



MUNICIPALITY OF THE DISTRICT OF WEST HANTS RECOMMENDATION REPORT

To: Members of West Hants Planning Advisory Committee

Submitted by:

Madelyn LeMay
Director of Planning and Development

Date: September 19, 2019

Subject: Fees: West Hants Land Use Bylaw Amendment

1.0 ORIGIN

At the July 18, 2019 West Hants Planning Advisory Committee (WHPAC) meeting, members agreed by consensus to have staff draft reports and begin the formal procedures to remove clauses regarding fees from both the West Hants and Hantsport Land Use By-laws and replace them with clauses noting that Council will set fees by policy from time-to-time.

This report begins the process required to amend the West Hants Land Use Bylaw (WHLUB).

2.0 LEGISLATIVE AUTHORITY

Municipal Government Act s. 49, *Power to make policies*

3.0 RECOMMENDATION

It is recommended that WHPAC/HAC recommend:

... that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Land Use By-law by removing the existing heading and section 2.8 from the West Hants Land Use By-law and replacing it with the following:

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 By-law, a site plan, a variance, or a zoning confirmation shall pay the fees prescribed by Council from time to time by policy.

4.0 BACKGROUND

Background and discussion can be found in the July 18, 2019 report to WHPAC entitled *"Fees Related to Planning, Development and Building"* and the WHPAC/HAC minutes of July 18, 2019.

4.1 Recommended West Hants Land Use By-law Amendments

The ability to charge fees for development agreements, site plan approvals or variances should be included in the WHLUB in a way that ensures an amendment to the document is not required in order to charge a fee or to set or change the amount. The clause should cover all potential charges, leaving the specifics of what is charged for and what the fee is to the Fees Policy (COFN-005.03) established by Council. The proposed clause 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 By-law, 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

WHPAC/HAC may recommend that Council:

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

6.0 APPENDICIES

Appendix A

Existing WHLUB

Appendix B

Proposed WLUB Amendment

APPENDIX A

Taken from the West Hants Land Use By-law May 2019

Advertising and Notification Costs

- 2.8 (a) Where an application is made to amend this By-law or to enter into or amend a development agreement, the applicant shall deposit with the Municipal Clerk at the time of application an amount estimated by the Municipal Clerk 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 cost 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 Municipal Clerk shall refund the excess amount.

APPENDIX B

West Hants Land Use By-law Amendment

Amendment to clarify and broaden the items for which Council may charge fees.
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Amend the text of the West Hants Land Use By-law by deleting the existing heading and section 2.8 and replacing it with the following section 2.8:

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 By-law, a site plan, a variance, or a zoning confirmation shall pay the fees prescribed by Council from time to time by policy.