



Corporate Report

Clerk's Files

Originator's
Files CD.21.DEV

PDC JAN 10 2011

DATE: December 14, 2010

TO: Chair and Members of Planning and Development Committee
Meeting Date: January 10, 2011

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Application Fees for Temporary Use By-laws**

RECOMMENDATION: That the Report dated December 14, 2010, from the Commissioner of Planning and Building entitled "Application Fees for Temporary Use By-laws", recommending establishing a fee structure and rate for Temporary Use By-law applications, be adopted in accordance with the following:

1. That the following planning application fees be approved:
Temporary Use By-law - \$4,500; Extension to a Temporary Use By-law - \$3,500.
2. That the necessary amending by-law to the City's *Planning Act* Fees By-law, including the fees outlined in Recommendation 1 be brought forward to the next Council meeting.

BACKGROUND: On August 4, 2010, Council Resolution 0220-2010 referred a Notice of Motion to the Planning and Building Department for further review to establish an appropriate application processing fee (see Appendix 1). The City's current Processing Fees By-law does not include a specific fee for the processing of Temporary Use By-law applications, as temporary uses have often been dealt with through the Committee of Adjustment rather than using Temporary Use By-law provisions of the *Planning Act*. Under the *Planning Act*, there are two (2) aspects to temporary use by-laws: the passage of a by-law permitting a use for a period of up to three (3) years; and the extension of such a by-law for periods of not more than three (3) years each time an extension is granted.

COMMENTS:**Basis for Determining a Fee Structure**

The *Planning Act* specifies that municipalities may impose fees through the passing of a by-law and the anticipated cost of the fees must be cost justified by type of planning application. Watson & Associates Economists Ltd. (Watson) in association with Performance Concepts Consulting was retained in 2007 to identify the full cost associated with processing planning applications. The report from Watson outlined the legislative context for planning application fees and charges, the methodology undertaken, activity based costing results and the associated full cost fee structure recommendations. The report was attached as an appendix to the Planning staff report dated January 13, 2009, which was considered by Planning and Development Committee on February 2, 2009. By-law 0057-2009, a By-law to establish fees for the processing of applications under the *Planning Act* was passed by Council on February 11, 2009, implementing a new fee structure and rates included in the above-noted Planning staff report.

Cost of Processing a Temporary Use Application

In order to establish a fee, the results of the 2007 consultant's review of staff time expended for a standard Rezoning application and full cost of this type of application was used as a baseline for comparison with the time that could be anticipated to process Temporary Use By-law and Extension to Temporary Use By-law applications. The result of comparing the processes was that approximately 50% of the time that would be expended on a Rezoning application would also be spent on a Temporary Use By-law application; therefore the anticipated cost would be approximately 50% of the cost of a Rezoning application. A number of steps are common to both types of applications such as: preliminary consultation; notification of complete application; circulation and review of the application by various departments and agencies; and, preparation of staff reports and an implementing by-law. However, the number of staff that would review a Temporary Use By-law application and the anticipated time expended on processing the application will be less, given it is

unlikely that new construction would be proposed through a Temporary Use By-law.

Establishing a Base Fee

The base cost of a Rezoning application is \$11,400 and currently 80% is being recovered as recommended in the 2009 Planning staff report, which equates to \$9,120. Therefore, it is recommended that the fee for a Temporary Use By-law application be set at \$4,500 (50% of the Rezoning fee). The anticipated time spent and cost of an Extension to a Temporary Use By-law application would be approximately 80% of a Temporary Use By-law application. Therefore, it is recommended that the fee for an Extension to a Temporary Use application be set at \$3,500.

Benchmarking with Other Municipalities

Appendix 2 compares Mississauga's existing Rezoning and proposed Temporary Use By-law application fees to other municipalities of Brampton, Caledon, Oakville, Hamilton, Toronto, Vaughan and Ottawa. Four (4) of the seven (7) municipalities benchmarked do not have a separate fee for a Temporary Use By-law application and the Rezoning base fee would be applied to a Temporary Use application. The Rezoning base fee of the four (4) municipalities range from \$5,261 to \$7,920. Oakville charges a Temporary Use By-law base fee of \$11,620, which is the same as their Zoning Amendment base fee. Caledon specifically identifies that their Minor Rezoning application fee of \$7,500 also applies to a Temporary Use By-law application. In Ottawa, the Major Rezoning fee of \$13,329 is applied to a Temporary Use By-law application whereas, the Minor Zoning Amendment fee of \$7,120 is applied to the establishment of a temporary garden suite, an accessory apartment or a special needs/group home. The proposed fee of \$4,500 for a Temporary Use By-law application is considered comparable with the fees of the benchmarked municipalities.

All of the municipalities benchmarked do not make any distinction between a Temporary Use By-law application and an Extension to

a Temporary Use By-law application, other than for garden suites. Caledon and Ottawa charge fees of \$300 and \$3,000 respectively for an Extension to a Temporary Use By-law application for garden suites. The proposed fee of \$3,500 is in line with the fee charged by Ottawa.

FINANCIAL IMPACT: During the past three (3) years, only two (2) applications for a Temporary Use By-law have been submitted and one (1) application for an Extension is expected to be submitted, therefore anticipated revenues are minimal.

CONCLUSION: The proposed Temporary Use By-law application fee of \$4,500 and Extension to a Temporary Use By-law application fee of \$3,500 are considered appropriate and should be approved for the following reasons:

1. The proposed fees are based on the anticipated cost of processing the applications at a cost recovery of approximately 80% which is consistent with the current Rezoning application fee rate.
2. The proposed fees are comparable to the fees charged by the benchmarked municipalities.

ATTACHMENTS: Appendix 1 - Council Resolution 0220-2010 (Quickchill Draught Refrigeration (Joe Ponzio))
Appendix 2 - Benchmarking with other Municipalities

original signed by

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Ingrid Sulz-McDowell, Manager, Planning Services Centre

Quickchill Draught Refrigeration (Joe Ponzio)

File: OZ 07/011 W11

Council Resolution 0220-2010

Council - 0220-2010

"That the notice of motion submitted by Councillor George Carlson with respect to file OZ 07/011 will be referred to Planning and Building Department staff."

Motion Submitted by
Councillor George Carlson

"WHEREAS on December 12, 2007, City Council adopted Resolution 0313-2007 and approved Official Plan and Zoning By-law Amendment applications submitted by Quickchill Draught Refrigeration (Joe Ponzio) under File OZ 07/011 W11, adopted Official Plan Amendment No.80 and passed Zoning By-law 0451-2007, to permit the temporary outdoor storage of refrigeration trailers for a period of three years on City property known as 46 William Street, in accordance with the temporary use by-law provisions of the *Planning Act*, R.S.O. 1990, cP.13, as amended;

AND WHEREAS the temporary use by-law will expire on December 12, 2010;

AND WHEREAS Quickchill Draught Refrigeration (Joe Ponzio) has also entered into a License Agreement with the City to store the refrigeration trailers on 46 William Street which will expire on December 11, 2010;

AND WHEREAS Quickchill Draught Refrigeration (Joe Ponzio) wishes to extend the temporary use by-law which would require the submission of a Zoning By-law Amendment application and a renewal of the license agreement for another three years;

AND WHEREAS Quickchill Draught Refrigeration (Joe Ponzio) has advised that the City's Zoning By-law Amendment application base fee of \$9,120.00, under the Fees and Charges By-law is unaffordable;

AND WHEREAS Quickchill Draught Refrigeration (Joe Ponzio) has requested that the base fee be reduced to \$1,500.00 to facilitate the submission of a Zoning By-law Amendment application;

Quickchill Draught Refrigeration (Joe Ponzo)

File: OZ 07/011 W11

THEREFORE LET IT BE RESOLVED THAT notwithstanding the City's Fees and Charges By-law, Council approves a reduction to the Fees and Charges By-law to allow Quickchill Draught Refrigeration (Joe Ponzo) to submit a Zoning By-law Amendment application with a base fee of \$1,500.00 for 46 William Street provided that it is submitted no later than August 31, 2010."

Fee Type/Municipality	Rezoning Base Fee	Temporary Use By-law Fee specified in Fees By-law	Extension to a Temporary Use By-law fee	Extension to a Temporary Use By-law for Garden Suite
Mississauga Existing	\$9,120	(3)	(4)	
Mississauga Proposed		\$4,500	\$3,500	
Brampton	\$7,920	(3)	(4)	
Caledon	\$15,000 ⁽¹⁾ \$7,500 ⁽²⁾	\$7,500 ⁽²⁾	(4)	\$300
Oakville	\$11,620	\$11,620	(4)	
Hamilton	\$5,595	(3)	(4)	
Toronto	\$6,051	(3)	(4)	
Vaughan	\$5,261	(3)	(4)	
Ottawa	\$13,329 ⁽¹⁾ \$7,120 ⁽²⁾	\$13,329 ⁽¹⁾ \$7,120 ⁽²⁾	(4)	\$3,000

(1) Major Rezoning

(2) Minor Rezoning

(3) Rezoning base fee applied for Temporary Use By-law application

(4) Rezoning base fee applied for Extension to a Temporary Use By-law application