

Additional Background Information on Municipal Government Act and Land Use Bylaw Regulations

Land Use Bylaw Requirements

The Municipal Government Act (s. 640(2)(d)) requires a Land Use Bylaw to direct how notice of a development permit approval is to be given; but the Municipal Government Act does not specifically require newspaper advertising for development permits.

In Calgary, the decision was previously made to provide notice to the public through an advertisement in the newspaper. The purpose of this advertisement is to begin the 21-day appeal period referred to in the Municipal Government Act. However, this process increases the time delay between approval and the required 21-day appeal period, essentially making it close to 4 or 5 weeks before the release of the permit (if no one appeals), delaying the ability for a project to proceed.

The Land Use Bylaw currently requires Administration to publish a notice stating the location and use of a parcel for which a Development Permit for a discretionary use has been approved (section 39(1)(a)) in a local newspaper.

Further, the Land Use Bylaw also requires the Subdivision and Development Appeal Board to ensure that notice of a hearing of an appeal to the Subdivision and Development Appeal Board is published in a local newspaper at least five days prior to the date of the hearing (section 48 (2)). This process is intended to let the public know about appeals, and when to be present should they wish to speak for or against an appeal.

Conclusion

The information required to be included in the notices as per the current rule in the Land Use Bylaw, combined with the specific requirement to use a newspaper, make any changes to the current notification extremely difficult. It limits Administration's ability to utilize plain language, visuals and other information that would make the notice easier to understand.

As a result, administration is recommending Council approve an amendment to the Land Use Bylaw in order to implement Council's desire for notifications to be more visual, engaging and to use plain language.

Municipal Government Act Requirements

Notifications are also required as part of the Municipal Government Act. These requirements apply when The City needs to advertise a Public Hearing. Based on these requirements, notice of the public hearing must be:

- published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw or resolution relates, or in which the meeting or hearing is to be held,
- mailed or delivered to every residence in the area to which the proposed bylaw or resolution relates, or in which the meeting or hearing is to be held, or

- given by a method provided for in a bylaw under section 606.1.

A notice of a proposed bylaw must be advertised before the second reading, it must be advertised before it is voted on by council, and the notice of the public hearing must be advertised at least 5 days before the public hearing occurs.

A notice must contain:

- a statement of the general purpose of the proposed bylaw, resolution, meeting, public hearing or other thing,
- the address where a copy of the proposed bylaw, resolution or other thing, and any document relating to it or to the meeting or public hearing may be inspected,
- in the case of a bylaw or resolution, an outline of the procedure to be followed by anyone wishing to file a petition in respect of it, and
- in the case of a meeting or public hearing, the date, time and place where it will be held.

City notifications must meet the requirements laid out in the Municipal Government Act in order to ensure that citizens are well informed of activities that may impact their communities.

Conclusion

Unlike the Land Use Bylaw, Administration cannot make amendments to these requirements, and so changes to the notifications for Public Hearings can only be amended within the rules laid out by the Municipal Government Act.