

The Corporation of the Municipality of West Grey

By-law Number 19-2015

BEING A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES

WHEREAS Section 2(1) of the Development Charges Act, 1997 (“Act”) enables the Council of a Municipality to pass by-laws to impose development charges against lands located in the Municipality to pay for increased capital costs where the 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 Section 2(2) of the Act, and

WHEREAS The Corporation of the Municipality of West Grey has determined that the development of lands within the Municipality will increase the need for municipal services and Council has confirmed its intent to provide the said services, and

WHEREAS the Council has given Notice of its development charges proposal in accordance with Section 12(1) of the Act, and held a Public Meeting on March 30, 2015, and is satisfied that no further notice is required;

NOW THEREFORE the Council of The Corporation of the Municipality of West Grey enacts as follows:

1. DEFINITIONS

In this By-Law:

- 1.1 All words and phrases used in this By-Law that have been defined in the Act shall have the same meaning as those words and phrases in the Act.
- 1.2 Where the Development Charges Act does not specify a definition, the following definitions shall apply to the extent that they are not in conflict with the definitions in the Act:
 - 1.2.1 **Act** means the Development Charges Act, 1997 as amended from time to time and includes the Regulations passed under the Act, as amended from time to time;
 - 1.2.2 **Dwelling** shall mean a building occupied, or capable of being occupied, exclusively as a home, residence, or sleeping place, by one or more persons, limited to not more than two (2) boarders, but shall not include any mobile home, construction trailer, travel trailer, sleeping cabin, hotels, motels, a home for the aged, nursing home, hospital, or living quarters for a caretaker, watchman or other person or persons using living quarters which are accessory to a non-residential building.
 - a. “Accessory Detached Dwelling” shall mean a detached dwelling subordinate and incidental to the principal use, building or structure located on the same lot therewith.
 - b. “Apartment Dwelling” shall mean a building consisting of three (3) or more dwelling units, which units have a common entrance from street level and the occupants of which obtain access to their dwelling units through common halls.
 - c. “Detached Dwelling” shall mean a separate building designed for and containing only one dwelling unit and constructed for year round human habitation.

- d. "Duplex Dwelling" shall mean a building that is divided horizontally into two separate dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.
- e. "Fourplex Dwelling" shall mean a building which consists of two (2) attached duplex dwellings, or a building containing only two storeys exclusive of basement, divided vertically into four (4) dwelling units with either one or two complete walls in common with adjoining units and an independent entrance, either directly or through a common vestibule.
- f. "Semi-Detached Dwelling" shall mean one of a pair of attached single dwelling units constructed for permanent use with a common party wall dividing the pair of dwelling units vertically for the full height of the building, each of which has an independent entrance.
- g. "Townhouse/Row House Dwelling" shall mean a building that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit, or a front and side yard in the case of a dwelling unit located at the end of the townhouse building.
- h. "Triplex Dwelling" shall mean a building that is divided horizontally or vertically into three (3) separate dwelling units each of which has an independent entrance, either directly or through a common vestibule.

1.2.3 **Building Code Act** means the *Building Code Act*, S.O. 1992, Chapter 23, as amended, and all Regulations thereto including the Ontario Building Code, 1997, as amended;

1.2.4 **Building Permit** means a Permit issued in accordance with the Building Code Act;

1.2.5 **Local board** means a local board as defined in section 1 of the Municipal Affairs Act other than a board as defined in subsection 1 (1) of the Education Act. ("conseil local") 1997, c. 27, s. 1; 2002, c. 17, Sched. F, Table;

1.2.6 **Municipality** means The Corporation of the Municipality of West Grey;

1.2.7 **Non-Residential Uses** means land, buildings or structures or portions thereof used or designed or intended to be used for a use other than for a residential use;

1.2.8 **Owner** 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;

2. IMPOSITION OF DEVELOPMENT CHARGES

2.1 A development charge shall be paid in respect of all development, as provided in this By-Law.

3. APPLICATION OF THIS BY-LAW

3.1 This By-Law shall apply to all lands within The Corporation of the Municipality of West Grey.

3.2 No land, except land owned by and used for the purposes of a Municipality or a board as defined in Subsection 1(1) of the *Education Act*, is exempt from a development charge by reason only that it is exempt from taxation under Section 3 of the *Assessment Act*.

3.3 Nothing in this By-Law prevents the approval authority or Council, as the case may be, from requiring, as a condition of an agreement under the Planning Act, SS. 51 or 53, that the owner at his or her own expense shall install or pay for local services as the approval authority or Council may require.

4. CALCULATION OF DEVELOPMENT CHARGES – GENERAL

4.1 Development charges shall be calculated in accordance with Schedule “A”

5. INDEXING OF THE DEVELOPMENT CHARGE

5.1 Development charges may be adjusted, without amendment to this By-Law, on the first day of January in each year, beginning with January 1, 2015, in accordance with the then most recent Statistics Canada Quarterly, Construction Price Index catalogue number 62-007.

6. CALCULATION OF DEVELOPMENT CHARGES – RESIDENTIAL

6.1 Development charges shall apply to each dwelling unit in every development, whether single-use or mixed-use.

6.2 No development charges are payable in the following cases:

6.2.1 Where an existing dwelling is enlarged renovated or repaired;

6.2.2 Where a maximum of two additional dwelling units are being created within an existing single detached dwelling;

6.2.3 Where a maximum of one additional dwelling unit is being created in a semi-detached or townhouse dwelling, provided the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the dwelling unit already in the building; and/or

6.2.4 Where a maximum of one additional dwelling unit is being created in any other residential class of building, provided the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the smallest dwelling unit already in the building.

7. CALCULATION OF DEVELOPMENT CHARGES – NON-RESIDENTIAL

7.1 If the development is the enlargement of the gross floor area of an existing industrial, commercial or institutional building and the gross floor area is enlarged by 50% or less of the size of the building, as of the date of passing of this Development Charges By-Law, there shall be no development charge.

- 7.2 If the development is the enlargement of the gross floor area of an existing industrial, commercial or institutional building and the gross floor area is enlarged by more than 50%, the amount of the development charge shall be based on the size of the enlargement that exceeds the exemption outlined in paragraph 7.1 above.

8. EXEMPT BUILDINGS

The following shall be exempt from the Development Charges:

- 8.1 Non-residential buildings that are accessory to an agricultural operation.
- 8.2 Buildings owned and used by the Municipality, or any Board of Education used for school purposes exempt from taxation of the *Assessment Act*.
- 8.3 Temporary buildings where the owner has completed an agreement with the Municipality specifying the owner's obligation to remove the building.
- 8.4 Places of worship exempt from taxation under the *Assessment Act*.
- 8.5 Public hospitals under the *Public Hospitals Act*.

9. REDEVELOPMENT

- 9.1 Where there is a redevelopment, conversion, demolition or change of use of a building or structure or part thereof, the development charges payable by the new or proposed development shall be credited by the amount to which the previous use of the building or structure was subject to development charges prior to the passing of this By-Law.
- 9.2 The credit with respect to a redevelopment, conversion, demolition, or change of use of a building or structure or part thereof shall not exceed the amount of the development charges payable under this By-Law, with respect to new or proposed development.
- 9.3 Notwithstanding Sections 9.1 and 9.2, a credit shall not be warranted where a building or structure or part thereof was demolished and no building permit has been issued within five years from the date of issuance of the demolition permit.
- 9.4 Notwithstanding Sections 9.1 and 9.2, no credit shall be given with respect to the redevelopment, conversions, demolition, or change of use of a building or structure or part thereof where the existing building or structure or part thereof would have been exempt from development charges in accordance with this By-Law.

10. PAYMENT OF DEVELOPMENT CHARGES

- 10.1 Except as otherwise provided in this By-Law, development charges shall be calculated and payable in full in cash or certified cheque in Canadian funds or by credits granted by the Act, on the date that the first building permit is issued.
- 10.2 Except as otherwise provided in this By-Law, a building permit shall not be issued until the development charge has been paid in full.

11. WRITTEN AGREEMENTS WITH THE MUNICIPALITY

- 11.1 Pursuant to the provisions of the Act, Council may enter into written agreements in regard to all matters authorized by the Act and general law.
- 11.2 The applicable provisions of this By-Law may be varied in individual instances by the written agreements, as permitted by the Act.
- 11.3 Council has the power to enter into agreements to reduce or waive development charges that are payable under the Act and this By-Law.
- 11.4 Agreements may give 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. The credit shall not exceed the service standard used in the calculation of the development charge, and no credit shall be charged to any development charges reserve fund prescribed in this By-Law or exceed the proportion of the development charge related to that service, payable by the owner to the Municipality.
- 11.5 Agreements may provide for all or any part of a development charge to be paid before or after it would otherwise be payable.
- 11.6 Front-ending agreements entered into under the provisions of Section 44 of the Act shall be deemed to be agreements under this Section.
- 11.7 This By-Law shall prevail over any previous agreements between a property owner and the Municipality with respect to the payment of impost fees, lot levies or development charges. However, where fees or charges have been paid for services included in this By-Law pursuant to an agreement that was registered on the title of the lands prior to the passing of this By-Law, the Municipality shall apply that fee as a credit against the applicable Development Charge.

12. ADMINISTRATION

- 12.1 A certified copy of this By-Law may be registered on title to any land to which the By-Law applies.
- 12.2 The Treasurer of the Municipality shall administer this By-Law.

13. RESERVE FUNDS

- 13.1 Monies received from payment of development charges shall be maintained in a separate reserve fund, and shall be used only to meet the growth-related net capital costs for which the development charge was levied under this By-Law.
- 13.2 Where any development charge, or part thereof, remains unpaid after the due date, the unpaid amount shall be added to the tax roll and shall be collected as taxes. Where any unpaid development charges are collected as taxes, the monies so collected shall be credited to the development charge reserve fund.
- 13.3 The Treasurer of the Municipality shall, in each year, furnish to Council, a statement in respect of the reserve fund established hereunder for the prior year.

14. REFUNDS

14.1 Where this By-Law or any development charge prescribed hereunder is amended or repealed either by order of the Ontario Municipal Board or by Council, the Municipality shall forthwith pay the appropriate refund, calculated in accordance with the Act and Regulations passed under the Act.

15. SCHEDULES

15.1 The following schedules to this By-Law form an integral part of this By-Law;

15.1.1 Schedule "A" - Components of Development Charge;

16. GENERAL

16.1 This By-Law comes into full force and effect on the 1st day of May, 2015.

16.2 Unless repealed earlier, or unless the term of the By-Law is extended by legislation, this By-Law expires five years from the day it comes into force.

16.3 Where in this By-Law the context so requires, words in the singular include the plural and words in the plural include the singular, and words importing the masculine gender include feminine and neuter gender.

16.4 Any portion of this By-Law found to be invalid shall be severed, and the balance of the By-Law shall be deemed to be valid and enforceable and shall be construed without reference to the invalid portions.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 6th DAY OF APRIL, 2015.

(Signed)

Kevin Eccles, Mayor

(Signed)

Larry C. Adams CAO/Deputy Clerk

**Municipality of West Grey Development Charges
By-Law Number 19 – 2015**

Schedule 'A'

Development Charge Per Household		% of Total
Public Works	\$1,512.93	46.55%
Fire Services	\$491.89	15.14%
Recreation	\$76.16	2.34%
Library	\$196.35	6.04%
General Government	\$972.67	29.93%
Total	\$3,250.00	100.00%