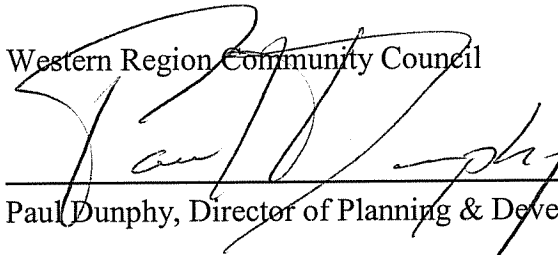


**Western Region Community Council
November 28, 2005**

TO: Western Region Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Planning & Development Services

DATE: November 23, 2005

SUBJECT: Public Hearing Notification Area

INFORMATION REPORT

ORIGIN

October 24, 2005 Western Region Community Council motion requesting a staff report on expanding the notification area for public hearings in rural areas on matters of development agreements and rezonings.

BACKGROUND

Municipal Government Act

The *Municipal Government Act* (MGA) outlines procedures for notifying the public regarding a public hearing. Two notices of a council's intent to hold a public hearing for a planning matter must be placed in a local newspaper at least once a week for two weeks prior to the hearing. The MGA does not require direct notification and does not specify the area of notification.

Land use by-laws

The land use by-laws within the Western Region are unique in that they specify the minimum requirements for public notification in regards to scheduled public hearings (see Attachment A):

- Where the proposed site is located within a municipal Service Boundary, the land use by-laws state that all assessed property owners, based on LIMS records, located within two hundred and fifty (250) feet of the property boundary of the proposed site are to be notified by ordinary mail of the impending hearing. (See Attachment B)

- Where the proposed site is not located within the Service Boundary, the area of notification must be expanded to properties within five hundred (500) feet of the site. (See Attachments C and D).

DISCUSSION

The 250 foot and 500 foot radius' are used as minimum guidelines only. Staff regularly exceeds these guidelines, for example, it may be more appropriate to notify properties along an entire street (see Attachment B), across a bay (see Attachment C), or throughout a larger community (Attachment D). Factors which one considers are:

- the intensity and scale of the project,
- the size of adjacent lots,
- local traffic patterns, and
- requests from the public and Council.

In addition, sign up sheets are circulated at public information meetings and all names on the sheet are added to the mailing list for notification of the public hearing.

Although the land use by-laws specify a minimum area of 250 feet or 500 feet from the proposed site, it is at Council's discretion to expand these areas. The population density and boundary of a notification area varies depending on the location of the project and nature of the surrounding development.

Conclusion

Notification area maps are attached to each staff report and may be altered at the request of Council prior to the public hearing. Council should direct staff to enlarge any specific area of notification at that time. With renewed vigilance, staff will create notification areas which extend beyond the minimum distances and when in doubt will utilize the largest notification area that is reasonable.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN:

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ATTACHMENTS:

- | | |
|---------------|--|
| Attachment A: | Excerpts from Land Use By-laws within the Western Region |
| Attachment B: | Notification area map for Case 00599 |
| Attachment C: | Notification area map for Case 00640 |
| Attachment D: | Notification area map for Case 00771 |

Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Jaime Smith, Planning Services, 490-4793
 Luc Ouellet, Planning Services, 490-3689

Attachment A

Excerpts from Land Use By-laws within the Western Region

Planning Districts 1 & 3 (St. Margarets Bay) Land Use By-law

24.7 PUBLIC HEARING NOTIFICATION

Where Council has scheduled a public hearing to consider an amendment to this By-law or a proposed development agreement or a proposed amendment to a development agreement, the following notification provisions shall apply:

- (a) all assessed property owners, based on LIMS records, located within two hundred and fifty (250) feet of the property boundary of the proposed site shall, where the site is located within a municipal Service Boundary, be notified by ordinary mail of the public hearing.
- (b) all assessed property owners, based on LIMS records, within five hundred (500) feet of the property boundary of the proposed site shall, where the site is not located within a municipal Service Boundary, be notified by ordinary mail of the public hearing.
- (c) the notice required by clauses (a) and (b) shall be posted at least ten (10) days prior to the date of the public hearing.

Planning District 4 Land Use By-law

3.10 PUBLIC HEARING NOTIFICATION

Where Municipal Council has scheduled a public hearing to consider an amendment to this By-law or a proposed development agreement or a proposed amendment to a development agreement, the following notification provisions shall apply:

- (a) All assessed property owners, based on LIMS records, within five hundred (500) feet (152.4 m) of the property boundary of the proposed site shall be notified by ordinary mail of the public hearing;
- (b) The notice required by clauses (a) and (b) shall be posted at least ten (10) days prior to the date of the public hearing; and
- (c) A public hearing notice shall be posted on the street frontage side of any property under consideration.

Planning District 5 (Chebucto Peninsula) Land Use By-law

22.7 PUBLIC HEARING NOTIFICATION

Where Council has scheduled a public hearing to consider an amendment to this By-law or a proposed development agreement or a proposed amendment to a development agreement, the following notification provisions shall apply:

- (a) all assessed property owners, based on LIMS records, located within two hundred and fifty (250) feet of the property boundary of the proposed site shall, where the site is located within a municipal Service Boundary, be notified by ordinary mail of the public hearing.
- (b) all assessed property owners, based on LIMS records, within five hundred (500) feet of the property boundary of the proposed site shall, where the site is not located within a municipal Service Boundary, be notified by ordinary mail of the public hearing.
- (c) the notice required by clauses (a) and (b) shall be posted at least ten (10) days prior to the date of the public hearing.

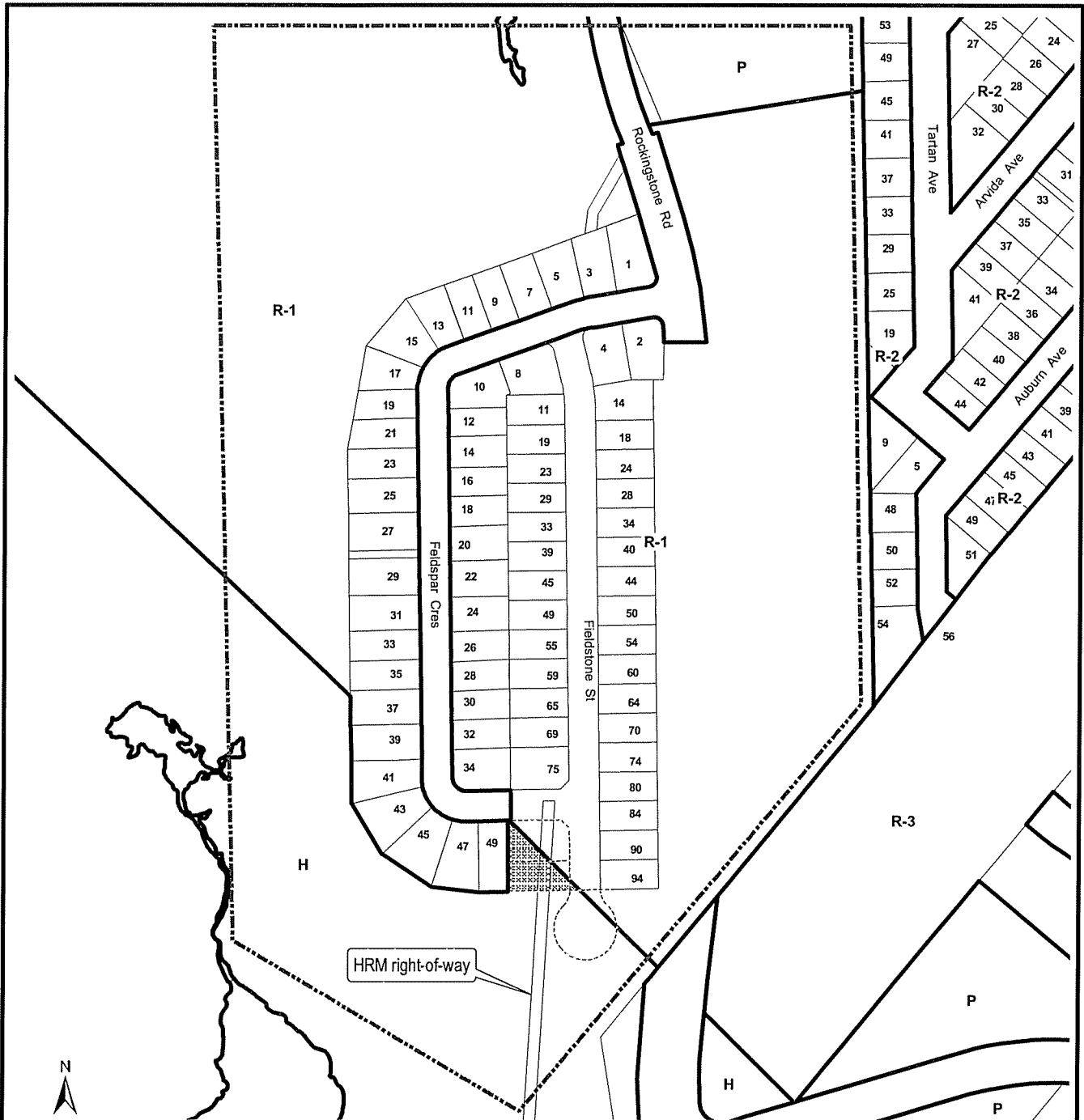
Timberlea, Lakeside, Beechville Land Use By-law

22.7 PUBLIC HEARING NOTIFICATION

Where Council has scheduled a public hearing to consider an amendment to this By-law or a proposed development agreement or a proposed amendment to a development agreement, the following notification provisions shall apply :



- (a) all assessed property owners, based on LRIS records, located within two hundred and fifty (250) feet of the property boundary of the proposed site shall, where the site is located within a municipal Service Boundary, be notified by ordinary mail of the public hearing.
- (b) all assessed property owners, based on LRIS records, within five hundred (500) feet of the property boundary of the proposed site shall, where the site is not located within a municipal Service Boundary, be notified by ordinary mail of the public hearing.
- (c) the notice required by clauses (a) and (b) shall be posted at least ten (10) days prior to the date of the public hearing.
(C-Dec7/92 / E-Feb13/93)

Attachment B: Notification area map for Case 00599



Map 1 - Location and Zoning

Fieldstone Street
Halifax

-  Proposed property line
-  Area of notification

Halifax Mainland Land Use By-Law Area



Area to be rezoned
from H (Holding) to
R-1 (Single Family Dwelling)

Zone

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-3 Low Rise Apartment
- H Holding
- P Park and Institutional

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This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland Land Use By-Law area.

HRM does not guarantee the accuracy of any representation on this plan.



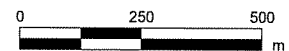
Map 2 - Notification Area

7990 St Margarets Bay Road (Hwy. 3)
Ingramport

-  Subject area
-  Area of notification

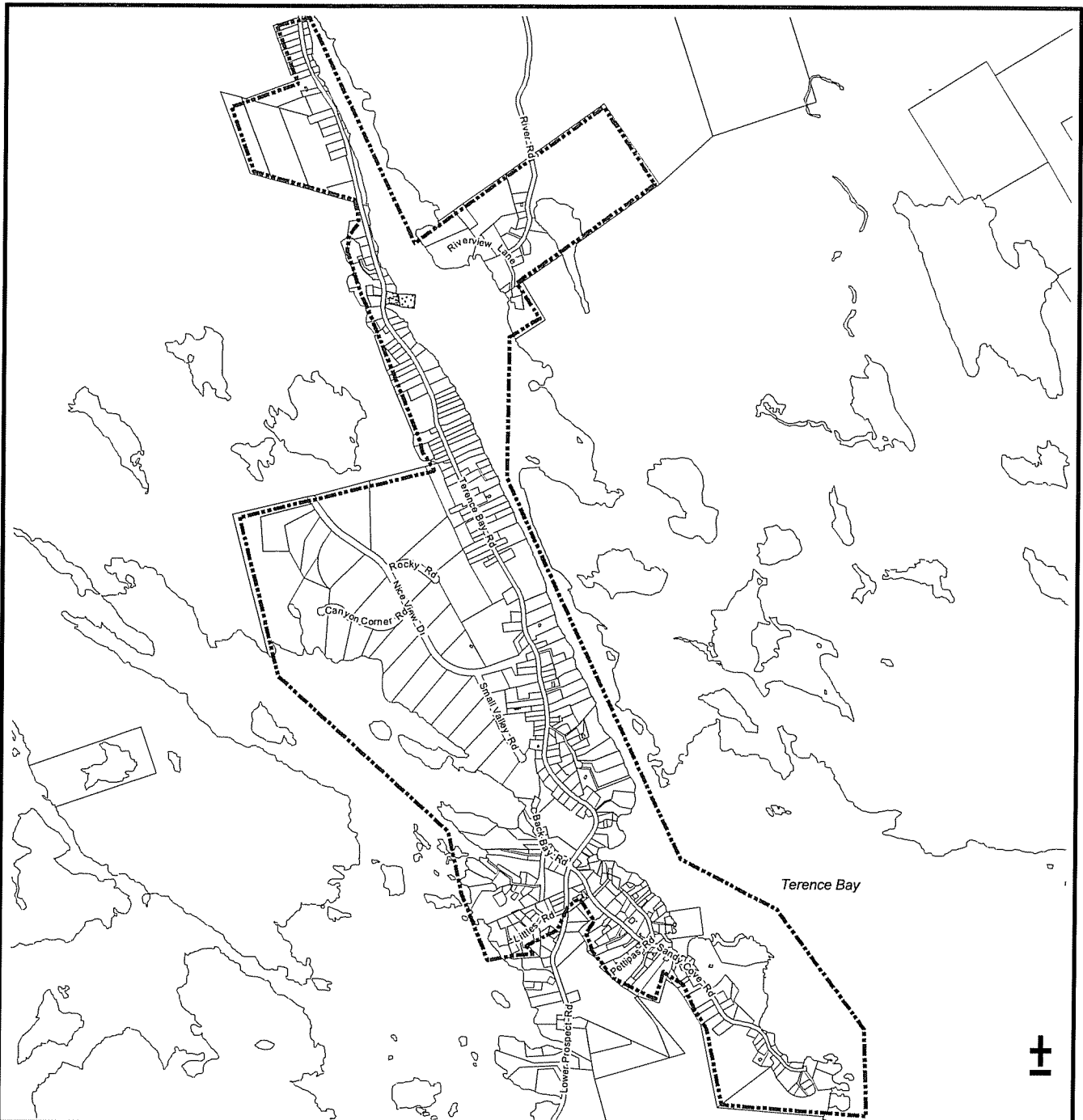
Planning District 1 & 3 Plan Area

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
This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland Land Use By-Law area.

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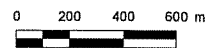
Map 2: Notification Area

1030 Terence Bay Road
Terence Bay

-  Subject property
-  Area of notification

Planning District 4 (Prospect) Plan Area

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