

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

OFFICE CONSOLIDATION OF BY-LAW 2001-59

Consolidated on September 21, 2010

Passed by Council on May 14, 2001

Amendments:

1) By-law 2002-24	February 12, 2002	Section 3, Subsection 7.1, Subsection 7.2, Subsection 7.3, and Section 12
2) By-law 2002-37	March 18, 2002	Section 2, Section 3, Section 6, Appendix B
3) By-law 2002-85	June 11, 2002	Section 1, Section 2, Section 3, Section 4, Section 9, Appendix B
4) By-law 2002-118	August 27, 2002	Section 3, Section 4, Section 6, Section 11, Appendix B
5) By-law 2004-119	June 29, 2004	Appendix B
6) By-law 2007-123	May 8, 2007	Appendix B
7) By-law 2009-002	January 13, 2009	Appendix B
8) By-law 2010-085	May 25, 2010	Appendix B
9) By-law 2010-168	September 21, 2010	Appendix B

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

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**THE CORPORATION OF THE CITY OF KAWARTHA LAKES**

**BY-LAW 2001 - 59**

**A BY-LAW TO PRESCRIBE A TARIFF OF FEES FOR THE PROCESSING OF APPLICATIONS ON PLANNING MATTERS UNDER THE PLANNING ACT**

**WHEREAS** Section 69 of the Planning Act, R.S.O, 1990, Chapter P.13 as amended provides that municipalities may pass by-laws prescribing a tariff of fees for the processing of applications made in respect of Planning matters;

**AND WHEREAS** Council has considered Staff Report PL2001-11 which outlined a suggested tariff of fees so that there would be a uniform fee across the entire City for planning related matters;

**AND WHEREAS** Council it deems it desirable to enact a tariff of fees by-law for planning related matters.

**NOW THEREFORE** the Council of the Corporation of the City of Kawartha Lakes hereby enacts as follows:

**1. OFFICIAL PLAN AMENDMENT APPLICATIONS**

- 1.1 The fee for processing an application for an Amendment to any Official Plan within the City shall be \$2,000.00 for each application received.
- 1.2 Notwithstanding subsection 1.1, if the application to amend an Official Plan is for the establishment or expansion of an existing pit or quarry for the extraction of aggregate material or mining operation having an annual extraction limit of 100,000 tonnes per year or greater, then the application fee shall be as follows:
- (a) If the proposed extraction limit is between 100,000 and 500,000 tonnes per year the application fee shall be \$4,000.00.
  - (b) If the proposed extraction limit is over 500,000 up to 1,000,000 tonnes per year the application fee shall be \$7,000.00.
  - (c) If the proposed extraction limit is 1,000,000 tonnes per year or greater, the application fee shall be \$10,000.00.
- 1.3 If an Official Plan Amendment application is received that requires assistance from experts or professionals to evaluate, review and report on, then the applicant shall be responsible for all costs incurred up to the final disposition of the matter by Council. Before engaging any expert, the City staff will advise the applicant what the estimated cost will be.
- 1.4 In addition to the application fees set out in Subsection 1.1 and 1.2, there is also a fee of \$200.00 for providing the required notices.

(2002-85, effective June 11/02)

## 2. ZONING BY-LAW AMENDMENTS

- 2.1 The fee for processing an application for an Amendment to any zoning by-law shall be subject to the application fee as set out below:
- (a) For residential uses the fee shall be \$1500.00 plus \$75.00 for each residential dwelling unit greater than one, up to a maximum of twenty units.  
(2002-37, effective Mar.18/02)
  - (b) For commercial uses the fee shall be \$1,500.00 plus \$50.00 per 100 square metres of gross floor area or part thereof.
  - (c) For all other uses the fee shall be \$1,500.00 plus \$25.00 per 100 square metres of gross floor area or part thereof.
  - (d) For a mixed use development, the fee shall be \$1,500.00 plus the applicable per unit fee set out in clause (a) and the gross floor area fee set out in clauses (b) and (c).**
- 2.2 To remove a holding zone category, the fee shall be \$400.
- 2.3 In addition to the application fees set out in Subsection 2.1 and 2.2, there is also a fee of \$200.00 for providing the required notices.

(2002-85, effective June 11/02)

## 3. SUBDIVISION AND CONDOMINIUM APPLICATIONS

- 3.1 The fee for processing an application for a plan of subdivision or condominium shall be subject to the application fees as set out below:
- (a) For subdivision and condominium applications, the fee shall be \$2,000.00 plus \$50.00 per lot or \$50.00 per residential dwelling or lot or commercial unit in a condominium to a maximum of 20 lots, dwellings or commercial units, and legal costs.  
(2002-118, effective Aug.27/02)
  - (b) For any legal and professional fees, the applicant is responsible for all costs incurred by the municipality.**
  - (c) Where in-house legal counsel is utilized, the applicant shall pay the fee prescribed by City by-law for use of in-house legal services. The choice of whether to use outside legal or other professionals or in-house professionals is the sole and unreviewable discretion of the City.  
(2002-24, effective Feb12/02)
- 3.2 Notwithstanding Section 3.1, for an application for a plan of condominium, the applicant can apply for an exemption. To be eligible for an exemption, the following shall apply:

- (a) the land is zoned for the proposed use and the by-law is in full force and effect;
  - (b) the land is on a whole lot or whole block in a registered plan of subdivision or was created for the purpose of a condominium by a consent pursuant to Section 53 of the Planning Act;
  - (c) the land is within the area covered by a site plan control by-law; and
  - (d) the lot is or will be serviced by municipally owned and operated water and sanitary sewage systems and there is sufficient capacity for the condominium.
- 3.3 To exempt a building for condominium approval as described in section 3.2 above, the fee shall be **\$500.00**.
- 3.4 To convert an existing building to a condominium, the fee shall be \$500.00.
- 3.5 In addition to the application fees set out in Subsection 3.1, there is also a fee of \$200.00 for providing the required notices. (2002-85, effective June 11/02)
- 3.6 **The Minister of Municipal Affairs and Housing delegated, on or about March 31, 1997, to the County of Victoria planning applications in the form of subdivisions and condominiums that were being processed by the Ministry. The City of Kawartha Lakes is responsible to administer these files until finalized or closed. To cover the cost of administration, the City Strategic and Land Use Planning Department will record the time and cost of finalizing the plans. Prior to final approvals being given, the City shall be reimbursed by the applicant, agent or owner for the costs incurred in processing and finalizing the applications.**
- 3.7 For applications for minor revisions to draft approved plans of subdivision, the fee shall be \$250.00. (2002-118, effective Aug.27/02)
- 3.8 For applications for major revisions to draft approved plans of subdivision, the fee shall be \$1,500.00. (2002-118, effective Aug.27/02)
- 3.9 In addition to the application fees set out in Subsection 3.8, there is also a fee of \$200.00 for providing the required notices. (2002-118, effective Aug.27/02)
- 4. CONSENT APPLICATIONS OR VALIDATION OF TITLE**
- 4.1 The fee for processing an application for consent or validation of title shall be \$575.00 for each application received.
- 4.2 A fee of \$200.00 shall be paid for each amendment to the original application, when such amendment requires, in the opinion of the Secretary-Treasurer of the Committee of Adjustment, recirculation in keeping with the Regulations issued under the Planning Act.
- 4.3 When the deeds or instruments are submitted to the Secretary-Treasurer for final approval, the following fees shall be paid prior to the Secretary-Treasurer stamping the deeds or issuing a certificate of consent:
- (a) a fee of \$250.00 for each new lot or lot addition.
  - (b) a fee of \$100.00 for a lease, easement, validation of title or mortgage if not part of a deed with respect to a lot being created by consent at the same time.
- 4.4 If the conditions are to be changed at the request of the applicant, a fee of \$200.00 will be applied if the change is considered major requiring notification.
- 4.5 Notwithstanding subsection 4.1, if an application for a consent is only for an easement or right of way, the fee shall be \$300.00.
- 4.6 Notwithstanding subsection 4.1, if there is a consent application for a lot addition or boundary adjustment that does not alter or reduce the lot area of a lot by more than 30 percent, the fee shall be \$300.00.
- 4.7 In addition to the application fees set out in Subsection 4.1, 4.5 and 4.6, there is also a fee of \$100.00 for providing the required notices. (2002-85, effective June 11/02)
- 4.8 For the purposes of the fees, only one new lot being the severed lot may be created by a consent application with one retained lot.
- 4.9 Notwithstanding Section 4.8 above, for the purpose of fees, severances which create two or more abutting lots may be dealt with under one consent

## **5. MULTIPLE APPLICATIONS**

- 5.1 When two or more applications are submitted concurrently to the City with respect to an Official Plan amendment, Plan of Subdivision or Condominium or a Zoning By-law amendment the fee shall be based on the highest fee of all the applications set out in this by-law plus 50 percent of fees for the remaining applications.

## **6. PART LOT CONTROL BY-LAW AND DEEMING BY-LAW**

**(2002-37, effective Mar.18/02)**

- 6.1 The application fee for a part lot control by-law shall be \$450.00 plus \$30.00 for each anticipated lot based on the zoning by-law provisions.
- 6.2 A Part Lot Control By-Law shall only be enacted where the land to which the by-law would apply is:
- (a) Covered by a Zoning By-Law that clearly establishes the minimum lot frontage and minimum lot area for the proposed use, and
  - (b) Covered by a subdivision agreement registered on title that will be in effect during the time the Part Lot Control By-Law is in effect and which provides for the passing of a Part Lot Control By-Law under Section 50(7) of the Planning Act R.S.O. 1990.

**(2002-118, effective Aug.27/02)**

- 6.3 The application fee for a deeming by-law shall be \$500.00 which shall include registration fees.

**(2002-37, effective Mar.18/02)**

## **7. SITE PLAN AGREEMENTS**

- 7.1 The fee for an application for a site plan agreement shall be \$500.00 plus, where outside legal counsel is utilized, a \$500.00 deposit for legal expenses, or, where in-house legal counsel is utilized, the fee specified by City by-law.

**(2002-24, effective Feb.12/02)**

- 7.2 Revisions to a site plan agreement or plan shall be subject to a fee of \$250.00 plus, where outside legal counsel is utilized, a \$500.00 deposit for legal expenses, or, where in-house legal counsel is utilized, the fee specified by City by-law.

**(2002-24, effective Feb.12/02)**

- 7.3 The applicant is responsible for all legal and professional fees incurred by the municipality. The choice of whether to use outside professional services or in-house professional services is the sole and unreviewable discretion of the City.

**(2002-24, effective Feb.12/02)**

## **8. ZONING COMPLIANCE LETTERS**

- 8.1 The charge for a zoning compliance letter shall be \$55.00 per lot.
- 8.2 Notwithstanding subsection 8.1, where two or more adjacent lots are vacant and a compliance letter is required, the charge for a compliance letter shall be \$55.00.
- 8.3 If a follow-up compliance letter is required for a lot within three months of the original compliance letter, a fee of \$25.00 shall be charged.

## **9. MINOR VARIANCE APPLICATIONS**

- 9.1 The fee for processing an application for minor variance shall be \$652.00 plus \$115.00 for providing the required notices.

**(2002-85, effective June 11/02)**

**(2009-002, effective Jan 13, 2009)**

## **10. PEER REVIEW**

- 10.1 A deposit of \$2,000.00 shall be paid to the City to cover the cost of undertaking a peer review of any technical study submitted in support of an application for an official plan amendment, a plan of subdivision or a rezoning.

- 10.2 A deposit of \$1,000.00 shall be made to the City in respect of a consent supported by technical studies. On multiple consents by one applicant, the deposit shall be \$2,000.00.
- 10.3 The above noted deposit shall be paid in respect of each separate technical study deemed to require a peer review.
- 10.4 Prior to initiating a peer review, the City shall obtain a written quote from its selected consultant. If such quote exceeds the amount of the deposit, the applicant shall deposit a further amount to cover such difference.
- 10.5 For the purposes of this By-law, technical studies shall include:
- (a) hydrogeological reports,
  - (b) hydrology reports;
  - (c) lake capacity studies;
  - (d) storm water management reports;
  - (e) environmental impact reports;
  - (f) wetland evaluations;
  - (g) servicing options reports;
  - (h) traffic studies;
  - (i) soils reports;
  - (j) noise assessment reports;
  - (k) dust studies;
  - (l) blasting and vibration reports;
  - (m) contaminated site evaluations;
  - (n) market impact analyses;
  - (o) flood plain studies;
  - (p) water supply system or sewage disposal systems
- 10.5 If any work is to exceed \$600.00, an estimate will be prepared and permission obtained to continue the work.
- 10.6 A hydrogeological peer review is required for any development proposed on private servicing with 5 or more dwelling units or a development that will generate more than 10,000 litres of sewage flow.

## **11. DEPOSITS AND REFUNDS**

- 11.1 Where a deposit is required within this by-law, a refund of any remaining funds will be made after completion of the matter.
- 11.2 If costs exceed the deposited amount, then the outstanding amount shall be paid before the signing of the documents by municipal staff.
- 11.3 Any application withdrawn within one year of the date the application was made is eligible for a partial refund of fees as follows:
- (a) Prior to preparation of staff report, 30% of application fee and advertising fee, if the application has not been advertised.
  - (b) After preparation of staff report, but prior to Development and Public Works Services Committee, Council, or Committee of Adjustment consideration, 10% and advertising fees if the application has not been advertised.
  - (c) No refunds will be made for applications that have been before the Development and Public Works Services Committee or Council or Committee of Adjustment consideration.

(2002-118, effective Aug.27/02)

## **12. ONTARIO MUNICIPAL BOARD HEARINGS**

- 12.1 If a matter is appealed to the Ontario Municipal Board in which the City has supported the application by the passing of a by-law or has granted approval,

the City will require from the applicant a deposit of \$2,000.00 towards the hearing and the preparation thereof, and the applicant will be responsible for all actual costs incurred by the City in support of the application.

- 12.2 The applicant is responsible for all legal and other professional fees incurred by the municipality for any and all hearings referenced in Subsection 12.1. The choice of whether to use outside professional services or in-house professional services is the sole and unreviewable discretion of the City. The fee for the services of in-house legal counsel is \$300.00 per day or partial day of the hearing.  
(2002-24, effective Feb.12/02)

**13. FORCE AND EFFECT**

- 13.1 This By-law shall come into force and take effect upon the final passing thereof.

**Read a first time on: May 14, 2001**

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**Mayor**

**Read a second time on: May 14, 2001**

**Read a third time and  
finally passed on: May 14, 2001**

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**Clerk**

**APPENDIX B**  
**(2010-168, Effective September 21, 2010)**

Application Type	Fee	Advertising Fee
<b>Official Plan Amendment</b>	\$2,870.00 \$5,800.00 if quarry between 100k – 500 k tonnes \$10,000.00 if quarry over 500 k to 1 m tonnes \$14,300.00 if quarry over 1 m tonnes	<b>\$320.00</b>
<b>Zoning By-Law Amendment</b>	\$1,970.00 Base Fee plus:  (a) \$100.00 per residential dwelling unit greater than 1 unit up to a maximum of 20 units, or part thereof  (b) \$65.00 per 100 sq. m. or part thereof of proposed gross commercial floor area, and  (c) \$33.00 per 100 sq. m. or part thereof of proposed gross industrial floor area	<b>\$320.00</b>
<b>Subdivision</b> or <b>Condominium</b>	<b>\$5,580.00 + \$140.00 per lot for applications involving &gt; 1 new lot/residential dwelling or commercial units up to a maximum of 20 lots/residential dwellings or commercial units, and legal costs</b>	<b>\$320.00</b>
Extension of Draft Approval of Subdivision	\$275.00	N/A
Minor revisions to draft approved plans of subdivision	\$370.00	N/A
Major revisions to draft approved plans of subdivision	\$4,200.00	\$320.00
<b><u>Combined Applications</u></b> <b>Official Plan Amendment,</b> <b>Zoning By-Law Amendment,</b> <b>Subdivision or Condominium</b>	<b>Where there is any combination of these applications then the fee is based on the highest fee and all other fees are reduced by 50%. Only one advertising fee will be charged. This is only applicable if all applications are made at the same time.</b>	<b>\$320.00</b>
Consent	<b>\$945.00</b>	<b>\$125.00</b>
Consent creating two or more abutting lots	INTERPRETATION: Validation of Title – charge full consent fee, together with advertising and applicable CA fee.  \$945.00 plus \$140.00 per lot for each lot over one lot. For multiple consents, the reduced fee is only applicable when all applications are made at the same time.	\$125.00
Amendments to consent when recirculation required	\$260.00	\$125.00
Stamping Fee (certificate) for consent, new lot & additions to lot	\$315.00	N/A
Stamping Fee (certificate) for lease, easement	\$125.00	N/A

<b>Consent for easement or boundary adjustment of less than 30% of lot area</b>	<b>\$860.00</b>	<b>\$125.00</b>
Consent for two or more boundary adjustments of less than 30% of lot area	\$860.00 plus \$140.00 for each boundary adjustment over one. For multiple consents, the reduced fee is only applicable when all applications are made at the same time.	\$125.00
<b>Minor Variance</b>	<b>\$720.00</b>	<b>\$125.00</b>
<b>Part Lot Control</b>	\$600.00 + \$40 for each additional division (includes registration fees)  INTERPRETATION: The fee for Part Lot Control By-Law is \$600 plus \$40 for each additional division. The divisions are based on the number of final lots to be created. For example, if the by-law is to apply to 3 lots on a registered plan for semi-detached dwellings, then the final count will be 6 divisions to create 6 lots. So the fee would be \$600 (includes the first division) plus (5 x \$40) = \$800	<b>N/A</b>
<b>Deeming By-law</b>	<b>\$655.00 (includes registration fees)</b>	<b>N/A</b>
<b>Site Plan Control</b>	<b>\$1,870.00 + \$395.00 for the legal review and registration of agreement</b>	<b>N/A</b>
Exemption from Site Plan Control requirement by Director of Development Services	\$165.00	N/A
Exemption from Site Plan Control Requirement by Council	\$275.00	N/A
<b>Site Plan Revisions</b>	<b>\$280.00 + \$395.00 for the legal review and registration of agreement</b>	<b>N/A</b>
<b>Condominium Conversion</b>	<b>\$595.00</b>	<b>N/A</b>
<b>Exemption for a Condominium</b>	<b>\$635.00</b>	<b>N/A</b>
<b>Removal of (H) Holding Symbol</b>	<b>\$965.00</b> Conservation Authority fee is applicable if a condition of the Removal of (H) Holding relates to their comments	<b>\$125.00</b> (\$320.00 if newspaper ad required)
<b>Zoning Compliance Letter</b>	<b>\$91.00</b>	<b>N/A</b>
<b>Site Plan Compliance Letters</b>	<b>\$60.00</b>	<b>N/A</b>
<b>Peer Review of all specialized reports/studies</b>	<b>\$2,200.00 deposit (applicant responsible for actual costs)</b>	<b>N/A</b>
<b>OMB costs</b>	<b>\$2,200.00 deposit (applicant responsible for actual costs)</b>	<b>N/A</b>
<b>Refund of application fee</b>	<b>30% of application fee if within one year of application date and prior to preparation of staff report</b>	<b>\$125.00 if application has not been advertised</b>
Refund of application fee	10% of application fee if within one year of application	100% if

	date and after preparation of staff report, but prior to consideration by Planning Committee, Council or Committee of Adjustment	application has not been advertised
<b>Inquiries for Consent Potential</b>	<b>\$95.00</b>	<b>N/A</b>