

## **COUNCIL – AGENDA REPORT**

**Meeting Date:** 19 April 2022

**Subject:** Bylaw No. B-09/2022: Land Use Bylaw Amendments and  
Bylaw No. B-13/2022: Planning Fee Amendments -  
Updates to the DP-Exempt Townhouse Process

**Boards Routed Through:** Municipal Planning Commission

**Date:** 17 March 2022

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### **Issue:**

Council is being asked to give three readings to Bylaw No. B-09/2022, being a bylaw to amend Land Use Bylaw No. B-01/2016 by updating townhouse exemption requirements; and Bylaw No. B-13/2022, being a bylaw to amend Planning Fee and Charges Bylaw No. B-37/2018 by including a new Planning Review fee.

### **Background:**

On September 7, 2021, Council was presented with a series of amendments designed to facilitate Development Permit exemptions for freehold townhouse product within the City. These amendments allowed for townhouse applications to proceed without the need for a Development Permit providing specific requirements were met. These requirements included that the townhouses must be freehold (where each individual unit is located on its own lot) and not part of a condominium, there would be no shared private utility infrastructure servicing more than one parcel, and that the lot grading design remains fully in compliance with the subdivision, among others.

Since the approval of those amendments, Administration has received and reviewed several townhouse applications which were used to evaluate this relatively new exemption process. The amendments proposed with this report are meant to further refine this process and provide clarification to staff and applicants on expectations for these types of applications.

### Land Use Bylaw Amendments

Bylaw No. B-09/2022 proposes two changes to Land Use Bylaw Section 7.36 (Townhouse Exemption Requirements) focused on utility infrastructure and lot grading design. Administration proposes amending Section 7.36(2) to include language that any shared private utility infrastructure “not addressed within an approved Subdivision Plan or Subdivision Servicing Agreement (SSA)” will require a Development Permit. Essentially, if shared utility

infrastructure is approved as part of a subdivision and the same information is confirmed by the townhouse application, then a Development Permit (DP) exemption would still apply. Should a townhouse application propose utility infrastructure different than what is shown in the Subdivision Plan, then a DP would be required. The original version of Section 7.36(2) does not specifically address the connection to an approved subdivision plan or SSA.

The second Land Use Bylaw amendment is to require that lot grading and drainage design for a townhouse application must “be prepared and signed by a member in good standing of APEGA.” (the Association of Professional Engineers and Geoscientists of Alberta.) Administration considers this amendment necessary to ensure that the proposed drawings and plans are drafted by a qualified professional with expertise in subdivision and lot servicing and grading, and this matches equivalent requirements for the preparation of Development Site Servicing Plans that are submitted as part of typical Development Permit applications, covered in Land Use Bylaw Section 2.3.4.

### Planning Fee Schedule Amendments

Bylaw No. B-13/2022 proposes specifying a “Planning Review” fee within the Planning Department’s Fee Schedule. As outlined in the September 2021 report on these amendments, for a townhouse application to be considered ‘exempt’ a Planning Review would be completed during the Building Permit application to ensure compliance with the Land Use Bylaw and respective land use district regulations. A \$150 Planning Review fee has been charged on DP-exempt townhouse applications and other application types where a DP is not required, and for this fee the Planning Fees and Charges Bylaw is specifically referenced in the existing schedules of the Building Inspections Permit Fee Bylaw No. B-69/2021. By indicating this fee within the “Other Services” section of the Planning Fee and Charges Schedule, Administration will align the administrative documents for Planning and Building Inspections Permit Fees with our current practice.

### How will this work?

When a freehold townhouse application is submitted to the Building Inspections Department (B.I.), B.I. staff notify Planning and Development to complete a Planning Review on the application. The Planning Review is the mechanism for which land use elements like site coverage, parking requirements, building setbacks and utility infrastructure are reviewed. Depending upon the townhouse application fulfilling exemption requirements, the Planning Review fee would then be charged (DP-exemption) or should exemption requirements not be met, a full DP would be required under the established DP application fees. Following a successful Planning Review granting an exemption, the application would be referred back to Building Inspections to complete the rest of the Building Permit review and approval.

### **Alignment with South Saskatchewan Regional Plan and AirdrieONE:**

Taking direction from the City Plan and other major policy documents, the Land Use Bylaw provides the standards and regulations for the City to implement land use strategies set out in the implementation section of the South Saskatchewan Regional Plan, specifically Policies 8.11 to 8.18). The Lot Grading Bylaw and the City’s practices around Development Permit exemptions, such as the ones proposed here for freehold townhouses, are about maintaining a balanced regulatory environment that has all of the appropriate checks and balances to protect the general public good and ensure City policies and regulations are being met, while not overburdening certain developments and application types in the regulatory process.

The Land Use Bylaw is a major tool for the City to implement the vision, guiding principles and the goals, objectives and strategies of the AirdrieONE Sustainability Plan. This includes several foundational principles that established by Council to guide the direction and development of AirdrieONE: well-managed growth, developing whole communities and establishing a development pattern that enables access to services, shops and facilities. Specifically, these amendments to facilitate Development Permit exemptions for freehold townhouses do not directly implement any of the AirdrieONE sustainability objectives, but they do support townhouse developments which are an integral part of the Built Environment focus and the density strategy set by the Municipal Development Plan (City Plan).

## **Boards Routed Through:**

### Municipal Planning Commission

On March 17, 2022, the Planning Commission was asked to provide a recommendation to Council on these two bylaws. The Commission asked whether the new Planning Review fee would be payable by all of the units within an entire development in the scenario where one unit deviated from the approved infrastructure plan. Administration confirmed that this would be decided upon during the exemption review and minor deviations can be resolved before a decision on a Development Permit is made.

The Planning Commission also asked whether infrastructure plans must be prepared by a APEGA member or whether plans could be prepared someone else with appropriate professional expertise. Engineering Services confirmed that the practice of engineering is regulated by the Province of Alberta through APEGA and provides certification to many professional engineers in the province.

The proposed bylaws received support from the Planning Commission who passed a motion recommending that Council adopt the bylaws as presented.

## **Alternatives/Implications:**

City Council has three alternatives to considered with respect to the proposed Bylaws No. B-09/2022 and Bylaw No. B-13/2022:

1. That Council gives three readings to Bylaw No. B-09/2022, as presented.

That Council gives three readings to Bylaw No. B-13/2022, as presented.

*Choosing this option means that Council supports the proposed Bylaws to update the freehold townhouses exemption criteria from Developments Permits and add a Planning Review fee. Administration and industry will have clearer expectations under the amended standards for the plans required for townhouse applications and which applications are able to be exempt from Development Permit review.*

2. That Council tables one or both of Bylaw No. B-09/2022 and Bylaw No. B-13/2022, as presented.

*Choosing this option suggests that Council wishes to have questions addressed, additional information presented, or changes made to the proposed amendments before rendering a decision on the proposed Bylaws.*

3. That Council defeats Bylaw No. B-09/2022 and/or Bylaw No. B-13/2022.

*Choosing this option means that Council does not agree with some or all of the proposed amendments and the current standards as originally approved in September 2021 would remain in force. Under the current regulations, some townhouse applications which propose shared servicing that was approved at subdivision would not qualify for a DP exemption and would have to apply for Development Permits, and other applications that do qualify for DP exemptions would not be required to have lot grading and drainage plans prepared by a member of APEGA.*

### **Communications Plan:**

Administration posted notice for the Public Hearing in accordance with the requirements of the *Municipal Government Act* and established City policy. This included three consecutive weeks of public notification in the *City View* newspaper and on the City's website.

### **Recommendation:**

That Council gives three readings to:

1. Bylaw No. B-09/2022, being a Bylaw to amend Section 7.36 (Townhouse Exemption Requirements) of Land Use Bylaw No. B-01/2016 to update the Development Permit exemption standards for freehold townhouses; and
2. Bylaw No. B-13/2022, being a Bylaw to amend Planning Fees and Charges Bylaw No. B-37/2018 Schedule "A", by introducing a \$150 Planning Review fee under "Other Services".

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Jeff Brunen and William Czaban  
Senior Planners

Presenter:	Jeff Brunen, William Czaban
Department:	Planning & Development
Reviewed by:	Jamal Ramjohn, Gail Gibeau
Attachments:	#1: Bylaw No. B-09/2022 LUB Amendments #2: Bylaw No. B-13/2022 Planning Fee Schedule A Amendment
Appointment:	N/A