

 <p>CITY OF <i>Lethbridge</i></p>	<p>Property Services</p> <p>POLICIES</p>	<p>Policy Number</p> <p>2018-08</p>
------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------	-------------------------------------

DELEGATION OF AUTHORITY: WAIVERS, DISCRETIONARY USES AND SUBDIVISIONS

Summary

Title of Document:	Delegation of Authority: Waivers, Discretionary Uses And Subdivisions Policy
Title of Designated Responsible Manager:	Director, Property Services
Original Date Approved:	June 21, 1994
Approved By:	Municipal Planning Commission
Last Revision:	n/a
Next Review Date:	Not Defined

Purpose

The purpose of this Policy is to establish the authority for waivers and discretionary uses to Development Officers. The Policy also establishes the approval authority for routine subdivisions.

Background

The background on this Policy dates back to the early 1990's when the provincial (and local) economy was struggling and the planning departments faced great cuts. During this time there was a desire to find greater efficiencies in the planning & development process. Thus a study into the inefficiencies of the planning process was explored. Up until this delegation of authority to Development Officers any waivers in height, FAR, yard setbacks, dimension, discretionary uses, and certain home occupations were only authorized to be handled by the Municipal Planning Commission. In June 1994 it was identified that roughly 16% of all development applications (or 223 in the year 1993) were required to be considered by MPC, and yet in most cases (roughly 95% of the time) the Commission agreed with the recommendations of the Development Officer(s) in each application. This caused unnecessary delays, and inefficiencies in decisions that could easily be made by Development Officers. Therefore, on June 21, 1994 the Municipal Planning Commission passed 2 resolutions granting waivers & discretionary uses (with a few exceptions) to Development Officers. Land Use Bylaw 4100 Section 22 (4) allows the Municipal Planning Commission to delegate discretionary use decision making to the Development Officer. The only exception to this general delegation of authority was for any land in the Direct Control District in the Railway Relocation Lands ARP area, which would require City Council to delegate authority for these locations. City Council did delegate authority for these lands individually, and subsequent policies for each have since been created.

	<p>Property Services</p> <p>POLICIES</p>	<p>Policy Number</p> <p>2018-08</p>
-----------------------------------------------------------------------------------	-------------------------------------------------	-------------------------------------

Supporting Research and Analysis

- Relevant government policy and legislation
 - June 21, 1994 minutes from a meeting of the Municipal Planning Commission
 - Land Use Bylaw 4100

Supporting Information (attached)

- **June 21, 1994 minutes** from a meeting of the Municipal Planning Commission – Appendix ‘A’
- **‘Schedule 2’ as part of a Submission to the June 21, 1994 meeting** of the Municipal Planning Commission, with regard to a list of discretionary uses – Appendix ‘B’

Policy Statement

This Policy sates:

- **Municipal Planning Commission delegates:**
 - **Approval authority for all waivers to Development Officers; and**
 - **Approval authority for all discretionary uses in all districts to Development Officers, except for the following identified uses (listed in the attached submission to the June 21, 1994 meeting of the Municipal Planning Commission) in certain districts which will remain for MPC decision including:**
 - *Amusement Facilities, entertainment establishments, and liquor sales in the C-G District*
 - *Amusement facilities, and liquor sales in the C-H District*
 - *Liquor sales in the C-N District*
 - *Liquor sales in the I-B District*
 - *Liquor sales in the I-G District*
 - *Sports and recreation facilities, major in the P-B District*
 - **Subdivision approving authority to the Director, Property Services (with respect to certain routine subdivisions).**

Process

- When the Development Officer receives a development permit application they will review to ensure applications are complete and can approve waivers or discretionary uses based on uses outlined in each District of Land Use Bylaw 5700.
- If a development permit application proposes a use that is listed as a ‘discretionary use’ that is listed in this policy (appendix ‘B’) as still requiring MPC approval, the Development Officer will forward that application to Municipal Planning Commission for a decision.

 <p>CITY OF <i>Lethbridge</i></p>	<p>Property Services</p> <p>POLICIES</p>	<p>Policy Number</p> <p>2018-08</p>
------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------	-------------------------------------

Responsibility for Policy Implementation

Director, Property Services

Key Functional Stakeholders

Planning & Development Department

Definitions

All applicable definitions are contained within Land Use Bylaw 4100 (which was superseded in 2011 by Land Use Bylaw 5700).

Policy Status

Current Status

In effect

Date Effective

June 21, 1994

Approval Details

Municipal Planning Commission

Endorsement Details

Municipal Planning Commission passed this resolution on June 21, 1994

Next Review Date

Not Defined

Policy Author

Planning Assistant

Authored date

July 16, 2018

Contacts

Director, Property Services

 <p>CITY OF <i>Lethbridge</i></p>	<p>Property Services</p> <p>POLICIES</p>	<p>Policy Number</p> <p>2018-08</p>
------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------	-------------------------------------

Policy Location

- File Path:
 - I:\BU\830\DEPARTMENT AREAS\DEVELOPMENT\2. POLICIES & PROCEDURES\b. Approved and formatted PPP's\2018-08_Delegation of Authority for Waivers & Discetionary use\Policy
- Website page

Appendix 'A'

94-222

site. It was agreed to include a note in the informative with regard to the fence. The General Manager advised that landscaping of the commercial site will be discussed at the development application stage.

T. HUDSON:

THAT subdivision application S94-12, by plan, be approved subject to the following conditions:

1. That prior to final endorsement of the subdivision, the owner enter into a service agreement with the City of Lethbridge with respect to the provision of services to this subdivision.
2. That prior to final endorsement of the subdivision, the residential portion of the subdivision design be revised to maintain 12.2 metres (40 feet) frontage for each residential lot as per Section 4(97) of Land Use By-law 4100.
3. Easements and rights-of-way required by CWNG, AGT, and the City of Lethbridge shall be provided for this subdivision prior to final endorsement.

INFORMATIVE:

In as much as the City is concerned about jay-walking across University Drive to the commercial site, a fence running along the entire length of the property, along University Drive, is to be provided by the applicant. The applicant is to enter into an agreement either at the development or subdivision stage to implement this condition.

-----CARRIED

NEW BUSINESS:

STREAMLINING MUNICIPAL PLANNING COMMISSION

Following a brief discussion and video presentation by the General Manager of Development Services the following resolutions were presented and passed:

**Resolution #1: Delegation of Waiver Authority to
Development Officer**

S. DeBOW:

PURSUANT to Section 23(3) of Land Use By-law 4100, the Municipal Planning Commission hereby authorizes the Development Officer(s) of the City of Lethbridge to grant all those waivers as set out in Section 23(4) of Land Use By-law 4100.

INFORMATIVE:

Section 23(3) The Commission is authorized to decide the circumstances, if any, under which the Development Officer may grant waivers described in Section 23(4).

-----CARRIED

Resolution #2: Delegation of decision making authority for discretionary uses to the Development Officer

R. NEUDORF:

PURSUANT to Section 22(1) of the Land Use By-law 4100, the Municipal Planning Commission hereby authorizes the Development Officer(s) of the City of Lethbridge to decide on all discretionary uses as set out on Schedule 2 with the exception of those marked "MPC". It is understood the Development Officer would retain the right to take any development matter or item "of a public interest" to the Municipal Planning Commission for consideration.

INFORMATIVE:

Section 22(1) The Commission is authorized to decide on the circumstances, if any under which the Development Officer may decide upon development permit applications for discretionary uses.

-----CARRIED

Resolution #3: Recommendation to City Council of delegation of Subdivision approving authority to General Manager, Development Services

A. SANFORD:

WHEREAS City Council has, pursuant to the provision of Section 32(2) of the Planning Act, Chapter P-9, R.S.A. 1980, delegated its subdivision approval authority to the Municipal Planning Commission;

AND WHEREAS the Municipal Planning Commission has, with the consent of City Council pursuant to Section 32(3) of the Planning Act, delegated its approval power with respect to certain routine subdivisions to the General Manager, Development Services, or in his absence, to an alternate designated by the Commission;

AND WHEREAS the Municipal Planning Commission considers it appropriate to expedite the subdivision approval process by delegating its subdivision approval powers in their entirety to the General Manager, Development Services;

THEREFORE BE IT RESOLVED THAT the Municipal Planning Commission hereby requests Council's consent to delegate all subdivision approving authority to the General Manager, Development Services.

-----CARRIED

NEXT AGENDA:

As discussed at Council, Alderman Waters requested that standards regarding parking lots in the downtown area and on 13 Street North be put on the next Municipal Planning Commission agenda for discussion.

A. SANFORD:

THAT this meeting of the Municipal Planning Commission do now adjourn.

-----CARRIED

Appenedix 'B'

SCHEDULE 2 PERMITTED AND DISCRETIONARY USES

Note: on the following pages, the permitted and discretionary uses in the districts of the Land Use By-law are listed. Except as noted "MPC", the Development Officer (DO) is proposed to be the approving authority. "Notice Post" (NP) means that a standard-looking notice sign would be placed on the property by a sign contractor who has been hired by the City to make, place and remove the notice, the cost of which will be borne by the applicant.

C-D Downtown Commercial District

(1) Purpose:

For the development of intensive commercial, institutional, cultural and related uses serving the entire City and surrounding region.

(2) Permitted Uses:

accessory buildings
amusement facilities
animal care, minor
business support services
clubs
commercial schools
cultural facilities
eating and drinking establishments
education facilities
entertainment establishments
exterior building alterations or improvements
financial institutions
government services
hotels
household repair services
liquor sales
manufacturing, specialty
medical and health offices (outpatient)
motels
offices
parks
personal services
publishing, printing, recording and broadcasting establishments
retail stores
retail stores, convenience
shopping centres
signs
tourist information centres
transportation services

(3) Discretionary Uses:

autobody and/or paint shop
automotive shop
billboards
boarding houses
child care, major

child care, minor
drive-in restaurants
dwelling, apartment
dwelling, townhouse
funeral facilities
home occupations
manufacturing, general
medical and health facilities (inpatient and outpatient)
parking facilities
protective services
recycling facilities
religious assembly
senior citizen housing
service stations
utility facilities
vehicles sales, rental

C-G General Commercial District

(1) Purpose:

For the development of a wide variety of commercial and related uses in areas along and peripheral to roadways which lead to the central area of the City.

(2) Permitted Uses:

accessory buildings
animal care, minor
building trades and contractors
business support services
commercial schools
eating and drinking establishments
equipment sales, rental, service
financial institutions
government services
hardware and building supplies
hotels
household repair services
manufacturing, specialty
medical and health offices (outpatient)
motels
offices
personal services
publishing, printing, recording and broadcasting establishments
railway lines
religious assembly
retail stores
retail stores, convenience
service stations
shopping centres
signs ¹
vehicle sales, rental

(3) Discretionary Uses:

amusement facilities (MPC)
auction establishments
auto body and/or paint shops
automotive shops
billboards ²
child care, major
child care, minor
clubs
cultural facilities
drive-in restaurants

dwelling, apartment
education facilities
entertainment establishments **(MPC?)**
funeral facilities
garden centres
home occupations
liquor sales **(MPC?)**
medical and health facilities (inpatient and outpatient)
parking facilities
protective services
recycling facilities
senior citizen housing
tourist information centres
transportation services
utility facilities
warehouses, retail

C-H Highway Commercial District

(1) Purpose:

For commercial and related uses with a high standard of development requiring high visibility and direct accessibility to vehicle traffic on major entrance roadways within the City.

(2) Permitted Uses:

accessory buildings ¹
animal care, minor
automotive shops
business support services
commercial schools
drive-in restaurants
eating and drinking establishments
entertainment establishments
financial institutions
government services
hotels
household repair services
manufacturing, specialty
medical and health offices (outpatient)
motels
offices
personal services
publishing, printing, recording and broadcasting establishments
recycling facilities
retail stores
retail stores, convenience
service stations
shopping centres
signs ²
tourist information centres
transportation services
vehicle sales, rental
warehouses, retail

(3) Discretionary Uses:

amusement facilities (MPC)
billboards ³
child care, major
child care, minor
clubs
cultural facilities
dwellings, apartment
education facilities

equipment sales, rental, service
funeral facilities
garden centres
home occupations
liquor sales (MPC?)
medical and health facilities (inpatient and outpatient)
mobile home sales, service
parking facilities
protective services
religious assembly
senior citizen housing
utility facilities

C-L Local Commercial District

(1) Purpose:

For the development of small-scale uses catering to the convenience shopping and service needs of residents within the immediate vicinity (within approximately 0.5 km radius).

(2) Permitted Uses:

accessory buildings
financial institutions
household repair services
medical and health offices (outpatient)
personal services
retail stores, convenience
signs¹

(3) Discretionary Uses:

animal care, minor
child care, minor
dwellings, apartment, in conjunction with permitted uses
home occupations
offices
shopping centres

C-N Neighbourhood Commercial District

(1) Purpose:

For the development of a range of commercial and service uses which primarily cater to the daily needs of the residents living in the surrounding neighbourhood (within approximately 1 km radius).

(2) Permitted Uses:

- accessory buildings
- eating and drinking establishments
- financial institutions
- government services
- household repair services
- medical and health offices (outpatient) offices
- personal services
- retail stores
- retail stores, convenience
- signs¹

(3) Discretionary Uses:

- amusement facilities ² (DO)
- animal care, minor
- business support services
- child care, major
- child care, minor
- clubs
- commercial schools
- cultural facilities
- dwellings, apartment
- education facilities
- entertainment establishments (DO)
- garden centres
- home occupations
- liquor sales (MPC?)
- manufacturing, specialty
- service stations
- shopping centres

C-S Shopping Mall Commercial District

(1) Purpose:

Exclusively for the development of comprehensively-designed shopping centres which accommodate a wide range of retail, personal service, entertainment and office uses serving the entire City and surrounding region, and which utilize shared parking areas and parcel access.

(2) Permitted Uses:

accessory buildings
business support services
commercial schools
eating and drinking establishments
entertainment establishments
garden centres
financial institutions
government services
household repair services
liquor sales
manufacturing, specialty
medical and health offices (outpatient)
offices
personal services
retail stores
retail stores, convenience
service stations
shopping centres
signs ¹
tourist information centres

(3) Discretionary Uses:

amusement facilities (DO)
animal care, minor
automotive shops
billboards ²
child care, major
child care, minor
clubs
cultural facilities
drive-in restaurants
dwellings, apartment
education facilities
medical and health facilities (inpatient and outpatient)
parking facilities
protective services
publishing, printing, recording, and broadcasting establishments

religious assembly
senior citizen housing
sports and recreation facilities, minor
utility facilities

I-B Industrial Business District

(1) Purpose:

For the development of light industrial, warehousing and limited commercial uses which are compatible with each other and with uses in adjacent districts.

(2) Permitted Uses:

accessory buildings
animal care, minor
building trades and contractors
business support services
clubs
greenhouses
hardware and building supplies
household repair services
manufacturing, specialty
publishing, printing, recording and broadcasting establishments
railway lines
recycling facilities ¹
research facilities
signs ²
transportation services
vehicle sales, rental
warehouses, retail
warehouses, wholesale

(3) Discretionary Uses:

amusement facilities **(DO)**
auction establishments **(parking issue)**
auto body and/or paint shops
automotive shops
billboards ³
child care, major
child care, minor
commercial schools
eating and drinking establishments
equipment sales, rental, service
industrial vehicles and machinery - sales, rental, service
liquor sales **(MPC?)**
manufacturing, general ¹
mobile homes sales, service
offices
parking facilities

protective services
service stations
utility facilities

I-G General Industrial District

(1) Purpose:

For the development of manufacturing, processing, distribution and storage uses and related services.

(2) Permitted Uses:

accessory buildings
auction establishments
auto body and/or paint shops
automotive shops
building trades and contractors
equipment sales, rental, service
farm supplies, service
freight and storage
industrial vehicles and machinery - sales, rental, service
manufacturing, general ¹
publishing, printing, recording and broadcasting establishments
railway lines
recycling facility ¹
research facilities
signs ²
sports and recreation facilities, minor, as temporary development in
conjunction with another use
transportation services
utility facilities
warehouses, wholesale

(3) Discretionary Uses:

animal care, major
billboards ³
bulk fuel stations
business support services
child care, major ⁴
child care, minor ⁴
greenhouses
hardware and building supplies
liquor sales (MPC?)
manufacturing, intensive ¹
manufacturing, specialty
parking facilities
protective services
salvage or waste disposal facilities
vehicle sales, rentals

I-H Heavy Industrial District

(1) Purpose:

Primarily for the development of intensive manufacturing and similar high impact uses.

(2) Permitted Uses:

accessory buildings
bulk fuel stations
farm supplies, service
manufacturing, intensive ¹
railway lines
salvage or waste disposal facilities
signs ²
utility facilities

(3) Discretionary Uses:

billboards ³
child care, major ⁴
child care, minor ⁴
manufacturing, general ¹

P-B Public Building District

(1) Purpose:

Primarily for the development of government, education, health, religious, memorial and cultural facilities.

(2) Reserve Land:

Notwithstanding the permitted and discretionary uses in this district, lands dedicated as municipal and/or school reserve pursuant to the Act shall be used and administered only as provided by the Act.

(3) Permitted Uses:

accessory buildings
child care, minor
cultural facilities
education facilities
government services
medical and health facilities (inpatient and outpatient)
parks
protective services
religious assembly
signs ¹

(4) Discretionary Uses:

child care, major
clubs
dwellings, apartment ²
dwellings, single detached ³
funeral facilities
group homes
home occupations
medical and health offices (outpatient)
parking facilities
senior citizen housing
sports and recreation facilities, major (MPC?)
sports and recreation facilities, minor
tourist information centres
utility facilities

P-R Park and Recreation District

(1) Purpose:

For the development of park, recreational, cultural or community assembly uses on comprehensively landscaped parcels.

(2) Reserve Land:

Notwithstanding the permitted and discretionary uses in this district, land dedicated as municipal and/or school reserve pursuant to the Act shall be used and administered only as provided by the Act.

(3) Permitted Uses:

accessory buildings
parks
signs ¹
sports and recreation facilities, minor

(4) Discretionary Uses:

campgrounds
cemeteries
child care, major
child care, minor
cultural facilities
education facilities
tourist information centres
utility facilities

P-T Transportation District

(1) Purpose:

For the operation of the regional and national railway system through the City.

(2) Permitted Uses:

accessory buildings
railway lines
railway operating signs

(3) Development Regulations:

No requirements.

R-CM Comprehensively Planned Medium Density Residential District

(1) Purpose:

For the development of comprehensively planned residential areas, comprising primarily single detached, two-unit and small-scale multiple-unit dwellings, according to an approved comprehensive siting plan. **(Subdivision Approving Authority and DO)**

(2) Permitted Uses at locations indicated on the applicable comprehensive siting plan:

accessory buildings

dwellings, apartment comprising a maximum of four dwelling units
each

dwellings, single detached

dwellings, townhouse comprising a maximum of four dwelling units
each

dwellings, two unit

senior citizen housing, in apartment, single detached, townhouse or two
unit dwellings

(3) Discretionary Uses:

child care, minor **(DO, Notice Post)**

garden suites **(DO, temporary only)**

group homes **(DO, NP)**

home occupations **(DO)**

parks **(DO)**

The same rules would apply to RCM-20.

R-L Low Density Residential

(1) Purpose:

Primarily for the development of single detached dwellings and compatible uses.

(2) Permitted Uses:

accessory buildings
dwellings, single detached

(3) Discretionary Uses:

child care, minor **(NP)**
dwellings, two unit **(NP)**
garden suites **(temporary only)**
group homes **(NP)**
home occupations **(letters after 1 year)**
parks

The same rules would apply to RR-L.

R-MH Mobile Home District

(1) Purpose:

For the siting of mobile homes in accordance with an approved comprehensive siting plan. **(subdivision approving authority and DO)**

(2) Permitted Uses:

accessory buildings
mobile homes

(3) Discretionary Uses:

child care, minor **(NP)**
garden suites **(temporary only)**
group homes **(NP)**
home occupations **(letters)**
parks

R-37 Medium Density Residential District

(1) Purpose:

Primarily for the development of multiple unit dwellings at medium densities.

(2) Permitted Uses:

accessory buildings
dwellings, apartment
dwellings, townhouse
dwellings, two unit
signs ¹

(3) Discretionary Uses:

boarding houses **(NP)**
child care, minor **(NP)**
dwellings, single detached **(DO)**
garden suites **(temporary only)**
group homes **(NP)**
home occupations
parks
senior citizen housing

The same rules would apply to R-50.

In the R-37L District (London Road Neighbourhood), the neighbourhood association will be notified of most discretionary uses.

R-60 Medium Density Residential District

(1) Purpose:

Primarily for the development of multiple unit dwellings at medium densities.

(2) Permitted Uses:

accessory buildings
dwellings, apartment
dwellings, townhouse
signs ¹

(3) Discretionary Uses:

boarding houses **(NP)**
child care, minor **(NP)**
dwellings, two unit **(DO)**
group homes **(NP)**
home occupations
parks
senior citizen housing

The same rules would apply to R-75.

R-100 High Density Residential District

(1) Purpose:

For the development of multiple unit dwellings at high densities.

(2) Permitted Uses:

accessory buildings
dwellings, apartment
dwellings, townhouse
signs ¹

(3) Discretionary Uses:

boarding houses **(NP)**
child care, major **(NP)**
child care, minor
group homes **(NP)**
home occupations
parks
senior citizen housing

The same rules would apply to R-150, R-200.

72. UR Urban Reserve District

(1) Purpose:

For the control of subdivision and development until the required municipal services are available, area structure or area redevelopment plans are approved, and more appropriate alternative districts are applied.

(2) Permitted Uses:

accessory buildings ¹

farms

one single detached dwelling or mobile home on a title existing on
November 5, 1984

(3) Discretionary Uses:

animal care, major

billboards ²

cemeteries

childcare, minor

dwellings, two unit on a title existing on November 5, 1984

greenhouses

group homes **(NP)**

home occupations

parks

resource extraction

second farm dwelling on a less than 32.4 hectare parcel

signs ³

sports and recreation facilities, minor

tourist information centres

utility facilities

65. DC Direct Control Districts

(1) Purpose:

For the development of uses that, due to their particular circumstances or innovative characteristics, require specific sets of rules in order to achieve a desired result. The purpose of this district is not to substitute for another district which could be used to achieve the same result.

(2) Uses:

Council may, by by-law, specify permitted and/or discretionary uses in direct control districts.

(3) Rules:

Council may, by by-law, specify development standards for direct control districts.

(4) Deciding on a Development Permit Application:

Unless otherwise provided in a statutory plan or in a by-law designating land as a direct control district, decisions respecting development permit applications for permitted uses, discretionary uses and waivers shall be made according to the processes described in Sections 21, 22 and 23, respectively.

Section 22 of the Land Use By-law, mentioned in subsection (4), above, allows the Municipal Planning Commission to delegate discretionary use decision-making to the Development Officer.

The exception is the Direct Control By-law for the Railway Relocation Lands (CentreSite). City Council decides on all applications in CentreSite.

To delegate decision-making to the Development Officer, City Council must pass an amendment to the Railway Relocation Lands Area Redevelopment Plan, Sections 6.6.1.9 to 6.6.3.1 and Figures 1 and 2.