

UNIVERSITY ENDOWMENT LANDS

DRAFT LAND USE AND DEVELOPMENT BYLAW XXX, 2010:

A NEW APPROACH FOR DEVELOPMENT PERMITS

May 2010

BACKGROUND

In the existing bylaw that regulates the use and development of land within the University Endowment Lands, *University Endowment Lands Land Use, Building, and Community Administration Bylaw*, the **development permit** mechanism is a prominent feature. Not only does the existing bylaw include procedures for applying for, processing, and appealing a development permit application, it also contains the circumstances when a development permit is required, albeit in a rather complicated and incoherent manner, and a set of development permit guidelines which are intended to be used in evaluating development permit applications.

PROPOSED APPROACH IN NEW BYLAW

In the proposed new bylaw, the development permit mechanism has been significantly revised. A separate section has been created (Division 500) so that all matters pertaining to development permits are organized under one heading. The specific circumstances when a development permit is required are clearly stated, being when there is an application to:

- (a) *erect a **new principal building** within any zone;*
- (b) *expand an **existing house**, except where the expansion is less than 10% of the gross floor area of the existing building and the expansion takes place entirely on the first floor of the building in which case a development permit shall not be required; or*
- (c) *obtain approval for a **variance** to the height, setback, lot coverage, or off street parking requirements of this Bylaw within any zone.*

A series of new development permit guidelines has been established for each of the three single family residential subareas within the UEL.

The new bylaw does **not** address the procedures for applying for, processing, and appealing a development permit application. That procedure will be outlined within a new development procedure bylaw. That being said, a new development permit approval procedure has been prepared and is outlined below. The intent is for the proposed procedure to be discussed by the advisory committees and the community at large within the context of Division 500 of the proposed new bylaw.

PROPOSED REVISED DEVELOPMENT PERMIT APPROVAL PROCEDURE

The proposed new development permit approval is illustrated in **Figure 1 – Revised Development Permit Process**. It should be recognized that this is a generic description of the main steps in the process, and therefore it is possible that there may be variations for individual applications as the case may warrant.

In establishing this new proposed approval procedure, the following principles were utilized:

- ☐ *Recognize that the development permit process is essentially a technical process that focuses on compliance with the regulations of the *Land Use and Development Bylaw* and the applicable *Development Permit Guidelines**
- ☐ *Devise a new process that is as straight forward as possible*
- ☐ *Strike a balance between the interests of applicants and neighbourhood residents*

- ☐ Use UEL staff resources and the design expertise of the Advisory Design Panel to assist the Manager in decision making
- ☐ Provide opportunities for the neighbourhood representatives on the Advisory Design Panel to solicit comment on applications from neighbourhood residents

In reviewing the proposed new DP approval process, the following features should be noted:

☐ UEL staff will undertake an initial vetting of the application. If staff determines that there are significant issues with respect to bylaw or design guideline compliance, the application will be returned to the applicant for revision prior to forwarding it on to the Advisory Design Panel (ADP) for review. When the application is ultimately forwarded to the Design Panel from staff, it will be accompanied with a staff report.

☐ The proposed new DP approval process will still retain the current 30 day notice period for neighbourhood residents to provide comments on a DP application.

☐ As part of the DP application process, applicants will be given the opportunity to host a neighbourhood information meeting, the purpose of which is to inform residents of the proposed development and provide them with an opportunity to comment on the proposal. The holding of such meetings however is not mandatory. The meeting would be held in advance of the start of the 30 day notice period and the application being referred to the Advisory Design Panel.

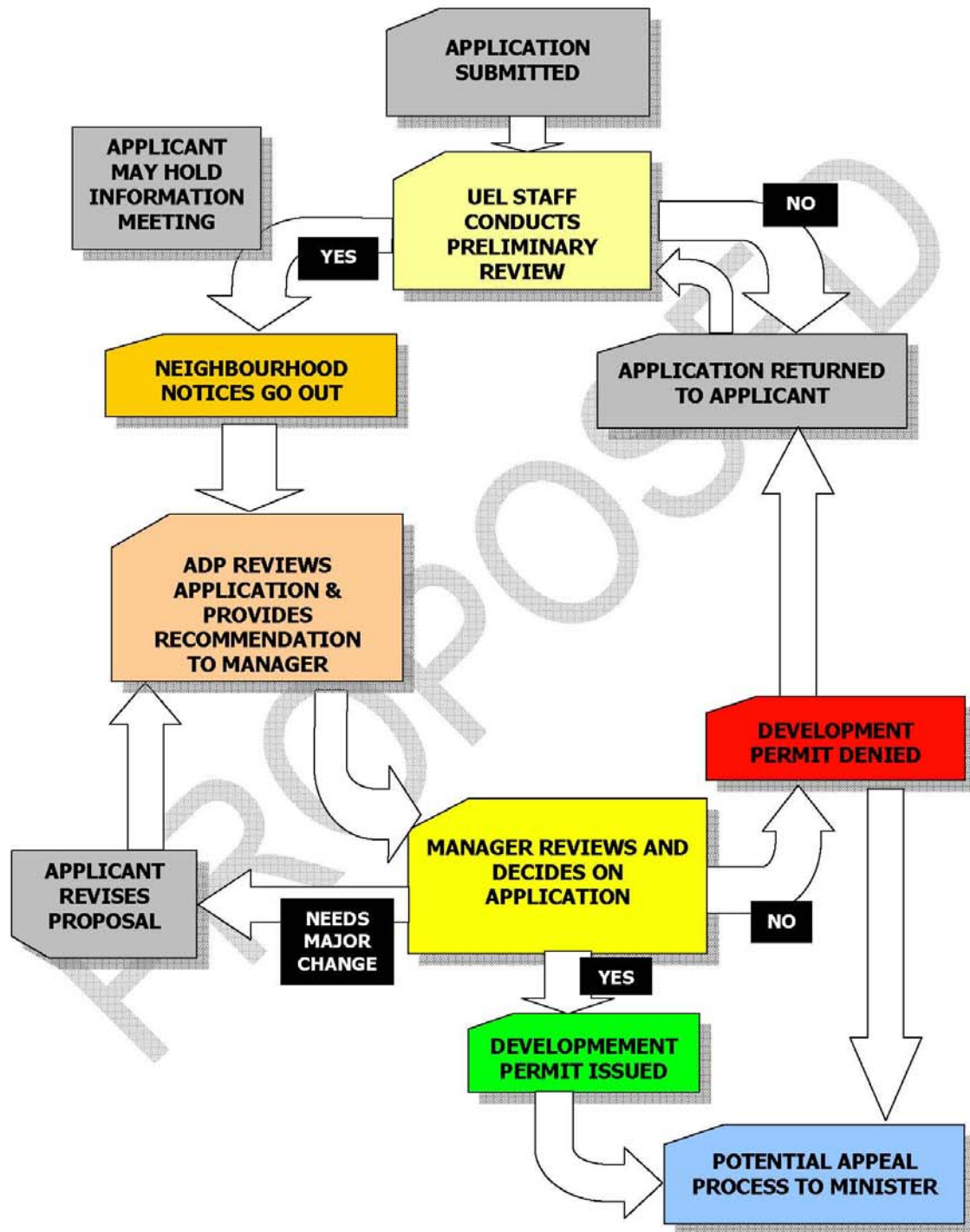
☐ All DP applications will be subject to ADP review, even if there are no objections

☐ The Advisory Design Panel will review the design of the proposal but will not formally solicit neighbourhood comment. That being said, the neighbourhood representatives on the Design Panel may seek out neighbourhood comment by sending out emails or letters. Those comments, along with any written comments received during the 30 day notice period, can then be reported on when the Design Panel meets to review the application. The Design Panel's recommendation to the Manager should address both design and neighbourhood issues.

☐ Upon receipt of the recommendation from the Advisory Design Panel, the Manager has a number of options; to accept the proposal with or without conditions, to deny the application, or to request changes and have the application sent back to the Design Panel for review.

☐ The process still provides for an appeal mechanism pursuant to the *University Endowment Act*. Appeals could be initiated in cases where a development permit has been issued or denied.

Figure 1: REVISED DEVELOPMENT PERMIT PROCESS



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CONCLUSION

The above noted proposed revised procedure to process development permit applications is intended to provide clarity and certainty to applicants, property owners, the Advisory Design Panel, UEL staff, and the Manager. A Development Approval Procedure Bylaw will ultimately be approved that will provide the detail for the DP procedure as well as others.