



REPORT TO MAYOR AND COUNCIL

PRESENTED:	DECEMBER 3, 2018 - REGULAR EVENING MEETING	REPORT:	18-161
FROM:	COMMUNITY DEVELOPMENT DIVISION	FILE:	BA000021
SUBJECT:	DEVELOPMENT APPLICATION PROCEDURES AND FEES		

RECOMMENDATION:

That Council give first, second and third reading to Township of Langley Development Application Procedures Bylaw 2018 No. 5428, for the purpose of updating development application procedures and fees.

EXECUTIVE SUMMARY:

Section 460 of the *Local Government Act* (LGA) requires a local government that has adopted an official community plan bylaw or a zoning bylaw to define procedures by bylaw under which an owner of land may apply for an amendment to the plan or bylaw, or issuance of a permit. Section 194 of the Community Charter allows a local government by bylaw to establish a fee payable for all or part of a service of the municipality.

Bylaw No. 5428 replaces existing 'Langley Development Application Fee Bylaw 1987 No. 2470' by updating and formalizing procedural provisions and relocating the fee component to 'Township of Langley Fees and Charges Bylaw 2007 No. 4616'.

Staff have reviewed bylaws, practices and fees of other local governments and engaged legal counsel to inform proposed Township of Langley Development Application Procedures Bylaw 2018 No. 5428.

PURPOSE:

The purpose of this report is to provide Council with information and recommendations in order to update development application procedures and fees.

BACKGROUND/HISTORY:

Section 460 of the Local Government Act (LGA) requires a local government that has adopted an official community plan bylaw or a zoning bylaw to define procedures by bylaw under which an owner of land may apply for an amendment to the plan or bylaw, or issuance of a permit. Section 194 of the Community Charter allows a local government by bylaw to establish a fee payable for all or part of a service of the municipality.

Existing 'Langley Development Application Fee Bylaw 1987 No. 2470' has been amended over time to periodically update fees and accommodate procedural requirements such as the inclusion of development permit areas for watercourses. The bylaw was most recently updated on October 1, 2018 to include a Williams Neighbourhood Plan administration fee.

In addition, and subsequent to adoption of the 1987 bylaw, locating information signs on properties being considered for rezoning was established by Council resolution on August 2, 1988. Section 468 of the LGA currently allows a local government by bylaw to require posting of a notice on lands subject to a public hearing.

DISCUSSION/ANALYSIS:

Local Government Practices

Staff have reviewed bylaws and practices of other local governments and engaged legal counsel in the development of proposed Development Application Procedures Bylaw 2018 No. 5428.

Specifically, staff have reviewed procedures and fees in the cities of Surrey, Abbotsford, Coquitlam and Maple Ridge to inform the proposed Township approach.

Proposed Bylaw

Proposed Bylaw No. 5428 is based on current procedural requirements of Bylaw No. 2470 with the following key updates:

1. streamlines administrative items by delegating to the staff development application form and including the sign format and content requirements avoiding a bylaw amendment process to update a form or schedule;
2. improves ease of use by consolidating process items and referencing delegated development permits;
3. clarifies refund and inactive application provisions;
4. formalizes the posting of a notice (sign) for lands subject to a public hearing consistent with the LGA;
5. formalizes adjacent owner notification regarding development and development variance permits prior to Council consideration;
6. decouples the required legislative procedural components from fee components by adding the fees to Schedule 14 of the Township's Fee and Charges bylaw consistent with Township practice for service fees and other local government practice. This approach will allow for annual Council consideration of fees in conjunction with budget considerations versus a separate bylaw amendment process; and
7. aligns fees with the cities of Surrey, Abbotsford, Coquitlam and Maple Ridge such as:
 - a) \$3,000 proposed rezoning base fee (versus \$2,200 existing) for single family residential, commercial and industrial zones
 - b) \$3,000 proposed development permit (form and character) base fee (versus \$1,100 existing)

Staff note the last fee increase was in 2008.

Staff shared information related to proposed Bylaw No. 5428 with the Urban Development Institute (UDI) at a November 22, 2018 ToL / UDI Liaison Committee Meeting. UDI has provided correspondence dated November 23, 2018 (Attachment A) indicating their support of the proposed bylaw amendments.

FINANCIAL IMPLICATIONS:

As noted above, Bylaw No. 5428 replaces existing 'Langley Development Application Fee Bylaw 1987 No. 2470' and adds the fee component to 'Township of Langley Fees and Charges Bylaw 2007 No. 4616' providing for cost recovery for application processing and annual Council consideration of fees in conjunction with budget consideration.

POLICY CONSIDERATIONS:

Bylaw No. 5428 replaces existing 'Langley Development Application Fee Bylaw 1987 No. 2470' by updating and formalizing procedural provisions and relocating the fee component to 'Township of Langley Fees and Charges Bylaw 2007 No. 4616'. The proposed updates serve to provide clarity and streamline administrative items as well as provide for cost recovery for application processing.

Respectfully submitted,

Stephen Richardson
DIRECTOR, DEVELOPMENT SERVICES
for
COMMUNITY DEVELOPMENT DIVISION

This report has been prepared in consultation with the following listed departments.

CONCURRENCES	
Division / Department	Name
Finance Division	K. Sinclair
Corporate Administration Division	W. Bauer

ATTACHMENT A Urban Development Institute letter dated November 23, 2018



URBAN DEVELOPMENT INSTITUTE – PACIFIC REGION
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Vancouver, British Columbia V6E 3S7 Canada
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www.udl.bc.ca

November 23, 2018

Stephen Richardson
Director, Development Services
Township of Langley
20338 - 65 Avenue
Langley, BC V2Y 3J1

Re: Development Application Procedures and Fee Bylaw Review

Dear Mr. Richardson:

On behalf of the 850 corporate members of the Urban Development Institute (UDI), I **would like to thank you and Township staff for your work on the review of Langley's Development Application Procedures and Fee Bylaw**, and for providing an update to our membership on the proposed changes at the November 22, 2018 Township of Langley/UDI Liaison Committee meeting.

UDI would like to reiterate the consensus of our members to support the improvements to the development application procedures that are being proposed. We also support the fee increases that will be recommended in the report to Council. They are not substantial on per unit basis, and as noted at the meeting, we would respectfully request that the new revenues from the fees will be allocated to hire more staff for development application reviews. This is important to our industry because delays can add substantial risks and costs to projects.

We thank the Township, again, for conducting the review of the *Development Application Procedures and Fee Bylaw*, and thank you for your efforts to improve processing times for our membership.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Anne McMullin".

Anne McMullin
President & CEO

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THE CORPORATION OF THE TOWNSHIP OF LANGLEY
DEVELOPMENT APPLICATION PROCEDURES BYLAW 2018 NO. 5428

EXPLANATORY NOTE

Bylaw 2018 No. 5428 establishes development application procedures, rescinds Township of Langley Development Application Fee Bylaw 1987 No. 2470, and amends Township of Langley Fees and Charges Bylaw 2007 No. 4616.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

DEVELOPMENT APPLICATION PROCEDURES BYLAW 2018 NO. 5428

WHEREAS the Council of the Township of Langley has adopted the Official Community Plan and the Zoning Bylaw;

AND WHEREAS the Council of the Township of Langley has designated heritage conservation areas within which Heritage Alteration Permits are required;

AND WHEREAS the Council of the Township of Langley must, under the *Local Government Act*, define, by bylaw, procedures under which an Owner may apply for an amendment to the Official Community Plan or the Zoning Bylaw, or for the issuance of a permit under Part 14 of the *Local Government Act*;

AND WHEREAS the Council of the Township of Langley may, by bylaw, establish procedures under which a person may apply for the issuance of a Heritage Alteration Permit or amendment of a bylaw under Part 15 of the *Local Government Act*;

AND WHEREAS the Council of the Township of Langley may, by bylaw, require posting of a notice on land in respect of which a public hearing is being held or waived;

AND WHEREAS the Council of the Township of Langley may, by bylaw, impose a fee payable in respect of all or part of a service, the use of municipal property, or the exercise of authority to regulate, prohibit, or impose requirements;

AND WHEREAS the *Community Charter* authorizes the Council of the Township of Langley to, by bylaw, delegate certain powers to Township officers and employees;

The Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

PART 1: TITLE

- 1.1 This bylaw may be cited for all purposes as “Development Application Procedures Bylaw 2018 No. 5428.”

PART 2: INTERPRETATION

- 2.1 In this bylaw:

- (a) words importing the singular number include the plural and vice versa and words importing the neuter gender include the masculine and the feminine genders;
- (b) headings given to sections are for convenience of reference only and do not form part of this bylaw;
- (c) unless expressly stated otherwise, a reference to a “section” is a reference to a section in this bylaw and a reference to a “part” is a reference to a part in this bylaw; and

- (d) unless expressly stated otherwise, a reference to an enactment is a reference to an enactment of British Columbia and its regulations, as amended, revised, consolidated, or replaced from time to time, and a reference to a bylaw or policy is a reference to a Township bylaw or policy, as amended, revised, consolidated, or replaced from time to time.

2.2 In this bylaw:

- (a) **“Applicable Form”** means an application form for an application listed under Part 3 of this bylaw;
- (b) **“Applicant”** means an Owner of land which is the subject of an application or their authorized agent;
- (c) **“Community Charter”** means the *Community Charter*, SBC 2003, c 26, as amended or replaced from time to time;
- (d) **“Community Development Division”** means the Community Development Division of the Township;
- (e) **“Council”** means the elected council of the Township;
- (f) **“Development Permit”** has the meaning provided in the *Local Government Act*;
- (g) **“Development Permit Delegation Bylaw”** means the Development Permit Delegation Bylaw 2016 No. 5246, as amended or replaced from time to time;
- (h) **“Development Variance Permit”** has the meaning provided in the *Local Government Act*;
- (i) **“Gaming Licencing Endorsement”** means an endorsement by the Township of a licence application made pursuant to the *Gaming Control Act*, SBC 2002, c 14, as amended or replaced from time to time, and the regulations enacted thereunder;
- (j) **“General Manager”** means the General Manager, Engineering and Community Development as appointed by Council from time to time, or their designate;
- (k) **“Heritage Alteration Permit”** has the meaning provided in the *Local Government Act*;
- (l) **“Heritage Revitalization Agreement”** has the meaning provided in the *Local Government Act*;
- (m) **“Land Use Contract”** has the meaning provided in the *Local Government Act*;
- (n) **“Liquor Licence Endorsement”** means an endorsement by the Township of a licence application made pursuant to the *Liquor Control and Licencing Act*, SBC 2015, c 19, as amended or replaced from time to time, and the regulations enacted thereunder;

- (o) “**Local Government Act**” means the *Local Government Act*, RSBC 2015, c 1, as amended or replaced from time to time;
- (p) “**Official Community Plan**” means the Township of Langley Official Community Plan Bylaw 1979 No. 1842, as amended or replaced from time to time;
- (q) “**Owner**” has the meaning provided in the *Community Charter*;
- (r) “**Telecommunication Tower**” means a public utility or antenna tower that is under the authority of Industry Canada, or its successor;
- (s) “**Temporary Use Permit**” has the meaning provided in the *Local Government Act*;
- (t) “**Township**” means the Corporation of the Township of Langley;
- (u) “**Township of Langley Fees and Charges Bylaw**” means the Township of Langley Fees and Charges Bylaw 2007 No. 4616, as amended or replaced from time to time; and
- (v) “**Zoning Bylaw**” means the Township of Langley Zoning Bylaw 1987 No. 2500, as amended or replaced from time to time.

PART 3: SCOPE

This bylaw applies to the following applications related to all land within the boundaries of the Township:

3.1 an application for:

- (a) an amendment to the Official Community Plan;
- (b) an amendment to the Zoning Bylaw;
- (c) an amendment to or discharge of a Land Use Contract; or
- (d) a Heritage Revitalization Agreement;

3.2 an application for:

- (a) a Heritage Alteration Permit;
- (b) a Development Permit subject to the Development Permit Delegation Bylaw;
- (c) a Development Permit not subject to the Development Permit Delegation Bylaw;
- (d) a Development Variance Permit; or
- (e) a Temporary Use Permit;

3.3 an application for subdivision of property;

- 3.4 an application for a Liquor Licence Endorsement;
- 3.5 an application for a Telecommunication Tower;
- 3.6 an application for a Gaming Licence Endorsement;
- 3.7 an application for development of property within the Agricultural Land Reserve.

PART 4: APPLICATIONS

- 4.1 Applications listed under Part 3 of this bylaw shall be submitted by an Owner to the Township on the Applicable Form, including all prescribed supporting documentation and attachments.
- 4.2 Council hereby delegates to the General Manager the authority to create and revise the Applicable Forms for applications listed under Part 3, including determining all necessary supporting documentation and attachments.

PART 5: FEES

- 5.1 At the time of submission of an application pursuant to section 4.1, and throughout the processing of an application as prescribed by the Township of Langley Fees and Charges Bylaw, the Applicant shall pay to the Township the applicable fee set out in the Township of Langley Fees and Charges Bylaw.

PART 6: REVIEW BY THE COMMUNITY DEVELOPMENT DIVISION

- 6.1 Except for an application under sections 3.2(b) or 3.3, upon receipt of an application submitted in accordance with section 4.1, the Community Development Division shall review the application and prepare a report for Council's consideration, and, as applicable, may:
 - (a) forward the application to other departments of the Township and outside agencies for advice and recommendations; and
 - (b) prepare an amending bylaw, bylaw, resolution, agreement, and/or permit for Council's consideration.
- 6.2 Upon receipt of an application submitted in accordance with sections 3.2(b) or 3.3, the Community Development Division may, as applicable, forward the application to other departments of the Township and outside agencies for advice and recommendations.
- 6.3 Upon completion of its review under section 6.1, the Community Development Division shall forward the application and its report, as well as any prepared amending bylaw, bylaw, resolution, agreement, and/or permit for Council's consideration under Part 7.

PART 7: COUNCIL CONSIDERATION

- 7.1 Upon receipt of an application, report, and any prepared amending bylaw, bylaw, resolution, agreement, and/or permit from the Community Development Division pursuant to section 6.3, Council may, as applicable, take one or more of the following actions:
- (a) approve the application;
 - (b) approve the application with conditions;
 - (c) refer the application back to the staff, with direction;
 - (d) defer the application, pending the outcome of another procedure or the submission of additional information;
 - (e) reject the application;
 - (f) adopt any necessary amending bylaw, bylaw, or resolution; or
 - (g) take any other action Council considers appropriate.

PART 8: NOTIFICATION**Notices of Public Hearing**

- 8.1 Where a public hearing is required by law, notice of the public hearing shall be given in accordance with the *Local Government Act*.
- 8.2 Without limiting section 8.1, for an application under sections 3.1 and 3.2(e), notices shall be mailed out or otherwise delivered to the owners and tenants in occupation of all property within a distance of 100 metres from the boundary of the subject property, and to a minimum of five (5) properties measured along both sides of the road or roads on which the subject property is located, subject to exemptions in the *Local Government Act*.
- 8.3 Without limiting section 8.1, for an application under section 3.2(a)(c)(d), notices shall be mailed out or otherwise delivered to the owners and tenants in occupation of all property adjacent to the subject property indicating the time and place Council will meet to consider the application, subject to exemptions in the *Local Government Act*.

Signage

- 8.4 For an application under section 3.1(b)(c)(d), the Applicant must, at their sole expense, erect a sign on the land that is subject to the application in accordance with section 8.5.
- 8.5 Signage required under section 8.4 must be:
- (a) erected at least 14 days prior to the application proceeding to a public hearing;

- (b) posted centrally and visibly on the frontage of the subject property, including multiple signs where the subject property has frontage on multiple roads;
 - (c) constructed of a durable material, placed approximately 1.2 metres above ground, be approximately 1.2 meters high by 2.4 metres wide, and contain a description of application, a site map, the Township's emblem, the application number, and contact information for the Applicant and the Township;
 - (d) maintained and updated as necessary to reflect changes to the application; and
 - (e) removed from the subject property within 30 days of finalization of the application.
- 8.6 An Applicant required to erect a sign or signs pursuant to section 8.4 must provide photographic evidence to the Community Development Division, at least 14 days prior to the related public hearing, that the required signage has been installed.
- 8.7 Council shall not consider an application under section 3.1(b)(c)(d) until the Applicant has erected a sign or signs in accordance with Part 8. If a public hearing has been scheduled and it becomes necessary to postpone the public hearing because the requisite sign or signs have not been erected, the cost of rescheduling the public hearing shall be borne by the Applicant.

PART 9: REAPPLICATION AND INACTIVE APPLICATIONS

- 9.1 Subject to section 460(3) of the *Local Government Act*, where an application has been refused by Council, no reapplication for the same subject matter shall be considered within 12 months of refusal by Council of the previous application.
- 9.2 Where no outstanding or required application materials, including supporting documentation and attachments prescribed on the Applicable Form, are provided by an Applicant for any six (6) month period the application shall be considered inactive and closed, subject to the Applicant being notified in writing and given 30 days to respond.

PART 10: GENERAL

- 10.1 If any part, section, subsection, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by a court of competent jurisdiction, it shall be severed and the validity of the remaining provisions of this bylaw shall not be affected.

PART 11: REPEAL AND AMENDMENTS

- 11.1 The "Langley Development Application Fee Bylaw 1987 No. 2470" as amended is hereby repealed.
- 11.2 The "Township of Langley Fees and Charges Bylaw 2007 No. 4616" as amended is further amended by:
- (a) replacing in section 3 "Schedules '1', '2', '3', '4', '5', '6', '7', '8', '9', '10', '11', '12', and '13', attached to a forming part of this bylaw" with "Schedules '1', '2', '3', '4', '5', '6', '7', '8', '9', '10', '11', '12', '13', and '14', attached to a forming part of this bylaw";

- | | | |
|------------------------|--------|---------|
| READ A FIRST TIME the | day of | , 2018. |
| READ A SECOND TIME the | day of | , 2018. |
| READ A THIRD TIME the | day of | , 2018. |
| ADOPTED the | day of | , 2018. |

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SCHEDULE A

Schedule 14 – Development Application Fees

DEVELOPMENT APPLICATION Fee Type	Description	Fees & Charges
Zoning Bylaw (map amendment); Land Use Contract Discharge or Amendment (varying use or density); and/or Heritage Revitalization Agreement ^{1,2,3}	R, RU or SR zone <ul style="list-style-type: none"> Initial application fee Supplemental fee per proposed lot 	\$3,000.00 \$100.00
	RM zone <ul style="list-style-type: none"> Initial application fee Supplemental fee per proposed residential unit 	\$4,300.00 \$100.00
	CD zone <ul style="list-style-type: none"> Initial application fee Supplemental fee per m² of non-residential gross site area being rezoned plus Supplemental fee per proposed residential lot or unit 	\$5,000.00 \$1.00 \$100.00
	C zone <ul style="list-style-type: none"> Initial application fee Supplemental fee per m² of non-residential gross site area being rezoned plus Supplemental fee per proposed residential lot or unit 	\$3,000.00 \$1.00 \$100.00
	M zone <ul style="list-style-type: none"> Initial application fee Supplemental fee per m² of gross site area being rezoned 	\$3,000.00 \$0.60
	P zone <ul style="list-style-type: none"> Initial application fee Supplemental fee per proposed residential unit 	\$3,000.00 \$100.00
	MH-1 or FH-1 zone <ul style="list-style-type: none"> Initial application fee Supplemental fee per lot or unit 	\$3,200.00 \$100.00
Zoning Bylaw (text amendment)	Application fee	\$3,500.00
Official Community Plan Amendment (map or text) and/or Neighbourhood Plan Amendment (map or text) and/or Sub-Neighbourhood Plan Amendment (map or text) ⁴	Application fee	\$4,300.00
Development Permit, Heritage Alteration Permit and/or Land Use Contract Amendment (not varying use or density) ^{5,6,7}	Initial application fee Supplemental fee: <ul style="list-style-type: none"> per m² of gfa for commercial and non-residential comprehensive development per m² of gfa for industrial and rural development per m² of gfa for institutional per proposed residential unit 	\$3,000.00 \$1.00 \$0.60 \$0.25 \$100.00
Development Variance Permit	Application fee	\$3,000.00
Temporary Use Permit	Application fee	\$3,000.00
Telecommunication Tower	Application fee	\$3,000.00
Liquor Licencing	New Liquor Primary Licence and/or permanent relocation of an existing Liquor Primary Licence and/or Community Gaming Facility or Casino	\$3,200.00

DEVELOPMENT APPLICATION Fee Type	Description	Fees & Charges
	Amendment to an existing Liquor Primary Licence	\$2,000.00
	Manufacturer Licence (new or existing) requesting a lounge and/or special event area endorsement	\$2,000.00
	Food Primary Licence involving temporary use area endorsement, hours of liquor service beyond 1:00am, or patron participation entertainment	\$2,000.00
	Requests for confirmation of zoning compliance for any other Liquor Licencing applications	\$200.00
ALR	Fees as established by the Agricultural Land Commission	
Subdivision	Conventional, Bareland Strata, Air Space and Strata Conversion application fee plus additional fee per lot proposed to be created	\$3,000.00 \$100.00
	Where an applicant makes a significant amendment to a subdivision application resulting in a new letter of decision; or a significant amendment to a letter of decision; or additional fee where a subdivision letter of decision is extended beyond the expiry date	\$1,000.00
	Phased Strata Form P Approval	\$1,000.00
	Phased Strata Form P Amendment	\$400.00
	Phased Strata Plan Approval	\$400.00
Streamside Protection and Enhancement Development Permit	Development Permit Modification Request	\$3,100.00 \$1,600.00
Energy Conservation and Reduction of Greenhouse Gas Emissions Development Permits	Application fee	\$2,000.00
Other	Development Engineering Administration fee payable prior to final reading, final subdivision approval or permit issuance	\$500.00
	Green Infrastructure Services Administration fee payable prior to final reading, subdivision approval or permit issuance	\$1,000.00
	Landscape Re-inspection fee	\$200.00
	File Research Request	\$100.00
	Legal Document Review and/or Signing fee	\$400.00
	Routley Environmental Monitoring fee⁸ per unit being rezoned	\$100.00
	Neighbourhood Planning Administration Fees⁹	
	Southwest Gordon Estate⁸ Fee per unit being rezoned.	\$65.00
	Routley⁸ Fee per unit being rezoned.	\$148.00
	Yorkson⁸ Fee per unit being rezoned.	\$143.00
	Walnut Grove Stage 9 (Redwoods)⁸ Fee per unit being rezoned.	\$165.00
	Carvolth	

DEVELOPMENT APPLICATION Fee Type	Description	Fees & Charges
	Fee per gross acre being rezoned. Northeast Gordon Estate⁸	\$2,266.00
	Fee per unit being rezoned. Central Gordon Estate⁸	\$399.00
	Fee per unit being rezoned. Latimer⁸	\$164.00
	Fee per unit being rezoned. Smith⁸	\$149.00
	Fee per unit being rezoned. Williams	\$161.00
	Fee per gross acre being rezoned.	\$2,375.00
	Extraordinary Charges Development applications creating extraordinary costs for the Township shall reimburse the Township on the basis of: <ul style="list-style-type: none"> • For each additional staff report to Council greater than 3 • Township expense of obtaining extraordinary legal or other professional consultant advice needed to evaluate an application and • Municipal advertising, notification, facility rental and setup expenses incurred for additional or extended public hearings 	\$500.00 At cost At cost
Refundable Portion of Development Application Fees	Upon written request of the owner to withdraw an application: <ol style="list-style-type: none"> 1. 90% of the initial application fee shall be refunded if such request is received within 14 days of application or 2. \$1,000.00 of initial application fee shall be refunded for an application to amend the Zoning Bylaw or OCP Bylaw if such request is received, or if Council declines the application, prior to referral to a Public Hearing 	

NOTES:

1. Supplemental fees payable prior to final reading of a bylaw
2. Maximum application fee payable \$25,000.00
3. Where one rezoning application proposes more than one zone the highest zone fee shall apply
4. Where one application proposes to amend a Sub-Neighbourhood Plan, Neighbourhood Plan or Official Community Plan, only one fee is payable under this category
5. Supplemental fees payable prior to issuance of a building permit
6. Where an application incorporates a Development Variance Permit, each fee category applies.
7. Maximum application fee payable \$25,000.00
8. For a non-residential development, the fee is based on 10 units per gross acre
9. No administration fee is payable where lands are being rezoned for Civic Institutional P-1 purposes