



BY-LAW 2009-159

A by-law to amend By-law 211-83, as amended
(A by-law to prescribe a Tariff of Fees
for the Processing of Planning Applications)

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY
ENACTS AS FOLLOWS:

1. By-law 211-83, as amended, be and the same is hereby further amended as follows:
 - 1.1 By deleting Schedule 'A' to By-law 211-83, as amended, and substituting therefore Schedule 'A' attached hereto.
2. All other provisions of By-law 211-83, as amended, not inconsistent with the provisions of this by-law shall continue to apply.
3. This By-law comes into force and takes effect on January 1, 2010.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
10TH DAY OF NOVEMBER, 2009.


KIMBERLEY KITTERINGHAM
TOWN CLERK


FRANK SCARPITTI
MAYOR

SCHEDULE ‘A’
TO BY-LAW 211-83
TARIFF OF FEES FOR PROCESSING DEVELOPMENT APPLICATIONS

GENERAL FEES

The following are general fees associated with all development applications	
(a) Additional Public meeting due to revisions by owner/applicant (payable before meeting)	\$3,090/meeting
(b) Additional report to Committee or Council due to revisions by owner/applicant (payable before Committee meeting)	\$3,090/meeting
(c) Recirculation of drawings due to revisions by owner	\$2,000/circulation
(d) Where an owner files more than three submissions of working drawings (e.g. landscape plans or engineering drawings, etc.), due to revisions by the owner or the owner's failure to revise drawings as requested by the Town, an additional fee will be charged.	\$2,450/submission
(e) Where a third (or more) inspection is required, due to unaddressed deficiencies identified during earlier inspections, an additional fee will be charged	\$620/inspection

PLANNING AND URBAN DESIGN DEPARTMENT FEES

<ul style="list-style-type: none">Fees shall be calculated at the rate in effect on the date paid. This provision applies to all applications, including those filed before February 1, 2007. Applications for which fees have been paid in part, prior to the effective date of this by-law, shall be required to pay any additional fees established by this by-law.Where payment in full of all fees applicable to an application has been made, no additional fee, where established by this by-law, shall be payable.Where the fee payable in respect of an application is payable in stages, the fee owing at each stage shall be the fee, for such stage, in effect on the date the payment is made. No additional fee or increase in fee is payable in respect of stages for which a fee has already been paid.Unless otherwise noted, Development application fees are payable at time of application.Fees shall only be accepted in conjunction with the filing of a complete application as determined by the Director of Planning and Urban Design.Applicants shall not be permitted to "pre-pay" application fees upon submission of an incomplete application in order to lock in fees and avoid future fee increases.For categories 1 to 5, cost of notifications for meetings and hearings will be charged back to applicant	
1. OFFICIAL PLAN/SECONDARY PLAN AMENDMENT	
(a) Minor amendment (see notes for definition)	\$10,290 per application
(b) Major amendment (see notes for definition)	\$27,350 per application
2. ZONING BY-LAW AMENDMENT	
(a) Minor amendment (see notes for definition)	\$ 9,550 per application
Major amendment (see notes for definition)	\$19,200 per application
(b) Removal of "H" (Holding) provision	\$ 3,220 per application
(c) Minister's Zoning Order	\$ 5,600 per application
(d) Deeming By-law	\$ 3,220 per application
3. SITE PLAN CONTROL	
<i>Note: Adjustments to the total fee payable will be required at each payment stage, to reflect increases in the total number of units/gfa's and increases in fees, if any.</i>	
(a) Residential	
(i) New single detached or semi detached unit governed by Site Plan Control By-law # 262-94 as amended (Heritage Districts and other specific areas) or as a condition of consent, and ground oriented townhouse dwelling units within blocks of 10 units or less where no fee has been paid for through processing a plan of subdivision in accordance with section 4 hereof.	\$1,240 per unit
(ii) Ground oriented townhouse dwelling units within blocks of 10 units or less within a plan of subdivision where the applicable per unit planning processing fee has been paid through a plan of subdivision in accordance with section 4 hereof.	\$226 per unit
(iii) Blocks or buildings of 11 units or more, where the applicable per unit planning processing fee has not been paid through a plan of subdivision in accordance with section 4 hereof or consent application.	
• Base Fee:	\$4,480 per application
• Ground-Oriented Residential Uses (single detached, semi-detached, townhouses): 40 % collected at time of application and 60% collected at execution of agreement	\$760 per unit
• Apartments: 40 % collected at time of application and 60% collected at execution of agreement	\$515 per unit
(b) Residential Additions, Alterations and Accessory Buildings in Heritage Conservation Districts, Heritage Study Areas, Designated Buildings and in Heritage Estates	
• less than 50m ²	\$50 per unit
• 50m ² or larger	\$500 per unit
• Alteration to driveway/parking area	\$100 per application
(c) Industrial, Commercial, Institutional (ICI) new or additions with a change in GFA	
Base Fee	\$4,480 per application
Gross Floor Area, 40 % collected at time of application and 60% collected at execution of agreement or undertaking	\$1.88m ² of gfa
Less than 50m ² (Heritage Buildings and Heritage Districts)	\$1,000 per application

PLANNING AND URBAN DESIGN DEPARTMENT FEES (continued)	
(d) Site Plan Control (not included under 3 a, b, or c above)	
(i) Changes to existing parking lots and outdoor patios.	\$1,000 per application
(ii) All other Site Plan applications not included under 3 a, b, or c above, including but not limited to, new parking lot, façade changes, changes to approved plans, etc.	\$2,000 per application
(e) Model Home/Sales trailer agreement, payable at execution of agreement	\$2,070 per agreement
(f) Telecommunication Towers	\$7,780 per application
4. DRAFT PLAN OF SUBDIVISION	
<i>Note: Adjustments to the total fee payable will be required at each payment stage, to reflect increases in the total number of units/half hectares and increases in fees, if any.</i>	
(a) Plan of Subdivision	
(i) Base Fee	\$14,718 per application plus the fee payable according to s. 4 (a) (ii) or (iii)
(ii) Commercial, institutional, industrial (ICI), other non-residential uses, mixed-use (community amenity) and residential blocks containing more than 10 units in each or any block (excluding park blocks, valleylands, hazard lands, environmental buffer blocks, stormwater management blocks and open space areas to be conveyed into public ownership). 10% collected at time of application, 30% collected at draft plan approval and 60% collected at execution of agreement	\$3,800 per half hectare or part thereof
(iii) Ground-Oriented Residential Uses (single detached, semi detached, townhouses within a block of 10 units or less). 10% collected at time of application, 30% collected at draft plan approval and 60% collected at execution of agreement	\$760 per unit
(b) Extension of Draft Approval	\$3,220 per application
(c) Revision of draft approved plan and/or draft plan conditions, when requested by the owner	
Minor (at discretion of Director of Planning and Urban Design)	\$2,000 per application
Major (at discretion of Director of Planning and Urban Design)	\$6,300 per application
(d) Request for subdivision agreement	
First phase of subdivision	\$21,180 per agreement
Subsequent phases	\$14,870 per agreement
(e) Model Home/Sales trailer agreement, payable at execution of agreement	\$2,070 per agreement
(f) Exemption from Part Lot Control	\$3,220 per M-plan
5. DRAFT PLAN OF CONDOMINIUM	
(a) All condominium types other than Common Element or Vacant Land Condo	\$13,800 per application
(b) Common Element or Vacant Land Condo	\$16,090 per application
(c) Extension of draft approval	\$3,220 per application
(d) Revision of draft approved plan and/or draft plan conditions, when requested by owner	\$4,350 per application
6. COMMITTEE OF ADJUSTMENT	
(a) By-law variance, change in legal non conformity, and zoning interpretation for residential property, excluding apartments and condominiums	\$1,400.00 per application
(b) By-Law variance, change in legal non conformity, and zoning interpretation for all other property types, including apartments and condominiums	\$1,600.00 per application
(c) Consent	\$2,530 per application; plus the fee payable according to s. 6 (c) (i) or (ii)
(i) conveyance creating a new residential lot, payable prior to finalization of conveyance	\$760.00 per unit
(ii) conveyance creating a new industrial, commercial, or institutional lot, payable prior to finalization of conveyance, minimum fee \$3,800.00	\$3,800.00 per half hectare or part thereof of the newly created lot,
(iii) establishment of an easement, mortgage, etc.	\$2,640.00 per application
(iv) preparation of development agreement, payable at registration of agreement	\$6,300.00 per agreement,
(d) Technical Amendments	
Residential applications for variances to rectify existing conditions requiring minor review by staff, at the discretion of the Director of Planning	\$790 per application
(e) By-law variance, change in legal non conformity, zoning interpretation for all property types on a Draft Plan of Subdivision	\$3,670 per application; plus \$760.00 for the greater of; number of proposed lots and/or proposed units
(f) By-law variance, in Heritage District or a Heritage Property where Heritage Staff or Heritage Markham has requested the implementation of a historic condition or feature	\$0 per application
7. URBAN DESIGN FEES	
• Unless otherwise noted, Urban Design fees are collected at execution of agreement.	
(a) Site plans	
Review and approval of landscape drawings and inspection of site. Minimum fee is \$1,840.	5.1% of the estimated cost of construction of the landscape works or \$1,840 whichever is higher
• Minor Applications with alterations/additions or new development between 50m ² and 100m ² of GFA requiring Short Form Agreements	\$150.00 per agreement
• Minor applications with alterations/additions or new development that are over 100m ² of GFA requiring Short Form Agreements	\$300.00 per agreement

PLANNING AND URBAN DESIGN DEPARTMENT FEES (continued)		
(b) Subdivision		
Review and approval of landscape drawings and inspection of site.		5.10% of estimated cost of construction of the landscaping works or \$250 per unit/lot up to 100 units/lots on the plan of subdivision whichever is higher
(c) Fence variance		
Residential		\$925 per application
Industrial or commercial		\$3,090.00 per application
8. MAJOR STUDIES		
Review and approval of large scale major studies (e.g. Community Design Plan, Precinct Plan, etc.) associated a with new Secondary Plan, major Official Plan Amendment/Secondary Plan Amendment, Major Zoning or Major Site Plan application on a large scale complex site. (Note: Additional fee required for peer review of studies as necessary)		
• Update or Amendment to an existing Study		\$10,000 per study
• New Study		\$25,000 per study

ENGINEERING DEPARTMENT FEES		
<ul style="list-style-type: none">Fees shall be calculated at the rate in effect on the date paid. This provision applies to all applications, including those filed before February 1, 2007. Applications for which fees have been paid in part, prior to the effective date of this by-law, shall be required to pay any additional fees established by this by-law.Where payment in full of all fees applicable to an application has been made, no additional fee, where established by this by-law, shall be payable.Where the fee payable in respect of an application is payable in stages, the fee owing at each stage shall be the fee, for such stage, in effect on the date the payment is made. No additional fee or increase in fee is payable in respect of stages for which a fee has already been paid.Fees shall only be accepted in conjunction with the filing of a complete application.Applicants shall not be permitted to “pre-pay” application fees upon submission of an incomplete application in order to lock in fees and avoid future fee increases.Unless other wise noted, Engineering Division fees are collected at agreement stage.		
1. SITE PLAN WORKS		
BASE FEE: Review and approval of internal and external drawings and inspections. Fee is based on percentage of cost of internal works, including but not limited to; curbs, pavement, parking lot structure, retaining walls, grading, on site storm sewers and stormwater management facilities, etc. and external works, including but not limited to; sanitary and storm sewer connections, water service, driveways, sidewalks, boulevard treatment, road works, traffic controls, etc. Minimum fee of \$3,190. Payable either prior to conditional permit or execution of site plan agreement stage whichever is earlier.		5.1% or \$3,190 whichever is higher
PLUS: For multi storey residential applications only		\$110 per residential unit to a maximum of 100 units
2. PLAN OF SUBDIVISION		
Review and approval of engineering drawings, inspection and administration of agreement. Fee is based on percentage of the estimated construction cost of public works plus 10% contingencies, including but not limited to; erosion and sedimentation controls, underground and above ground works, streetlights, etc. within the plan of subdivision, (both internal and external works) as prepared by the consulting engineer. 40 % payable at submission of engineering drawings and 60% payable at either pre-servicing stage or agreement stage, whichever is earlier.		5.1% or \$660.00 per lot or block, whichever is higher
3. RESIDENTIAL SERVICE CONNECTION		
Fee is based on percentage of the total cost of engineering work required within the municipal road allowance		16.0%
4. SITE ALTERATION		
Application permit fee:	Residential	\$1,560/ application plus \$470/hectare
	All other types	\$2,080/application plus \$520/hectare
Site Inspections		\$110 per visit
<i>(Minimum three (3) site visits shall be required, max: number of visits will depend on the type of work to the satisfaction of the Director)</i>		
5. MAJOR STUDIES		
Review and approval of large scale major studies (e.g. Master Transportation Study, Master Environmental Servicing Plan, Noise Study, Geotechnical Study, etc.) associated with a new Secondary Plan, major Official Plan Amendment/Secondary Plan Amendment, Major Zoning or Major Site Plan application on a large scale complex site. (Note: Additional fee required for peer review of studies as necessary)		
• Update or Amendment to an existing Study		\$ 5,000 per Study
• New Study		\$15,000 per Study

NOTES:

Official Plan/Secondary Plan Amendment

- Minor:** An application for a minor, site specific and small scale amendment or exception to Official Plan policies and designations, having limited impact or policy implications beyond the subject lands as determined by the Director of Planning and Urban Design.
- Major:** An application to amend the Official Plan that 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 as determined by the Director of Planning and Urban Design. Applications relating to more than one property would normally be in this category. A site specific application could also fall in this category, if considered to represent large scale redevelopment or significant change in use. An application involving significant changes to the text or policies of the Official Plan would also fall in this category.

Zoning By-law Amendment

- Minor:** An application for minor and small scale zoning amendment having no significant impact on adjoining lands as determined by the Director of Planning and Urban Design. Minor applications must be site specific and include:
- Request for additional permitted use, within an existing building with no significant impact on existing development standards;
 - Changes in development standards to accommodate a residential severance to create one single family lot within and existing subdivision
 - Application for Temporary Use
- Major:** An application for a Zoning By-law Amendment that is more significant in scale and scope than a minor zoning amendment, and which may have greater impact beyond the subject lands as determined by the Director of Planning and Urban Design. Major applications include:
- Applications relating to more than one property
 - A site specific application, if considered to represent large scale redevelopment
 - Any change in use and/or zone category
 - An application involving significant changes to the development standards or general provisions of the by-law