

The Corporation of The Town of The Blue Mountains

By-law Number 2018 – 10

Being a By-law for Fees related to Planning Matters and Engineering Services

Whereas in accordance with Section 69(1) of the Planning Act, the Council of The Corporation of the Town of The Blue Mountains considers it necessary to establish a tariff of fees made in respect of planning matters, with such tariff designed to meet only the anticipated cost to the municipality, or to a committee of adjustment, the cost of processing of each type of application provided for in the tariff;

Whereas in accordance with Section 391 of the Municipal Act, 2001, S.O. 2001, c. 25, the Council of The Corporation of the Town of The Blue Mountains considers it necessary to impose fees or charges on persons for services or activities rendered under these Acts;

And Whereas the Council of The Corporation of the Town of The Blue Mountains has held a Public Meeting before passing this By-law and has provided notice of the Public Meeting and its intention to pass this By-law and made available to members of the public information with respect to the Fees related to Planning Matters and Engineering Services;

Now therefore the Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. **That** Schedule “A” Planning Fees attached hereto which is hereby declared to form part of By-law 2018-10;
2. **That** Schedule “B” Other Planning Fees attached hereto which is hereby declared to form part of By-law 2018-10;
3. **That** Schedule “C” Engineering Fees attached hereto which is hereby declared to form part of By-law 2018-10;
4. **That** By-law 2010-35, as amended, being a By-law to Change the Tariff of Fees related to Planning Matters and Engineering Services all other By-laws that are inconsistent with the provisions of this By-law are hereby repealed insofar as it is necessary to give full effect to the provisions of this By-law;

And Further, that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 12th day of February, 2018.

John McKean, Mayor

Corrina Giles, Town Clerk

The Corporation of The Town of The Blue Mountains

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Schedule A – Planning Fees

Administration, Refunding, Other Fees, and Lapsing/Closing of Planning Applications

- A. Application Fees are cumulative save and except where noted otherwise.
- B. 50% of the Planning Fee may be refunded at the sole discretion of the Director, Planning & Development Services if Public Notice, if applicable, has been provided and/or prior to the preparation of a Planning Staff Report related to the matter.
- C. The Director, Planning & Development Services may assign fees other than noted, provided s/he has regard to the services and related costs provided by the Town of The Blue Mountains.
- D. An application, save for one that has received Draft Plan Approval, that has not been acted on in 12 months may, at the sole determination

Definitions

“Gross Floor Area” means the total floor area of a building or structure, including floor levels located above and below grade, measured to the outside face of all exterior walls;

“Individual Scale” means a proposal that contains less than or equal to 2 units;

“Large Scale” means a proposal that contains more than 50 units or, a proposal that contains a non-residential gross floor area exceeding 2,000 square metres or, a proposal that contains a mixture of units and non-residential uses exceeding 2,000 square metres of gross floor area;

“Mid-Scale” means a proposal that contains more than 10 units and less than or equal to 50 units or a proposal that contains a non-residential gross floor area exceeding 1,000 square metres and less than or equal to 2,000 square metres or, a proposal that contains a mixture of units and non-residential uses exceeding 1,000 square metres of gross floor area and less than or equal to 2,000 square metres of gross floor area;

“Mixed-use Building” means a building containing a mixture of units and non-residential uses;

“Non-residential Gross Floor Area” means the total floor area of a non-residential building or structure, including floor levels located above and below grade, measured to the outside face of all exterior walls;

“Small Scale” means a proposal that contains more than 2 units and less than or equal to 10 units or, a proposal that contains a non-residential gross floor area less than or equal to 1,000 square metres or, a proposal that contains a mixture of units and non-residential uses less than or equal to 1,000 square metres of gross floor area and includes Short Term Accommodation premise as defined by the applicable Zoning By-law (2013-13);

“Unit” means a residential dwelling unit, commercial resort unit, a short term accommodation unit and/or any similar type of unit but does not include a unit within a nursing home or similar institutional facility.

See Schedule “B” for other planning fees.

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Schedule A – Planning Fees (continued)

Item	Application Type	Fee	Security Deposit
1.	Official Plan Amendment		
	Large Scale	\$14,075	\$5,000
	Mid-Scale	\$8,895	\$5,000
	Small Scale	\$5,930	\$2,500
	Individual Scale	\$2,380	\$0
2.	Zoning By-law Amendment		
	Large Scale	\$4,710	\$5,000
	Mid-Scale	\$3,570	\$5,000
	Small Scale	\$3,570	\$2,500
	Individual Scale	\$1,755	\$0
	Temporary Use	\$1,755	\$2,500
3.	Draft Plan of Subdivision/Condominium		
	Large Scale	\$14,710	\$5,000
	Mid-Scale	\$8,890	\$5,000
	Small Scale	\$5,930	\$2,500
4.	Site Plan Review		
	Large Scale	\$10,375	\$5,000
	Mid-Scale	\$8,890	\$5,000
	Small Scale	\$3,540	\$2,500
	Individual Scale	\$280	\$0
5.	Minor Variance¹		
	Minor Variance	\$1,060	\$0
6.	Consent		
	Lot Addition (Boundary Adjustment)	\$1,725 per property	\$0
	Validation of Title	\$100	\$0
	Lot Creation	\$2,760 + \$605 for each additional lot	\$0
	Easement	\$1,725	\$0
7.	Part Lot Control/Deeming By-law		
	Large Scale	\$615	\$0
	Mid-Scale	\$620	\$0
	Small Scale	\$570	\$0
	Individual Scale	\$570	\$0
8.	Agreement Preparation²		
	Large Scale	\$14,995	\$0
	Mid-Scale	\$9,215	\$0
	Small Scale	\$3,900	\$0
	Individual Scale	\$825	\$0
	Pre-Servicing	\$2,800	\$0

1 Including applications pursuant to Sections 45(1), (2) & (3) of the Planning Act.

2 Includes those costs associated with title search(es) & registration of agreement(s).

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Schedule A – Planning Fees (continued)

Notes:

1. Application fees are cumulative except where noted otherwise.
2. Where an application is modified by the applicant prior to a decision on the application, an additional fee of 50% of the current required fee shall apply.
3. The security fee is a deposit which is for specialized peer review and/or legal services deemed required by the Town and for any other extraordinary expenses incurred by the Town as a result of the process. Such security fee is to be maintained by the applicant at the rate required. For multiple applications only one security fee shall be required. In some instances, due to the complexity of a proposal, an additional security fee may be determined to be required by the Director, Planning & Building Services.
4. Where a Zoning By-law Amendment proceeds in conjunction with an Official Plan Amendment, a 25% reduction in the Zoning By-law Amendment Fee applies.
5. Where a Site Plan Application proceeds in conjunction with another type of planning application, a 25% reduction in the Site Plan Review Fee applies.
6. In the instance of a Draft Plan of Condominium which is proceeding by way of a Site Plan Application, the greater fee found in Sections 3 or 4 above will apply.
7. If the proposal has received approval from the approval authority more than 24 months from the date of application for Agreement preparation, an additional fee of \$500 shall apply.
8. 50% of the Planning Fee may be refunded at the sole discretion of the Director, Planning & Building Services if Public Notice, if applicable, has been provided and/or prior to the preparation of a Planning Staff Report related to the matter.
9. An application, save for one that has received Draft Plan Approval, that has not been acted on in 12 months may, at the sole determination of the Director, Planning & Building Services, be deemed to be abandoned and lapsed/closed.
10. In the instance of an amendment or modification to an existing Agreement, including amendments so as to change the terms and/or conditions of the Agreement, 50% of the applicable fee shall apply.
11. The Director, Planning & Building Services may assign fees other than noted provided s/he has regard to the services and related costs provided by the Town of The Blue Mountains.
12. The proponent must make a written request to the Director, Planning & Building Services for refunds and/or the release of securities held by the Town.
13. Interest is not paid on fees and/or security deposits.

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Schedule B

Other Planning Fees

Item	Application Type	Fee
1.	Reactivating an application that has not been acted on in 12 months ³	50% of the current applicable fee(s)
2.	Re-notification Fee ⁴	50% of the application fee up to a maximum of \$1,285
3.	Telecommunication Towers	\$1,755
4.	Red Line Revision comments to the County of Grey or Ontario Municipal Board	\$870
5.	Draft Plan Extension comments to the County of Grey or Ontario Municipal Board	\$870
6.	Removal of the Holding “-h” symbol	\$920
7.	Ontario Municipal Board Attendance ⁵	\$1,755 for the first day or portion thereof + \$860 for each additional day or portion thereof ⁶
8.	Planning Opinion Letter	\$225
9.	Draft Plan Approval Clearance Letter to the County of Grey or Ontario Municipal Board	\$225
10.	Red Line Revision to a Site Plan Agreement	\$565
11.	Change to a Condition of Consent	\$870
12.	Condominium Exemption comments to the County of Grey	\$870
13.	Renewable Energy Projects ⁷	\$1,755
14.	Provision of comments to the Niagara Escarpment Commission on Development Control Permits	\$280
15.	Provision of comments to the Niagara Escarpment Commission on Niagara Escarpment Commission Amendments or to the County of Grey on County Official Plan Amendments	\$870
16.	Processing of inquiries related to acquisition of Town owned land	\$280

³ An application, save for one that has received Draft Plan Approval, that has not been acted on in 12 months may, at the sole determination of the Director, Planning & Building Services, be deemed to be abandoned and subsequently lapsed/closed.

⁴ In the instance where an advertised Public Open House/Meeting is deferred and/or rescheduled at the request of the proponent.

⁵ For each Town employee where same attends an Ontario Municipal Board Hearing in support of an application that has been “approved” by the Council of the Town of The Blue Mountains.

⁶ Plus \$860 for each additional day or portion thereof.

⁷ Including those within the Niagara Escarpment Development Control Area.

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Schedule C

Engineering Fees

Item	Application Type	Fee	Minimum Fee
1.	Official Plan Amendment⁸		
	Large Scale	\$3,215	\$0
	Mid-Scale	\$2,140	\$0
	Small Scale	\$1,070	\$0
2.	Zoning By-law Amendment⁸		
	Large Scale	\$1,070	\$0
	Mid-Scale	\$805	\$0
	Small Scale	\$535	\$0
3.	Draft Plan Review⁸		
	Large Scale	\$5,355	\$0
	Mid-Scale	\$3,215	\$0
4.	Technical Review of Plan of Subdivision/ Condominium/Site Plan Submissions		
	Large Scale	\$15,600 ⁹	\$5,355
	Mid-Scale	\$7,800 ⁹	\$3,750
	Small Scale	\$3,640 ⁹	\$2,680
	Individual Scale	\$2,080 ⁹	\$1,110
5.	Work Fees for Subdivision/Condominium/ Site Plan¹¹		
	Large Scale	4.16%	\$5,355
	Mid-Scale	4.16%	\$3,750
	Small Scale	4.16%	\$2,680
	Individual Scale	4.16%	\$1,070
	Pre-Servicing ¹²	0.52%	\$2,140
6.	Re-Inspection^{8 13}		
	Large Scale	\$3,215	\$0
	Mid-Scale	\$1,605	\$0
	Small Scale	\$965	\$0

Where an Official Plan Amendment and/or Zoning By-law Amendment and/or Draft Plan are processed concurrently, the greatest single fee shall apply.

Interest is not paid on fees and/or prepayment deposits.

⁸ This fee is a one-time non-refundable payment and is not related to the Works Fee.

⁹ Pre-payment Fee. The Prepayment Fee is a deposit for the Works Fees paid at Agreement execution and is intended as partial payment of the technical review, Agreement administration and/or other similar expenses incurred by the Town. If the proponent elects to not proceed with the project, the Prepayment Fee will be returned less the greater of the minimum fee or the actual time and expenditures incurred as determined by the Director of Engineering & Public Works.

¹⁰ In the instance of a third or subsequent engineering/technical submission, an additional fee of \$50 per equivalent unit within a Site Plan will apply as determined by the Director of Engineering and Public Works and is not refundable. The Works Fee is due at the time of execution of the applicable Agreement. Should the Works Fee Prepayment Fee exceeds the required Works Fee, the Prepayment Fee will be refunded to the greater of the required Works Fee or the minimum fee amount. In the event that the project does not proceed by cancellation of the Agreement, the Works Fee may be refunded to an amount determined by the Director of Engineering and Public Works.

¹¹ The Works Fee is due at the time of execution of the applicable Agreement. Should the Works Fee Prepayment Fee exceeds the required Works Fee, the Prepayment Fee will be refunded to the greater of the required Works Fee or the minimum fee amount. In the event that the project does not proceed by cancellation of the Agreement, the Works Fee may be refunded to an amount determined by the Director of Engineering and Public Works.

¹² The Pre-Servicing Fee is a 0.5% premium in addition to the Works Fee for the additional costs associated with the technical review of a Pre-Servicing proposal and Agreement administration. In the event that the project does not proceed by cancellation of the Agreement, the Pre-Servicing Fee may be refunded to an amount determined by the Director of Engineering and Public Works.

¹³ In the event that a second or subsequent site inspection is required by the Town in response to a request for a Certificate of Preliminary Acceptance of Basic Services, Completion, or Final Acceptance, an additional site re-inspection fee will be required prior to the re-inspection taking place.