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Halifax, Nova Scotia
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Item No. 10.1.5
Halifax Regional Council
September 21, 2010
September 28, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

Original Signed by

A handwritten signature in black ink, appearing to be "Wayne Anstey".

SUBMITTED BY:

Wayne Anstey, Acting Chief Administrative Officer

Original Signed by

A handwritten signature in black ink, appearing to be "Mike Labrecque".

Mike Labrecque, Deputy Chief Administrative Officer

DATE: August 26, 2010

SUBJECT: **Case 16422: Amendments to Administrative Order 15 Respecting
Processing Fees for Applications Administered by Planning and
Development Services**

ORIGIN

This report originates from approval of the 2010/11 Operating budget.

RECOMMENDATION

It is recommended that Halifax Regional Council amend Administrative Order #15 Respecting License, Permit and Processing Fees as shown in Attachment "A" to include:

- 1) a 10% increase in processing fees for planning and heritage applications;
- 2) processing fees of \$770 for Downtown Halifax site plan applications;
- 3) a \$400 increase in processing fees for variances;
- 4) processing fees for development permits as outlined in Table 2; and
- 5) processing fees of \$100 for zoning confirmation letters.

BACKGROUND

Administrative Order #15 (Respecting License, Permit and Processing Fees) contains the fees HRM charges for various applications, permits and licenses. To change the fees for such activities, Regional Council needs to amend Administrative Order #15, by a resolution of Council.

On May 25, 2010, Regional Council approved the 2010/11 Operating and Project budgets for the Municipality. A component of the budget was that certain processing fees would be increased to generate additional revenue for the Municipality. Community Development offered and Council approved that the fees for Planning and Heritage Applications be increased, and that fees be established for Development Permits. Further, staff identified the need for an increase to the processing fee for variances and to include fees for Downtown Halifax site plan applications and pre-applications. Staff also identified one housekeeping matter (fees for Zoning Confirmation Letters).

DISCUSSION

Planning and Heritage Applications:

Current planning application processing fees were inserted into Administrative Order 15 in March of 1999. Over the past 11 years, the processing fees have remained unchanged for planning applications. Heritage fees were inserted into Administrative Order 15 in June of 2006. A formal pre-application process for planning applications was instituted in 2005 and a \$300 fee was established at that time. Similarly, processing fees have been applied to new site plan applications in Downtown Halifax since the adoption of the new Downtown Halifax Land Use By-law in October 2009. Administrative Order 15 was not amended to capture the fees for pre-applications or the Downtown Halifax site plan applications, but are now being proposed in this series of amendments. As part of the 2010/11 budget, Council approved a 10% increase in “*processing fees*” for both types of applications as follows:

Table 1:

<i>Application Type</i>	EXISTING			PROPOSED		
	<i>Processing Fee*</i>	<i>Advertising Deposit**</i>	Total	<i>Processing Fee*</i>	<i>Advertising Deposit**</i>	Total
Heritage	\$300	\$1500	\$1800	\$330	\$1500	\$1830
Pre-Application	\$300	N/A	\$300	\$330	N/A	\$330
Minor Planning Application	\$300	\$800	\$1100	\$330	\$800	\$1130
Intermediate Planning Application	\$300	\$1500	\$1800	\$330	\$1500	\$1830

<i>Application Type</i>	EXISTING			PROPOSED		
	<i>Processing Fee*</i>	<i>Advertising Deposit**</i>	<i>Total</i>	<i>Processing Fee*</i>	<i>Advertising Deposit**</i>	<i>Total</i>
Major Planning Application	\$1000	\$1500	\$2500	\$1100	\$1500	\$2600
Downtown Halifax Substantive Site Plan Application	\$700	\$1500	\$2200	\$770	\$1500	\$2270

* Processing Fees are non-refundable.

** Advertising deposits are not included in Administrative Order 15 and may change periodically without Council's approval depending on the actual advertising costs. Unused portions are returned to the applicant.

Development Applications:

Of the various applications that Development Services process, two were identified for an increase:

- i) Development Permits- A development permit determines whether or not a use and/or building meets the applicable land use by-law regulations. Development permits are issued on their own and in conjunction with a construction permit. At present, HRM does not charge a fee for a development permit the review of which consumes a significant amount of staff time and resources. Staff recommend that it is appropriate to establish a fee based upon the type of use proposed as follows:

Table 2:

Development Permits	
Type of Use	Proposed Fee
Multiple, Institutional, Commercial and Industrial (new or additions)	\$250
Low Density New Residential (up to two units) and Enclosed Additions and MICI renovations and lease hold improvements	\$100
Accessory Structures (including decks)	\$25

- ii) Variances - HRM currently charges \$100 for a variance application which also requires a significant amount of staff resources and time to process. Staff recommend that Council approve an increase to the processing fee to reflect the amount of work involved, but more importantly, to encourage more applicants to meet the requirements of the zone rather than choosing to apply for a variance. Therefore, the processing fee should be increased from \$100 to \$500.

In addition to the items above, Development Services also identified one administrative practice that needs to be inserted within Administrative Order 15 - "Zoning Confirmation Letters". At present, HRM charges \$100.00 to confirm, in writing, the permitted uses and zoning standards applicable to a property. Collecting a fee for this service has been an administrative practice for years and *inserting the fee into Administrative Order 15 is considered a housekeeping matter.*

BUDGET IMPLICATIONS

The proposed fee increases are expected to generate approximately \$150,000 of additional revenue in the budgets of Development Services and Planning Services. The majority of the revenue (\$147,000) will come from new development permit fees with the remainder from new Planning and Heritage Applications fees. Staff anticipates that any additional revenues generated by an increase in variance fees will be offset by fewer applications.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing, achieved through the Budget approval process.

The proposed amendments to Administrative Order 15 will potentially impact the following stakeholders: local residents, property owners, businesses, consulting and construction associations, and other HRM business units or divisions.

ALTERNATIVES

1. Council may choose to approve the proposed processing fees as contained in Attachment "A" of this report. This is the recommended course of action.
2. Council may choose to approve changes to the proposed processing fees as contained in Attachment "A" of this report. This action would impact HRM's current Budget.
3. Council may choose not to approve the proposed processing fees which will impact HRM's current Budget.

ATTACHMENTS

Attachment "A" Proposed amendments to Schedule "A" of Administrative Order 15,
Respecting License, Permit and Processing Fees

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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Report Approved by: _____
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Financial Approval by: _____
Cathie O'Toole, CGA, Director of Finance, 490-6308

Report Approved by: _____
Paul Dunphy, Director of Community Development

The Pre-Application processing fee may be applied toward processing fees for Major and Intermediate planning applications or Substantive Site Plan Applications in Downtown Halifax received within 90 business days of completion of the Pre-Application file.

Downtown Halifax Substantive Site Plan Applications

Entails applications pursuant to section 5(13) of the Land Use By-law for Downtown Halifax.

Processing Fee \$770.00 (non-refundable)"

5. By deleting, in Section 1, the fee for Minor Variances and replacing it with the new fee of **"500.00 (non-refundable)"**
6. By adding, in Section 1, processing fees for Development Permits and Zoning Confirmation Letters immediately following fees for Minor Variance as follows:

"Development Permits:

<u>Type of Use</u>	<u>Processing Fee</u>
Multiple, Institutional, Commercial and Industrial (new or additions)	\$250.00
Low Density New Residential(up to two units) and Enclosed Additions and MICI renovations and lease hold improvements	\$100.00
Accessory Structures(including decks)	\$25.00
Zoning Confirmation Letters	\$100.00"