

**APPLICATION FORM FOR
LAND USE BY-LAW AMENDMENT OR DEVELOPMENT AGREEMENT**

TOWN OF WINDSOR



INCORPORATED 1878

Town Office
Phone: 798-2275 Fax: 798-5679
Walter B. Stephens Building
100 King St., Windsor

Planning Department
Phone: 798-6900 Fax: 798-8553
76 Morison Drive
Windsor/West Hants Industrial Park

An amendment to the Windsor Land Use By-Law (LUB) 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.

A development agreement is a legal agreement between Council and a property owner which sets out the type and form of development which will be permitted on a property, as well as requirements such as landscaping, screening, parking, building size, hours of operation, and the like. Similar to a mortgage, a development agreement is registered against the title to the property and runs with the land regardless of changes in ownership. Development agreements are more flexible than traditional zoning and may allow Council to authorize a use which otherwise would not be permitted. They can only be used, however, when there is a specific policy in the Municipal Planning Strategy (MPS) which authorizes them. The Town's MPS has identified several types of development which can only occur through development agreements; including new institutional uses, dwellings in excess of three storeys in residential zones, mixed use, multiple residential/commercial uses, and selected development in the Wentworth Road Overlay District.

Application for a Land Use By-law amendment or a development agreement is made to the Town through the Windsor Town Office (or the Planning Department). The Planning Department prepares a report on the application for the Planning Advisory Committee (PAC), the committee of Council which considers planning matters. This committee meets on an as-needed basis, usually once per month.

The Planning Department's report evaluates the application to determine whether it complies with the policies of the Municipal Planning Strategy. The MPS sets out issues which must be addressed when considering development agreements or 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 Town. In addition, the proposed amendment or development agreement must be examined for compliance with various Town by-laws including the 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, by the Planning Advisory Committee, and ultimately by Town 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 MPS. PAC

reviews the report, considers and discusses the issues and makes a recommendation to Council; this recommendation may be the same as that of the Planning Department, or it may differ, depending on how the PAC views the issues and the impact of the amendment/development agreement.

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. All property owners within 300 feet of the property subject to the rezoning must be notified of the hearing by mail. At the public hearing, Council considers the application, the report and recommendation of the Planning Department, the recommendation of the 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.

The process for a development agreement application is the same as for a land use by-law amendment except that first reading by Council is not required.

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, monthly meetings of both PAC and Council have been held, and the publishing schedule of a local weekly newspaper has been accommodated. Development agreements may be more complex, requiring a longer time for completion.

The applicant is required to deposit with the Town a fee of \$600 which must accompany the completed application form for the amendment/development agreement. This fee is intended to cover the costs of advertising. After advertising, if the amount deposited is insufficient, the applicant is responsible for any additional costs. A development agreement is subject to an additional fee to cover the cost of registering the document at the Registry of Deeds.

**TOWN ADMINISTRATOR 798-2275
DIRECTOR OF PLANNING 798-6900**

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Letter of Explanation to Applicants:

1. Complete and submit the attached application to the Town Office, 100 King St., Windsor or mail to:

Mr. Louis Coutinho
Town Administrator
P.O. Box 158
Windsor N.S.
B0N 2T0
2. There is a \$600.00 application fee which must accompany this form.
3. If the cost of advertising exceeds the \$600.00 application fee, the applicant will be invoiced accordingly.
4. 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.
5. It is advisable to familiarize yourself with the Municipal Planning Strategy and Land Use By-law as they apply to your application. In this way, your case can be processed with a minimal degree of possible delay and conflict. There are copies of the Land Use By-law and Municipal Planning Strategy available from the Town Office or the Planning Department for your perusal and/or purchase, or online at www.windsorwesthantsplanning.ns.ca.
6. If you have any questions, do not hesitate to contact the Planning Department at 798-6900.

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

Address _____

Telephone (Residence) _____ (Business) _____

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

Address _____

Telephone (Residence) _____ (Business) _____

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

I (We) _____

The owner(s) of the property known as:

(name of street and number of house)

hereby authorize _____

to make application on my (our) behalf to the Town of Windsor for a Land Use By-law amendment/development agreement as set out in this application.

SIGNATURE(S)

2. The subject property is located at:

(Name of street and number of home. If property does not have a designated municipal 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 Sewers _____ Connected _____
- (iii) Storm Sewers _____

(b) If municipal water supply and sanitary sewers are not available has the subject property been approved by the Department of Environment?

Yes _____ No _____

If the Department of Environment approval is required, a copy of the permit must be attached to this application as EXHIBIT "C".

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

Yes _____ No _____

(e) (a) Existing Land Use By-law zoning of the subject property.

Proposed Land Use By-law zoning of subject property.

(b) Existing Municipal Planning Strategy designation of subject property.

6. Give a general explanation of the proposal.

ADDITIONAL SUBMISSIONS REQUIRED

The following Exhibits **must** be attached to each application form, and should be marked in accordance with the categories indicated below:

EXHIBIT "A"

A copy of the survey plan prepared and stamped by a Nova Scotia Land Surveyor. This plan must show:

- (a) the boundaries, dimensions, and area, in square feet, of the parcel(s) of land for which the application for modification is being made;
- (b) all adjacent public streets and lands;
- (c) all rights of way and easements to which the lands under application are subject;
- (d) present municipal numbering of all buildings situated on or adjacent to the lands under application;
- (e) location of existing and proposed building(s) on lot;
- (f) distance from lot lines to existing and proposed building(s);
- (g) distances from lot lines to building(s) on adjoining lots.

EXHIBIT "B"

A legal description of the subject property prepared and stamped by a Nova Scotia Land Surveyor.

EXHIBIT "C"

A Department of Environment Permit, if required as indicated by Section 4(b) of the application form.

NOTE: Additional Information may be required to accompany development agreement applications.

DECLARATION

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

Dated this _____ day of _____, _____.

Signature: _____