



TOWN OF WINDSOR RECOMMENDATION REPORT

To: Members of Windsor Planning Advisory Committee

Submitted by: _____
Madelyn LeMay, Director of Planning and Development

Date: September 11, 2019

Subject: Fees: Land Use Bylaw Amendment

1.0 ORIGIN

At the July 10, 2019 Windsor Planning Advisory Committee (WPAC) meeting, the following motion was passed:

“Windsor PAC directs that staff draft amendments and begin the formal procedures to remove Section 2.8 and clause 5.40 (c) from the Windsor Land Use Bylaw and replace them with the following section:

Application Fees

“2.8

An applicant for a development permit, a development agreement, an amendment to a development agreement, a discharge of a development agreement, an amendment to the Land Use Bylaw, a site plan, a variance, or a zoning confirmation shall pay the fees prescribed by Council from time to time by policy.”

This report begins the process required to amend the Windsor Land Use Bylaw (WLUB).

2.0 LEGISLATIVE AUTHORITY

Municipal Government Act 49, *Power to make policies*

3.0 RECOMMENDATION

It is recommended that WPAC recommend:

... that Council give First Reading and hold a Public Hearing to consider amending the Windsor Land Use Bylaw by removing Section 2.8 and replacing it with the following section:

Application Fees

“2.8

An applicant for a development permit, a development agreement, an amendment to a development agreement, a discharge of a development agreement, an amendment to the Land Use Bylaw, a site plan, a variance, or a zoning confirmation shall pay the fees prescribed by Council from time to time by policy.”

and by deleting clause 5.40 (c).

4.0 BACKGROUND and DISCUSSION

Background and discussion can be found in the July 10, 2019 Report to PAC entitled “*Fees Related to Planning, Development and Building*” and the PAC Minutes of July 10, 2019.

4.1 Recommended Land Use Bylaw Amendments

The fee to be paid for each type of permit issued under the LUB has been recommended for inclusion in the Fees Policy.

In order to make future changes easier to accomplish, avoid duplication, ensure that fees can be required for all applications enabled in the Municipal Government Act (MGA) and ensure that conflicts don't arise, the present clause regarding the cost of advertising and notice should be removed from the LUB and be replaced with a clause which covers all potential charges, leaving the specifics of what is charged for and what the fee is to the Fees Policy established by Council. The proposed clause for the LUB is:

Application Fees

“2.8

An applicant for a development permit, a development agreement, an amendment to a development agreement, a discharge of a development agreement, an amendment to the Land Use Bylaw, a site plan, a variance, or a zoning confirmation shall pay the fees prescribed by Council from time to time by policy.”

5.0 OPTIONS

WPAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the WLUB amendment as drafted or as specifically revised by direction of WPAC;
- provide alternative direction such as requesting further information on a specific topic.

6.0 APPENDICIES

Appendix A

Portion Taken from the WLUB

Appendix B

Proposed Amendment to the WLUB

APPENDIX A

Portion Taken from the Windsor Land Use Bylaw June 2019

Advertising and Notification Costs

- 2.8 (a) Where an application is made to amend this Bylaw or to enter into or amend a development agreement, the applicant shall deposit with the Town Administrator at the time of application an amount established by the Town Administrator to be sufficient to pay the costs of any advertising and notification required.
- (b) If the amount paid under subsection (a) is not sufficient to cover the actual costs incurred, the applicant shall pay the additional amount required within 30 days of remittance of an invoice. If the amount paid exceeds the actual costs incurred, the Town Administrator shall refund the excess amount.

Variances

- 5.40...(c) Where a variance is granted or refused, the appeal and the notice provisions of the *Municipal Government Act* shall be complied with and the applicant shall pay to the Town Administrator the cost of notifying affected land owners.

APPENDIX B
Proposed Windsor Land Use Bylaw Amendment

Amendment to clarify and broaden the items for which Council may charge fees.
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1. In Part 2 of the Windsor Land Use Bylaw, delete existing section 2.8 and replace it with section 2.8 as follows:

Application Fees

2.8

An applicant for a development permit, a development agreement, an amendment to a development agreement, a discharge of a development agreement, an amendment to the Land Use Bylaw, a site plan, a variance, or a zoning confirmation shall pay the fees prescribed by Council from time to time by policy.

2. In Part 5 of the Windsor Land Use Bylaw, delete clause 5.40 (c):

Variance

5.40...(c) Where a variance is granted or refused, the appeal and the notice provisions of the *Municipal Government Act* shall be complied with and the applicant shall pay to the Town Administrator the cost of notifying affected land owners.