

# THE CORPORATION OF TAY VALLEY TOWNSHIP

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## BY-LAW NO. 2014-052

### DEVELOPMENT CHARGES

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**WHEREAS**, Section 2 (1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, 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 by-law applies;

**AND WHEREAS**, a development charges background study has been completed as per Section 10 of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;

**AND WHEREAS**, a public meeting was held on December 1<sup>st</sup>, 2014 as per Section 12 of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;

**NOW THEREFORE BE IT RESOLVED THAT**, the Council of the Corporation of Tay Valley Township enacts as follows:

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**THE CORPORATION OF TAY VALLEY TOWNSHIP  
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**PART 1  
DEFINITIONS**

**2.0 DEFINITIONS**

For the purposes of this By-law, the following definitions shall apply:

- 2.1 **Accessory** - means when used to describe a use, building or structure, that the use, building or structure is naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure located on the same lot therewith.
- 2.2 **Act** - means the *Development Charges Act, 1997, as amended*.
- 2.3 **Apartment** – means a dwelling unit located in any one of the following types of dwellings:
- 2.3.1 **“Dwelling, Apartment”** - means the whole of a building not otherwise defined herein, which contains four (4) more dwelling units serviced by a common entrance or by an independent entrance directly from the outside in which the occupants have the right to use in common any corridors, stairs or elevators contained therein, and the yards appurtenant thereto.
- 2.3.2 **“Dwelling, Accessory”** - means a dwelling unit accessory to a permitted non-residential use, but shall not include an accessory attached dwelling unit or an accessory single detached dwelling unit as otherwise defined in this By-law.
- 2.4 **Building** - means a structure having a roof supported by columns or walls or directly on the foundation and used for the shelter and accommodation of persons, animals or goods and without limiting the foregoing, includes buildings as defined in the *Building Code Act*.
- 2.5 **Capital Cost** - 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 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 life of seven years or more,

- (ii) furniture and equipment other than computer equipment, and
  - (ii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*.
- (e) to undertake studies in connection with any of the matters in clauses (a) to (d),
  - (f) to prepare a development charges background study, and
  - (g) for interest on money borrowed to pay for costs described in clauses (a) to (d) above.
- 2.6 **Commercial Use** - means any use permitted in a commercial zone other than a residential use as described by the zoning by-law of the municipality and any amendments thereto.
- 2.7 **Condominium Act** – means the *Condominium Act, 1998*, S.O. 1998, c.19, as amended.
- 2.8 **Council** - means the Council of the Corporation of Tay Valley Township.
- 2.9 **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 change of use thereof, and includes redevelopment.
- 2.10 **Development Charge** - means a charge imposed against the land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the By-Law applies.
- 2.11 **Dwelling Unit** - shall mean one or more rooms in a building used or designed and intended to be used as a single, independent, and separate house-keeping establishment in which food preparation and sanitary facilities are provided and which has a private entrance from outside the building or from a common hallway or stairway inside the building.
- 2.12 **Dwelling Unit Attached** – means a dwelling unit located in any one of the following types of dwellings:
- a) **“Dwelling, Duplex”** - means a building that is divided horizontally into two separate dwelling units, each of which has an independent entrance either directly from outside or through a common vestibule; or
  - b) **“Dwelling Maisonette”** - means a building that is divided vertically into five or more dwelling units, each of which has independent entrances, one to a common corridor and the other directly to an outside yard area adjacent to the said dwelling unit; or

- c) **“Dwelling, Row House”** - means a building that is divided vertically into three or more dwelling units, each of which has a separate and independent entrance at finished grade and separated from the adjoining unit or units by a common unpierced wall with no interior access between each dwelling unit. Townhouse shall have a corresponding meaning; or
  - d) **“Dwelling, Semi-Detached”** - means a building that is divided vertically into two separate dwelling units, each of which has an independent entrance either directly from outside or through a common vestibule; or
  - e) **“Dwelling, Triplex”** - means a building that is divided horizontally into three separate dwelling units, each of which has an independent entrance either directly from outside or through a common vestibule.
- 2.13 **Existing** – means existing as of the date of the passing of this By-Law.
- 2.14 **Grade** - means the average level of proposed or finished ground adjoining a building at all exterior walls.
- 2.15 **Green Energy** – means the development of solar PV or wind turbine facilities for the purposes of electrical energy generation.
- 2.16 **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 any party wall that separates one occupancy from another.
- 2.17 **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.

- 2.18 **Industrial Use** - means the use of land, buildings or structures for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storage or adapting for sale of any goods, substances, article or thing, or any part thereof and the storage of building and construction equipment and materials as distinguished from the buying and selling of commodities and the supplying of personal services or as otherwise defined in the zoning by-law.
- 2.19 **Institutional Use** – means a use of land, building or structure for social purposes but not for commercial or industrial purposes as defined in this By-Law and may include religious, charitable, fraternal, philanthropic or other similar uses.
- 2.20 **Local Board** - means a local board as defined in the *Municipal Affairs Act*, other than a board defined in subsection 1 (1) of the *Education Act*.
- 2.21 **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 or trailer otherwise designed.
- 2.22 **Municipality** - shall mean the Corporation of Tay Valley Township;
- 2.23 **Net Capital Cost** - means the capital cost less capital grants, subsidies and other contributions made to the municipality or that the Council of the municipality anticipates will be made, including conveyances or payments under Sections 41, 51 and 53 of the *Planning Act*, as amended in respect of the capital cost.
- 2.24 **Non-Residential Uses** - means uses of land, buildings or structures for purposes other than a dwelling unit and shall include commercial, institutional, industrial, agricultural uses, parks and open spaces, and other such uses.
- 2.25 **Owner or Owners** - means the most recent owner of land or a person who has made application for approval for the development of land upon which a development charge is imposed.
- 2.26 **Planning Act** – means the *Planning Act, 1990, R.S.O. c.P.13, as amended*.
- 2.27 **Residential Uses** - means uses of land, buildings or structures designed or intended to be used as living accommodations for any length of time for one or more individuals.
- 2.28 **Services** - means municipal services designated in this By-Law or in an agreement made under Section 44 of the *Act*, as applicable.
- 2.29 **Single Detached Dwelling** - means a residential building consisting of one (1) dwelling unit and not attached to another structure, excluding a mobile home.

- 2.30 **Solar PV** – means electricity generation by a group of photovoltaic cells, typically arranged on a panel, which convert solar energy into electrical energy.
- 2.31 **Standard of Services** - means those standards which govern the quantity, quality or form, method, delivery, operation or manner in which services are constructed or installed and which have been duly approved by Council and which comply with Section 5 (1) (4) of the *Development Charges Act, 1997*.
- 2.32 **Structure** - means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground.
- 2.33 **Wind Turbine** – means a rotary engine that extracts energy from the flow of wind, converts it to mechanical energy by causing a bladed rota to rate, and further converts it to electrical energy through an electrical generator.

**THE CORPORATION OF TAY VALLEY TOWNSHIP  
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**PART 2  
APPLICATION**

**3.0 DESIGNATED AREAS**

- 3.1 The designated area within which development charges are imposed by this by-law are all lands, buildings and structures within the geographic limits of Tay Valley Township.

**4.0 DESIGNATED SERVICES**

- 4.1 The municipal services for which development charges shall be imposed are as follows, and as set out in Schedules "A" and "B" attached to and forming part of this By-Law:

- 4.1.1 General Services
- 4.1.2 Fire Protection
- 4.1.3 Transportation
- 4.1.4 Recreation
- 4.1.5 Library

**5.0 DESIGNATED USES**

- 5.1 The uses of land, buildings or structures for which development charges are hereby imposed are as follows, and are also as set out in Schedule "A" attached to and forming part of this By-Law:

- 5.1.1 Residential uses as defined in Section 2.27 of this By-Law.
- 5.1.2 Green Energy uses as defined in Section 2.15 of this By-Law.



**THE CORPORATION OF TAY VALLEY TOWNSHIP  
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**PART 3  
DEVELOPMENT CHARGES**

**6.0 DEVELOPMENT CHARGES**

6.1 The development charges established by this By-Law shall be imposed where the development of land for residential, institutional or green energy uses would increase the need for services and the development requires one or more of the following:

- (a) the passing of a zoning by-law or of an amendment thereto under section 34 of the *Planning Act*;
- (b) the approval of a minor variance under section 45 of the *Planning Act*;
- (c) a conveyance of land to which a by-law passed under Section 50 (7) of the *Planning Act*;
- (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
- (e) a consent under Section 53 of the *Planning Act*;
- (f) the approval of a description under Section 50 of the *Condominium Act*;
- (g) the issuing of a permit under the *Building Code Act*, in relation to a building or structure.

6.1.1 Where two or more of the actions described in Subsection 6.1 (a) to (g) are required in order to develop land, only one development charge shall be calculated and collected in accordance with the provisions of this By-Law.

6.1.2 Notwithstanding Subsection 6.1.1, if two or more of the actions described in Subsection 6.1 (a) to (g) occur at different times, and if the subsequent action has the effect of increasing the need for all or some of the services designated in Schedule "A", an additional development charge shall be calculated and collected in accordance with the provisions of this By-Law.

**6.2 Residential Uses**

The development charges in respect of net capital costs for services for residential uses shall be as set out in Schedule "B", attached to and forming part of this By-Law except that no charge shall apply as set out in Schedule "C" of this By-Law titled Exemptions and Exceptions.

### **6.3 Green Energy Uses**

The development charges in respect of net capital costs for services for green energy uses shall be as set out in Schedule "B", attached to and forming part of this By-Law except that no charge shall apply as set out in Schedule "C" of this By-Law titled Exemptions and Exceptions.

The development charge for a green energy development shall be calculated based on the total generating capacity of the solar PV or wind turbine installation, minus the 100 kW exemption. The development charge for green energy developments with net generating capacities not equal to 500 kW shall be calculated on a prorated basis.

### **7.0 CUMULATIVE CHARGES**

- 7.1 The development charges shall be cumulative by adding together the calculated development charge for each of the applicable services to be used together with any interest charges, as set out in Schedule "A".
- 7.2 For multiple use buildings, the development charge shall be the cumulative total of the applicable charges for each respective land use within the building.

### **8.0 REDEVELOPMENT**

#### **8.1 Residential**

An owner who has secured the necessary approvals may demolish and replace an existing residential use and not be subject to the development charges set out in Schedule "B" with respect to the development being replaced. However, the building or structure to be replaced or reconstructed must have been occupied as a dwelling, in accordance with the provisions of the Zoning By-Law at some point during the preceding twenty-four month period from the day an application for a building permit is made.

#### **8.3 Conversions or a Change of Use**

Except as exempted under Section 14.2.1 of this By-Law, any conversion or change of use of an existing building or part thereof from a non-residential use to a residential use, shall be subject to a development charge as follows:

- (a) in the conversion or change of use from a non-residential use to a residential use, the first two (2) dwelling units created shall be exempt from a development charge;
- (b) the gross floor area use in the calculation of the development charge will be determined from a site plan or building plans submitted as a requirement under any of the applicable clauses of Section 6.1 of this By-Law.

**THE CORPORATION OF TAY VALLEY TOWNSHIP  
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**PART 4  
ADMINISTRATION**

**9.0 WHEN DEVELOPMENT CHARGE PAYMENT IS DUE**

**9.1 Payment of Development Charge**

- 9.1.1 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 a building permit is issued in relation to a building or structure on land to which a development charge applies.
- 9.1.2 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.
- 9.1.3 Notwithstanding Subsections 9.1.1 and 9.1.2, an owner may enter into an agreement with the municipality to provide for the payment in full of one or more development charges before a building permit is issued or later than the issuing of a building permit.

**9.2 Collection of Unpaid Development Charges**

If the development charge or any part thereof imposed by the municipality remains unpaid after the due date, the amount unpaid shall be added to the tax roll as taxes as per Section 32 of the *Act*.

**9.3 Complaints about Development Charges**

An owner may complain in writing to the Council of the municipality in respect of the development charge imposed by the municipality on the owner's development subject to the provisions of Section 20 of the *Act*.

**10.0 INDEXING**

- 10.1 Council may adjust the development charges in this By-Law annually on December 31<sup>st</sup> in each year, commencing on December 31<sup>st</sup>, 2014 in accordance with the "*Construction Price Statistics*" index as published by Statistics Canada quarterly (catalogue number 62-007). Such adjustments shall not require an amendment to this By-Law.

## **11.0 RESERVE FUND**

- 11.1 A reserve fund for revenues received from development charges is hereby established and shall be called the development charges reserve fund.
- 11.2 The development charges reserve fund shall be used to meet the net capital costs for which the development charge was levied under this By-Law.
- 11.3 The Treasurer of the municipality shall maintain separate accounts under the development charges reserve fund including interest earned thereof for each municipal service category set out in Section 4.1 of this By-Law.
- 11.4 Income received from investments of the development charge reserve fund shall be credited to the development charges reserve fund account for the designated municipal service category (per Section 4.1 of this By-Law) in relation to which the investment income applies.

## **12.0 REPORTING**

- 12.1 The Treasurer shall prepare an annual financial statement for the development charges fund, as prescribed under Section 12 of *Ontario Regulation 82/98* and to submit the statement for Council's consideration and within 60 days thereafter, to submit such statement to the Minister of Municipal Affairs and Housing.

## **13.0 REFUNDS FOR BY-LAW AMENDMENT OR APPEAL**

- 13.1 The municipality shall pay interest on a refund as per the provisions of the *Act* at a rate not less than the Bank of Canada rate in effect on the date this Development Charges By-Law comes into force and adjusted on the first business day of July 2015 and then four times per year thereafter on the first business day of July, October, January and April.

## **14.0 EXCEPTIONS AND EXEMPTIONS**

- 14.1 Exceptions and Exemptions are as set out in Schedule "C" of this By-Law.

## **15.0 OTHER BY-LAWS AND REGULATIONS**

- 15.1 Nothing in this By-Law shall exempt any person from complying with the requirements of any other By-Law, agreement or legislation in force.
- 15.2 If an owner or former owner has, before the coming into force of this development charges by-law, paid all or any portion of a charge related to development pursuant to an agreement under section 51 or 53 of the *Planning Act* or a predecessor thereof with respect to land within the area to which the by-law applies, the municipality shall give a credit for the amount of the charge paid.

- 15.3 If an owner or former owner has, before the coming into force of this development charges by-law, provided services in lieu of the payment of all or any portion of a charge related to development pursuant to an agreement under section 51 or 53 of the *Planning Act* or a predecessor thereof with respect to land within the area to which the by-law applies, the municipality shall give a credit for an amount equal to the reasonable cost to the owner or to the former owner of providing the services.
- 15.4 Under this By-Law, the municipality may give a credit for work done against all or a portion of one or more services for which a development charge may be imposed and may allow the credit to be applied to a different service either at the time of entering into an agreement or afterwards, provided that the municipality has first agreed to allow a person to perform such work. However, no credit shall be given for any work that relates to an increase in the level of service that exceeds the ten (10) year average level of service as adopted by the municipality.
- 15.5 Any credit may only be used by the holder of the credit or the holder's agent and may not be transferred unless the holder and person to whom it is to be transferred have agreed in writing, and the municipality also agrees to the transfer and undertakes to transfer the paid credit or credits.
- 15.6 If a conflict exists between the provisions of this development charges by-law and an agreement referred to in Section 15.2 or 15.3, the provisions of the agreement prevail to the extent of the conflict.
- 15.7 If a conflict exists between the provisions of this development charges by-law and any other agreement between the municipality and an owner or former owner with respect to land within the area to which the by-law applies, the provisions of the agreement prevail to the extent that there is a conflict.

## **16.0 STANDARD OF SERVICES**

- 16.1 The standards for services within the Corporation of Tay Valley Township shall be those as set out from time-to-time by Council and shall be the ten (10) year average level of service for any eligible service under the *Act*.

## **17.0 BY-LAW REGISTRATION**

- 17.1 A certified copy of this By-Law may be registered on title to any land to which this By-Law applies and may be done at the sole discretion of the municipality.

## 18.0 SCHEDULES TO THE BY-LAW

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

- Schedule "A" - Uses of Land, Buildings or Structures Subject to Development Charge
- Schedule "B" - Development Charge for Designated Uses of Land, Buildings or Structures
- Schedule "C" - Exceptions and Exemptions

## 19.0 ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

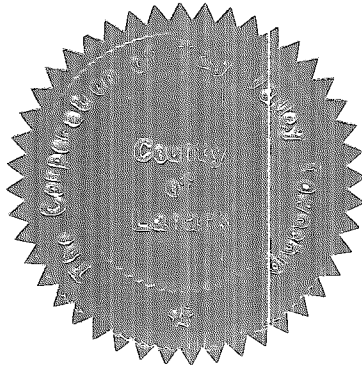
## 20.0 BY-LAWS TO BE REPEALED


THAT, By-Law No. 2009-071 and all previous By-Laws passed under the Act or its predecessor with respect to development charges are hereby repealed.

## 21.0 EFFECTIVE DATE

ENACTED AND PASSED this 2<sup>nd</sup> day of December, 2014 for a term of five (5) years.

  
Keith Kerr, Reeve



  
Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP  
BY-LAW NO. 2014-052**

**SCHEDULE "A"**

**Allocation of Development Charges Between Service Categories**

<u>Service Category</u>	<u>Proportional Share</u>	
	<u>Residential</u>	<u>Green Energy</u>
General Eligible Services	4.40 %	3.8 %
Fire Protection	8.39 %	9.1 %
Transportation	80.16 %	87.1 %
Recreation	3.07 %	0.0 %
Library	3.98 %	0.0 %
Total	100.0%	100.0%

**THE CORPORATION OF TAY VALLEY TOWNSHIP  
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**SCHEDULE "B"**

**Development Charges**

Use	Category of Use	Effective Date/Development Charges			
		December 2, 2014	December 2, 2015	December 2, 2016	December 2, 2017
Residential (per dwelling unit)	Single Detached Dwelling	\$2,700.00	\$2,900.00	\$3,100.00	\$3,300.00
	Attached Dwelling	\$2,700.00	\$2,900.00	\$3,100.00	\$3,300.00
	Apartment	\$2,700.00	\$2,900.00	\$3,100.00	\$3,292.00
	Mobile Home	\$2,700.00	\$2,900.00	\$3,100.00	\$3,126.00
Green Energy	Solar PV Installation or Wind Turbine Installation	\$4,003.11 per 500 kW generating capacity	\$4,003.11 per 500 kW generating capacity	\$4,003.11 per 500 kW generating capacity	\$4,003.11 per 500 kW generating capacity
	Institutional	Residential components charged according to category of use.			
Commercial and Industrial	No charge.				



**THE CORPORATION OF TAY VALLEY TOWNSHIP  
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**SCHEDULE "C"**

**14.0 EXCEPTIONS AND EXEMPTIONS**

**14.1 Residential Uses**

14.1.1 for the enlargement of an existing dwelling;

14.1.2. for the creation of up to two additional dwelling units in a single detached dwelling provided that the gross floor area of the additional dwelling unit or dwelling units is less than or equal to the gross floor area of the dwelling unit already in the building;

14.1.3 for the creation of up to one additional dwelling unit in a semi-detached, duplex or row dwelling provided that 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;

14.1.4 for the creation of up to one additional dwelling unit in any residential building not described in 14.1.2 or 14.1.3 provided that 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.

**14.2 Non-Residential Uses**

14.2.1 This By-Law does not apply to the development of land that is owned by and used for the purposes of:

14.2.1.1 a Board of Education;

14.2.1.2 the Municipality or Local Board thereof; or

14.2.1.3 the County of Lanark or any Local Board thereof.

14.2.2 Industrial Uses or Commercial Uses.

**14.3 Green Energy Uses**

No development charge shall be imposed in respect of any action mentioned in Section 6.1 if the only effect of the action is to develop a solar PV or wind turbine installation with a rated generating capacity of 100 kW or less.