


TO: MAYOR J. LEHMAN AND MEMBERS OF CITY COUNCIL

FROM: D. MCALPINE, CITY CLERK

NOTED: E. ARCHER, CMA, GENERAL MANAGER OF CORPORATE SERVICES 
C. LADD, CHIEF ADMINISTRATIVE OFFICER 

RE: NOTIFICATION REQUIREMENTS – WATERFRONT AREA DEVELOPMENT

DATE: NOVEMBER 26, 2012

This memorandum has been prepared in response to the motion 12-G-312 adopted on November 19, 2012 concerning notice provisions related to waterfront area land development, as follows:

"NOTICE PROVISIONS RELATED TO WATERFRONT LAND DEVELOPMENT

That staff in the City Clerk's Office prepare a memorandum outlining the current notice provisions approved by Council and/or required by legislation for waterfront land development including sale of land, Official Plan Amendments, Zoning By-law Amendments, Minor Variance Applications."

It should be noted that neither the City's by-laws related to notice nor the Planning Act requirements for notice of development applications differentiate in the requirements for waterfront area lands as opposed to any other type of land.

Sale of Land

By-law 95-104, as amended by By-laws 95-286 and 2004-107 establishes the procedures for the sale of land, including notice requirements. In accordance with By-law 95-104 as amended, prior to the sale of surplus land, notice is to be provided to the public at least 7 days prior to consideration by Council of the intended sale, using one of the following methods:

- a) by publishing a notice in a newspaper having general circulation in Barrie; or,
- b) by posting on the surplus property intended to be sold, a "For Sale" sign, which includes the name of the City as Vendor, and a telephone number at which the City or its agent may be contacted; or,
- c) by listing the surplus property with a broker and/or directly with the Multiple Listing Service of the Barrie and District Real Estate Board.

There are a few exceptions to the requirements for notice, such as in the case of easements being sold to utilities or lands 0.3 metres or less in width, where notice is deemed sufficient if the Agenda for the Council meeting at which the intended sale is to be considered, includes reference to the intended sale of the surplus property. In addition, where lands are being sold by public tender, call for proposals or public auction, the advertisement(s) of the notice of tender, call for proposals or public auction is deemed to be sufficient notice to the public, under By-law 95-104 as amended.

Applications for an Official Plan Amendment, Plan of Subdivision and/or Zoning By-law Amendment

There are several stages of notice associated with applications for Official Plan Amendments, Plans of Subdivision and/or Zoning By-law Amendments. The stages are identified below:

Receipt of a Complete Official Plan Amendment, Plan of Subdivision and/or Zoning By-law Amendment Application: A municipality that is the approval authority is required to provide notice within 15 days of determining that a complete planning application has been received and to make the information and materials available to the public. The notice may be given together with a notice of a public meeting or separately. The requirements associated with the notice of the receipt of a complete planning application are the same as the requirements for the notice of a public meeting regarding an Official Plan Amendment Application, Plans of Subdivision, and/or Zoning By-law.

Notice of Public Meetings concerning Official Plan Amendment Applications (Section 17), Plans of Subdivision (Section 51), Zoning By-laws (Section 34): In accordance with Ontario Regulations 543/06 (Official Plans and Plan Amendments), 544/06 (Plans of Subdivision), 545/06 (Zoning By-laws, Holding By-laws and Interim Control By-laws), notice of the public meeting is required to be given at least 20 days prior to the Public Meeting, in the following manner:

- By personal service or ordinary mail to every owner of land within 120 metres of the subject land, (with owner of land deemed to be the person shown on the last revised assessment roll of the municipality and if a condominium development is located within 120 metres of the subject land, notice may be given to the condominium corporation instead of being given to all of the owners assessed with respect to the condominium development); and
- By posting a notice on the subject property

OR

- By publishing a notice in a newspaper
- As well as by personal service, ordinary mail or fax, to every person who has given the Clerk a written request for a notice, to a number of prescribed persons and public bodies.

Decision: Written notice of the decision of the municipality with respect to the approval or refusal of a Official Plan Amendment Application, Plans of Subdivision or Zoning By-law Amendment must be provided within 15 days of the decision to the applicant, each person or public body that requested in writing to be notified of the decision, and any other person or public body prescribed.

Passing of a By-law Adopting an Official Plan Amendment or a Zoning By-law Amendment: Notice of the passing of a zoning by-law is required to be provided by either publishing the notice in a newspaper or by personal service or ordinary mail to every owner of land within 120 metres of the subject land. As well as by personal service, ordinary mail or fax, to every person who has given the Clerk a written request for a notice, to a number of prescribed persons and public bodies

Applications for a Minor Variance(s)/Severance(s)/Consent(s)

There are two stages of notice associated with applications for Minor Variances and/or Severances. The stages are identified below:

Committee of Adjustment Hearing to review an Application for a Minor Variance, Severance or Consent:
At least 10 days before the day of the hearing on an application for a minor variance and at least 14 days before the day of the hearing on an application for a severance/consent, notice shall be given by, either:

- By personal service or ordinary mail to every owner of land within 60 metres of the subject land, (with owner of land deemed to be the person shown on the last revised assessment roll of the municipality and if a condominium development is located within 60 metres of the subject land, notice may be given to the condominium corporation instead of being given to all of the owners assessed with respect to the condominium development); and
- By posting a notice, at every separately assessed property within the subject land

OR

- By publishing a notice in a newspaper

Decision: Written notice of the decision of the Committee of Adjustment with respect to the application for a minor variance or severance must be provided within 10 days of the decision to the applicant, each person or public body that requested in writing to be notified of the decision, and any other person or public body prescribed.

Summary

The City of Barrie has exceeded the notice requirements for the sale of land, as notice is provided seven days in advance of General Committee's consideration, which is at least one week prior to City Council's consideration. The City of Barrie also exceeds the Planning Act notification requirements of public meetings as it provides notice for all site specific applications in all of the methods described above. The City of Barrie provides notice of both severances and minor variances a minimum of 14 days in advance of the hearing, exceeding the notice requirements for minor variances.

Notice of applications that are not site specific (such as a new Official Plan or Zoning By-law or text amendments) are published in a newspaper as well as being provided by personal service, ordinary mail or fax, to every person who has given the Clerk a written request for a notice, to a number of prescribed persons and public bodies.



Dawn McAlpine, City Clerk