

# Mark-up of Proposed Amendments – Land Use and Development Procedures Bylaw No 2076, 2009

## Legend

Black Font	Existing text in Land Use and Development Procedures Bylaw No 2076, 2009
<del>Strikethrough</del>	Proposed deletion from Land Use and Development Procedures Bylaw No 2076, 2009
<u>Underline</u>	Proposed addition to Land Use and Development Procedures Bylaw No 2076, 2009

## Amendments:

	Section	Proposed Amendment	Rationale
1	3.	Applications for the following shall be submitted to the City of Merritt <del>and shall substantially be in the form of application attached hereto as Schedule "A":</del> <ul style="list-style-type: none"> <li>a) amendments to the Official Community Plan;</li> <li>b) amendments to the Zoning Bylaw;</li> <li>c) the issuance of Development Variance Permits;</li> <li>d) the issuance of Development Permits; or</li> <li>e) the issuance of Temporary <del>Commercial or Industrial</del> Use Permits</li> </ul>	<ul style="list-style-type: none"> <li>– Removed reference to obsolete application forms.</li> <li>– Consolidated Temporary Use Permits to reflect current practices</li> </ul>
2	4.	No application shall be accepted until the application form and <del>site profile is Site Disclosure Statement (in accordance with the Environmental Management Act) are</del> fully completed and fees paid in full. <del>Application fees shall be in accordance with the City of Merritt Fees and Charges Bylaw, as amended from time to time.</del>	<ul style="list-style-type: none"> <li>– Updated reference for application fees to the new Fees and Charges Bylaw</li> <li>– Site profiles is a Ministry of Environment requirement that we do not require of applicants. It is therefore not relevant and outdated.</li> </ul>
3	5.	<del>5. Form of Permit</del> <del>The following permits shall be substantially in the applicable form attached hereto:</del> <ul style="list-style-type: none"> <li><del>a) Development Variance Permits as per Schedule "C"</del></li> <li><del>b) Development Permits as per Schedule "D"</del></li> <li><del>c) Temporary Commercial or Industrial Use Permits shall be as per Schedule "E".</del></li> </ul>	<ul style="list-style-type: none"> <li>– Delete reference to obsolete application forms.</li> </ul>
4	6.	<del>6. Site Profiles</del> <del>Site Profiles shall be submitted to the City of Merritt and shall substantially be in the form attached hereto as Schedule "F".</del>	<ul style="list-style-type: none"> <li>– No longer relevant requirement.</li> </ul>
5	7.	<del>7. Schedules "A", "B", "C", "D", "E", "F", "G" and "H" attached hereto are incorporated in and form part of this bylaw</del>	<ul style="list-style-type: none"> <li>– Removed reference to schedules that are no longer in use</li> </ul>

6	9. a)	<p>A <b>Development Permit</b> is required in specific areas in the City identified as “Development Permit Areas (DPAs)” according to the Official Community Plan, as amended from time to time. <del>In order for land to be subdivided or a Building Permit issued for construction in one of these areas,</del> Council or a City Official with delegated authority according to the Officer Designation and Delegation of Authority Bylaw, as amended from time to time, must first authorize a Development Permit as follows:</p> <ul style="list-style-type: none"> <li>i. For land to be subdivided, a Development Permit for DPAs other than the form and character DPAs must be authorized;</li> <li>ii. For Building Permit to be issued for construction in one of these areas, a Development Permit for all DPAs must be authorized.</li> </ul>	<ul style="list-style-type: none"> <li>- Reworded to reflect the delegated authority of staff to approve Development Permits</li> </ul>
7	9. b)	<p><del>In the opinion of the Development Approving Officer, if a proposed Sign necessitates detailed review, an application for Sign Development Permit shall be required. A Sign Development Permit is required to install any signage in Development Permit Areas "Highway Corridor Gateways" or "City Centre".</del></p> <p><del>Upon receipt of an application dealing exclusively with signage in the City Centre, the application will be forwarded to the City Centre Board for review and comment. The Administrator (or designate) is hereby delegated the authority to issue or reject a Sign Development Permit.</del></p> <p><del>A Development Permit issued for signage must comply with the provisions of City of Merritt Sign Regulation Bylaw.</del></p> <p><del>The processing fee for a Sign Development Permit shall be fifty dollars (\$50.00) which consists of twenty five dollars (\$25.00) for the Development Permit application and twenty five dollars (\$25.00) for a Sign permit. In the event a Sign Development Permit is not issued, the applicant will be refunded the twenty five dollar (\$25.00) Sign Permit fee. A Sign Development Permit is not required if sign is part of a comprehensive Development Permit.</del></p>	<ul style="list-style-type: none"> <li>- Updated fees to match fees in other BC municipalities.</li> <li>- If Sign Permit fee (\$25) is changed, an amendment to the Sign Bylaw will be required.</li> <li>- Added clause that enable Sign Development Permit Fees to be updated via the Fees and Charges Bylaw.</li> </ul>
8	9. c)	<p>A Facade Development Permit is required for all proposals for building alteration and/or new construction within the <del>Development Permit Areas areas designated City Centre and along the Nicola Avenue Corridor</del>. Projects requiring a development permit application are:</p> <ul style="list-style-type: none"> <li>i) exterior renovation/ restoration to an existing building facade</li> <li>ii) new construction</li> <li>iii) application of new exterior finish materials</li> <li><del>iv) painting of the building exterior</del></li> <li>v) awning or canopy installation</li> </ul> <p>Guidelines for Facade design <del>in the City Centre</del> are set out in the Official Community Plan and will require a Development Permit <del>but shall not be and are</del> subject to Minor Development Permit fees. <del>Facade Improvements will be subject to Building Permit fees. Applications for Facade design improvements shall be submitted in complete detail as required by the form listed as Schedule "G" attached to and forming part of this bylaw.</del></p>	<ul style="list-style-type: none"> <li>- Updated to reflect the current practices</li> </ul>

		Facade Design Applications shall be submitted to the Development <del>Services-Approving</del> Officer for approval. <del>Upon Prior to approval the application will be forwarded to the Building and Safety Inspector for review. before being forwarded to City Council for consideration of issuance of the Development Permit.</del>	
9	10. f)	A Permit holder may apply for an amendment to the terms and conditions of their Development Permit. <del>Council City</del> approval is required for any substantive change to the original Permit; <del>however the Development Services Officer or Building Inspector may approve or deny any minor amendment.</del>	<ul style="list-style-type: none"> <li>- Updated to reflect delegated authority of staff to issue and amend Development Permits</li> </ul>
10	10. g)	Council <del>or its delegates</del> will only approve a new Development Permit subject to an expiry date of twenty four (24) months from the date of their approval; extensions will only be granted under extenuating circumstances, otherwise re- application will be required.	<ul style="list-style-type: none"> <li>- Updated to reflect delegated authority of staff to issue and amend Development Permits</li> </ul>
11	11.	<p><del>Development or Bylaw Amendment</del> Public Notice Signage</p> <p><del>Where required by the Local Government Act or directed by Council or its delegates,</del> the applicant shall post at his cost a sign or signs in a prominent location on the subject property notifying the public of a pending <del>bylaw amendment or development</del> application. <del>Permit applications where the development value is less than fifty thousand dollars (\$50,000) are exempt from posting a sign.</del> Signs must be posted in accordance with the following:</p>	<ul style="list-style-type: none"> <li>- Updated to specify the purpose of Signage.</li> <li>- Change to clarify that Public notice signage requirements are per LGA legislation, or directive of Council and staff. This ensures flexibility regarding legislative changes regarding public notice requirements.</li> <li>- Changed to generic “application” to accommodate potential requirements for Development Variance signage or Temporary Use permit public notice.</li> <li>- Exemption does not apply since Development Permit public notice is not a legislative requirement.</li> </ul>
12	11. c	The size, layout and arrangement of text on the sign(s) shall be in general accordance with the <del>sample shown in Schedule “H” which is attached to and forms part of this Bylaw.</del> Sign template sample supplied by staff if public notice is required. The overall dimensions of each sign shall be 1.2 metres by 2.4 metres (4 ft. by 8 ft.).	<ul style="list-style-type: none"> <li>- Removed reference to sign template.</li> </ul>
13	11.d.vi	<del>Details of variance, if applicable.</del>	<ul style="list-style-type: none"> <li>- Deleting as Sign for Variance no longer required</li> </ul>

13	12	<p>d) Alternatively, Public Notice may be delivered electronically by:</p> <p>i. Posting the notice on the official City website for two consecutive weeks prior to the Council meeting on the matter; and</p> <p>ii. Posting the notice on official City Social Media sites for two consecutive weeks prior to the Council meeting on the matter.</p>	<ul style="list-style-type: none"> <li>- Update to allow digital notice of Public hearing, as enabled by recent Legislative changes</li> </ul>
14	13. a	<p>Council shall consider every <del>development</del> application for Official Community Plan Amendment, Zoning Bylaw Amendment, Temporary Use Permit, or Development Variance Permit, or Development Permit not delegated to staff together with staff's report and recommendations.</p>	<ul style="list-style-type: none"> <li>- Updated to reflect delegated authority of staff to issue and amend Development Permits</li> </ul>
15	13. e	<p><del>e) For a Zoning Bylaw Amendment:</del></p> <p><del>i) Council will only give final reading for property in a Development Permit area in tandem with issuance of a Development Permit for the proposed new land uses:</del></p> <p><del>ii) The application will lapse if the applicant fails to complete a Development Permit application within six (6) months of the date of Council's third reading of the amendment</del></p>	<ul style="list-style-type: none"> <li>- Rezoning without a Development Permit is current practice within the City. This clause is obsolete.</li> </ul>
16	<p><b>Schedules</b> A, B, C, D, E, F, G, H</p>	<p>Deleted</p>	<ul style="list-style-type: none"> <li>- Removed due to obsolescence and out of date</li> </ul>