



CITY OF  
*Lethbridge*

## **Rezoning Process (Land Use Bylaw Amendment)**

### **Introduction**

The City of Lethbridge Land Use Bylaw is the rule book for all development that happens within Lethbridge. It regulates the what, where, and how of land use in Lethbridge. Every property in the city belongs to a land use district which includes a set of rules relating to items such as building type, height, setback, number of parking stalls, etc. If the development being considered is not allowed by the property's current zoning, the land owner may apply to rezone the property.

Because a change in zoning can also affect neighbouring residents, it is important that the following public process is followed closely so that all concerned citizens of Lethbridge have the opportunity to express their perspectives to City Council. All rezoning applications require amendments (changes) to the City of Lethbridge Land Use Bylaw 6300, which are reviewed and decided upon by City Council.

The first 4 steps of the process are led by City planning staff. The last 4 steps are part of a formal City Council process to amend the City of Lethbridge Land Use Bylaw 6300.

### **Purpose**

This document outlines the rezoning process. It will help applicants and interested citizens understand how the process works and how to participate.

### **Two Streams**

There are two possible streams that an application may follow through the rezoning process.

The first is the New Growth Areas stream. This stream is for applications where the land has never been developed in an urban manner or where the proposed rezoning is in a newer area where buildings are still being developed. Applications in New Growth Areas often need to align with an Area Structure Plan and/or an Outline Plan that has been approved for the location of the application.

Approved Area Structure Plans are listed here: <https://www.lethbridge.ca/Doing-Business/Planning-Development/Planning/Pages/Area%20Structure%20Plans.aspx>

Approved Outline Plans are listed here: <https://www.lethbridge.ca/Doing-Business/Planning-Development/Planning/Pages/Outline%20Plans.aspx>

The second stream is the Existing Neighbourhoods stream. This is for applications in older parts of the city. Applications in some Existing Neighbourhoods may need to align with an approved Area Redevelopment Plan, depending upon the location.

Approved area redevelopment plans are listed here: <https://www.lethbridge.ca/Doing-Business/Planning-Development/Planning/Pages/Area-Redevelopment-Plans.aspx>

All applications need to align with the South Saskatchewan Regional Plan and the Integrated Community Sustainability Plan/Municipal Development Plan.

## **Process**

This section outlines the process followed for a rezoning application and for the land use bylaw amendment that enables the rezoning.

### **1. Pre-application**

The first step in the process is to call Planning & Development Services at 403-320-3920 and speak with a permit technician and explain the proposed change with them. The Permit Technician will then determine which stream the application should follow and will refer the applicant to a Community Planner who will guide the applicant through the rezoning process. The applicant and the assigned Community Planner will discuss the details of the proposal and the requested land use bylaw amendment.

### **2. Applicant Open House**

For Existing Neighbourhoods applications, the Community Planner will advise that the applicant host an open house. This event allows the applicant to share information about the project and provides neighbours with an opportunity to comment on the proposal. The event also allows the applicant to gauge the community's level of support for the proposal. If the applicant receives negative feedback, they may choose a) to make changes to their proposal, b) not to move forward with their proposal, or c) to move forward with knowledge about concerns that might arise at the Public Hearing (see Step 7).

Often, applications in New Growth Areas do not require applicant open houses because proposed land use amendments often reflect development that has been planned as part of an Approved Area Structure Plan/Outline Plan which was subject to public input. However, in some cases, the Community Planner will recommend that the applicant hold an open house.

The applicant is usually responsible for hosting the open house, however the assigned Community Planner also attends to answer questions about the rezoning process. Further details about the Applicant Open House are provided when an applicant has been assigned a Community Planner.

### 3. Application

Rezoning application forms can be picked up at the Planning and Development Counter on the first floor of City Hall or downloaded from the City of Lethbridge website (<https://www.lethbridge.ca/Doing-Business/Planning-Development/Planning/Pages/Zoning.aspx>). While some proposals will require additional information, the following list outlines typical components of an application package:

- Completed application form
- Authorization to act on behalf of the Land Owner(s)
- Map illustrating the site and proposed land use district(s) (unless otherwise determined by the Community Planner, a hard copy must be submitted in person with the application and an electronic copy must be submitted to the Community Planner in either CAD or GIS format).
- Current Land Title(s) to the property(ies) (no older than 30 days)
- Required fee, as per the Bylaw for Development Fees and Charges. As of April 2020 this amount is \$5,500.

Applicants will then submit the completed application and fee to a permit technician. The permit technician will create the file, process fee payment and notify the Community Planner that the application has been submitted. The Community Planner will review the file and the submitted materials and will notify the applicant if there is any additional supporting information that is needed. The Community Planner may wait until all the supporting information and application fee has been submitted before further processing the application.

### 4. Circulation

When the application package is accepted as complete, the Community Planner puts together a bylaw amendment package and circulates it to a number of internal and external departments and agencies for their review of items such as servicing and transportation issues. At this point the Community Planner will also distribute notification letters announcing that a Land Use Bylaw Amendment application has been received to all landowners within a minimum 60 metre radius around the site. This provides transparency and allows neighbouring landowners to be made aware of the proposal early in the process. The Community Planner works with the applicant to resolve any outstanding concerns. This circulation typically takes approximately 14 - 21 days however, this can take up to 30 days if Lethbridge County is required to be included in the circulation, as per the Intermunicipal Development Plan.

## 5. First Reading

After the Circulation is complete and comments have been received, the Community Planner submits the bylaw amendment package for a First Reading by City Council. The Community Planner also notifies the applicant of important dates when he/she will need to attend to speak and answer questions in front of City Council about the proposal.

New Growth Areas stream applicants should be aware that land use bylaw amendments will not typically be submitted for First Reading until after an approved Outline Plan is in place. However, the applicant should submit the proposed rezoning application to the Community Planner as soon as possible to reduce overall processing time.

## 6. Notification of Public Hearing

Following First Reading, the Community Planner will send notification letters to the land owners in the vicinity that a Public Hearing will be taking place (These are the same land owners that received the initial notification when the application was submitted – see step #4 above). They are invited to come speak to City Council at the Public Hearing to make their support or concerns known. In accordance with the Municipal Government Act, the Public Hearing will also be advertised in the Lethbridge Herald for two consecutive weeks (on Saturdays), so that all concerned or supportive citizens are informed. The Public Hearing notice will also be posted on the City of Lethbridge website (<https://www.lethbridge.ca/City-Government/Agenda-Minutes/Pages/Public-Hearing-Notices.aspx>). Those wishing to make a written submission to be included as part of the public record are required to do so prior to noon on the Monday preceding the date of the Public Hearing. Anyone is invited to attend and to speak at the Public Hearing, whether they have responded to the notification or not.

## 7. Public Hearing

At the Public Hearing, the Community Planner makes a presentation informing City Council of the details of the proposed land use bylaw amendment. This presentation most often includes the Department's recommendation to City Council regarding the proposed land use bylaw amendment. The applicant (or a designate) will then be allowed five minutes to speak about the proposal if they wish. City Council will then ask for those in the audience to come forward and speak either for or against the application. Each person may speak for a maximum of five minutes. Once this has taken place, City Council will close the Public Hearing portion of the meeting, and the public will not have further opportunity to speak. A question period follows, with City Council asking questions. Questions are most often directed to either the Community Planner or the applicant, though questions may be asked of other speakers as well.

## 8. Second and Third Reading

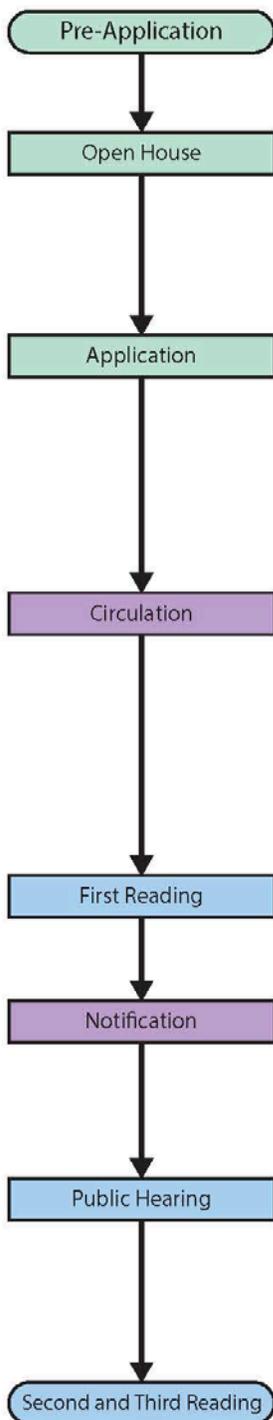
This is the final step of the process. City Council will discuss and debate the proposal and will make a decision to approve or deny the proposed land use redesignation. Second and Third Reading usually take place immediately following the Public Hearing, though Council may choose to table its decision until the next regularly held City Council meeting. Once City Council makes a decision, the applicant will be notified of the result by the Community Planner. If the application is refused, the same rezoning application may not be resubmitted for 6 months unless it has been substantially modified.

### **Time Frame**

Once a complete rezoning application has been submitted and accepted, the process typically takes between two to three months to complete.

### **Appeals**

Unlike other development processes, there is no appeal to a City Council decision on a rezoning.



The **Pre-Application** process allows an applicant to generally explain the proposed land use redesignation. The Planning Services Assistant will then determine which stream the application should follow, and the applicant will be assigned to a Community Planner who will help assist the applicant through the process.

For applications located in established Neighbourhoods an **Open House** should be hosted by the applicant in order to provide neighbouring residents and parties an opportunity to comment on the propose and to be made aware that changes could be coming to their neighbourhood. This opportunity also allows the applicant to gauge the communities support for the proposal. Applications for New Growth Areas do not generally require applicant open houses. However, in some circumstances, the Community Planner will recommend that the applicant hold an open house.

The **Application** must be completely filled out and all of the necessary supporting information must be submitted with the application before the Planner assigned to the file will begin processing. The following must be included as part of a complete application, unless otherwise specified by the Community Planner:

- Completed application form
- Authorization to act on behalf of the Land Owner(s)
- Map illustrating the site and proposed land use district(s) (physical and digital formats)
- Current Land Title(s) to the property(ies)
- Required fee, as per the Bylaw for Development Fees and Charges

The Planner will oversee the **Circulation** of the proposed redesignation for feedback among internal and external stakeholders such as *Transportation, Urban Construction, Emergency Services, ATCO and Canadian Pacific Railway* amongst others. This circulation process will take approximately 2 to 3 weeks but up to 30 days if the application must be circulated to Lethbridge County, as per the Intermunicipal Development Plan.

After the Circulation is complete and comments have been received, the Community Planner will advise the applicant of any relevant comments and if any part of the application needs to be changed to obtain the support of City Administration in the their recommendation to City Council. The Community Planner will also provide nearby land owners that with notification that a rezoning application has been submitted for the parcel at this time.

The Planner will submit the bylaw package for **First Reading** to City Council. This can take two to three weeks to get on the Council agenda. First reading requires no participation from the applicant and allows the application to proceed to a Public Hearing and Second and Third Readings. The time between First Reading and the Public Hearing is typically four weeks, but can be longer.

Direct **Notification** of public hearing will be sent out by the Planner to nearby landowners upon completion of first reading. They and any other impacted stakeholders are invited to come and speak to City Council at a Public Hearing or provide a written submission and make their support or concerns known regarding the redesignation. As of August 2020, notification is also posted on the City's website and in the Lethbridge Herald. This occurs concurrently to application process - between when First Reading and the Public Hearing occur.

At the **Public Hearing** the Planner handling the application will present a power point presentation which will inform City Council as to the details of the proposed land use redesignation and provide the recommendation of City Administration. Then City Council will ask the applicant if they would like to speak or present and will then ask for those in the audience to come forward and speak either for or against the application. After hearing from the public the question period will begin and City Council will ask either the Planner or applicant questions about the proposed rezoning.

The **Second and Third Reading** is the final component of the process, and is where City Council will discuss and debate the proposal and finally make a decision to approve or deny the proposed rezoning. Second and Third Reading usually occurs on the same day as the Public Hearing, however City Council can choose to defer this to another Council meeting.