

***Development Approval Procedures
For
Official Plan and Zoning By-law
Amendments***

A Guide for Applicants



***The Corporation of the Town of Cobourg
Building and Planning Department
55 King Street West
Cobourg, ON
K9A 2M2***

(905)372-1005

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Introduction

The Town of Cobourg Building and Planning Department is responsible for the review, processing and approval of all planning applications under the Ontario Planning Act, R.S.O. 1990, c.P. 13, as amended. These applications include Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision, Consents, Minor Variances, Site Plan Control, and so on. Application fees are normally charged for each development type to cover administrative and other costs incurred by the Municipality during the course of the approval process. Depending on the nature and extent of the proposal, Development Charges may apply. A complete listing of the Building and Planning Department fees and charges is attached as APPENDIX "A".

An overview of each development type is outlined below. A detailed description of the process involved in making an application for an Official Plan and/or Zoning By-law Amendment is outlined in Section 2.0 of this guide.

1.0 DEVELOPMENT TYPES

a) Official Plans and Official Plan Amendments

The Official Plan is a *general policy document* which establishes a long range planning "blueprint" for land uses and resource management within the Municipality. The land uses are identified by designations, under which specific policy direction is given to deal with such matters as type of use, density, massing, community design, and development criteria. In addition, policies related to park systems, transportation, servicing and implementation are outlined within the Official Plan. New developments which do not conform to the Plan must seek approval of an Official Plan Amendment through Council. Copies of the Official Plan are available in the Building and Planning Department for \$50.00 each.

b) Zoning By-laws and Zoning By-law Amendments

A Zoning By-law is a *regulatory document* which implements the policy direction outlined in the Official Plan. Using a series of land use zones and corresponding text, a Zoning By-law spells out how land and buildings may be used, where buildings and other structures may be located, and what constraints may be applicable to the development of a particular property (ie. parking requirements, lot coverage, density, etc.). Contrary to an Official Plan, a Zoning By-law is a legally enforceable document which is designed to regulate land use and future development. Significant changes to land uses or zone regulations require a Zoning By-law Amendment, and possibly an Official Plan Amendment. Small, technical adjustments to By-law provisions may be accommodated by way of a Minor Variance. Copies of the Zoning By-law are available in the Building and Planning Department for \$50.00 each.

c) Plans of Subdivision

The mechanism available to divide a property into multiple lots (usually greater than 5) is called the Plan of Subdivision process. Plans of Subdivision depict accurate measurements of lots and public streets and, once approved and registered, provide a legal means of conveying a number of properties. In considering approval of a Plan of Subdivision, Council must have regard to Provincial Policy directives, the Official Plan, Zoning By-law and other planning and engineering issues. For further information about the Plan of Subdivision process, please refer to "Subdivision/Condominium Approval Procedures - A Guide for Applicants" located in the Building and Planning Department.

d) Consents

The process required to divide a property into a smaller number of lots (usually less than 6) is known as a Consent for land severance. Unlike the Plan of Subdivision process, approval of a consent is considered by the Committee of Adjustment, a quasi-judicial body of citizens appointed by Council. The Committee has the same powers as Council in considering and approving Consents. For further information regarding the Consent for Land Severance process, please refer to "Committee of Adjustment Application Procedures - A Guide for Applicants" located in the Building and Planning Department.

e) Minor Variances

The Committee of Adjustment is also empowered to consider small, technical adjustments to the Zoning By-law known as Minor Variances. Examples of such adjustments include reductions in setbacks for buildings or other structures, decks, lot dimensions, and other similar By-law regulations. Significant adjustments to the By-law require a Zoning By-law Amendment. Additional information regarding the Minor Variance process is found in "Committee of Adjustment Application Procedures - A Guide for Applicants" located in the Building and Planning Department.

f) Site Plan Control/Approval

Site Plan Control is a tool utilized by the Municipality to ensure that specific development proposals meet the Official Plan and Zoning By-law objectives. Essentially, the site plans approved under this process are very detailed and outline precisely how a particular property will be developed. A legally-binding contract, called a Development Agreement, is prepared which contains numerous site performance standards and obligations that must be fulfilled by the proponent. Site Plan approval is typically the last planning approval necessary before a Building Permit is issued. For additional information regarding the Site Plan Control process, please refer to "Site Plan Approval Procedures - A Guide for Applicants" located in the Building and Planning Department.

g) Building Permits

A Building Permit is required for most renovation and construction projects, including new buildings greater than 108 square feet, additions, significant renovations, elevated sun decks, and so on. For removal of any structure, a Demolition Permit is required. Permit applications and corresponding plans undergo a technical review to ensure that projects comply with the Ontario Building Code and maintain the health, welfare, and safety of the public. A series of inspections and approvals are undertaken during the life of the Permit to ensure work is completed in a satisfactory manner. Additional information regarding the Building Permit process is found in "Building Permits - A Homeowners Guide" and "Builder's Guide For Permit Process" located in the Building and Planning Department.

h) Sign Permit

Prior to the erection or placement of any sign or advertisement device on a building or property, a Sign Permit must be obtained. These Permits are administered in accordance with the Sign By-law to ensure that streetscapes and building facades are maintained in an orderly manner, free from unsightly clutter. Please refer to the "Cobourg Sign By-law" handbook available in the Building and Planning Department for further details.

i) Pool Permit

Installation of any body of water exceeding 24 inches in depth requires approval of a Pool Permit. The Swimming Pool By-law contains provisions relating to fencing, setbacks, required inspections, and other technical matters related to the installation of a pool or other device. For additional information regarding the Pool Permit process, please refer to the "Cobourg Pool Permit" handbook located in the Building and Planning Department.

j) Heritage Permit

New development, additions, demolitions, signage, and/or exterior renovations of buildings located within a designated Heritage Conservation District or other area designated under the Ontario Heritage Act requires a Heritage Permit. Plans are reviewed by the Local Architectural Conservation Advisory Committee (LACAC) or the Heritage District Advisory Committee and staff in an effort to maintain and enhance the architectural and/or historical significance of the community's older building stock. A Heritage Permit may be obtained at no charge, however other permits, approvals and fees may be applicable. Additional information regarding the Heritage Permit process is available in the in the Building and Planning Department.

k) Cut and Fill Regulations

Applications for development which are located within an area regulated by the Ganaraska Region Conservation Authority's (GRCA) Cut and Fill program require permits and/or approval from the GRCA prior to any filling, grading or development of the affected area. Please contact the GRCA at (905)885-8173 as part of the pre-consultation process for these and other GRCA informational requirements.

l) General Inquiries

Building and Planning Department staff are trained professionals working together as a team to provide the public with the best service possible. When planning your next project, the staff in the Building and Planning Department are readily available to offer advice and answer questions. Refer to page 10 for a complete list of contact persons.

2.0 OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS

The information below will provide the applicant with specific information regarding the Official Plan and Zoning By-law Amendment processes. It is intended to provide an overview of the steps taken to submit an application and obtain a decisions on a specific proposal. A flow chart describing the processes established under the Planning Act is attached as APPENDIX "B".

Processing of applications for other approvals (ie. Plan of Subdivision, Site Plan Control, etc.) may run concurrently with the Official Plan and Zoning By-law Amendment process.

The timetable and process is somewhat more complicated, so it is highly recommended that the applicant review the applicable procedural information and discuss this issue further with staff, if pursued.

Note: This is not a legal document. It is a resource document prepared to assist municipal staff and members of the public. Reference to relevant legislation (ie. Planning Act) the Provincial Policy Statement and other local and Provincial regulations should be made if more specific information is desired.

3.0 PRE-APPLICATION

a) Discussions with Planning Staff and Agencies

Application forms are attached to this Guide as APPENDIX "C". Additional copies may be obtained from the Town of Cobourg Building and Planning Department. To facilitate the review process, it is strongly recommended that the applicant discuss the proposal with the affected municipal staff as well as relevant agencies. Pre-consultation is of significant benefit, since the applicant will become more familiar with the requirements of the local process and will be better able to provide the necessary information with the application. Both are critical

elements to a successful, streamlined process. Pre-consultation with adjacent landowners within 120 m of the site is also very useful in identifying possible concerns, although it is optional.

b) Planning Act

The application must follow the prescribed circulation, review, public notification and appeals process legislated under the Planning Act. This includes the convening of at least one public meeting, with proper notification given to adjacent residents, interested members of the public and agencies. A statutory appeal period is required following a decision of Council, and any such appeals are subject to review and formal Hearing by the Ontario Municipal Board (OMB).

c) Provincial Policy Statement (PPS)

The application must be consistent with the PPS issued by the Ministry of Municipal Affairs and Housing.

d) Official Plan and Zoning By-law Conformity

The application will be evaluated in light of the general intent of the Official Plan and Zoning By-law and within the context of good planning and engineering principles.

4.0 THE APPLICATION

- 4.1 The application form, proposed site plan and any required background studies are to be submitted (in triplicate) to the Building and Planning Department at Municipal Offices in Victoria Hall, 2nd Floor, East Wing.

Section 8 of the Official Plan describes the background information that must be submitted with the application and the development criteria applicable for review purposes (refer to APPENDIX "D"). Sufficient studies for the proper consideration of the application should be carried out prior to making a formal application, and these should be included with the application. If further studies are needed to properly review the application, the applicant will be promptly notified by the Building and Planning Department to have this work completed and submitted. It is highly recommended, however, that the applicant thoroughly review the *entire* Official Plan to identify other policy directives and/or development issues.

- 4.2 If, in the opinion of the Manager of Planning Services, the application (including the form, site plans and/or supporting documentation) is incomplete, they will be returned to the applicant for completion, correction or clarification prior to processing. The rationale for this requirement is to ensure that commenting agencies have adequate information on which to base their comments and to avoid undue delay in the approval process.

- 4.3 It is the responsibility of the applicant to research and evaluate the proposal in relation to the Official Plan, Zoning By-law and other local provisions to ensure that the development will conform to the interests of the health, welfare and safety of the community.
- 4.4 The application must be completed by the property owner or an authorized agent.

5.0 APPLICATION FEE

- 5.1 The application must be accompanied by the application fee prescribed by Cobourg Municipal Council (refer to APPENDIX "A"). The purpose of the fee is to recover part of the administrative costs associated with processing the applications. An additional \$2,000 deposit is required on top of the fee to cover any expenses incurred by the Municipality (ie, legal, engineering, peer review, etc) with a signed Application Deposit Agreement (refer to Appendix 'E')
- 5.2 The fee may be paid in cash, or by cheque or money order payable to the Corporation of the Town of Cobourg.
- 5.3 An application will not be deemed complete unless the application fees and all relevant documentation has been submitted.

6.0 PROCEDURES

6.1 Application

It is the sole responsibility of the applicant to fill in all particulars required and to supply all plans and supporting documentation necessary to submit a complete application. Where additional information and/or studies are subsequently requested by the Building and Planning Department, the applicant will be responsible for supplying them.

An official acknowledgment of receipt of a completed application will be supplied by the Clerk of the Town of Cobourg.

6.2 Circulation

Following official receipt of the completed application, the Town will circulate the application and supporting background information to various municipal departments, agencies, commissions and authorities as may be prescribed and/or affected in order to obtain information, comments and/or recommendations. In most circumstances, the Town will request that review agencies respond within 2-3 weeks of receiving the information. In certain circumstances, an extension may be granted if special concerns are noted. Once this circulation has been completed and the proposal evaluated by planning staff, a report will be forwarded to the Planning Advisory Committee (PAC) for consideration.

The following is a list of agencies and public bodies that would generally be given an opportunity to comment on the proposed plan:

Minister of Municipal Affairs and Housing (Official Plan Amendment), Ganaraska Region Conservation Authority, County of Northumberland (if the proposal abuts a County Road), Township of Hamilton (if the proposal is located within 1 km of its jurisdiction), Kawartha Pine Ridge Public School Board (if the proposal is residential), Peterborough, Victoria, Northumberland & Clarington Separate School Board (if the proposal is residential), Canadian National Railway (if the proposal is within the area of influence), Minister of Transportation (if the proposal is within the area of influence), Cobourg Municipal Departments and Committees (ie. Engineering, LUSI, Fire, LACAC) and any other agencies requesting notification.

6.3 Planning Report

Planning staff will review the development application in accordance with the applicable policies and provisions of the Provincial Policy Statement, the Official Plan and Zoning By-law, and evaluate the proposal based on good planning and engineering principles. The planning report will be presented to the Planning Advisory Committee and Council for consideration.

6.4 Special Policies and Conditions

The commenting agencies may identify concerns or may request that Council impose special policy provisions, regulations and/or conditions to the approval of the application. Planning staff will review the comments and consolidate them in a report to the Planning Advisory Committee and Council recommending approval or refusal of the application with appropriate provisions.

The Planning Act provides authority for a Municipality to impose site specific policy provisions to the Official Plan and a Holding (H) Symbol to the Zoning By-law to address the comments and/or concerns identified during the circulation and review period. Specific items identified include, but are not limited to, entering into a Development Agreement to accommodate site performance standards, parkland and/or cash in lieu dedications, road allowance dedications, development phasing and the provision of municipal or other services. The extent of the conditions are dependant on the nature and scale of the proposed development and are, accordingly, subject to change.

6.5 Public Notice

Notice of the public meeting will be given by the Municipal Clerk in accordance with the provisions of the Planning Act at least 20 days prior to the meeting. Specifically, notice will be given in following manner(s):

- a) Giving notice by personal service or pre-paid first class mail to every assessed owner of land within 120 metres of the area covered by the proposed amendment and/or;
- b) Posting a notice which is clearly visible and legible from a public highway or other place to which the public has access to the specifications of the Building and Planning Department and/or;
- c) Placing an advertisement in the local newspaper.

6.6 Public Meeting

The public meeting will be held to provide members of Council and the public with information regarding the proposed amendment(s). Council will hear the application and may authorize the preparation of appropriate By-laws for presentation the following week or, conversely, defer the application for further review. This public meeting could be held concurrently with a public meeting for a Plan of Subdivision in order to streamline the process.

The applicant (or agent) will have the opportunity to appear before Council to offer additional or explanatory material regarding the application. It is strongly recommended that the applicant or agent attend the public meeting in the event there are questions that require clarification.

6.7 Notice of Adoption, Passing and Appeals

The Planning Act requires that a notice of adoption of an Official Plan Amendment and/or passing of a Zoning By-law Amendment must be given within 15 days of Council's decision to the persons and agencies and in the manner prescribed. Any person or public body may appeal the decision to the Ontario Municipal Board (OMB) within 20 days after written notice is given.

It is important to note that the OMB may dismiss an appeal without a hearing if, in the OMB's opinion, the appeal is not based on land use planning grounds, the appeal is not made in good faith or is frivolous or vexatious, the appeal is made only for the purpose of delay, the appellant did not make oral or written submissions to Council before the decision was given, or the appellant has not paid the prescribed fee for an appeal.

7.0 FINAL APPROVAL

If no appeal is filed within the appeal period, the application and subsequent amendments are final. Development may only proceed, however, if all of the policies and regulations of the Official Plan and Zoning By-law have been satisfactorily complied with and a Development Agreement, where applicable, has been entered into. It is the applicant's responsibility to ensure that all procedures and approvals outlined in Section 1.0 are secured before initiating development.

8.0 Assistance

If assistance is required in completing an application or if you wish to speak to planning staff, please contact the Town of Cobourg Building and Planning Department at 905-372-1005 or 2nd Floor, Victoria Hall 55 King Street West, Cobourg, Ontario K9A 2M2.

Key Contacts:

Town of Cobourg Building and Planning Department

Glenn McGlashon

Director of Planning and
Development
gmcglashon@cobourg.ca

Rob Franklin

Manager of Planning Services
rfranklin@cobourg.ca

Desta McAdam

Senior Planner 1 – Development
dmcadam@cobourg.ca

Dave Johnson

Planner 1 – Heritage
djohnson@cobourg.ca

David Hancock

Chief Building Official
dhancock@cobourg.ca

Adriane Miller

Administrative Assistant
amiller@cobourg.ca

Town of Cobourg Public Works Department

740 Division Street, Building 7
Cobourg, Ontario K9A 0H6
Telephone: 905-372-9971

Town of Cobourg Clerk's Department

55 King Street West, Main Floor
Cobourg, Ontario K9A 2M2
Telephone: 905-372-4301

Town of Cobourg Fire Department

111 Elgin Street East
Cobourg, Ontario K9A 1A1
Telephone: 905-372-9789

County of Northumberland

555 Courthouse Road
Cobourg, Ontario K9A 5J6
Telephone: 905-372-3329

**Ganaraska Region Conservation
Authority**

2216 County Rd 28
Port Hope, Ontario L1A 3V8
Telephone: 905-885-8173

Lakefront Utility Services Inc. (LUSI)

207 Division Street, PO Box 577
Cobourg, Ontario K9A 4L3
Telephone: 905-372-2193

Ministry of Transportation

Corridor Control Office, Planning
Section
355 Counter Street, Postal Bag
4000
Kingston, Ontario K7L 5A3
1-800-267-0295



THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 030-2016


A BY-LAW TO ESTABLISH A TARRIFF OF FEES FOR THE PROCESSING OF APPLICATIONS MADE IN RESPECT OF PLANNING MATTERS

WHEREAS Section 69(1) of the *Planning Act*, R. S. O. 1990, c. P. 13, as amended, provides in part that a council of a municipality may establish a tariff of fees for the processing of applications made in respect of planning matters;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

1. That it is hereby established a tariff of fees for the processing of applications made in respect of planning matters, as shown on Schedule "A" attached hereto and forming part of this By-law.
2. THAT this By-law shall come into effect as of June 1, 2016, with annual adjustments automatically being implemented in accordance with Schedule "A".
3. That By-law 003-2008 shall be repealed effective 11:59 pm on May 31, 2016

READ a first, second and third time and finally passed in Open Council this 2nd day of May, 2016.


MAYOR


MUNICIPAL CLERK

SCHEDULE "A" TO BY-LAW No. 030-2016
TOWN OF COBOURG PLANNING APPLICATION FEES 2016 – 2020
Pursuant to Section 69(1) of the Planning Act, R.S.O. 1990, c.P. 13 as amended

Type of Application/Service	Existing Fee (approved in 2008)	Proposed Fee 2016	Proposed Fee 2017	Proposed Fee 2018	Proposed Fee 2019	Proposed Fee 2020	Explanatory Notes
Official Plan Amendment (OPA)	\$5,000.00	\$7,500.00	\$7,500.00	\$8,000.00	\$8,500.00	\$9,000.00	Major Residential ¹
	\$7,500.00	\$10,000.00	\$11,000.00	12,000.00	\$13,000.00	\$14,000.00	Major Commercial ²
Zoning By-law Amendment (ZBA)	\$3,500.00	\$4,000.00	\$4,500.00	\$5,000.00	\$5,500.00	\$6,000.00	Other
	\$3,500.00	\$5,000.00	\$6,000.00	\$7,000.00	\$8,000.00	\$9,000.00	Major Residential
	\$3,500.00	\$5,000.00	\$6,000.00	\$7,000.00	\$8,000.00	\$9,000.00	Major Commercial
Combined OPA/ZBA	\$2,500.00	\$3,000.00	\$3,500.00	\$4,000.00	\$4,500.00	\$5,000.00	Other
	OPA fee + 50% of ZBA	OPA fee + 50% of ZBA	OPA fee + 50% of ZBA	OPA fee + 50% of ZBA	OPA fee + 50% of ZBA	OPA fee + 50% of ZBA	Accounts for some overlap in process and services rendered
Draft Plan Review of a Plan of Subdivision/Condominium/Condo minimum Conversion	\$3,000.00 + \$30.00 per lot, block or unit (in the case of a condominium conversion) to a maximum of \$7,500.00 (based on 150 lots, blocks or units)	\$5,000.00 + \$35 per lot or unit (in the case of a condominium conversion) to a maximum of \$15,000.00	\$5,500.00 + \$40 per lot or unit (in the case of a condominium conversion) to a maximum of \$17,000.00	\$6,000.00 + \$45 per lot or unit (in the case of a condominium conversion) to a maximum of \$19,000.00	\$6,500.00 + \$50 per lot or unit (in the case of a condominium conversion) to a maximum of \$21,000.00	\$7,000.00 + \$55 per lot or unit (in the case of a condominium conversion) to a maximum of \$23,000.00	Includes "one-window" processing of the draft plan, application and reports, circulation, review, analysis, discussions, preparation of memoranda, reports, and public notices, and formulation of draft conditions and attendance at meetings
Changes to Draft Plan/Conditions of Draft Approval	\$2,000.00	\$3,000.00	\$3,500.00	\$4,000.00	\$4,500.00	\$5,000.00	Major draft plan changes/re-design and/or significant changes to a condition requiring re-circulation, analysis, reports and/or public notice, draft conditions and attendance at meetings
Clearance of Draft Conditions of Approval and Final Approval of a Plan of Subdivision	\$1,500.00 + \$30.00 per lot, block or unit to a maximum of \$6,000.00 (based on 150 lots, blocks or units)	\$750.00	\$1,000.00	\$1,250.00	\$1,500.00	\$1,750.00	Minor "red-line" adjustments to a draft plan and/or changes to draft conditions, analysis and reports
		\$5,000.00 per lot or unit + \$500.00 per 3 rd submission >= 3 rd submission (NEW)	\$5,500.00 per lot or unit + \$600.00 per 3 rd submission >= 3 rd submission	\$6,000.00 per lot or unit + \$700.00 per 3 rd submission >= 3 rd submission	\$6,500.00 per lot or unit + \$800.00 per 3 rd submission >= 3 rd submission	\$7,000.00 per lot or unit + \$900.00 per 3 rd submission >= 3 rd submission	Includes general processing of the detailed engineering drawings, plans and reports, plans review, discussions, preparation of memoranda and/or reports, attendance at meetings, review of draft conditions, compilation of clearances, preparation of Subdivision Agreement, review and approval of M-Plan, and subdivision monitoring
Extension to Draft Plan Approval	N/A	\$2,000.00 (NEW)	\$2,250.00	\$2,500.00	\$2,750.00	\$3,000.00	Includes analysis of conditions, circulation and preparation of a planning report for Council approval and attendance at meetings
Condominium Exemption and Final Approval of a Plan of Condominium	\$500.00 + \$30.00 per unit to a maximum of \$2,000.00	\$750.00 + \$35 per unit	\$1,000 + \$40 per unit	\$1,250.00 + \$45 per unit	\$1,500.00 + \$50 per unit	\$1,750.00 + \$55 per unit	Includes processing of application, review of draft and final condominium plans and related documentation, attendance at meetings, and execution of documents
Part Lot Control By-law Exemptions	\$600.00 + \$30.00 per part lot	\$750.00 + \$35 per part lot	\$1,000.00 + \$40 per part lot	\$1,250.00 + \$45 per part lot	\$1,500.00 + \$50 per part lot	\$1,750.00 + \$55 per part lot	Includes processing of Block and/or R-Plans, review discussions, preparation of memoranda and/or reports, attendance at meetings, and registration of By-law
Removal of a Holding (H) Symbol	\$500.00	\$550.00	\$600.00	\$650.00	\$700.00	\$750.00	Includes preparation and circulation of notices, by-laws, reports and attendance at meetings

¹ Major Residential consists of development in excess of 25 dwelling units
² Major Commercial consists of development in excess of 1,400 sq m GFA

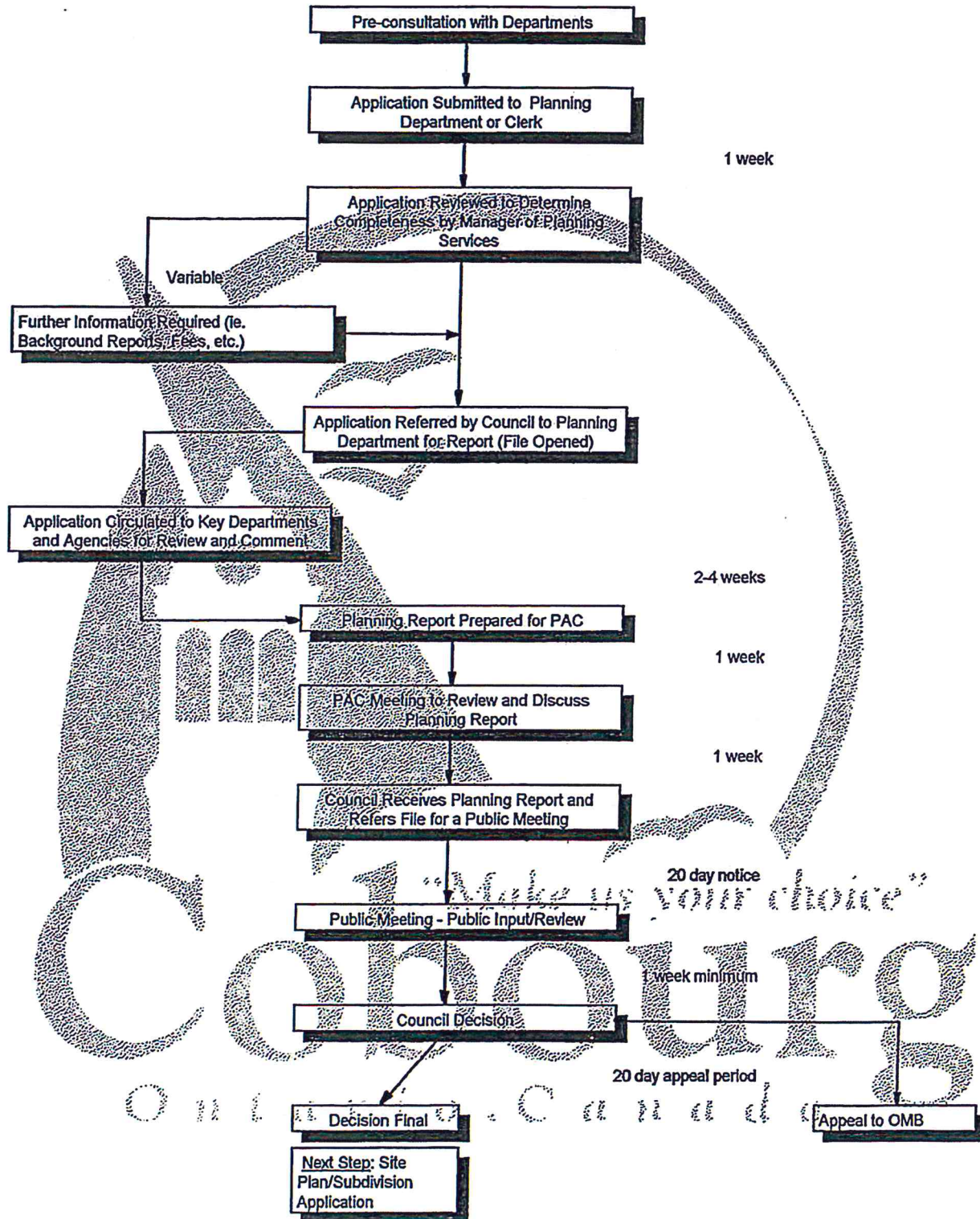
SCHEDULE FOR REFUNDS TO PLANNING APPLICATION FEES 2016 - 2020

Type of Application	Service Rendered	Existing Refund	Proposed Refund
Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision, and Site Plan Approval	If an application has been submitted to the Planning Department but no administrative functions have been performed	90%	90%
	If a report has been prepared and/or other administrative functions have been performed on an application, but the application has not been considered by the Planning and Sustainability Advisory Committee	50%	30%
	If the application and report has been considered by the Planning and Sustainability Advisory Committee but has not proceeded to Council and/or a Public Meeting	40%	20%
	If the application and report have been considered by Council and/or a Public Meeting has been held	25%	10%
	If Council has passed an implementing By-law	No Refund	No Refund
Consents, Minor Variances	If an application has been submitted but no administrative functions have been performed	90%	90%
	If a report has been prepared and/or other administrative functions have been performed on an application, but the application has not been considered by the Committee of Adjustment	50%	30%
	If the application and report have been considered by the Committee of Adjustment	No Refund	No Refund

SCHEDULE "A" TO BY-LAW No. 030-2016 CONT'D

Type of Application	Existing Fee 2008-2015	Proposed Fee 2016	Proposed Fee 2017	Proposed Fee 2018	Proposed Fee 2019	Proposed Fee 2020	Explanatory Notes
Site Plan Approval	\$1,500.00 + \$30.00 per unit	\$3,000.00 + \$35.00 per unit*	\$3,500.00 + \$40 per unit*	\$4,000.00 + \$45 per unit*	\$4,500.00 + \$50 per unit*	\$5,000.00 + \$55 per unit*	Major Residential Major Commercial Industrial Site Plan Amendment (excluding Major Residential and Major Commercial) Other
Consents for Severance	\$1,000.00 per new lot	\$1,500.00 per new lot	\$1,750.00 per new lot	\$2,000.00 per new lot	\$2,250.00 per new lot	\$2,500.00 per new lot	Includes general processing of the application and plans, review, discussions, preparation of memoranda, reports, and notices, attendance at meetings, formulation of decisions, administration of conditions, and review and approval of legal title documentation
Minor Variance	\$200.00 Minor \$500.00	\$250.00 \$600.00	\$300.00 \$700.00	\$350.00 \$800.00	\$400.00 \$900.00	\$450.00 \$1,000.00	Easements, rights-of-way, leases, lot line adjustments, etc. Includes general processing of the application and plans, review, discussions, preparation of memoranda, reports, and notices, attendance at meetings, formulation of decisions, and administration of conditions
Compliance Letters (building, zoning, vehicle inspection, chip trucks, etc.)	\$75.00	\$80.00	\$85.00	\$90.00	\$95.00	\$100.00	Includes general review of planning records, zoning, agreements, and preparation of correspondence
Preconsultation	N/A	\$500.00 per pre- consultation (NEW)	\$550.00 per pre- consultation	\$600.00 per pre- consultation	\$650.00 per pre- consultation	\$700.00 per pre- consultation	Includes general planning review of development concepts, reports, application and plans, discussions, preparation of memoranda, reports, and/or correspondence, preparation of in advance of formal submission of planning application(s) – the fee will be credited to applicant if/when formal application is submitted within 6 months of the first pre-consultation, to a maximum of 2 pre-consultations (ie. credit does not apply to any pre-consultations after the second)

APPENDIX "B"
DEVELOPMENT APPROVALS FLOW CHART



Note: The above flow chart illustrates the general timelines involved in processing an application. Exact timelines may change depending on the nature and complexity of the application.

APPENDIX "C"**APPLICATION FOR CONSIDERATION OF A
DEVELOPMENT PROPOSAL**

Send to:

Glenn J. McGlashon
Director of Planning & Development
Planning Department, Town of Cobourg
Victoria Hall
55 King Street West
Cobourg ON K9A 2M2

The undersigned hereby applies to the Town of Cobourg for consideration of a development proposal in respect to the lands hereinafter described.

TO BE COMPLETED BY APPLICANT OR AGENT

1. Applicant's Name: _____

Address: _____

Email: _____ Telephone/Fax No: _____

2. Agent's Name (if any): _____

Address: _____

Email: _____ Telephone/Fax No: _____

3. Registered Owner's Name _____

Address: _____

Email: _____ Telephone/Fax No: _____

4. Applicant's Interest in Subject Lands:

_____ prospective purchaser
 _____ mortgagor/mortgagee
 _____ neighbouring owner
 _____ any other interest in subject lands

Note: The Applicant, if not registered owner, shall complete the authorization form attached to this application, or, alternatively, reasons for submitting the application without the owner's consent.

5. Legal Description of Lands:

- (i) Municipal Address _____
- (ii) Lot and Concession No. _____
 or
 Lot or Part Number and Registered Plan No. _____
- (iii) Total Area of Subject Lands _____
- (iv) Lot Frontage(s) _____
- (v) Lot Depth(s) _____
- (vi) Lot Area(s) _____
- (i) Existing Land Use(s) of Subject Lands _____

- (ii) Description of Proposed Use(s) of Subject Lands _____

7. Description of Proposed Buildings (if applicable) _____

8. Description of any related Land Division Proposal (ie. Land Division or Plan of Subdivision)

9. Present Official Plan Designation(s) _____

10. Present Zoning Category(s) _____

11. This Application requests that the Cobourg Municipal Council consider the following:

_____ Amendment to the Official Plan, Requested Designation

_____ Amendment to the Zoning By-law, Requested Zone

_____ Subdivision Review

_____ Site Plan Review

_____ Other, please specify _____

12. Supplementary Information to be attached to each of the **three (3) copies** of this application:

Appendix 1 - Statement disclosing the nature, extent and reasons for this application.

Appendix 2 - Key Plan properly dimensioned and scaled and showing thereon the boundary of the subject lands and the use of adjacent lands.

Appendix 3 - Site Plan (3 copies), drawn to scale and properly dimensioned and showing thereon:

- (i) boundaries of the subject lands;
- (ii) location and dimensions of all existing buildings, structures and uses;
- (iii) location and dimensions of all buildings, structures and uses proposed on the subject lands;

- (iv) location and dimensions of all proposed yards, landscaped open spaces and parking/loading areas;
- (v) general nature of terrain and grading, including stormwater/sedimentation controls.

Appendix 4 - Applicable Supporting Documentation in accordance with the policies of Section 8 of the Official Plan (Schedule "D" of the Development Approvals Procedures Guide), including traffic, noise/vibration, stormwater, tree preservation and heritage studies, et al.

Appendix 5 - Petition from property owners within 120 m (400 ft) supporting the application (not mandatory, but is recommended).

With the submission of this development application and prescribed fee to the Municipality, I acknowledge that additional costs may be incurred by the Municipality during the processing of this application (without limiting the generality of the foregoing, these may include legal/Ontario Municipal Board, planning, engineering, surveying, peer review and other miscellaneous expenses), and I hereby covenant and agree to pay these costs forthwith upon demand by the Municipality in accordance with the applicable Tariff of Fees as approved and revised from time to time by the Municipality.

Signature of Applicant

Date

Authorization of Agent, if applicable:

I/We, _____ being the Owner(s) of the land which is the subject of this Application
for Consideration of a Development Proposal hereby appoint _____
as my/our Agent for the purpose of making application to the Town of Cobourg with respect to the matter or
matters contained herein.

Signature of Owner(s)

8.3 EXISTING DEVELOPED AREA

8.3.1 Information Requirements

The following information and studies prepared at the applicant's expense, and carried out by a qualified professional as determined by the Town, shall generally be submitted as a basis for evaluation of development applications in all areas of the Town other than areas subject to Secondary Plan policies.

i) Background Information

A plan or survey of the subject site identifying all existing significant trees, other significant landscape features, existing buildings and structures and contours.

ii) Plans

Plans, including, where applicable, site grading and landscaping plans, elevations, and other documentation:

- a) describing the proposed development and its relationship to the existing streetscape in particular, building envelopes, accesses and parking areas;
- b) demonstrating how stormwater, erosion and sedimentation will be controlled on site; and,
- c) describing proposed landscaping and any modifications to existing significant trees and landscaping.

iii) Greenland System

Where the site includes or directly abuts lands designated on Schedule 'B', Greenland Area, proposals shall be evaluated in accordance with the information submission requirements of Section 4 of the Plan.

iv) Tree Analysis

Where new development is to occur on a piece of land which the Town identifies as having trees which may warrant preservation or

replacement, a tree preservation and planting plan shall be developed either at the time of application or as a condition of approval at the direction of the Town in accordance with the policies of Section 4.5.2.

v) Noise Impact Study

A noise impact study shall be carried out where residential uses or other sensitive uses, as defined by Ministry of the Environment guidelines, are proposed and the site is adjacent to a major noise source such as a Provincial Highway, arterial road, County Road, railway or industrial use. In particular, any proposed development within 500 metres (1,640 feet) of Highway 401 or a railway right-of-way may be required to undertake noise studies carried out by a qualified acoustical consultant to the satisfaction of the Town in accordance with Ministry of the Environment guidelines, and where applicable, in consultation with the appropriate rail company.

Further, the requirements of the Ministry of the Environment guidelines, "Noise Assessment Criteria in Land Use Planning, October, 1995" or any successor thereto, with respect to the need for noise impact studies shall apply to new commercial, industrial or institutional development which is a potential major noise source, such as, but not limited to, uses which have associated with them on-going construction activity, outdoor heat rejection systems (including cooling towers) and outdoor exhaust fans, or other stationary noise sources such as railways yards, major truck stops, major hydro transformers, or natural gas compressors. Where required by the guidelines, a noise impact study shall be carried out to the satisfaction of the Town. *noise*

vi) Vibration Study

A vibration study shall be required at the request of the Province, the County, the Town or the applicable railway where the site is within 75 metres (246 feet) of a railway right-of-way or any Provincial Highway, arterial road or county road. Such a study shall be carried out to the satisfaction of the Town, in consultation with the appropriate government agency or railway.

Further, where new industrial development, which is a potential major source of vibration, such as metal forming industries including punch presses or drop forges, is proposed within 75 metres (246

feet) of existing residential development, a vibration study shall be carried out to the satisfaction of the Town.

vii) Heritage Impact Statement

Where the site includes a building of architectural and/or historical merit designated under the Heritage Act or located in a designated Heritage District, a heritage impact statement, prepared by recognized professional(s) in the field, shall be required to be submitted to the Town. Such a study shall demonstrate to the satisfaction of the Town that:

- a) the proposal will not adversely impact the heritage significance of the property or the area in which it is located; or,
- b) demonstrate that it is not physically feasible to maintain the heritage building or structure.

viii) Archaeological Resource Assessment

Where there may be archaeological remains of prehistoric and historic habitation, or areas containing archaeological potential within a site, an archaeological assessment conducted by archaeologists licensed under the Ontario Heritage Act shall be required. In addition, the provisions of the Cemeteries Act and its regulations shall be applied when marked and unmarked cemeteries or burial places are encountered during development, assessment or any activity.

ix) Land Use Compatibility

Where applicable, information or necessary studies shall be provided to assist in the establishment of a separation distance, having regard for the Ministry of the Environment guidelines "Compatibility Between Industrial Facilities and Sensitive Uses", between proposed development and potentially incompatible uses.

x) Stormwater Management

Where applicable, in accordance with Ministry of the Environment guidelines, a Master Drainage Plan shall be prepared, or the Town shall require a stormwater study.

xi) Soil Quality

The applicant must demonstrate that on-site soil quality is suitable for the proposed use. Where site remediation is required the Town shall be satisfied with respect to the implementation of remediation prior to development approval. Specifically, where the Town, other public body, or the applicant has identified potential site contamination the Town shall require the applicant to complete a Phase I assessment, in accordance with the Ministry of the Environment's Guidelines for Use at Contaminated Sites in Ontario. The Phase I assessment will be reviewed by the Town to ensure there is no contamination prior to the granting of any development approvals. If there is evidence of contamination, the applicant will be required to submit a Phase 2 assessment in accordance with the Ministry of the Environment's Guidelines. If the site is found to be contaminated, the Town shall require the applicant to submit a Ministry of the Environment acknowledged Record of Site Condition to the Town to verify site clean-up prior to the granting of a building permit.

xii) Traffic Impact Analysis

Where the Town has identified concerns with traffic impacts, a traffic impact analysis carried out by a qualified transportation engineer shall be required.

xiii) Air Quality

Where the Town identifies concerns with impacts on air quality, appropriate studies by qualified professional shall be required.

xiv) Development Adjacent to Sewage Treatment Plants

Where development of any sensitive uses, including residential units, is proposed within 150 metres (492 feet) of a sewage treatment plant with a design capacity equal to or less than 25,000 cubic metres per day, a feasibility study must be submitted in accordance with Ministry of the Environment's Guideline D-2 "Compatibility Between Sewage Treatment Facilities and Sensitive Land Uses." The feasibility study should address application of noise reduction equipment to any potential noise source, the degree and type of odour mitigation applied to the facility and other contaminants of concern.

8.3.2 Development Evaluation Criteria

Development proposals shall generally conform with the following criteria, in addition to any of the applicable policies of this Plan:

i) **Design**

The appropriateness of the design of the proposal shall be evaluated in accordance with the policies of Section 5. In particular, where new development is proposed abutting existing residential development it shall be designed to be compatible with that existing development with respect to scale and massing. Adequate buffering will also be provided. In addition, development may be subject to the site plan control provisions of the Planning Act.

ii) **Heritage Preservation**

Buildings of architectural and/or historic significance, where feasible, are preserved on site and/or integrated into the development in an appropriate manner and/or preserved in some other manner. Standard archaeological potential criteria in accordance with Ministry of Citizenship, Culture and Recreation guidelines will be used to evaluate future development areas and expansion proposals for impacts on significant resources.

iii) **Greenland System**

Development shall only be permitted in areas designated on Schedule 'B' as part of the Greenland System in accordance with the policies of Section 4 of this Plan.

iv) **Watercourses**

All watercourses shall be, where feasible, maintained or enhanced as distinct ecosystems, and lands immediately adjacent to these watercourses shall be retained or rehabilitated to a natural self-sustaining state. Alterations to watercourses, including riparian features such as intermittent streams and drainage swales, shall generally be discouraged. However, the necessity for retention/restoration of riparian features such as intermittent streams and drainage swales, will be evaluated on a site by site basis and some modifications of these features may be approved where deemed

appropriate by the Town, in consultation with the Conservation Authority.

v) **Sewer and Water Services and Stormwater Management**

Development shall be serviced in accordance with the provisions of Section 7 of this Plan.

vi) **Soil Quality**

The applicant must demonstrate that on-site soil quality is suitable for the proposed use in accordance with the provisions of Section 8.3.1 xi). Where site remediation is required the Town shall be satisfied with respect to the implementation of remediation prior to development approval.

vii) **Noise and Vibration Impact and Safety Measures**

Where the site is adjacent to a major noise source such as a Provincial Highway, arterial road, County Road, railway or industrial use, the Town, in consultation with the appropriate government agency and, if applicable, the appropriate railway, shall be satisfied that appropriate measures to mitigate any adverse effects of noise and vibration can be implemented. Furthermore, for sites adjacent to a railway, the Town, in consultation with the applicable railway, shall be satisfied that appropriate safety measures are provided.

viii) **Traffic**

The applicant must demonstrate that the existing road system can accommodate any traffic impacts or can be modified to do so at the cost of the applicant.

ix) **Air Quality**

Where the Town identifies potential concerns with air quality, the applicant must demonstrate that any impacts on air quality can be appropriately mitigated at the cost of the applicant.

x) **Development Adjacent to Sewage Treatment Plants**

The applicant must demonstrate that any impacts arising from proximity to a sewage treatment plant can be appropriately mitigated in accordance with Ministry of the Environment Guidelines.

8.4 PROPOSED DEVELOPMENT: DEVELOPMENT AREAS B AND C

8.4.1 Information Requirements

The following information and studies shall generally be submitted as a basis for the preparation of Secondary Plans for Development Areas B and C:

- i) **Master Servicing Study**
 - a) A Master Servicing Study shall be prepared for the entire development area. Where a Master Servicing Study is being prepared, such a study will include lands outside of the Secondary Plan Area which may be impacted by development.
 - b) The Master Servicing Study shall be prepared in accordance with terms of reference prepared by the Town, in consultation with the Conservation Authority and the applicant, by a consultant retained by the Town in consultation with the applicant.
 - c) The Master Servicing Study, shall include the following, at a minimum:
 - an analysis of servicing requirements including servicing allocation, timing and cost sharing, design requirements, phasing and costs for stormwater management, water and sewer services, other utilities and transportation systems;
 - a land use concept prepared in accordance with the policies of this Plan;

- an implementation and staging plan for development and a program for the monitoring of environmental impacts; and,
- design and construction requirements to ensure protection of the environment, including groundwater, and the approach to the treatment of road run-off.

d) The Master Servicing Study shall also include:

- a Master Servicing Strategy, including a Master Drainage Plan;
- an Environmental Impact Study;
- Heritage and Archaeological Analysis; and,
- Any other studies required by the Town including where necessary a feasibility study for any development proposed within 150 metres (492 Feet), of a sewage treatment plant in accordance with the requirements of Section 8.3.1xiii) of the Plan.

ii) Noise Impact Studies

Noise impact studies shall be carried out for lands adjacent to Provincial Highways, County Roads and arterial roads, industrial uses and within 500 metres (1,640 feet) of a railway right-of-way and Highway 401 for lands in the study area of the Master Servicing Study. Such studies shall be carried out by a qualified acoustical consultant in accordance with Ministry of the Environment guidelines.

Further, the requirements of the Ministry of the Environment guidelines, "Noise Assessment Criteria in Land Use Planning, October, 1995" or any successor thereto, with respect to the need for noise impact studies shall apply to new commercial, industrial or institutional development which is a potential major noise source, such as, but not limited to, uses which have associated with them on-going construction activity, outdoor heat rejection systems (including cooling towers) and outdoor exhaust fans, or other stationary noise sources such as railway yards, major truck stops, major hydro transformers or natural-gas compressors. Where

required by the guidelines, a noise impact study shall be carried out to the satisfaction of the Town.

iii) **Vibration Studies**

A vibration study shall be required where lands are within 75 metres (246 feet) of a railway right-of-way or on a Provincial Highway, county or arterial road at the request of the County, the Town or Canadian National.

Further, where new industrial development which is a potential major source of vibration, such as metal forming industries including punch presses or drop forges, is proposed within 75 metres (246 feet) of existing residential development, a vibration study shall be carried out to the satisfaction of the Town.

iv) **Soil Quality**

Where the Town, other public body, or the applicant has identified potential site contamination the Town shall require a Phase I assessment, in accordance with the Ministry of the Environment's Guidelines for Use at Contaminated Sites in Ontario. The Phase I assessment will be reviewed by the Town to ensure there is no contamination. If there is evidence of contamination, a Phase 2 assessment will be prepared in accordance with the Ministry of the Environment's Guidelines. If the site is found to be contaminated, appropriate policies will be incorporated in the Secondary Plan and, in particular, the Town shall require the applicant to submit a Ministry of the Environment acknowledged Record of Site Condition to the Town to verify site clean-up prior to the granting of a building permit.

8.4.2 Development Evaluation Criteria

Development plans for Development Areas B and C shall generally conform with the following criteria, in addition to any other applicable policies of this Plan:

i) **Design**

The appropriateness of the design of a proposed development will be evaluated in accordance with the policies of Section 5. In particular, where new development is proposed abutting existing

residential development it shall be designed to be compatible with that existing development with respect to scale and massing. Adequate buffering will also be provided. In addition, all development may be subject to the site plan control provisions of the Planning Act.

ii) **Land Use Compatibility**

Where applicable, a separation distance having regard for the Ministry of the Environment guidelines "Compatibility Between Industrial Facilities and Sensitive Uses" shall be provided between proposed development and potentially incompatible uses.

iii) **Heritage Preservation**

Buildings of architectural and/or historic significance may be preserved, where feasible, on site and/or integrated into the development in an appropriate manner and/or preserved in some other manner. Standard archaeological potential criteria in accordance with Ministry of Citizenship, Culture and Recreation guidelines will be used to evaluate future development areas and expansion proposals for impacts on significant archaeological resources.

Development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site shall be permitted.

iii) **Greenland System**

Development shall only be permitted on lands in or adjacent to areas designated on Schedule 'B' as part of the Greenland System in accordance with the policies of Section 4 of this Plan and the results of the Master Servicing Study.

iv) **Watercourses**

All watercourses shall be maintained or enhanced as distinct ecosystems, and lands immediately adjacent to these watercourses

shall be retained or rehabilitated to a natural self-sustaining state. Alterations to watercourses, including riparian features such as intermittent streams and drainage swales, shall generally be discouraged. However, the necessity for retention/restoration of riparian features such as intermittent streams and drainage swales, will be evaluated as part of the Master Drainage Plan and modifications of these features may be approved where deemed appropriate by the Town, in consultation with the Conservation Authority.

v) Sewer and Water Services and Stormwater Management

New development shall be serviced in accordance with the policies of Section 7 of this Plan and the results of the Master Servicing Study.

vi) Soil Quality

The applicant must demonstrate that on-site soil quality is suitable for the proposed use in accordance with the provisions of Section 8.4.1 iv). Where site remediation is required the Town shall be satisfied with respect to the implementation of remediation prior to development approval.

vii) Noise and Vibration Impact and Safety Measures

Where the site is adjacent to a major noise or vibration source such as a Provincial Highway, County road, arterial road, railway or industrial use, the Town, in consultation with the appropriate government agency and, where applicable, the appropriate railway, shall be satisfied that appropriate measures to mitigate any adverse effects of noise and vibration can be implemented. Further, for sites adjacent to a railway, the Town, in consultation with the railway, shall be satisfied that appropriate safety measures are provided.

viii) Traffic Impact

The Town must be satisfied that the existing and proposed transportation system can accommodate the proposed development or can be modified to do so at the cost of the applicant(s).

ix) Development Adjacent to Sewage Treatment Plants

Development shall only be permitted within 150 metres (492 feet) of a sewage treatment plant in accordance with Ministry of the Environment Guidelines

THIS AGREEMENT made in duplicate this _____ day of _____, 20____.

BETWEEN:

THE CORPORATION OF THE TOWN OF COBOURG

(hereinafter called the "Municipality")

PARTY OF THE FIRST PART

-AND -

(hereinafter called the "Developer")

PARTY OF THE SECOND PART

WHEREAS the Developer proposes to amend the Municipality's Official Plan, Municipality's Zoning By-law, seek site plan approval and/or subdivide certain lands in the Municipality (herein referred to as "the Application(s)");

AND WHEREAS the Municipality may incur additional development related expenses which are not included in the Application fee associated with the processing of the Application(s), including but not limited to: services rendered by the Development Review Co-ordinator, Municipal Engineer, Town Solicitor and/or external consultants; external agency fees; surveying costs; additional public meetings; newspaper advertising; and, expenses arising out of or related to complying with statutory requirements and/or preparing for and attending any and all tribunal and/or court proceedings.

NOW THEREFORE in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties hereto, the parties hereto agree as follows:

- 1) In consideration of the other provisions of this Agreement, the Director of Planning and Development for the Municipality shall instruct such of the Municipality's staff, solicitor, planning, engineering and other consultants as the Director of Planning and Development deems necessary or advisable to:
 - a) review on behalf of the Municipality the Application(s) and to undertake such studies, investigations, analysis, research as may be reasonably necessary to properly advise the Municipality, including, without limitation, the provision of written reports and opinions; and
 - b) provide representation/appearances at any and all meetings and/or proceedings relating to the Application(s).
- 2) The Developer hereby covenants and agrees to reimburse the Municipality forthwith on demand for all fees, costs or other expenses whatsoever incurred by the Municipality relating to or arising out of the Developer's Application(s).

- 3) The Developer hereby agrees to deposit with the Municipality, at the time of signing this Agreement, a certified cheque in the amount of \$ 2,000.00 payable to the Municipality as an advance on all fees, costs and other expenses that may be incurred by the Municipality. The said sum of \$2,000.00 shall hereinafter be referred to as the "Deposit". As accounts, invoices, statements, etc. are received by the Municipality, they shall be paid by the Municipality and the Municipality shall be entitled to deduct the amounts so paid from the Deposit. The Municipality shall then submit to the Developer a statement of all monies paid and the Developer shall pay to the Municipality forthwith a sufficient sum to reinstate the Deposit to the initial sum of \$2,000.00 in order that the full sum of \$2,000.00 is available for subsequent accounts, statements, invoices, etc. Neither the Deposit nor anything in this Agreement shall limit or be deemed to limit the obligation of the Developer to reimburse the Municipality in full for all fees, costs and other expenses incurred by the Municipality relating to or arising out of the Developer's Application(s) and/or this Agreement.
- 4) In the event that the Developer fails to reimburse the Municipality within thirty (30) days of demand so as to fully reinstate the Deposit as contemplated by this Agreement, the Municipality, may, in its sole and absolute discretion, direct its staff, planner, solicitor, engineer and any other consultants to cease all work on or relating to the Developer's Application(s) and the Municipality shall be entitled to apply the balance of the Deposit towards all outstanding accounts.
- 5) The Deposit or any portion thereof shall be retained by the Municipality until all accounts, statements, invoices, etc., submitted or to be submitted to the Municipality and relating to the Developer's Application(s) have been paid in full and all matters relating to the Developer's Application(s) have been completed. In the event that Developer indicates that it desires to cease all work relating to the Developer's Application(s), then the balance, if any, of the Deposit shall be returned by the Municipality to the Developer after the payment of all accounts, statements, invoices, etc., submitted or to be submitted to the Municipality and relating to the Developer's Application(s) have been paid in full.
- 6) In the event that any matter relating to the Developer's Application(s) is appealed to the Ontario Municipal Board, other tribunal and/or Court, and the Municipality, in its sole and absolute discretion, determines it necessary or appropriate to attend at the hearing or proceeding to defend Council's decision to support the Developer's Application(s), then in such case the provisions of this Agreement shall also apply to all costs incurred by the Municipality with respect to such hearing and/or proceeding, including without limitation, legal, planning and engineering costs and disbursements.
- 7) Interest and municipal administrative fees shall be payable by the Developer to the Municipality on all sums of money payable by the Developer to the Municipality which are not paid in full within thirty (30) days of demand or otherwise satisfied from the Deposit, which interest and municipal administration fees shall be calculated from the date of such demand at the rate established from time to time by the Municipality for overdue accounts.
- 8) The failure of the Municipality to insist on strict performance of any of the terms, provisions, covenants or obligations herein shall not be deemed to be a waiver of any rights or remedies that the Municipality may have, and shall not be deemed to be a waiver of any subsequent breach or default of the terms, provisions, covenants and obligations herein contained.

