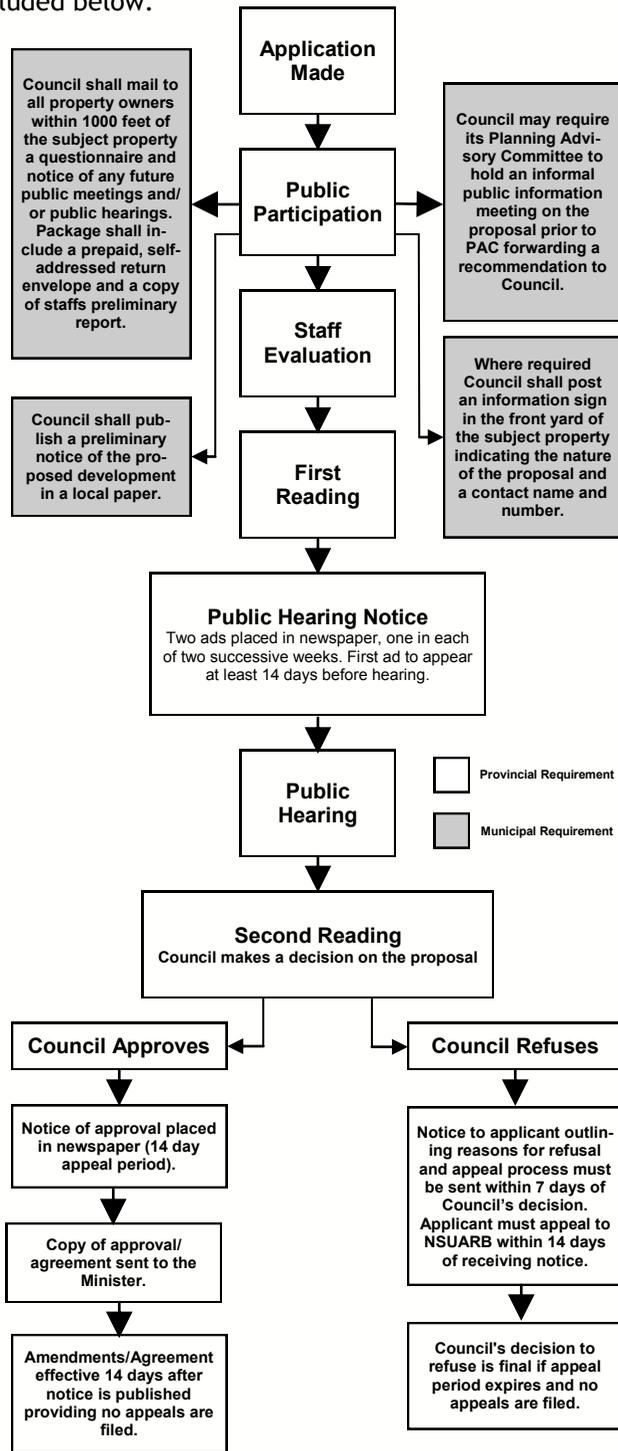


For your convenience, a detailed process chart of the Rezoning and Development Agreement application process is included below.



Rezoning and Development Agreements

Effective January 2012



230-15 Commerce Court, Elmsdale, N.S. B2S 3K5
 Phone: (902) 758-2715 Toll Free: 1-866-758-2299



Development Agreement

A Development Agreement is a legal contract between Municipal Council and a property owner. It sets out various design requirements and land use regulations which a particular development proposal must satisfy. Typically, a Development Agreement will deal with architectural design, permitted uses, landscaping, and site design, etc....

The Municipal Planning Strategy sets out certain types of land uses which must be considered by Development Agreement. Uses which have a high potential to create land use conflicts or large scale and significant development proposals are often considered only by Development Agreement. The Development Agreement process ensures that the interest and policies of the Municipality are addressed when considering new development proposals.

No development shall be undertaken before the agreement is signed, registered at the Registry of Deeds in Windsor, and necessary permits are obtained from the Municipality.

Rezoning

A property's zoning determines what types of uses are permitted and also regulates how a property may be developed. When a land owner wishes to develop a use not permitted by a property's current zoning or develop the property in a manner which is contrary to existing zoning regulations, the land owner may have the option to apply to change the zoning of the property to another zone. The rezoning process gives the Municipality the opportunity to review development proposals that are not permitted as-of-right under the Land Use By-law.

No development shall be undertaken before the rezoning is finalized and the necessary permits are obtained from the Municipality.

How Do I Apply?

Making the Application

The application process for a Development Agreement and a Rezoning are similar. For either process the applicant must submit a letter of application addressed to: The Director of Planning and Development, Municipality of East Hants, 230-15 Commerce Court, Elmsdale, Nova Scotia B2S 3K5.

Letter of Application

The letter of application shall provide the following information:

1. The name of the property owner(s) requesting the application or, in the event the applicant is not the property owner, a letter of consent from the property owner will be required.
2. A mailing address and telephone number of the applicant.
3. The location of the property.
4. A brief description of the purpose of the application outlining any related development proposal.

Site Plans

In some instances the submission of a site and/or building plans may be required or advisable. All plans should be of professional quality but do not have to be certified. Plans shall be submitted on 11" x 17" paper and must be suitable for reproduction.

Development Agreement Applications

In addition to the information prescribed above, an application for a Development Agreement will require the following items:

1. A site plan, drawn to scale, showing the proposed development indicating the size and dimensions of any new buildings, landscaping, parking areas, the size of parking stalls, etc.
2. A PID number for the property.
3. A copy of a plan of subdivision.
4. Renderings, building plans or architectural elevation drawings of any proposed structure.

Application Fees

The letter of application must be accompanied by a cheque made payable to the Municipality of East Hants. The fee includes a non-refundable administration fee (please see fee schedule for correct amount) and a \$750.00 deposit to cover advertising costs, postage

for information mailouts, and public meeting costs. Any unused portion of the deposit will be refunded and any outstanding balance will be billed to the applicant.

The Application Process

Evaluation

After all required information is received an evaluation of the application is conducted by the Planning and Development Department. Depending on the nature of the development proposal, Staff may request comments from other agencies such as the Municipality's Engineering Services Department, Nova Scotia Environment, and the Nova Scotia Department of Transportation and Infrastructure Renewal. Planning Staff also conduct a public participation program to solicit input from the public. Based on this information, Planning Staff evaluate the application to determine if it is consistent with the East Hants Official Community Plan.

Once Staff completes its evaluation of the application, a Staff report and recommendation are presented to the Planning Advisory Committee (PAC). PAC is responsible for reviewing the application and making a recommendation to Council.

Public Hearing

Rezonings and Development Agreements require approval at an advertised public hearing of Council. It is advisable for the applicant to attend the hearing. At the hearing, Council evaluates the recommendations and information received from Staff, but may decide additional information is required and defer any decision on the application to a later date.

Decision of Council

Following the public hearing, Council will vote on the application. A decision by Council to approve or refuse a Development Agreement or Rezoning application is subject to appeal to the Nova Scotia Utility and Review Board. Within 14 days of publication of a notice of approval or of the applicant receiving notice of Council's refusal, the decision of Council may be appealed. A decision to approve or refuse an application is not final until the appeal period expires and all appeals are exhausted.