

THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

BY-LAW NO. 2009-78

BEING A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES

WHEREAS the Council of the Corporation of the Township of Rideau Lakes (hereinafter referred to as “the Council”) anticipates that the Corporation of the Township of Rideau Lakes (hereinafter called “the Municipality”) will experience additional development, including redevelopment throughout the Municipality in the next ten years and Council further anticipates that this development will increase the need for services;

AND WHEREAS Section 2 of the *Development Charges Act 1997* (hereinafter referred to as “the Act”) authorizes Council to pass a By-law for the imposition of Development Charges in certain circumstances where the development of land increases the need for services;

AND WHEREAS Council retained the services of *Clark Consulting Services* to prepare a report and make recommendations with respect to establishing a Development Charge Policy;

AND WHEREAS Council wishes to establish a Development Charges By-law to provide for the collection of Development Charges under The Development Charges Act, 1997;

AND WHEREAS Council held a public information meeting on July 30, 2009;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth related demands for, or a burden on, municipal services does not place a financial burden on the Municipality and the existing taxpayers;

AND WHEREAS Council has received and studied a report “The Corporation of the Township of Rideau Lakes Development Charges Study” prepared by *Clark Consulting Services* dated October, 2008, (hereinafter referred to as the “*Clark Report*”) and approves the calculations therein as an accurate indication of Council’s intention with respect to collecting a charge for excess capacity available in the existing infrastructure and future anticipated capital expenditures, and approves Recommendations therein, as hereinafter noted, including:

- i) a uniform charge for each particular service anywhere in the Municipality;
- ii) service standards based on the existing (or highest in the past ten years) service standard of the Municipality;
- iii) that Development Charges be established for all development based on capital expenditure benefit attributions;

AND WHEREAS Council has considered the comments of people at the said public meetings and comments subsequently received;

AND WHEREAS Council has complied with the pre-enactment requirements set out in Section 10, 11 & 12 of the Act;

AND WHEREAS Section 163 of the *Municipal Act, R.S.O. 1990, c. M45*, in part authorizes Council to set up and maintain a consolidated reserve account;

NOW THEREFORE this By-law is **ENACTED** as a By-law of the Corporation of the Township of Rideau Lakes as follows:

DEFINITION AND USES:

1. In this By-Law, unless a contrary intention appears, a term has the same meaning as that which exists in the *Act* or any Regulation made pursuant to Section 68 of the Act, both as amended from time to time.
2. In this By-Law:
 - i) “Advance Services” means those service components set out in Schedule “B” as Advance Services.
 - ii) “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 thereof and includes preparation for such building activity and redevelopment.
 - iii) “Development Charge” means a charge calculated in accordance with the rules set out in the *Development Charges Act, 1997* and imposed against development in the Municipality as set out in this By-law.
 - iv) “Dwelling Unit” means any part of a building or structure used or designated to be used as a domestic establishment in which one or more persons may sleep, prepare and serve meals except in the case of a special needs dwelling designed for communal style occupancy and not included as an institutional use as defined in subsection 5. For special needs housing a Dwelling Unit shall mean a room or suite of rooms designated for residential occupancy by one or more persons with or without exclusive sanitary and/or culinary facilities.
 - v) “Farm Building” means any part of a building which is not used for residential purposes and which building is located on 3 or more hectares of land and which building is used solely for farm and farm related activities carried out on the same farm and includes barns, implement sheds, seasonal roadside stands and silos but does not include processing or year round wholesale or retail facilities.
 - vi) “Grade” means the average level of finished ground adjoining a building or structure at all exterior walls.

- vii) “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.
 - viii) “Owner” means the owner(s) of land, or a person who has made application for an approval for the development of land upon which a Development Charge is imposed.
 - ix) “Place of Worship,” means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act, R.S.O., 1990*, as amended.
 - x) “Use” means occupation and utilization for a particular purpose, practice or benefit.
3. Pursuant to Section 3 (3) (a) of the Act, all uses of land, buildings or structures upon which Development Charges are imposed within the Municipality are:
- i) a residential development;
 - ii) a non-residential development;

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 development or the non-residential portion of a mixed-use development based upon the Gross Floor Area devoted to the use.
4. In this By-law “residential” means designed, adopted or used as a home or residence of one or more individuals who reside or dwell there permanently or seasonally and includes:
- i) a “single detached dwelling” means a residential building consisting of one dwelling unit and not attached to another structure;
 - ii) a “semi-detached dwelling” means a residential building that is divided vertically into two or more dwelling units, each dwelling unit having one or two vertical walls, but no other parts attached to another structure;
 - iii) a “row dwelling” means a residential building containing not less than three units with each unit separated by a common or party wall or walls with a separate outside entrance to each unit;
 - iv) a “duplex dwelling” means a residential building that is divided horizontally into two dwelling units;
 - v) a “triplex dwelling” means a residential building that is divided into three dwelling units;

- vi) an “apartment building” means a residential building, consisting of four or more dwelling units, which is not a single detached dwelling, a semi-detached dwelling, a row dwelling, a duplex or a triplex;
 - vii) a “seasonal dwelling” means a single detached dwelling occupied on a non-permanent basis, the owner(s), occupant(s), having another permanent address, but does not include nursing homes, hotels, motels, tourist homes, bed & breakfast establishments, student residences, barracks, or any other development of an institutional nature and included in the Municipality’s Zoning By-law as a non-residential use.
5. In this By-law “non-residential development” means development other than residential development as defined above, and includes development for commercial, farm, industrial and institutional uses. “Institutional Uses” include student residences, nursing homes, and seniors’ accommodation which consist of bedrooms with or without private sanitary facilities, plus common areas for kitchen and eating facilities and common recreation/activity areas.

LANDS AFFECTED:

6. Pursuant to Section 2 (7) of the Act, this By-law applies to all lands within the geographic limits of the Corporation of the Township of Rideau Lakes (hereinafter referred to as “the Municipality”), whether or not the land or use is exempt from taxation under Section 13 of the *Assessment Act, R.S.O., 1990*.

DESIGNATED SERVICES:

7. Pursuant to Section 7 of the Act, the Municipality hereby designates the services listed in Schedule “A” attached hereto and forming part of this By-law as the services for which the Development Charge is imposed.

DEVELOPMENT CHARGES IMPOSED:

8. Subject to Section 9 below and Sections 6 of the Act, Development Charges as hereinafter provided shall be imposed upon, and shall be applied, calculated and collected in accordance with the provisions of this By-law in connection with the development of all land within the Municipality for residential uses and non-residential uses where,
- i) the development of the land will increase the need for services, and
 - ii) the development requires,
 - a) the passing of a Zoning By-law or of an amendment thereto under section 34 of the *Planning Act, R.S.O., 1990*,
 - b) the approval of a minor variance under section 45 of the *Planning Act, R.S.O., 1990*,

- c) a conveyance of land to which a By-law passed under subsection 50 (7) of the *Planning Act, R.S.O., 1990*,
- d) the approval of a plan of subdivision under section 51 of the *Planning Act, R.S.O., 1990*,
- e) a consent under section 53 of the *Planning Act, R.S.O., 1990*
- f) the approval of a description under section 50 of the *Condominium Act*, or
- g) the issuing of a permit under the *Building Code Act*, in relation to a building or structure.

DEVELOPMENT CHARGES - AMOUNTS:

9. (1) Residential
The amount of the Residential Development Charge payable with respect to lands which are the subject of any approvals mentioned in Section 8, above shall be calculated in accordance with Schedule “B”, subject to any exemption hereinafter provided.
- (2) Non-residential
The amount of the Non-Residential Development Charge payable with respect to lands which are the subject of any approvals mentioned in Section 8 above shall be calculated in accordance with Schedule “B”, subject to any exemptions herein after provided.
- (3) Institutional
Notwithstanding Section 9(2) above, for Institutional uses, the charge shall be calculated on the basis of 50% of the rate set out in Schedule “B” subject to any exemptions herein after provided.

CREDITS/ANNUAL ADJUSTMENT:

10. (1) Credit for previous Development Charge Payments and lot levies: A credit shall be applied to the Development Charge calculated in Section 9(1) above for any previous Development Charge or lot levy payment. The onus shall be upon the owner/applicant to provide proof of earlier payments.
- (2) The Development Charge for Non-Residential Development shall be adjusted annually on January 1st of each year to reflect the change in Construction Prices as reported in the Statistics Canada Quarterly Construction Price Statistics publications (catalog no. 62-007).

EXEMPTIONS:

11. Notwithstanding Section 8 above, no Development Charge shall be imposed with respect to developments or portions of developments as follows:
- a) the enlargement of an existing dwelling unit;
 - b) the creation of up to two additional dwelling units in an existing single-detached dwelling where the total gross floor area of the additional units 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 maximum allowed by the Regulations made under *The Development Charges Act, 1997*, in force at the time of filing of the building permit application;
 - d) buildings or structures to be used as hospitals as governed by the *Public Hospitals Act, R.S.O., 1990*;
 - e) buildings or structures owned by and used for the purposes of any municipality, County, or local board;
 - f) buildings or structures owned by the Board of Education and/or separate school board and used for school purposes;
 - g) buildings or structures used as farm buildings;
 - h) with respect to non-residential development or a portion of non-residential development in the following circumstances:
 - i) for enlargement, the new floor area up to a maximum of 50% of existing gross floor area;
 - ii) for a new building up to 250 sq. m. of gross floor area.

SPECIAL PROVISIONS:

12. Development Charges are hereby imposed upon all lands that are developed for residential or non-residential uses, in accordance with Section 9 above insofar as,
- a) the growth-related net capital costs are attributable development, and
 - b) the growth-related net capital costs are attributable to the service being provided at the time of enactment of this By-law, and the standard of service prevailing at the time this By-law is enacted or at any time within the ten year period preceding enactment of this By-law is maintained.

13. (1) Where two or more of the actions described in Section 8(ii) are applicable, 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 Section 8 (ii) occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as designated in Schedule “A”, an additional Development Charge on the additional residential units and/or non-residential floor area shall be calculated and collected in accordance with the provision of this By-law.

TIMING OF CALCULATION AND PAYMENT:

14. (1) The Development Charge shall be calculated as of, and shall be payable on, the date a building permit is issued in relation to a building or structure on land to which the Development Charge applies, less any amount paid pursuant to subsection (2) after the enactment of this By-law.
- (2) Notwithstanding subsection (1), those portions of the Development Charge attributable to Advance Services shall be payable, with respect to an approval of a plan of subdivision under section 51 of the *Planning Act, R.S.O., 1990 as amended*, immediately upon the owner entering into the subdivision agreement, subject to any applicable exemptions contained in this By-law, and calculated as follows:

In the case of residential development or the residential portion of a mixed-use development, based upon:

- i) the proposed number of dwelling units; and
- ii) with respect to blocks intended for future development, the maximum number of dwelling units permitted under the contemplated zoning;

In the case of non-residential development or the non-residential portion of a mixed-use development based upon the maximum floor area permitted under the contemplated zoning.

15. Notwithstanding Section 14 above, an Owner and the Municipality may enter into an agreement:
 - a) providing for the payment of a Development Charge before otherwise required;
 - b) providing for payment of all or any portion of the Development Charge on dates later than the issuing of a building permit or the entering into of a subdivision agreement; and/or
 - c) whereby an owner provides services in lieu of the payment of all or any portion of a Development Charge.

DEMOLITION CREDIT:

16. Upon presentation of satisfactory evidence to the Municipality of the pre-demolition development of the property, where there is a redevelopment of land on which there was formerly erected a building or structure, the following credit shall be allowed against the Development Charge otherwise payable pursuant to this By-law which credit shall be calculated:
- a) with respect to a residential building or structure or the residential portion of a mixed-use building or structure that has been demolished, by multiplying the number of dwelling units demolished within two years of the date of building permit application by the Development Charge for the relevant demolished units in effect on the date when the units are demolished or October 1, 1998, whichever is the later date.
 - b) with respect to a non-residential building or the non-residential portion of a mixed-use building or structure that has been demolished by multiplying the Gross Floor Area of that portion of the building demolished within two years of the date of the building permit application by the applicable Development Charge for the relevant demolished building or structure in effect on the date when the building or structure was demolished on October 1, 1998 whichever is the later date.
 - c) the replacement of a building destroyed by fire or similar unintended action shall be exempt from payment of a Development Charge so long as the replacement occurs in a reasonable time and the replacement is for the same number of residential units or for a non-residential building of the same floor area. Additional residential units or non-residential floor area shall be subject to the normal provisions of this by-law.

PAYMENT BY MONEY OR THE PROVISION OF SERVICES:

17. (a) Payment of Development Charges to the Municipality shall be by cash or as permitted by the normal standards of the Development Services Department.
- (b) In the alternative to payment by the means provided in subsection (1), the Municipality may, by an agreement entered into with the owner, accept the provision of services in full or partial satisfaction of the Development Charge otherwise payable.

BUILDING PERMIT ISSUANCE:

18. Where Development Charges apply to land in relation to which a building permit is required, unless an agreement is entered into pursuant to subsection 17 (2) above, the building permit shall not be issued until the Development Charge has been paid in full.

DEVELOPMENT CHARGE RESERVE FUNDS:

19. All payments received by the Municipality pursuant to this By-law, including income on investments of the reserve funds, shall be apportioned among the reserve funds in accordance with Schedule "B" and paid into the respective reserves as follows:

Portion of Municipal Wide Development Charges:

Basic	Residential	Non-Residential
Planning Services	4.8%	5.42%
Roads & Bridges	57.1%	64.10%
Streetlighting	0.3%	0.38%
Fire & Rescue	23.1%	25.91%
Emergency Management	1.1%	1.23%
By-law Enforcement	0.5%	0.56%
Police Services	0.3%	0.30%
Community & Leisure	10.5%	0.00%
Library	0.4%	0.00%
Environmental Services	1.9%	2.10%

WITHDRAWALS FROM RESERVE FUNDS:

20. That no monies be withdrawn from the said Reserve Funds except:
- i) refunds, including interest, if applicable, as hereinafter set out, and
 - ii) to meet growth related net capital costs for which the Development Charge was imposed, as set out in Appendix “B” of the *Clark Report*, subject to any modifications to project definition, budget priority and phasing, as may occur as part of the Municipality’s annual Capital Budget process, or amendments to this By-law. Council may withdraw funds from the Municipal Services Reserve Fund based on project definition, budget priority and phasing as aforesaid.

ANNUAL STATEMENTS RE RESERVE FUNDS:

21. That the Treasurer provide an Annual Statement to Council on or before May 31 of each year for the preceding calendar year for each Development Charge reserve fund, in accordance with the format set out in Schedule “C” attached hereto and forming part of this By-law.

REFUNDS:

22. Notwithstanding the foregoing, if a Development Charge is paid at the time a building permit is issued and no building proceeds pursuant to the said permit and the building permit has expired, the registered owner may apply to the Treasurer of the Municipality for a refund of the Development Charge paid at the time the building permit was issued within one year of

payment to the Municipality provided the building permit is surrendered with the said refund application, if not already surrendered.

Where this By-law or any Development Charge prescribed under this By-law is amended or repealed either by order of the Ontario Municipal Board or by resolution of the Council, the Treasurer shall forthwith calculate and refund the amount of any overpayment as a result of such amendment or repeal.

Upon issuing a refund, the Municipality will retain an administrative fee of \$150.00 per building application.

23. Refunds that are required to be paid under section 22 shall be paid with interest to be calculated from the date on which the overpayment was collected to the date on which the refund is paid. The interest rate shall be the Bank of Canada rate on the day the by-law comes into force updated on the first business day of every January, April, July and October.

FULL FORCE AND EFFECT

24. This By-law, known as the "Development Charges By-law, 2009", shall come into force and effect on the date of adoption by Council.

25. This By-law shall continue in force and effect until five years from the date of adoption by Council, unless it is repealed at an earlier date.

READ a FIRST and SECOND TIME THIS 5th day of October , 2009.

Ronald E. Holman
Mayor

Dianna G. Bresee
Clerk

READ a THIRD TIME and FINALLY passed in this 5th day of October , 2009.

Ronald E. Holman
Mayor

Dianna G. Bresee
Clerk

SCHEDULE 'A'
TO BY-LAW 2009-78

Designated Service Categories for which Development Charges are imposed.

1. **PLANNING SERVICES**
2. **ROADS & BRIDGES**
3. **STREETLIGHTING**
4. **FIRE & RESCUE**
5. **EMERGENCY MANAGEMENT**
6. **BY-LAW ENFORCEMENT**
7. **POLICE SERVICES**
8. **COMMUNITY & LEISURE**
9. **LIBRARY**
10. **ENVIRONMENTAL SERVICES**

All as more particularly set out in a Report by *Clark Consulting Services* dated October, 2008.

Designated Services do not include local services and local connections as excluded by Section 2(5) of the *Act*.

SCHEDULE 'B'
TO BY-LAW NO. 2009-78
DEVELOPMENT CHARGE CALCULATION AND ADVANCE SERVICES

Uses of Land, Buildings or Structures Services and Designated Development Charge Financing Areas	Residential Development Charge (per housing unit)					Non-Residential Development Charge	
	Jan 1, 2010	Jan 1, 2011	Jan 1, 2012	Jan 1, 2013	Jan 1, 2014	(per sq. m.)	(per sq. ft)
TOWNSHIP WIDE							
Planning Services	\$73.43	\$78.33	\$83.23	\$88.12	\$93.02	\$0.50	\$0.05
Roads & Bridges *	\$867.75	\$925.60	\$983.45	\$1,041.30	\$1,099.15	\$5.86	\$0.54
Streetlighting	\$5.12	\$5.46	\$5.80	\$6.14	\$6.48	\$0.03	\$0.00
Fire & Rescue	\$350.69	\$374.07	\$397.45	\$420.83	\$444.21	\$2.37	\$0.22
Emergency Management	\$16.65	\$17.76	\$18.87	\$19.98	\$21.09	\$0.11	\$0.01
By-Law Enforcement	\$7.62	\$8.12	\$8.63	\$9.14	\$9.65	\$0.05	\$0.00
Police Services	\$4.05	\$4.32	\$4.59	\$4.86	\$5.13	\$0.03	\$0.00
Community & Leisure	\$139.65	\$148.95	\$158.26	\$167.57	\$176.88	\$0.00	\$0.00
Library	\$6.66	\$7.10	\$7.55	\$7.99	\$8.44	\$0.00	\$0.00
Environmental Services	\$28.38	\$30.27	\$32.16	\$34.06	\$35.95	\$0.19	\$0.02
Total Township Wide Development Charge	\$1,500.00	\$1,600.00	\$1,700.00	\$1,800.00	\$1,900.00	\$9.14	\$0.85

Advance Services*

Schedule "C" – Cont'd

CAPITAL FUND TRANSFERS ADDENDUM*		
Capital Project	Amount Transferred to Capital Fund	Intended Application