

ITEM 5  
MANAGER'S REPORT NO. 3  
COUNCIL MEETING 90/01/15

RE: ABANDONMENT OF REZONING BYLAWS

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

\* \* \* \* \*

TO: MUNICIPAL MANAGER 1990 JANUARY 05  
FROM: DIRECTOR PLANNING &  
BUILDING INSPECTION

**SUBJECT: ABANDONMENT OF REZONING BYLAWS**

PURPOSE: To put forward a number of rezoning amendment bylaws for Council to abandon in accordance with adopted Council policy.

=====  
RECOMMENDATION:

- 1) THAT this report be received for information purposes.

REPORT

1.0 BACKGROUND INFORMATION:

- 1.1 In response to Council direction that this Department report back on the status of long-outstanding incomplete Rezoning Bylaws and to outline a system for reviewing bylaws following Readings given by Council, on 1989 April 10 a report was submitted by the Director Planning and Building Inspection outlining a course of action for dealing with outstanding rezoning applications.

In reviewing the history and the adopted policy on this matter, it was noted that on 1970 July 13, Council adopted the following motions on the abandonment of rezoning bylaws:

- 1) Council adopt a policy of abandoning amendments to the Zoning Bylaw which result from applications to rezone property when prerequisites in connection with the rezoning proposals are not completed within one year from the date of the First Reading of the bylaw, unless cause is shown by the applicant that the bylaw should not be abandoned.
- 2) Those whose applications have been outstanding for more than one year be informed that the amendments to the Zoning Bylaw covering their proposals will be abandoned unless the prerequisites are satisfied within three months.

ITEM 5  
MANAGER'S REPORT NO. 3  
COUNCIL MEETING 90/01/15

3) Those whose applications have been advanced to the bylaw stage within the past 12 months be given a total of 15 months from the First Reading of the bylaw to complete the prerequisites.

1.2 The 1989 April 10 report further outlined a process through which applicants for outstanding rezonings would be informed of the Council policy on the abandonment of rezoning bylaws and the pertinent rezoning would be forwarded to Council for abandonment.

The Director Planning and Building Inspection has since written to all rezoning applicants (and where it is pertinent both the applicant and the owner) where the prerequisite conditions for rezoning are not being actively pursued. The letters stated that unless the applicant or owner could demonstrate progress in satisfying the prerequisite conditions to rezoning within three months from the time the letter was sent, the rezoning would be included in a list of bylaws to be recommended for abandonment by Council.

1.3 The three month period for the applicant or the owner to demonstrate progress in satisfying prerequisite conditions for rezoning passed on 1989 September 09. Consequently, a report was submitted to Council on 1989 November 06 in order for Council to abandon the pertinent rezoning amendment bylaws.

At that time, Council abandoned the majority of the rezoning bylaws, but directed staff to attempt to contact the applicants for a specific group of 27 rezonings and tabled the abandonment of these bylaws, pending further notification to the applicant of the intent to abandon.

This report is provided to inform Council of staffs' efforts to contact the rezoning applicants and to recommend the appropriate abandonment of rezoning bylaws.

**2.0 GENERAL DISCUSSION:**

2.1 In response to Council's direction on this matter, the Planning and Building Inspection Department sent an additional "Registered" letter to the applicants for the pertinent rezonings. The results of this further notification and a summary of the other categories under which rezonings should be abandoned are provided below.

**A) REZONINGS IN WHICH THE PREREQUISITE CONDITIONS ARE NOT BEING ACTIVELY PURSUED:**

The following is a list of rezoning applications which were previously put forward for abandonment, but were tabled pending confirmation of the notification of intent to abandon, as directed by Council:

<u>Rezoning Reference #</u>	<u>Date of Last Bylaw Reading</u>
1) RZ #62/75D	1979 March 26
2) RZ #62/75E	1979 July 30
3) RZ #2/78	1978 April 24
4) RZ #5/78	1978 April 24
5) RZ #16/79	1975 June 25
6) RZ #33/79	1979 December 17
7) RZ #93/80	1981 June 01
8) RZ #102/81	1981 August 24
9) RZ #19/84	1984 April 24
10) RZ #66/84	1985 January 02
11) RZ #102/85	1986 April 28
12) RZ #6/86	1986 April 28
13) RZ #76/87	1987 September 08
14) RZ #102/87	1987 November 02

ITEM	5
MANAGER'S REPORT NO.	3
COUNCIL MEETING	90/01/15

A "Registered" letter was sent to each of the applicants for the above rezonings restating Council's policy on the abandonment of rezonings. As a result of this further notification, only one applicant has indicated that he might still wish to pursue the rezoning (Rezoning Reference #33/79). No other replies were received from applicants indicating a desire to pursue completion of their rezoning applications. Accordingly, Rezoning Reference #33/79 has been omitted from the list of rezoning bylaws proposed for abandonment at this time. Therefore, it is appropriate for Rezoning Reference #33/79 to remain on the table until such time as the applicant demonstrates sufficient progress in satisfying the prerequisite conditions to be advanced to Third Reading or until a further report is submitted to Council on the abandonment of rezoning bylaws.

The letters to six of the applicants for rezoning (Rezoning Reference #'s: 62/75D, 62/75E, 2/78, 5/78, 16/79 and 102/81) were returned and in these cases, staff have not been able to reach the applicants in spite of every reasonable effort having been made, including checking the telephone book and the criss-cross directory as well as follow up telephone calls where information was provided as to how to contact the applicant. In all of the above cases, the six applicants are not the current owners of the pertinent properties. Notwithstanding, the abandonment of these long outstanding and inactive bylaws dated from 1975 to 1981 is recommended, in accordance with Council policy.

B) MUNICIPAL PROPERTIES:

The following are rezoning applications involving private initiatives for Municipal lands which have not been pursued and are recommended to be abandoned:

- | <u>Rezoning</u> | <u>Last Reading Given</u>               |
|-----------------|---|
| 1) RZ #41/77    | Second Reading given<br>1977 October 24 |
| 2) RZ #25/84    | Third Reading given<br>1984 June 25     |

C) REZONING BYLAWS WHICH HAVE BEEN SUPERSEDED BY ANOTHER REZONING BYLAW:

The following rezoning applications have been superseded by a subsequent rezoning and it is standard practice to abandon rezonings once a superseding rezoning has been given Second Reading, without necessity to notify the applicants of the superseded rezoning.

It is therefore appropriate that the following 11 rezoning bylaws which have been superseded be abandoned.

<u>Rezoning Reference #</u>	<u>Superseding Rezoning</u>	<u>Date of Second Reading of Superseding Bylaw</u>
1) RZ #28/75	RZ #83/87	1988 February 24
2) RZ #34/75	RZ #34/75A	1977 August 29
3) RZ #44/75	RZ #58/85	1986 January 06
4) RZ #3/76	RZ #51/80	1980 December 22
5) RZ #35/77	RZ #31/78	1979 February 19
6) RZ #36/79	RZ #43/80	1980 December 22
7) RZ #3/80	RZ #54/80	1980 December 22
8) RZ #16/84	RZ #9/88	1988 March 28
9) RZ #58/84	RZ #13/86	1986 April 28
10) RZ #85/87	RZ #70/88	1988 October 24
11) RZ #105/87	RZ #25/88	1988 June 27

ITEM	5
MANAGER'S REPORT NO.	3
COUNCIL MEETING	90/01/15

**3.0 CONCLUSION:**

3.1 In summary, the following is a list of all the rezoning applications which are recommended to be abandoned in accordance with adopted Council policy, including the pertinent Bylaw numbers.

<u>REZONING REFERENCE #</u>	<u>BYLAW #</u>
1) RZ #28/75	7006
2) RZ #34/75	6738
3) RZ #44/75	6825
4) RZ #62/75D	7335
5) RZ #62/75E	7384
6) RZ #3/76	6956
7) RZ #35/77	7098
8) RZ #41/77	7101
9) RZ #2/78	7189
10) RZ #5/78	7191
11) RZ #16/79	7377
12) RZ #36/79	7456
13) RZ #3/80	7492
14) RZ #93/80	7635
15) RZ #102/81	7739
16) RZ #16/84	8195
17) RZ #19/84	8196
18) RZ #25/84	8216
19) RZ #58/84	8275
20) RZ #66/84	8292
21) RZ#102/85	8530
22) RZ #6/86	8535
23) RZ #76/87	8796
24) RZ #85/87	8831
25) RZ #102/87	8859
26) RZ #105/87	8881


The Bylaws listed in Section 3.1 of this report appear elsewhere on the Council agenda, under "Bylaws - Abandoned".

3.2 Planning and Building Inspection Department staff will continue to work with the applicants on the remaining active bylaws toward completion of prerequisites and advancement to Final Adoption. The Clerk's Department will be providing this Department with a list of all rezoning bylaws which have not received a Reading since 1988 December 31, early in 1990. Upon receiving this list, this Department will review the rezoning applications, inform the pertinent applicants of the Council policy on the abandonment of rezoning bylaws, and report back to Council in due course on the bylaws to be abandoned.

*AL.*

BW:ap

cc: Municipal Clerk

  
A. L. Parr  
DIRECTOR PLANNING &  
BUILDING INSPECTION