



The Municipal Corporation of the Town of Fort Erie

By-law No. 72-2016

Being a By-law to Amend Fees and Charges By-law No. 40-09, as amended (Fence Variances)

Whereas By-law No. 40-09, as amended, was passed by Council on March 9, 2009, to establish fees and charges for various services provided by the Town of Fort Erie, and

Whereas the Town's Comprehensive Zoning By-law No. 129-90 ("By-law No. 129-90") as amended, was further amended by By-law No. 69-2013, passed by the Municipal Council of the Town of Fort Erie on July 15, 2013, to include regulations relating to fences for purpose of request for relief to the Committee of Adjustment, and

Whereas By-law No. 70-2013 ("Fence By-law") was passed by the Municipal Council of the Town of Fort Erie on July 15, 2013 to regulate fences in the Town of Fort Erie, and

Whereas the By-law No. 129-90, as amended, was further amended by By-law Nos. 133-2014 and 152-2015 to amend the regulations relating to fences, and

Whereas Report No. PDS-53-2016 was considered at the Council-in- Committee Meeting held on June 13, 2016, and subsequently approved by Council to authorize the removal of fence regulations from the By-law No. 129-90, as amended, including the fence variance fee established for the Committee of Adjustment, and

Whereas By-law No. 70-2016 was passed by the Municipal Council of the Town of Fort Erie on June 20, 2016 to remove fence regulations from the Town's Comprehensive Zoning By-law No. 129-90, as amended, and

Whereas By-law No. 71-2016 was passed by the Municipal Council of the Town of Fort Erie on June 20, 2016 to repeal and replace Fence By-law No. 70-2013 with up-dated fence regulations and to provide for minor variance applications to be made to the Director of Planning and Development Services upon payment of the fee established in By-law No. 40-09, as amended,

Whereas it is deemed desirable to amend Fees and Charges By-law No. 40-09, as amended, to reflect the removal of the Fence Variance Fee from the Committee of Adjustment fees and the addition of same to the development related fees;

Now therefore the Municipal Council of The Corporation of theTown of Fort Erie enacts as follows:

1. **That** the following Schedule to By-law No. 40-09, as amended, is repealed:

Planning & Development Services

Schedule "CDS-C" Planning Applications, Development Related Services & Committee of Adjustment Application Fees

and replaced with the Schedule attached hereto as Schedule "A", and the fees and charges contained therein are established, authorized and approved effective upon passage of this by-law.

2. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 20th day of June, 2016.

Mayor

Clerk

I, Laura Bubanko, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 72-2016 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

SCHEDULE "PDS-C"
to By-law 40-09

PLANNING & DEVELOPMENT SERVICES

**Planning Applications, Development Related Services
& Committee of Adjustment Application Fees**

The *Planning Act*, R.S.O. 1990, c.p.13, as amended, provides municipalities with authority to establish and impose fees and charges.

The following fees shall be adjusted annually based on the Statistics Canada *Consumer Price Index (CPI)*, save and except those identified with "NCPI".

Planning Applications & Development Related Services

PLANNING APPLICATION	FEE
Subdivision/Condominium Application	\$7,821.00 Draft Plan Application, Plan of Condominium and Condominium Conversion \$1,203.00 Pre-consultation Fee (discounted from full application) \$ 602.00 Re-circulation
Final Subdivision Agreement Processing	\$4,211.00
Subdivision Engineering Plan Review	(discounted from full engineering fees) \$ 1,513.00 for plans 3 to 10 lots \$ 3,026.00 for plans 11 to 20 lots \$ 6,153.00 for plans 21 to 40 lots \$12,104.00 for plans over 40 lots
Amendment to Subdivision Agreement	\$2,276.00 (plus legal costs)
Modification to Draft Approval	\$1,719.00 (no circulation) \$3,900.00 (with circulation)
Draft Plan Extension	\$ 807.00
Site Plan Application	\$3,609.00 - Minor \$6,934.00 - Major \$ 528.00 Pre-consultation (discounted from full application)
Site Plan Engineering Plan Review	(Discounted from full engineering fees) \$1,210.00 for plans under 1,000 square metres \$1,816.00 for plans 1,000 to 1,999 square metres \$2,723.00 for plans 2,000 to 2,999 square metres \$3,732.00 for plans 3,000 to 3,999 square metres \$7,464.00 for plans over 4,000 square metres

Site Plan Revision & Amendment	\$ 706.00 without Site Plan Agreement
Development Agreement Pre-servicing Agreement	\$2,469.00 (plus legal costs)
Amendment to Site Plan Agreement Amendment to Development Agreement	\$1,203.00 (plus legal costs)
Assumption Agreement associated with a Plan of Condominium	\$1,203.00 (plus legal costs)
All other Assumption Agreements	\$228.00 (plus registration costs)
Other Agreements arising out of conditions of Consent or other Planning Act approvals	\$ 500.00 minimum (NCPI) \$2,000.00 maximum (NCPI) (at the discretion of Director of Legal & Legislative Services)
Legal Costs Deposits Site Plan Agreement Development Agreement Subdivision Agreement	\$2,565.00 (NCPI) \$2,565.00 (NCPI) \$2,565.00 (NCPI)
Town Solicitor Legal Costs Site Plan Agreement Development Agreement Subdivision Agreement	\$1,816.00 \$ 757.00 (preparation & registration of Agreement only) \$1,816.00 \$ 757.00 (preparation & registration of Agreement only) \$2,522.00
Zoning By-law Amendment	\$3,105.00 Minor Application \$7,761.00 Major Application \$ 791.00 Pre-consultation (discounted from full application) \$ 602.00 Re-circulation
Official Plan Amendment	\$7,184.00 \$1,054.00 Pre-consultation (discounted from full application) \$ 602.00 Re-circulation
Combined Official Plan & Zoning Amendment	\$8,194.00 \$1,212.00 Pre-consultation (discounted from full application) \$ 602.00 Re-circulation
Review of Regional Policy Plan Amendment	\$1,583.00 small \$5,272.00 large
Telecommunications Tower	\$1,346.00 With public consultation \$ 311.00 Without public consultation

Removal of Part Lot Control Validation Order By-law Removal of Holding Provision Supplemental Administrative Report**	\$ 687.00 **Addendum to Technical Report If an Addendum to a Technical Report is required to address additional issues raised concerning an application, the applicant, prior to further consideration of the matter shall pay this fee to the Town.
Zoning Compliance Letters: Simple Letter (confirms Official Plan and Zoning By-law designations, and existing and/or proposed <u>use</u> does or does not conform) Simple Letter Accelerated Service (1 to 2 days response) Detailed Letter (Simple Letter plus confirms buildings & other site characteristics conform to current designations) Detailed Letter Accelerated Service (1 to 2 days response)	\$ 69.00 \$ 138.00 \$ 185.00 \$ 370.00
Inspection and Compliance Letter (Development, Subdivision, Site Plan Agreement)	\$ 239.00
Deeming By-law	\$ 301.00
Dedication of One Foot Reserves	\$ 228.00 (plus registration costs)
Conveyance of lands for Reserves	\$ 228.00 (plus registration costs)
Easement, or partial or full release	\$ 228.00 (plus registration costs)
Road Widening Conveyance	\$ 228.00 (plus registration costs)
Partial Release of Subdivision/ Development Agreement	\$1,135.00 (plus registration costs)
Consent to Release Restrictions, Options, Inhibiting Orders	\$ 228.00 per consent (plus registration costs)
Consent to registrations re: Inhibiting Orders (subsequent to initial development)	\$ 106.00
Servicing Agreement	\$2,469.00 (plus registration costs)
Lot Grading Agreement	\$ 228.00 (plus registration costs)
Minor Variance from Fence By-law Regulations Application Fee Appeal Fee	\$ 429.00 \$ 429.00

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Committee of Adjustment Application Fees

Minor Variance	\$ 867.00* (single, semi detached or duplex dwelling) OR \$1,643.00* (constructing single, semi detached or duplex dwelling without building permit) \$1,097.00* (multiple dwelling, commercial and industrial) OR \$2,186.00* (constructing multiple dwelling, commercial and industrial without building permit) Full fee for first application plus 50% of fee per additional application. (Multiple applications within Plan of Subdivision/Condominium)
Consent	Residential: \$1,261.00* per lot and \$ 163.00 per easement \$ 210.00 Pre-consultation (discounted from full application) Commercial/Industrial/Institutional: \$1,643.00* per lot and \$ 224.00 per easement \$ 264.00 Pre-consultation (discounted from full application)
	Boundary Adjustment: \$ 935.00* Residential \$1,069.00* Commercial/Industrial/Institutional \$ 158.00 Pre-consultation (discounted from full application) Deed Certification: \$ 163.00
Special Hearing	\$ 566.00
Adjournment Fee	50% of application fee
Request Change in Condition of Consent	\$ 327.00
	* Includes surcharge of \$10.00 for Lot Identification Poster

All Planning & Committee of Adjustment Applications

Ontario Municipal Board Appeal & Hearing (with Council support)	\$2,861.00 (plus all planning, engineering and legal fees) ** See below
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****** If an Ontario Municipal Board Appeal is lodged as a result of a By-law and/or Approval of the Council or Committee of Adjustment arising from any application listed above, this fee shall be paid to the Town by the applicant within 14 days after the date of the notice of Appointment of Hearing. The applicant must also remit to the Town all costs incurred by the Town in association with the appeal for planning, engineering and legal fees. Failure to submit the requisite fee may result in Counsel not appearing before the Ontario Municipal Board in support of the matter.

Notwithstanding the foregoing Fees, the Council of the Town of Fort Erie and the Committee of Adjustment of the Town of Fort Erie may waive all or part of the prescribed fees where Council or the Committee is satisfied that it would be unreasonable to require payment and such waiving shall be at the sole discretion of the Council or the Committee.