

Re: POLICY GUIDELINES FOR NOTIFICATION OF PUBLIC HEARINGS  
INVOLVING ZONING BYLAW TEXT AMENDMENTS  
RESIDENTIAL CONVERSIONS: ZONING BYLAW TEXT AMENDMENTS

Following is a report from the Director of Planning on a problem in connection with notification of Public Hearings on Zoning Bylaw Text Amendments for Residential Conversions.

This is a classic example of what we are now faced with on zoning bylaw text amendments as a result of recent changes to the Municipal Act. While we can accept the principle behind the legislative change, we feel that a specific exception should be made for only text amendments, and that we should press for reverting to the previous legislation in such cases.

RECOMMENDATIONS:

1. THAT a copy of this report be forwarded to the Minister of Municipal Affairs with the request that the Municipal Act be amended so that in the case of such text amendments it would be necessary for the Municipality to only advertise the advice of proposed rezoning; and
2. THAT the Council authorize the Municipal Clerk to use a "general coverage" procedure, employing a private agency, in distributing public hearing notices for Zoning Bylaw text amendments affecting large areas of the municipality until the legislation is changed; and
3. THAT, until the legislation is changed, the Council approve an approach whereby each public hearing notice for such large scale amendments would
  - (a) include a brief description of the proposed amendment;
  - (b) exclude a copy of the Planning Department's report on the subject;
  - (c) include a statement that copies of the Zoning Bylaw amendment and related reports would be available at the Planning Department.

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PLANNING DEPARTMENT,  
October 23, 1975.

TO: MUNICIPAL MANAGER

FROM: DIRECTOR OF PLANNING

RE: RESIDENTIAL CONVERSIONS: ZONING BY-LAW TEXT AMENDMENTS.

A. BACKGROUND

The Council, on March 24, 1975, adopted the proposed Zoning By-law amendments for residential conversions as set forth in the Planning Department's report of March 18, 1975. These proposed amendments to Section 6.11 (which presently permits conversions on smaller lots in the R5 District) are as follows:

- (b) "The lot area and width requirements in R4 and R5 Districts may be reduced to permit the structural modification, alteration or remodelling of an existing single family dwelling to create two dwelling units, in accordance with the following conditions:
  - (i) Where a lot was occupied by a single family dwelling on or before January 1, 1971.
  - (ii) Where the existing dwelling is located on a lot in an R4 District with an area of not less than 7200 square feet and a width of not less than 60 feet.
  - (iii) Where the existing dwelling is located on a lot in an R5 District with an area of not less than 5400 square feet and a width of not less than 45 feet.

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- (iv) Subject to the provisions of Section 6.5 (Conversion of Buildings) and Section 6.9 (Living Accommodation in Basements) of this By-law".

Other recommendations approved by the Council were that the Municipal Solicitor be requested to prepare the necessary amendment by-law for presentation to a public hearing and that the date for the public hearing be set once the staff has prepared all the notices required under the Municipal Act to be mailed to the occupiers of property within and adjacent to the R4 and R5 Zones.

The required amendment by-law has subsequently been prepared by the Municipal Solicitor. The second of the above matters will be covered in the report which follows.

#### B. NOTICE OF PUBLIC HEARING REQUIREMENTS AND THEIR IMPLICATIONS

Formerly, public hearings for Zoning By-law text amendments required the publishing of notices in two consecutive issues of a newspaper published or circulating in the municipality. In 1974, however, the Municipal Act was amended (Section 703) to require that the notice of the hearing be mailed or otherwise delivered to the occupiers of all real property within the area subject to the amendment, as well as those properties located within 100 feet of the boundaries of the affected zoning districts. In this particular instance, such a requirement would entail the sending of notices to all the occupiers of properties in the R4 and R5 Districts which are two of the largest zones in the municipality.

This has and will, of course, involve a considerable amount of extra time, work and expense on the part of the municipality. In the case of the neighbourhood public house regulations, a period of approximately seven months elapsed between Council's approval in principle of the introduction of this use into the Zoning By-law in October, 1974 and the public hearing which was held on May 13, 1975.

The procedure followed leading up to the public hearing involved the preparation of a series of maps by the Planning Department outlining the zoning districts affected by the amendment and all properties situated within 100 feet of these boundaries. The maps were then forwarded to the Assessment Department and used as the basis for the compiling of lists of the names and addresses of all property owners located within these areas. Finally, these lists were sent to the Municipal Clerk's Department for the preparation and mailing of the public hearing notices, as well as copies of the Planning Department's report on the subject.

It was intended that the same procedure would be applied in the case of the proposed R4 and R5 District amendments for conversions. However, following the preparation of the maps by the Planning Department, the Assessment Authority, now under provincial jurisdiction, indicated that it would be unable to carry out the necessary compilation of the affected property owners without the hiring of additional staff and charging the municipality for the extra expense involved.

There are an estimated 20,000 households in the R4 and R5 Districts (including those within 100 feet of these areas). It is estimated that it would cost the Assessment Authority about \$1,600.00 to tabulate the names and addresses of this number of households. To this should be added the estimated costs incurred by the Planning Department in preparing the necessary maps (\$1,000.00),

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the Clerk's Department in the preparation of notices, typing and filling envelopes; (\$2,000.00), plus postal charges (8¢ per envelope), to provide an overall total of approximately \$6,200.00.

The change in the status of the Assessment Authority, and the likelihood that special permission would be required by the municipality to involve it in a project of this magnitude, raises the question of seeking possible alternative methods of dealing with the matter of public hearing notification while still complying with the requirements of the Municipal Act.

C. POSSIBLE ALTERNATIVE PROCEDURES

Possible alternative approaches that might be used in ensuring that public hearing notices are mailed or otherwise delivered to the occupiers of all real property subject to a particular Zoning By-law text amendment, including those properties located within 100 feet of the boundaries of the affected zoning district, are as follows:

- (1) Having the Planning Department compile the list of occupiers, a function formerly performed by the Assessment Department. The disadvantage of such an approach is that additional staff would almost certainly be needed to undertake this particular task and the overall costs would very likely approximate \$6,200.00, the amount previously estimated involving the participation of the Assessment Authority in preparing the necessary list of names and addresses.
- (2) The use of Data Processing for the compilation of the required names and addresses, which could then be forwarded to the Municipal Clerk's Department for distribution. The costs of these two operations, which include computer programming and running time, as well as the Clerk's Department's preparation of notices, typing, mailing etc., to approximately 20,000 households, are estimated to be in the vicinity of \$3,700.00. It should be noted, however, that in using this particular method, the data bank is incomplete to the extent that addresses are applied to properties, rather than dwelling units. In the case of duplexes, therefore, a time consuming and costly "hand checking" procedure would be necessary in order to obtain the second addresses and occupants names. This procedure would also apply to those properties located within 100 feet of the R4 and R5 District boundaries. It is considered likely that this would add a further \$2,000.00 to the amount involved, to provide a total cost of approximately \$5,700.00.
- (3) General "blanket" coverage of the whole municipality is another method which could be used for the distribution of public hearing notices. This could be done in two ways.
  - (a) Through the post office on the basis of postal walks. This would require an outlay of approximately \$3,520.00 for postage (i. e. 8¢ x 44,000 households), plus the additional expense involved in the Clerk's Department preparing the notice, labelling and filling envelopes, etc. (an estimated \$2,000.00). The total cost in this case would be about \$5,520.00.

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- (b) Distribution of the notices by a private agency which would remove the postage charge and the necessity of addressing envelopes. This particular method was recently used by the Clerk's Department for the distribution of application cards for the municipal voter's list. The charge for this service, which was handled through the Purchasing Department, amounted to \$40.00 per each 1,000 copies or approximately \$1,760.00. This, together with the notice preparation, stapling of flyers etc., by the Clerk's Department would result in a total estimated cost of \$3,760.00.

While both of these methods have been used by the Clerk's Department and considered to be generally satisfactory, it was noted that the latter approach was quicker, taking about two days compared to five or six by the post office.

A further alternative for consideration would be the making of representations to the province to have this all embracing public hearing notification requirement for Zoning By-law text amendments removed from the Municipal Act. However, the pursuing of this alternative at present would, it is felt, be too time consuming to meet the immediate need for arranging for a public hearing for the proposed R4 and R5 District conversion amendments. In any case, the notifying of all persons likely to be affected by a by-law amendment would seem to be desirable.

It should be pointed out, with respect to the public hearing for conversions in R4 and R5 Districts, that the Council specifically directed that the owners, as well as the occupiers, of all affected properties be notified. Although not a requirement of the Municipal Act, the notification of non-resident owners would, in this particular instance, entail the preparation of a separate list (approximately 3,000) which would need to be distributed on a name and address basis at an estimated outlay of \$375.00. We have contacted Data Processing concerning this matter and were informed that this information could be obtained from the data bank. One week's notice would be required and the programming and running time costs would be approximately \$325.00. The notification of non-resident owners would therefore result in the addition of an estimated \$700.00 in the case of the various procedures which have been examined.

Returning to the question of establishing general policy guidelines for handling public hearings involving Zoning By-law text amendments, it is concluded that, where large areas of the municipality are involved, the "blanket" coverage approach, particularly through the use of a private agency, is the most economical and rapid procedure to be followed. Even though this would mean the distribution of notices to approximately 44,000 households compared with an estimated 20,000 households in the R4 and R5 Districts (including those within 100 feet of these areas), such a method would make unnecessary the very time consuming and costly work involved in the compilation of the required data in the case of approaches #1) and #2) outlined earlier in this section of the report.

While the general "blanket" method of public hearing notice distribution would provide a wider coverage than necessary, this is not felt to be a disadvantage. However, consideration should be given to discontinuing the enclosing of complete reports with the material sent to each occupant in order to keep the work and costs involved to a minimum. A notice of the hearing and a brief description of the proposed amendment should

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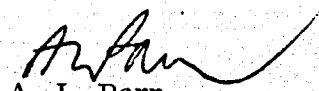
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suffice, together with a statement that the actual by-law would be available at the Planning Department.

D. RECOMMENDATIONS

It is recommended:

- (1) THAT the Council authorize the Municipal Clerk to use a "general coverage" procedure, employing a private agency, in distributing public hearing notices for Zoning By-law text amendments affecting large areas of the municipality.
- (2) THAT the Council approve an approach whereby each public hearing notice for such large scale amendments would
  - (a) include a brief description of the proposed amendment;
  - (b) exclude a copy of the Planning Department's report on the subject;
  - (c) include a statement that copies of the Zoning By-law amendment and related reports would be available at the Planning Department.

  
A. L. Parr,  
DIRECTOR OF PLANNING.

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c. c. Chief Building Inspector  
District Assessor  
Municipal Clerk  
Municipal Solicitor  
Assistant Director - Long Range Planning  
and Research