

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

BY-LAW NO. 54-18

A By-Law to Establish Area-Specific Development Charges

WHEREAS Section 2(1) of the *Development Charges Act*, 1997 c. 27 (hereinafter called “the Act”) enables the Council of a municipality to pass By-laws for the imposition of development charges against land located in the municipality where development of the land would increase the need for municipal services as designated in the by-law and the development requires one or more of the actions set out in Subsection 2(2) of the Act;

AND WHEREAS the Council of the Corporation of the Municipality of North Grenville, at its meeting of April 3, 2018 received a report dated November 23, 2017 prepared by Watson & Associates Economists Ltd., entitled “Municipality of North Grenville 2017 Area Specific Development Charges Background Study for Regional Stormwater Management Services within the Northwest Quadrant Watershed Area”;

AND WHEREAS the Council heard all persons who applied to be heard in objection to, or in support of, the development charges proposal at such public meeting;

AND WHEREAS Council determined that no further public meetings were required under section 12 of the Act;

NOW THEREFORE the Council of the Municipality of North Grenville enacts as follows:

DEFINITIONS

- a. "Act" means the Development Charges Act, 1997;
- b. "accessory use" means where used to describe a use, building or structure, that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;
- c. "apartment unit" means any residential dwelling unit within a building containing more than two dwelling units where the residential units are other than residential dwelling units in a row house, semi-detached or duplex, as herein defined;
- d. "bedroom" means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a living room, dining room or kitchen;
- e. "benefiting area" means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service
- f. "capital costs" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or under an agreement,
 - (a) to acquire land or an interest in land, including leasehold interest,
 - (b) to improve land,
 - (c) to acquire, lease, construct or improve buildings and structures,
 - (d) to acquire, lease, construct or improve facilities including:
 - i) rolling stock, furniture and equipment with an estimated useful life of seven years or more,
 - ii) materials acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, 1984, S.O. 1984, c. 57,
 - iii) furniture and equipment, other than computer equipment,
 - (e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d),
 - (f) cost of the development charge background study required under Section 10 of the *Development Charges Act*, as amended,

required for the provision of services designated in this by-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (a), (b), (c) and (d) that are growth-related;

- g. "commercial use" means the use of land, structure or building for the purpose of buying and selling of commodities and supplying of services as distinguished from manufacturing or assembling of goods, also as distinguished from other purposes such as warehousing and/or an open storage yard;
- h. "council" means the Council of the Corporation of the Municipality of North Grenville;
- i. "development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment;
- j. "development charge" means a charge imposed with respect to growth- related net capital costs against land in the municipality under this by-law;
- k. "dwelling unit" means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;
- l. "existing industrial building" means a building used for or in connection with:
 - (a) manufacturing, producing, processing, storing or distributing something;
 - (b) research or development in connection with manufacturing, producing or processing something;
 - (c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place;
 - (d) office or administrative purposes, if they are:
 - i) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

For the purpose of this by-law, storage shall not mean a public self storage use as defined in other applicable municipal by-law(s).

- m. "front-end payment" means a payment made by an owner pursuant to a front-ending agreement, which may be in addition to a development charge that the owner is required to pay under this by-law, to cover the net capital costs of the services designated in the agreement that are required to enable the land to be developed;
- n. "front-ending agreement" means an agreement made under Section 44 of the Act between the municipality and any or all owners within a benefitting area providing for front-end payments by an owner or owners or for the installation of services by an owner or owners or for the installation of services by an owner or owners or any combination thereof,
- o. "grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- p. "gross floor area" means the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from another dwelling unit or other portion of a building;

In the case of a commercial, industrial and/or institutional building or structure, or in the case of a mixed-use building or structure in respect of the commercial, industrial and/or institutional portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a commercial, industrial and/or institutional use and a residential use;

- q. "Industrial Use" shall mean a structure used for manufacturing, producing, processing, storing or distributing something, research and development connected to manufacturing, producing or processing something, retail sales by a manufacturer of something they manufactured, produced or processed, provided that the retail sales take place at the same site; or office and administrative uses if they are carried out with respect to the manufacturing, production,

processing, storage or distribution carried out at the same site. For the purposes of this by-law, storage shall not mean a public self storage use as defined in other applicable municipal by-law(s).

- r. "non-residential use" shall mean any use that is not a Residential Use or not an Industrial Use as herein defined;
- s. "owner" or "owners" means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;
- t. "Planning Act" means the Planning Act, 1990, R.S.O., c P.13 as amended;
- u. "rate" means the interest rate established weekly by the Bank of Canada for treasury bills having a term of 30 days;
- v. "regulation" means any regulation made pursuant to the Act;
- w. "residential use" means land or buildings or structure of any kind whatsoever used, designed or intended to be used as living accommodations for one or more individuals;
- x. "row house" means a building that is divided vertically into three or more residential dwelling units;
- y. "semi-detached dwelling", or "duplex" means a dwelling unit in a residential building consisting of two (or more in the case of row housing) dwelling units having one vertical wall or one horizontal wall, but no other parts, attached to another dwelling unit where the residential units are not connected by an interior corridor;
- z. "services" (or "service") means those services referred to in Schedule "B" to this by law or specified in an agreement made under Section 44 of the Act;
- aa. "services in lieu" means those services specified in an agreement made under Section 8 of this by-law;
- bb. "service standards" means the prescribed level of services on which the schedule of charges in Schedule "C" are based;
- cc. "servicing agreement" means an agreement between a landowner and the municipality relative to the provision of municipal services to specified lands within the municipality;
- dd. "single detached dwelling unit" means a residential building consisting of one dwelling unit and not attached to another structure.

SCHEDULE OF DEVELOPMENT CHARGES

1. (1) Subject to the provisions of this by-law, Schedule "A", "Northwest Quadrant Watershed Area" refers to the lands in which development charges within this by-law will apply.
- (2) Subject to the provisions of this by-law, development charges against land shall be calculated and collected in accordance with the base rates set out in Schedule "C", which relate to the services set out in Schedule "B".
- (3) The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:
 - (a) in the case of residential development, or the residential portion of a mixed use development, based upon the number of dwelling units;
 - (b) in the case of non-residential or the non-residential portion of a mixed-use development, based upon the gross floor area of such development.
- (4) Council hereby determine that the development of land, buildings or structures for residential and non-residential uses will require the provision, enlargement, expansion or improvement of the services referenced in Schedule "B".

APPLICABLE LANDS

- 2. (1) Subject to Subsections (2) through (7), this by-law applies to all laws within the urban services area of the Northwest Quadrant Watershed Area whether or not the land or use is exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1980, c. 31.
- (2) This by-law shall not apply to land that is owned by and used for the purposes of:
 - (a) A board of education;
 - (b) any municipality or local board thereof;
 - (c) a place of worship and land used in connection therewith, and a churchyard cemetery and burial ground exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1980, c.31.
- (3) This by-law shall not apply to that category of exempt development described in Subsection 2(3)(b) of the *Development Charges Act*, 1997 c. 27 and Section 2 of O. Reg. 82/98, namely:

| NAME OF CLASS OF RESIDENTIAL BUILDING | DESCRIPTION OF CLASS OF RESIDENTIAL BUILDING | MAX. # OF ADDITIONAL DWELLING UNITS | RESTRICTIONS |
|--|---|-------------------------------------|--|
| Single detached dwellings | Residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings. | Two | The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building. |
| Semi-detached dwellings or row dwellings | Residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings. | One | The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building. |
| Other residential buildings | Residential buildings not in another class of residential building described in this table. | One | The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building. |

- (4)
 - (a) If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with this section.
 - (b) If the gross floor area is enlarged by 50 percent or less, the amount of the development charge in respect of the enlargement is zero.
 - (c) If the gross floor area is enlarged by more than 50 percent, the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows
 - i) Determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.
 - ii) Divide the amount determined under paragraph 1 by the amount of the enlargement.
- (5) That where a conflict exists between the provisions of the new by-law and any other agreement between the Municipality and the owner, with respect to land to be charged under this policy, the provisions of such agreement prevail to the extent of the conflict.
- 3. (1) Subject to Subsection (2), development charges shall apply to, and shall be calculated and collected in accordance with, the provisions of this by-law on land to be developed for residential and non-residential, where:
 - (a) the development of that land will increase the need for services, and
 - (b) the development requires:

- (i) the passing of a zoning by-law or an amendment thereto under Section 34 of the *Planning Act, 1990*;
 - (ii) the approval of a minor variance under Section 45 of the *Planning Act, 1990*;
 - (iii) a conveyance of land to which a by-law passed under Subsection 50(7) of the *Planning Act, 1990*;
 - (iv) the approval of a plan of subdivision under Section 51 of the *Planning Act, 1990*;
 - (v) a consent under Section 53 of the *Planning Act, 1990*;
 - (vi) the approval of a description under Section 51 of the *Condominium Act, R.S.O. 1980, c.84*; or
 - (vii) the issuing of a permit under the *Building Code Act, R.S.O. 1992, c.23* (as amended) in relation to a building or structure.
- (2) Subsection (1) shall not apply in respect of:
- (a) local services installed at the expense of the owner within a plan of subdivision as a condition of approval under Section 52 of the *Planning Act, 1990*;
 - (b) local services installed at the expense of the owner as a condition of approval under Section 53 of the *Planning Act, 1990*.

EXISTING AGREEMENTS

4. An agreement with respect to charges related to development registered prior to passage of this by-law remains in effect after enactment of this by-law.

MULTIPLE CHARGES

5. (1) Where two or more of the actions described in Section 4(1) are required before land to which a development charge applies can be developed, only one development charge shall be calculated and collected in accordance with the provisions of this bylaw.
- (2) Notwithstanding Subsection (1), if two or more of the actions described in Section 4(1) occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as designated in Schedule "B", an additional development charge on the additional residential units or non-residential floor area, shall be calculated and collected in accordance with the provisions of this by-law.

SERVICE STANDARDS

6. The approved service standards for the Municipality are those contained in the Development Charges Background Study.

SERVICES IN LIEU

7. (1) Council may authorize an owner to substitute the whole or such part of the development charge applicable to the owner's development as may be specified in an agreement by the provision at the sole expense of the owner, of services in lieu. Such agreement shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against the development charge otherwise applicable to the development, equal to the reasonable cost to the owner of providing the services in lieu provided such credit shall not exceed the total development charge payable by an owner to the municipality.
- (2) In any agreement under Subsection (1), Council may also give a further credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this by-law.
- (3) The credit provided for in Subsection (2) shall not exceed the service standards referenced in Section 7 and used in the calculation of the charges in Schedule "C" and no credit shall be charged to any development charges reserve fund prescribed in this by-law.

FRONT-ENDING AGREEMENTS

8. (1) Council may enter into a front-ending agreement with any or all owners within a benefitting area pursuant to Section 21 of the *Development Charges Act, 1997*, providing for the payment by the owner or owners of a front-end payment or for the installation of services by the owners or any combination of front-end payments and installation of services, which may be in addition to the required development charge.
- (2) Front-end payments made by benefitting owners under a front-ending agreement relating to the provision of services for which a development charge is payable shall be credited with an amount equal to the reasonable cost to the owner of providing the services, against the development charges otherwise payable under Schedule "C" of this by-law.
- (3) No credit given pursuant to Subsection 9(1) shall exceed the total development charge payable by the owner for the applicable service component or the standard of service outlined in Schedule "C" and referenced in Section 7.
- (4) The front-end payment required to be made by the benefitting owner under a front ending agreement may be adjusted annually.

DEVELOPMENT CHARGE CREDITS

9. (1) Where, as a result of the redevelopment of land, a building or structure existing on the land was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
 - (a) in the case of a residential building or the residential portion of a mixed-use building or structure, an amount calculated by multiplying the applicable development charges set out in Schedule "C" of this by-law by the number of dwelling units according to type, that have been demolished or converted to another principal use; and
 - (b) in the case of a non-residential building or the non-residential portion of a mixed-use building or structure, an amount calculated by multiplying the applicable development charges as set out in Schedule "C" of this by-law by the non-residential gross floor area that has been demolished or converted to another principal use;

provided that a building permit has been issued within five (5) years from the date of the demolition permit and provided that such amounts shall not exceed in total the amount of the development charges otherwise payable with respect to the redevelopment.

TIMING OF CALCULATION AND PAYMENT

10. (1) Development charges shall be calculated and payable in full in money or by provision of services as may be agreed upon, or by credit granted by the Act, on the date that the first building permit is issued in relation to a building or structure on land to which a development charge applies, or in a manner or at a time otherwise lawfully agreed upon.
- (2) Where development charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full.
- (3) Notwithstanding Subsections (1) and (2), an owner may enter into an agreement with the municipality to provide for the payment in full of a development charge before building permit issuance or later than the issuing of a building permit.

BY-LAW REGISTRATION

11. A certified copy of this by-law may be registered on title to any land to which this by-law applies.

RESERVE FUND(S)

12. (1) Monies received from payment of development charges shall be maintained in a separate reserve fund or funds, and shall be used only to meet the growth-related net capital costs for which the development charge was levied under this by-law.
- (2) Council directs the Municipal Treasurer to divide the reserve fund(s) created hereunder into the separate sub-accounts in accordance with the service categories set out in Schedule "B" to which the development charge payments shall be credited in accordance with the amounts shown, plus interest earned thereon.
- (3) Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
- (4) Where any unpaid development charges are collected as taxes under Subsection (3), the monies so collected shall be credited to the development charge reserve fund or funds referred to in Subsection (1).

BY-LAW AMENDMENT OR REPEAL

13. (1) Where this by-law or any development charge prescribed thereunder is amended or repealed either by order of the Ontario Municipal Board or by the Municipal Council, the Municipal Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
- (2) Refunds that are required to be paid under Subsection (1) shall be paid to the registered owner of the land on the date on which the refund is paid.
- (3) Refunds that are required to be paid under Subsection (1) shall be paid with interest to be calculated as follows:
 - (a) interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
 - (b) the refund shall include the interest owed under this Section;
 - (c) interest shall be paid at the Bank of Canada rate in effect on the later of:
 - (i) the date of enactment of this by-law, or
 - (ii) the date of the last quarterly adjustment, in accordance with the provisions of Subsection (4).
- (4) The Bank of Canada interest rate in effect on the date of enactment of this by-law shall be adjusted on the next following business day to the rate established by the Bank of Canada on that day, and shall be adjusted quarter-yearly thereafter in January, April, July and October to the rate established by the Bank of Canada on the day of adjustment.

DEVELOPMENT CHARGE SCHEDULE INDEXING

14. The development charges referred to in Schedule "C" shall be adjusted annually, commencing on the September 1, 2018 and each year thereafter, in accordance with the Statistics Canada Quarterly Non-Residential Building Construction Price Index for the most recent year-over-year period.

BY-LAW ADMINISTRATION

15. This by-law shall be administered by the Municipal Treasurer.

SCHEDULES TO THE BY-LAW

16. The following schedules to this by-law form an integral part of this by-law:
- Schedule "A" – Northwest Quadrant Watershed Area
 - Schedule "B" – Components of Services
 - Schedule "C" – Schedule of Development Charges


DATE BY-LAW EFFECTIVE

17. (1) This by-law shall come into force and effect on date it is enacted.
- (2) This by-law shall continue in force and effect for a term not to exceed five years from the date of its enactment, unless it is repealed at an earlier date.


SHORT TITLE

18. This by-law may be cited as the "Northwest Quadrant Watershed Development Charges By-Law".

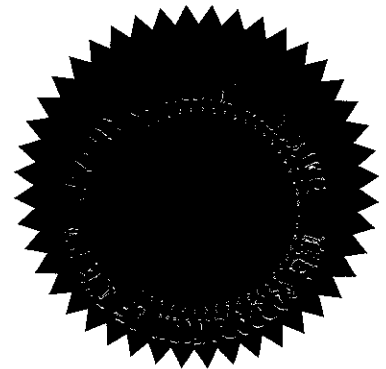
ENACTED AND PASSED
THIS 14TH DAY OF MAY, 2018.



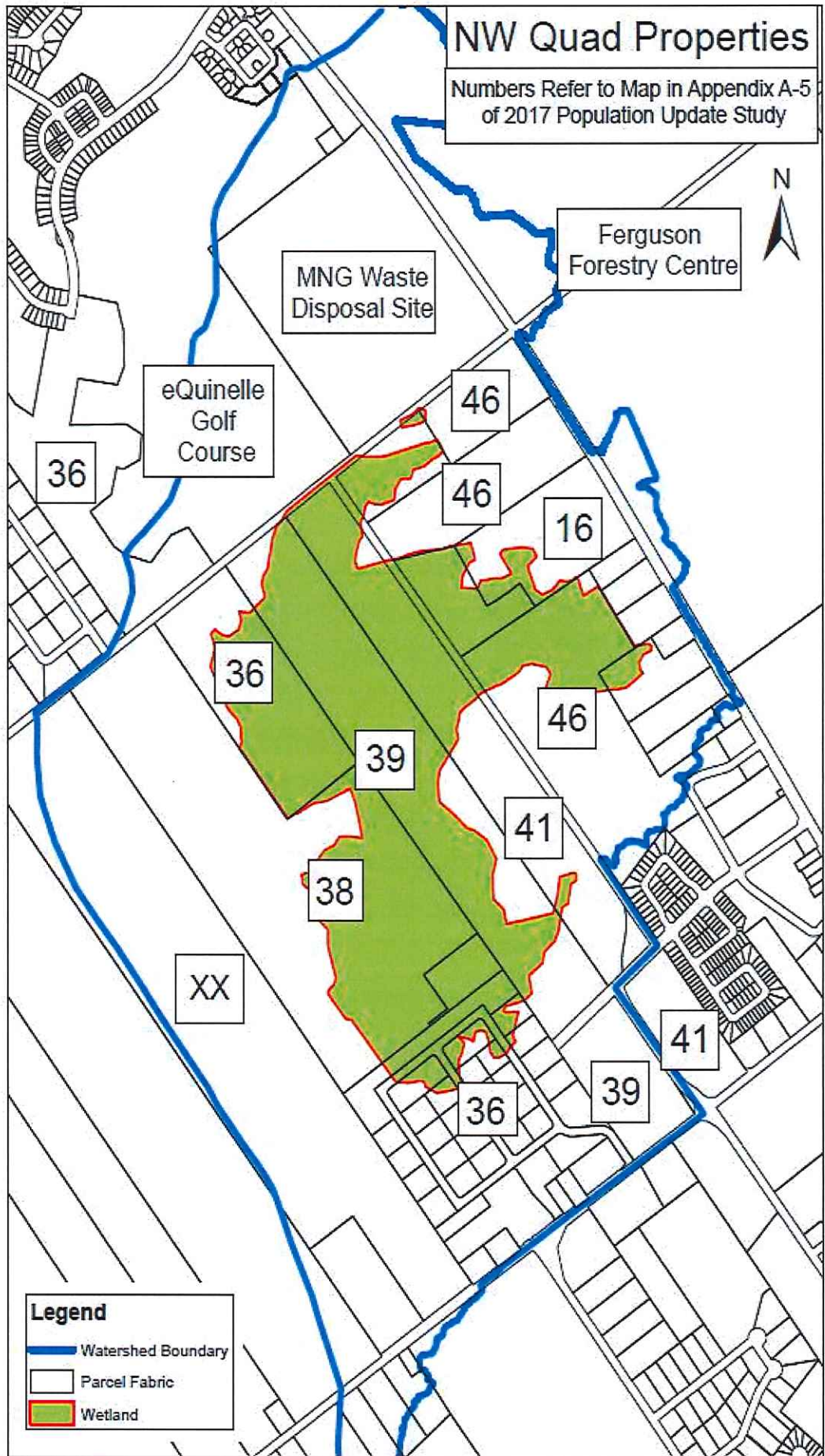
DAVID GORDON
Mayor



CAHL POMINVILLE
Clerk



SCHEDULE "A"



SCHEDULE "B"

COMPONENTS OF SERVICES

AREA-SPECIFIC SERVICES

100% Eligible Services

Regional Stormwater Management Services

SCHEDULE "C"

| SCHEDULE OF DEVELOPMENT CHARGES | | | | | |
|--|--|----------------------------------|--|------------------------|---|
| Service | RESIDENTIAL | | | | NON-RESIDENTIAL |
| | Single & Semi-Detached Dwelling | Apartments - 2 Bedrooms + | Apartments - Bachelor & 1 Bedroom | Other Multiples | (per ft² of Gross Floor Area) |
| Regional Stormwater Management | \$225 | \$152 | \$108 | \$159 | \$0.14 |
| Total Northwest Quadrant Watershed Services | \$225 | \$152 | \$108 | \$159 | \$0.14 |