



**The Corporation of the City of Stratford
Planning and Heritage Committee
Open Session
AGENDA**

Date: Monday, August 12, 2019

Time: 6:30 P.M.

Location: Council Chamber, City Hall

Committee Present: Councillor Ingram - Chair Presiding, Councillor Ritsma - Vice Chair, Councillor Bunting, Councillor Clifford, Councillor Gaffney, Councillor Henderson, Councillor Sebben, Councillor Vassilakos

Staff Present: Joan Thomson - Acting Chief Administrative Officer, Tatiana Dafoe - Acting Clerk, Ed Dujlovic - Director of Infrastructure and Development Services, Michael Humble - Director of Corporate Services, David St. Louis - Director of Community Services, Jacqueline Mockler - Director of Human Resources, Jeff Leunissen - Manager of Development Services, John Paradis - Fire Chief, Kim McElroy - Director of Social Services, Jodi Akins - Council Clerk Secretary

Pages

1. Call to Order

The Chair to call the Meeting to Order.

Mayor Mathieson and Councillors Beatty and Burbach provided regrets for this meeting.

2. Disclosure of Pecuniary Interest and the General Nature Thereof

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

3. Sub-committee Minutes

4 - 9

Sub-committee minutes are attached for background regarding the discussion held at the July 25, 2019 Sub-committee meeting.

4. Delegations

None scheduled.

5. Report of the Manager of Development Services

5.1 Proposed exemption to Sign By-law 159-2004 - Sections 10.0 (b) and 16.0 (c) (PLA19-030)

10 - 14

Staff Recommendation: THAT the request by The Hub Fine Food & Market – Butchery to permit a fascia sign on the upper storey of 33 Market Place be denied as it does not satisfy the criteria of Section 23.0 e) of the Sign By-law.

Motion by _____

Sub-committee Recommendation: THAT the request by The Hub Fine Food & Market – Butchery to permit a fascia sign on the upper storey of 33 Market Place be denied as it does not satisfy the criteria of Section 23.0 e) of the Sign By-law.

5.2 Planning Application Fees Review (PLA19-028)

15 - 35

Staff Recommendation: THAT in accordance with the Planning Act and in conformity with the Official Plan, the attached pre-planning application consultation by-law (Appendix "A") which requires applicants to consult with the City prior to submitting Official Plan Amendments, Zone Change Applications, Plan of Subdivision Applications, Plan of Condominium Applications and Site Plan Applications, be adopted;

That in accordance with Section 69 of the Planning Act, Schedule "B", Building and Planning Fees and Charges, of By-law 190-2018, Fees and Charges By-law, to amended as shown on Appendix "B";

AND THAT Schedule "B", to By-law 25-2004, a by-law to establish a tariff

of fees for the processing of applications made in respect of planning matters be repealed.

Motion by _____

Sub-committee Recommendation: THAT in accordance with the Planning Act and in conformity with the Official Plan, the attached pre-planning application consultation by-law (Appendix "A") which requires applicants to consult with the City prior to submitting Official Plan Amendments, Zone Change Applications, Plan of Subdivision Applications, Plan of Condominium Applications and Site Plan Applications, be adopted;

That in accordance with Section 69 of the Planning Act, Schedule "B", Building and Planning Fees and Charges, of By-law 190-2018, Fees and Charges By-law, to amended as shown on Appendix "B";

AND THAT Schedule "B", to By-law 25-2004, a by-law to establish a tariff of fees for the processing of applications made in respect of planning matters be repealed.

6. Report of the Chief Building Official

6.1 Demolition Control By-Law (PLA19-031)

36 - 42

Motion by _____

Staff Recommendation: THAT Council receive the Demolition Control By-law report for information;

AND THAT Council approve the Demolition Control By-law.

7. Advisory Committee/Outside Board Minutes

There are no Advisory Committee/Outside Board minutes to be provided to Committee at this time.

8. Adjournment

Meeting Start Time:

Meeting End Time:

Motion by _____

Committee Decision: THAT the Planning and Heritage Committee meeting adjourn.



The Corporation of the City of Stratford Planning and Heritage Sub-committee MINUTES

Date: July 25, 2019

Time: 4:30 P.M.

Location: Council Chamber, City Hall

Sub-committee Present: Councillor Ingram - Chair Presiding, Councillor Ritsma - Vice Chair, Councillor Bunting, Councillor Clifford, Councillor Vassilakos

Staff Present: Jeff Leunissen - Manager of Development Services, Jodi Akins - Council Clerk Secretary, Mike Beitz - Corporate Communications Lead

1. Call to Order

The Chair called the meeting to Order.

2. Disclosure of Pecuniary Interest and the General Nature Thereof

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

No disclosures of pecuniary interest were made at the July 25, 2019 Sub-committee meeting.

3. Delegations

None scheduled.

4. Report of the Manager of Development Services

4.1 Proposed exemption to Sign By-law 159-2004 - Sections 10.0 (b) and 16.0 (c) (PLA19-030)

Staff Recommendation: THAT the request by The Hub Fine Food & Market – Butchery to permit a fascia sign on the upper storey of 33 Market Place be denied as it does not satisfy the criteria of Section 23.0 e) of the Sign By-law.

Sub-committee Discussion: The Manager of Development Services reviewed the staff report, advising that staff received a sign variance request to allow a sign on the upper parapet of the building.

The Sign By-law does not permit signs above the first story and in the Heritage Conservation District, cannot be in front of architectural details of the building.

Staff do not believe that any special circumstances apply and the application does not meet the criteria for a variance. The Manager noted that a historical photo provided by the applicant shows a sign but there is not one in a more recent 1994 photo.

If Sub-committee does recommend the variation, the Manager suggested it should be located below the parapet in a similar location as the current Hub sign.

The Chair stated that the proposed sign would cover architectural details and the applicant already has nice signage. In response to what would qualify as a pre-existing condition, the Manager advised that if the brackets or a sign were still there, that would qualify.

The Manager noted that the applicant was advised of the meeting date and time.

Motion by Councillor Vassilakos

Sub-committee Recommendation: THAT the request by The Hub Fine Food & Market – Butchery to permit a fascia sign on the upper storey of 33 Market Place be denied as it does not satisfy the criteria of Section 23.0 e) of the Sign By-law.

Carried

4.2 Planning Application Fees Review (PLA19-028)

Staff Recommendation: THAT in accordance with the Planning Act and in conformity with the Official Plan, the attached pre-planning application consultation by-law (Appendix "A") which requires applicants to consult with the City prior to submitting Official Plan Amendments, Zone Change Applications, Plan of Subdivision Applications, Plan of Condominium Applications and Site Plan Applications, be adopted;

That in accordance with Section 69 of the Planning Act, Schedule "B", Building and Planning Fees and Charges, of By-law 190-2018, Fees and Charges By-law, to amended as shown on Appendix "B";

AND THAT Schedule "B", to By-law 25-2004, a by-law to establish a tariff of fees for the processing of applications made in respect of planning matters be repealed.

Sub-committee Discussion: The Manager of Development Services advised that staff contacted the Stratford and Area Builder's Association (SABA) with respect to proposed planning application fee changes as directed by Council.

They do not have concerns with fee changes but have requested that where the fee increases by more than 50%, that it be phased in over 3-5 years. They also support a mandatory pre-application consultation and appreciate that staff are trying to reduce fees in some areas.

The Manager advised that most of the changes are in relation to plans of subdivision. He explained the process with respect to drawings submitted and reviewed. In the original calculations, associated time and costs were reviewed with regard to the functional study. On further review, staff want to change the process so that the conceptual drawings are reviewed

with the draft plan of subdivision application. This would increase the fee at the beginning but reduce the fee at the end by \$2,000.

The Manager also noted that staff are recommending amending the by-law to allow for waiving of a drawing review fee if it is the result of staff omission or error. Staff feel that phasing increases over 3-5 years is too long and are recommending 16 months.

In response to a question regarding design drawing review, the Manager stated that they have not been tracking drawing review but staff are hoping for better quality drawings. He noted that these changes will not cover all planning services fees but will come close.

As to how the fee schedule compares with other municipalities, the Manager advised it is more than some of the smaller municipalities in Perth County but a lot less than London or Kitchener-Waterloo. Discussion took place regarding comparison of fees to Woodstock and St. Marys.

It was noted that the final approval cost has not changed. The Manager explained the process and noted that these new fees will address deficiencies.

It was suggested that a before/after evaluation be done to see if less drawings are submitted with these fee changes. The Manager noted that they do not track sets of drawings submitted because they have not been charging fees.

It was requested that staff compare fees to Woodstock and Orangeville. The Manager advised he can send out an e-mail with that information but noted that sometimes it is hard to compare as everyone has a slightly different process.

Motion by Councillor Ritsma - Vice Chair

Sub-committee Recommendation: THAT in accordance with the Planning Act and in conformity with the Official Plan, the attached pre-planning application consultation by-law (Appendix "A") which requires applicants to consult with the City prior to submitting Official Plan Amendments, Zone Change Applications,

Plan of Subdivision Applications, Plan of Condominium Applications and Site Plan Applications, be adopted;

That in accordance with Section 69 of the Planning Act, Schedule "B", Building and Planning Fees and Charges, of By-law 190-2018, Fees and Charges By-law, to amended as shown on Appendix "B";

AND THAT Schedule "B", to By-law 25-2004, a by-law to establish a tariff of fees for the processing of applications made in respect of planning matters be repealed.

Carried

5. Project Update

The Manager of Development Services provided a verbal update on ongoing projects in the City as outlined on the Project Update. The full update will be attached to the August 12, 2019 Planning and Heritage Committee agenda.

The Chair requested that new buildings be located closer to the street and parking beside or behind them to avoid seeing a sea of asphalt. It was suggested that this be included in the new zoning by-law for commercial and industrial properties.

In response to whether there has been any movement on the Daly/Worsley project, the Manager advised that staff have had discussions with the developer on some of the conditions.

With respect to the church removed on Ontario Street, the Manager advised that there are some minor variance applications, including an exemption from parking requirements. A site plan application for that property has also been received.

Discussion took place about demolition of the Baptist Church and concerns received by a neighbour with respect to mold.

No further information has been received on the Knox Church project.

6. Advisory Committee/Outside Board Minutes

There are no Advisory Committee/Outside Board minutes to be provided to Sub-committee at this time.

7. Next Sub-committee Meeting

The next Planning and Heritage Sub-committee meeting is August 29, 2019 at 4:30 p.m. in the Council Chamber, City Hall.

8. Adjournment

Motion by Councillor Bunting

Sub-committee Decision: THAT the Planning and Heritage Sub-committee meeting adjourn.

Carried

Meeting Start Time: 4:30 p.m.

Meeting End Time: 5:01 p.m.

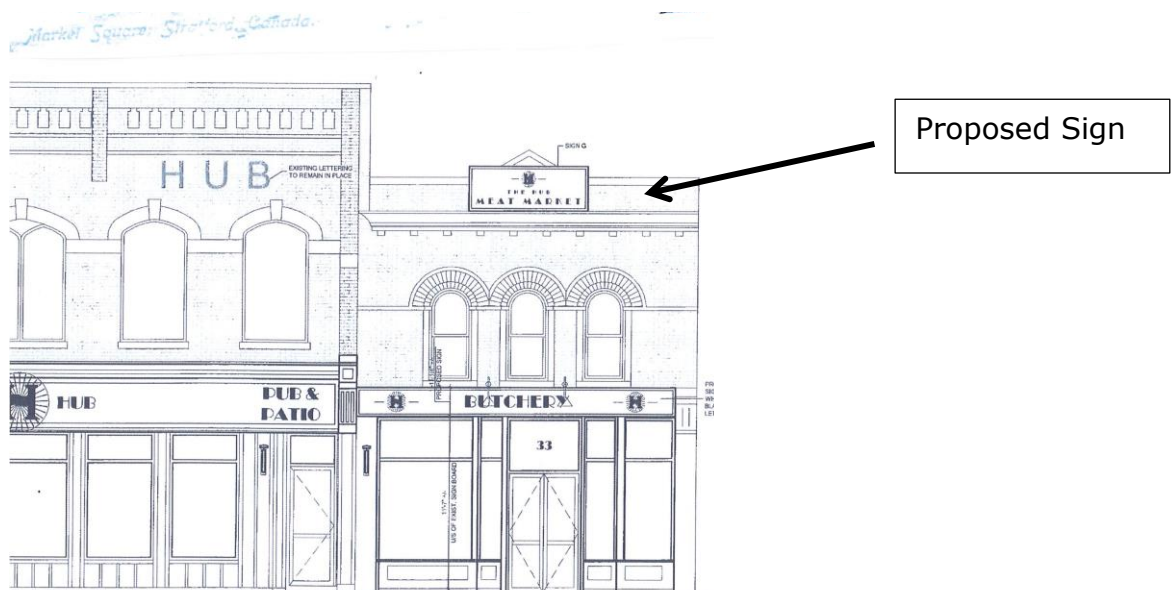
Date: July 25, 2019
To: Planning and Heritage Sub-committee
From: Jeff Leunissen, Manager of Development Services
Report: PLA19-030
Attachments: None

Title: Proposed exemption to Sign By-law 159-2004 - Sections 10.0 (b) and 16.0 (c)

Objective: To consider an exemption to the City of Stratford Sign By-law to permit "The Hub Fine Food & Market – Butchery", located at 33 Market Place, to erect a second storey fascia sign measuring 8' x 3'.

Background: On June 14, 2019, the owners of The Hub Fine Food & Market – Butchery at 33 Market Lane, submitted a Sign Variance request to allow a fascia sign to be erected on the second storey of their building facing Market Place, bearing "The Hub – Meat Market". The property owner's reason for requesting the exemption is to increase visibility and install a similar sign as circa 1900s.

Proposed Sign



Historic

Photograph



The City of Stratford Sign By-law 159-2004 contains specific provisions for signs within the Heritage Conservation District. It states: "No person shall obstruct a building's significant architectural features, including, but not limited to, windows, bracket sills, decorative masonry and cornice". In addition, Section 16, Fascia Signs, states "fascia signs shall be erected no higher than the upper limit of the first storey of the buildings."

The proposed sign does not comply with two provisions of the Sign By-law. Firstly, it would cover the gable parapet, an architectural feature, on the front façade; and secondly, it would be located above the upper limit of the first storey.

The Sign By-law contains provisions to allow a variance to the standard regulations and they are contained in Section 23.0 e). When considering a variance, regard shall be had for the following:

- (i) Special circumstances or conditions applying to the land, building or use referred to in the application;
- (ii) Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building, or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
- (iii) Whether the special circumstances or conditions are preexisting and not created by the owner or the applicant; and
- (iv) Whether the sign that is the subject of the variance will alter the essential character of the area.

Staff circulated the proposed sign to the Heritage Permit Review Committee of Heritage Stratford and they have advised "that the proposed sign is a billboard rather than shop

signage and would alter the essential character. The standards are to try and avoid such an effect.”

ANALYSIS: Staff has attended the site and can confirm the proposed sign would obstruct a gable parapet on the front façade. The historic photograph provided by the applicant, taken in the early 1900’s, shows a sign in approximately the same location as the sign currently proposed.

Staff can confirm the proposed 8’x3’ sign is not a billboard sign. A billboard is a sign that advertised goods, products and services that are not sold on the property where the sign is located. The proposed sign advertises a “Meat Market” which is located on the premises. Further a billboard sign typically measures approximately 8’ x 16’ or 12’ x 24’. The proposed sign is significantly smaller than a typical billboard.

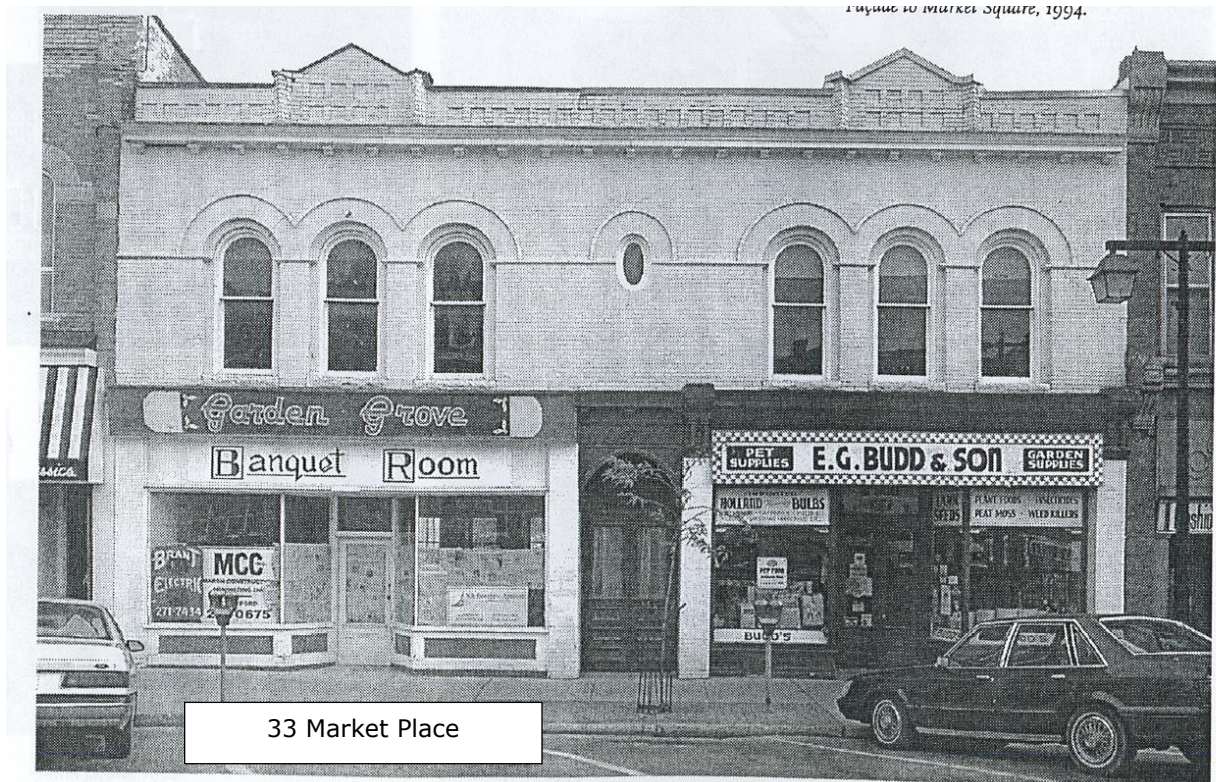
Staff has reviewed the requested variance against the criteria listed in Section 23.0 e) of the Sign By-law and do not believe it satisfies the criteria for a variance for the following reasons:

- There are no special circumstances which apply to the building. The building is similar in size and character to other buildings in the Heritage Conservation District. Further, other buildings along this block face, with exception of the building at 31 Market Place, do not have signs above the first storey. 21 Market Place does have embossed in the façade “THE HERALD” and “1890”. These reflect the history of the building and have existed since the building was constructed.

The sign permit which allowed “THE HUB” to be erected above the first storey at 31 Market Place was issued in 2014 in error. While the Sign By-law does allow a permit issued in error to be revoked, the City decided not to revoke that permit as it was felt it would cause undue hardship on the property owner.

- There are no practical difficulties or unusual hardship complying with the By-law. Other signs in conformity with the Sign By-law are currently located on the building. There is no unusual hardship on the owner by complying with the By-law.
- There is no special circumstance or pre-existing condition not created by the owner. The applicant has demonstrated a sign did exist above the first floor in the early 1900’s. A photograph of the property taken approximately 25 years ago shows no signs or remnants of the previous sign at 33 Market Place. A sign which existed in excess of 80 years ago, but which has not existed for at least 25 years, does not constitute a pre-existing condition. The current version of the Sign By-law was adopted in 2004 and since its adoption there has been no sign above the first storey at 33 Market Place.

Façade of Market Square, 1994



- The sign could alter the character of the area. Heritage Stratford has expressed concerns the proposed sign would alter the character of the area. Only one building on this blockface has a sign above the first floor. To allow an additional sign to be erected above the first storey over architectural elements may result in other property owners submitting similar variance requests. Staff is concerned approval of this request could set a precedent for other requests.

Based on the above, staff does not believe the requested sign variance satisfies the criteria in Section 23.0 e) to allow a sign variance.

If Council believes the request does satisfy the criteria in Section 23.0 e), staff recommends any sign be located where it does not obstruct the view of architectural feature. For example, it does appear possible to erect a smaller sign between the soldier course above the second storey windows and parapet without obstructing architectural features.

Financial Impact: None

Staff Recommendation: THAT the request by The Hub Fine Food & Market – Butchery to permit a fascia sign on the upper storey of 33 Market Place be denied as it does not satisfy the criteria of Section 23.0 e) of the Sign By-law.

A handwritten signature in black ink, appearing to read 'Jeff Leunissen', with a stylized, cursive script.

Jeff Leunissen, Manager of Development Services

A handwritten signature in blue ink, appearing to read 'Ed Dujlovic', with a stylized, cursive script.

Ed Dujlovic, Director of Infrastructure and Development Services

A handwritten signature in black ink, appearing to read 'Rob Horne', with a stylized, cursive script.

Rob Horne, Chief Administrative Officer



MANAGEMENT REPORT

Date: July 25, 2019
To: Planning and Heritage Sub-committee
From: Jeff Leunissen, Manager of Development Services
Report#: PLA19-028
Attachments: Draft By-laws, May 30, 2019 Staff Report to the Planning and Heritage Sub-Committee

Title: Planning Application Fees Review

Objective: To update Planning Act Application fees

Background: On May 30, 2019, staff submitted a report outlining possible changes to Planning Application Fees. Planning is an interdisciplinary function which involves staff from a number of departments and divisions, costs from Development Services, Engineering Services, Clerks, Community Services, Festival Hydro and InvestStratford are included in the calculations. The methodology used by staff to establish new fees is similar to that used by Watson and Associates when calculating new planning fees for the City of Kingston. The activity-based costing approach included processing efforts and associated costs from all municipal departments in service categories to determine costs. Activity-based costing includes direct and indirect costs.

Direct costs for processing applications include the following:

- Wages and benefits of all City staff involved in an application (Development Services, Engineering Services, Clerks, etc.)
- Employee costs – conferences, mileage and education
- Administrative costs – photocopying, postage, newspaper advertising, office supplies
- Consultation with the City's solicitor
- Cost for the decision maker (per diem for Committee of Adjustment)
- Membership Registration costs
- Other miscellaneous costs

Indirect costs for processing applications include the following:

- Heat
- Hydro

IT support
 Rent
 Maintenance and custodial costs
 Upper Thames River Conservation Authority annual fees

In response to the report, Council, on June 24, 2019, resolved the following:

THAT the draft pre-planning application consultation by-law and proposed amendment to By-law 190-2018, Fees and Charges By-law presented at the May 30, 2019 Planning and Heritage Sub-committee meeting, be received for information;

THAT staff consult with interested parties and obtain feedback on the draft pre-application consultation by-law and the proposed amendment to the Fees and Charges By-law;

THAT, following consultation, in accordance with the Planning Act and in conformity with the Official Plan, staff submit to Council a pre-planning application consultation by-law for approval which requires applicants to consult with the City prior to submitting Official Plan Amendments, Zone Change Applications, Plan of Subdivision Applications, Plan of Condominium Applications and Site Plan Applications;

THAT, following further review, staff submit to Council more detail regarding cost recovery for planning applications;

THAT following consultation, in accordance with Section 69 of the Planning Act, staff submit to Council an amendment to Schedule "B" of By-law 190-2018, Fees and Charges By-law, to revise fees for the processing of applications made in respect of planning matters;

AND THAT following consultation and an amendment to Schedule "B" to By-law 190-2018, Fees and Charges By-law, By-law 25-2004, a by-law to establish a tariff of fees for the processing of applications made in respect of planning matters, be repealed.

On June 17, 2019, staff met with representatives of the Stratford and Area Builders Association (SABA) to discuss the proposed pre-consultation by-law and revised planning fees. Following this meeting, SABA submitted a letter, dated July 2, 2019 which is summarized below.

- SABA supports the principle re-alignment of planning fees.
- SABA requests that where fees have the potential to increase by more than 50%, that the increase be phased in over the next 3 to 5 years.
- SABA supports mandatory pre-application consultation.
- SABA supports the endeavor to reduce fees in some areas.

While not included in their letter, SABA suggested at the meeting that new comments on engineering drawings should not be subject to a resubmission fee.

Analysis: Upon a further review of proposed fees, the recommended fee for Plan of Subdivision applications should be \$7,200 and not \$4,700 and the proposed fee for preparation of a Subdivision Agreement Fee should be \$2,100 and not \$4,100. (If the proposed plan of subdivision were to contain more than 50 lots, the fee would be \$8,200.) This is as a result of readjusting time for when some background studies are reviewed. These are both one time fees and will result in an increase in the total proposed plan of subdivision application fee by \$500 than what was previously proposed.

Upon the full drawing review fee coming into effect, total planning fees for a 50 lot and 5 block subdivision that requires submission of three sets of engineering drawings would be as follows:

Existing Fees	Application fee	\$10,999
	Prepare Subdivision Agreement	\$1,222
	Final Approval/Registration	\$ 612
	Total	\$12,833
Proposed in May 2019 Report	Application fee	\$5,700
	Submission of 1 st set of drawings*	\$7,100
	Submission of subsequent drawings	\$3,000
	Final Approval/Registration	\$ 612
	Total	\$19,412
Revised Proposed Fee	Application fee	\$8,200
	Submission of 1 st set of drawings*	\$5,100
	Submission of subsequent drawings	\$3,000
	Final Approval/Registration	\$ 612
	Total	\$19,912

*Comprised of Subdivision Agreement Fee and Drawing Review Fee

SABA

The Stratford and Area Builders Association support the review of fees and has posed no objection. Where fees have the potential to increase by 50%, SABA has requested, that the fee increase be phased in over a 3 to 5 year period.

Staff understands the proposed fee does have the potential to increase fees by in excess of 50%, but most of this comes from the proposed subdivision drawing review fee. Staff is reluctant to phase this new fee in over three to five years but does recommend it being phased in over the next 16 months. A review fee of \$25 per lot and \$50 block is recommended to come into effect when the by-law comes into force and the full review fee of \$50 per and \$100 per block is recommended to come into effect on January 1, 2021. This approach will achieve the objective of encouraging quality engineering drawing submissions while providing time to achieve full cost recovery.

Raised at the meeting with SABA, but not included in their letter, was a concern that new comments on engineering drawings would necessitate additional submission(s) and an additional drawing review fees. Reviewing engineering drawings is complicated and there are instances where items are missed and caught on a subsequent submission. Some of these are simply items missed while other new comments are generated by other revisions. Most "new" comments are relatively minor and would not warrant a complete new submission, but if this does occur, it should not be the applicant's responsibility to pay a new drawing review fee. For this reason, Staff is recommending the proposed by-law grant the Director of Infrastructure and Development Services the authority to waive a drawing review fee if it is required as a result of a City error or omission.

No other comments were received regarding proposed planning fee increases.

Greater details

Members of Sub-committee requested additional information regarding cost recovery on planning applications. The table below outlines the average number of staff hours per planning application. On average, a minor variance application takes a total 13.35 hours of staff time to process, a new site plan an average of 24 hours per application, and a plan of subdivision, from submission of an application to draft approval, an average of 98.1 hours. These numbers include all staff involved in an application from clerical staff, planners and engineering staff to, in the case of matters heard by Council, senior staff. All matters considered by Council are reviewed by the Director of Infrastructure and Development Services and the Chief Administrative Officer.

Application	Number of Staff Involved	Average Number of Hours Per Application
Minor Variance	10	13.35
Consent	10	15.75
Multiple Consent		
Minor Variance/Consent	10	22.35
Official Plan Amendment	14	69.1
Zoning By-law Amendment	14	56.1
Official Plan/Zoning By-law Amendment	14	78.1
Removal of Holding Provision	15	24.6
Pre-Consultation	9	9.25
Subdivision	10	98.1
Condominium	10	55.5
Part Lot Control	11	12.6
Site Plan	12	42
Site Plan Amendment	12	26.5
Site Plan Letter Amendment	5	4

The table below shows expected revenues from most applications as a result of proposed fee increases. The table does not project all expected planning application fees revenue.

For example, it does not project the expected engineering drawing fee revenue. In the past, staff has not tracked the number of engineering drawings reviews per plan of subdivision or the number of proposed lots/block so it is difficult to project expected revenue from this new fee. Further, the fee per engineering drawing review is hoped to reduce the number of engineering drawing submissions. Similarly, staff has not tracked the number of new lots created with multiple consent applications on the same property.

Application Type	Average Number of Applications Per Year	Proposed Fee	Expected Annual Revenue
Minor Variance	19.25	\$1,200	\$23,100
Consent	9.5	\$1,350	\$12,825
Multiple Consent	3.75		
Minor Variance/Consent	2	\$1,600	\$3,200
Official Plan Amendment	0.5	\$5,300	\$2,650
Zoning By-law Amendment	5	\$4,350	\$21,750
Official Plan/Zoning By-law Amendment	1.25	\$5,850	\$7,312
Removal of Holding Provision	0.75	\$1,850	\$1,387
Pre-Consultation	13.25	0	
Subdivision	1.25	\$7,200*	\$9,000*
Condominium	1.5	\$4,100*	\$6,150*
Part Lot Control	2.75	\$1,400**	\$3,850**
Site Plan	15.5	\$3,200	\$49,600
Site Plan Amendment	7	\$2,150	\$15,050

*excludes drawing review fee

**calculation based on one additional lot only

The recommended planning application fees will not cover all costs for Planning Services in the City of Stratford, as Planning Services provides numerous services to the residents at no charge including responding to general inquiries, assistance on minor variance and consent questions, and preparation and maintenance of planning documents, i.e. the Official Plan, Comprehensive Zoning and Urban Design and Landscape Guidelines. The recommended planning fees will cover all costs associated with applications, with the exception of costs associated with pre-application consultation.

Financial Impact: It is difficult to predict the financial impact the revisions to planning fees will have on total fees collected. Based on an “average” year, total Planning fees collected when fully implemented are expected to increase by 20% or approximately \$28,500.

Staff Recommendation: THAT in accordance with the Planning Act and in conformity with the Official Plan, the attached pre-planning application consultation by-law (Appendix "A") which requires applicants to consult with the City prior to submitting Official Plan Amendments, Zone Change Applications, Plan of Subdivision Applications, Plan of Condominium Applications and Site Plan Applications, be adopted;

That in accordance with Section 69 of the Planning Act, Schedule "B", Building and Planning Fees and Charges, of By-law 190-2018, Fees and Charges By-law, to amended as shown on Appendix "B";

AND THAT Schedule "B", to By-law 25-2004, a by-law to establish a tariff of fees for the processing of applications made in respect of planning matters be repealed.



Jeff Leunissen, Manager of Development Services



Ed, Dujlovic, Director of Infrastructure and Development Services



Rob Horne, Chief Administrative Officer

Appendix "A"

BY-LAW NUMBER ____-2019 OF THE CORPORATION OF THE CITY OF STRATFORD

BEING a By-law to require applicants to consult with the City of Stratford prior to submission of a development application (Pre-consultation By-law).

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, provides that municipalities may, by by-law, require applicants to consult with the municipality prior to the submission of development applications;

AND WHEREAS the City of Stratford Official Plan contains provisions requiring pre-application consultation for Official Plan Amendments, Zoning By-law Amendments, Draft Plan of Subdivisions, Draft Plan of Condominiums and Site Plans;

AND WHEREAS the Council of The Corporation of the City of Stratford deems it appropriate to require pre-application consultation with applicants submitting development applications;

NOW THEREFORE BE IT ENACTED by the Council of The Corporation of the City of Stratford as follows:

1. Definitions:

“act” shall mean the Planning Act, as amended.

“applicant” shall mean: to:

- (a) a person or public body requesting Council to amend the Official Plan of the Corporation of the City of Stratford under section 22 of the Act;
- (b) a person or public body requesting Council to amend the Zoning By-law of the Corporation of the City of Stratford under section 34 of the Act
- (c) a person or applying for approval of plans and drawings under section 41 of the Act;

- (d) an owner of land applying for approval of a plan of subdivision under section 51 of the Act;
- (e) a person who owns the freehold or leasehold estate of the land described in the description, applying for approval of a plan of condominium applying under section 9 of Condominium Act, as amended.

“Record of Consultation” shall mean:

- (a) the date, or dates, that the Consultation Meeting or is held;
- (b) a copy of a written summary of the proposed application to amend the Official Plan Amendment, to amend the Zoning By-law, to obtain Draft Plan of Subdivisions and Condominiums approval and Site Plans Approval, as the case may be;
- (c) a copy of a written statement identifying the information and materials from Section 8.3.1 of the Official Plan that may be needed to with an application.

2. The Manager of Development Services and his or her designate(s) are authorized to:
 - (a) conduct pre-application consultations for Official Plan Amendments, Zoning By-law Amendments, Draft Plan of Subdivisions, Draft Plan of Condominiums and Site Plans;
 - (b) identify the information and material necessary for processing Official Plan Amendments, Zoning By-law Amendments, Draft Plan of Subdivisions, Draft Plan of Condominiums and Site Plans,
 - (i) prior to submission and
 - (j)
 - (k) acceptance of a development application, as items necessary for the application to be deemed complete under the *Planning Act* and City of Stratford Official Plan; and,
 - (ii) during the processing of development applications in cases where information and materials cannot reasonably be provided at the time of submission of the application.
 - (c) waive the requirement for a pre-application consultation when, in his/her opinion, it has been deemed to be unnecessary for a complete review of the application.

3. Applicants shall pre-consult with municipal staff prior to submission of an Official Plan Amendments, Zoning By-law Amendments, Draft Plan of Subdivisions, Draft Plan of Condominiums and Site Plan application in order to identify the information necessary to the processing of an application

4. The Manager of Development Services, or his or her designate shall prepare a Record of Consultation and deliver it to the applicant within thirty (30) days of the date of the last consultation meeting
5. This by-law may be referred to as the "Pre-consultation By-law".
6. This by-law shall come into force and take effect upon the final passing thereof.

Read a FIRST, SECOND AND THIRD TIME AND

FINALLY PASSED this the xxth day of xxxxxxxx 2019.

Mayor – Daniel B. Mathieson

Clerk – Joan Thomson

Appendix “B”

PROPOSED AMENDMENT TO
SCHEDULE “B” OF FEES AND CHARGES BY-LAW
BY-LAW 190-2018

enacted this ____day of _____, 2019.

* These rates shall come into effect on September 1, 2019

* These rates shall automatically increase and be rounded to the nearest dollar on the first day of January (commencing in 2020) in each year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) published by Statistics Canada during the 12-month period ending on October in the year immediately proceeding the rate increase date.

Service	Comments	Proposed Fee	Existing Fee
PLANNING FEES	<p>In addition to the application fees listed below in sections A) to G), where the City requires assistance from its solicitors or other technical or professional consultants in the processing of any of the types of applications listed below, the applicant shall be responsible for reimbursing all legal and consulting fees incurred by the City, at the City</p> <p>'s actual cost. Depending on the amount of such fees which the City expects to incur on any given application, the City may also require the applicant to enter into an agreement with respect to the payment of such fees and may, where appropriate, require security to be posted.</p>		
A) Application Fees	i) Applications for an Amendment to the Zoning By-law	\$4,350	\$2,689
	ii) Applications for an Amendment to the Official Plan	\$5,300	\$4,890
	iii) Concurrent Applications for an Amendment to the Official Plan and Zoning By-law	\$5,850	\$7,579

Service	Comments	Proposed Fee	Existing Fee
	iv) Applications for an Amendment to the Official Plan and/or Zoning By-law requiring recirculation	\$1,100	currently no fee
	v) Applications to the Committee of Adjustment for minor variance from By-laws passed pursuant to the <i>Planning Act</i> :	\$1,200	\$918
	a) If an application requires a recirculation	\$675	\$582
	vi) Applications to the Committee of Adjustment for consent for one lot/easement (severance):	\$1,350	\$977
	a) Each additional lot/easement (severance)	\$200	\$977
	b) If an application requires a recirculation	\$700	\$582
	vii) Applications to the Committee of Adjustment for a change to conditions of approval	\$500	\$366
	viii) Concurrent Applications to the Committee of Adjustment for consent and minor variance	\$1,600	\$1,895
	viii) Applications for the passing of a Part-Lot Control exemption by-law:	\$1,400	\$244
	a) For each additional new part created:	\$100	\$123
	ix) Applications for the removal of a Holding provision	\$1,850	\$700
	x) Applications to extend a Temporary Use	\$1,350	currently no fee
	xi) Application for Pre-Application Consultation	\$0	currently no fee
B) Site Plan Application	i) Applications for site plan approval:	\$3,200	\$3,145
	a) An additional fee will be added if building or addition is equal to or greater		

Service	Comments	Proposed Fee	Existing Fee
	than 3,716 m ² or 40,000 sq.ft. or greater than 50 units	\$1,000	\$1,165
	ii) Applications for an amendment to a site plan agreement	\$2,150	\$1,222 or \$918
	iii) Applications for a minor amendment to a site plan agreement (Section 8.3.3.)	\$400	\$134
	iv) Applications for site plan approval for infill developments	\$1,700	\$3,145
	v) Letter of conformity relating to site plan agreement compliance	\$89	\$89
C) General	i) Letters of conformity (other than By-law 92-75) – with survey	\$89	\$89
	ii) Letters of conformity – without survey	\$74	\$74
	iii) Letters of conformity without survey – 2 business day response time	\$135	\$135
	iv) Letters of conformity with survey – 2 business day response time	\$152	\$152
	v) Full size registered plans, plans of condominium, city street maps	\$20	currently no fee
	vi) Custom Plots	\$40	currently no fee
	iv) Change of Municipal address	\$140	\$123
D) Development, Subdivision and Condominium Servicing Agreements:	i) Administrative fees for preparation and registration of an agreement (applicable with the first submission only): a) variable fee per single detached dwelling lot per submission on date of adoption* b) variable fee per block per submission (excluding road widening and reserve blocks) on date of adoption*	\$2,100 4,100 plus variable fee \$25 \$50	\$1,222

Service	Comments	Proposed Fee	Existing Fee
	ii) Administrative fees for preparation and registration of an agreement (applicable with the first submission only): a) variable fee per single detached dwelling lot per submission on January 1, 2021* b) variable fee per block per submission (excluding road widening and reserve blocks) on January 1, 2021* *If a resubmission is required as a result of a City error or omission, the Director of Infrastructure and Development Services may waive the variable fee.	2,100 4,100 plus variable fee \$50 \$100	
	iii) Lot releases: b) for the first lot: c) for each additional lot in the same application:	\$123 \$11	\$123 \$11
E) Plan of Subdivision, Vacant Land Condominium & Common Element Plans of Condominium	i) Up to 50 development lots/blocks/units*: a) An additional fee will be added if greater than 50 units is proposed*	\$7,200 4,700 \$1,000	\$9167 \$10,999
	ii) More than 50 development lots/blocks/units *Applicant is required to provide a reasonable estimate of the lot yield based in a single detached residential zone if the plan is a "block" plan.		
	ii) Revisions to draft conditions of approval (recirculation required)	\$1,100	\$1,222
	iii) Revisions to draft conditions of approval (no recirculation required)	\$400	\$1,222
	iv) Registration of final plan	\$612	\$612
	v) Extension of Draft Approval:		

Service	Comments	Proposed Fee	Existing Fee
	a) Recirculation required	\$1,100	currently no fee
	b) No recirculation required	\$400	
F) Standard, Amalgamated, Phased and Leasehold Condominium	i) Up to 50 units	\$4,100	\$5,043
	d) An additional fee will be added if greater than 50 units is proposed*	\$1,000	
	ii) More than 50 units		\$7,486
	*Applicant is required to provide a reasonable estimate of the lot yield based in a single detached residential zone if the plan is a “block” plan.		
	ii) Revisions to draft conditions of approval (recirculation required):	\$1,100	\$1,222
	iii) Revisions to draft conditions of approval (no recirculation required)	\$400	\$1,222
	iv) Registration of final plan	\$612	\$612
	v) Condominium Exemption	\$1,218	\$1,218
G) Miscellaneous Reports	i) Deeming Application	\$1,000	\$255



MANAGEMENT REPORT

Date: May 30, 2019
To: Planning and Heritage Sub-Committee
From: Jeff Leunissen, Manager of Development Services
Report#: [Click here to enter text.](#)
Attachments: Draft By-laws

Title: Planning Application Fees Review

Objective: To update Planning Act Application fees

Background:

Section 69(1) of the *Planning Act* allows municipalities to establish a tariff of fees for the processing of applications made in respect to planning matters. The fees shall be designed to meet only the anticipated costs of processing each type of application. Cross-subsidization of fees is not permitted. For example, fees collected from minor variance applications cannot subsidize costs incurred in the processing of site plan applications.

The last major review of *Planning Act* fees was conducted in the 2004 and resulted in By-law 25-2004. The By-Law does allow for an annual increase by the percentage increase in the Consumer Price Index.

Since that time Council has reviewed fees on an as needed basis, primarily when it was determined the costs of processing a particular type of application was out of sync with the application fee. These reviews included 2007, 2009, and the most recently, 2012 when a fee was instituted for review and approval of a minor amendment to an approved site plan (Section 8.3.3. approval).

There have been considerable changes to the planning regime in Ontario since the mid 2000's and more are proposed. Pre-application consultation, complete applications, replacement of the OMB with the LPAT, shorter processing times, secondary suites, inclusionary zoning, mandatory dispute resolution, and consideration of a Council decision by the adjudicating body have all come into being since the 2004 fees review and further changes are expected.

Many of these changes to the planning regime have resulted in increased responsibilities for municipal Councils and staff. With increased responsibilities, comes increased time and expertise being placed on municipalities to review and reach a decision on planning applications. A greater emphasis is now placed on a municipal Council's decision and on public input. More information is being submitted with applications and municipal Councils are required to consider this information when making a decision. This translates in more in depth reports to municipal Councils and more staff time to synthesize information and include such information in reports.

While the existing Fees By-law does contain a provision to adjust the fees as per the Consumer Price Index, this has not accounted for the increased costs borne by the City. The costs for processing Planning Act applications should be borne by applicants and the existing fees are not covering municipal costs.

The review of *Planning Act* applications is an interdisciplinary task involving City of Stratford staff, (Development Services, Engineering Services, Clerks, Fire Prevention and Community Services), Festival Hydro, InvestStratford and the Upper Thames River Conservation Authority. Accordingly, costs incurred by these other departments and affiliated agencies are included in the cost calculations.

While an applicant may have to pay a fee to the Upper Thames River Conservation Authority to review an application or report, the City pays an annual fee to the UTRCA to provide floodplain and natural heritage management services. These UTRCA costs are indirect costs.

Analysis:

Methodology

The City of Kingston recently went through a planning application fees review and they engaged Watson and Associates Economists Ltd. to undertake this review. While the actual costs to process applications will differ between Stratford and Kingston, the methodology used by Watson and Associates for determining cost was "activity-based costing" and this approach is considered appropriate for Stratford's fee's review. Activity-based costing uses processing efforts and associated costs from all municipal departments in service categories to determine costs. Since Planning is an interdisciplinary function which involves staff from a number of departments and divisions, costs from Development Services, Engineering Services, Clerks, Community Services, Festival Hydro and InvestStratford are included in the calculations. Activity-based costing includes direct and indirect costs. An example of an indirect cost would be IT support or rent for building space.

Direct costs for processing applications include the following:

- Wages and benefits of all City staff involved in an application (Development Services, Engineering Services, Clerks, etc.)
- Employee costs – conferences, mileage and education
- Administrative costs – photocopying, postage, newspaper advertising, office supplies

Consultation with the City's solicitor
 Cost for the decision maker (per diem for Committee of Adjustment)
 Membership Registration costs
 Other miscellaneous costs

Indirect costs for processing applications include the following:

Heat
 Hydro
 IT support
 Rent
 Maintenance and custodial costs
 Upper Thames River Conservation Authority annual fees

The Watson and Associates Report¹ indicates that indirect costs generally witnessed in Ontario range between 20-25%. Instead of spending considerable staff resources to investigate the portion of heating, hydro costs allocated to Development Services, costs for IT support, and the portion of maintenance and custodial costs applicable to Development Services staff, this review assumes indirect costs to be 23% of direct costs. When undertaking their review of planning fees in Kingston, Watsons and Associates took a similar approach.

Types of Applications

Below is a list of Planning Act applications:

- Official Plan Amendment
- Zoning By-law Amendment
- Plan of Subdivision
- Plan of Condominium
- Part Lot Control
- Extension of a Temporary Use
- Removal of a Holding Provision
- Site Plan Applications (new, amendments, minor amendments)
- Pre-consultation
- Minor Variance
- Consent
- Municipal Numbering
- Miscellaneous Reports

In addition to the types of applications listed above, it is common that applications are modified or revised in process, prior to a decision. These revisions may require recirculation of the application. The existing fee schedule does include a fee for recirculation of a minor variance or consent, but not an Official Plan Amendment, Zoning By-law Amendment or

¹ Planning Application Fees Review - City of Kingston, Watson & Associates Economists Ltd. October 11, 2018, page 9.

Plan of Subdivision. It is common for an Official Plan Amendment Application, Zone Change Application or Plan of Subdivision Application to be revised through the process to the point that a new circulation is required. This additional circulation does have a cost which should be reflected in the fee schedule.

- Recirculation of Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision
- Recirculation of a Minor Variance or a Consent
- Change of a Condition to a Minor Variance or Consent

Some applications are commonly processed concurrently, while others involve multiple applications on the same property. Examples of concurrent and multiple applications on the same property include the following:

- Minor variance/consent applications
- Official Plan/zone change applications
- Multiple consents on the same property
- Multiple parcels created through removal of part lot control

Costs associated with concurrent and multiple applications are often less than the combined cost of both applications because there may only be one planning report, one public meeting, a combined notice in the newspaper or duplicate conditions of provisional approval. New to the fee schedule for planning applications include fees for concurrent and multiple applications.

Pre-consultation

For several years, the City has encouraged pre-planning application consultation, often referred to as pre-consultation, on Official Plan Amendments, Zone Change Applications, Plan of Subdivision Applications, Plan of Condominium Applications and Site Plan Applications for no fee. Since 2016 when this program was initiated, almost 60 projects have been reviewed through this voluntarily process. Applicants voluntarily submit material for pre-consultation because they believe it is in their interests to do so. Without having to prepare detailed drawings and engineering studies, applicants are able to obtain feedback from staff on critical issues which may be associated with their proposal. It also provides staff an opportunity to provide a list of background information/studies necessary for a speedier review of their application.

The *Planning Act* allows municipalities to require pre-application consultation if such a policy exists in their Official Plan; and the City's Official Plan, as amended by Official Plan Amendment No. 21, does contain policies requiring pre-application consultation for Official Plan Amendments, Zoning By-law Amendments, Draft Plan of Subdivisions, Draft Plan of Condominiums and Site Plans. In accordance with the policies of the Official Plan, staff recommends pre-application consultation be mandatory for Official Plan Amendments, Zone Change Applications, Plan of Subdivision Applications, Plan of Condominium Applications and Site Plan Applications and has attached a draft by-law to that effect.

It is recognized in some instances, pre-application consultation may be of limited value. The draft by-law does contain a provision which allows the pre-application consultation to be waived by City of Stratford staff. Staff foresees this provision only being used where an application would not require a planning justification, background studies or engineering drawings.

Plans of Subdivision and Condominium

After reviewing the application fees for plans of subdivision and condominium, staff believes it should be adjusted to reflect the costs at the particular stage of approval. Currently, fees for plans of subdivision and condominium are \$9,167 (\$10,999 if greater than 50 lots) and \$1,222 to prepare the agreement. These two fees combined (\$10,389 for less than 50 lots and \$12,221 for subdivisions greater than 50 lots) only cover a portion of the costs associated with these types of applications. Further it has resulted in many subdivision applications with numerous drawing submissions.

To address the issue of poor or numerous submissions of engineering drawings, staff propose to reduce the base subdivision application fee to \$4,700, as it better reflects the actual costs to draft approval, maintain a fee for more than 50 lots and blocks, and revising the preparation of an agreement fee to a variable fee. Variable based on both the number of lots/blocks and the number of submissions. The base fee to prepare an agreement would be \$4,100, plus a fee of \$50 per lot and \$100 per block per submission of engineering drawings. This approach encourages fewer drawing submissions. For example, the fee with the first submission to prepare an agreement for a ten lot single detached dwelling subdivision would be \$4,600 (\$4,100 base fee + (number of lots x \$50 fee per lot)). With each successive engineering drawing submission, the fee would be \$500.

The fee with the first set of engineering drawings for a 50 lot subdivision with 5 multi-family blocks would be \$7,100 ((\$4,100 base fee + \$1,000 fee for greater than 50 lots/blocks + (number of lots x \$50 fee per lot) + (number of blocks x \$100 fee per block)). With each successive submission, the fee would be \$3,000 (number of lots x \$50 fee per lot) + (number of blocks x \$100 fee per block)).

Below is a comparison of the total existing and proposed fees for a 50 lot and 5 block subdivision and requiring 3 submissions of engineering drawings.

Existing Fee	
Pre-application Consultation (voluntary)	\$0
Application Fee	\$10,999
Preparation of Subdivision Agreement	\$1,222
Final Approval	\$612
Total	\$12,833
Proposed Fee	
Pre-Application Consultation	\$0
Application Fee	\$4,700
Additional fee for greater than 50 lots	\$1,000
Submission of First Set of Engineering Drawings	\$7,100
Submission of First Set of Engineering Drawings	\$3,000
Submission of First Set of Engineering Drawings	\$3,000
Final Approval	\$612
Total	\$19,412

Generally, the larger the subdivision or the greater number of lots or blocks, the more complex the issues, and more time is needed to resolve issues.

The proposed fee structure recommended for subdivisions and condominiums allots the fee to the stage of approval; it encourages fewer submissions of engineering drawings, and is variable based on size and complexity of the application.

Summary

Overall, planning costs have risen since the last review and the recommended fees are shown in the attachment. (Existing fees are also shown in the table.) There will be instances where fees will decrease if multiple consents are submitted for the same property at the same time or Official Plan Amendments and Zoning By-law Amendments are processed concurrently.

Planning fees are set by by-law and the current by-law to establish fees for the processing of planning applications is By-law 25-2004. By-law 25-2004 only deals with planning fees. Should Council amend planning fees in the future, it is recommended By-law 25-2004 be repealed and the fees be incorporated into the Fees and Charges By-law – By-law 190-2018 – not 25-2004.

Financial Impact: It is difficult to predict the financial impact the revisions to planning fees will have on total fees collected. Based on an “average” year, total Planning fees collected are expected to increase by 20% or approximately \$28,000.

Staff Recommendation: THAT the attached draft pre-planning application consultation by-law and proposed amendment to By-law 190-2018, Fees and Charges By-law, be received for information;

THAT staff consult with interested parties and obtain feedback on the attached draft pre-application consultation by-law and the proposed amendment to the Fees and Charges By-law;

THAT, following consultation, in accordance with the *Planning Act* and in conformity with the Official Plan, staff submit to Council a pre-planning application consultation by-law for approval which requires applicants to consult with the City prior to submitting Official Plan Amendments, Zone Change Applications, Plan of Subdivision Applications, Plan of Condominium Applications and Site Plan Applications;

THAT following consultation, in accordance with Section 69 of the *Planning Act*, staff submit to Council an amendment to Schedule "B" of By-law 190-2018, Fees and Charges By-law, to revise of fees for the processing of applications made in respect of planning matters.

AND THAT following consultation and an amendment to Schedule "B" to By-law 190-2018, Fees and Charges By-law, By-law 25-2004, a by-law to establish a tariff of fees for the processing of applications made in respect of planning matters be repealed.



Jeff Leunissen, Manager of Development Services



Ed, Dujlovic, Director of Infrastructure and Development Services



Rob Horne, Chief Administrative Officer



MANAGEMENT REPORT

Date: August 12, 2019
To: Planning and Heritage Committee
From: Jonathan DeWeerd, Chief Building Official
Report#: PLA19-031
Attachments: Demolition Control By-law Process

Title: Demolition Control By-Law

Objective: To recommend a Demolition Control By-law for the City of Stratford.

Background: At the June 10, 2019 Planning & Heritage Committee meeting, the committee requested that;

THAT Public Notification be given of Council's intent to consider passing a Demolition Control By-law;

AND THAT following the Public Notification, staff report back to Council with comments received through the consultation process.

Analysis: Notice was published in the Town Crier section of both the Beacon Herald and the Marketplace on June 20, 22, 27, and 29, 2019.

No comments were received by Staff.

Financial Impact: Staff currently process and collect fees for an average of 6.2 dwelling unit demolition permits each year. There will be some additional cost for permits which are referred to Council for consideration and if a charge has to be placed on the tax levy. It is anticipated that the current fees for demolition permits will adequately cover the costs for this program; however, staff will monitor resources required to implement this By-law and if additional fees are required, they will be requested as part of the Building Permit annual fee review.

Staff Recommendation: **THAT Council receive the Demolition Control By-law report for information;**

AND THAT Council approve the Demolition Control By-law.

A handwritten signature in black ink, appearing to read 'Jonathan DeWeerd', written over a horizontal line.

Jonathan DeWeerd, Chief Building Official

A handwritten signature in blue ink, appearing to read 'Ed Dujlovic', written over a horizontal line.

Ed Dujlovic, Director of Infrastructure and Development Services

A handwritten signature in black ink, appearing to read 'Joan Thomson', written over a horizontal line.

Joan Thomson, Acting Chief Administrative Officer

Demolition Control By-law

Being a By-law of The Corporation of the City of Stratford pursuant to the *Planning Act, R.S.O. 1990, c. P.13*, as amended, respecting the designation of an area of demolition control and the requirement for a permit for demolition of residential buildings.

WHEREAS authority is given to the Council of The Corporation of the City of Stratford pursuant to Section 33 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, to designate as an area of demolition control any area within the City of Stratford to which a standards of maintenance and occupancy by-law under Section 15.1 of the *Building Code Act, 1992, S.O. 1992 c.23* applies;

AND WHEREAS Property Standards By-law No. 141-2002 prescribes standards of maintenance and occupancy for all properties in the City of Stratford pursuant to Section 15.1 of the *Building Code Act, 1992, S.O. 1992 c. 23*;

AND WHEREAS authority is given to the Council of The Corporation of the City of Stratford pursuant to Section 33(3) and 33(6) of the *Planning Act, R.S.O. 1990, c. P.13*, to issue or refuse to issue a permit to demolish a residential property;

AND WHEREAS authority is given to the Council of The Corporation of the City of Stratford by Section 23.1 of the *Municipal Act, 2001, S.O. 2001 c.25*, as amended, to delegate its powers and duties to any person, subject to the restrictions set out in Sections 23.2 to 23.5, inclusive, of the *Municipal Act, 2001*;

NOW THEREFORE BE IT ENACTED by the Council of The Corporation of the City of Stratford as follows:

1. In this By-law:

- (a) "Act" means the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended.
- (b) "Chief Building Official" means the Chief Building Official or his/her delegate appointed by by-law of The Corporation of the City of Stratford under subsection 3(2) of the Act for the purposes of enforcement of the Act.
- (c) "City" means the geographic area of the City of Stratford or the municipal corporation, as the context requires;

- (d) "Council" means the Council of The Corporation of the City of Stratford;
 - (e) "Demolish" or "Demolition" means to do anything in the removal of a building or any material part thereof as defined in Section 1(1) of the Act;
 - (f) "Demolition Permit" means a document issued by The Corporation of the City of Stratford in accordance with the Act indicating that the person has obtained permission pursuant to this by-law to Demolish a Residential Property;
 - (g) "Dwelling Unit" means any property or suite that is used or intended to be used for a domestic establishment or housekeeping unit and used by one or more persons and generally contains cooking, eating, living, sleeping and sanitary facilities;
 - (h) "Residential Property" means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building;
 - (i) "Suite" means a single room or series of rooms of complementary use, operated under a single tenancy, and includes,
 - a) dwelling units,
 - b) individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories, and
 - c) individual stores and individual or complementary rooms for business and personal services occupancies.
2. All areas within the boundaries of the City are designated as a demolition control area.
 3. No person shall demolish a Residential Property in the City without being issued a Demolition Permit pursuant to the by-law, unless:
 - (a) the demolition of a part of the Residential Property does not reduce the number of Dwelling Units in the Residential Property;
 - (b) the Residential Property is not a permitted use under the current zoning by-law;
 - (c) the Residential Property is owned by the City and the Demolition is required for the imminent implementation of a City capital works project previously approved by Council;
 - (d) the Residential Property is a mobile home;
 - (e) the Residential Property has been found to be unsafe under Section 15.9 of the Act or to be an immediate danger to the health and safety of any person under

Section 15.10 of the Act and a demolition order has been issued under either Section of the Act;

- (f) the demolition of the Residential Property is necessary to allow for the environmental remediation of the site and completion of a record of site condition as specified by a qualified professional under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended;
 - (g) the residential property is exempt under any provincial or federal statute; or
 - (h) the residential property is situated within a draft plan of subdivision and an agreement for the draft plan of subdivision has been registered on title;
4. Council hereby delegates its authority under subsections 33(3), 33(6) and 33(7) of the *Planning Act* to the Chief Building Official with respect to issuing or refusing Demolition Permits for Residential Properties, with the following exceptions:
- (a) the authority to issue a Demolition Permit for a Residential Property designated under Parts IV or V of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;
 - (b) the Chief Building Official deems it appropriate at his/her discretion to refer an application to Council for the issuance or refusal of a demolition permit.
5. A Demolition Permit may be subject to the following conditions:
- (a) that the applicant for the Demolition Permit has applied for and received a building permit under Section 8 of the Act for a replacement building on the property;
 - (b) that if the replacement building is not erected within three (3) years of the issuance of the Demolition Permit of the existing Residential Property, the City shall be paid the sum of [Twenty-Thousand (\$20,000) Dollars] for each Dwelling Unit Demolished, which sum:
 - i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
 - ii) is a lien or charge on the property until paid; and
 - (c) that the applicant for the Demolition Permit has registered on the title to the property notice of conditions set out in (b) above in a form satisfactory to the Chief Building Official and City Solicitor.
6. Any person who Demolishes a Residential Property or permits the Demolition of a Residential Property without a Demolition Permit in contravention of this by-law is guilty of an offence and on conviction is liable to a fine of not more than Fifty-

Thousand (\$50,000) dollars for each Dwelling Unit contained in the Residential Property, the whole or any portion of which Residential Property has been Demolished.

7. This by-law shall come into force and effect upon the date of the approval of the set fines pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.

READ a FIRST, SECOND and THIRD TIME and

FINALLY PASSED this the _____ day of June, 2019.

Mayor – Daniel B. Mathieson

I/We have the authority to bind the Corporation.

Clerk – Joan Thomson

I/We have the authority to bind the Corporation.

Demolition Control By-law Process

