

Corporation of the Municipality of Highlands East

Bylaw #2022-49

2022 Planning Fees Bylaw

Status: Approved

Meeting Date: April 19, 2022



A By-law to Set A Tariff of Fees for the Processing of Planning Applications and Establish and Set Fes for Information and Services Related to Planning and Development

Whereas Section 69(1) of the Planning Act R.S.O 1990, c.P.13, as amended, provides that a municipality may establish a tariff of fees for the processing of applications.

And Whereas Section 391 of the Municipal Act 2001, S.O. 2001 , as amended, provides for a municipality to pass by-laws imposing fees or charges on persons for services and activities provided or done by or on behalf of it, for cost payable by it for services or activities provided or done by or on behalf of any other municipality or local board, and for the use of its property including property under its control.

And Whereas Section 398(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to add fees and charges to the tax roll for the property and collect them in the same manner as municipal taxes.

Now Therefore, the Council of the Municipality of Highlands East enacts as follows:

1. That fees and charges as set out in schedules to this Bylaw shall be imposed.
2. That Schedule A to this Bylaw be the schedule of fees related to the Planning Department;
3. The Treasurer of the Municipality is hereby appointed and authorized to take all necessary procedures for the billing and collection of the said fees.
4. Any payments for fees regarding Planning Matters not received by the Treasurer within 60 days of the invoicing date shall be added by the Treasurer to the tax roll of the property owner to be collected in the same manner as municipal taxes.
5. There shall be added to any fee thereof due, but unpaid, the sum of 1.25% on the unpaid balance on the day following the due date, and the first day of each calendar month thereafter.
6. If any section or part of this By-law is found to be illegal or beyond the power of the Municipal Council to enact, such section shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent there from and to be enacted as such.
7. That Bylaw # 2019-112 be repealed in its entirety.
8. This Bylaw shall come into force and take effect upon the date of approval.

Enacted, Approved and Signed with the Corporate Seal attached on April 19, 2022.



Originals Signed

Originals Signed

Dave Burton, Mayor

Robyn Rogers, Municipal Clerk

Schedule A to Bylaw 2022-
Planning Fees and Charges for the Municipality of Highlands East

Explanatory Note: Where an application has a number next to it, please review the corresponding number in the 'Notes' section of the schedule for further information.

Preconsultation:

Preconsultation prior to application submission: ¹	\$450.00
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Zoning Bylaw Amendments:

Major Zoning Bylaw Amendment Application ² :	\$3450.00
Minor Zoning Bylaw Amendment Application ³ :	\$1200.00
Temporary Use Bylaw Application:	\$1200.00
Request to Lift Holding (H) Provision:	\$750.00

Official Plan Amendments:

Major Local Official Plan Amendment ⁴ :	\$5000.00
Minor Local Official Plan Amendment ⁵ :	\$2000.00
Local Official Plan Amendment and Zoning Bylaw Amendment processed together:	Official Plan Amendment Fee plus 50% of Zoning Bylaw Amendment Fee.

Site Plan Control Applications:

Major Commercial (over 600 sq. m.):	\$2000.00 plus \$1.50 per sq. m.
Minor Commercial (under 600 sq. m.):	\$1500.00 plus \$1.50 per sq. m.
Industrial/Institutional:	\$2000.00 plus \$1.50 per sq. m.
Major Multi-Residential (6 or more units)	\$2000 plus \$50 per unit
Minor Multi-Residential (5 or fewer units)	\$1500 plus \$50 per unit
Standard Residential (1-2 units)	\$1200.00
Major Amendment:	50% of current application fee
Minor Amendment:	\$500.00
Minor Amendment to Site Plan (no amendment to agreement):	\$500.00
Request to Waive Site Plan Control:	\$200.00
Staff Review and Comments for Revised Plans (after first set of revisions):	\$500.00
Recirculation of Revised Plans to External Agencies for Comment:	\$300.00

Minor Variance Applications:

Standard Minor Variance Application:	\$900.00
Complex Minor Variance Application ⁶ :	\$1200.00

Plans of Subdivision / Condominium / Consent:

Municipal Review of Plan of Subdivision / Condominium Application:	\$2000.00
Pre-consultation Comments for a Consent Application:	\$650.00
Deeming Bylaw:	\$500.00
Consent Administration Fee	\$350.00
Deeming Bylaw to Accompany Road Allowance Closure and Purchase:	\$200.00

Agreements:

Subdivision Agreement:	\$750.00
Severance Agreement:	\$750.00
Encroachment Agreement / License of Occupation:	\$750.00
Responsibility Agreement:	\$750.00
Legal Agreement (any type; administered by staff)	\$750.00
Renewal of Encroachment Agreement or Licence of Occupation:	\$500.00
Amend Agreement:	\$500.00
Request to Remove Agreement from Title:	\$250.00

Miscellaneous Fees:

Zoning and Building Compliance Letter	\$100.00
Zoning Bylaw and Official Plan Print Copies	Costs Only
Telecommunications Tower Review:	\$1000.00
Telecommunications Tower Private Circulation:	\$200.00
Amendment to Application Requiring Re-circulation:	\$300.00
Amendment to Application Not Requiring Re-circulation:	\$100.00
Additional Staff Site Inspection:	\$100.00
Additional Public Meeting or Open House:	\$300.00
Staff review and reactivation of an application that has been deferred at the request of the applicant:	50% of the application fee if more than six (6) months have passed since applicant requested deferral.
Requests to Council that require the preparation of a staff report that are otherwise not outlined above ⁷ :	\$100.00

Deposits:

Peer Review Deposit ⁸ :	\$5000.00
Professional Services Deposit ⁸ :	\$2500.00
Legal Fees Deposit ⁸ :	\$750.00
Ontario Land Tribunal Deposit ⁹ :	\$5000.00

Solar Proposals:

See fees and charges outlined in Schedule A to Bylaw 2019-117.

Shore Road Allowance Closure and Purchase:

See fees and charges outlined in Bylaw 2021-122.

Refund Policy:

If an application is withdrawn prior to its circulation, the applicant is be entitled to 50% of the application fee. If an application is withdrawn after it has been circulated but prior to a public meeting being held, the applicant is be entitled to 25% of the application fee. If Council or staff has made a decision on a file, a refund will not be considered.

Preconsultation fees or fees incurred for additional reviews, site visits or recirculation of applications shall not be refundable.

Notes:

¹Preconsultation:

Applications for zoning bylaw amendment, official plan amendment, site plan control, plan of subdivision or plan of condominium require the submission of a preconsultation review to the municipality in advance of application submission. Preconsultation is not required, but is strongly encouraged, for minor variance applications.

²Major Zoning Bylaw Amendment:

A “Major” Zoning Bylaw amendment is a Zoning Bylaw amendment that (one or more may apply):

- i) Requires a major amendment to the Municipality’s Official Plan and/or an amendment to the County of Haliburton’s Official Plan;
- ii) Requires extensive studies and/or consultation and collaboration with external agencies;
- iii) Constitutes a change of use to permit new Commercial, Industrial, Extractive or Institutional uses;
- iv) Constitutes a substantial increase in density (ie, accompanying an application for Plan of Condominium or Subdivision, conversion to medium or high density residential use from low density residential use.).
- v) Constitutes a substantial increase in the development envelope or density for existing Commercial, Industrial, Extractive or Institutional uses.

³Minor Zoning Bylaw Amendment:

A “Minor” Zoning Bylaw amendment is a Zoning Bylaw amendment that:

- i) Applies to a single parcel or land for low density residential use, including the construction of an additional dwelling unit;
- ii) Permits additional ancillary or accessory uses or structures that are compatible with the existing Zone designation and Official Plan policies;
- iii) Permits minor increases in floor area, height, parking areas, etc., for existing Commercial, Industrial or Institutional uses;
- iv) Clarifies existing zone boundaries through a professional evaluation (ie, a qualified professional providing revised environmental protection boundaries, hazard land boundaries, etc.).

⁴Major Official Plan Amendment:

A “Major” Official Plan amendment is an Official Plan amendment that (one or more may apply):

- i) Proposes a re-designation or change in land use for property(ies);
- ii) Requires many changes to the policies and schedules of the Official Plan;
- iii) Is more significant in scale and scope than a minor Official Plan amendment, and which may have greater impact or policy implications beyond the subject lands. Applications relating to more than one property would normally be in this category;
- iv) A site-specific application representing a large scale development/redevelopment or a change in use. An application involving significant changes to the text or policies of the Official Plan would also fall in this category; and,
- v) An application that also requires an amendment to the County of Haliburton Official Plan.

⁵Minor Official Plan Amendment:

A “Minor” Official Plan amendment is an Official Plan amendment that:

- i) Proposes a small-scale exception to a specific Official Plan standard (e.g., minor changes to the number of permitted units; or to add a site-specific use limited in scale);
- ii) Proposes a minor change to a specific policy that is limited in scope and typically to one property;
- iii) Maintains the intent and purpose of the Official Plan; and,
- iv) Shall have limited impact or policy implications beyond the subject lands.

⁶Complex Minor Variance Application:

A “Complex” Minor Variance application is an application for minor variance that includes one or more of the following elements:

- i) A minor variance application for a property subject to a site plan or other development agreement with the Municipality;

- ii) Requires studies or reports to support the application;
- iii) Requires consultation and collaboration with external agencies beyond the minimum requirements of the *Planning Act*.

⁷Requests to Council requiring a staff report:

Occasionally, land owners may request that the Municipality assist with planning processes or real property matters, such as permission to cross a one foot reserve, or that the Municipality take widening to a road to facilitate a lot merger. Where these requests require a planning staff report to provide context or advice alongside the proposal, a nominal fee may be charged to cover costs.

This fee does not apply to matters whereby Council has directed staff to bring a report for their consideration.

⁸Deposits:

The Municipality may require the payment of deposits upon submission of any application.

Deposits may be applied to cover peer review fees, professional fees should the Municipality require the expertise or advice of a third party consultant (engineer, planner, surveyor, etc.), as well as any legal costs incurred. Deposits may also be applied to any registration fees, disbursements, reproduction costs, postage, advertising, telephone charges, facsimile charges, and any other reasonable costs which may be incurred by the Municipality.

Should fees exceed the initial deposit received, the Municipality shall request further deposits or payments of invoices. Additional funds may be requested from time to time, to fully cover the municipal expenses. Work will not be completed by the Municipality, its solicitor or consultants until such deposit has been paid by the applicant.

The Municipality will keep an accurate record of all costs incurred with respect to planning applications. Upon completion of the processing of an application, the Municipality will reconcile the account for the applications where a deposit has been paid. A refund of the deposit will be made with the exception of those costs incurred by the Municipality, as determined by the Treasurer. If the cost to process an application exceeds the deposit, the applicant will be responsible for the additional costs and will pay such costs upon invoice by the Municipality.

⁹Ontario Land Tribunal Appeal Deposit:

If Council supports an application and its decision on the application is appealed to the Ontario Land Tribunal (OLT) by someone other than the applicant, the applicant will be responsible for all Municipal costs to defend the decision. These costs may include all planning fees, legal fees, engineering fees, fees of other professionals, disbursements,

reproduction costs, telephone charges, facsimile charges, peer review fees and any other reasonable costs which may be incurred by the Municipality.

The applicant will submit a deposit to the Municipality, upon submission of the file to the Ontario Land Tribunal (OLT), and will enter into an agreement with the Municipality to fully cover Municipal expenses with regard to the appeal.

Additional funds may be requested to fully cover the Municipal expenses. Work will not be completed by the Municipality, its solicitor or consultants until such deposit has been paid by the applicant.