

THE CORPORATION OF THE COUNTY OF DUFFERIN

BY-LAW NUMBER 2012-31

A by-law to establish development charges for the Corporation of the County of Dufferin

WHEREAS subsection 2(1) of the *Development Charges Act, 1997, S.O. 1997, c. 27* (hereinafter called the "Act") provides that the council of a municipality may pass by-laws for the imposition of Development Charges against land for increased Capital Costs required because of the need for Services arising from Development in the area to which the By-law applies;

AND WHEREAS the Council of The Corporation of the County of Dufferin (the "County") has given Notice in accordance with section 12 of the Act, of its intention to pass a by-law under section 2 of the said Act;

AND WHEREAS the Council of the County has heard all persons who applied to be heard, no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on June 14, 2012;

AND WHEREAS the Council of the County had before it a report entitled Development Charge Background Study, dated May 2012, prepared by Hemson Consulting Ltd., (the "Study") wherein it is indicated that the Development of any land within the County will increase the need for services as defined herein;

AND WHEREAS the Council of the County has indicated its intent that the future excess capacity identified in the Study shall be paid for by the Development Charges or other similar charges;

AND WHEREAS following the Public Meeting, Council afforded the public an additional period of time for the submission of further written representations;

AND WHEREAS Council has further considered the Study and the by-law in light of any further written representations received;

AND WHEREAS by this by-law Council has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development will be met as set out in the Capital Programs contained in Appendices B and C of the Study;

AND WHEREAS by this by-law Council has determined that no further public meetings are required under section 12 of the Act.

NOW THEREFORE THE COUNCIL OF THE COUNTY OF DUFFERIN ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law,
 - (1) "Apartment dwelling" means any dwelling unit within a building containing more than four dwelling units where the units are connected by an interior corridor;
 - (2) "Assessment Act" means the *Assessment Act, 1990*, R.S.O. 1990, c. A.31, as amended;
 - (3) "Building Code Act, 1992" means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;
 - (4) "Capital cost" means costs incurred or proposed to be incurred by the County or a local board thereof directly or by others on behalf of, and as authorized by, the County 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, 1990*, 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 charge background study under section 10 of the Act;
 - (g) as interest on money borrowed to pay for costs in (a) to (d);
- required for provision of services designated in this by-law within or outside the County;
- (5) "Council" means the Council of The Corporation of the County of Dufferin;
 - (6) "Development" means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 7 of this by-law and including the redevelopment of land or the redevelopment, expansion, extension or alteration of a use, building or structure except interior alterations to an existing building or structure which do not change or intensify the use of land;
 - (7) "Development charge" means a charge imposed pursuant to this By-law;
 - (8) "District school board" means a board defined in subsection 1(1) of the *Education Act, 1990*, R.S.O. 1990, c. e.2;
 - (9) "Dwelling unit" means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
 - (10) "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;
 - (11) "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;

- (12) “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;
- (13) “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 the manufacturing, producing or processing something,
 - (c) retail sales by a manufacturer, producer or processor of goods 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;
- (14) “Local board” means a public utility commission, public library board, local board of health, or any other board, commission, committee or body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of the County or any part or parts thereof;
- (15) “Local services” means those services or facilities which are under the jurisdiction of the County and are related to a plan of subdivision or within the area to which the plan relates, required as a condition of approval under s.51 of the *Planning Act* or as a condition of approval under s.53 of the *Planning Act*;
- (16) “Non-residential uses” means a building or structure used for other than a residential use;

- (17) "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;
- (18) "Places of worship" means that part of the building or structure that is exempt from taxation as a place of worship under the *Assessment Act*;
- (19) "Planning Act" means the *Planning Act, 1990*, R.S.O. 1990, c. P.13, as amended;
- (20) "Protracted" means in relation to a temporary building or structure, the persistence of its construction, erection, placement on land, alteration or of an addition to it for a continuous period exceeding eight months;
- (21) "Regulation" means any regulation made pursuant to the Act;
- (22) "Residential uses" means lands, buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a row or other multiple dwelling, an apartment dwelling, and the residential portion of a mixed-use building or structure;
- (23) "Row or other multiple dwelling" means all dwelling units other than single detached dwellings, semi-detached dwellings, and apartment dwellings;
- (24) "Semi-detached dwelling" means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;
- (25) "Services" means services set out in Schedule "A" to this By-law;
- (26) "Single detached dwelling" means a completely detached building containing only one dwelling unit;
- (27) "Temporary structure" means a building or structure constructed or erected or placed on land for a continuous period not exceeding eight months, or an addition or alteration to a building or structure that has the effect of increasing the gross floor area thereof for a continuous period not exceeding eight months;

- (28) "Wind turbine" means any wind energy conversion system with a name plate capacity greater than 300 kilowatts, that converts wind energy into electricity for sale to an electrical utility or other intermediary.

CALCULATION OF DEVELOPMENT CHARGES

2. (1) Subject to the provisions of this By-law, development charges against land in the County shall be imposed, calculated and collected in accordance with the base rates set out in Schedules "B", "C", and "D" which relate to the services set out in Schedule "A".
- (2) 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 redevelopment, or a residential portion of a mixed-use development or redevelopment, the sum of the product of the number of dwelling units of each type multiplied by the corresponding total amount for such dwelling unit type, as set out in Schedule "B";
 - (b) in the case of non-residential development or redevelopment, or a non-residential portion of a mixed-use development or redevelopment, the development charge shall be the gross floor area of such area multiplied by the corresponding total dollar amount per square metre of gross floor area, as set out in Schedule "C".
- (3) Council hereby determines that the development or redevelopment of land, buildings or structures for residential and non-residential uses will require the provision, enlargement or expansion of the services referenced in Schedule "A".

PHASE-IN OF DEVELOPMENT CHARGES AND TRANSITION PROVISIONS

3. (1) The development charges imposed pursuant to this by-law are not being phased in and are payable in full, subject to the exemptions herein, from the effective date of this by-law, subject to subsection 4(2).

APPLICABLE LANDS

4. (1) Subject to sections 5 and 6, this by-law applies to all lands in the County, whether or not the land or use is exempt from taxation under section 3 of the *Assessment Act*.
- (2) This by-law shall not apply to land that is owned by and used for the purposes of:
 - (a) a district school board;
 - (b) any municipality or local board thereof;
 - (c) a place of worship exempt under s.3 of the *Assessment Act*;
 - (d) a public hospital under the *Public Hospitals Act, 1990*, R.S.O. 1990, c. P. 40; or
 - (e) farm buildings as defined herein;

TEMPORARY BUILDINGS OR STRUCTURES

5. (1) Subject to Subsections (2) and (3), temporary buildings or structures shall be exempt from the payment of development charges.
- (2) In the event that a temporary building or structure becomes protracted, it shall be deemed not to be, nor ever to have been, a temporary building or structure, and the development charges required to be paid under this By-law shall become payable on the date the temporary building or structure becomes protracted.
- (3) Prior to the issuance of a building permit for a temporary building or structure, the County may require an owner to enter into an agreement, including the provision of security for the owner's obligation under the agreement, pursuant to section 27 of the Act providing for all or part of the development charge that would be required by Subsection (2) if the temporary building or structure became protracted, to be paid. The terms of such agreement shall then prevail over the provisions of this By-law.

RULES WITH RESPECT TO EXEMPTIONS FOR INTENSIFICATION OF EXISTING HOUSING

6. (1) Notwithstanding section 4 above, no development charge shall be imposed with respect to developments or portions of developments as follows:
 - (a) the enlargement of an existing residential dwelling unit;
 - (b) the creation of one or two additional residential dwelling units in an existing single detached dwelling where the total gross floor area of each additional unit does not exceed the gross floor area of the existing dwelling unit;
 - (c) the creation of one additional dwelling unit in any other existing residential building provided the gross floor area of the additional unit does not exceed the smallest existing dwelling unit already in the building.
- (2) Notwithstanding subsection 5(1)(b), development charges shall be calculated and collected in accordance with Schedule "B" where the total residential gross floor area of the additional one or two dwelling units is greater than the total gross floor area of the existing single detached dwelling unit.
- (3) Notwithstanding subsection 5(1)(c), development charges shall be calculated and collected in accordance with Schedule "B" where the additional dwelling unit has a residential gross floor area greater than,
 - (a) in the case of a semi-detached house or multiple dwelling, the gross floor area of the smallest existing dwelling unit, and
 - (b) in the case of any other residential building, the residential gross floor area of the smallest existing dwelling unit.

RULES WITH RESPECT TO INDUSTRIAL ENLARGEMENT

7. If the gross floor area of an industrial building is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero.

8. Where the gross floor area of an industrial building 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 which results from the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.

RULES WITH RESPECT TO REDEVELOPMENT

9. In the case of the demolition of all or part of a residential or non-residential building or structure:
 - (1) a credit shall be allowed, provided that the land was improved by occupied structures within the 36 months prior to the issuance of the building permit, and the building permit has been issued for the development or redevelopment within 36 months from the date the demolition permit has been issued; and
 - (2) if a development or redevelopment involves the demolition of and replacement of a building or structure, or the conversion from one principal use to another, a credit shall be allowed equivalent to:
 - (a) the number of dwelling units demolished/converted multiplied by the applicable residential development charge in place at the time the development charge is payable, and/or
 - (b) the gross floor area of the building demolished/converted multiplied by the current non-residential development charge in place at the time the development charge is payable.
10. A credit can, in no case, exceed the amount of the development charge that would otherwise be payable, and no credit is available if the existing land use is exempt under this by-law.

DEVELOPMENT CHARGES IMPOSED

11. (1) Subject to subsection (2), development charges shall be calculated and collected in accordance with the provisions of this by-law and be imposed on land to be developed for residential and non-residential use, where, the development requires,

- (i) the passing of a zoning by-law or an amendment thereto 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 50 of the *Condominium Act, 1998*, S.O. 1998, c. 19; or
 - (vii) the issuing of a permit under the *Building Code Act, 1992*, in relation to a building or structure.
- (2) Subsection (1) shall not apply in respect to:
- (a) local services installed or paid for by the owner within a plan of subdivision or within the area to which the plan relates, as a condition of approval under section 51 of the *Planning Act*;
 - (b) local services installed or paid for by the owner as a condition of approval under section 53 of the *Planning Act*.

LOCAL SERVICE INSTALLATION

12. Nothing in this by-law prevents Council from requiring, as a condition of an agreement under section 51 or 53 of the *Planning Act*, that the owner, at his or her own expense, shall install or pay for such local services, within the Plan of Subdivision or within the area to which the plan relates, as Council may require.

MULTIPLE CHARGES

13. (1) Where two or more of the actions described in subsection 6(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 by-law.
- (2) Notwithstanding subsection (1), if two or more of the actions described in subsection 6(1) occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as set out in Schedule "A", an additional development charge on the additional residential units and non-residential floor area, shall be calculated and collected in accordance with the provisions of this by-law.

SERVICES IN LIEU

14. (1) Council may authorize an owner, through an agreement under section 38 of the Act, to substitute such part of the development charge applicable to the owner's development as may be specified in the 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 in accordance with the agreement provisions and the provisions of section 39 of the Act, equal to the reasonable cost to the owner of providing the services in lieu. In no case shall the agreement provide for a credit which exceeds the total development charge payable by an owner to the County in respect of the development to which the agreement relates.
- (2) In any agreement under subsection 14(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 be charged to any development charge reserve fund.

TIMING OF CALCULATION AND PAYMENT

15. (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 and defined by various references in 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.
- (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.

RESERVE FUNDS

16. (1) Monies received from payment of development charges under this by-law shall be maintained in separate reserve funds as per the service set out in Schedule "A".
- (2) Monies received for the payment of development charges shall be used only in accordance with the provisions of section 35 of the Act.
- (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 (4), the monies so collected shall be credited to the development charge reserve funds referred to in subsection (1).
- (5) The Treasurer of the County shall in each year, commencing in 2013 for the 2012 year, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in section 12 of O.Reg. 82/98.

BY-LAW AMENDMENT OR APPEAL

17. (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 Council, the Treasurer of the County 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 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 Bank of Canada interest rate in effect on the date of enactment of this by-law shall be used.
- (3) Refunds that are required to be paid under subsection (1) shall include the interest owed under this section.

BY-LAW INDEXING

18. The development charges set out in Schedule “B”, “C” and “D” to this by-law shall be adjusted annually as of January 1, without amendment to this by-law, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, “Construction Price Statistics”.

SEVERABILITY

19. In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction to be *ultra vires*, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this by-law shall remain in full force and effect.

HEADINGS FOR REFERENCE ONLY

20. The headings inserted in this by-law are for convenience of reference only and shall not affect the construction or interpretation of this by-law.

BY-LAW REGISTRATION

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

BY-LAW ADMINISTRATION

22. This by-law shall be administered by the Treasurer of the County.

SCHEDULES TO THE BY-LAW

23. The following Schedules to this by-law form an integral part of this by-law:

- Schedule "A" - Designated Municipal Services Under this By-Law
- Schedule "B" - Schedule of Residential Development Charges
- Schedule "C" - Schedule of Non-Residential Development Charges
- Schedule "D" - Schedule of Wind Turbine Development Charges

EXISTING BY-LAW REPEAL

24. That By-Law 2008-10, passed the 14th day of February, 2008 is hereby repealed effective September 1, 2012.

DATE BY-LAW EFFECTIVE

25. This By-law shall come into force and effect on September 1, 2012.

SHORT TITLE

26. This by-law may be cited as the "County of Dufferin Development Charges By-law, 2012".

READ a first, second and third time and finally passed this 12th day of July 2012.


Walter Kolodziechuk, Warden


Pam Hillock, Clerk



SCHEDULE "A"
TO BY-LAW 2012-31

DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

1. LAND AMBULANCE
2. COMMUNITY SERVICES
3. COUNTY RECREATION
4. LONG TERM CARE
5. PUBLIC HEALTH
6. PUBLIC WORKS BUILDINGS & FLEET
7. GENERAL GOVERNMENT
8. ROADS & RELATED INFRASTRUCTURE

COUNTY OF DUFFERIN

**SCHEDULE "B"
BY-LAW NO. 2012-31**

SCHEDULE OF RESIDENTIAL DEVELOPMENT CHARGES

Service	Dwelling Unit Type		
	Singles & Semis	Rows & Other Multiples	Apartments
LAND AMBULANCE	\$91	\$77	\$68
COMMUNITY SERVICES	\$1,330	\$1,122	\$997
COUNTY RECREATION	\$7	\$6	\$5
LONG TERM CARE	\$108	\$91	\$81
PUBLIC HEALTH	\$205	\$173	\$154
PUBLIC WORKS BUILDINGS & FLEET	\$134	\$113	\$101
GENERAL GOVERNMENT	\$28	\$23	\$21
SUB-TOTAL GENERAL SERVICES	\$1,903	\$1,605	\$1,427
ROADS & RELATED	\$669	\$564	\$501
TOTAL DEVELOPMENT CHARGE	\$2,572	\$2,169	\$1,928

COUNTY OF DUFFERIN

**SCHEDULE "C"
BY-LAW NO. 2012-31**

SCHEDULE OF NON-RESIDENTIAL DEVELOPMENT CHARGES

Service	Non-Residential Charge Per sq. m
LAND AMBULANCE	\$0.51
COMMUNITY SERVICES	\$0.00
COUNTY RECREATION	\$0.00
LONG TERM CARE	\$0.00
PUBLIC HEALTH	\$0.98
PUBLIC WORKS BUILDINGS & FLEET	\$0.74
GENERAL GOVERNMENT	\$0.16
SUB-TOTAL GENERAL SERVICES	\$2.39
ROADS & RELATED	\$3.67
TOTAL DEVELOPMENT CHARGE	\$6.06

COUNTY OF DUFFERIN

**SCHEDULE "D"
BY-LAW NO. 2012-31**

SCHEDULE OF WIND TURBINE DEVELOPMENT CHARGES

Service	Wind Turbine Charge Per Turbine
LAND AMBULANCE	\$318
COMMUNITY SERVICES	\$0
COUNTY RECREATION	\$0
LONG TERM CARE	\$0
PUBLIC HEALTH	\$716
PUBLIC WORKS BUILDINGS & FLEET	\$468
GENERAL GOVERNMENT	\$98
SUB-TOTAL GENERAL SERVICES	\$1,600
ROADS & RELATED	\$2,338
TOTAL DEVELOPMENT CHARGE	\$3,938