THE CITY OF WINNIPEG

BY-LAW NO. 223/2007

A By-law of THE CITY OF WINNIPEG to amend the Development Procedures By-law No. 5893/92 and the Planning, Development and Building Fees By-law No. 166/2004.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. The Development Procedures By-law No. 5893/92 is amended as follows:

(a) Section 2 is amended by adding the following:

"draft application" means a development application which is submitted to the City for preliminary review and discussion.

(b) The following is added after section 3:

DRAFT APPLICATIONS

3.1 (1) An applicant may submit a draft application for approval of

(a) a proposed zoning by-law,
(b) a plan of subdivision,
(c) a variance,
(d) a conditional use,
(e) a proposed Plan Winnipeg by-law,
(f) a proposed secondary plan by-law, or
(g) any combination of (a) through (f).

(2) If submitting a draft application, the applicant shall submit it to the director and shall pay the fee prescribed in the Planning, Development and Building Fees By-law, which shall be non-refundable.

(3) An applicant who has submitted a draft application may subsequently notify the director that the applicant intends to proceed with an application for approval of the same matter, with or without amendments to the draft application.

(4) An applicant who has given the director notification under subsection (3) shall proceed by submitting an application. The director shall review and process the application in accordance with section 3.

(5) Where an applicant who has given the director notification under subsection (3) submits an application, the fee paid in accordance with subsection (2) shall be credited toward the application fees payable under Parts 2, 3 and 4 of the Planning, Development and Building Fees By-law.

(c) Section 4 is amended by adding the following after subsection 4(2.1):

(2.1.1) Notwithstanding subsection (2.1), where a community committee that conducts
(a) a public hearing under subsection (1) to consider a proposed

zoning or subdivision approval by-law, or

(b) a combined public hearing under section 6 not involving an amendment to a Secondary Plan,

concurs, in its recommendation, in all respects with the director's recommendation, and no person registers in opposition or submits an objection to the application, the community committee shall forward its report and recommendation to the executive policy committee for its consideration and forwarding of the combined report and all recommendations to council.

(2.1.2) Where

(a) a public hearing under subsection (1) to consider a proposed zoning or subdivision approval by-law, or

(b) a combined public hearing under section 6 not involving an amendment to a Secondary Plan

is scheduled before a community committee, the hearing must not be adjourned or laid over to a date later than the second regularly scheduled meeting of that committee after the meeting at which the hearing is first scheduled.

2. The Planning, Development and Building Fees By-law No. 166/2004 is amended by adding the following after section 45:

Draft application

45.1 (1) The following fee is hereby imposed for a draft application as defined and referred to in the Development Procedures By-law.....$100.00

(2) Notwithstanding subsection 132(2), where a person who has submitted a draft application subsequently submits an application for approval of the same matter, with or without amendments to the draft application, and subsequently withdraws the application, the amount withheld from any refund paid shall be the lesser of $160.00 or the fee paid by the person.

3. This by-law comes into force on January 1, 2008.

DONE AND PASSED in Council assembled this 19th day of December, 2007.

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Mayor

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City Clerk

Approved as to content:

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for Director of Planning, Property and Development

Approved as to form:

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for City Solicitor/Manager of Legal Services