

Subject: Bylaw No. 12/039 – Land Use Bylaw Amendment – Special Events – Lots 5 and 6, Plan 992 0950 (Dunvegan Gardens)**APPROVALS:**

Samuel Alatorre, Director
Carol Theberge, Executive Director
Glen Laubenstein, Chief Administrative Officer

Administrative Recommendations:

1. THAT Bylaw No. 12/039, being a Land Use Bylaw amendment specific to Lots 5 and 6, Plan 992 0950, be read a second time.
2. THAT Bylaw No. 12/039 be read a third and final time.

Summary:

An application has been received to amend the Land Use Bylaw to permit special events on a permitted basis on lands described as Lots 5 and 6, Plan 992 0950 (Attachment 2). The authority to amend the Land Use Bylaw is vested with Council under the Municipal Government Act.

Background:

The current Land Use Bylaw does not contain a separate definition for special events. A review of historical practices indicates that a more formal approach should be taken in relation to special events; although the use may be temporary, during the time that the use is in operation, there may be an effect on use of adjacent lands in particular. The proposed new approach operates under the principle that all changes in intensity of land use, whether temporary or permanent, constitute a development and would generally require a development permit. As a result, temporary uses such as special events should be regulated through the development permit process.

The Planning and Development department, together with the Legal Services department, is undertaking a comprehensive review of this particular issue, and in the interim, recommends consideration of a site specific amendment (respecting only the subject property) to allow the landowners to facilitate a special events use this fall as to the application received.

Administration will report to Council in a more comprehensive manner in the future.

The proposed amendment to the Land Use Bylaw includes a definition of “special event” under Section 10, adds “special event” as a permitted use under the Small Holdings District (Section 120.2) and specific provisions for “special events” under Additional Provisions (Section 120.6).

Rationale for Recommendation:

The landowners of the subject properties have asked for an amendment to the Land Use Bylaw to accommodate a special events use. Given that the comprehensive review will take some time, and the proposed event is scheduled for this fall, Planning and Development recommends that Council give due consideration to the amendment in the interim. The proposed bylaw amendment will provide the owners of the subject property the ability to apply for a development permit to hold a special event on their land. This permit will be issued by Planning and Development and will facilitate adequate municipal monitoring of health and safety regulations.

The proposed bylaw amendment will also provide clarity for the proper consideration by Administration for special events proposed on the subject property. Implementing a development permit, specifically for special events on the subject property, will provide benefits to all stakeholders: (1) individual(s) operating the special event will gain certainty that they have permission to do so; and (2) the Municipality gains the ability to ensure that any applicable health and safety requirements are in compliance.

Although generally Administration endeavours to avoid site specific Land Use Bylaw amendments, in this instance, it is recommended to accommodate issuance of a special events development permit pending a more comprehensive review of this issue.

The Municipality aims to encourage events that celebrate culture and engage citizens. Certainly, policies within the Municipal Development Plan's goals to achieve Home and Belonging, Vibrant Culture, and Working Together are designed to improve accessibility to events in the community.

Administration supports the proposed amendment to the Land Use Bylaw, as it will provide clarity in consideration of proposed special events on the subject property.

Attachments:

1. Bylaw No. 12/039
2. Subject Area Map: Land Use Bylaw Amendment