

The Corporation of the Municipality of West Grey

By-law Number 31 - 2020

BEING A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES

Whereas the *Development Charges Act, 1997*, S.O. 1997, c. 27 (hereinafter called "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 need for services;

And Whereas a development charges background study has been completed in accordance with the Act;

And Whereas the Council of the Municipality of West Grey has given notice and held a public meeting on the 7th day of April, 2020 in accordance with the Act and the regulations thereto;

Now Therefore the Council of the Municipality of West Grey enacts as follows:

1.0 Definitions

1.1 In this by-law,

"**Act**" means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, or any successor thereto;

"**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;

"**Agricultural use**" means the use of land and buildings for apiaries, fish farming, animal husbandry or the cultivation of trees, shrubs, flowers, grains, sod, fruits, vegetables and other crops or ornamental plants, but excludes marijuana;

"**Apartment unit**" means any residential dwelling unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor, and includes a stacked townhouse;

"Back-to-back townhouse" means a building containing more than two dwelling units separated vertically by a common wall, including a rear common wall, which do not have rear yards;

"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;

"Benefitting 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;

"Board of education" means a board defined in subsection 1 (1) of the *Education Act*, R.S.O. 1990 c. E.2, as amended, or any successor thereto;

"Building Code Act" means the *Building Code Act*, R.S.O. 1992, c. 23, as amended, or any successor thereto;

"Capital cost" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by, the municipality or local board,

- (a) to acquire land or an interest in land, including a 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 with an estimated useful life of seven years or more,
 - (ii) furniture and equipment, other than computer equipment, and
 - (iii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, c.P.-44; and
- (e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d);

- (f) to complete the development charges background study under section 10 of the Act; and
- (g) interest on money borrowed to pay for costs in (a) to (d)

required for the provision of services designated in this by-law within or outside the municipality.

"Commercial" means any non-residential development not defined under "institutional" or "industrial";

"Council" means the Council of the Corporation of the Municipality of West Grey;

"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;

"Development charge" means a charge imposed pursuant to this by-law;

"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;

"Duplex dwelling" means 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;

"Existing industrial building" means a building or buildings existing on a site in the Municipality of West Grey on the day this by-law comes into effect or the first building or buildings constructed and occupied on a vacant site pursuant to site plan approval under section 41 of the *Planning Act*, R.S.O. 1990 c. P.13, as amended, subsequent to this by-law coming into effect for which full development charges were paid, and is used for or in connection with

- (a) the production, compounding, processing, packaging, crating, bottling, packing or assembling of raw or semi-processed goods or materials in not less than seventy-five percent of the total gross floor area of the building

or buildings on a site ("manufacturing") or warehousing related to the manufacturing use carried on in the building or buildings;

- (b) research or development in connection with manufacturing in not less than seventy-five percent of the total gross floor area of the building or buildings on a site;
- (c) retail sales by a manufacturer, if the retail sales are at the site where the manufacturing is carried out, such retail sales are restricted to goods manufactured at the site, and the building or part of a building where such retail sales are carried out does not constitute greater than twenty-five percent of the total gross floor area of the building or buildings on the site; or
- (d) office or administrative purposes, if they are,
 - (i) carried out with respect to manufacturing or warehousing; and
 - (ii) in or attached to the building or structure used for such manufacturing or warehousing;

"Farm Building" means a building or structure actually used as part of or in connection with a bona fide farming operation and includes barns, silos and other buildings or structures ancillary to a bona fide farming operation, but excluding a residential use and marijuana facilities;

"Fourplex dwelling" means a building which consists of two attached duplex dwellings, or a building containing only two storeys exclusive of basement, divided vertically into four 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;

"Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;

"Gross floor area" means the total floor 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 other dwelling units or other portions of a building;

In the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential 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 non-residential use and a residential use, except for any of the following:

- (a) A room or enclosed area within the building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that services the building;
- (b) Loading facilities above or below grade;
- (c) A part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;

"Industrial" means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;

"Institutional" means the development of a building or structure intended for use,

- (a) as a long-term care home within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;
- (b) as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010*;
- (c) by any of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,

- (ii) a college or university federated or affiliated with a university described in subclause (i), or
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*;
- (d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- (e) as a hospice to provide end of life care.

"Interest rate" means the annual rate of interest calculated at the Municipality's 10-year borrowing rate plus 1%;

"Local board" has the same definition as defined in the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;

"Local services" means those services, facilities or things which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under sections 41, 51 or 53 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or any successor thereto;

"Marijuana facilities" means a building used, designed or intended for growth, producing, testing, destroying, storing or distribution, excluding retail sales, of medical marijuana or cannabis authorized by a licence issued by the federal Minister of Health pursuant to section 25 of the *Marihuana for Medical Purposes Regulations*, SOR/2013-119, under the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19;

"Mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer;

"Multiple dwelling" means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment dwellings, but includes a back-to-back townhouse, duplex, triplex, and fourplex;

"Municipality" means the Corporation of the Municipality of West Grey;

"Non-Profit Housing" means development of a building or structure intended for use as residential premises by,

- (a) a corporation without share capital to which the *Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing;
- (b) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing; or
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.

"Non-residential use" means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use and includes all commercial, industrial and institutional uses;

"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;

"Regulation" means any regulation made pursuant to the Act;

"Rental Housing" means the development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

"Residential use" means lands, buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one or more individuals;

"Semi-detached dwelling" means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but no other parts, attached or another dwelling unit where the residential units are not connected by an interior corridor;

"Services" (or **"service"**) means those services set out in Schedule "B" to this by-law;

"Servicing agreement" means an agreement between a landowner and the municipality relative to the provision of municipal services to specified lands within the municipality;

"Single detached dwelling unit" means a residential building consisting of one dwelling unit and not attached to another structure and includes mobile homes;

"Special care facilities" means lands, buildings or structures used or designed or intended for use for the purposes of providing supervision, nursing care or medical treatment, which do not comprise dwelling units, that are licenced, approved or supervised under any special or general statute, and excludes the special care/special dwelling portions of the building;

"Special care/special dwelling" means a residential portion of special care facilities containing rooms or suites of rooms designed or intended to be used for sleeping and living accommodation that have a common entrance from street level:

- (a) Where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;
- (b) Which may or may not have exclusive sanitary and/or culinary facilities;
- (c) That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
- (d) Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services may be provided at various levels.

"Stacked townhouse dwelling" means a building containing two or more dwelling units where each dwelling unit is separated horizontally and/or vertically from another dwelling unit by a common wall or floor.

"Triplex dwelling" means a building that is divided horizontally or vertically into three separate dwelling units each of which has an independent entrance, either directly or through a common vestibule

2.0 Designation of Services

2.1 The categories of services for which development charges are imposed under this by-law are as follows:

- (a) Services Related to a Highway
- (b) Fire Protection Services
- (c) Police Services
- (d) Parks & Recreation Services
- (e) Library Services
- (f) Administration Studies

2.2 Components of the services designated in subsection 2.1 are described in *Schedule "A"*.

3.0 Application of By-law Rules

3.1 Development charges shall be payable in the amounts set out in this by-law where:

- (a) the lands are located in the area described in subsection 3.2; and
- (b) the development of the lands requires any of the approvals set out in subsection 3.4 (a).

Area to Which By-law Applies

3.2 Subject to subsection 3.3, this by-law applies to all lands in the geographic area of the Municipality.

Exemptions

3.3 This by-law shall not apply to lands that are owned by and used for the purposes of:

- (a) any municipality or a "local board" thereof;
- (b) a "Board of Education";

- (c) an enlargement of the gross floor area of an existing industrial building in accordance with section 4 of the Act;
- (d) Non-residential buildings that are accessory to an agricultural operation;
- (e) Temporary buildings where the owner has completed an agreement with the Municipality specifying the owner's obligation to remove the building;
- (f) Place of worship exempt from taxation under the *Assessment Act*; or
- (g) Public hospitals under the *Public Hospitals Act*.

Approvals for Development

- 3.4 (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires,
- (i) the passing of a zoning by-law or an amendment to a zoning by-law under section 34 of the *Planning Act*;
 - (ii) the approval of a minor variance under section 45 of the *Planning Act*;
 - (iii) a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;
 - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (v) a consent under section 53 of the *Planning Act*;
 - (vi) the approval of a description under section 9 of the *Condominium Act, 1998*, S.O. 1998, c.19; or
 - (vii) the issuing of a permit under the *Building Code Act*, in relation to a building or structure.
- (b) No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this by-law applies even though two or more of the actions

described in subsection 3.4 (a) are required before the lands, buildings or structures can be developed.

- (c) Despite subsection 3.4 (b), if two or more of the actions described in subsection 3.4 (a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Rules with Respect to an Industrial Expansion Exemption:

3.5 Notwithstanding any other provision of this by-law, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial building where the gross floor area is enlarged by fifty percent or less.

If the gross floor area of an existing industrial building is enlarged by greater than fifty percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable, multiplied by the fraction determined as follows:

- 1) determine the amount by which the enlargement exceeds fifty percent of the gross floor area before the enlargement;
- 2) divide the amount determined under subsection 3.5 (1) by the amount of the enlargement.

For the purposes of this subsection, the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.

For the purpose of section 3.7 herein, "existing industrial building" is used as defined in the Regulation made pursuant to the Act.

Amount of Charges

Residential

3.6 The development charges described in *Schedules "B" and "C"* to this by-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential uses in the mixed-use building or

structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use. Residential units that are accessory to agricultural uses will not be charged.

Non-Residential Uses

3.7 The development charges described in *Schedules "B" and "C"* to this by-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed-use building or structure, on the non-residential uses in the mixed-use building or structure, and calculated with respect to each of the services according to the gross floor area of the non-residential use.

Reduction of Development Charges Where Redevelopment

3.8 Despite any other provision of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within sixty months prior to the date of payment of development charges in regard to such redevelopment 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 structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsections 3.6 and 3.7 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
- (b) provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

Time of Payment of Development Charges

3.9 Development charges imposed under this section are payable upon issuance of a building permit with respect to each dwelling unit, building or structure.

3.10 Notwithstanding subsection 3.9, development charges for rental housing and institutional developments are due and payable in six installments commencing

with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

- 3.11 Notwithstanding subsection 3.9, development charges for non-profit housing developments are due and payable in twenty-one installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- 3.12 Where the development of land results from the approval of a site plan or zoning by-law amendment received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under subsections 3.9, 3.10 and 3.11 shall be calculated on the rates set out in *Schedules "B" and "C"* on the date of the planning application, including interest. Where both planning applications apply, development charges under subsections 3.9, 3.10 and 3.11 shall be calculated on the rates, including interest, set out in *Schedules "B" and "C"* on the date of the later planning application, including interest.
- 3.13 Council may enter into an agreement for payment of the development charges before or after the date of building permit issuance subject to section 27 of the Act.

4.0 Payment by Services

- 4.1 Despite the payments required under subsections 3.6 and 3.7, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service for which a development charge is imposed under this by-law.

5.0 Schedules

- 5.1 The following schedules to this by-law form an integral part thereof:

Schedule "A" Components of Services Designated in subsection 2.1

Schedule "B" Residential and Non-Residential Development Charges – Municipal Wide

Schedule "C" Phase in Percentages Applicable to Schedule "B"

6.0 Date By-law in Force

6.1 This by-law shall come into force upon passage.

7.0 Date By-law Expires

7.1 This by-law will expire as of five years from the date of passage, unless it is repealed at an earlier date.

8.0 Severability

8.1 If, for any reason, any provision of this by-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this by-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

9.0 Repeal

9.1 Upon the coming into force of this by-law, By-Law No.19-2015 of the Municipality of West Grey is hereby repealed.

By-law Read a First, Second and Third time, and Passed this 28th day of April, 2020.

The Corporation of the Municipality of West Grey

(signed)

Mayor

(signed)

Clerk

SCHEDULE "A"
SUMMARY OF DEVELOPMENT CHARGE SERVICES

Municipal-Wide Services

- (a) Services Related to a Highway
- (b) Fire Protection Services
- (c) Police Services
- (d) Parks & Recreation Services
- (e) Library Services
- (f) Administration Studies

SCHEDULE "B"
SCHEDULE OF DEVELOPMENT CHARGES – MUNICIPAL WIDE

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services:						
Services Related to a Highway	3,561	2,280	2,400	1,601	1,518	2.27
Fire Protection Services	549	352	370	247	234	0.35
Police Services	170	109	115	76	72	0.11
Parks & Recreation Services	1,193	764	804	536	509	0.28
Library Services	306	196	206	138	130	0.07
Adminstration Studies	397	254	268	179	169	0.26
Total Municipal Wide Services	6,176	3,955	4,163	2,777	2,632	3.34

**SCHEDULE “C”
PHASE IN PERCENTAGES APPLICABLE TO SCHEDULE “B”**

Category	Year 1 April 28, 2020 to December 31, 2021	Year 2 January 1, 2022 to December 31, 2022	Year 3 January 1, 2023 to December 31, 2023	Year 4 January 1, 2024 to December 31, 2024	Year 5 January 1, 2025 to April 27, 2025
Residential:					
Single and Semi-Detached Dwelling	52.62%	52.62%	68.00%	84.00%	100.00%
Multiples	82.17%	82.17%	82.17%	84.00%	100.00%
Apartments - 2 Bedrooms +	78.07%	78.07%	78.07%	84.00%	100.00%
Apartments - Bachelor and 1 Bedroom	100.00%	100.00%	100.00%	100.00%	100.00%
Special Care/Special Dwelling Units	100.00%	100.00%	100.00%	100.00%	100.00%
Non-Residential	0.00%	0.00%	0.00%	0.00%	0.00%

Note: The Municipality of West Grey will undertake a review of the Development Charges Background Study in 2022.