

APPLICATION FORM FOR
HANTSPORT LAND USE BY-LAW AMENDMENT
MUNICIPALITY OF THE DISTRICT OF WEST HANTS



Planning Department

Phone: 798-8391 Ext. 115 Fax: 798-8553
76 Morison Drive, Windsor-West Hants Industrial Park

An amendment to the Hantsport Land Use By-Law (HLUB) can be in two forms: (i) an amendment to the zoning map, more commonly called a rezoning; or (ii) an amendment to the text of the by-law, which is a change in the wording of the by-law, perhaps to allow a new use in a zone, or to change the requirements of a particular zone.

Application for a Land Use By-law amendment is made to the Municipality through the West Hants Planning Department. The Planning Department prepares a report on the application for the Hantsport Area Advisory Committee (HAAC) who would make recommendations to the West Hants Planning Advisory Committee (PAC) and in turn PAC, if they were in agreement with the recommendations, would recommend to Council. HAAC is a sub-committee of PAC, and meets on an as-needed basis. PAC is a standing committee of Council which considers planning matters and it meets once per month.

The Planning Department's report evaluates the application to determine whether it complies with the policies of the Hantsport Municipal Planning Strategy (HMPS). The MPS sets out issues which must be addressed when considering amendments to the Land Use By-law. These issues include the potential impacts of the proposal on water supply, sewage disposal, schools, roads and traffic, neighbouring uses, and costs to the Municipality. In addition, the proposed amendment must be examined for compliance with various Municipal by-laws including the Hantsport Land Use By-law, as well as with requirements of federal and provincial agencies. All of these issues must be addressed by the Planning Department in its report to the Hantsport Area Advisory Committee, then the Planning Advisory Committee, and ultimately West Hants Municipal Council, the only body with the authority to make a decision. The Planning Department's report contains a recommendation on whether or not to approve the application, based on policies of the HMPS. HAAC reviews the report, considers and discusses the issues and makes a recommendation to PAC. This recommendation may be the same as that of the Planning Department, or it may differ, depending on how the HAAC views the issues and the impact of the amendment.

The HAAC recommendation is then sent to PAC for review. If PAC's recommendation is to approve the request, the matter proceeds to first reading by Council. This is an approval in principle, following which a public hearing date is set. Council is not bound by the first reading when it comes time to make the final decision at second reading. The *Municipal Government Act* provides that Council cannot approve the amendment without first holding a public hearing. It can, however, deny the application without holding a public hearing. If a public hearing is scheduled, two notices must be published in the local newspaper, *The Hants Journal*, with the first notice appearing at least 14 days before the date of the public hearing. At the public hearing, Council considers the application, the report and recommendation of the Planning Department, the recommendation of the HAAC and PAC, and written or oral presentations made at the hearing from interested persons who may either support or oppose the application. Following the public hearing, Council gives second reading to the amendment and a decision is made. The decision may be made at the same meeting as the public

hearing or at a subsequent meeting. Like the PAC, Council meets only once per month. If Council approves the application, a notice of approval must be published in the *Hants Journal*. Council's decision may be appealed to the Nova Scotia Utility and Review Board within 14 days of the publication of this notice. If Council refuses to approve the application, the applicant has the right to appeal to the Nova Scotia Utility and Review Board within 14 days of receiving written notice of the refusal.

An amendment to the Land Use By-law generally takes at least three to four months to complete once the Municipal Government Act's requirements for appeal periods and advertising have been fulfilled, HAAC has been convened, monthly meetings of both PAC and Council have been held, and the publishing schedule of a local weekly newspaper has been accommodated.

The applicant shall pay a processing fee of \$200.00, payable at the time of application. The fees shall only be refundable if the application is cancelled before the work related to processing of the application has begun.

In addition, the applicant shall deposit with the Municipality an amount sufficient to cover the cost of advertising, which would be approximately \$400.00. Where Council decides not to proceed with the application, the deposit shall be returned to the applicant.

After advertising, if the amount deposited is insufficient, the applicant is responsible for any additional costs. If there is a surplus the Municipality shall refund the same to the applicant.

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Letter of Explanation to Applicants:

Complete and submit the attached application to the Municipal Office, 76 Morison Drive, Windsor or mail to:

West Hants Planning Department
Municipality of West Hants
P.O. Box 3000
Windsor, NS
B0N 2T0

A \$200.00 application fee must accompany this form. This is not refundable once the staff report has been started.

A deposit of \$400 must accompany this form to cover advertising costs. If the cost of advertising exceeds the \$400.00 deposit, the applicant will be invoiced accordingly.

Where outstanding information required to complete the application form is not provided within four months of initial submission by the applicant, then the application will be automatically considered void and the application fee lost. In light of this, please read this form in its entirety and ensure that all information requested has been forwarded correctly before signing this application.

It is advisable to discuss your application with Planning Department staff and familiarize yourself with the Municipal Planning Strategy and Land Use By-law. In this way, your case can be processed with a minimal degree of possible delay and conflict. Copies of the Hantsport Land Use By-law and Municipal Planning Strategy are available from the West Hants Planning Department for your review.

If you have any questions, do not hesitate to contact the Planning Department at 798-8391 Ext 115.

**APPLICATION FORM FOR
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1. (a) Name of Applicant _____

Address _____

Telephone (Residence) _____ (Business) _____

Email _____

(b) Name of Property Owner (if different from above) _____

Address _____

Telephone (Residence) _____ (Business) _____

Email _____

(c) If the applicant is not the owner of all lands involved in this application, then please have the owner(s) complete the following authorization.

I (We) _____

The owner(s) of the property known as:

civic address or lot number and PID (if available)

hereby authorize _____
to make application on my (our) behalf to the Municipality of the District of West Hants for a
Land Use By-law amendment as set out in this application.

Signature(s)

2. The subject property is located at:

civic address or lot number and PID (if available)

(If the property does not have a designated civic address, please attach a plot plan to indicate the location of property.)

3. Existing use(s) of subject property: (please specify below)

Existing use(s) of abutting properties:

4. (a) Are municipal services available? (please check the appropriate space below)

(i) Water _____ Connected _____
(ii) Sanitary Sewer _____ Connected _____
(iii) Storm Sewer _____

(b) If municipal water supply and sanitary sewer are not available, has the subject property been approved by the Department of Environment for an on-site sewage disposal system?

Yes _____ No _____

(c) Does the subject property abut a public street?

Yes _____ No _____

(d) Existing Hantsport Land Use By-law zoning of subject property.

Proposed Hantsport Land Use By-law zoning of subject property.

Existing Hantsport Municipal Planning Strategy designation of subject property.

5. Give a general explanation of the proposal.

ADDITIONAL SUBMISSIONS

The following information may be required to complete your application. Please consult with the Planning Department to determine which if any, of the following items should be submitted:

- Site plan, drawn to scale, showing the area and dimensions of the property, the location and dimensions of existing and proposed buildings, driveways, parking areas, landscaping, etc.
- Plan of Subdivision
- Building plans and architectural elevation drawings of any proposed structure.
- Proposed Servicing Plan.

DECLARATION

I certify that all of the above statements and attachments are true and accurate.

Dated this _____ day of _____.

Signature: _____