

# THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

## BY-LAW NO. 2011- 28

*(Consolidated – As Amended by By-law 2011-38, 2016-05, 2019-87 and 2022-84)*

### BEING A BY-LAW TO PRESCRIBE A TARIFF OF FEES FOR THE PROCESSING OF APPLICATIONS MADE IN RESPECT TO PLANNING MATTERS, AND TO REPEAL BY-LAW NO. 2002-113, AS AMENDED.

#### WHEREAS:

1. In accordance with the provisions of Section 69 of the Planning Act, R.S.O. Chapter P. 13, the Council of the municipality may by By-law prescribe a tariff of fees for the processing of applications made in respect of planning matters.
2. The Council of the Township of West Lincoln passed By-law No. 2002-113 on December 16, 2002, to implement such fees.
3. The Council of the Corporation of the Township of West Lincoln deems it necessary and expedient to prescribe a new tariff of fees for the processing of applications made in respect of planning matters as authorized by the said Section 69 of the Planning Act, R.S.O. 1990, and to repeal By-law No. 2002-113, as amended.

#### NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY ENACTS AS FOLLOWS:

1. The fee for an application for an amendment to the Official Plan of the Corporation, as set out in Section 1 of Appendix "A", shall be payable upon submission of the application.
2. The fee for a combined Official Plan Amendment and Zoning By-law Amendment, as set out in Section 2 of Appendix "A", shall be payable upon submission of the applications.
3.
  - (a) The fee for an application for an amendment to the Zoning By-law of the Corporation enacted in accordance with the provisions of Section 34 of the said Planning Act except that in those cases where the application arises from a condition of the Land Division Committee and the Committee of Adjustment in granting a consent, as set out in Section 3 of Appendix "A", shall be payable upon submission of the application.
  - (b) The fee for an application for an amendment to the Zoning By-law of the Corporation enacted in accordance with the provisions of Section 34 of the said Planning Act where the application arises from a condition of the Land Division Committee and the Committee of Adjustment in granting a consent, as set out in Section 4 of Appendix "A", shall be payable upon submission of the application.
4. The fee for an application for an amendment to remove a Holding Symbol (H) in accordance with the provisions of Section 36 of the said Planning Act, as set out in Section 5 of Appendix "A", shall be payable upon submission of the application.
5.
  - (a) The fee for an application to have a Temporary Use By-law in accordance with the provisions of Section 39 of the said Planning Act, as set out in Section 6 of Appendix "A", shall be payable upon submission of the application.
  - (b) The fee for an application to extend the time period for an existing Temporary Use By-law, as set out in Section 7 of Appendix "A", shall be payable upon submission of the application.
6. The fee for a Temporary Use Agreement, as set out in Section 8 of Appendix "A", shall be payable upon submission of the application.

7. (a) The fee for an application for approval of a Site Plan, in accordance with the provisions of Section 41 of the said Planning Act, as set out in Section 9 of Appendix "A", shall be payable upon submission of the application.
- (b) The fee for an application for an amendment to an existing approved Site Plan where a new agreement is not required, as set out in Section 10 of Appendix "A", shall be payable upon submission of the application.
- (c) The fee for an application for discharge of a site plan agreement, as set out in Section 11 of Appendix "A", shall be payable upon submission of the application.
8. The fee for the consultation process of telecommunication facilities, as set out in Section 12 of Appendix "A", shall be payable upon submission of the application.
9. (a) The fee for processing plans of subdivision applications, as set out in Section 13 of Appendix "A", shall be payable upon submission of the application.
- (b) The fee to red line revise a draft approved plan of subdivision, as set out in Section 14 of Appendix "A", shall be payable upon submission of the application.
10. (a) The fee for processing plans of condominium applications, as set out in Section 15 of Appendix "A", shall be payable upon submission of the application.
- (b) The fee for conversion of rental accommodation to plan of condominium, as set out in Section 16 of Appendix "A", shall be payable upon submission of the application. Such fee for conversion of rental accommodation to plan of condominium shall be in addition to fees for processing plans of condominium as contained in Section 15 of Appendix "A".
11. The fee to process a request for a condominium amalgamation, as set out in Section 17 of Schedule "A", shall be payable upon submission of the application.
12. The fee to process an exemption of a draft plan of condominium approval, as set out in Section 18 of Schedule "A", shall be payable upon submission of the application.
13. The fee to process a request for an extension to draft approval of plans of subdivision and condominium, as set out in Section 19 of Appendix "A", shall be payable upon submission of the application.
14. The fee for the preparation of a Subdivision Agreement, Condominium Agreement or Development Agreement in accordance with the provisions of Section 51 and 53 of the said Planning Act, as set out in Section 20 of Appendix "A", shall be payable upon request for the preparation of the Agreement.
15. The fee to grant final approval to a plan of subdivision and Condominium, as set out in Section 21 of Appendix "A", shall be payable upon submission of the final drawings.
16. The fee for approval of street naming for new subdivisions, as set out in Section 22 of Appendix "A", shall be payable upon submission of the request.
17. The fee for an application for an amendment to a Subdivision, Development or Condominium Agreement, as set out in Section 23 of Appendix "A", shall be payable upon submission of the application.
18. The fee for an application for exemption of lots in a registered plan of subdivision from the Part-Lot Control provisions of Section 50 of the said Planning Act, as set out in Section 24 of Appendix "A", shall be payable upon submission of the application.

19. The fee for an application to approve road opening/upgrade (to allow access to build, as set out in Section 25 of Appendix "A", shall be payable upon submission of the application.
20. The fee for a request to an adjournment or rescheduling fee, as set out in Section 26 of Appendix "A", shall be payable upon submission of the application.
21. The fee for an application for a Deeming By-law, as set out in Section 27 of Appendix "A", shall be payable upon submission of the Application.
22. The fee for a request for zoning compliance, as set out in Section 28 of Schedule "A", shall be payable upon making the request.
23. The fee for a request for a written property report, as set out in Section 29 of Schedule "A", shall be payable upon making the request.
24. The fee for engineering review and administration for Site Plan, Plan of Subdivision, Plan of Condominium development servicing, as set out in Section 30 of Schedule "A", shall be payable prior to and as a condition of the Township signing and registering the executed development agreement.
25. The following will govern the payment of refunds of application fees:
  - (a) Site Plan Approval

If an application for site plan approval does not require Council approval and does not require an agreement, a maximum of one-half of the fee may be refunded.
  - (b) All other Applications
    - (i) If an application is withdrawn prior to circulation to commenting agencies, 90% of the fee may be refunded.
    - (ii) If an application is withdrawn after circulation to commenting agencies but prior to the notice being mailed or advertised of the Planning Committee or Council meeting at which the application will be considered, 50% of the fee may be refunded.
    - (iii) If an application is withdrawn after notice of the meeting has been mailed or advertised, but prior to the Planning report being prepared, 25% of the fee may be refunded.
  - (c) Re-activation

Any application, which has been withdrawn or has been inactive for a period of one year, shall be considered abandoned and a full fee shall be required to activate a new application.
26. An additional application deposit shall be taken, as set out in Section 1(a) of Appendix "B", for Site Plans to cover the cost of review and shall be payable upon submission of the application.

Such amount to be increased by an amount determined by the Township in the event the Township determines that the nature of the application indicates that the deposit, as set out in Section 1(a) of Appendix "B", may be inadequate. Any costs to the Township in excess of the deposit shall be paid to the Township by the applicant upon submission of an invoice therefore.

- 27. An additional grading deposit shall be taken, as set out in Section 1(b) of Appendix "B", for Site Plans to secure works not covered by individual lot grading plans and shall be payable upon entering into an agreement.

Such amount to be increased by an amount determined by the Township in the event the Township determines that the nature of the application indicates that the deposit, as set out in Section 1(b) of Appendix "B", may be inadequate. Any costs to the Township in excess of the deposit shall be paid to the Township by the applicant upon submission of an invoice therefore.

- 28. An additional application deposit shall be taken, as set out in Section 2(a) of Appendix "B", for Plans of Subdivision, Plans of Condominiums or Plans of Development and shall be payable upon submitting the Application.

Such amount to be increased by an amount determined by the Township in the event the Township determines that the nature of the application indicates that the deposit, as set out in Section 2(a) of Appendix "B", may be inadequate. Any costs to the Township in excess of the deposit shall be paid to the Township by the applicant upon submission of an invoice therefore.

- 29. An additional grading deposit shall be taken, as set out in Section 2(b) of Appendix "B", for Plans Subdivisions, Plans of Condominium and Plans of Development to secure works not covered by individual lot grading plans and shall be payable upon entering into an agreement.

Such amount to be increased by an amount determined by the Township in the event the Township determines that the nature of the application indicates that the deposit, as set out in Section 2(b) of Appendix "B", may be inadequate. Any costs to the Township in excess of the deposit shall be paid to the Township by the applicant upon submission of an invoice therefore.

- 30. A deposit for an application to amend a Site Plan Agreement or Subdivision Agreement, as set out in Section 3 of Appendix "B", shall be payable upon submitting the Application.

Such amount to be increased by an amount determined by the Township in the event the Township determines that the nature of the application indicates that the deposit, as set out in Section 3 of Appendix "B", may be inadequate. Any costs to the Township in excess of the deposit shall be paid to the Township by the applicant upon submission of an invoice therefore.

- 31. An additional Road Upgrade Application Deposit, as set out in Section 4 of Appendix "B", shall be payable to cover the cost associated with the works shall be payable upon entering into an agreement.

Such amount to be increased by an amount determined by the Township in the event the Township determines that the nature of the application indicates that the deposit, as set out in Section 4 of Appendix "B", may be inadequate. Any costs to the Township in excess of the deposit shall be paid to the Township by the applicant upon submission of an invoice therefore.

- 32. Where a decision on a development application in respect of a planning matter is referred or appealed to the Ontario Municipal Board and the Township and the applicant jointly supports the decision, the applicant shall be responsible for all costs to the municipality associated therewith. Such costs shall include all legal, expert testimony, and administrative costs.

To secure payment of such costs, the applicant will provide the Township upon notice and/or acknowledgement of an objection from the Ontario Municipal Board, with an initial deposit, as set out in Section 5 of Appendix "B", such amount to be increased by an amount determined by the Township in the event the Township determines that the nature of the application indicates that the deposit, as set out in Section 5 of Appendix "B", may be inadequate. Any costs to the Township in excess of the deposit shall be paid to the Township by the applicant upon submission of an invoice therefor.

33. An additional grading deposit shall be taken, as set out in Section 6 of Appendix "B", for lots occupied prior to approval of final lot grading, shall be payable upon entering into an agreement.

Such amount to be increased by an amount determined by the Township in the event the Township determines that the nature of the application indicates that the deposit, as set out in Section 6 of Appendix "B", may be inadequate. Any costs to the Township in excess of the deposit shall be paid to the Township by the applicant upon submission of an invoice therefor.

34. Securities in the form of a letter of credit or cash deposit to guarantee completion of works and compliance with the agreement, as set out in Appendix "C", shall be payable prior to commencement of works.

35. The cash-in-lieu of parkland dedication fees are set out in Appendix "D" hereto and shall be paid upon the issuance of a consent from the Committee of Adjustment or upon Site Plan Approval, Plan of Subdivision Approval or Condominium Approval.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
26th DAY OF APRIL 2011.**

**CONSOLIDATED VERSION original signed**

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**MAYOR DOUGLAS JOYNER**

**CONSOLIDATED VERSION original signed**

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**CAROLYN LANGLEY, CLERK**

**APPENDIX "A"**  
**SCHEDULE OF FEES**  
**TOWNSHIP OF WEST LINCOLN**

**(Schedule A to By-law 2011-28 – as amended by 2011-38 *and as amended by 2022-84 by removing Schedule A and added to the Consolidated Fee by-law*)**

**APPENDIX "B"**  
**SCHEDULE OF DEPOSITS**  
**TOWNSHIP OF WEST LINCOLN**

*(By-law 2016-05 which amends Appendix "B" of By-law 2011-28, as amended)*

- |   |   |          |
|---|---|----------|
| o | Site Plan Application Deposit   | \$ 3000. |
| o | Site Plan Grading Deposit<br>Plus Administration, Engineering and Inspection Deposits as follows:<br>4% of the total costs of works and services up to \$100,000; plus<br><br>3%, % of the total costs of works and services in excess of \$100,000.<br>and up to \$500,000; plus<br>3% of the total costs of works and services in excess of \$500,000.                            | \$ 3000. |
| o | Subdivision, Condominiums or Development Application Deposit  | \$ 5000. |
| o | Subdivision, Condominiums or Development Grading Deposit<br>Plus Administration, Engineering and Inspection Deposit as follows:<br>4% of the total costs of works and services up to \$100,000; plus<br><br>3% of the total costs of works and services in excess of \$100,000.<br>And up to \$500,000; plus<br>3% of the total costs of works and services in excess of \$500,000. | \$10000. |
| o | Amendment to Site Plan or Subdivision Agreement Deposit   | \$ 2000. |
| o | Road Upgrade (to allow access to build) Application Deposit<br>Plus Administration, Engineering and Inspection Deposit as follows:<br>4% of the total costs of works and services   | \$ 5000. |
| o | OMB Appeal Deposit  | \$ 7000. |
| o | Additional Grading Deposit<br>For lots occupied prior to approval of final lot grading.   | \$ 5000. |

Deposits do not apply to applications that are initiated by the Region of Niagara within the limits of the Township of West Lincoln.

**APPENDIX "C"**  
**SCHEDULE OF SECURITIES**  
**TOWNSHIP OF WEST LINCOLN**

- Site Plan - Primary Services Securities  
50% of the total costs of works and services
- Site Plan - Secondary Services Securities  
100% of the total costs of works and services
- Subdivision and Development Agreement - Primary Services Securities  
50% of the total costs of works and services
- Subdivision and Development Agreement - Secondary Services Securities  
100% of the total costs of works and services
- Road Upgrade (to allow access to build) - Securities  
100% of the total costs of works and services



**APPENDIX “D”**

**CASH-IN-LIEU OF PARKLAND DEDICATION FEES**

**TOWNSHIP OF WEST LINCOLN**

*(amended by by-law 2019-87)*

The following schedule outlines the provisions for the collection of cash-in-lieu of parkland dedication for all vacant residential lots granted through consent within the Township of West Lincoln:

- |                         |                        |
|-------------------------|------------------------|
| • Rural lots            | Flat Fee of \$1,000.00 |
| • Hamlet lots           | 5% of Appraised Value  |
| • Urban lots            | 5% of Appraised Value  |
| • Commercial/Industrial | 2% of Appraised Value  |