

Re: NOTICE OF PUBLIC HEARING REGULATIONS - REZONING BY-LAWS

Following is a report from the Director of Planning regarding notices for public hearings.

RECOMMENDATION:

1. THAT the subject by-law be brought forward.

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PLANNING DEPARTMENT  
FEBRUARY 3, 1977

TO: MUNICIPAL MANAGER  
FROM: DIRECTOR OF PLANNING  
SUBJECT: NOTICE OF PUBLIC HEARING REGULATIONS - REZONING BYLAWS

Until recently, Municipalities have been obliged to provide notice in writing to occupiers of real property where a Zoning By-law Amendment was being proposed, whether or not that rezoning proposal involved the rezoning of an area from one zone to another zone. That is to say, it has been necessary for the Municipality to undertake costly and complicated means to notify occupiers by mail in the case of a Text Amendment to the Zoning By-law, even when no change in the zoning of land from one zone to another was involved.

We have recently been informed that Section 21(b) of the "Municipal Amendment Act, 1976" has been proclaimed, effective December 22, 1976. Section 21(b) provides for an amendment of Section 703 of the Municipal Act, relating to publication of notice for a Public Hearing, as follows:

"Section 703 is amended

- (b) In subsection (2a), by striking out 'on or before the first day of August, 1973, by by-law, provide that notice of the hearing on a rezoning or' and substituting 'by by-law, provide that notice of the hearing on any proposed amendment to the zoning by-law having the effect of rezoning an area of the municipality from one zone to another zone or on a'."

This amendment to the Act means that if an area of the municipality is being rezoned from one zone to another zone then notice of the Public Hearing must be mailed or otherwise delivered to the occupiers, etc. in precisely the same manner that previously applied. If however the proposed rezoning is a Text Amendment, then a newspaper notice only is required, which notice must comply of course with the regulations prescribing the publication dates, circulation, form and style of printing as set out in the Municipal Act Section 703(1) and Order-In-Council No. 3736.

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 7001

ITEM	12
MANAGER'S REPORT NO.	9
COUNCIL MEETING	Feb. 7/77

A BY-LAW to amend By-Law No. 6496, being the  
"Burnaby Zoning Procedure By-Law  
1974".

The Council of The Corporation of the District of  
Burnaby ENACTS as follows:

1. This By-law may be cited as "BURNABY ZONING PROCEDURE  
BY-LAW 1974, AMENDMENT BY-LAW 1977".
2. Section 3 of By-Law No. 6496 is repealed and the follow-  
ing substituted therefor:  
  
"3. Notice of the public hearing on any proposed amend-  
ment to the Zoning By-law having the effect of rezoning an area  
of the Municipality from one zone to another, or on a land use  
contract, shall be mailed or otherwise delivered to the occupiers  
of all real property  
  
(a) within the area that is subject to the rezoning  
or land use contract, and  
  
(b) within a distance of 100 feet from the area  
that is subject to the rezoning or land use  
contract."

Read a first time this	day of	1977.
Read a second time this	day of	1977.
Read a third time this	day of	1977.
Reconsidered and adopted this	day of	1977.

M A Y O R

C L E R K