

TOWN OF MARKHAM
Ontario



BY-LAW 211-83

**A BY-LAW TO PRESCRIBE A TARIFF OF FEES FOR THE PROCESSING OF
PLANNING APPLICATIONS**

This By-law is printed under and
by authority of the Council of
the Town of Markham

(Consolidated for convenience only
to March 1, 2011)

AS AMENDED BY:

By-law No. 226-83 – September 13, 2003
By-law No. 100-84 – March 27, 1984
By-law No. 96-86 – March 11, 1986
By-law No. 82-88 – March 8, 1988
By-law No. 60-89 – March 14, 1989
By-law No. 39-90 – February 13, 1990
By-law No. 18-92 – February 11, 1992
By-law No. 177-92 – September 29, 1992
By-law No. 62-93 – April 13, 1993
By-law No. 263-94 – November 1, 1994
By-law No. 104-95 – June 27, 1995
By-law No. 221-95 – December 12, 1995
By-law No. 116-96 – May 28, 1996
By-law No. 31-97 – February 11, 1997
By-law No. 170-2000 – October 10, 2000
By-law No. 2001-249 – September 25, 2001
By-law No. 2005-189 – June 28 and 29, 2005
By-law No. 2005-357 – December 13, 2005
By-law No. 2007-15 – January 23, 2007
By-law No. 2007-267 – November 27, 2007
By-law No. 2008-99 – May 27, 2008
By-law No. 2008-257 – December 16, 2008
By-law No. 2009-159 – November 10, 2009
By-law No. 2011-61 – March 1, 2011

BY-LAW 211-83

**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. That pursuant to Section 68 of The Planning Act, Chapter 1, Statutes of Ontario, 1983, the Tariff of Fees for Processing Planning Applications, as shown in Schedule 'A' attached hereto, is hereby adopted.
2. The payment of application fees is to be made in accordance with the following:
 - (a) Official Plan Amendment, Secondary Plan Amendment, Zoning By-law Amendment, Site Plan Control Applications – At the time of submission of the application.
 - (b) Subdivision Applications – the application fee to be paid prior to a staff report being submitted to Planning Committee; the remaining fee to be paid upon execution of the subdivision agreement.
 - (c) Condominium, Minister's Order Applications – Prior to a staff report being submitted to Planning Committee.

(Amended by By-law No. 100-84)
 - (d) Committee of Adjustment – At the time of submission of the application.

(Amended by By-law No. 226-83)
3. Notwithstanding the above provisions, Council may waive the requirement for the payment of a fee(s) or reduce the fee(s) in respect of an application(s) as Council deems reasonable.
4. Validity

In the event any part of this by-law is held to be illegal or void, this shall not have the effect of making illegal or void any of the other parts or provisions thereof which may or shall be determined to be legal.

READ a first and second time this 16th day of August, 1983
READ a third time and passed this 16th day of August, 1983

“Gary F. Roseblade”

Gary. F. Roseblade
Clerk

“Anthony Roman”

Anthony Roman
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

1.0 GENERAL FEES

- | | |
|--|-------------------------|
| (a) Additional Public meeting due to revisions by owner/applicant (payable before meeting) | \$3,320 per meeting |
| (b) Additional report to Committee or Council due to revisions by owner/applicant (payable before Committee meeting) | \$3,320 per meeting |
| (c) Recirculation of drawings due to revisions by owner (payable at circulation) | \$2,150 per circulation |
| (d) Where an owner files more than three submissions of drawings/plans (e.g. landscape plans, engineering drawings, etc.), due to revisions by the owner or the owner's failure to revise drawings/plans as requested by the Town, an additional fee will be charged at submission stage | \$2,630 per submission |
| (e) Where a third (or more) inspection is required, due to unaddressed deficiencies identified during earlier inspections, an additional fee will be charged prior to inspection | \$670 per inspection |

PLANNING AND URBAN DESIGN DEPARTMENT FEES

- 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 2 to 6, cost of notifications for meetings and hearings will be charged back to applicant

2.0 OFFICIAL PLAN/SECONDARY PLAN AMENDMENT

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|--|--------------------------|
| (a) Minor amendment (see notes for definition) | \$11,030 per application |
| (b) Major amendment (see notes for definition) | \$29,320 per application |

3.0 ZONING BY-LAW AMENDMENT

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|--|--------------------------|
| (a) Minor amendment (see notes for definition) | \$10,240 per application |
| (b) Major amendment (see notes for definition) | \$20,580 per application |
| (c) Removal of "H" (Holding) provision | \$ 3,450 per application |
| (d) Minister's Zoning Order | \$ 6,000 per application |
| (e) Deeming By-law | \$ 3,450 per application |

4.0 SITE PLAN CONTROL

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.

Residential

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|--|--------------------------|
| (a) New single detached, semi detached or ground oriented townhouse dwelling unit within block of 10 units or less where no fee has been paid for through processing a plan of subdivision in accordance with section 5 hereof, governed by Site Plan Control By-law # 262-94 as amended or as a condition of consent. | \$ 1,330 per unit |
| (b) Additions, alterations or accessory building for single detached, semi detached or ground oriented townhouse dwelling unit governed by Site Plan Control By-law # 262-94 as amended or as a condition of consent | |
| (i) less than 50m ² | \$ 50 per unit |
| (ii) 50m ² or larger | \$ 500 per unit |
| (c) 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 5 hereof. | \$ 250 per unit |
| (d) 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 5 hereof or consent application. | |
| (i) Base Fee: | \$ 4,800 per application |
| (ii) Ground-Oriented Residential Uses (single detached, semi-detached, townhouses): 40 % collected at time of application and 60% collected at execution of agreement | \$ 820 per unit |
| (iii) Apartments: 40 % collected at time of application and 60% collected at execution of agreement | \$ 550 per unit |

Industrial, Commercial, Institutional New or Addition

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|---|------------------------------|
| (e) Industrial, Commercial, Institutional new or additions with a change in GFA | |
| (i) Base Fee | \$ 4,800 per application |
| (ii) Gross Floor Area, 40 % collected at time of application and 60% collected at execution of agreement or undertaking | \$ 2.06m ² of gfa |
| (f) Less than 50m ² addition (Heritage Buildings and Heritage Districts) | \$ 1,000 per application |

PLANNING AND URBAN DESIGN DEPARTMENT FEES (continued)

Other Types of Site Plan Applications

- (g) Site Plan Control (not included under 4(a) to 4(f))
 - (i) Alteration to residential driveway/parking area \$ 100 per application
 - (ii) Changes to existing commercial/industrial parking lots, outdoor patios and extension of Site Plan Endorsement. \$ 1,000 per application
 - (iii) All other Site Plan applications, including but not limited to, new parking lot, façade changes, changes to approved plans, etc. \$ 2,000 per application
- (h) Model Home/Sales trailer agreement, payable at execution of agreement \$ 2,220 per agreement
- (i) Telecommunication Towers \$ 8,350 per application

5.0 DRAFT PLAN OF SUBDIVISION

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.

- (a) Plan of Subdivision
 - (i) Base Fee \$15,780 per application plus the fee payable according to 5.0 (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 \$ 4,080 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 \$ 820 per unit
- (b) Extension of Draft Approval \$ 3,450 per application
- (c) Revision of draft approved plan and/or draft plan conditions, when requested by the owner
 - (i) Minor (at discretion of Director of Planning and Urban Design) \$ 2,150 per application
 - (ii) Major (at discretion of Director of Planning and Urban Design) \$ 6,750 per application
- (d) Request for subdivision agreement
 - (i) First phase of subdivision \$22,700 per agreement
 - (ii) Subsequent phases \$15,950 per agreement
- (e) Model Home/Sales trailer agreement, payable at execution of agreement \$ 2,220 per agreement
- (f) Exemption from Part Lot Control \$ 3,450 per M-plan

6.0 DRAFT PLAN OF CONDOMINIUM

- (a) All condominium types other than Common Element or Vacant Land Condo \$14,800 per application
- (b) Common Element or Vacant Land Condo \$17,250 per application
- (c) Extension of draft approval \$ 3,450 per application
- (d) Revision of draft approved plan and/or draft plan conditions, when requested by owner \$ 4,670 per application

7.0 COMMITTEE OF ADJUSTMENT

- (a) By-law variance, change in legal non conformity, and zoning interpretation for residential property, excluding apartments and condominiums \$ 1,400 per application
- (b) By-Law variance, change in legal non conformity, and zoning interpretation for all other property types, including apartments and condominiums \$ 3,200 per application
- (c) Consent \$ 2,710 per application; plus the fee payable according to 7 (c) (i) or (ii)
 - (i) conveyance creating a new residential lot, payable prior to finalization of conveyance \$ 820 per unit
 - (ii) conveyance creating a new industrial, commercial, or institutional lot, payable prior to finalization of conveyance, minimum fee \$4,080.00 \$ 4,080 per half hectare or part thereof of the newly created lot,
 - (iii) establishment of an easement, mortgage, etc. \$ 2,830 per application
 - (iv) preparation of development agreement, payable at execution of agreement \$ 6,750 per agreement,
- (d) Technical Amendments
 - All applications for variances to rectify existing conditions requiring minor review by staff, at the discretion of the Director of Planning and Urban Design \$ 850 per application
- (e) By-law variance, change in legal non conformity, zoning interpretation for all property types on a Draft Plan of Subdivision \$ 3,940 per application; plus \$820.00 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

8.0 URBAN DESIGN FEES

Note: Unless otherwise noted, Urban Design fees are collected at execution of agreement.

(a) Site Plans

Urban Design and Landscape fee.

5.5% of the estimated cost of construction of the landscape works or \$ 1,980 whichever is higher

(i) Minor Applications with alterations/additions or new development between 50m² and 100m² of GFA requiring Short Form Agreements

\$ 150 per agreement

(ii) Minor applications with alterations/additions or new development that are over 100m² of GFA requiring Short Form Agreements

\$ 300 per agreement

(b) Subdivision

(i) Urban Design Community Planning Fee

5.5% of Town Wide Soft Development Charge based on number and type of units

(ii) Urban Design and Landscape fee

5.5% of estimated cost of construction of the landscaping works or \$270 per unit/lot up to 100 units/lots on the plan of subdivision whichever is higher

(c) Fence variance

(i) Residential

\$ 1,000 per application

(ii) Industrial or commercial

\$ 3,320 per application

9.0 STUDIES

(a) Review and approval of large scale major studies (e.g. Community Design Plan, Precinct Plan, 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.

(i) Update or Amendment to an existing Study

\$10,720 per study

(ii) New Study

\$26,800 per study

(b) Review of Studies using a Peer Review Consultant

Peer Review Consultant costs plus 15% of costs for administration

ENGINEERING DEPARTMENT FEES

- 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 otherwise noted, Engineering Division fees are collected at agreement stage.

10.0 SITE PLAN WORKS

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| (a) Base Fee | 5.5% or \$3,420 whichever is higher |
| 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. 40 % payable at submission of engineering drawings and 60% payable at either pre-servicing stage or agreement stage, whichever is earlier. | |
| (i) Plus fee for multi storey residential applications only | \$ 120 per residential unit to a maximum of 100 units |

11.0 PLAN OF SUBDIVISION

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|---|--|
| (a) 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. | 5.5% or \$710.00 per lot or block, whichever is higher |
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12.0 RESIDENTIAL SERVICE CONNECTION

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| (a) Fee is based on percentage of the total cost of engineering work required within the municipal road allowance | 16.0% |
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13.0 SITE ALTERATION

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| (a) Application permit fee: | |
| (i) Residential | \$ 1,680 per application plus \$500 per hectare |
| (ii) All other types | \$ 2,080 per application plus \$520 per hectare |
| (iii) Site Inspections | \$ 120 per visit |

(Minimum three (3) site visits shall be required, maximum number of visits will depend on the type of work to the satisfaction of the Director of Engineering)

14.0 STUDIES

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|--|---|
| (a) 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. | |
| (i) Update or Amendment to an existing Study | \$ 5,360 per Study |
| (ii) New Study | \$16,080 per Study |
| (b) Review of Studies using a Peer Review Consultant | Peer Review Consultant costs plus 15% of costs for administration |

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