



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: February 6, 2023

Report No: DS-004-23

Subject: Public Meeting and Technical Recommendation Report: Town-Initiated Official Plan Amendment to implement *Planning Act* changes as a result of Bill 13: *Supporting People and Businesses Act, 2021* and Bill 109: *More Homes for Everyone Act, 2022* (Town File: LOPA-01/23).

Recommendation: **THAT** Development Services Report DS-004-23 outlining the Town-Initiated Official Plan Amendment to the Town of Milton Official Plan to implement Bill 13: *Supporting People and Businesses Act, 2021* and *Bill 109: More Homes for Everyone Act, 2022*, BE APPROVED;

AND THAT staff be authorized to bring forward Official Plan Amendment No. 76 in accordance with the proposed Official Plan Amendment attached as Appendix 1 to Report DS-004-23 for Council adoption;

AND THAT Council approve the Pre-Application Process and Complete Application By-law attached as Appendix 2 to Report DS-004-23;

AND THAT Council approve the proposed amendments to the Town of Milton Site Plan Control By-law 005-2015, as amended, attached as Appendix 3 to Report DS-004-23;

AND THAT Council approve the proposed amendments to the Town of Milton Delegation of Authority By-law 071-2016, as amended, as attached as Appendix 4 to Report DS-004-23;

AND THAT Council approve the proposed amendments to the Town of Milton User Fee By-law 082-2022 as attached as Appendix 5 to Report DS-004-23;

AND FURTHER THAT the Town clerk forward a copy of Report DS-004-23 and the decision to the Region of Halton for their information.

EXECUTIVE SUMMARY

The purpose of this Report is to implement the changes to the *Planning Act* as a result of Bill 109: *More Home for Everyone Act, 2022* and Bill 13: *Supporting People and Businesses Act, 2021*. This Report contains Town staff's analysis of the changes and recommendations to implement both Bills in a manner that maintains good planning and minimizes financial risk to the Corporation.

This Report includes a proposed Official Plan Amendment to the Town of Milton Official Plan that updates the requirements for a complete *Planning Act* application, identifies examples of when an application may be deemed incomplete, addresses process changes for the development review process and introduces enabling policies for Council to delegate authority to staff to pass certain by-laws under Section 34 of the *Planning Act*.

In addition to the above, this Report also contains an overview of the proposed Pre-Application Process and Complete Application By-law that outlines the initial stages of the development review process for planning applications. Additional amendments are also being proposed to the Town's Site Plan Control By-law 005-2015, User Fee By-law 082-2022 and Delegation of Authority By-law 071-2016 to implement Bill 109 and Bill 13.

Conclusions and Recommendations

Staff are satisfied that the proposed Official Plan Amendment, attached as Appendix 1, and the new/amending by-laws attached in Appendices 2-5, implement the changes to the *Planning Act* as a result of Bill 109 and Bill 13 and provides a path forward to continue good planning and community building in the Town. Therefore, staff recommends the adoption of Official Plan Amendment No. 76 and the approval of the new/amending by-laws as presented through this Report.

REPORT

Background

This section of the Report contains background on Bill 109 and Bill 13.

It is noted that this Report does not address Bill 23: *More Homes Built Faster Act, 2022* ('Bill 23'), which received Royal Assent on November 28, 2022. Bill 23 also includes a number of changes to the *Planning Act*, however a separate Report will be brought forward to Council on the implications of Bill 23.

Bill 109: More Homes for Everyone Act, 2022 ('Bill 109')

In December 2021, the Ontario Minister of Municipal Affairs and Housing ('Minister') appointed a nine-member Housing Affordability Task Force ('Task Force') to provide the Provincial Government with recommendations to address market housing supply and affordability. On February 8, 2022, the Task Force published its report and it contained

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55 recommendations for consideration on a range of topics related to the land development process with the aim of increasing housing supply.

On March 30, 2022, the Minister introduced Bill 109: *More Homes for Everyone Act, 2022* to the Legislative Assembly of Ontario. Bill 109 introduced amendments to five different acts, one of which included amendments to the *Planning Act*. On April 14, 2022, Bill 109 received Royal Assent with some provisions coming into effect immediately, while others came into force on January 1, 2023.

Bill 109 introduced a wide range and type of regulatory changes with one of the most significant impacts being to the *Planning Act*. The changes to the *Planning Act* are focused on streamlining the municipal decision-making process to reduce the amount of time it takes to make a decision on certain *Planning Act* applications. Expedited approvals require municipalities to refund planning application fees to the applicant when a decision or approval has not been made within the prescribed timeline.

On the basis of the above, an application for an Official Plan Amendment, Zoning By-law Amendment and/or Site Plan Control are now subject to required fee refunds when a decision has not been made within the prescribed timelines. Table 1 below summarizes the required fee refunds based on prescribed timelines in the *Planning Act*.

Table 1: New Refund Requirements for Certain *Planning Act* Applications.

Application Type	Refund by Processing Days*			
	No refund	50% refund	75% refund	100% refund
Zoning By-law Amendment	90	91	150	210
Official Plan Amendment / Zoning By-law Amendment ('ZBA') (refund only applies to ZBA)	120	121	180	240
Site Plan	60	61	90	120

*Once a planning application is submitted and a Notice of Complete Application is issued by the municipality, there is no ability to 'stop the clock'. Even the time that the applicant uses to prepare a response to the submission comments counts as processing days.

Another significant change as a result of Bill 109 is an update to how applications for Site Plan Control are processed. Effective July 1, 2022, all decisions for applications for Site Plan Control are required to be delegated to an authorized person (e.g. Commissioner of Development Services) and can no longer be forwarded to Council for a decision, if desired by staff. In the Town of Milton, the Commissioner of Development Services currently has delegated authority to approve applications for Site Plan Control.

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In addition to the above, Bill 109 also changed the decision-making timeline for an application for Site Plan Control from 30 days to 60 days, upon which an applicant can appeal to the Ontario Land Tribunal if the municipality has not approved the plans and drawings. All applications for Site Plan Control are also now subject to the complete application requirements under the *Planning Act*.

Bill 13: Supporting People and Businesses Act, 2021 ('Bill 13')

In October 2021, the Ontario Ministry of Economic Development, Job Creation and Trade introduced Bill 13: *Supporting People and Businesses Act, 2021* to the Legislative Assembly of Ontario. Bill 13 included amendments to 29 Provincial Acts, one of which included the *Planning Act*.

On December 2, 2021, Bill 13 received Royal Assent. Bill 13 amended the *Planning Act* to include provisions that enable a municipal Council to delegate the authority to pass certain by-laws under 'Section 34: Zoning By-laws' that are considered minor in nature and these include:

- A by-law to remove a holding 'H' symbol (Holding Removal By-laws);
- A by-law to authorize the temporary use of land, buildings or structures (Temporary Use By-laws); and,
- Minor Zoning By-law Amendments (municipality defines what is 'minor').

In order to delegate the authority to pass the above-mentioned by-laws, a municipal Official Plan is required to include policies that specify which by-laws may be delegated.

A municipal Council may delegate the authority to pass the above-mentioned by-laws to a committee of Council or an individual who is an officer, employee or agent of the municipality. In the Town of Milton, the authority to remove a holding 'H' symbol (Holding Removal By-law) is currently delegated to the Commissioner of Development Services, however Council is the approval authority for all other zoning by-law amendments under Section 34 of the *Planning Act*.

The *Planning Act* also indicates that a municipal Council may establish conditions (criteria) that apply in the Official Plan as well as a policy that Council may withdraw the delegated authority at any time. A municipal Council is also required to pass a by-law to delegate the authority to pass the above-mentioned by-laws.

The delegation of authority for the above-noted by-laws does not:

- Alter any notice or statutory Public Meeting requirements;
- Limit current appeal rights for an applicant, resident or any other party; or,
- Change the requirement for planning decisions to be consistent with the Provincial Policy Statement, conform or not conflict with Provincial Plans and conform to the Town and Region of Halton Official Plans.

Discussion

This section of the Report contains staff's analysis and recommendations to implement the *Planning Act* changes as a result of Bill 109 and Bill 13. In addition, this section includes an overview of the proposed Official Plan Amendment and other implementation items, including a new by-law and amendments to existing Town by-laws.

Bill 109 Discussion

The required planning application fee refunds introduced through Bill 109 are a significant change to the *Planning Act*. Planning application fees are currently set to recover the full costs incurred by the Town for the review of a development proposal. Any staff time unable to be recovered from planning application fees, as a result of the required fee refunds, will result in increased pressure on property taxes.

In order to understand the financial implications of the new required fee refunds, Town staff completed a review of planning application statistics. For example, in 2021 the Town received 32 Zoning By-law Amendment applications. Of these applications, it took an average of 10 months for a decision to be made. 60% of these applications took 210 days or more to process (some are still ongoing). If the required fee refunds were in place in 2021, this means that the Town would have been required to provide a 100% fee refund for 60% of the applications that were made.

As noted above, Site Plan Control applications are also subject to new prescribed timelines and fee refunds. In 2021, nearly all of the Site Plan Control applications would have required a 100% refund in planning application fees based on the new prescribed timelines. For context, using 2021 as an example, combined revenues of just over \$1 million would have been required to be refunded for Zoning By-law Amendment and Site Plan Control applications under the new prescribed timelines.

Historically, the development review process in the Town of Milton has been an iterative process where staff work with the applicant, internal departments, external agencies and the public to find solutions in order to achieve successful planning outcomes. While this process takes time that normally extends beyond the prescribed timelines in the *Planning Act*, Town staff work as expeditiously as possible to process planning applications.

On September 27, 2022, the Altus Group Economic Consulting (retained by BILD) released a Benchmarking Study that listed the Town of Milton as the fastest municipality to approve development applications. The Town of Milton was also listed as third overall for planning processes, planning features and government charges in the Greater Toronto Area for getting new housing developments approved.

Despite best efforts, the timing and duration of the development review process is often beyond the Town's control. For example, the Town may receive incomplete submissions with missing materials or be waiting several months for an applicant to make a

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resubmission that responds to previous comments. Waiting for comments from other public agencies, including Provincial ministries, are examples of other sources of delay that are beyond the Town's control.

While the overall goal of Bill 109 is to encourage a faster review and approval of planning applications, the new punitive provisions requiring fee refunds eliminates the ability of staff to carry out the same iterative development review process as previously practiced.

In an effort to maintain good planning in the Town and avoid the financial consequences of refunding planning application fees, Town staff worked closely with staff from Halton Region, the local municipalities in the Region and Conservation Halton to prepare a consistent approach to implement Bill 109. At the outset, the team established a set of high-level principles to guide the development of a consistent approach and these included:

- Ensure active and meaningful public engagement throughout the planning and decision-making processes;
- Minimize, to the extent possible, the need to issue refunds of planning application fees;
- Develop a generally consistent approach to processing planning applications within Halton Region, with nuanced differences to reflect local considerations; and,
- Encourage a 'path to success' approach for the development industry through an enhanced Pre-Application Process.

With the above principles in mind, the team considered several options to modify the development review process to implement Bill 109 while maintaining good planning practice and reducing financial risk to the Corporation. Below is an overview of the staff recommended approach to implement Bill 109 that is generally consistent among the local municipalities in Halton Region.

Development Review Process Going Forward

Going forward, the development review process has been designed to front-load the technical review of planning applications. This approach provides the Town with the ability to work with the applicant to address technical concerns and/or other substantial matters prior to the submission of a *Planning Act* application.

Currently, the Town requires a Pre-Consultation Meeting between the applicant, Town and agencies to discuss a development proposal and identify the submission requirements before a formal *Planning Act* application is submitted.

Town staff will now require the completion of a Pre-Application Process that consists of two stages and will occur before a formal *Planning Act* application is submitted. The Pre-Application Process will be required for applications for an Official Plan Amendment,

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Zoning By-law Amendment, Draft Plan of Subdivision/Condominium and Site Plan Control.

The first stage of the Pre-Application Process includes a Pre-Consultation Meeting. The Town currently requires this meeting when new development is proposed. This meeting is held with the applicant, staff from the Town, Region and Conservation Halton and the purpose is to discuss the development proposal and identify the appropriate materials, plans and studies required to comprehensively review a planning application. In coordination with the other local municipalities, staff have prepared updated standardized terms of references for certain required studies to provide clear expectations of what should be included in each study. The standardized terms of references are now available on the Town's website.

Once stage one is complete, a request for a Pre-Submission Review (second stage) can be made. The applicant will be required to submit all required materials, plans and studies to support a planning application. This submission will be reviewed by Town departments, Regional staff and Conservation Halton. A set of comments will be provided to the applicant within 35 days of the circulation, after which the applicant could make a formal *Planning Act* application. Should the application warrant a Public Information Centre ('PIC') meeting with the community (e.g. high density infill development), staff may encourage the applicant to hold the PIC during this second stage and Town staff would attend to observe.

Staff are also proposing a new non-refundable Pre-Submission Review fee to cover staff time of the review. The proposed Pre-Submission Review fee is set at 30% of the applicable base application fee(s). When the formal *Planning Act* application is submitted, the remaining 70% of the base application fee(s) will be required.

Once a formal *Planning Act* application is submitted, the 'clock' for the prescribed timeline to approval begins. A statutory Public Meeting will continue be held in accordance with the *Planning Act* and will be scheduled as soon as the formal *Planning Act* application is submitted. This will provide for an opportunity obtain feedback from Council and the public on the development proposal. In order to meet the new prescribed timelines, staff will have time to complete one circulation (circulate, review and provide comments to the applicant) of the submission before returning to Council with a technical recommendation report.

Staff are of the opinion that the above-noted development review process will provide staff with the ability to continue to work collaboratively with an applicant, to the extent possible, ensures that there are opportunities for public engagement and minimizes the potential financial risk to the Corporation by front-loading the technical review of planning applications.

Fee Refund Waiver

There may be instances where the applicant is working with Town staff to respond to comments before a technical recommendation can be made, but where a decision of

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Council or approval will not be made within the prescribed timelines. To avoid a potential refusal recommendation to Council or having to issue fee refunds, Town staff are proposing the use of a fee refund waiver. The fee refund waiver would be used in circumstances where a prescribed timeline is approaching but where a decision or approval will not be made within the prescribed timeline. In some instances, the signing of a waiver could also facilitate the concurrent (e.g. rezoning and site plan) processing of planning applications. This allows for the applicant to continue working with Town staff towards a positive planning outcome. Staff are in the process of working with legal staff to finalize the form and structure of the fee refund waiver.

If required, the fee refund waiver would be signed by the Town and the applicant in good faith and would stipulate that the Town will work expeditiously towards a decision in a timely manner. The applicant would not be subject to a potential staff recommendation of refusal to Council prior to the prescribed timelines if a decision cannot be made within the prescribed timelines. Staff are proposing that the Commissioner of Development Services be delegated the authority to sign the fee refund waiver.

The fee refund waiver does not impact appeal rights should an applicant wish to appeal a future Council decision or non-decision to the Ontario Land Tribunal.

Staff are of the opinion that executing a fee refund waiver, when required, allows for the ability to continue to work with an applicant towards a positive planning outcome while minimizing financial risk to the Corporation. Utilizing a fee refund waiver also reduces the potential for staff to make a recommendation of refusal to Council when a prescribed timeline is approaching.

Public Engagement

Public engagement is an important component of the development review process. A Public Information Centre ('PIC Meeting') is generally encouraged for certain development proposals and this type of meeting occurs before the statutory Public Meeting. It is a community meeting held by the applicant, although staff typically attend to observe. Staff are proposing to continue to encourage this meeting, when deemed appropriate, as one of the opportunities for public engagement, however due to the new prescribed timelines staff are proposing that this meeting be held during the Pre-Application Process rather than after a formal *Planning Act* application is submitted.

A statutory Public Meeting is required by the *Planning Act* for an Official Plan Amendment and Zoning By-law Amendment (Note: Bill 23 recently removed the requirement for a statutory Public Meeting for Draft Plan of Subdivision/Condominium applications). The purpose of the statutory Public Meeting is to obtain feedback from Council and the public and this feedback is considered by staff prior to preparing a technical recommendation report that is brought forward to Council at a separate meeting.

Some of the local municipalities in Halton Region are exploring the option of combining the statutory Public Meeting with the technical recommendation report to Council. The

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current Town practice is to have the statutory Public Meeting and the technical recommendation report at separate Council Meetings.

While the Bill 109 prescribed timelines present a timing challenge with the preparation of separate reports, Town staff recommend that the meetings generally continue to be held separately, unless a joint meeting is considered appropriate by staff. It is staff's opinion that this approach ensures that there are adequate opportunities for public engagement in the development review process.

Site Plan Application Process Changes

Bill 109 updates the *Planning Act* to require municipalities to approve an application for Site Plan Control within 60 days before fee refunds are required and at which time an applicant can appeal to the Ontario Land Tribunal.

An application for Site Plan Control is also now subject to the complete application requirements of the *Planning Act*. This means that a proponent submitting an application for Site Plan Control will be required to complete the new Pre-Application Process. Staff will be required to issue a Notice of Complete Application confirming that all required materials, plans and studies identified during the Pre-Application Process have been received.

In order to meet the new prescribed timelines, staff and external agencies will have time to complete one circulation (circulate, review and provide conditions to the applicant) and issue conditional Site Plan Approval. After which, an applicant would be required to clear the conditions prior to applying for a building permit. Issuing conditional Site Plan Approval within 60 days means an approval will be made within the prescribed timelines in the *Planning Act* and allows for multiple circulations at the 'back-end' of the process.

In addition to the new standardized terms of references, staff have also prepared Site Plan Guidelines to assist a proponent with their application for Site Plan Control. The Site Plan Guidelines are now available on the Town's website.

Staff are of the opinion that the above-noted approach, new terms of references and new Site Plan Guidelines will assist in processing applications for Site Plan Control in a timely manner.

Bill 13 Discussion

As noted in the background section of this Report, Bill 13 updated the *Planning Act* to enable a municipal Council to delegate authority to staff to pass a Holding Removal By-laws, Temporary Use By-laws and other minor Zoning By-laws. These changes were made to assist municipalities with streamlining the development approvals for minor Zoning By-law Amendments that are more routine or technical in nature. By delegating the approval authority, some of the administrative burden of such applications is shifted from Council to staff (e.g. Commissioner of Development Services). The changes will

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also assist in the timing to an approval where there may be delays as a result of Council reporting timelines and meeting schedules.

The *Planning Act* allows a municipal Council to use a Holding symbol as a prefix to a zone to specify the future use of lands, buildings or structures until such time that conditions are met to remove the Holding symbol. Council is currently the approval authority for Zoning By-laws, however in the Town of Milton the authority to remove a holding 'H' symbol (Holding Removal By-law) once all conditions are satisfied is delegated to the Commissioner of Development Services.

Staff are proposing that Council delegate authority to the Commissioner of Development Services to pass Temporary Use By-laws and minor Zoning By-law Amendments.

A Temporary Use By-law is a by-law that authorizes a temporary use of land, buildings or structures for any purpose that is otherwise prohibited in the Zoning By-law. Temporary Use By-laws may be passed for a period of up to three years. An extension to may be permitted, but must be requested prior to the lapsing period. Section 5.5.3.6 and 5.5.3.7 of the Town's Official Plan currently contain criteria that must be satisfied prior to the passing of a Temporary Use By-laws. This criteria will continue to apply to all applications for a Temporary Use By-law regardless of the approval authority.

Staff are proposing that minor Zoning By-law Amendments include only housekeeping by-laws for the purpose of making clerical or other changes to assist in the interpretation of the Zoning By-law. The Town's Official Plan does not currently include policies that apply to minor Zoning By-law Amendments and this is included in the proposed Official Plan Amendment discussed later in this Report.

All of the above-mentioned by-laws will continue to require a statutory Public Meeting, which means that there would be an opportunity for Council and the public to provide feedback on each planning application. Staff are proposing that the delegated approval authority only be for planning applications where there is no objection or dispute. For example, this means that if there are objections made on a planning application at a statutory Public Meeting, then the approval authority would not be delegated and staff would prepare a technical recommendation report to Council for their decision.

Staff are of the opinion that delegating authority to the Commissioner of Development Services to pass Temporary Use By-law and Minor Zoning By-law Amendments has the potential to reduce administration (e.g. housekeeping amendments, time for report writing, setting agendas and attending council meetings) and accelerate development approvals.

Proposed Official Plan Amendment

Appendix 1 to this Report includes the proposed Official Plan Amendment ('proposed OPA') that incorporates policies to implement Bill 109 and Bill 13. The proposed OPA amends existing policies and adds new policies.

Discussion

With respect to Bill 109, the proposed OPA includes updates to the minimum submission requirements of a complete application for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, Draft Plan of Condominium and Site Plan Control.

Since applications for Site Plan Control are now subject to the complete application requirements of the *Planning Act*, the Official Plan needs to be updated to include the types of studies and/or materials that can be requested. There is also an updated policy that directs an applicant to prepare studies in accordance with available Terms of Reference documents.

The proposed OPA includes the ability of the Town to encourage a Public Information Centre meeting for certain development proposals in the second stage of the Pre-Application Process. The proposed policy also includes guidance to provide notice at least 20 days before the meeting and provides the distance of which notice is to be sent (e.g. 200 metres from the site in the Urban Area and 300 metres from the site in the Rural Area). This is consistent with the Town's notice requirements for a statutory Public Meeting.

The proposed OPA also includes examples of when a *Planning Act* application may be deemed incomplete such as when a Subwatershed Impact Study has not been completed, when environmental considerations to establish development limits is not completed, when another approval is required (such as a Regional Official Plan Amendment or Secondary Plan), when public infrastructure is being proposed through an application or, in the case of an application for Site Plan Control, it does not comply with the Town's applicable Zoning By-law.

The proposed OPA also establishes the purpose of the Pre-Application Process and identifies the types of planning applications where the process is required. Various sections of the *Planning Act* enable Council to pass a by-law to require applicants to consult with the municipality prior to submitting a planning application. In this regard, staff have prepared a Pre-Application Process and Complete Application By-law, which is discussed later in this Report.

With respect to Bill 13, the proposed OPA includes a new section entitled Delegated Authority that includes policies that enable Council to delegate approval authority to pass the following by-laws under Section 34 of the *Planning Act*.

1. A by-law to remove a Holding "H" symbol;
2. A by-law to authorize a temporary use of land, buildings or structures; and,
3. A housekeeping by-law for the purpose of making clerical or other changes to assist in the interpretation of the zoning by-law.

Other Implementation Items

Pre-Application Process and Complete Application By-law

Discussion

Appendix 2 to this Report includes the proposed Pre-Application Process and Complete Application By-law.

The proposed by-law establishes the purpose, submission requirements, and timing for the issuance of comments from Town staff to the applicant for each stage of the Pre-Application Process.

The proposed by-law also reinforces the complete application requirements of the *Planning Act* and the Town's Official Plan by establishing what is required to make a determination of completeness under the *Planning Act*.

Lastly, the proposed by-law includes an exemption clause when a Pre-Application Process is deemed to not be required as well as administration items regarding timing and the payment of required fees in accordance with the Town's User Fee By-law.

Amendments to Site Plan Control By-law 005-2015, as amended

Appendix 3 to this Report includes the proposed amendments to the Town's Site Plan Control By-law.

Bill 109 updated the *Planning Act* to require a municipal Council to delegate the authority to staff to approve applications for Site Plan Control. In the Town of Milton, the Commissioner of Development Services is already delegated the authority to approve applications for Site Plan Control. However, the Town's Site Plan Control By-law includes provisions that allow for staff to bring proposals to Council for final approval, if deemed necessary. As a result of Bill 109, applications for Site Plan Control must be delegated and such provisions need to be removed from the Town's Site Plan Control By-law.

In addition to the above, staff are proposing to update the Site Plan Control By-law to address portable classrooms on school sites. This change is not as a result of Bill 109 or Bill 13, but are being proposed through this process in order to provide for efficiencies in the development review process at the Town.

On the basis of the above, staff are proposing two new exemptions to the current list of exemptions in the Site Plan Control By-law. The first new exemption is the placement of a portable classroom on a school site if the school site was in existence on January 1, 2007. This implements provisions contained in Section 41(1.1) the *Planning Act*.

The second new exemption is the placement of 6 or less portable classrooms on a school site. Staff are of the opinion that this number of portables can be reviewed through the Town's site alteration process and do not require an application for Site Plan Control.

Amendments to Delegation of Authority By-law 071-2016, as amended

Appendix 4 to this Report includes the proposed amendments to the Town's Delegation of Authority By-law to implement changes from Bill 13 and Bill 109.

Discussion

With respect to Bill 13, the proposed amendment updates the list of authorities delegated to the Commissioner of Development Services to include the passing of a Temporary Use By-law and minor Zoning By-law Amendments. For minor Zoning By-law Amendments, the delegated authority will only apply where there is no objection or dispute with respect to the passing of a by-law. If there are objections or concerns identified at the statutory Public Meeting, or through the development review process, then the application would be brought forward to Council for a decision.

With respect to Bill 109, the proposed amendment delegates the authority to sign a fee refund waiver to the Commissioner of Development Services to waive the refund of required fees when a decision or approval cannot be made within the prescribed timelines established in the *Planning Act*.

Amendments to User Fee By-law 082-2022

Appendix 5 to this Report includes the proposed amendments to the Town's User Fee By-law. The proposed amendment repeals and replaces Schedule K: Planning Services and Table K-1 Planning Services Fees Table of the Town's User Fee By-law.

Schedule K is being amended to indicate the Pre-Consultation Meeting fee is non-refundable fee and due when the Pre-Consultation Meeting is scheduled. Schedule K is also being amended to indicate that the Pre-Submission Review fee, set at 30% of the required base application fees, is due at the time that the request for a Pre-Submission Review is made and is non-refundable if a formal *Planning Act* application is not made. The remaining 70% of the base planning application fee(s) will be due at the time that a formal *Planning Act* application is made.

It is noted that once a formal *Planning Act* application is made that the Pre-Submission Review fee and the balance of the planning application fee(s) would be subject to fee refunds if a decision or approval is not made within the prescribed timelines.

The proposed amendments to Table K-1 includes a new incomplete application fee for Site Plan Control. As a result of Bill 109, applications for Site Plan Control are subject to complete application requirements in accordance with the *Planning Act* and the Town's Official Plan. Incomplete application fees cover staff time used to review a submission to ensure that it is complete based on the required studies identified during the Pre-Application Process. The Site Plan Control incomplete application fee has been set at approximately 1% of the base application fee, consistent with existing incomplete application fees for Official Plan Amendments and Zoning By-law Amendments, which are also subject to complete application requirements.

In addition to the above, staff are also proposing to update Table K-1 to include a Draft Plan of Subdivision/Condominium incomplete application fee. This update is not connected to Bill 109 changes, however staff are using this opportunity to update the User Fee By-law to align with the other changes being proposed.

Public Consultation and Review Process

Discussion

In accordance with the *Planning Act* requirements and Town policies, notice of the Statutory Public Meeting for a Town-initiated Official Plan Amendment was provided on January 5, 2023 through an advertisement in the Milton Canadian Champion. At the time of writing this Report, no written submissions have been provided.

Agency Consultation

As noted earlier within this Report, Town staff spent several months working closely with staff from Halton Region, the local municipalities in the Region and Conservation Halton to develop a consistent approach to implement Bill 109. The proposed Town-initiated Official Plan Amendment was circulated to Halton Region and Conservation Halton who offered no objection. Town staff requested an exemption from Regional approval and in a letter dated January 19, 2023, the Region of Halton noted that the proposed amendment met all criteria illustrated in Section 2 of By-law No.19-99 and exempted the proposed Town-initiated Official Plan Amendment from Regional approval.

Conclusion

Bill 109 and Bill 13 introduced changes to the *Planning Act* that were intended to expedite the planning approval process. However, some of the changes particularly in Bill 109 have the potential to cause negative impacts to the planning process and to the Corporation from a financial perspective. The purpose of the proposed Official Plan Amendment is to implement both Bill 109 and Bill 13 in a manner that enables staff to continue good planning and reduce financial risk to the Corporation.

Town staff have worked closely with staff from Halton Region, the local municipalities in the Region and Conservation Halton to develop a consistent approach to implement Bill 109. Going forward, the development review process will provide staff with the opportunity to continue to work collaboratively with development proponents, to the extent possible, while prioritizing public engagement and minimizing financial risk to the Corporation.

On the basis of the above, staff is satisfied that the proposed Official Plan Amendment, as attached in Appendix 1, and the new/amending by-laws in Appendices 2-5, implement the changes to the *Planning Act* as a result of Bill 109 and Bill 13 and provides a path forward to continue good planning and community building in the Town.



Financial Impact

The required fee refunds introduced through Bill 109 have the potential to negatively impact the Town’s revenues. In a letter dated November 30, 2022 to the Association of Municipalities of Ontario (‘AMO’), the Province committed to introducing legislation to delay the implementation of fee refunds by six months from January 1, 2023 to July 1, 2023. It is staff’s understanding that this legislation will be introduced when the House of the Legislative Assembly of Ontario reconvenes in February 2023. As such, any potential impact within the 2023 fiscal year will be lessened.

Table 2 below presents the annual revenue during the period of 2017 to 2021 for applications for Site Plan Control and Zoning By-law Amendments, which are subject to the Bill 109 fee refund provisions.

Table 2: Annual Historical Revenue by Application Type (\$ millions)

	2017	2018	2019	2020	2021	5 Year Average
Site Plan Control	\$0.24	\$0.39	\$0.40	\$0.27	\$0.56	\$0.37
Zoning By-law Amendments	\$0.51	\$0.36	\$0.29	\$0.41	\$0.85	\$0.49
Total	\$0.76	\$0.75	\$0.69	\$0.68	\$1.42	\$0.86

Establishing a Pre-Application Process and associated fees, along with introducing a fee waiver process, are expected to assist with mitigating revenue losses going forward once the Bill 109 fee refunds come into effect.

Staff will continue to monitor the development review process and the effectiveness of the measures recommended in this Report. Any variances to budget in 2023 for these application revenues will be reported back to Council throughout the year as part of the variance review process.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact: Jessica Tijanic, MSc, MCIP, RPP Phone: Ext. 2221
Senior Planner, Development Review



Attachments

Appendix 1 – Proposed Official Plan Amendment 76

Appendix 2 – Pre-Application Process and Complete Application By-law

Appendix 3 – Amending By-law to Site Plan Control By-law 005-2015, as amended

Appendix 4 – Amending By-law to Delegation of Authority By-law 071-2016, as amended

Appendix 5 – Amending By-law to User Fee By-law 082-2022

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.

**THE CORPORATION OF THE TOWN OF MILTON
BY-LAW 0XX-2023**

BEING A BY-LAW OF THE TOWN OF MILTON TO ADOPT AN AMENDMENT TO THE TOWN OF MILTON OFFICIAL PLAN TO IMPLEMENT PLANNING ACT CHANGES THROUGH BILL 13 AND BILL 109, PURSUANT TO SECTION 17 AND 21 OF THE PLANNING ACT R.S.O. 1990 c.P.13, AS AMENDED, IN RESPECT OF ALL LANDS IN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (FILE NO. LOPA-01/23).

The Council of the Corporation of the Town of Milton, in accordance with the provisions of Sections 17 and 21 of the Planning Act R.S.O.1990, c.P.13, as amended, hereby enacts as follows:

1. Amendment No. 76 to the Official Plan of the Town of Milton, to amend existing policies and add new policies to the Town of Milton Official Plan to respond to *Planning Act* legislation changes which implement Ontario's Bill 13 – *Supporting People and Businesses Act, 2021* and Bill 109 – *More Homes for Everyone Act, 2022*, is hereby adopted.
2. Pursuant to Subsection 17(27) of the Planning Act, R.S.O. 1990, c.P.13, as amended, this Official Plan Amendment comes into effect the day after the last day for filing a notice of appeal, if no appeal is filed pursuant to Subsections 17 (24) and (25). Where one or more appeals have been filed under Subsection 17 (24) or (25) of the said Act, as amended, this Official Plan Amendment comes into effect when all such appeals have been withdrawn or finally disposed of in accordance with the direction of the Ontario Land Tribunal.
3. In the event that the Regional Municipality of Halton, being the Approval Authority, has declared this Official Plan Amendment to not be exempt, the Clerk is hereby authorized and directed to make application to the Approval Authority for approval of the aforementioned Amendment Number 76 to the Official Plan of the Town of Milton.

PASSED IN OPEN COUNCIL ON FEBRUARY 6, 2023.

Gordon A. Krantz Mayor

Meaghen Reid Town Clerk

AMENDMENT NUMBER 76

TO THE OFFICIAL PLAN OF THE TOWN OF MILTON

Implementation of Bill 13 and Bill 109

All lands within the Town of Milton

Town of Milton

(Town File: LOPA-01/23)

AMENDMENT NUMBER 76

TO THE OFFICIAL PLAN OF THE TOWN OF MILTON

PART 1 THE PREAMBLE, does not constitute part of this Amendment

**PART 2 THE AMENDMENT, consisting of the following text constitutes
Amendment No. 76 to the Official Plan of the Town of Milton**

PART I: THE PREAMBLE

THE TITLE

This amendment, being an amendment to the Official Plan of the Town of Milton shall be known as:

Amendment No. 76
To the Official Plan of the Town of Milton
All lands within the Town of Milton
Town File: (LOPA 01/23)

PURPOSE OF THE AMENDMENT

The purpose of this amendment is to amend existing policies and add new policies to the Town of Milton Official Plan to respond to *Planning Act* legislation changes as established by Ontario's Bill 13 – *Supporting People and Businesses Act, 2021* ('Bill 13') and Bill 109 – *More Homes for Everyone Act, 2022* ('Bill 109').

The amendment implements Bill 13 by establishing policies to delegate approval authority to the Commissioner of Development Services, or his/her designate, to pass certain by-laws under Section 34 of the Planning Act that are considered minor in nature.

The amendment implements Bill 109 by updating the minimum submission requirements for complete applications for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, Draft Plan of Condominium and Site Plan Control. The amendment also identifies examples of when a *Planning Act* application may be deemed incomplete.

LOCATION OF THE AMENDMENT

The amendment applies to all lands within the Town of Milton.

BASIS OF THE AMENDMENT

Bill 13 – Supporting People and Businesses Act, 2021

In October 2021, the Ontario Ministry of Economic Development, Job Creation and Trade introduced Bill 13 to the Legislative Assembly of Ontario. Bill 13 proposed amendments to 29 Provincial Acts, one of which included changes to the *Planning Act*. On December 2, 2021, Bill 13 received Royal Assent and the amendments to the *Planning Act* came into effect immediately.

Schedule 19 to Bill 13 made changes to both the *Planning Act* and the Municipal Act. The changes made Part V, Section 39.2 of the *Planning Act* enable a municipal Council to delegate the authority to pass by-laws under Section 34 of the *Planning Act* that are considered minor in nature. The types of by-laws that can be delegated

include Holding Removal By-laws, Temporary Use By-laws and Minor Zoning By-law Amendments (as long as criteria to determine what is minor has been established in an Official Plan).

The delegation of the above-noted by-laws does not alter statutory notice requirements, appeal rights or the requirement of an application to be consistent with the Provincial Policy Statement, conform to or not conflict with Provincial Plans and conform to the Region of Halton and Town of Milton Official Plans.

In order to delegate the authority to pass the above-noted by-laws, Bill 13 amended the *Planning Act* to require that the Official Plan include policies to specify the types of by-laws that may be delegated. In the Town of Milton, the Commissioner of Development Services, or his/her designate, already has delegated approval authority to approve the Holding Removal by-laws.

On the basis of the above, this amendment establishes a new section entitled Delegated Authority, under which it provides Council with the ability to delegate authority, by by-law, to pass the following by-laws under Section 34 of the Planning Act:

1. A by-law to remove a Holding “H” symbol;
2. A by-law to authorize a temporary use of land, buildings or structures; and,
3. A housekeeping by-law for the purpose of making clerical or other changes to assist in the interpretation of the zoning by-law.

Bill 109 – More Homes for Everyone Act, 2022

In December 2021, the Province of Ontario established the Ontario Housing Affordability Task Force (‘Task Force’) to provide recommendations to the Ontario Minister of Municipal Affairs and Housing on potential actions to make housing more affordable for Ontario families. In February 2022, the Task Force released a report that included 55 recommendations focused on addressing housing supply. In March 2022, Bill 109 was tabled at the Legislative Assembly of Ontario. On April 14, 2022, Bill 109 received Royal Assent at which time some of the provisions came into effect while others came into force on January 1, 2023.

Bill 109 introduced a wide range and type of regulatory changes with one of the most significant impacts being to the *Planning Act*. The changes to the *Planning Act* are focused on streamlining the municipal decision-making process. For an application for an Official Plan Amendment, Zoning By-law Amendment and/or Site Plan Control, failure of the municipality to make a decision within the prescribed timelines means that municipalities are required to provide fee refunds on a graduated scale.

Another significant change as a result of Bill 109 is an update to how applications for site plan control are processed. Bill 109 requires municipal Council’s to delegate site plan control decisions to staff (e.g. an officer, employee or agent of the municipality)

for all applications received on or after July 1, 2022. It is noted that in the Town of Milton, this approval authority had already been delegated at the time that Bill 109 came into effect. Bill 109 also changed the decision-making timeline for all applications for site plan control from 30 days to 60 days, upon which an applicant can appeal to the Ontario Land Tribunal if no decision has been made.

Bill 109 also updated the *Planning Act* complete application requirements to also apply to applications for site plan control.

On the basis of the above, this amendment includes updates to the minimum submission requirements of a complete application for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, Draft Plan of Condominium and Site Plan Control. Policies have also been added to provide examples of when a planning application may be deemed incomplete.

In addition to the above, as part of a complete application, the above-noted applications will be required to complete the Pre-Application Process, which includes a more comprehensive review of a development proposal prior to the submission of a formal *Planning Act* application. The Pre-Application Process provides for the opportunity to continue to work collaboratively with applicant's, to the extent possible, while prioritizing public engagement and minimizing financial risk to the Corporation. The details of the Pre-Application Process are referenced in the Pre-Application Process and Complete Application By-law.

Overall, this amendment implements the changes to the *Planning Act* as a result of Bill 13 and Bill 109 and provides a path forward for the Town of Milton to continue to continue good planning and community building in the Town.

PART II: THE AMENDMENT

All of this part of the document entitled Part II: THE AMENDMENT consisting of the following text constitutes Amendment No. 76 to the Town of Milton Official Plan.

DETAILS OF THE AMENDMENT

The Official Plan of the Town of Milton is hereby amended by Official Plan Amendment No. 76 pursuant to Section 17 and 21 of the Planning Act, as amended, as follows:

1.0 Text Changes

1.1 Amending Section 5.3.4.1 by replacing 'Commissioner of Planning and Development' with 'Commissioner of Development Services';

1.2 Replacing Section 5.3.4.2 a) with the following text:

"a) Applicants are required to complete the mandatory Pre-Application Process with the Town prior to the submission of an application for development. The mandatory Pre-Application Process includes the owner or the applicant and other affected agencies, including but not limited to, the Region of Halton and the applicable Conservation Authority. Where the application is being made to both the Town and another approval authority, every effort will be made to hold joint meetings.";

1.3 Replacing Section 5.3.4.2 c) with the following text:

"b) Mapping, drawings, reports and technical studies relevant to the scale, scope and type of application, shall be required to support any application for development, such information to be determined during the mandatory Pre-Application Process by the Town and Region in consultation with the applicant and other appropriate agencies. The supporting information may include, but not necessarily be limited to the following:";

1.4 Amending Section 5.3.4.2 c) iv) Engineering Considerations to replace 'Transportation or Traffic Impact Analysis' with 'Traffic Impact Study';

1.5 Amending Section 5.3.4.2 c) iv) Engineering Considerations to add 'Parking Justification Study', 'Pedestrian Level Wind Study', 'Natural Hazards Stable Slope / Erosion Assessment' and 'Railway Crash Wall Assessment';

1.6 Amending Section 5.3.4.2 c) v) Urban Design Considerations to add 'Urban Design Brief' and 'Landscape Plan and Details';

- 1.7 Amending Section 5.3.4.2 c) v) Urban Design Considerations to replace 'Shadow Analysis' to 'Sun Shadow Analysis';
- 1.8 Amending Section 5.3.4.2 c) to include a new subsection 'iv) Site Plan Drawings' as follows:
 - vi) Site Plan Drawings
 - Site Plan and Details
 - Aerial Photographs and/or Context Plan
 - Architectural Drawings (Floor Plan, Roof Plan, Parking Garage Plan, Screening Details of Roof-Mounted Equipment, Elevations, Building Cross-Sections, Colour Elevations or Perspective Views and Digital Architectural Massing Model)
 - Existing Conditions and Removals Plan
 - Reference Plan for Land Dedication or Easements
 - Topographical Survey and Real Property Survey
 - Landscape Plan and Details
 - Tree Inventory and Preservation Plan including Tree Protection Details
 - Woodlot Inventory, Analysis and Assessment
 - Natural Heritage Area Enhancement Plan
 - Demarcation of the Limits of Natural Hazards (top-of-bank, erosion hazard, flood plain) as a surveyed line for areas Regulated by a Conservation Authority
 - Demarcation of the limit of wetlands, natural heritage areas and/or areas Regulated by a Conservation Authority
 - Fish Habitat Assessment
 - Endangered Species Assessment
 - Streetscape Design Plan
 - Park and Open Space Concept Plan
 - Garbage Enclosure Details
 - Acoustic Buffer, Fencing and Structure Details
 - Accessibility Plan and Details
 - Pedestrian and Cycling Circulation Plans

- Photometric Plan and Exterior Light Fixture Details (Pole-Mounted and Wall-Mounted)
- Erosion and Sediment Control Plan and Details
- Site Grading Plan and Details
- Site Servicing Plan and Details
- Stormwater Management Plan and Details
- Retaining Wall / Structure Plan and Details
- Pavement Marking and Signage Plan
- Vehicle Maneuvering and Turning Plans
- Construction Management Plan
- Shoring and Excavation Plans and Details

1.9 Replacing Section 5.3.4.2 d) by replacing ‘at the pre-consultation process’ with ‘during the Pre-Application Process’;

1.10 Replacing Section 5.3.4.2 e) with the following text:

“e) All information, reports, studies and/or plans as required by the Town shall be carried out by a qualified professional consultant(s) in accordance with any applicable Terms of Reference, standards or specifications applicable within the Town or other authority jurisdiction and retained by and at the expense of the proponent. The Town, acting reasonably, may be required a peer review of any report, study and/or plan by an appropriate public agency or by a professional consultant retained by the Town at the proponent’s expense.”;

1.11 Amending Section 5.3.4.2 to add a new subsection f) and renumber the remaining subsections accordingly:

f) Depending on the proposed development, the Town may encourage the applicant to hold a Public Information Centre meeting, at the proponent’s expense, in advance of the submission of a formal Planning Act application. Notice should be provided:

a) at least 20 days prior to the date of the Public Information Centre Meeting; and,

b) Provided by prepaid first class mail to every owner of land, condominium owner and Condominium Corporation within 200 metres of the land subject to the application within the *Urban Area* and 300 metres of the land subject to the application outside of the *Urban Area* and to those people that have requested notice.

- 1.12 Amending Section 5.3.4.2 f) by replacing 'pre-consultation process' with 'Pre-Application Process';
- 1.13 Amending Section 5.3.4.2 g) by replacing 'a completed pre-consultation agreement' with "Record of Pre-Consultation, Record of Comment";
- 1.14 Amending Section 5.3.4.2 i) by replacing 'Commissioner of Planning and Development' with 'Commissioner of Development Services';
- 1.15 Amending Section 5.3.4.2 j) by replacing 'Commissioner of Planning and Development' with 'Commissioner of Development Services';
- 1.16 Adding a new Section '5.3.4.3 – Incomplete Applications' with the following text:

"The Commissioner of Development Services, or his/her designate, may determine that a Planning Act application is incomplete pursuant to the Planning Act where:

- a) The applicable Subwatershed Impact Study or Subwatershed Impact Study addendum is not complete;
- b) Environmental considerations that establish the limits of development are outstanding such as, but not limited to, the demarcation of the limits of natural heritage systems, wetlands, woodlands, natural hazards and/or area regulated by a Conservation Authority;
- c) A Regional Official Plan Amendment is required;
- d) A Secondary Plan is required;
- e) The owner or applicant is proposing public infrastructure through an application for a zoning by-law amendment or site plan control; and,
- f) In the case of an application for site plan control, if it does not conform to the Official Plan and does not comply with the Town's Zoning By-law.";

- 1.17 Adding a new Section '5.3.4.4 – Mandatory Pre-Application Process' with the following text:

"a) Prior to the submission of an application for an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision, Plan of Condominium or Site Plan Control, an owner or applicant is required to meet with the appropriate Town staff and relevant agencies including, but not limited to, the Region and the applicable Conservation Authority in accordance with the requirements of the applicable Town By-law

governing the Pre-Application Process, to determine what studies, plans and items are required to support a planning application that meets the complete application requirements of this Official Plan.

b) The intent of the mandatory Pre-Application Process is to determine the scale and scope of any required study, plan or item with this scale and scope being dependent on the size of the proposal, its relationship to adjacent land uses and the type(s) of planning approval(s) required.”; and,

1.18 Adding a new Section ‘5.3.5 – Delegated Authority’ with the following text:

“a) The Town may, by by-law, delegate authority to pass by-laws under section 34 of the Planning Act that are of a minor nature to a committee of Council or an individual who is an officer, agent or employee of the municipality, such as the Commissioner of Development Services or his/her designate.

b) Delegation of authority to pass by-laws under section 34 of the Planning Act shall be limited to:

- i. A by-law to remove a Holding “H” symbol;
- ii. A by-law to authorize the temporary use of land, buildings or structures; and,
- iii. A housekeeping by-law for the purpose of making clerical or other changes to assist in the interpretation of the zoning by-law.

c) The delegation of authority authorized under Section 5.3.5 b) may be subject to conditions of Council.

d) Delegation of authority may be withdrawn, by by-law, in respect of any by-law for which a final disposition was not made before the withdrawal.”

End of text

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 0XX-2023

BEING A BY-LAW TO REQUIRE A MANDATORY PRE-APPLICATION PROCESS PRIOR TO SUBMISSION OF A PLANNING APPLICATION AND DETERMINATION FOR COMPLETENESS OF A PLANNING APPLICATION, APPLICABLE TO ALL LANDS WITHIN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON

WHEREAS Sections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the Planning Act, R.S.O. 1990 c. P. 13, as amended, enable municipalities to pass by-laws to require applicants to consult with the municipality prior to the submission of planning applications identified and defined herein as the mandatory “Pre-Application Process”;

AND WHEREAS the Town of Milton Official Plan contains provisions that require mandatory Pre-Application Process for Official Plan Amendments, Zoning By-law Amendments, Draft Plans of Subdivision, Draft Plans of Condominium and Site Plan Control;

AND WHEREAS the Council of the Corporation of the Town of Milton deems it necessary to require a mandatory Pre-Application Process with the Owner and/or Applicant prior to submitting a Planning Application, as defined herein;

AND WHEREAS the Council of the Corporation of the Town of Milton deems it expedient to delegate certain duties of the Planning Act, as amended, relating to completeness of development applications;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. Definitions

In this By-law:

- a) “Act” means the Planning Act, R.S.O. 1990, as amended;
- b) “Applicant” means the Owner of the property that is the subject of the Planning Act application or the person who is authorized in writing by the Owner to make a Planning Act application. Authorization is established through the declaration on the appropriate planning application form, which is provided by the Town of Milton prior to the submission of a planning application;
- c) “Council” means the Council of the Town of Milton;
- d) “Official Plan” means the Town of Milton Official Plan, as amended from time to time;

- e) “Owner” means a person(s), corporation(s), joint venture or partnership who is the registered Owner of the subject property, as recorded in the local registry office;
- f) “Planning Application” means an application for an Official Plan Amendment, Zoning By-law Amendment, Site Plan Control, Draft Plan of Subdivision, Draft Plan of Condominium, pursuant to the Act, and any other planning and/or development matters;
- g) “Pre-Application Process” means the two-stage process for consulting with the Town prior to submitting a Planning Application, including a mandatory Pre-Consultation Meeting and Pre-Submission Review, as set out in the Town of Milton Official Plan and this By-law;
- h) “Pre-Consultation Meeting” means stage one of the Pre-Application Process;
- i) “Pre-Submission Review” means stage two of the Pre-Application Process;
- j) “Province” means the Government of the Province of Ontario;
- k) “Record of Comment” means the document prepared by Town of Milton staff that includes comments on the documents submitted for the Pre-Submission Review in order for the Owner or Applicant to potentially proceed with the submission of a future Planning Application.
- l) “Record of Pre-Consultation” means the document prepared by Town of Milton staff upon completion of Pre-Consultation Meeting that identifies meeting dates, summarizes the development proposal and identifies the information, materials and comments to support a future Planning Application, in accordance with the Official Plan;
- m) “Region” means the Corporation of Halton Region; and,
- n) “Town” means the Corporation of the Town of Milton.

2. Pre-Consultation Meeting Requirements

- 2.1 That the Owner or Applicant intending to submit a Planning Application will be required to submit a Pre-Consultation Meeting Request Form with the required non-refundable fee, as set out in the Town’s User Fee By-law, as amended from time to time.
- 2.2 That the Owner or Applicant attend the mandatory Pre-Consultation Meeting with Town staff and any other relevant agency including, but not limited to, the Region and applicable Conservation Authority.

- 2.3 That Town staff be authorized to identify the information, materials and approvals necessary to support a future Planning Application including staff comments, prior to the Pre-Submission Review, as set out in this By-law and the Official Plan.
 - 2.4 That following the mandatory Pre-Consultation Meeting, Town staff will prepare a Record of Pre-Consultation and issue it to the Owner or Applicant within two (2) weeks of the date that the Pre-Consultation Meeting was held.
- 3. Pre-Submission Review Requirements**
- 3.1 That the Owner or Applicant intending to make a Planning Application to the Town be required to submit a request for a Pre-Submission Review with the required fee, as set out in the Town's User Fee By-law, as amended from time to time, only after the Pre-Consultation Meeting requirement has been completed and a Record of Pre-Consultation has been issued by Town staff to the Owner or Applicant.
 - 3.2 That the requirement to complete a Pre-Submission Review apply to the following types of Planning Applications:
 - a) Official Plan Amendment;
 - b) Zoning By-law Amendment;
 - c) Draft Plan of Subdivision;
 - d) Draft Plan of Condominium; and,
 - e) Site Plan Control.
 - 3.3 That the Owner or Applicant submit the following to Town staff to proceed with the Pre-Submission Review:
 - a) Request for a Pre-Submission Review;
 - b) Required fees, as set out in the Town's User Fee By-law, as amended from time to time;
 - c) Signed Record of Pre-Consultation; and,
 - d) Reports, studies, plans, drawings and any information set out or identified in the Record of Pre-Consultation and that they be in compliance with and/or conform to the applicable Town standards and by-laws.

- 3.4 That, upon review, if Town staff determines that the submission documentation for the Pre-Submission Review is incomplete, the Town shall notify the Owner or Applicant and the Pre-Submission Review shall not proceed until the Owner or Applicant has provided all required documents and fees.
- 3.5 That upon receipt of and satisfactory review of the Pre-Submission Review, Town staff will prepare a Record of Comment within thirty-five (35) days of the circulation of the Pre-Submission Review and provide it to the Owner or Applicant indicating that they may proceed with the submission of a Planning Application.
- 4. Complete Application Requirements**
- 4.1 That, in accordance with the Official Plan and this By-law, a Planning Application will be considered complete upon receipt of the following:
- a) Minimum submission requirements for the Planning Application in accordance with the Official Plan and the Act;
 - b) Required fees, as set out in the Town's User Fee By-law, as amended from time to time;
 - c) Record of Pre-Consultation;
 - d) Reports, studies, plans, drawings, supporting documents and any information required in the Record of Pre-Consultation or further identified as part of the Record of Comment;
 - e) Record of Comment; and,
 - f) Peer reviews, if required, have been completed.
- 4.2 That Town staff are authorized to deem an application complete or incomplete within the prescribed period of time set out in the Act.
- 4.3 That in the absence of completing the Pre-Application Process, Town staff are authorized to deem a Planning Application incomplete and refuse to accept the Planning Application(s) until such time that the Pre-Application Process is completed in accordance with Sections 2 and 3 of this By-law.
- 4.4 That the Town may determine a Planning Application to be incomplete where:
- a) The applicable Subwatershed Impact Study or Subwatershed Impact Study addendum is not complete;

- b) Environmental considerations that establish the limits of development are outstanding such as, but not limited to, the demarcation of the limits of natural heritage systems, wetlands, woodlands, natural hazards and/or area regulated by a Conservation Authority;
- c) A Regional Official Plan Amendment is required;
- d) A Secondary Plan is required;
- e) The Owner or Applicant is proposing public infrastructure through an application for a Zoning By-law Amendment or Site Plan Control; and,
- f) In the case of an application for Site Plan Control, if it does not conform to the Official Plan and does not comply with the Town's Zoning By-law.

5. Exemption

- 5.1 That despite Sections 2 and 3, Town staff may waive all or part of the Pre-Application process, if Town staff determines that there is no need for the Pre-Application process prior to the Planning Application being submitted.

6. Administration

- 6.1 That once the Pre-Application Process is complete, the Owner or Applicant shall submit the Planning Application within one year of the date of that the Record of Comment was issued, upon which the Pre-Application Process will be closed.
- 6.2 That the Record of Pre-Consultation and Record of Comment shall be considered to be abandoned and subsequently closed by the Town if:
 - a) The Province enacts new legislative changes to the Act that establish new relevant regulations or issues a new Provincial Policy Statement that includes new Provincial policy direction;
 - b) The Region adopts a new Official Plan that establishes a new land use policy direction;
 - c) The Town adopts an Official Plan or Official Plan Amendment that establishes new land use policy directions; and/or,
 - d) The Town enacts a Zoning By-law or Zoning By-law Amendment that establishes changes the applicable zoning provisions.

- 6.3 That a new Pre-Application Process will be required in the event that Section 6.1 or 6.2 occur.
- 6.4 That the Owner or Applicant is required to submit fees for the Pre-Application Process in accordance with the Town's User Fee By-law, as amended from time to time.

PASSED IN OPEN COUNCIL ON FEBRUARY 6, 2023.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Meaghen Reid

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 0XX-2023

BEING A BY-LAW TO AMEND THE TOWN OF MILTON SITE PLAN CONTROL BY-LAW NO. 005-2015, AS AMENDED, TO ESTABLISH A SITE PLAN CONTROL AREA UNDER SECTION 41 OF THE PLANNING ACT, R.S.O. 1990, c.P.13, AS AMENDED

WHEREAS pursuant to Section 41 of the Planning Act, R.S.O. 1990, c.P.13, as amended, municipal councils are authorized to designate site plan control areas for lands within their corporate limits;

AND WHEREAS the Town of Milton Official Plan provides for the designation of all land within the Town as a site plan control area;

AND WHEREAS the Council of the Corporation of the Town of Milton is desirous of amending By-law 005-2015;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. Replace Section 3 with the following text “No person shall undertake any development in the Site Plan Control Area prior to completing the mandatory Pre-Application Process or without the approval of the required plans and drawings in accordance with the requirements of Section 41 of the *Planning Act*”;
2. Insert a new Section 4.4 and 4.5 as follows:
 - “4.4 The placement of a portable classroom on a school site if the school site was in existence on January 1, 2007.
 - 4.5 The placement of 6 or less portable classrooms on a school site”;
3. Renumber Section 4.4 to Section 4.6;
4. Delete Section 5.1 in its entirety and renumber Section 5.2 accordingly;
5. Delete Section 6 in its entirety and renumber Sections 7 through 11 accordingly; and,
6. Amend Section 7 by replacing the words “in accordance with Sections 3, 4 and 5” with “in accordance with Sections 3 and 4”.

PASSED IN OPEN COUNCIL ON FEBRUARY 6, 2023.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Meaghen Reid

THE CORPORATION OF THE TOWN OF MILTON
BY-LAW NO. 0XX-2023

BEING A BY-LAW TO AMEND THE TOWN OF MILTON DELEGATION OF AUTHORITY BY-LAW 071-2016, AS AMENDED, BEING A BY-LAW TO DELEGATE VARIOUS AUTHORITIES TO STAFF.

WHEREAS Section 23.1 and 23.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, and Section 39.2 of the Planning Act, R.S.O. 1990, c.P.13, as amended, permits a municipality to delegate certain powers and duties to a person;

AND WHEREAS an amendment to the Planning Act, R.S.O. 1990 c. P. 13, as amended, allows for the delegation of authority to staff pertaining to the approval of by-law of a minor nature under s.34 of the Planning Act with respect to certain matters; and,

AND WHEREAS Official Plan Amendment 76 has been approved in order to delegate such authority;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. Amend Section 6.1 by inserting new subsections d) and e) as follows:
 - d) to approve applications to authorize the temporary use of land, buildings or structures;
 - e) to approve applications for a minor housekeeping by-law for the purpose of making clerical or other changes to assist in the interpretation of a zoning by-law where there is no dispute or objection with respect to the passing of the by-law;
 - f) to sign an agreement with an Owner and/or Applicant that has the effect of waiving the refund of required fees associated with Planning Act statutory timeframes for a Council decision; and,
2. Amend Section 6.1, subsections d), e) and f) by renumbering accordingly.

PASSED IN OPEN COUNCIL ON FEBRUARY 6, 2023.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Meaghen Reid

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 0XX-2023

BEING A BY-LAW TO AMEND BY-LAW NO. 082-2022, BEING A BY-LAW TO ESTABLISH AND REQUIRE PAYMENT OF VARIOUS RATES, FEES AND CHARGES FOR SERVICES PROVIDED BY THE MUNICIPALITY

WHEREAS pursuant to section 69(1) of the *Planning Act, R.S.O. 1990, c.P.13*, the council of a municipality may establish a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality in respect of the processing of each type of application provided for in the tariff;

AND WHEREAS By-law No. 082-2022 was approved by Council on September 12, 2022 and Milton Council is desirous of amending By-law No. 082-2022;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. **THAT** Schedule 'K' of By-law No. 082-2022 is hereby repealed and replaced by Schedule 'K' and Table 'K-1' – Planning Services and Fees Table (2022/2023) of By-law No. 0XX-2023;
2. **AND THAT** all other provisions of By-law No. 082-2022 remain in force and effect;
3. **FURTHER THAT** this By-law shall come into full force and effect on the day it is passed.

PASSED IN OPEN COUNCIL ON FEBRUARY 6, 2023.

Gordon A. Krantz Mayor

Meaghen Reid Town Clerk

SCHEDULE 'K' TO BY-LAW NO. OXX-2023

Planning Services

In addition to the other clauses of this By-law, the following paragraphs also apply to Planning Services fees as defined in this By-law:

1. **THAT** the applicant may be entitled to a partial refund of the fees prescribed in Table 'K-1' to Schedule 'K' on the following basis:
 - a. When an appeal of an application fee has been made to the Ontario Land Tribunal (OLT) or Town Council pursuant to Section 69(3) of the Planning Act and the reduction or waiving of the fee is approved by either the OLT and/or Town Council; or
 - b. For the following applications: Subdivision Approval, Condominium Approval and Amendment to the Official Plan, an Amendment to the Zoning By-law or for a Temporary Use By-law which have been withdrawn by the applicant:
 - i. 75% of the application fee may be refunded after the application has been entered into the Town's tracking system (AMANDA) and prior to circulation of the application to public agencies;
 - ii. 50% of the application fee may be refunded prior to the circulation of the Notice of Public Meeting;
 - iii. 25% of the application fee may be refunded prior to the statutory public meeting being held before Committee or Council;
 - iv. No portion of the application fee shall be refunded after the statutory public meeting has been held;
 - v. Notwithstanding the foregoing, no application fee or portion thereof shall be refunded after six (6) months from the date the application was deemed complete by the Town.
 - vi. Where an application is appealed to the OLT, at any point in the application review process, no refund of fees shall be provided.
2. **THAT** no refund of application fees will be granted upon the withdrawal of any other application type regardless of the timing of the withdrawal.
3. **THAT** the Pre-Application Process includes both the Pre-Consultation Meeting and Pre-Submission Review and fees are required in accordance with the following:
 - 3.1 Pre-Consultation
 - i. The fee for Pre-Consultation is required at the time of scheduling a Pre-Consultation Meeting and is non-refundable.

3.2 Pre-Submission Review

- i. The fee for a Pre-Submission Review is required at the time that the applicant makes a request for the review.
- ii. The fee for a Pre-Submission Review is 30% of the base application fees for all required Planning Act Applications and is non-refundable.
- iii. Upon the subsequent submission of a Planning Act Application, the remaining 70% of the base application fee will be charged.

4. **THAT** the following definitions and guidelines will apply to fees and charges identified in Table 'K-1' to Schedule 'K':

4.1 Minor Variance Applications

- a. Type 1: Any application for existing residential dwellings, decks, fences, accessory buildings and/or structures, residential additions under 75m² and any application to permit the construction of accessory buildings or structures on properties used for public or agricultural purposes.
- b. Type 2: Any application to permit the construction of a residential dwelling(s) and/or units and/or residential additions over 75m².
- c. Type 3: Any application to permit the construction of and/or additions to buildings or structures on lands used for commercial, industrial or institutional purposes.

4.2 Consent to Sever

- a. Type 1: Any application for the creation of a new lot, or any application not defined as a Type 2 application below.
- b. Type 2: Any application for a lot line adjustment, a lease or an easement where no new lot is created.

4.3 Site Plan Applications

- a. A minor site plan application is one involving minor site works that require scoped review from internal Town Departments only and is in compliance with the Zoning By-law. Site Plan applications that require review from external agencies are not considered minor. Minor Site Plans may include, but are not limited to, the following:
 - i. Site works associated with the change of use of an existing building
 - ii. Parking lot modifications, outdoor patios, landscape works and the placement of accessory buildings and structures

- iii. Minor building additions not requiring other Planning Act approvals (e.g. minor variance applications)
 - iv. Minor changes to approved site plans to recognize as-constructed conditions which are satisfactory to the Town and in substantial compliance with the approved site plan
- b. “Partial Site Plan Approval” means the granting of full site plan approval to a subset of the required site plan drawings and must include full approval of the final the engineering drawings and reports. Partial Site Plan Approval may only be considered once the building footprint has been confirmed and zoning compliance has been achieved. The granting of “Partial Site Plan Approval” is entirely at the discretion of the Commissioner of Development Services or his/her designate in consultation with commenting agencies and may only be considered for complex development projects involving lengthy earth works and staged construction.
- c. Site Plan Application Fees are calculated in accordance with the following:
- i. Residential Applications (including Bed and Breakfast and Farm Vacation Home Applications):
 - 1) Residential Base Fee plus a per unit fee for every dwelling unit or suite proposed in excess of one dwelling unit
 - ii. Applications for Permitted Uses with an Environmentally Sensitive Area land use designation or within a Natural Heritage System (NHS) or Greenlands B (GB) Zone:
 - 1) Residential Base Fee plus a per unit fee for every dwelling unit or suite proposed in excess of one dwelling unit or suite, or,
 - 2) Non-Residential Base Fee plus a per hectare fee (rounded up to the next $\frac{1}{4}$ hectare) to a maximum of 10 hectares. The per hectare fee is calculated based upon the minimum site area required to satisfy the requirements of the Zoning By-law for the proposed development.
 - iii. Industrial, Commercial, Institutional and Recreational Applications:
 - 1) Non-Residential Base Fee plus a per hectare fee (rounded up to the next $\frac{1}{4}$ hectare) to a maximum of 10 hectares. The per hectare fee is calculated based upon the minimum site area required to satisfy the requirements of the Zoning By-law for the proposed development.
 - iv. Mixed Use Applications (Residential/Commercial):

- 1) Residential Base Fee plus a per unit fee for every dwelling unit proposed where residential is the predominant land use; or,
- 2) Non-Residential Base Fee plus a per hectare fee (rounded up to the next $\frac{1}{4}$ hectare) where commercial is the predominant land use. The per hectare fee is calculated based upon the minimum site area required to satisfy the requirements of the Zoning By-law for the proposed development.

v. Minor Site Plan Applications:

- 1) 15% of the applicable Site Plan application base fee.

vi. Partial Site Plan Approval Applications:

- 1) 15% of the applicable Site Plan application fee base fee.

vii. Additional Site Plan Resubmission Fee:

- 1) All Site Plan applications include the processing of the first submission and two (2) revisions only.
- 2) The fourth and subsequent revisions submitted to the Town by the owner will be subject to an additional fee of five (5%) percent of the current applicable Site Plan application fee for each subsequent resubmission required prior to Site Plan Approval.

4.4 Multiple Concurrent Subdivision, Condominium, Official Plan and/or Zoning By-law Amendment Applications

Where a specific development proposal requires multiple, concurrent applications the total application fee payable shall be calculated on the basis of the base fee for each application type plus the per unit and / or per hectare fee for one of the applications, whichever is the greatest.

4.5 Revision Fees

Revision fees are applicable where applicant-initiated changes are made to all application types in accordance with the following:

i) Minor Revisions Fees

- 1) Minor Revision Fees are payable where no further public meeting is required and/or no more than three agencies are

required to be circulated.

ii) Major Revision Fees

- 1) Major Revision Fees are payable where an additional public meeting is required and/or more than three agencies are required to be circulated.

iii) Site Plan Application Revision Fees

- 2) Minor Site Plan Revision Fees are payable for owner-initiated changes during the processing of a Site Plan application and where external agencies do not require re-circulation.
- 3) Major Site Plan Revision Fees are payable for owner-initiated changes during the processing of a Site Plan application and where external agencies require re-circulation.

4.6 Annual Processing Fees

- a. Annual Processing Fees are payable on the anniversary date of the acceptance of a complete application by the Town and are applicable to all application types where a decision has not been made;
- b. Annual processing fees will only be payable on files that are dormant as a result of inactivity on behalf of the applicant or their authorized agent.
- c. Notwithstanding the foregoing, annual processing fees for Subdivision and Condominium applications are only applicable prior to the granting of draft plan approval, after which, extension fees apply.
- d. Should there be no activity on an application over a period of six (6) months from the date of the last activity by the applicant, the application may be closed by the Development Services Department without further notification to the applicant and/or property owner. If the application is closed due to inactivity and the applicant/or property owner wish to again pursue the application, they will be required to re-apply and incur new application fees in accordance with the current Planning Act User Fee By-law.
- e. If the applicant and/or property owner is aware that the application will be held in abeyance for six (6) months or more and wish the application remain open, they must submit in writing the reasons for this request, upon which time the Development Services Department will make a determination on the disposition of the application.

4.7 Fees for Extension of Draft Approved Plans of Subdivision/ Condominium

- a. The granting of a one-year extension to draft plan approval will only be considered by the Commissioner of Development Services upon receipt of a written request and payment of the extension fee a minimum of 25 working days prior to the scheduled date of lapsing. In the event that the request and fee is not submitted within that timeframe, an emergency extension fee may also be payable.
- b. Only one emergency extension of draft plan approval may be considered for each draft plan within a twelve (12) month period.

4.8 Peer Review Fees

- a. In conjunction with certain Type 1 and Type 2 Applications, peer review of specific studies and reports submitted in support of a development proposal may be required in order to complete and/or expedite the technical evaluation of such applications. Any requirement for peer review shall be at the discretion of the Commissioner of Development Services or designate;
- b. When peer review is determined to be required, the applicant shall be responsible for 100% of the costs incurred by the Corporation in obtaining such peer review; the applicant will be required to provide a deposit of \$5,000 per study requiring peer review prior to the application being deemed complete by the Town. Based on the actual costs of the peer review, the Town will either reimburse the applicant for excess deposit or invoice the applicant for additional peer review cost.
- c. The Corporation shall be responsible for and retain full control of the peer review including:
 - i. Preparation of the terms of reference;
 - ii. Selection of the required consultant(s); and
 - iii. Project management

TABLE 'K-1' OF SCHEDULE 'K' TO BY-LAW NO. 0XX-2023
PLANNING SERVICES

TOWN OF MILTON
RATES AND FEES
PLANNING & DEVELOPMENT DEPARTMENT

Description	HST Status (T = Taxable) (E = Exempt)	Fee (Excl. HST)	Effective From	Fee (Excl. HST)	Effective From	Acceptable Methods of Payment
Advertising Fee (per required notice)	T	\$ 2,202.07	Jul 20, 2021	\$ 2,445.00	Jan 1, 2023	Cash, Cheque, & Debit
Administration Fee for Ontario Land Tribunal Appeal	E			\$ 349.00	Jan 1, 2023	Cash, Cheque, & Debit
Agreement Registration - Condominium	E	\$ 348.00	Jan 1, 2022	\$ 276.00	Jan 1, 2023	Cash, Cheque, & Debit
Agreement Registration - Subdivision	E	\$ 348.00	Jan 1, 2022	\$ 276.00	Jan 1, 2023	Cash, Cheque, & Debit
Agreement Release & Discharge	E	\$ 985.00	Jan 1, 2022	Discontinued	Jan 1, 2023	Cash, Cheque, & Debit
Annual processing fee for any planning application	E	\$ 3,100.00	Jan 1, 2022	\$ 3,283.00	Jan 1, 2023	Cash, Cheque, & Debit
Application for Communications Tower (on Town owned property)	E	\$ 8,206.00	Jan 1, 2022	\$ 7,024.00	Jan 1, 2023	Cash, Cheque, & Debit
Application for Communications Tower (on other property)	E	\$ 6,779.00	Jan 1, 2022	\$ 5,125.00	Jan 1, 2023	Cash, Cheque, & Debit
Cash in Lieu of Parking Agreement	E	\$ 2,851.00	Jan 1, 2022	\$ 2,649.00	Jan 1, 2023	Cash, Cheque, & Debit
Certificate of Occupancy/Zoning	E	\$ 132.00	Jan 1, 2022	\$ 140.00	Jan 1, 2023	Cash, Cheque, & Debit
Condominium Review	E	\$ 13,320.00	Jan 1, 2022	\$ 19,041.00	Jan 1, 2023	Cash, Cheque, & Debit
Condominium Conversion/Exemption	E	\$ 9,115.00	Jan 1, 2022	\$ 16,960.00	Jan 1, 2023	Cash, Cheque, & Debit
Consent to Sever - Type 1	E	\$ 5,660.00	Jan 1, 2022	\$ 7,809.00	Jan 1, 2023	Cash, Cheque, Debit, & Credit Card
Consent to Sever - Type 2	E	\$ 4,203.00	Jan 1, 2022	\$ 5,922.00	Jan 1, 2023	Cash, Cheque, Debit, & Credit Card
Ground mounted Solar Application Screening	E	\$ 886.00	Jan 1, 2022	\$ 938.00	Jan 1, 2023	Cash, Cheque, & Debit
Local Official Plan Amendment - Incomplete Application ⁴	E	\$ 194.00	Jan 1, 2022	\$ 456.00	Jan 1, 2023	Cash, Cheque, & Debit
Local Official Plan Amendment	E	\$ 20,465.00	Jan 1, 2022	\$ 47,036.00	Jan 1, 2023	Cash, Cheque, & Debit
Units 0-25	E	\$ 347.00	Jan 1, 2022	Discontinued	Jan 1, 2023	Cash, Cheque, & Debit
Units 26-100	E	\$ 207.00	Jan 1, 2022	Discontinued	Jan 1, 2023	Cash, Cheque, & Debit
Units 100+	E	\$ 125.00	Jan 1, 2022	Discontinued	Jan 1, 2023	Cash, Cheque, & Debit
Per square metre of GFA	E	\$ 1.42	Jan 1, 2022	Discontinued	Jan 1, 2023	Cash, Cheque, & Debit
Regional Official Plan Amendment	E	\$ 20,465.00	Jan 1, 2022	\$ 30,998.00	Jan 1, 2023	Cash, Cheque, & Debit
Units 0-25	E	\$ 347.00	Jan 1, 2022	Discontinued	Jan 1, 2023	Cash, Cheque, & Debit
Units 26-100	E	\$ 207.00	Jan 1, 2022	Discontinued	Jan 1, 2023	Cash, Cheque, & Debit
Units 100+	E	\$ 125.00	Jan 1, 2022	Discontinued	Jan 1, 2023	Cash, Cheque, & Debit
Per square metre of GFA	E	\$ 1.42	Jan 1, 2022	Discontinued	Jan 1, 2023	Cash, Cheque, & Debit
Major revision to planning application	E	50% of Base Application Fees plus additional unit fee(s) ¹	Jan 1, 2022	50% of Base Application Fees plus additional unit fee/sq metre gfa fee(s) ¹	Jan 1, 2023	Cash, Cheque, & Debit
Minor revision to planning application	E	15% of Base Application Fees plus additional unit fee(s) ¹	Jan 1, 2022	15% of Base Application Fees plus additional unit/sq metre gfa fee(s) ¹	Jan 1, 2023	Cash, Cheque, & Debit

TABLE 'K-1' OF SCHEDULE 'K' TO BY-LAW NO. 0XX-2023
PLANNING SERVICES

TOWN OF MILTON
RATES AND FEES
PLANNING & DEVELOPMENT DEPARTMENT

Description	HST Status (T = Taxable) (E = Exempt)	Fee (Excl. HST)	Effective From	Fee (Excl. HST)	Effective From	Acceptable Methods of Payment
Minor Variance - Type 1	E	\$ 7,544.00	Jan 1, 2022	Discontinued	Jan 1, 2023	Cash, Cheque, & Debit
Minor Variance - Type 2	E	\$ 2,015.00	Jan 1, 2022	Discontinued	Jan 1, 2023	Cash, Cheque, & Debit
Minor Variance - Type 1 (Pools/Decks)	E			\$ 2,197.00	Jan 1, 2023	Cash, Cheque, Debit, & Credit Card
Minor Variance - Type 2 (New Homes, Additions >75m ²)	E			\$ 2,799.00	Jan 1, 2023	Cash, Cheque, Debit, & Credit Card
Minor Variance - Type 3 (Commercial/Industrial)	E			\$ 9,386.00	Jan 1, 2023	Cash, Cheque, Debit, & Credit Card
Municipal House Number Change	E	\$ 1,273.00	Jan 1, 2022	\$ 1,410.00	Jan 1, 2023	Cash, Cheque, & Debit
Part Lot Control Exemption - Base fee plus per unit fee	E	\$ 1,523.00	Jan 1, 2022	\$ 1,613.00	Jan 1, 2023	Cash, Cheque, & Debit
Per Unit fee	E	\$ 109.00	Jan 1, 2022	\$ 70.00	Jan 1, 2023	Cash, Cheque, & Debit
Part Lot Control - Subsequent or Extension by-law fee (inc. registration)	E	\$ 1,117.00	Jan 1, 2022	\$ 1,076.00	Jan 1, 2023	Cash, Cheque, & Debit
Pre-Consultation Fee	E			\$ 371.00	Jan 1, 2023	Cash, Cheque, & Debit
Property Information Request - Planning	E	\$ 641.00	Jan 1, 2022	\$ 1,484.00	Jan 1, 2023	Cash, Cheque, & Debit
Property Information Request - Building	E	\$ 116.00	Jan 1, 2022	\$ 358.00	Jan 1, 2023	Cash, Cheque, & Debit
Remove Holdings	E	\$ 3,433.00	Jan 1, 2022	\$ 4,049.00	Jan 1, 2023	Cash, Cheque, & Debit
Sign Variance	E	\$ 4,555.00	Jan 1, 2022	\$ 4,291.00	Jan 1, 2023	Cash, Cheque, & Debit
Site Plan Agreement Fee	E	\$ 2,289.00	Jan 1, 2022	\$ 1,897.00	Jan 1, 2023	Cash, Cheque, & Debit
Site Plan Agreement Fee (Character Area)	E			\$ 276.00	Jan 1, 2023	Cash, Cheque, & Debit
Site Plan Application - Property Title Search Fee	E	\$ 200.00	Jan 1, 2022	\$ 212.00	Jan 1, 2023	Cash, Cheque, & Debit
Site Plan Application - Legal Fees	E	Actual Cost	Jan 1, 2022	Actual Cost	Jan 1, 2023	Cash, Cheque, & Debit
Site Plan Application - Incomplete Application Fee ⁴	E		Jan 1, 2022	\$ 177.67	Feb 7, 2023	Cash, Cheque, & Debit
Site Plan Inspection Fee ⁵	E	\$ 816.00	Jan 1, 2022	\$ 1,101.00	Jan 1, 2023	Cash, Cheque, & Debit
Site Plan Approval - Non-Residential Base Fee	E	\$ 6,200.00	Jan 1, 2022	\$ 13,767.00	Jan 1, 2023	Cash, Cheque, & Debit
Site Plan Approval - Non-Residential fee per hectare up to a max of 10 hectares per application (rounded to nearest 1/4 hectare)	E	\$ 4,202.00	Jan 1, 2022	\$ 22,713.00	Jan 1, 2023	Cash, Cheque, & Debit
Site Plan Approval - Residential Base Fee plus per unit fee	E	\$ 6,200.00	Jan 1, 2022	\$ 13,767.00	Jan 1, 2023	Cash, Cheque, & Debit
Units 2-25	E	\$ 126.00	Jan 1, 2022	\$ 574.00	Jan 1, 2023	Cash, Cheque, & Debit
Units 26-100	E	\$ 43.00	Jan 1, 2022	\$ 196.00	Jan 1, 2023	Cash, Cheque, & Debit
Units 100+	E	\$ 35.00	Jan 1, 2022	\$ 160.00	Jan 1, 2023	Cash, Cheque, & Debit
Site Plan Approval - Residential Base Fee (Character Area)	E			\$ 985.00	Jan 1, 2023	Cash, Cheque, & Debit
Site Plan Approval - Extension	E	\$ 1,420.00	Jan 1, 2022	\$ 1,412.00	Jan 1, 2023	Cash, Cheque, & Debit
Site Plan Approval - Mixed Use Applications (Residential/Commercial)	E	Refer to Site Plan Approval Fee for Predominant Land Use	Jan 1, 2022	Discontinued	Jan 1, 2023	Cash, Cheque, & Debit
Site Plan Approval - Mixed Use Base Fee plus variable fee (per residential unit or per sq.m. of non-residential GFA)	E			\$ 13,767.00	Jan 1, 2023	Cash, Cheque, & Debit
Units 2-25	E			\$ 248.00	Jan 1, 2023	Cash, Cheque, & Debit
Units 26-100	E			\$ 85.00	Jan 1, 2023	Cash, Cheque, & Debit
Units 100+	E			\$ 69.00	Jan 1, 2023	Cash, Cheque, & Debit
Per square metre of GFA	E			\$ 2.99	Jan 1, 2023	Cash, Cheque, & Debit

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PLANNING SERVICES

TOWN OF MILTON
RATES AND FEES
PLANNING & DEVELOPMENT DEPARTMENT

Description	HST Status (T = Taxable) (E = Exempt)	Fee (Excl. HST)	Effective From	Fee (Excl. HST)	Effective From	Acceptable Methods of Payment
Minor Site Plan Approval Application (heritage detached dwelling)	E	15% of Current Application Fees	Jan 1, 2022	Discontinued	Jan 1, 2023	Cash, Cheque, & Debit
Partial Site Plan Approval Application (percentage of base fee)	E	15% of Current Application Fees	Jan 1, 2022	15% of Current Application Fees	Jan 1, 2023	Cash, Cheque, & Debit
Aggregate Extraction Applications	E	\$ 67,134.00	Jan 1, 2022	\$ 102,961.00	Jan 1, 2023	Cash, Cheque, & Debit
MOE/MNR Permit Application Bordering Municipality	E	\$ 24,016.00	Jan 1, 2022	\$ 44,438.00	Jan 1, 2023	Cash, Cheque, & Debit
Special Committee of Adjustment Meeting	E	\$ 1,354.00	Jan 1, 2022	\$ 2,268.00	Jan 1, 2023	Cash, Cheque, & Debit
Special Research/Information Request (PD) (per hour)	E	\$ 243.00	Jan 1, 2022	\$ 257.00	Jan 1, 2023	Cash, Cheque, & Debit
Subdivision Deeming	E	\$ 4,671.00	Jan 1, 2022	\$ 2,689.00	Jan 1, 2023	Cash, Cheque, & Debit
Swimming Pool Fence Enclosure	E	\$ 187.00	Jan 1, 2022	\$ 198.00	Jan 1, 2023	Cash, Cheque, & Debit
Temporary Use By-law Amendment - Type 1	E	\$ 12,709.00	Jan 1, 2022	\$ 18,539.00	Jan 1, 2023	Cash, Cheque, & Debit
Temporary Use By-law Amendment - Type 2	E	\$ 9,982.00	Jan 1, 2022	Discontinued	Jan 1, 2023	Cash, Cheque, & Debit
Temporary Use By-law - Extension	E	\$ 6,316.00	Jan 1, 2022	\$ 6,257.00	Jan 1, 2023	Cash, Cheque, & Debit
Tertiary Plan Fee	E	\$ 62,452.00	Jan 1, 2022	\$ 129,173.00	Jan 1, 2023	Cash, Cheque, & Debit
Vacant Land Condo / Subdivision-Incomplete Application Fee ⁴	E		Jan 1, 2022	\$ 577.60	Feb 7, 2023	Cash, Cheque, & Debit
Vacant Land Condo / Subdivision Review - Base fee plus per unit fee	E	\$ 48,969.00	Jan 1, 2022	\$ 53,760.00	Jan 1, 2023	Cash, Cheque, & Debit
Units 0-25	E	\$ 397.00	Jan 1, 2022	\$ 436.00	Jan 1, 2023	Cash, Cheque, & Debit
Units 26-100	E	\$ 236.00	Jan 1, 2022	\$ 259.00	Jan 1, 2023	Cash, Cheque, & Debit
Units 100+	E	\$ 110.00	Jan 1, 2022	\$ 121.00	Jan 1, 2023	Cash, Cheque, & Debit
Per square metre of GFA	E	\$ 1.31	Jan 1, 2022	\$ 1.44	Jan 1, 2023	Cash, Cheque, & Debit
Vacant Land Condo / Subdivision Review - Subsequent Phase of D.P.A. or	E	\$ 29,481.00	Jan 1, 2022	\$ 34,959.00	Jan 1, 2023	Cash, Cheque, & Debit
Vacant Land Condo / Subdivision Review - Request for Extension to Draft	E	\$ 4,795.00	Jan 1, 2022	\$ 3,428.00	Jan 1, 2023	Cash, Cheque, & Debit
Vacant Land Rev-Emergency Extension fee	E	\$ 2,194.00	Jan 1, 2022	\$ 1,473.00	Jan 1, 2023	Cash, Cheque, & Debit
Zoning By-law Amendment- Incomplete Application ⁴	E	\$ 194.00	Jan 1, 2022	\$ 333.00	Jan 1, 2023	Cash, Cheque, & Debit
Zoning By-law Amendment- Base fee plus per unit fee	E	\$ 14,651.00	Jan 1, 2022	\$ 24,361.00	Jan 1, 2023	Cash, Cheque, & Debit
Units 0-25	E	\$ 347.00	Jan 1, 2022	\$ 577.00	Jan 1, 2023	Cash, Cheque, & Debit
Units 26-100	E	\$ 207.00	Jan 1, 2022	\$ 344.00	Jan 1, 2023	Cash, Cheque, & Debit
Units 100+	E	\$ 125.00	Jan 1, 2022	\$ 208.00	Jan 1, 2023	Cash, Cheque, & Debit
Per square metre of GFA	E	\$ 1.42	Jan 1, 2022	\$ 2.36	Jan 1, 2023	Cash, Cheque, & Debit
PARKING						
Cash in Lieu of Parking (per space)	E	\$ 9,579.94	Jan 1, 2022	\$ 10,145.47	Jan 1, 2023	Cash, Certified Cheque, & Debit
Cash in Lieu of Parking Application Fee	E			\$ 4,083.00	Jan 1, 2023	Cash, Certified Cheque, & Debit
DAMAGE AND DEBRIS SECURITIES						
Inground Pools or garages on residential lot	E	\$ 300.00	Jan 1, 2022	\$ 300.00	Jan 1, 2023	Cash, Certified Cheque, & Debit

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PLANNING SERVICES

TOWN OF MILTON
RATES AND FEES
PLANNING & DEVELOPMENT DEPARTMENT

Description	HST Status (T = Taxable) (E = Exempt)	Fee (Excl. HST)	Effective From	Fee (Excl. HST)	Effective From	Acceptable Methods of Payment
PLANS, MAPS, AND STUDIES						
CD copy of study or plan	T	Actual Cost	Jan 1, 2022	Actual Cost	Jan 1, 2023	Cash, Cheque, Debit, & Credit Card
Draft Subwatershed Update Study	T	Actual Cost	Jan 1, 2022	Actual Cost	Jan 1, 2023	Cash, Cheque, Debit, & Credit Card
Official Plan (2001)	T	Actual Cost	Jan 1, 2022	Actual Cost	Jan 1, 2023	Cash, Cheque, Debit, & Credit Card
Colour Schedules and Maps (11" x 17")	T	Actual Cost	Jan 1, 2022	Actual Cost	Jan 1, 2023	Cash, Cheque, Debit, & Credit Card
Colour Schedules and Maps (24" x 36")	T	Actual Cost	Jan 1, 2022	Actual Cost	Jan 1, 2023	Cash, Cheque, Debit, & Credit Card
Retail Commercial Strategy Study	T	Actual Cost	Jan 1, 2022	Actual Cost	Jan 1, 2023	Cash, Cheque, Debit, & Credit Card
Secondary Plan	T	Actual Cost	Jan 1, 2022	Actual Cost	Jan 1, 2023	Cash, Cheque, Debit, & Credit Card
Secondary Plan - Schedules - 11" x 17"	T	Actual Cost	Jan 1, 2022	Actual Cost	Jan 1, 2023	Cash, Cheque, Debit, & Credit Card
Secondary Plan - Schedules (letter)	T	Actual Cost	Jan 1, 2022	Actual Cost	Jan 1, 2023	Cash, Cheque, Debit, & Credit Card
Zoning By-law	T	Actual Cost	Jan 1, 2022	Actual Cost	Jan 1, 2023	Cash, Cheque, Debit, & Credit Card
Building Plans - dependant on drawing size ^{2,3}	T	\$102.30 + Actual Cost	Jan 1, 2022	\$108.34 + Actual Cost	Jan 1, 2023	Cash, Cheque, Debit, & Credit Card

**** All agreement fees are also subject to disbursements.**

NOTES:

1. Additional unit fee(s) and square metre of gfa fee(s) represent the per unit fee(s) and/or square metre of gfa fee(s) for any additional units or gfa not included in the original application.
2. Staff time and actual printing costs: Up to 11x17 in size, photocopy fees on Table N-1 of Schedule N apply. Larger than 11x17 in size, external printing fees apply.
3. Additional fees may apply for offsite file retrieval
4. Includes Payment Issuance Fee from Table N-1 of Schedule N of the By-Law.
5. Fee for character area, if required, will be set at 15% of the inspection fee.