260-78 - September 18, 2017)

- a. A notice of the Land Use Bylaw amendment application shall be posted by publishing a notice once a week for two (2) consecutive weeks in a newspaper circulating in the City. The notice shall contain:

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- i) The legal description and or the municipal address of the land which is the subject of the application;
- ii) The purpose of the proposed amendment;
- iii) One or more places where a copy of the proposed amendment may be inspected by the public during regular office hours;

- iv) The date, place, and time that Council will hold a public hearing on the proposed amendment;
- v) An outline of the procedures to be followed by anyone wishing to be heard at the public hearing.

(Bylaw C-1260-45 - October 19, 2015)

- b. If the amendment involves the rezoning of land to a different conventional land use district or a Direct Control district, a notice, pursuant to Section 28.3 a, will be provided to the owner, the applicant and to all adjacent landowners. The circulation area for the notice may vary;

(Bylaw C-1260-78 - September 18, 2017)

- c. The applicant shall erect a minimum of one public information sign per 270m of street frontage. Additional public information signs may be required along adjacent flanking public roadways. Public information signs are not required if the proposed amendment to this Bylaw is consistent with an approved OP;

(Bylaw C-1260-78 - September 18, 2017)

- d. The applicant will be provided with a sample of the information to be posted on the sign(s), including a map indicating the locations to post the sign(s). The sign(s) shall be a maximum height above the ground of 3.0m, shall have a minimum area of 1.5m² and a maximum area of 5.9m². The sign(s) shall contain the following information:

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- i) Identify the present and proposed land use districts;
- ii) Identify the total area of the site to be rezoned; and,
- iii) Provide contact information with the location and phone number of the City Planning and Development Department.

28.4 An amendment application shall not be presented to Council for Public Hearing until the public information sign(s) required by Section 28.3 has been in place for 17 days.

(Bylaw C-1260-78 - September 18, 2017)

28.5 The applicant will be responsible for providing to the City a letter stating that the public information sign(s) have been erected in accordance with Section 28.3. Failure to provide such letter may result in a delay of the public hearing.

(Bylaw C-1260-78 - September 18, 2017)

28.6 The applicant shall remove the public information sign(s) within 30 days following the date of decision of the amendment application.

(Bylaw C-1260-78 - September 18, 2017)

28.7 Council may, after considering:

- a. Any representations made at the public hearing; and,
- b. Any Intermunicipal Development Plan, Municipal Development Plan, Area Structure Plan, Area Redevelopment Plan, or Outline Plan affecting the application and the provisions of this Bylaw; and
- c. Any other relevant information and documents properly before Council.

make any changes it considers necessary to the proposed amendment, if such changes are appropriate, and proceed to pass the proposed amendment, defer the amendment application for more information, such as the completion of an Area Structure Plan or Outline Plan, or defeat the proposed amendment.

(Bylaw C-1260-45 - October 19, 2015)

28.8 Deleted by Bylaw C-1260-45 - October 19, 2015.

- 28.9 If Council refuses an application for an amendment, the City shall not accept another application on the same land for the same or similar purpose until six (6) months have passed after the date of such refusal.
- 28.10 If deemed necessary, and in accordance with the provisions of the Act, the City may initiate an amendment to this Bylaw affecting any parcel of land without the owner's consent.
- 28.11 Pursuant to Section 28.10 Council shall, prior to consideration of an application, notify the affected landowner in writing of the proposed amendment and provide a summary of the effects of the amendment.