

	<b>Planning &amp; Design</b>  <b>POLICIES</b>	<b>Policy Number</b>  2022-08
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# NOTIFICATION POLICY: DISCRETIONARY USES & WAIVERS

## Summary

Title of Document:	Notification Policy: Discretionary Uses & Waivers
Title of Designated Responsible Manager:	General Manager, Planning & Design
Original Date Approved:	June 27, 2022
Approved By:	General Manager, Planning & Design
Last Revision:	N/A
Next Review Date:	Not defined
Replaces:	Policy 2018-10 (Notification: Discretionary Uses & Waivers Policy)

## Purpose

The purpose of the Policy is to outline the process of notification undertaken by the Development Authority in the case of certain discretionary use and waiver applications. This consolidates existing policy and practice into a single policy and allows the City to ensure information is delivered to nearby residents consistently for similar types of applications.

## Background

During a Municipal Planning Commission (MPC) meeting held on July 15, 1997 a proposal was brought forward to change the notification method to neighbouring landowners for certain uses. Prior to this date notifications were taken door-to-door by the applicant to neighbouring residents. The new approach approved by MPC was for City staff to mail a notice to each landowner within 60m of the parcel which is the subject of the development permit application. This Policy was already in place for applications for group homes, daycares in residential districts, Land Use Bylaw amendments, and development appeals. Similarly, the Development Officer felt it was best to have notifications mailed out for certain discretionary uses and applications requiring a waiver rather than door-to-door.

When MPC was dissolved in 2022, there was a recognition that information regarding some applications should continue to be provided to surrounding landowners.

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### Supporting Research and Analysis

- Relevant government policy and legislation:
  - MGA (Section 640(2)(d)): *notice regarding the issuance of a development permit*
  - Land Use Bylaw 6300 (Section 19)
- This Policy is related to the Land Use Bylaw 6300 Section 19, which states that the notification (prior to decision) to neighbors affected by the decision may be undertaken.
- This Policy provides direction to staff on when to notify neighbours based on the Land Use Bylaw provisions for notification.
- This is consistent with historic practices where (pre-decision) notification has been given to landowners within a 60m radius of the subject property when an application was to be considered by MPC.

### Supporting Information (attached)

- **July 15, 1997 Municipal Planning Commission Agenda & Minutes** – Appendix ‘A’
- **Policy 2018-10 (Notification: Discretionary Uses & Waivers Policy)** – Appendix ‘B’

### Policy Statement

**This Policy states that the Development Authority will notify (by mail) owners of land within 60m (200ft) of the parcel which is the subject of a development permit application for the following uses:**

- 1. Applications for entertainment establishments where the property is directly neighbouring a Residential District.**
- 2. Home occupations involving a waiver of the Land Use Bylaw.**
- 3. Two-unit dwellings, where they are discretionary uses, on parcels that have not been previously designated for this use.**
- 4. Group home and child care facilities, where they are discretionary uses.**

**The Development Authority may elect to notify owners of land, as above, in the following situations:**

- 1. Discretionary uses and waivers of the Land Use Bylaw which, in the opinion of the Development Officer, will be of sufficient concern or impact to neighboring landowners. This may include but is not limited to:**
  - a. Parking waivers**
  - b. Height waivers**
  - c. Other land uses and waivers that are expected to have an effect or impact beyond the boundaries of the parcel that is the subject of the application**

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## Process

- The protocol to determine a 60m buffer is
  - Using GIS, identify subject parcel.
  - The parcel boundary line of subject parcel is offset outwards 60m from the edge of the parcel, to form a buffer of 60m around the subject parcel.
  - For land ownership purposes any parcel that intersects with the 60m buffer (must only touch the buffer, does not require parcel to be fully within the buffer) these parcels that touch the buffer are identified and listed.
  - Owners of these parcels are identified, and corresponding notification letters are sent to the addresses.

## Related Documents

- July 15, 1997 Municipal Planning Commission Agenda & Minutes
- Land Use Bylaw 6300 (Section 19)
- Municipal Government Act( Section 640-2(d))

## Responsibility for Policy Development & Implementation

- Development Manager, Planning & Design

## Key Functional Stakeholders

- Planning & Design Department

## Definitions

**Entertainment Establishment:** means Development providing musical, dancing or cabaret entertainment, and/or gambling and gaming opportunities, and/or facilities for alcoholic beverage consumption and includes supplementary food service. This term refers to Uses such as cabarets, beverage rooms, cocktail lounges, nightclubs, bars, taverns, pubs, casinos, racetracks and bingo halls. Restaurant is a separate Use.

**Home Occupation:** means the Accessory Use of residential property by the occupants for an occupation, trade, profession or craft. This use excludes woodworking, welding, machine shops, Automotive Shops or Auto Body and /or Paint Shops.

- Home Occupation Type A- a home business with no customer visits
- Home Occupation Type B- a home business with customer visits
- Home Occupation Type C- a home business that offers music instruction to students

**Group Homes:** means Development using a Dwelling for a residential social care facility providing rehabilitative, and/or supportive care for 4 to 10 persons, who by reason of their emotional, mental, social or physical condition, require a supervised group living arrangement.

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**Child Care (major):** means Development providing provincially-approved care or education for more than 50 children at one time. This term refers to uses such as day care centres, nursery schools, kindergartens and play schools.

**Child Care (Minor):** similar to Child Care (major) except the maximum number of children can only be between 10-50.

### Policy Status

Current Status

In effect

Date Effective

May 25, 2022

Approval Details

General Manager, Planning & Design, June 27, 2022

Endorsement Details

General Manager, Planning & Design

Next Review Date

N/A

Policy Author

Community Planner 2

Authored date

June 23, 2022

Contacts

General Manager, Planning & Design

### Policy Location

- File Path
  - I:\BU\830\DEPARTMENT AREAS\DEVELOPMENT\2. POLICIES & PROCEDURES\b. Approved and formatted PPP's\Dev\_Notification\Policy
- Tempest Location
  - MIP Number:

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- Address Location
- Website Page

# Appendix 'A'

97-48

MINUTES of a regular meeting of the **MUNICIPAL PLANNING COMMISSION** held on Tuesday, July 15, 1997 at 3:00 p.m.

PRESENT: Alderman B. Lacey  
Alderman E. Martin  
Member at Large, Glen Fengstad  
G. Sherwin, Director of Finance & Administration

OTHERS: G. Kuhl, Development Officer  
D. Cronkhite, Development Officer  
C. Shigemi, Assistant Development Officer  
C. Coutts, Recorder

ABSENT: Alderman F. Peta, Chairman  
Member at Large, Paul Pharo  
T. Hudson, Director of Community Services  
F. Michna, General Manager, Development Services

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SEE PAGE 2

G. FENGSTAD:

THAT Ed Martin be appointed as Acting Chairman of the Municipal Planning Commission for the July 15<sup>th</sup>, 1997 meeting.

-----CARRIED

## **DEVELOPMENT APPLICATIONS:**

**97-0610 GREG HORON** on behalf of **SAVE MORE LIQUOR** proposes to establish a 121.69 sq. meter liquor store in an existing retail bay at **1201 - 2 Avenue A North**. Land Use District C-G General Commercial.

The applicant was not present.

The Development Officer advised the application was before the Municipal Planning Commission because it is a discretionary use in this land use district. Also it is policy of the Municipal Planning Commission to look at each liquor store application. He recommended the application be approved providing four off-street parking stalls are provided and maintained for this use and that prior to the installation of any exterior signs, a sign permit must be approved by the Development Officer.

B. LACEY:

THAT this application be APPROVED, subject to the following:

1. That 4 off-street parking stalls be provided and maintained for this use.
2. That prior to the installation of any exterior signs, a sign permit must be approved by the Development Officer.

INFORMATIVE:

The use "liquor sales" is a discretionary use in the General Commercial Land Use District and is required to be referred to the Municipal Planning Commission for a decision.

-----CARRIED

## REPORTS

### *PROPOSED POLICY CHANGE - Notification By Mail*

The Development Officer, David Cronkhite, discussed a proposed policy regarding notification of neighbouring landowners. His recommendation was to replace the existing letter that is taken door-to-door by the applicant. He outlined the positive and negative aspects of this change. The new approach would be for the City to mail a notice to each landowner within 60 m of the parcel which is the subject of the development permit application. This is the same as the current Municipal Planning Commission policy requiring notification by mail of landowners when the development permit application is for a group home or a day care in residential districts. This is also similar to the notification policy for development appeals, and for land use by-law amendments. As such, it is not a new concept for Lethbridge.

Discussion centered around the Land Use By-law requirement to charge the applicant an additional \$75 when notices are mailed, particularly as it applies to home occupations. It was decided that the policy of charging the additional \$75 would not apply to those home occupation applications that are required to re-apply for permanent approval after the one year trial period. However, if the application is changed, the fees would apply as this would be a new proposal.

The Commission also decided that the cost recovery of the newspaper advertising fee, currently \$40, would not apply to those home occupation applications that are required to re-apply for permanent approval after the one year trial period.

The following resolution was passed:

G. FENGSTAD:

THAT the Development Officer be authorized to notify owners of land within 60 m (200 feet) of the parcel which is the subject of a development permit application for the following uses:

1. All applications that are to be considered at a public meeting of the Municipal Planning Commission.
2. Home occupations involving a waiver of the Land Use By-law.
3. Two unit dwellings, where they are discretionary uses, on parcels that have not been previously designated for this use.
4. Discretionary uses and waivers of the Land Use By-law which, in the opinion of the Development Officer, will be of sufficient concern or impact to neighbouring landowners to require the notification of those landowners by mailed notice. To guide the Development Officer, this may include but is not limited to:
  - (a) parking waivers
  - (b) height waivers
  - (c) group homes, child care facilities and amusement facilities, where these are discretionary uses, and
  - (d) other land uses and waivers that are expected to have an effect or impact beyond the boundaries of the parcel that is the subject of the application.
5. The implementation of this policy will start when the requisite administrative procedures are in place.

-----CARRIED

This resolution should be forwarded to City Council as information.

G. FENGSTAD:

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

-----CARRIED

# Appendix 'B'

	<b>Planning &amp; Design</b> <b>POLICIES</b>	Policy Number 2018-10
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## NOTIFICATION: DISCRETIONARY USES & WAIVERS POLICY

### Summary

Title of Document:	Notification: Discretionary Uses & Waivers Policy
Title of Designated Responsible Manager:	General Manager, Planning & Design
Original Date Approved:	July 15, 1997
Approved By:	Municipal Planning Commission
Last Revision:	N/A
Next Review Date:	Not defined

### Purpose

The purpose of the Policy is to streamline the process of notification of adjacent landowners by mail, rather than distributed door-to-door as had been done previously by applicants. This allows the City to ensure accurate, consistent information is delivered to nearby residents.

### Background

During a Municipal Planning Commission (MPC) meeting held on July 15, 1997 a proposal was brought forward to change the notification method to neighbouring landowners for certain uses. Prior to this date notifications were taken door-to-door by the applicant to neighbouring residents. The new approach approved by MPC was for City staff to mail a notice to each landowner within 60m of the parcel which is the subject of the development permit application. This Policy was already in place for applications for group homes, daycares in residential districts, Land Use Bylaw amendments, and development appeals. Similarly, the Development Officer felt it was best to have notifications mailed out for certain discretionary uses and applications requiring a waiver (see 'Policy Statement' section) rather than door-to-door.

### Supporting Research and Analysis

- Relevant government policy and legislation:
  - MGA (Section 640(2)(d)): *notice regarding the issuance of a development permit*
  - Land Use Bylaw 6300 (Section 19)

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- This Policy is related to the Land Use Bylaw 6300 Section 19, which states that the notification (prior to decision) may be required to neighbors affected by the decision of the Commission.
- This Policy exceeds the Land Use Bylaw requirements in that it specifies development permit application criteria that require a notification to be sent out.
- This is consistent with historic practices (pre-decision) where notification is given to landowners within a 60m radius of the subject property when an application is to be considered by MPC.

### Supporting Information (attached)

- **July 15, 1997 Municipal Planning Commission Agenda & Minutes – Appendix ‘A’**

### Policy Statement

**This Policy states that the Development Officer be authorized to notify (by mail) owners of land within 60m (200ft) of the parcel which is the subject of a development permit application for the following uses:**

- 1. All applications that are to be considered at a public meeting of the Municipal Planning Commission.**
- 2. Home occupations involving a waiver of the Land Use Bylaw**
- 3. Two-unit dwellings, where they are discretionary uses, on parcels that have not been previously designated for this use.**
- 4. Discretionary uses and waivers of the Land Use Bylaw which, in the opinion of the Development Officer, will be of sufficient concern or impact to neighboring landowners. This may include but is not limited to:**
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  - c. Group homes, child care facilities and amusement facilities, where these are discretionary uses**
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### Process

- The protocol to determine a 60m buffer is
  - Using GIS, identify subject parcel
  - The parcel boundary line of subject parcel is offset outwards 60m from the edge of the parcel, to form a buffer of 60m around the subject parcel.
  - For land ownership purposes any parcel that intersects with the 60m buffer (must only touch the buffer, does not require parcel to be fully within the buffer) these parcels that touch the buffer are identified and listed.
  - Owners and/or occupants of these parcels are identified, and corresponding notification letters are sent to the addresses.

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### Related Documents

- July 15, 1997 Municipal Planning Commission Agenda & Minutes
- Land Use Bylaw 6300 (Section 19)
- Municipal Government Act( Section 640-2(d))

### Responsibility for Policy Development & Implementation

- Development Manager, Planning & Design

### Key Functional Stakeholders

- Planning & Design Department

### Definitions

**Home Occupation:** means the accessory use of residential property by the occupants for an occupation, trade, profession or craft. This use excludes woodworking, welding, machine shops, automotive, or autobody and /or paint shops.

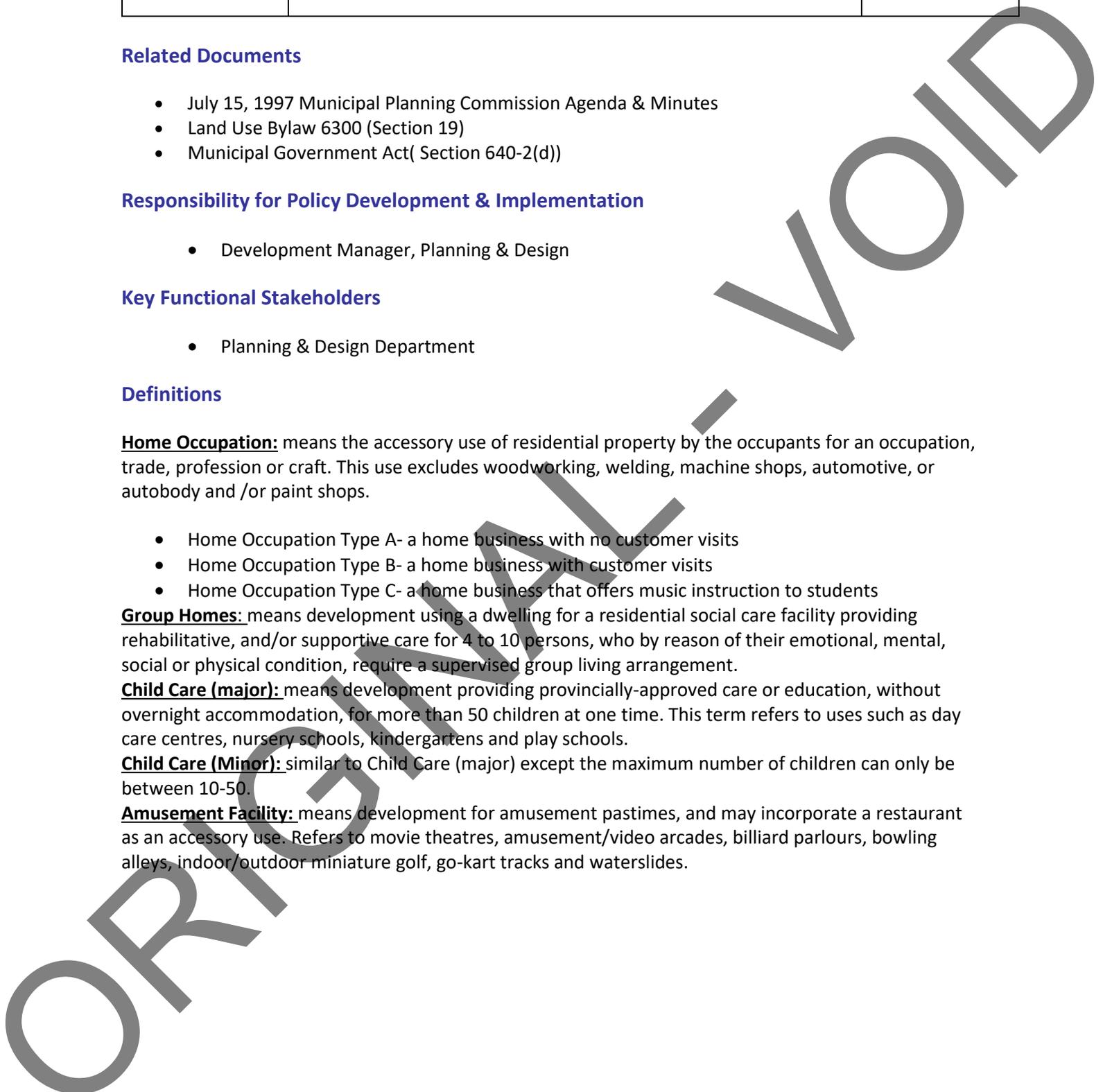
- Home Occupation Type A- a home business with no customer visits
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**Group Homes:** means development using a dwelling for a residential social care facility providing rehabilitative, and/or supportive care for 4 to 10 persons, who by reason of their emotional, mental, social or physical condition, require a supervised group living arrangement.

**Child Care (major):** means development providing provincially-approved care or education, without overnight accommodation, for more than 50 children at one time. This term refers to uses such as day care centres, nursery schools, kindergartens and play schools.

**Child Care (Minor):** similar to Child Care (major) except the maximum number of children can only be between 10-50.

**Amusement Facility:** means development for amusement pastimes, and may incorporate a restaurant as an accessory use. Refers to movie theatres, amusement/video arcades, billiard parlours, bowling alleys, indoor/outdoor miniature golf, go-kart tracks and waterslides.



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### Policy Status

Current Status

In effect

Date Effective

July 15, 1997

Approval Details

Municipal Planning Commission, July 15, 1997

Endorsement Details

Municipal Planning Commission

Next Review Date

N/A

Policy Author

Planning Assistant

Authored date

June 13, 2018

Contacts

General Manager, Planning & Design

### Policy Location

- File Path
  - I:\BU\830\DEPARTMENT AREAS\DEVELOPMENT\2. POLICIES & PROCEDURES\b. Approved and formatted PPP's\Dev\_Notification\Policy
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