

BY-LAW NO. _____/10

OF THE

CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES

Being a by-law to impose certain Development Charges in The Township of North Dumfries pursuant to the Development Charges Act, S.O., 1997, c. 27, as amended (the “Act”) with respect to services provided by the Township of North Dumfries.

WHEREAS subsection 2(1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended (the “Act”) provides that the Council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the bylaw applies;

AND WHEREAS a development charge background study has been completed in accordance with section 10 of the *Act*;

AND WHEREAS the Council of the Township of North Dumfries has given notice and held a public meeting on the 21st day of September, 2009 in accordance with section 12 of the *Act* and the Regulations made under the *Act*:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

Definitions:

In this by-law:

1.1. “*capital costs*” means costs incurred or proposed to be incurred by the *Township* directly or by others on behalf of, and as authorized by, the *Township*;

1.1.1. to acquire land or an interest in land, including a leasehold interest,

1.1.2. to improve land,

1.1.3. to acquire, lease, construct or improve buildings and structures,

1.1.4. to acquire, lease, construct or improve facilities including,

1.1.4.1) rolling stock with an estimated useful life of seven years or more;

1.1.4.2) furniture and equipment, other than computer equipment;

1.1.5. to undertake studies in connection with any of the matters in clauses 1.1.1 to 1.1.4

1.1.6. to undertake the development charge background study required under s. 10 of the *Development Charges Act*;

- 1.1.7. interest on money borrowed to pay for costs described in paragraphs 1.1.1 to 1.1.4.
- 1.2. “*Council*” means the Council of The Corporation of the Township of North Dumfries;
- 1.3. “*development*” includes re-development;
- 1.4. “*development charge*” means a charge imposed against land under this By-law;
- 1.5. “*dwelling unit*” means a room or rooms located within a building or structure which are occupied or designed or intended to be occupied by one or more persons as a single housekeeping unit and for which a separate private entrance (from outdoors or a common hallway), sanitary and culinary facilities are provided, as further defined in Section 1.11;
- 1.6. “*gross floor area*” means the total floor area measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls;
- 1.7. “*local services*” means services related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the owner as a condition of approval under s. 51 of the Planning Act or under s. 53 of the Planning Act;
- 1.8. “*non-residential uses*” means all commercial, industrial, institutional farm related, agricultural and other uses not included in the definition of residential uses;
- 1.9. “*owner*” means the owner of land or a person authorized by the owner who has made application for an approval for the *development* of land upon which a *development charge* is imposed;
- 1.10. “*pre-existing development*” means a use of land existing on the land at the time a *development charge* is payable or existing at any time in the five years prior thereto;
- 1.11 “*residential building*” includes the following as defined in the Township Comprehensive Zoning By-law:
- 1.11.1 “*Residential Building – Apartment*” means a Residential Building containing three (3) or more dwelling units which share common hall or halls and common entry at grade;
- 1.11.2 “*Residential Building – Duplex*” means a Residential Building divided horizontally to contain two (2) dwelling units;
- 1.11.3 “*Residential Building - One Unit*” means a Residential Building containing one (1) only dwelling unit;
- 1.11.4 “*Residential Building – Row*” means a Residential building containing three (3) or more dwelling units, each of which faces onto a public street and each of which has a separate entrance at grade level and is separated from its neighbour by a continuous vertical party wall without opening and extending from the base of the foundation to the roof;
- 1.11.5 “*Residential Building - Semi-Detached*” means a Residential Building divided vertically into two (2) dwelling units by a solid common wall extending from the base of the foundation to the roof line and said common wall shall have a horizontal distance of not less than fifty percent (50%) of the horizontal depth of the building;
- 1.11.6 “*Residential Building – Triplex*” means a Residential Building divided horizontally to contain three (3) dwelling units;
- 1.11.7 “*Residential Building - Twin Dwelling (Link)*” - means two dwelling units each completely separate from the other above grade but connected below grade by a common wall or common footings.
- 1.12. “*residential use*” means the use of land, buildings or structures for one or more *dwelling units*;

1.13. “*services*” means services designated in Schedule B of this By-law;

1.14. “*Township*” means The Corporation of the Township of North Dumfries.

Application and Administration of Development Charges:

2. It is hereby declared by the Council of the Township that all development of land within the Township, unless otherwise specified in this by-law, will increase the need for services.

3 (1) Subject to subsection (4), this bylaw applies to all lands within the Township as shown on Schedule D whether or not the land or the use thereof is exempt from taxation under section 3 of the Assessment Act, RSO 1990, c. A-31;

3 (2) Council hereby imposes the development charges shown in Schedule A upon the development of land to which this by-law applies calculated in the manner set out in section 4 and Schedule A;

3 (3) The services to which the development charges imposed by subsection (2) relate to are those listed in Schedule B to this by-law;

3 (4) a) This bylaw does not apply to:

- (i) The development of land that is owned by and used exclusively for the purpose of a municipality, a Local Board or a School Board as defined by subsection 1 (1) of the Education Act,
- (ii) Land developed for any municipal use by the:
Regional Municipality of Waterloo
Township of North Dumfries
Grand River Conservation Authority
being institutions within the category of institution
- (iii) the Crown in right of Ontario or the Crown in right of Canada,
- (iv) a dwelling unit used exclusively for the purposes of non-profit assisted rental housing which is 100% funded by the Regional Municipality of Waterloo or the crown in right of Ontario or Canada;

3 (4) b) the development of land that constitutes only:

- (i) the enlargement of an existing dwelling unit,
- (ii) the creation of the first two additional dwelling units in a one unit (single detached) dwelling, or the creation of the first additional dwelling unit in a semi-detached, row unit, or apartment dwelling in accordance with Schedule C of this by-law;

3 (4) c) Development for any one or more of the following land uses:

- (i) a temporary use permitted under a municipal zoning by-law enacted in accordance with section 39 of the Planning Act

- (ii) a Home Occupation
- (iii) farming
- (iv) temporary erection of a building without a foundation defined in the Building Code for a period not exceeding six consecutive months and not more than six months in any one calendar year on a site for which development charges have been previously paid
- (v) an accessory building

Calculation of Development Charges:

4 (1) Subject to sections (2) and (3) below, where the development of land to which this by-law applies entails a material alteration to or the replacement of buildings or structures or the use thereof that constitute a Pre-Existing Development of the type in respect of which a development charge is or would have been payable under this by-law if in force at the time such Council of the Township took place, the development charge payable shall be calculated on the Net Assessable Development.

4 (2) The Net Assessable Development shall be determined as the number of dwelling units comprising a development after the subtraction of any applicable redevelopment allowance in accordance with Section 4 (3) to (6) inclusive of this by-law.

4 (3) No redevelopment allowance shall be made in excess of the actual development of the site. Any redevelopment allowance over and above that applied to the first building permit issued in respect of the site may be carried forward and applied to any subsequent building permit issued in respect of the site within five (5) years from the date of the alteration giving rise to the redevelopment allowance or the demolition, or the date of destruction due to natural or criminal acts beyond the control of the owner of the pre-existing development.

4 (4) In determining whether subsections (1) through (3) inclusive apply, demolition or alteration shall be deemed to have occurred as of the date of the permit issued therefor and destruction due to natural or criminal acts shall be deemed to have occurred on the date such acts first occurred.

4 (5) Subject to subsection (6) below, only one development charge shall be payable hereunder in respect of a development of land even though two or more actions described in clauses 2 (a) to (g) inclusive of the Development Charges Act, 1997 may occur in order for the land to be developed.

4 (6) If two or more of the actions described in clauses 2 (a) to (g) inclusive of the Development Charges Act, 1997 occur, or if the same action occurs more than once at different times in respect of the development of land then an additional development charge shall apply in respect of the subsequent action where the development which is the subject of the subsequent action would have attracted a greater development charge than was paid or payable in respect of the earlier action, but in no case shall a refund be made of any of any development charge paid and in no case shall the total development charge payable in respect of the development exceed the higher charge applicable to the development as a whole.

5. Subject to any agreement made pursuant to subsection 27 (1) of the Development Charges Act, 1997, the whole of the development charge imposed under this by-law shall be calculated at the rate in effect at the time of issuance of the building permit and paid in full to the Treasurer of the Township prior to the issuance of a building permit under the Building Code

Act for any building or structure in connection with the development in respect of which the development charge hereunder is payable.

6. The charges set out in Schedule A on which a development charge is based shall be adjusted without amendment to this by-law on January 1 each year, commencing on January 1, 2000 in accordance with section 7 of O. Reg 82-98 as may be amended from time to time.

Prior Agreements and Payments:

7 (1) Where, in any servicing agreement entered into prior to By-law 1305-91 coming into force, provision is made for payment in the future of a development charge in respect of a development of land to which this by-law applies at the applicable rate upon issuance of a building permit or other event and where such payment is made after the coming in force of this by-law, such payment shall be calculated in accordance with the development charges provided for in this by-law and shall be deemed to be a development charge payment made pursuant to this by-law and the Development Charges Act, 1997.

7 (2) Notwithstanding any provisions in this by-law quantifying a development charge for the development of a site, where a servicing agreement entered into prior to By-law _____ coming into force provides for the payment of a development charge in respect of a site to which this by-law applies at a fixed rate, or at a minimum rate which is greater than the development charge provided for herein, the charge set out in the agreement shall apply in respect of the development of the site to which the agreement relates. Where the development to which the agreement relates has not been specified, the first development for which a building permit is issued shall be deemed to be that to which the agreement relates and any subsequent development, whether or not requiring any further approvals other than a building permit, shall be subject to the provisions of this by-law.

7 (3) Where a charge has been paid pursuant to a condition imposed on a consent given prior to By-law _____ coming into force by the Committee of Adjustment, such payment shall be deemed to be payment in full under this by-law.

Credits:

8. Credits may be given as required under sections 38 - 41 inclusive of the Development Charges Act, 1997, and shall be applied against the development charge payable under this by-law on a site to the maximum of the development charge otherwise payable for the services to which the work relates and in a manner set forth in such an agreement as Council may determine. When an agreement is entered into the credit assigned to a site shall not exceed the maximum density permitted by a draft plan of subdivision or the Township Zoning By-law which pertains to the site on that date, whichever is greater.

Reserve Funds:

9. The Treasurer shall establish and retain reserve funds in accordance with the provisions of the Development Charges Act, 1997 and shall on or before May 1 of each year prepare and provide to Council a financial statement with respect to each reserve fund or funds so established.

General Provisions:

10. Nothing in this by-law limits the right of Council to require or request an owner to install such services as the Council requires at the owner's expense. Nothing in this by-law relieves an owner of any obligation to install, at the owner's expense, such services as are requested or required by Council as a condition of any approval under the Planning Act.

11. Any servicing agreements made under the Planning Act, prior to the coming into force of By-law _____ shall remain in full force and effect and, to the extent of conflict with this by-law, shall prevail.

12. Where a development charge is payable hereunder, but any matter as to calculation, manner or timing of payment is not expressly provided for herein, such matters shall be determined in accordance with the Development Charges Act, 1997 and Regulations, where applicable by analogy to similar provisions hereof in accordance with the general principles underlying the Development Charges Act, 1997 and this by-law.

13. Nothing in this by-law shall be construed so as to commit or require the Township or its Council to authorize or proceed with any specific capital project or to enter into a servicing agreement or to provide any credit for the construction of Township works at any time and Council shall retain discretion not to proceed with any of the capital projects forecasted if it deems appropriate or advisable for any reason including, but not limited to, the lack of funding from development charges or otherwise.

14. By-law _____ is hereby repealed.

15. This by-law shall come into effect on the ____ day of _____, 2010.

Read a first and second time this _____ day of _____, 2010.

Mayor

Clerk-Treasurer

Read a third time and finally passed this _____ day of _____, 2010.

Mayor

Clerk-Treasurer

Schedule A

Part 1 - Residential Development Charge Rates

Per Unit: \$.

Part 2 - Non-Residential Development Charge Rates

No charge

Part 3 - Calculation Provisions

1. Charges shall include components for only those service categories available or to be made available to a site in connection with the development in accordance with the terms or conditions associated with its approval or any capital forecast in effect at the time the development charge is imposed whether or not such services will be used by the development.

2. Subject to Part 3, Section 1 of this schedule, the charges applicable to residential development shall be the sum of the amounts calculated by multiplying the number of units of each type referred to in Part 1 of this schedule forming part of the development by the rates listed thereunder in the relevant service categories.

3. (1) The net assessable development of a proposed development for the purpose of calculating the applicable development charge, is the number of dwelling units and the gross floor area of all non-residential components less the total redevelopment allowance applicable to the site which is the subject of the development, to a maximum of the total number dwelling units and the non-residential gross floor area of the proposed development.

3.(2) For the purpose of applying a redevelopment allowance in respect of residential dwelling units to non-residential gross floor area, or vice versa:

- (a) a single detached dwelling unit to which a factor of 1 applies corresponds to 1,187.94 square feet of non-residential gross floor area;
- (b) one square foot of gross floor area corresponds to 0.0008418 single detached dwelling units to which a factor of 1 applies.

3.(3) a) The redevelopment allowance shall apply to the whole parcel of land on which the pre-existing development exists or existed;

3.(3) b) In the event of a division of a site into two or more parcels, any remaining applicable redevelopment allowance shall be apportioned equally between or amongst the resultant parcels of land on a per unit area basis;

3.(3) c) The redevelopment allowance applicable to a site on which a pre-existing development existed or to any part thereof after any land division, shall be reduced for each subsequent development by the redevelopment allowance applicable to such subsequent development.

Schedule B

<u>Service Category</u>	<u>Services Included*</u>
Administration	Studies
Library	Facilities
Public Works	Facilities
	Road works
	Studies
Fire Department	Vehicles
	Facilities
Recreation	Studies
	Facilities

* includes only those growth related projects as outlined in the approved Township of North Dumfries Development Charge Background Study