



Planning and Protection Committee Action Report
for the May 3rd, 2016 meeting held in
the Council Chambers following Physical Environment Committee

PRESENT: Mayor Antonakos, Councillor Black, Councillor Doucett, Councillor Redmond, Councillor Fritz, Councillor Trimble, Duncan Rogers, Clerk, Dave Young, Director of Public Works, Paul Knowles, Chief Administrative Officer, Andrew Willows, Plans Examiner/Building Inspector, Brian Gass, Chief Building Official, Joanna Bowes, Manager of Development Services

- 1) **DECLARATION OF PECUNIARY/CONFLICT OF INTEREST AND GENERAL NATURE THEREOF – now or anytime during the meeting**
 - 2) **PUBLIC MEETING – NONE THIS EVENING**
 - 3) **REGISTRATION OF PUBLIC WISHING TO SPEAK**
 - 4) **PLEASE TURN OFF ALL CELL PHONES AND PAGERS**
 - 5) **COMMUNICATION 127202 IS A CLOSED MEETING**
 - 6) **IF THERE IS AN ADDENDUM, IN ACCORDANCE WITH SECTION 15.2.4 (OF STRIKING REPORT) DOES THE COMMITTEE WISH TO APPROVE THIS ADDENDUM?**
-

The following items are for information only and will not be discussed unless the Committee chooses to do so. The Chair will entertain a motion to receive and file for those items not pulled out for discussion.

COMMUNICATION 127196

Received from	Les Reynolds, Director of Protective Services
Addressed to	Planning and Protection Committee
Date	April 27 th , 2016
Topic	OWFC Activity Report

SUMMARY

The March 2016 activity report is attached.

COMMENT

For Council's Information

127196 Continued

STAFF RECOMMENDATION

Receive and Record

COMMITTEE DECISION

Receive and Record

COMMUNICATION 127197

Received from	Joanna Bowes, Manager of Development Services
Addressed to	Planning and Protection Committee
Date	March 22 nd , 2016
Topic	Development Services- Planning Activity

SUMMARY

As requested from the Planning Department is providing a monthly review of planning matters received or approved within the department. The overview does not represent the numerous inquiries received throughout the reporting period, as these inquiries may or may not come to fruition. In addition the accompanying chart does not illustrate the ongoing efforts with respect to various submitted subdivision files.

COMMENT

For Council's Information

STAFF RECOMMENDATION

Receive and Record

COMMITTEE DECISION

Receive and Record

COMMUNICATION 127198

Received from Nicole Guthrie, Acting Communications Coordinator
Addressed to Policy Review
Date April 28, 2016
Topic Eastern Ontario Development Fund

SUMMARY

In mid March the province announced that it would be suspending its Rural Economic Development Program (RED) and offered two alternative funding streams for local projects: the Jobs and Prosperity Fund and the Eastern Ontario Development Fund (EODF). The Jobs and Prosperity Fund is geared toward the private sector and very specific streams (food and beverage, advanced manufacturing, forestry, etc.).

Staff investigated the Town's eligibility for EODF funding based on a review of the Regional Stream Criteria and felt it worth pursuing given the funding for this program is significant and can be used for infrastructure related projects. The maximum funding is \$1.5 million per project. Projects with dollar values less than \$100,000 are not even eligible.

"The purpose of Eastern Ontario Development Fund is to provide financial assistance and incentives to promote regional economic development in Eastern Ontario and thereby enhance Ontario's overall economic competitiveness and opportunities for the Ontario labour force. The promotion of regional economic development includes: (1) attracting and retaining investment, (2) creating and retaining jobs, and (3) promoting innovation, collaboration and cluster development. Specifically, the Fund will provide financial assistance to promote the expansion and attraction of investment/business in Eastern Ontario through support for capital spending, skills development, productivity enhancements, infrastructure needs and other similar economic development initiatives.

Through the Regional Stream of Eastern Ontario Development Fund, Ontario will provide up to 50% of eligible costs to qualifying organizations, such as municipalities or regional development bodies, for investment in economic development initiatives in the region. Eastern Ontario communities will benefit from innovative and collaborative initiatives to support key sectors."

COMMENT

The grant specifically states that projects be discussed with EODF staff to ensure potential eligibility before submitting an application. The Highway 7 South project (specifically the employment lands portion of the project) as well as the potential for a hotel along Hwy 7 were discussed with Denise Batson, Senior Business Advisor – Eastern Region Business Advisory Services, as they best fit the criteria outlined in the application package.

127198 Continued

Ms. Batson reviewed the materials presented to her and after discussion with colleagues felt that the projects would not be eligible for funding. She explained that since the programs launch in 2008 only 12 applications have been successful. The fund is very difficult to access unless the project is a complete match for the objectives identified by the province. Funded projects include three to the City of Cornwall for distribution centres for Shoppers Drugmart and Rexall as well as Brockville's newly built Aquatorium.

Ms. Batson explained that the province is looking for a hard commitment from external investors and a sense of immediacy – i.e. the project is shovel ready. "Build it and they will come" type projects are not what they are looking for. She indicated that the Highway 7 South development could be eligible should investors come forward and that we consider the program if our circumstances change. She also indicated that the Ministry of Tourism Culture and Sport will be announcing some new funding and encouraged us to look into that after the announcement is made.

Although a funding application would not be successful now, the Town will be positioned as plans and approvals will be in place for the Hwy 7 area so that when a suitable investor is identified an application for funding would hopefully be approved.

STAFF RECOMMENDATION

Receive and record

COMMITTEE DECISION

Receive and Record

TO BE DISCUSSED

COMMUNICATION 127199

Received from Jane Almond, Acting Director of Planning and Development
Addressed to Planning and Protection Committee
Date April 26th, 2016
Topic County of Lanark Forest Conservation By-law

SUMMARY

The County has undertaken this review of their existing tree cutting by-law to achieve objectives set out in the Official Plan that includes:

- Sustaining a healthy natural environment
- Conserving and sustaining woodlands and good forestry practices
- Regulating and controlling the removal, maintenance and protection of Trees and Woodlands
- Protecting, promoting and enhancing all values of Woodlands; biodiversity, wildlife habitat and ecosystem services.

The by-law applies to all woodlands over two (2) hectares in the County but exempts the following:

- The harvesting of trees by the owner of the woodland for their own use
- Injuring or destruction of Trees undertaken as Normal farm practices
- The injuring or destruction of trees imposed by a condition of planning approvals
- Activities authorized by the Ontario Municipal Board
- Activities undertaken under a license issued under the Crown Forestry Sustainability Act
- Activities undertaken while surveying, laying of transmission lines
- Destruction of trees on land where a license for a pit, wayside pit or wayside quarry has been issued
- Removal of trees that occurs while installing access or utilities to a site where a Building Permit has been issued
- The installation of a fence within a maximum width of 2.5m
- Activities authorized by the Drainage Act
- Removal of unhealthy trees.

Generally the by-law prohibits the harvest, injure, or destruction, cause or permit to be harvested, injured or destroyed, any Tree or Trees in woodlands unless, good forest practices are followed. Woodlands are defined as:

- 1,000 Trees, of any size, per hectare; or
- 750 Trees, measuring over five (5) centimeters in diameter, per hectare; or
- 500 Trees, measuring over twelve (12) centimeters in diameter, per hectare;

127199 Continued

- 250 Trees, measuring over twenty (20) centimeters in diameter, per hectare; but does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.

COMMENT

The County Official Plan is generally a high level document that directs specific and unique planning decisions to the local level. The Town's Official Plan and policies require developers to prepare tree conservation plans, landscape plans, etc. If this by-law is approved as drafted it would require developers to also seek approvals from the County, duplicating the Town's requirements. This would impact larger development including the projects commonly known as the Bodnar lands, the developments to the south of Highway 7 and the developments to the east of McNeely among others.

Lanark County consists of large tracts of rural lands with designated settlement areas. Development is generally directed and encouraged to locate within these settlement areas where local Official Plans should govern. All settlement areas should be exempt from the requirement of this by-law. This would enable local municipalities the ability to regulate within their prime development areas activities related to tree removal or injury.

STAFF RECOMMENDATION

THAT all properties within urban and settlement areas be included in the list of exemptions in the County of Lanark Forest Conservation By-law.

COMMITTEE DECISION

Urban Forest/River Corridor Committee is to be circulated for comment. Bring forward.

COMMUNICATION 127200

Received from	Les Reynolds Director of Protective Services
Addressed to	Planning and Protection Committee
Date	April 26 th , 2016
Topic	Farm to Fork Spring Dinner and Dance

SUMMARY

The Community Programmer is assisting a group of volunteers who are planning a dinner/dance event at the market Square Pavilion Saturday June 4th, 2016. The event runs from 6pm to 12 midnight and features live music. They are requesting an exemption from the noise by-law. The music will be provided by a duo so the noise level will likely not be excessive.

127200 Continued

STAFF RECOMMENDATION

THAT pursuant to By-law 17-2005 Sec. 2 Council waives the provisions of the Noise By-law 04-2005 for the Farm to Fork Spring Dinner/Dance on June 4th, 2016.

COMMITTEE DECISION

THAT pursuant to By-law 17-2005 Sec. 2 Council waives the provisions of the Noise By-law 04-2005 for the Farm to Fork Spring Dinner/Dance on June 4th, 2016.

COMMUNICATION 127201

Received from	Brian Gass, Chief Building Official
Addressed to	Planning and Protection Committee
Date	April 28, 2016
Topic	New Building By-law

SUMMARY

The Town has had the same Building By-law for the past ten years. During those same years the Province has opted to start using the Building Code Act, and its companion regulation, the Building Code, as a means to introduce provincial policy decisions that go beyond regulating the traditional structural and fire/life safety aspects of construction. For example, the design and construction of Resource Conservation and Environmental Integrity features in buildings have resulted in enhanced inspection protocols. In addition, the new By-law provides the starting point of framework for the Building Department to move towards e-permits. A system where applications would not only be received electronically, but permits also being issued electronically.

The current 2015 permit fee schedule has also been reviewed. Treasury has indicated that this permit fee schedule is projected to adequately cover the costs of the Building Department in the near future. As a result, there are no substantial changes to fees proposed. The changes are summarized as follows;

1. Discontinuation of “Inspection Deposit Fee”

Currently, every permit holder is required to post an Inspection Deposit Fee. The purpose of this deposit is to recover any costs associated with extra inspections. The collection and refund of these deposits are an administrative nightmare and places a unnecessary financial burden on our clients.

127201 Continued

2. Introduction of an annual fee rate adjustment.

The reality is that each year operational costs of any organization increase. Therefore, since permit fees are meant to cover the costs associated with administration and enforcement of the Building Code and Act, these fees should be increased accordingly over time. Several years ago, municipalities in western Ontario, after consulting with their local construction, determined that yearly minor (typically under 1%) fee increases can better anticipated by the market rather than being faced with than substantial fee increases (typically between 10% to 25%) every five or ten years. As a result, this by-law proposes an annual fee adjustment based upon the 3rd Quarter Statistics Canada Construction Cost Index for Ottawa.

3. Introduction of Minimum Fee Deposits at time of permit application.

The Minimum Permit Fee is not an extra or new fee, it is simply a collection of part of the permit fees when an application is applied for. With the abandonment of the Inspection Deposit Fee, we still should be collecting some fees at time of permit application to offset the costs associated with plans review and processing of a permit that may be abandoned by the applicant

4. Introduction of the ability to recover costs associated with third party peer review

The current fee schedule does not provide the Town the ability to recover costs where consultation with a professional is required from time to time. For example, the Building Code now permits an applicant to seek an Alternative Solution (material or whole building system) to a prescriptive requirement of the code. Sometimes these materials are so new, and innovative, that they perhaps had not fully undergone testing. We would need to hire experts in that particular field to peer review the data submitted by the applicant.

In addition to the above noted changes, the Chief Building Official was asked by the Development Review Team to explore what practices other municipalities use to ensure that the siting of new buildings for location (setbacks), site grading and storm water management / flood mitigation measures are being constructed to the original plans filed within agreements that are beyond the authority of the Building Code Act to enforce. A review of the current operational practices established over the years by staff in both the Public Works and Planning Departments, work relatively well with some minor exceptions.

127201 Continued

The greatest challenge appears to be the timing of when town staff receive “as built” survey plans for the building. This drawing does not only ensure the building is actually located on the site where it was proposed, but in addition, can also provide top of foundation wall elevations, to confirm that the foundation is constructed at a height adequate to permit the grading of the lot and driveway to be installed as it was proposed. Currently, this survey information and/or grading certificate are submitted by the builder upon completion of the whole building, when there is little opportunity to easily correct errors, such as inverted driveways, or side yard swales sloped too steep to cut a lawn with a mower, etc... This results in unhappy homeowners which may not only just complain to the town, but they could also initiate litigation against the builder and the Town.

In an effort to assist Planning and Public Works staff manage these challenges. The attached Building By-law has a schedule, governed under the authority of the Municipal Act, not the Building Code Act, to set out a program regarding how vacant lots are to be developed. Essentially, the attached Schedule “D” takes the current practices of Planning and Public Works and establishes a time line of what documents are required when. If the by-law is enacted, as written, then a builder will be required to submit to the Town a “top of foundation as built” survey of the building upon completion of the foundation. What is important to note here is that most builders have this survey already done and simply do not submitted it to the town until the project is completed and they are seeking refund of their grading deposit.

COMMENT

The proposed Building By-law is a modernized version of the current by-law. Introducing greater flexibility in the administration of the Building Code to deal with the ever changing technologies and systems of construction, while protecting the general public’s interests of ensuring structures remain safe for their users.

STAFF RECOMMENDATION

That Committee direct staff to advertise notice of a Public Meeting and hold a Public Meeting, in accordance to the Building Code Act, to introduce the proposed building by-law.

COMMITTEE DECISION

That Committee direct staff to advertise notice of a Public Meeting and hold a Public Meeting, in accordance to the Building Code Act, to introduce the proposed building by-law.

COMMUNICATION 127202

Received from Paul Knowles, Chief Administrative Officer
Addressed Planning and Protection Committee
Date April 28th, 2016
Topic Closed Meeting

SUMMARY

As authorized by the Municipal Act, Council should review selected items in closed session.

STAFF RECOMMENDATION

THAT in accordance with Section 239 of the Municipal Act, S.O. 2001, that the meeting be closed to the public with the following agenda:

AGENDA

- 12-04-16-3 a proposed or pending acquisition or disposition of land by the municipality of local board; General Nature – Bates Avenue
- 08-03-16-1 a proposed or pending acquisition or disposition of land by the municipality of local board; General Nature – Carambeck Property

COMMITTEE DECISION

THAT in accordance with Section 239 of the Municipal Act, S.O. 2001, that the meeting be closed to the public with the following agenda:

AGENDA

- 12-04-16-3 a proposed or pending acquisition or disposition of land by the municipality of local board; General Nature – Bates Avenue
- 08-03-16-1 a proposed or pending acquisition or disposition of land by the municipality of local board; General Nature – Carambeck Property
- 13-01-15-1 personal matters about an identifiable individual, including municipal or local board employees; General Nature – Succession Planning

REPORT TO COUNCIL

- 12-04-16-3 Bring forward
- 08-03-16-1 Bring forward
- 13-01-15-1 Bring forward



Planning and Protection Committee Agenda
for the May 3rd, 2016 meeting to be held in
the Council Chambers following Physical Environment Committee

- 1) **DECLARATION OF PECUNIARY/CONFLICT OF INTEREST AND GENERAL NATURE THEREOF – now or anytime during the meeting**
 - 2) **PUBLIC MEETING – NONE THIS EVENING**
 - 3) **REGISTRATION OF PUBLIC WISHING TO SPEAK**
 - 4) **PLEASE TURN OFF ALL CELL PHONES AND PAGERS**
 - 5) **COMMUNICATION 127202 IS A CLOSED MEETING**
 - 6) **IF THERE IS AN ADDENDUM, IN ACCORDANCE WITH SECTION 15.2.4 (OF STRIKING REPORT) DOES THE COMMITTEE WISH TO APPROVE THIS ADDENDUM?**
-

The following items are for information only and will not be discussed unless the Committee chooses to do so. The Chair will entertain a motion to receive and file for those items not pulled out for discussion.

COMMUNICATION 127196

Received from Les Reynolds, Director of Protective Services
Addressed to Planning and Protection Committee
Date April 27th, 2016
Topic OWFC Activity Report

SUMMARY

The March 2016 activity report is attached.

COMMENT

For Council's Information

STAFF RECOMMENDATION

Receive and Record

COMMITTEE DECISION

COMMUNICATION 127197

Received from Joanna Bowes, Manager of Development Services
Addressed to Planning and Protection Committee
Date April 27th, 2016
Topic Development Services- Planning Activity

SUMMARY

As requested from the Planning Department is providing a monthly review of planning matters received or approved within the department. The overview does not represent the numerous inquiries received throughout the reporting period, as these inquiries may or may not come to fruition. In addition the accompanying chart does not illustrate the ongoing efforts with respect to various submitted subdivision files.

COMMENT

For Council's Information

STAFF RECOMMENDATION

Receive and Record

COMMITTEE DECISION

COMMUNICATION 127198

Received from Nicole Guthrie, Acting Communications Coordinator
Addressed to Policy Review
Date April 28, 2016
Topic Eastern Ontario Development Fund

SUMMARY

In mid March the province announced that it would be suspending its Rural Economic Development Program (RED) and offered two alternative funding streams for local projects: the Jobs and Prosperity Fund and the Eastern Ontario Development Fund (EODF). The Jobs and Prosperity Fund is geared toward the private sector and very specific streams (food and beverage, advanced manufacturing, forestry, etc.).

127198 Continued

Staff investigated the Town's eligibility for EODF funding based on a review of the Regional Stream Criteria and felt it worth pursuing given the funding for this program is significant and can be used for infrastructure related projects. The maximum funding is \$1.5 million per project. Projects with dollar values less than \$100,000 are not even eligible.

“The purpose of Eastern Ontario Development Fund is to provide financial assistance and incentives to promote regional economic development in Eastern Ontario and thereby enhance Ontario’s overall economic competitiveness and opportunities for the Ontario labour force. The promotion of regional economic development includes: (1) attracting and retaining investment, (2) creating and retaining jobs, and (3) promoting innovation, collaboration and cluster development. Specifically, the Fund will provide financial assistance to promote the expansion and attraction of investment/business in Eastern Ontario through support for capital spending, skills development, productivity enhancements, infrastructure needs and other similar economic development initiatives.

Through the Regional Stream of Eastern Ontario Development Fund, Ontario will provide up to 50% of eligible costs to qualifying organizations, such as municipalities or regional development bodies, for investment in economic development initiatives in the region. Eastern Ontario communities will benefit from innovative and collaborative initiatives to support key sectors.”

COMMENT

The grant specifically states that projects be discussed with EODF staff to ensure potential eligibility before submitting an application. The Highway 7 South project (specifically the employment lands portion of the project) as well as the potential for a hotel along Hwy 7 were discussed with Denise Batson, Senior Business Advisor – Eastern Region Business Advisory Services, as they best fit the criteria outlined in the application package.

Ms. Batson reviewed the materials presented to her and after discussion with colleagues felt that the projects would not be eligible for funding. She explained that since the programs launch in 2008 only 12 applications have been successful. The fund is very difficult to access unless the project is a complete match for the objectives identified by the province. Funded projects include three to the City of Cornwall for distribution centres for Shoppers Drugmart and Rexall as well as Brockville's newly built Aquatorium.

127198 Continued

Ms. Batson explained that the province is looking for a hard commitment from external investors and a sense of immediacy – i.e. the project is shovel ready. “Build it and they will come” type projects are not what they are looking for. She indicated that the Highway 7 South development could be eligible should investors come forward and that we consider the program if our circumstances change. She also indicated that the Ministry of Tourism Culture and Sport will be announcing some new funding and encouraged us to look into that after the announcement is made.

Although a funding application would not be successful now, the Town will be positioned as plans and approvals will be in place for the Hwy 7 area so that when a suitable investor is identified an application for funding would hopefully be approved.

STAFF RECOMMENDATION

Receive and record

COMMITTEE DECISION

TO BE DISCUSSED

COMMUNICATION 127199

Received from Jane Almond, Acting Director of Planning and Development
Addressed to Planning and Protection Committee
Date April 26th, 2016
Topic County of Lanark Forest Conservation By-law

SUMMARY

The County has undertaken this review of their existing tree cutting by-law to achieve objectives set out in the Official Plan that includes:

- Sustaining a healthy natural environment
- Conserving and sustaining woodlands and good forestry practices
- Regulating and controlling the removal, maintenance and protection of Trees and Woodlands
- Protecting, promoting and enhancing all values of Woodlands; biodiversity, wildlife habitat and ecosystem services.

127199 Continued

The by-law applies to all woodlands over two (2) hectares in the County but exempts the following:

- The harvesting of trees by the owner of the woodland for their own use
- Injuring or destruction of Trees undertaken as Normal farm practices
- The injuring or destruction of trees imposed by a condition of planning approvals
- Activities authorized by the Ontario Municipal Board
- Activities undertaken under a license issued under the Crown Forestry Sustainability Act
- Activities undertaken while surveying, laying of transmission lines
- Destruction of trees on land where a license for a pit, wayside pit or wayside quarry has been issued
- Removal of trees that occurs while installing access or utilities to a site where a Building Permit has been issued
- The installation of a fence within a maximum width of 2.5m
- Activities authorized by the Drainage Act
- Removal of unhealthy trees.

Generally the by-law prohibits the harvest, injure, or destruction, cause or permit to be harvested, injured or destroyed, any Tree or Trees in woodlands unless, good forest practices are followed. Woodlands are defined as:

- 1,000 Trees, of any size, per hectare; or
- 750 Trees, measuring over five (5) centimeters in diameter, per hectare; or
- 500 Trees, measuring over twelve (12) centimeters in diameter, per hectare; or
- 250 Trees, measuring over twenty (20) centimeters in diameter, per hectare; but does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.

COMMENT

The County Official Plan is generally a high level document that directs specific and unique planning decisions to the local level. The Town's Official Plan and policies require developers to prepare tree conservation plans, landscape plans, etc. If this by-law is approved as drafted it would require developers to also seek approvals from the County, duplicating the Town's requirements. This would impact larger development including the projects commonly known as the Bodnar lands, the developments to the south of Highway 7 and the developments to the east of McNeely among others.

Lanark County consists of large tracts of rural lands with designated settlement areas. Development is generally directed and encouraged to locate within these settlement areas where local Official Plans should govern. All settlement areas should be exempt from the requirement of this by-law. This would enable local municipalities the ability to regulate within their prime development areas activities related to tree removal or injury.

127199 Continued

STAFF RECOMMENDATION

THAT all properties within urban and settlement areas be included in the list of exemptions in the County of Lanark Forest Conservation By-law.

COMMITTEE DECISION

COMMUNICATION 127200

Received from	Les Reynolds Director of Protective Services
Addressed to	Planning and Protection Committee
Date	April 26 th , 2016
Topic	Farm to Fork Spring Dinner and Dance

SUMMARY

The Community Programmer is assisting a group of volunteers who are planning a dinner/dance event at the market Square Pavilion Saturday June 4th, 2016. The event runs from 6pm to 12 midnight and features live music. They are requesting an exemption from the noise by-law. The music will be provided by a duo so the noise level will likely not be excessive.

STAFF RECOMMENDATION

THAT pursuant to By-law 17-2005 Sec. 2 Council waives the provisions of the Noise By-law 04-2005 for the Farm to Fork Spring Dinner/Dance on June 4th, 2016.

COMMITTEE DECISION

COMMUNICATION 127201

Received from Brian Gass, Chief Building Official
Addressed to Planning and Protection Committee
Date April 28, 2016
Topic New Building By-law

SUMMARY

The Town has had the same Building By-law for the past ten years. During those same years the Province has opted to start using the Building Code Act, and its companion regulation, the Building Code, as a means to introduce provincial policy decisions that go beyond regulating the traditional structural and fire/life safety aspects of construction. For example, the design and construction of Resource Conservation and Environmental Integrity features in buildings have resulted in enhanced inspection protocols. In addition, the new By-law provides the starting point of framework for the Building Department to move towards e-permits. A system where applications would not only be received electronically, but permits also being issued electronically.

The current 2015 permit fee schedule has also been reviewed. Treasury has indicated that this permit fee schedule is projected to adequately cover the costs of the Building Department in the near future. As a result, there are no substantial changes to fees proposed. The changes are summarized as follows;

1. Discontinuation of “Inspection Deposit Fee”

Currently, every permit holder is required to post an Inspection Deposit Fee. The purpose of this deposit is to recover any costs associated with extra inspections. The collection and refund of these deposits are an administrative nightmare and places a unnecessary financial burden on our clients.

2. Introduction of an annual fee rate adjustment.

The reality is that each year operational costs of any organization increase. Therefore, since permit fees are meant to cover the costs associated with administration and enforcement of the Building Code and Act, these fees should be increased accordingly over time. Several years ago, municipalities in western Ontario, after consulting with their local construction, determined that yearly minor (typically under 1%) fee increases can better anticipated by the market rather than being faced with than substantial fee increases (typically between 10% to 25%) every five or ten years. As a result, this by-law proposes an annual fee adjustment based upon the 3rd Quarter Statistics Canada Construction Cost Index for Ottawa.

127201 Continued

3. Introduction of Minimum Fee Deposits at time of permit application.

The Minimum Permit Fee is not an extra or new fee, it is simply a collection of part of the permit fees when an application is applied for. With the abandonment of the Inspection Deposit Fee, we still should be collecting some fees at time of permit application to offset the costs associated with plans review and processing of a permit that may be abandoned by the applicant

4. Introduction of the ability to recover costs associated with third party peer review

The current fee schedule does not provide the Town the ability to recover costs where consultation with a professional is required from time to time. For example, the Building Code now permits an applicant to seek an Alternative Solution (material or whole building system) to a prescriptive requirement of the code. Sometimes these materials are so new, and innovative, that they perhaps had not fully undergone testing. We would need to hire experts in that particular field to peer review the data submitted by the applicant.

In addition to the above noted changes, the Chief Building Official was asked by the Development Review Team to explore what practices other municipalities use to ensure that the siting of new buildings for location (setbacks), site grading and storm water management / flood mitigation measures are being constructed to the original plans filed within agreements that are beyond the authority of the Building Code Act to enforce. A review of the current operational practices established over the years by staff in both the Public Works and Planning Departments, work relatively well with some minor exceptions.

The greatest challenge appears to be the timing of when town staff receive “as built” survey plans for the building. This drawing does not only ensure the building is actually located on the site where it was proposed, but in addition, can also provide top of foundation wall elevations, to confirm that the foundation is constructed at a height adequate to permit the grading of the lot and driveway to be installed as it was proposed. Currently, this survey information and/or grading certificate are submitted by the builder upon completion of the whole building, when there is little opportunity to easily correct errors, such as inverted driveways, or side yard swales sloped too steep to cut a lawn with a mower, etc... This results in unhappy homeowners which may not only just complain to the town, but they could also initiate litigation against the builder and the Town.

127201 Continued

In an effort to assist Planning and Public Works staff manage these challenges. The attached Building By-law has a schedule, governed under the authority of the Municipal Act, not the Building Code Act, to set out a program regarding how vacant lots are to be developed. Essentially, the attached Schedule “D” takes the current practices of Planning and Public Works and establishes a time line of what documents are required when. If the by-law is enacted, as written, then a builder will be required to submit to the Town a “top of foundation as built” survey of the building upon completion of the foundation. What is important to note here is that most builders have this survey already done and simply do not submitted it to the town until the project is completed and they are seeking refund of their grading deposit.

COMMENT

The proposed Building By-law is a modernized version of the current by-law. Introducing greater flexibility in the administration of the Building Code to deal with the ever changing technologies and systems of construction, while protecting the general public’s interests of ensuring structures remain safe for their users.

STAFF RECOMMENDATION

That Committee direct staff to advertise notice of a Public Meeting and hold a Public Meeting, in accordance to the Building Code Act, to introduce the proposed building by-law.

COMMITTEE DECISION

COMMUNICATION 127202

Received from	Paul Knowles, Chief Administrative Officer
Addressed	Planning and Protection Committee
Date	April 28 th , 2016
Topic	Closed Meeting

SUMMARY

As authorized by the Municipal Act, Council should review selected items in closed session.

STAFF RECOMMENDATION

THAT in accordance with Section 239 of the Municipal Act, S.O. 2001, that the meeting be closed to the public with the following agenda:

AGENDA

12-04-16-3 a proposed or pending acquisition or disposition of land by the municipality of local board; General Nature – Bates Avenue

127202 Continued

08-03-16-1 a proposed or pending acquisition or disposition of land by the municipality of local board; General Nature – Carambeck Property

COMMITTEE DECISION

Items of Interest

Items of Interest

March was a relatively quiet month with calls YTD at virtually the same levels as 2015.

Planning Application/Stats for 2016

<u>2016</u>	<u>Pre-consultation</u>	<u>PLC</u>	<u>SUB</u>	<u>Consent</u>	<u>DP1</u>	<u>DP1a</u>	<u>DP2</u>	<u>DP3</u>	<u>DP4</u>	<u>DP Agreement Amendment</u>	<u>OPA</u>	<u>DPA</u>	<u>Monthly Totals</u>
January	4	2				2	1		1		1	1	12
February	2			4	1								7
March	3			1		2							6
April	4				1	2							7
May													0
June													0
July													0
August													0
September													0
October													0
November													0
December													0
<u>YTD Totals</u>	13	2	0	5	2	6	1	0	1	0	1	1	<u>32</u>
<u>2015 Totals</u>	50	10	2	9	9	8	7	1	0	1	1	3	<u>101</u>
<u>2014 Totals</u>	20	10	1	6	4	N/A	6	0	N/A	0	1	1	<u>49</u>

BY-LAW XX-2016

BEING A BY-LAW TO REGULATE CONSTRUCTION, DEMOLITION, AND CHANGE OF USE PERMITS FOR BUILDINGS, STRUCTURES, AND ALL OTHER RELATED SERVICES WITHIN THE TOWN OF CARLETON PLACE AND TO REPEAL BY- LAWS XX, AS AMENDED

BUILDING BY-LAW

WHEREAS pursuant to Section 9 of the Municipal Act, 2001 S.O. 2001, chapter 25 a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to Section 10(2)6 AND Section 11(2)6 of the Municipal Act, 2001 S.O grants authority to local municipalities to adopt By-laws or portions thereof concerning the health, safety and well-being of persons;

AND WHEREAS pursuant to Section 8. (1) of the Municipal Act, 2001 S.O. 2001, chapter 25 the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 7 of the Building Code Act, 1992, S.O.1992, c.23, as amended, authorizes municipal council to pass By-laws respecting construction, demolition and change of use permits, inspections and related matters including fees;

AND WHEREAS notice was given and a Public meeting held on XXX in accordance with the Building Code Act, 1992, S.O.1992, c.23, as amended in relation to proposed amendments to the Building By-law XX, as amended with respect to building related fees;

AND WHEREAS the Council of The Corporation of the Town of Carleton Place deems it necessary and desirable to repeal By-laws XX as amended and to enact a new Building By-law for the issuance of permits and related matters, including the establishment of a fee schedule;

NOW THEREFORE, the Council of The Corporation of the Town of Carleton Place enacts as follows:

PART 1. GENERAL

- 1.1 This By-law may be cited as the "Building By-law".
- 1.2 Words in the singular may include the plural and words in the plural may include the singular.

- 1.3 Specific terms include both sexes and include corporations.
- 1.4 The headings and subheadings used in this By-law shall not form a part of the By-law, but shall be deemed to be inserted for convenience of reference only.
- 1.5 This By-law is to be read in conjunction with all the Statutes referred to in the preamble hereto and in the event that there is a conflict between the provisions of this By-law and the provisions of the Act or its regulations, then the provisions of the Act and its regulations as amended prevail.
- 1.6 Schedule "A", "B", "C", and "D" attached hereto shall form part of this By-law.

PART 2. DEFINITIONS

- 2.1 Non-defined terms.

In this By-law all words or phrases shall have the meaning accorded to them in the Code Act or its regulation (the Building Code); In addition to those words and phrases, in this By-law XX-2016.

- 2.2 "Act" means the Building Code Act, 1992, S.O.1992, c.23, as amended.
- 2.3 "Applicant" means the owner of a building or property who applies for a permit or any person authorized to apply for a permit on the owner's behalf, or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or corporation.
- 2.4 "Building Code" means the regulations made under Section 34 of the Act.
- 2.5 "Chief Building Official" means the Chief Building Official appointed pursuant to Section 3.(2) of the Act and by By-law of the Corporation of the Town of Carleton Place for the purposes for the enforcement of the Act.
- 2.6 "Complete application" means an application that meets the requirements set out in the building code for applications, Part 4 of this By-law where the Chief Building Official is required to make a decision within a prescribed time.
- 2.7 "Conditional Permit" means a permit issued under Section 8(3) of the Act.
- 2.8 "Partial Permit" means a permit issued by the Chief Building Official to construct part of a building

- 2.9 "Permit" means permission or authorization given in writing by the Chief Building Official to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the Act and Building Code.
- 2.10 "Permit Holder" means the owner, as defined by Building Code, to whom the permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred.
- 2.11 "Plot plan" means a detailed drawing(s) of proposed improvements to a given property at a defined scale, plot plans are also known as a site plans.
- 2.12 "Revised submission" means additional information filed with the Chief Building Official which depicts one or more changes to the proposed or as-constructed design of a building or part of a building for which a permit has already been issued and for which approval by the Chief Building Official is required.
- 2.13 "Supplementary submission" means a resubmission of additional information in relation to building permit application documents previously filed and reviewed, that requires additional review to determine Building Code compliance.
- 2.14 "Town" means The Corporation of the Town of Carleton Place.

PART 3. CLASSES OF PERMITS

- 3.1 Classes of Permits required for the construction, demolition, change of use, occupancy of a building shall be set out in Schedule "A" to this By-law.

PART 4. REQUIREMENTS FOR PERMIT APPLICATIONS

General Requirements

- 4.1 To be considered a complete application, every permit application shall be accompanied by the approval documents issued by the agencies responsible for the applicable laws listed in the Building Code.
- 4.2 An application for a Permit may be refused by the Chief Building Official where it is not a complete application.

- 4.3 The Chief Building Official is delegated the authority to create and/or adopt for usage, forms (other than those prescribed by the Act or the Code) which provide for the collection of specific information in relation to permit applications which information is necessary for the administration and enforcement of the Act and Code. This delegated authority is subject to the following conditions:
- 4.3.1 The Chief Building Official's office shall maintain a list of forms that it has issued or adopted for usage.
- 4.4 The Chief Building Official may, as the Chief Building Official deems appropriate provide prescribed forms in electronic format and may allow for electronic submission of completed permit application forms.
- 4.5 Notwithstanding Section 4.4 of this By-law, completed forms generated electronically shall be accepted subject to the endorsement by the applicant.
- 4.6 Applications submitted in accordance with this By-law or otherwise required by the Act become the property of the Town and will be disposed of or retained in accordance with relevant legislation or by-law.

Applications for Permits to Construct,

- 4.7 Every application for a Permit to construct a building shall;
- 4.7.1 identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the building permit application is made;
- 4.7.2 be accompanied by the plans, specifications, documents, forms and other information prescribed in Parts 5 and 11 of this By-law; and
- 4.7.3 be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the Chief Building Official to be unnecessary.

Applications for Permits to Demolish

- 4.8 Every application for a Permit to demolish a building shall:
- 4.8.1 identify and describe in detail the work to be done and the existing use and occupancy of the building, or part thereof, for which the application for a permit to demolish is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;

- 4.8.2 be accompanied by the plans, specifications, documents, forms and other information prescribed in Part 5 of this By-law; and
- 4.8.3 be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the Chief Building Official to be unnecessary.

Application for Permits to Construct Part of a Building

- 4.9 In addition to the requirements of Section 4.7 of this By-law, every application for a Partial Permit shall:
 - 4.9.1 require a permit application for the entire project;
 - 4.9.2 in addition to the plans, specifications, documents, forms and other information prescribed in Parts 5 and 11 of this By-law for the entire project, also include specifications, documents, forms and other information covering that part of the work for which application for a partial permit is made, as may be required by the Chief Building Official; and,
 - 4.9.3 include payment of all applicable permit fees, notwithstanding that the issuance of a partial permit may only grant permission to part of a building or structure, for the entire proposed project calculated in accordance with Part 7 of this By-law.
- 4.10 The Chief Building Official may issue a Partial Permit when the Chief Building Official determines it is appropriate to expedite substantial construction before a Permit for the entire building is available and where the relevant provisions of this By-law and the Act are met.
 - 4.10.1 When determining whether to issue a partial permit, the Chief Building Official shall have regard for the likelihood of subsequent approvals being available in a timely fashion such that a project is not interrupted and exposed to potential damage from the elements, while awaiting subsequent approvals.

Application for Conditional Permits

- 4.11 In addition to the requirements of Section 4.7 of this By-law, every application for a Conditional Permit shall:
 - 4.11.1 include a written statement from the applicant explaining why the applicant believes that unreasonable delays in construction would occur if a Conditional Permit is not granted;

- 4.11.2 include a written acknowledgement from the applicant of the necessary approvals that must be obtained in respect of the proposed building in order for the permit to be issued and the time in which such approvals will be obtained;
- 4.11.3 be accompanied by the plans, specifications, documents, forms and other information prescribed in Parts 5 and 11 of this By-law; and,
- 4.11.4 include payment of permit fees, notwithstanding that the issuance of a Conditional Permit may only grant permission to part of a building or structure, for the entire proposed project calculated in accordance with Part 7 of this By-law.

Conditional Permit Issuance: Discretionary

- 4.12 The Chief Building Official may, at his discretion, issue a Conditional Permit where unreasonable delays are anticipated in obtaining all necessary approvals, and where the relevant provisions of this By-law and the Act are met.
- 4.13 Prior to the issuance of a Conditional Permit the applicant, and any other persons the Chief Building Official determines, shall enter into a written agreement with the Town.

Applications for Permits for Change of Use

- 4.14 Every application for a Permit for a change of use shall:
 - 4.14.1 identify and describe in detail the existing and proposed use and occupancy of the building, or part thereof, for which the application for a Permit is made;
 - 4.14.2 be accompanied by the plans, specifications, documents, forms and other information prescribed in Part 5 of this By-law; and,
 - 4.14.3 include payment of all required fees and deposits prescribed by Part 7 of this By-law.

No Implication of Permit Availability

- 4.15 Notwithstanding the issuance of a Permit under Sections 4.10 (Partial) or 4.11 (Conditional) of this By-law, the Chief Building Official shall not be deemed, implied or obliged to issue any further or additional Permits for such property.

- 4.16 Where construction has commenced prior to the issuance of a Permit, a Permit based on any of the above applications may be issued at the sole discretion of the Chief Building Official.

Abandoned Permit and Permit Applications

- 4.17 An application for a Permit may be deemed to be abandoned by the applicant where:
- 4.17.1 the application has been determined to be incomplete pursuant to Section 4.2 of this By- law and remains incomplete for a period 90 days from the date the application was determined to be incomplete; or
 - 4.17.2 the applicant has failed to obtain a copy of a Permit within 90 days of being notified that such permit is available for issuance (including where the payment of any outstanding fees is required at the time of issuance).
 - 4.17.3 any Permit issued may be revoked in accordance to the provisions of Section 8.(10) of the Building Code Act, 1992, S.O. 1992, c.23, as amended.

Revisions of Permits

- 4.18 After the issuance of a Permit under the Act, the Applicant shall give notice to the Chief Building Official in writing of any material change to a plan, specification, document or their information upon which a permit was issued, together with the details of such change, which change shall not be made without the prior written authorization of the Chief Building Official.
- 4.19 Application for authorization of any substantial change shall constitute a revised submission or a supplementary submission.

PART 5. PLANS AND SPECIFICATIONS

- 5.1 As part of the application for a Permit and in addition to the requirements of Part 4 of this by- law, every applicant shall submit to the Chief Building Official the following:
- 5.1.1 sufficient plans, specifications, documents, forms, as described in Schedule "B" of this By- law, and such other information as may be deemed necessary by the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the Act, and the Building Code;

- 5.2 Plans, specifications and other documents which are submitted to satisfy Section 5.1 of this By-law shall:
- 5.2.1 be fully coordinated among design disciplines and intended for construction, demolition or change of use;
 - 5.2.2 be fully dimensioned and drawn to a suitable scale that clearly depicts the proposed construction, demolition or change of use;
 - 5.2.3 include a Title Block containing; project title or proposed use of building, owner's name, municipal address of the project location, scale of drawing, drawing title, date drawing produced and,
 - 5.2.4 include the designer's contact, qualification information, affixed with the appropriate seal embossed with the designers signature and date of seal, as required, by applicable legislation and associated regulations.
 - 5.2.5 be submitted on paper or other suitable and durable material; and
 - 5.2.6 contain information and text that is clear and legible.
- 5.3 Unless waived by the Chief Building Official, every application shall be accompanied by three (3) sets of plans, specifications, forms, documents and other information required to facilitate the administration and enforcement of the Building Code.
- 5.4 On completion of the construction of a building, the Chief Building Official may require the applicant to Submit a set of as-constructed plans, including a plan of survey showing the location of a building.
- 5.5 Plans and specifications submitted in accordance with this By-law or otherwise required by the Act become the property of the Town and will be disposed of or retained in accordance with relevant legislation or by-law.

PART 6. AUTHORIZATION OF ALTERNATIVE SOLUTIONS

- 6.1 Where approval for an Alternative Solution under the Building Code is proposed in either the application for a permit, or in a material change to a plan, specification, document or other information on the basis of which a permit was issued, the applicant shall submit:
- 6.1.2 an application on a form prescribed by the Chief Building Official;

6.1.3 supporting documentation demonstrating that the proposed Alternative Solution will provide the level of performance required by the Building Code; and

6.1.4 payment of the required fees prescribed by Part 7 of this By-law.

PART 7. PERMIT FEES, ADMINISTRATIVE FEES, AND REFUNDS

Permit Fees, Administrative Fees.

7.1 The Chief Building Official shall determine the required permit fees in accordance with this Part of the By-law and Schedule "C" to this By-law, and;

7.1.1 despite the above the Chief Building Official may place a valuation on the cost of the proposed project as contained in Schedule "C" and where disputed by the applicant, the applicant shall pay the required fee under protest and, within six months of completion of the project, shall submit an audited statement of the actual costs. Where the Chief Building Official, in his sole discretion, agrees that the audited costs are less than the valuation, the Chief Building Official may issue a partial refund that reflects the difference between the two amounts.

7.2 Where the Chief Building Official determines that a third party evaluation is required to assist in the determination of compliance with the Building Code and associated Regulations or Standards. Any person that permits the construction, demolition or changes the use of a building or part thereof shall pay a nonrefundable fee to the Town equal to all fees and disbursements incurred by the Town for the third party review, and all other costs associated to the use of Town resources used to engage and obtain a third party evaluation;

7.3 In addition to applicable permit fees, where;

7.3.1 an applicant makes supplementary submissions and revised submissions, the applicant shall pay a administrative fee which shall be calculated in accordance with Schedule "C";

7.3.2 an applicant makes application for a Alternative Solution Review, as prescribed by the Building Code, the applicant shall pay a nonrefundable administrative fee to the Town accordance with Schedule "C", and a nonrefundable fee to the Town equal to all fees and disbursements incurred by the Town for the third party review, and all other costs associated to the use of Town resources used to engage and obtain a third party evaluation;

- 7.3.3 an applicant makes application for a Conditional Permit, the applicant shall pay a nonrefundable administrative fee to the Town equal to all fees and disbursements incurred by the Town for the drafting and registration of conditional permit agreements;
- 7.3.4 any person who commences construction, demolition or changes the use of a building or part thereof prior to the issuance of a permit to construct, demolish or change the use of a building or part thereof, in addition to any penalty imposed under the Act or Building Code, shall pay a non-refundable administrative fee as set out in Schedule "C";
- 7.4 The fees set out in Schedule "C" of this By-law, shall be adjusted annually on and effective the 1st of February based upon the previous year's 3rd quarter Statistics Canada Non-Residential Cost Index: Ottawa. Where such index indicates negative growth, the fees shall remain at the level established for the prior year, in all situations no amendment to the By-law shall be required to give effect to the fee changes.
- 7.5 The Chief Building Official shall not issue a Permit until all fees required by this By-law have been paid in full by the applicant; and,
- 7.5.1 If Permit issuance is refused due to non-compliance with Section 8.(2) of the Act, the property owner shall be invoiced any outstanding fees calculated in accordance with Part 7 of this by-law. Payment shall be due payable from the date of the invoice.
- 7.6 Where any fees set out in this By-law remain unpaid after the due date, the amount unpaid shall be added to the tax roll and collected as taxes.

Refunds of Fees and Deposits

- 7.7 In the case of withdrawal or abandonment of an application, or refusal Permit issuance, and upon written request by the applicant, the Chief Building Official may refund any unearned fees to the party that made payment, which shall be calculated in accordance with this By-law. In no case shall any fees collected in accordance with Subsections 7.3.2, and 7.3.3, or 7.3.4 of this By-law be refundable.

8. TRANSFER OF PERMITS

- 8.1 If the owner of the land changes subsequent to the issuance of a permit and prior to the final inspection related thereto, the Permit may be transferred to the new owner (the transferee) of the subject lands upon the submission of an application in accordance with the requirements of Part 4 of this By-law, and where such application is accompanied by the following:

- 8.1.2 Proof of ownership of the subject lands by the transferee;
 - 8.1.3 written confirmation from the Designer, Architect and/or Professional Engineer or such other qualified person referenced in the original application that such person or firm has been retained to continue to provide the stated services in respect of the application (if such services continued to be required under the Act/Code) or the name, address, telephone number of the Designer, Architect and/or Professional Engineer or such other qualified person and where applicable the written confirmation of such person or firm that they have been retained in relation to the application;
 - 8.1.4 the payment of applicable fees set out in Part 7 of this By-law.
- 8.2 Upon the issuance of a transfer of Permit to the transferee, the transferee shall be deemed to be the permit holder and the original permit holder shall have no further rights or obligations to the Town under the Permit save and except for any obligations set out in an agreement entered into under Section 8.(3).(c) of the Act.

9. NOTICES FOR INSPECTIONS

- 9.1 Inspection notices required by the Building Code and this By-law shall be made in writing or by telephone.
- 9.2 Inspection notices are required a minimum of two business days prior to the stages of construction specified therein and shall be given in accordance with the requirements of Subsection 1.3.5 of Division C of the Building Code.
- 9.3 The person to whom the Permit has been issued shall notify the Chief Building Official of each stage of construction for which a notice is prescribed by the Building Code.
- 9.4 Notwithstanding Part 10 of this By-law, the person to whom the Permit has been issued shall notify the Chief Building Official of the date of completion of the building or demolition work no more than two days after that date.
- 9.5 In addition to the notices prescribed in Article 1.3.5.1 of Division C of the Building Code, and where the Chief Building Official has notified the Permit Holder, in writing, of those stages of construction set out in Article 1.3.5.2 of Division C of the Building Code that are also applicable to the project for which the Permit has been issued, shall give notice to the Chief Building Official of the readiness for inspection of those stages of construction.

- 9.6 All notices for inspections as described above shall not be deemed effective until the notice is acknowledged as received by the Chief Building Official in writing or by telephone.

PART 10. FENCING CONSTRUCTION SITES

- 10.1 Where, in the opinion of the Chief Building Official, a construction or demolition site presents a hazard to the public, the Chief Building Official may require the Permit Holder to erect such fencing to the standards and specifications that the Chief Building Official deems to be appropriate in the circumstances.
- 10.2 When determining if a construction or demolition site presents a hazard to the public and requires the erection of fencing and the type of fencing required, the Chief Building Official shall have regard to:
- 10.2.1 the proximity of the construction site to occupied dwellings;
 - 10.2.2 the proximity of the construction site to lands accessible to the public, including but not limited to streets, parks and commercial and institutional activities;
 - 10.2.3 the hazards presented by the construction activities and materials;
 - 10.2.4 the feasibility and effectiveness of site fencing; and
 - 10.2.5 the duration of the hazard.
- 10.3 When the Chief Building Official is of the opinion that fencing is required, the Permit Holder shall, prior to the commencement of any construction, demolition, or placement of materials or equipment on site, erect or cause to be erected fencing to the standards required by the Chief Building Official to enclose the construction or demolition site for the purposes of preventing unauthorized entry on the site. For the purposes of this section, construction or demolition site shall include the area of the proposed construction or demolition and any area where materials or equipment are stored or operated.

PART 11. VACANT LOT DEVELOPMENT REQUIREMENTS

- 11.1 Pursuant to Section 10(2)6 and Section 11(2)6 of the Municipal Act, 2001 S.O., notwithstanding development requirements addressed otherwise in another Statute, Regulation or Standards, the Vacant Lot Development Requirements found in Schedule "D" of this By-law shall apply to the first proposed building to be constructed on any vacant lot.

PART 12. OFFENCES AND PENALTIES

12.1 Any person is guilty of an offence and is subject to a penalty in accordance with Part 36 of the Building Code Act, 1992, S.O. 1992, c.23, as amended if the person:

12.1.1 knowingly furnishes false information in any application under the Act, in any certificate required to be issued or in any statement or return required to be furnished under the Act or the regulations;

12.1.2 fails to comply with an order, direction or other requirement made under the Act; or

12.1.3 contravenes the Act, the regulations or this By-law passed under Section 7 of the Act.

PART 13. SEVERABILITY

13.1 If a court of competent jurisdiction should declare any section or part of a section this By-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.

PART 14. REPEAL AND TRANSITION

14.1 By-law Number XX, as amended by By-law XX are hereby repealed in their entirety upon the date that this By-law comes into force.

14.2 Notwithstanding Sections 13.1 and 14.1 of this By-law, for any complete permit applications received prior to the effective date of this By-law, the provisions of By-law Number 1998-06, as amended shall remain in force and effect of the purpose of those permit applications.

15. EFFECTIVE DATE

15.1 This By-law shall come into force and take effect XXX

By-law read a first time, second time, third time and finally passed this xxxxx day of xxxxxxxx 2016

SCHEDULE "A" OF BUILDING BY-LAW XXX

CLASSES OF PERMITS

BUILDING PERMIT:

To be for the purpose of allowing all types of construction governed by the Act and the Building Code.

CHANGE OF USE PERMIT:

To comply with the requirements of Part10. (1) of the Act.

CONDITIONAL PERMIT:

Pertains to construction only and may be issued only in accordance with Part 8 (3) of the Act. The Chief Building Official is hereby authorized to execute the written agreement referred to in Part4 of this By-law on behalf of the Town where the Chief Building Official is satisfied that the compliance required under Part8 of the Act has been achieved.

DEMOLITION PERMIT:

To be used for the demolition of all or part of a building or structure.

PARTIAL PERMIT:

When a permit is applied for in accordance to the provisions of the Building By-law, in order to expedite work, the Chief Building Official may grant approval for construction to proceed for a portion of a structure.

OCCUPANCY PERMIT:

Pertains to a Certificate of Occupancy, or a final inspection report issued by the Chief Building Official in accordance with Section 1.3 of Division C of the Building Code, as amended.

SCHEDULE "B" OF BUILDING BY-LAW XXX

Plans, Specifications and Documentation Requirements

Type 1 Projects

The following buildings are considered Type 1 Projects;

- Single Detached homes,
- Semi-detached homes,
- Town Homes,
- Duplexes, and
- any ancillary buildings constructed on these properties;

The following plans and specifications, as applicable to the scope of works proposed are required for Type 1 projects;

- Survey or Plot Plan,
- Architectural,
- Structural,
- HVAC,
- Electrical Layout,
- Site services; and,
- Additional Sections, Plans, Details, or Specifications as determined by the scope of the work involved, for example;
 - Details sealed (by P. Eng.) for engineered manufactured products, i.e. trusses,
 - Site Design for spatial separation, exposed building face and drainage patterns
 - Ventilation Design Summary and Heat Loss and Gain Calculations
 - Energy Efficiency Design Summary form for Part 9 Residential Houses
 - Lighting and smoke and carbon monoxide detectors layouts

Noting that for alterations or repairs the Chief Building Official may accept less.

Type 2 Projects

The following buildings, or structures are considered Type 2 Projects;

- Industrial,
- Commercial,
- Institutional,
- Multi-Residential (not listed above),
- Designated Structures, as defined by the Building Code, and
- Any Ancillary Building, Structures, or Temporary Structures regulated by the Building Code.

Plans and Specifications, as applicable to the scope of works proposed for all type 2 projects,

- Survey or Plot Plan,
- Architectural,
- Structural,
- Mechanical,
- Electrical Layout,
- Site services; and,
- Additional Sections, Plans, Details, or Specifications, for example;
 - Fire Access route design with hydrant locations, or on site water supply,
 - Site Storm and Sanitary layouts,
 - Details sealed (by P. Eng.) for engineered manufactured products, i.e. trusses,
 - HVAC,
 - Energy Efficiency Design SB10 forms (Part 3 or Part 9 Non-Residential Buildings),
 - Plumbing,
 - Sprinklers,
 - Lighting, interior and exterior,
 - Emergency Lighting system, and
 - Fire Alarm system

Noting that for alterations or repairs the Chief Building Official may accept less.

Additional Forms and Documents (where applicable)

- Property Owner's Letter of Authorization appointing an agent,
- Commitment to General Review signed by all project team disciplines
- Building Code Data Matrix
- Geotechnical Investigation Report
- Copies of authorizations/permits from other approving agencies (Applicable Law approvals)
- Such other information as may be deemed necessary by the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the Act, and the Building Code

This required information is in addition to any information specified in Parts 4, 5 and 11 of By-law xxxx

Schedule "C" to By-law XX

PERMIT AND ADMINISTRATIVE FEES, AND REFUND PROVISIONS

Fee Calculations

Permit Fees shall be calculated in accordance to the following chart;

Permit Type	Construction Type	Permit Fee
Building - Commercial / Industrial / Institutional	New construction	2% of valuation for first \$500,000 and 1% of valuation thereafter
	Additions, Renovations, Alterations, or Repairs (not mentioned elsewhere)	2% of valuation for first \$500,000 and 1% of valuation thereafter Plus - \$10.00 / plumbing fixture
Building - Residential All	New Construction	\$12.00/m ² of gross floor area Plus - \$10.00/plumbing fixture. Plus - \$200.00/if unfinished basement has plumbing rough-in Plus – Garage \$100.00/bay (up to 15m ² for garage size)
	Addition	2% of valuation for first \$500,000 and 1% of valuation thereafter Plus - \$10.00/plumbing fixture Plus - \$200.00/if unfinished basement has plumbing rough-in Plus – Garage \$100.00/bay (up to 15m ² for garage size)
	Renovation, Alterations, or Repairs (not mentioned elsewhere)	2% of valuation for first \$500,000 and 1% of valuation thereafter Plus - \$10.00 / plumbing fixture

Permit Type	Construction Type	Permit Fee
Building - Residential to Single Dwellings	Accessory Buildings, Deck and Porches	2% of valuation
	Private Pools Enclosures	SEE POOL BY-LAW
	Solid Fuel Burning (Wood stoves etc...)	\$100.00
Demolition	Basic Demolition	\$100.00
	Demolition requiring Engineers Review (sub-section 1.2.3.2 Div. C of OBC)	See Fees listed under conditional permits Plus – Security fee deposit at CBO's discretion
Conditional		\$500.00 Plus – all applicable DP and building permit fees and Development Charges shall be collected at issuance of first permit Plus – Security fee deposit at CBO's discretion Plus – All Legal or third party consultant fees incurred by Town
Partial Permit	Applicable only to where the Applicant requests a Partial Permit	\$100.00 Plus – all applicable DP and building permit fees and Development Charges shall be collected at issuance of first permit

Permit Type	Construction Type	Permit Fee
Change of Use	no construction proposed or required per Building Code	\$100.00
	Where plans review of above stated application determines construction is required per Building Code	Apply all applicable project fess listed in this Schedule
Administrative Function		Administrative Fees
Revision to Permit or Request to Review Alternative Solution Proposal		\$300.00 Plus – All Legal or third party consultant fees incurred by Town
Re-inspections under valid permit	Any outstanding fees shall be paid in full to the Town prior to the issuance of a Certificate of Occupancy or a final Inspection report	\$100.00 per re-inspection.

Permit Type	Construction Type	Permit Fee
Investigations of	Construction of New Buildings and Structures, commencing prior to the issuance of a Building Permit	<p>\$100.00 per site inspection to review status of non-compliance; plus,</p> <p>Prior to the issuance of any Order issued pursuant to the Building Code Act. The value of the normal permit fee shall be multiplied by 0.5 to determine the administrative fee portion of the total fee; or,</p> <p>After the issuance of any Order issued pursuant to the Building Code Act. The value of the normal permit fee amount shall be doubled (maximum \$15,000.00); and,</p> <p>All Legal or third party consultant fees incurred by Town to achieve compliance with the Code or Act.</p> <p>.</p>
Investigation of	Construction or Demolition for Renovations or Additions	<p>\$100.00 per site inspection to review status of non-compliance; plus,</p> <p>Prior to the issuance of any Order issued pursuant to the Building Code Act. The value of the normal permit fee shall applied; or,</p> <p>After the issuance of any Order issued pursuant to the Building Code Act. The value of the normal permit fee amount shall be doubled (maximum \$15,000.00); and,</p> <p>All Legal or third party consultant fees incurred by Town to achieve compliance with the Code or Act.</p>

Permit Type	Construction Type	Permit Fee
Agency Letter of Approval		\$200.00
Building Compliance Report		\$30.00 for each building information and planning information report
Transfer/Renewal of Permit		\$100.00

Alternative Fee Calculations

Structures that are of an unusual shape, or where projects are unique in nature, and where the application fees set out in this Schedule is not possible, or would be impractical, the Chief Building Official, at his discretion, may determine the value of the Permit Fee. The Chief Building Official may utilize some, all, or a combination thereof, of the following criteria to determine the Permit Fee:

- Inspection and revision review fees listed in this Schedule may be used to calculate a Permit Fee based upon an estimation of staff time that may spent on the file.
- Apply a fee, or combination of fees listed this schedule that in the judgment of the Chief Building Official, most closely reflects the proposed project.

Minimum Fees

Notwithstanding the above, the minimum applicable fee for any permit application shall be collected in accordance to the following chart;

Minimum Fees - To be collected at time of Building Permit Application submission	
<ul style="list-style-type: none"> • Any project not listed elsewhere in this chart • Renovations • Accessory building or deck to single dwelling • Solid Fuel Appliance (Wood-stove) • Change of Use – no construction • Demolition 	\$100.00
<ul style="list-style-type: none"> • Addition to building • Creation of a new suite or unit 	\$500.00
<ul style="list-style-type: none"> • New Building – less than 300m² of gross floor area (not listed elsewhere) 	\$1000.00
<ul style="list-style-type: none"> • New Building – greater than 300m² of gross floor area (not listed elsewhere) 	\$2000.00
<ul style="list-style-type: none"> • New Building – greater than 600m² of gross floor area (not listed elsewhere) 	\$5000.00

Determination of Floor Area

The following method establishing the total floor area shall be used;

- Each floor area, shall be measured between the outside surfaces of exterior walls, or between the outside surfaces of exterior walls and the centre line of Firewalls or Party Walls. For structures like, Mezzanines, Decks/Porches, and Loading Docks the area shall be measured between the platform edge to platform edge, or between the platform edge to an abutting wall face. The summation of these calculations shall be considered the total gross floor area.
- A residential basement or a crawlspace contained in whole below grade, and with no interior finishes installed, or where no Use is proposed shall not be calculated as part of the total gross floor area.
- Notwithstanding the above, all walkout basements in dwellings shall have half of their total floor area calculated to the total gross floor area.
- No deductions shall be made for openings within a Floor, i.e. stairwells, elevator shafts, service shafts (ducts. etc.). A horizontal plane may be projected over sloping and stepped Floors to determine Floor area in lieu of actual surface area.

REFUND OF PERMIT FEES

General Provisions

- (1) Refunds of fees collected under the authority of this Schedule, shall be provided in accordance with other provisions of this Part, where the;
 - Building Permits have been issued, but no construction has commenced,
 - Building Permits have not been revoked,
 - Building Permit Applications have not expired,
- (2) Requests for refunds must be submitted to the Chief Building Official in writing who will determine the amount of Fees, if any, that may be refunded.
- (3) Except as provided in sentence (3), the amount of fees refundable shall be calculated based on the total of fees collected under the authority of this Schedule and provisions listed in Part 7 of the Building By-law XXX, as follows:
 - 75 percent refundable if applicant cancels application prior to release of permit for issuance;
 - 50 percent refundable if Chief Building Official has released the permit for issuance;
- (3) Notwithstanding sentence (2), no refund shall be made of an amount less than \$100.00

SCHEDULE “D” to Bylaw XXX

VACANT LOT DEVELOPMENT REQUIREMENTS

1. Two Stage Partial Building Permit System

- 1.1 To ensure that the first building constructed on a vacant lot meets the development standards of the Town, specifically for location of the building on the lot, the grading of the site, and the connection to the municipal storm sewer system. The Town requires that construction be only permitted in two stages. Where a Building Permit application is received to construct the first building on a vacant lot, the Chief Building Official shall only issue Partial Building Permits, each stage of permitted works and timing of issuance of said permits are as follows;
- 1.1.1 The first Partial Building Permit issued will be to permit the construction of the buildings footings, foundation walls, and all associated “under-ground” works, including on site water supply, sanitary and storm sewers, and foundation wall drainage systems. A first partial Building Permit, may only be issued upon the owner or applicant satisfying the conditions found in Part 2 of this Schedule.
- 1.1.2 The second Partial Building Permit issued will be to permit the construction of the remainder of the building in accordance to the plans, specifications and other approval documents reviewed and accepted by the Town as the permit documents. A second partial Building Permit, may only be issued upon the owner or applicant satisfying the conditions found in Part 3 of this Schedule.

2. Requirements at Time of Building Permit Application

- 2.1 In addition to other applicable Approvals, Permits and payment of all fees regulated by either Federal or Provincial Statute, Regulation or Standard, or a Municipal By-law. The owner, or applicant, shall also submit at time of Building Permit Application;
- 2.1.1 a Location Survey, prepared by an Ontario Land Surveyor and approved by the Director of Planning; and,
- 2.1.2 a Site Lot Grading Plan, prepared by an Ontario Land Surveyor or a qualified Professional Engineer, and approved the Director of Public Works; and,
- 2.1.3 a completed copy of a form titled “Sump Pit Detail Sign-off” attached to the back of this Schedule, and approved by the Director of Public Works; and,

- 2.1.4 pay a refundable deposit of \$5,000.00, to ensure completion of grading and associated site works on the subject property to the satisfaction of the Director of Public Works.

3. Requirements to Obtain Second Partial Building Permit

- 3.1 To obtain the second Partial Building Permit, the owner shall submit to the Chief Building Official;
 - 3.1.1 a Top of Foundation Wall (TFW) Survey, prepared by an Ontario Land Surveyor, and approved the Director of Planning and the Director of Public Works, confirming that the “as built”;
 - (a) location of the building is in accordance to the approved Location Survey noted in clause 2.1.1; and,
 - (b) elevations of the top of the foundation walls are in accordance to the approved Site Lot Grading Plan noted in clause 2.1.2.