

## **Outline of Procedures for Amendments to Municipality of Yarmouth Land Use By-Law**

The Land Use By-Law of the Municipality of Yarmouth may be amended and lands which are currently zoned in a schedule of the By-Law maybe re-zoned in accordance with the provisions of the Municipal Planning Strategy by the procedure of “amending the Land Use By-Law.”

A By-Law amendment must be undertaken in accordance with strict requirements of the Municipal Government Act of Nova Scotia. These requirements deal with procedures of Council regarding the holding of public hearings, publishing of notices of public hearings, the passing of amendments to the By-Law, and appeal periods.

The cost of the newspaper notices for the amendment to the Land Use By-Law is the responsibility of the applicant. A deposit of \$800.00 is required to be submitted with the completed application.

In brief the procedure for the amending of the Land Use By-Law is as follows:

- (1) The applicant meets with the Development Officer to discuss the requirements of the Land Use By-Law for the new use on the lot, and to discuss the criteria in the Planning Strategy for the re-zoning which must be met in order for Council to consider the re-zoning amendment.
- (2) A written application is made by the applicant.
- (3) The application is received and acknowledged in writing by the Development Officer, and the applicant is advised of any additional information which maybe needed to be included with the application. Until a complete application is submitted with all information required for the Committee to base a recommendation, the amendment to the By-Law cannot proceed. The basic information required is an accurate Plot Plan and a description of the proposal.
- (4) When a complete application is received by the Development Officer the application is forwarded to the Secretary of the Planning and Advisory Committee for its review of the proposal and the recommendation to Council. The Planning Advisory Committee holds regular meetings, and must report and recommend all amendments to the Land Use By-Law to Council.
- (5) When Council receives a recommendation from the Planning Advisory Committee it must pass a motion to hold a public hearing to entertain any submissions concerning the proposed amendment. The date, place and time of the public hearing along with a description of the proposal must then be published for two consecutive weeks in the local newspaper and the first notice must be published fourteen (14) clear days before the date of the hearing.
- (6) The public hearing is held and a motion of Council to amend the By-Law can then be made.

- (7) If Council refuses to amend the By-Law, the Council shall notify the applicant in writing stating the reasons for refusal, and setting out the right of appeal.
- (8) Notice must be published in the local newspaper of the passing of the amendment to the By-Law and the decision of Council to amend the By-Law can be appealed by an aggrieved person to the Utility and Review Board for a period of fourteen (14) days from the publishing of the notice of the passing of the amendment in accordance with Section 249 of the Municipal Government Act. The Utility and Review Board then sets a date and holds an appeal hearing. The Board can either uphold the decision of Council or reverse the decision of Council.
- (9) At the conclusion of the fourteen (14) day appeal period the re-zoning is complete. A Development Permit/Building Permit can then be issued to an applicant for a use permitted in the new zone.