

MUNICIPALITY OF LEAMINGTON **AGENDA**



SPECIAL COUNCIL MEETING

**TUESDAY, AUGUST 25, 2009
COMMENCING AT 6:00 P.M.
IN THE COUNCIL CHAMBERS**

(A) **CALL TO ORDER:**

(B) **REPORTS OF STAFF & DELEGATIONS:**

1. Report PLA 27/09 dated August 16, 2009 re: 2009 Development Charges - Request for Approval
Pages 2-22
 - Gary Scandlan, Watson and Associates

(C) **ADJOURNMENT:**

JB

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL
FROM: TRACEY PILLON-ABBS, MANAGER OF PLANNING SERVICES
DATE: AUGUST 19, 2009
SUBJECT: 2009 DEVELOPMENT CHARGES
REQUEST FOR APPROVAL

AIM:

To recommend the approval of the 2009 Development Charges for the Municipality of Leamington.

BACKGROUND:

Municipalities may by by-law impose development charges (DC) 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.

A DC by-law is valid for up to 5 years. Council passed the last by-law on August 30, 2004 (bylaw # 540-04) that came into force on September 1, 2004. The by-law will expire on August 31, 2009. If Council does not adopt a new by-law by this date, no DC will be able to be collected.

Currently, development within the Municipality of Leamington is assessed a DC of \$12,075 per single detached dwelling unit, \$1.30 per sq ft of gross floor area for non-residential (industrial, commercial, institutional) and \$3,770 per acre for greenhouse development; all based on rates held at a 2007 level. If indexing had been applied in 2008 and 2009, in accordance with the DCA regulations, the DC rates as of January 1, 2009 would have been \$14,338 per single detached dwelling unit, \$1.54 per sq ft of gross floor area for non-residential (industrial, commercial, institutional) and \$4,477 per acre for greenhouse development.

A Background Study, dated July 27, 2009, has been undertaken to recalculate the DC based on future identified needs on a municipal-wide basis for services because of growth. The new recalculated charge for a single-detached unit in the urban area is \$13,019, non-residential development charge for urban-wide services is \$1.09 per sq ft of gross floor area, and greenhouse development charge is \$19,649 per acre.

The Background Study has been available for viewing at the front counter at Town Hall and on the website since July 27, 2009. A public meeting was held on Monday August 10, 2009 at 7:00 pm as a requirement of the Development Charges Act (DCA).

The purpose of the public meeting was to obtain comments from the public and key stakeholders. One real estate agent, one developer and one builder made submissions at the public meeting. No other correspondence was received. The concerns submitted at the public meeting include the following;

1. the fairness of greenhouse rates,
2. marketability of homes, and

3. the methodology used to determine the DC rate.

The process to be followed in finalizing the Background Study and recommendations includes consideration of responses received prior to, at or immediately following the Public Meeting and finalization of the study and Council consideration of the by-law subsequent to the public meeting.

COMMENTS

Administration has had an opportunity to review and discuss the comments received. Based on the public consultation and Council input no final amendments are required to be made to the Background Study.

Administration provides the following comments for Council to consider.

General Public Comments

In response to the public concerns, it is Administration's opinion that increasing the rates of the DC will not have a negative impact on housing starts.

With respect to the methodology and the accuracy of the statistical data, it should be mentioned that the DC is reviewed every 5 years and is updated using demographic, past building permit data and economic trends.

By-law Implementation

As part of the DC implementing by-law, the wording of the DC exemption has been altered to include a one time exemption where an existing industrial building is enlarged by 50 percent or less based on the gross floor area of the building, calculated as of the date of passing this by-law. If the enlargement exceeds 50 percent, the DC is charged based on the incremental gross floor area in excess of 50% of the gross floor area of the building calculated as of the date of passing this by-law.

Further, it should be noted that a new Special Care/Special Dwelling charges had been added to the By-law as part of the residential component. This will include retirement homes and lodges, nursing homes, charitable homes, group homes (including correctional group homes) and garden suites. New definitions have also been added.

Greenhouses

For clarity, regarding the issue of greenhouses, the calculated greenhouse development charge in the Background Study is \$19,649 per acre. However, to provide a comparative rate consistent with the 79% rate discount applied in the 2004 DC Study, the consultant has used a greenhouse DC of \$4,049 in the DC rate table/proposed by-law for consideration by Council. It is notable that the greenhouse DC rate is calculated based only on a proportionate share of the estimated cost of growth-related water services.

It is recommended that Council continue the current approach to discount the greenhouse DC rate (at 21%) and fund the balance (79%) through user rates and/or taxation. Under this option it is notable that greenhouses pay a special water rate that was developed on the basis of contributing toward the infrastructure requirements for their service demands; however, recovery of growth-related costs through special water rates is not assured.

It is notable that the DC by-law may be amended within one year of the date of the Background Study without requiring a new Study, which allows further time to consider policy in this regard beyond the deadline for adopting the by-law.

Northeast Sewer

Appendix F to the Background Study outlines a potential area-rated development charge for the north east sanitary trunk sewer; which does not form part of the DC rate schedule/by-law provided for consideration. This incremental DC rate would be applied for development within the defined area in addition to the base DC rate. Administration has been asked to consider the impact of undertaking construction of this sanitary trunk sewer at this time on the potential Development Charge under both full cost and partial grant funding scenarios. The consultant has included calculations as part of this study for discussion purposes.

It is recommended to defer the consideration of the area rating, as grant funding under the 2009 Community Adjustment Fund applications has not been announced as of yet. Council can revisit the project at a later date. The by-law can be amended within one year of the date of the Background Study without requiring a new Study, which allows further time to consider policy in this regard beyond the deadline for adopting the by-law. This would allow time for Council to wait for a decision on the \$6 million grant request and review existing policies.

FINANCIAL IMPACT

The policy decisions made by Council in relation the development charges will have a financial impact on the financing and funding models for the municipality overall.

The purpose of development charges is to have service requirements relating to growth/resulting from new development, such as additional police/fire services, new roadways, sewage capacity, etc., paid for by growth. If growth does not occur, then additional services will not be required.

As Council considers recommendations relating to development charge rates, it is essential to consider the balance between funding options to pay for the growth-related service requirements in relation to existing demands on user and tax rates. The service level calculations in the Background Study ensure that future users of incremental services are only charged based on the average service level that has been in place for existing users over the past 10 years.

The calculated DC rates in the current Background Study are intended to attribute the cost of growth to new development, with any portion of the service increase that is attributable to existing users to be paid for by other means (shown as 'existing benefit'). In addition, any portion of the cost that is expected to benefit users beyond the scope of the study (i.e. 10 years, 20 years, urban build out) will be considered under future development charge studies/calculations.

Where DC rates are discounted the portion of the cost of the services required by that growth not funded by the DC will be borne by user rates and/or property taxes. The transfer of that cost will be in direct competition for dollars against legacy costs for existing infrastructure/asset maintenance and renewal.

Administration recommends that in determining development charge policy Council consider the overall impact of that policy on municipal finances.

Transfers from DC reserve funds are outstanding based on transactions in previous years and are required to reconcile the DC reserve funds and to repay loans from operating reserves used to fund growth-related expenditures. The transfers should be as follows:

From: Administrative Reserve Fund \$138,245 (3-230-0230-0323)

To: General/Admin Reserve \$55,316 (1-220-0220-0220)
Fleet/Equip Reserve \$23,708 (1-220-0220-0246)
Parks Reserve \$59,221 (1-220-0220-0264)

CONCLUSION

It is Administration's position that the Development Charges fees and policies should be based on the findings of the Background Study (see below) and the implementing DC by-law (see attached).

SERVICE	RESIDENTIAL					NON-RESIDENTIAL	
	Single-Detached Dwelling & Semi-Detached Dwelling	Apartments 2 Bedrooms +	Apartments Bachelor & 1 Bedroom	Multiple Dwellings	Special Care/Special Dwelling	Industrial/Commercial /Institutional (per ft ² of Gross Floor Area)	Greenhouses (per Acre)
Municipal Wide Services:							
Roads	4,345	2,354	1,797	2,910	1,293	0.24	-
Roads Related	421	228	174	282	125	0.02	-
Fire Protection Services	393	213	163	263	117	0.01	-
Police Services	253	137	105	169	75	0.01	-
Outdoor Recreation Services	954	517	395	639	284	0.01	-
Indoor Recreation Services	1,525	826	631	1,021	454	0.01	-
Library Services	164	89	68	110	49	0.00	-
Administration	134	73	55	90	40	0.01	-
Water	1,465	793	606	981	436	0.33	4,049
Total Municipal Wide Services	9,654	5,230	3,994	6,465	2,873	0.64	4,049
Urban Services							
Wastewater	3,365	1,823	1,392	2,253	1,001	0.45	-
Total Urban Services	3,365	1,823	1,392	2,253	1,001	0.45	-
GRAND TOTAL - MUNICIPAL WIDE	9,654	5,230	3,994	6,465	2,873	0.64	4,049
GRAND TOTAL URBAN AREA	13,019	7,053	5,386	8,718	3,874	1.09	4,049

Further, it is Administration's position that the greenhouse DC rate be reviewed based on updated water usage within one year of the date of the Background Study and that the implementation of a DC rate for the Northeast Sanitary Trunk Sewer be reviewed based on the outcome of the Community Adjustment Fund Grant within one year of the date of the Background Study.

Further, it should be noted that all DC rates except single residential and greenhouses are recommended for reduction based on Study and the recommended rates are lower than rates would have been had the Municipality of Leamington indexed rates in 2008 and 2009.

Finally, it is recommended that the effective date of the proposed development charge be September 1, 2009. Any building permits that have been received **in complete form** prior to that date will have the current development charges applied. Any incomplete building permits received prior to that date will have the new development charges applied.

RECOMMENDATION:

THAT Council receives information pertaining to the Development Charges Background Study, dated July 27, 2009 as outlined in PLA 27/09;

AND THAT Council approves the Development Charges Background Study;

AND THAT Council request that whenever appropriate, request that grants, subsidies and other contributions be clearly designated by the donor as being to the benefit of existing development or new development as applicable;

AND THAT Council adopts the assumptions contained in the Background Study as 'anticipation' with respect to capital grants, subsidies and other contributions;

AND THAT Council approves the capital project listing set out in Chapter 5 of the Development Charges Background Study dated July 27, 2009, subject to further annual review during the capital budget process;

AND THAT Council approves outstanding transfers be made from Development Charge Reserve Funds as follows:

From: Administrative Reserve Fund \$138,245 (3-230-0230-0323)

To: General/Admin Reserve \$55,316 (1-220-0220-0220)
Fleet/Equip Reserve \$23,708 (1-220-0220-0246)
Parks Reserve \$59,221 (1-220-0220-0264);

AND THAT Administration be directed to bring forward future staff reports on the Northeast Sewer trunk and the re-calculation of greenhouse development charges;

AND THAT Council determines that no further public meeting is required;

AND THAT the Clerk forward the attached by-law to Council for its consideration.

Respectfully submitted,

Tracey Pillon-Abbs,
Manager of Planning Services

Douglas E. Morrish,
Director of Development Services

/tpa

ATTACH.

File: T:\Development\Reports\2009 Reports\Planning\PLA-27-09 Development Charges Approval.doc

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

BY-LAW 925-09

Being a By-law to establish Development Charges in the Municipality of Leamington (Development Charges)

WHEREAS development of land requires the provision of physical and other services by the municipality;

AND WHEREAS the municipal council desires to ensure the capital cost of meeting growth related demands for municipal services does not place an undue financial burden on the municipality or its taxpayers;

AND WHEREAS the Development Charges Act, 1997, (hereinafter called the "Act") provides that the Council of a municipality may pass by-laws for the establishment of a development charge where development increases the need for services;

AND WHEREAS the Municipality held a public meeting in accordance with the requirements of the Act on August 10th at 7:00 p.m. in the Leamington Council Chambers;

AND WHEREAS a background study was prepared in advance of the adoption of this by-law and made available to the public in accordance with the Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON ENACTS AS FOLLOWS:

DEFINITIONS

In this by-law, the following definitions shall apply:

- a) "accessory" means a building that is normally incidental, subordinate and exclusively devoted to a main building and that is located on the same lot therewith and includes a private garage that is not attached to the main building in any way and does not include a fence or a sign;
- b) "Act" means the Development Charges Act, 1997, S.O. 1997, c. 27;

- c) "agreement" means a contract between the municipality and an owner of land and any amendment thereto;
- d) "agricultural use" means the cultivation of land, the production of crops and the selling of such product on the premises, and the breeding and care of livestock and the selling of such livestock or the product of such livestock raised on the premises, and without limiting the generality of the foregoing includes aviaries, apiaries, fish farming, animal husbandry, and the raising and harvesting of field, bush, or tree crops, market gardening, nurseries and greenhouses. However, "agricultural use" does not include facilities for the permanent or temporary housing of persons employed on the lot;
- e) "apartment unit" means a dwelling unit in a structure that contains four or more dwelling units and which units are served by a common street level entrance and by a common corridor;
- f) "capital cost" means costs incurred or proposed to be incurred by the municipality, or a local board thereof, directly or under an agreement, required for the provision of services designated in this by-law within or outside of the municipality;
 - i) to acquire land or an interest in land, including a leasehold interest;
 - ii) to improve land;
 - iii) to acquire, lease, construct or improve buildings and structures;
 - iv) to acquire, lease, construct or improve facilities including rolling stock with an estimated life of seven years or more and furniture and equipment, other than computer equipment; and
 - v) to undertake studies in connection with any matter under the Act and any of the matters in clauses i) to iv) above;
 - vi) to prepare the Development Charges Background Study required before the enactment of this by-law; and
 - vii) for interest on money borrowed to pay for the costs described in clauses i) to iv) above;

- g) “commercial building” means a building used for business offices, financial institutions, the retail buying and/or selling of commodities and/or the supply of services including restaurants;
- h) “correctional group home” means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof, and licensed, approved or supervised by the Province of Ontario as a detention or correctional facility under any general or special act and amendments or replacements thereto. A correctional group home may contain an office provided that the office is used only for the operation of the correctional group home in which it is located. A correctional group home shall not include any detention facility operated or supervised by the Federal Government under Corrections Canada nor any correctional institution or secure custody and detention facility operated by the Ontario Ministry of Correctional Services;
- i) "Council" means the Council of The Corporation of the Municipality of Leamington;
- j) “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 gross floor area or height of the building or structure or usability thereof, and includes redevelopment;
- k) "development charge" means a charge imposed against land in the municipality under this by-law;
- l) “dwelling” means a building or part of building designed to be occupied as a home, residence or sleeping place by one or more persons but shall not include mobile homes, hotels, motels, institutions or travel trailers;
- m) "dwelling, multi unit" means a dwelling containing three or more dwelling units with all dwelling units being on one lot;
- n) "dwelling, semi-detached" means a dwelling designed to accommodate individuals living as one group, regardless of whether the individuals within the group are related or unrelated. Each dwelling unit shall be attached by a common wall to only one other dwelling unit and each dwelling unit shall be on a separate lot;

- o) "dwelling, single unit, attached" means a dwelling designed to accommodate individuals living as one group, regardless of whether the individuals within the group are related or unrelated. Each dwelling unit shall be attached by a common wall, directly or indirectly, to two or more other single unit attached dwellings and each single unit attached dwelling shall be on a separate lot;
- p) "dwelling, single unit, detached" means a dwelling designed to accommodate individuals living as one group, regardless of whether the individuals within the group are related or unrelated. Such dwelling shall be designed as one dwelling unit to accommodate one group of individuals only as evidenced by all parts of the building being accessible to and from all other parts of the building;
- q) "dwelling, two unit" means a dwelling with two dwelling units designed to accommodate two separate groups of individuals, regardless of whether the individuals within the group are related or unrelated. This dwelling shall be designed to accommodate two separate groups of individuals only, as evidenced by two distinct although attached dwelling units each with at least one independent entrance with both dwelling units being on one lot;
- r) "dwelling unit" means either
- i) one or more habitable rooms occupied or designed to be occupied by an individual or group of individuals as an independent and separate housekeeping establishment in which separate culinary and sanitary facilities are provided for the use of such individual or group of individuals with a private entrance from outside the building or from a common hallway or stairway inside the building; or
 - ii) In the case of a special care/special need dwelling, a room or suite of rooms used, or designed or intended for use, by one person with or without exclusive sanitary and/or culinary facilities, or more than one person if sanitary facilities are directly connected and exclusively accessible to more than one room or suite of rooms;
- s) "engineering services" means water supply services, sanitary sewer services, storm drainage and treatment services, transportation services and electrical power or energy services;
- t) "existing" means the number, use and size that existed as of the date this by-law was passed;

- u) “garden suite” means a building containing one (1) dwelling unit where the garden suite is detached from and ancillary to an existing single detached dwelling or semi-detached dwelling on the lands and such building is designed to be portable;
- v) "greenhouse" means a structure that is used for growing plants in regulated temperatures, humidity, and ventilation. A greenhouse can range from a small room carrying a few plants over the winter, to an immense heated building called a hothouse or conservatory, covering acres of ground and used for growing fruits, vegetables or flowers;
- w) "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;
- x) “group home” means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit which may or may not be supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof and licensed, approved or supervised by the Province of Ontario for the accommodation of persons under any general or special act and amendments or replacements thereto. A group home may contain an office provided that the office is used only for the operation of the group home in which it is located;
- y) "industrial building" means a building used for the assembling, fabricating, manufacturing, processing, repairing, warehousing, shipping or storing of goods and materials, and includes such buildings as storage and greenhouse office and packing areas;
- z) “institutional building” means a building used for some public or social purpose (but not for commercial business purposes) and may include governmental, religious, educational, charitable, cultural philanthropic, hospital or other similar but not for profit uses.
- aa) "local board" shall have the meaning attributed to it in the Act;
- ab) "local services" means the services referred to in section 59(2) of the Act;
- ac) "mixed use building" means a building that is used and/or designed to be used for both residential and non-residential purposes;

- ad) "Municipality" means the Municipality of Leamington;
- ae) "multiple dwellings" means all dwellings other than single-detached, semi-detached, apartment unit dwellings and special care/special need dwellings;
- af) "net capital cost" means the capital cost, less capital grants, subsidies and other contributions made to the municipality or that the Council anticipates will be made, including conveyances or payments under Sections 42, 51 and 53 of the Planning Act, in respect of the capital cost;
- ag) "non-residential building" means a building used and /or designed to be used for other than a residential purpose and includes, but is not limited to, an industrial, institutional and commercial building;
- ah) "nursing home" means a residential building or the residential portion of a mixed-use building licensed as a nursing home by the Province of Ontario;
- ai) "residential building" means a building used and/or designed to be used for a residential purpose;
- aj) "retirement home or lodge" means a residential building or the residential portion of a mixed-use building which provides accommodation primarily for retired persons or couples where each private bedroom or living accommodation has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;
- ak) "special care/special need dwelling" means any of a building containing two or more dwelling units, which units have a common entrance from street level, where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings, which may or may not have exclusive sanitary and/or culinary facilities that is designed to accommodate persons with special needs, including independent permanent living arrangements, where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels and includes retirement homes and lodges, nursing homes, charitable homes, group homes (including correctional group homes) and garden suite;

ESTABLISHMENT OF DEVELOPMENT CHARGES

2.
 - a) Council hereby determines that the development of residential, non-residential and mixed use buildings will require the provision, enlargement, expansion or improvement to the services outlined in Schedule "A" of this bylaw.
 - b) Subject to the provisions of this by-law, development charges shall be imposed, calculated and collected upon the issuance of building permits for the development of buildings and for such services as are listed in Schedule "A" of this by-law in the amounts and for the services specified in Schedule "B".
 - c) The development charges imposed by this by-law are comprised of various components. The components for each development charge in each area set out are shown in Schedule "B". When determining the amount of the development charge payable, only those components of the charge to which the development has access will be included in the determination of the charge.
 - d) The development charge with respect to a mixed use building shall be calculated by adding the residential development charge payable under this by-law for the residential portion of the development to the non-residential development charge payable under this by-law for the non-residential portion of the development.

DEVELOPMENT SUBJECT TO DEVELOPMENT CHARGES

3. This by-law applies to the construction of all buildings within the Municipality with the exception of the following:
 - i) those buildings specifically exempt by the Act being lands, buildings or structures within the municipality that are owned by and used for the purposes of:
 - a) a board as defined by subsection 1(1) of the Education Act;
 - b) the municipality or any local board thereof;
 - c) The Corporation of the County of Essex or any local board thereof; any lower tier municipality within the County of Essex;

- ii) the enlargement of the gross floor area, calculated as of September 1st, 2009, of an existing dwelling unit or the creation of up to two additional dwelling units in a residential building as it existed on September 1st, 2009.
- iii) residential development within registered plans of subdivision for which there is already a subdivision agreement establishing the payment of a specified development charge amount;
- iv) existing residential lots for which there had previously been paid a development charge, or for which an increased consent application fee was paid in the area of the former Township of Mersea, and such lot has not been developed prior to this by-law coming into effect. The burden of proof of payment lies with the applicant;
- v) non-residential development for which a development agreement is in effect that establishes a specified lot levy amount;
- vi) the enlargement of an existing industrial building if the gross floor area of the building, as of September 1st, 2009, is enlarged by 50 percent or less, or
- vii) a partial exemption where the enlargement of an existing industrial building is more than 50 percent of the gross floor area of the building, calculated as of September 1st, 2009. In such instances, the development charge is only applied to the amount of the expansion that exceeds 50 percent of the existing floor area. To determine this amount, the amount of the charge that would otherwise be payable on the entire expansion (the per square footage charge multiplied by the square footage of the total expansion) is multiplied by the fraction that results from placing the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement over the amount of the total enlargement.

APPLICABLE DEVELOPMENT CHARGES

- 4. The components of the development charges imposed by this by-law do not include:
 - a) local services installed or paid for by an owner related to a plan of subdivision or within the area to which the subdivision relates as a condition of approval under Section 51 of the Planning Act, R.S.O. 1990, c. P. 13, as amended; or

- b) local services installed or paid for by an owner as a condition of approval under Section 53 of the Planning Act, R.S.O. 1990, c. P. 13, as amended;
 - c) local connections to watermains, sanitary sewers and storm facilities installed at the expense of the owner including amounts imposed by by-law passed under Section 219 of the Municipal Act, R.S.O. 1990, c. M. 45, as amended.
5. The development charge shall not apply to:
- a) any construction of buildings to be used for accessory purposes if a service connection already exists for the lot. However, if a water or sewage connection is not existing at the time of permit application and the lands are within the respective service areas, a development charge may be imposed;
 - b) the renovation of an existing building which does not alter the number of dwelling units, or if a non-residential use, the gross floor area thereof.
6. Except for industrial buildings, the development charge shall not apply to all other development designed or intended for agricultural uses provided that:
- a) the development is not intended or designed to be used in conjunction with any nursery, wholesale or retail flower sales or landscaping business;
 - b) the development is not intended or designed to contain an agricultural home occupation; or
 - c) the development is not intended or designed for a residential use.

GREENHOUSES

7. Notwithstanding section 6, a development charge shall apply to and shall be calculated and collected in accordance with Schedule B for any building developed as a greenhouse.

LOCAL SERVICES AND LOCAL CONNECTIONS

8. Nothing in this by-law prevents Council from requiring, as a condition of an agreement under Sections 51 or 53 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, that the owner, at his or her own expense, shall install such local services related to or within a plan of subdivision, as Council may require, or that the owner pay for local connections to water mains, sanitary sewers and/or storm drainage facilities installed at the owner's expense, or administrative, processing or inspection fees.

DEVELOPMENT CHARGE CREDIT

9. Notwithstanding the payments required by this by-law, Council may by agreement, give a person 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. Such agreement shall specify that where the municipality agrees to allow the performance of work that relates to a service, the municipality shall give to the person performing the work a credit, equal to the reasonable cost of doing the work, against the development charge otherwise applicable to the development. Such credit shall be without interest unless specifically authorized by Council. Such credit shall not exceed the total development charge payable by an owner to the municipality and no credit shall be given for any part of the cost of services that relates to an increase in the level of service above the average level of service described in paragraph 5 (1) 4 of the Act.

REDUCTION OF CHARGES FOR REDEVELOPMENT

10. Notwithstanding any other provisions of this by-law, where as a result of the redevelopment of land, a building or structure existing on the land within 3 years 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, in order to facilitate the redevelopment shall be reduced by the following amounts:
 - i) in the case of a residential building or residential uses in a mixed-use building, an amount calculated by multiplying the applicable development charge under this by-law by the number of dwelling units that have been or will be demolished or converted to another principle use; and

- ii) in the case of a non-residential building or non-residential uses in the mixed use building, an amount calculated by multiplying the applicable development charge under this by-law by the gross floor area that has been or will be demolished or converted to another principle use;

provided that such amounts shall not exceed, in total, the amount of the development charge otherwise payable with respect to redevelopment.

TIMING AND CALCULATION OF PAYMENTS

11. (1) A development charge shall be calculated and be payable in full on the date of building permit issuance in relation to each building or structure to which a development charge applies.
- (2) When development charges apply, the Chief Building Official shall not issue a building permit in respect of such development until the development charge is paid in full.

RESERVE FUNDS

12. Money received from payment of a development charge shall be maintained in a separate reserve fund or funds for each service to which the development charge applies and shall be spent for capital costs determined in accordance with the Act. Any income received from investment of the development charge reserve funds shall be credited to the development charge reserve fund in which the investment income applies.
13. Where any development charge remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes. Where any unpaid development charges are collected as taxes, the money collected shall be credited to the appropriate development charge reserve fund.
14. The Treasurer of the municipality shall, in each year on or before August 31st, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year which statement shall contain the prescribed information.

BY-LAW AMENDMENT OR REPEAL

15. If this by-law or any development charge prescribed hereunder is amended or repealed either by order of the Ontario Municipal Board or by Council, the Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal and make such payment in accordance with the provisions of the Act.

Refunds that are required to be paid shall be paid with interest to be calculated as follows:

- i) interest shall be calculated quarterly in accordance with the established rate from the date on which the overpayment was collected to the date on which the refund is paid;
- ii) the established rate shall be determined by using the Bank of Canada interest rate in effect on the date of enactment of this by-law and adjusted on the first business day of January, April, July and October in each year to the rate established on the date of adjustment.

FRONT END FINANCING

16. Where an owner develops or applies for approval to develop lands within the municipality, the municipality and local boards may require developers to participate in front-end financing arrangements under Part III of the Act as a condition of development. A credit against development charges otherwise payable will be provided where installation of services or front end payments under Part III of the Act replaces the need for specific services normally provided by development charges. The credit will apply to the particular service component of the development charge, the need for which has been replaced by the installation of services or front end payments. The amount of the credit cannot be greater than the amount of a development charge service component to which it is to be applied, so that the amount of a development charge service component cannot be negative. Arrangements for such credits against development charges otherwise payable must be specified in a front ending agreement to which the municipality is a party for the credit to be subsequently allowed by the municipality.

REGISTRATION

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

INDEXING

18. The development charge amounts established in Schedule “B” shall be adjusted by the Treasurer on January 1st, 2010 and on the first day of each year thereafter during the term of this by-law in accordance with the most recent change in the Statistics Canada Quarterly, Construction Price Statistics as provided in the Act and regulations thereto as amended from time to time, subject to Council’s absolute discretion to waive, reduce or otherwise modify the indexing adjustment by resolution.

BY-LAW ADMINISTRATION

19. The Treasurer of the municipality shall administer this by-law and the Chief Building Official shall collect the fees.

SCHEDULES TO THE BY-LAW

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

Schedule "A"- Components of Municipal Services Designated

Schedule "B"- Schedule of Development Charges

EFFECTIVE DATE AND TRANSITION

21. This by-law shall come into force and effect on September 1st, 2009. Any application for a building permit, received and deemed complete by the Chief Building Official of the municipality prior to September 1st, 2009, shall have development charges assessed based upon the calculations contained in By-law 540-04 as if that by-law was still in effect.

DATE BY-LAW EXPIRES

22. This by-law shall continue in force and effect until August 31, 2014 unless it is repealed at an earlier date.

INTERPRETATION

23. Nothing in this by-law shall be construed to commit or require the municipality to authorize or proceed with any specific capital project at any specific time. Each of the provisions of this by-law are severable and if any provision hereof should for any reason be declared invalid by the Ontario Municipal Board or a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

REPEAL

24. By-law 540-04 is hereby repealed as of September 1, 2009.

SHORT TITLE

25. This by-law may be cited as the "The Development Charges By-law".

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED, THIS 25th DAY OF AUGUST, 2009.

John Adams, Mayor

Brian R. Sweet, Clerk

SCHEDULE "A"

COMPONENTS OF MUNICIPAL SERVICES DESIGNATED

100% Eligible Services

Water

Distribution Systems

Wastewater

Treatment Plants

Sewers (Potential - See Appendix F)

Roads and Related

Roads

Depots and Domes

Public Works Rolling Stock

Fire Protection

Fire Facilities

Fire Vehicles

Small equipment and gear

Police

Police Facilities

Small Equipment and Gear

90% Eligible Services

Library

Library Facilities

Administration

Studies

Indoor Recreation

Recreation Facilities

Outdoor Recreation

Parkland development, amenities & trails

Parks and Recreation vehicles and equipment

SCHEDULE “B”**BY-LAW 925-09****SCHEDULE OF DEVELOPMENT CHARGES**

SERVICE	RESIDENTIAL					NON-RESIDENTIAL	
	Single-Detached Dwelling & Semi-Detached Dwelling	Apartments 2 Bedrooms +	Apartments Bachelor & 1 Bedroom	Multiple Dwellings	Special Care/ Special Dwelling	Industrial/Commercial /Institutional (per ft ² of Gross Floor Area)	Greenhouses (per Acre)
Municipal Wide Services:							
Roads	4,345	2,354	1,797	2,910	1,293	0.24	-
Roads Related	421	228	174	282	125	0.02	-
Fire Protection Services	393	213	163	263	117	0.01	-
Police Services	253	137	105	169	75	0.01	-
Outdoor Recreation Services	954	517	395	639	284	0.01	-
Indoor Recreation Services	1,525	826	631	1,021	454	0.01	-
Library Services	164	89	68	110	49	0.00	-
Administration	134	73	55	90	40	0.01	-
Water	1,465	793	606	981	436	0.33	4,049
Total Municipal Wide Services	9,654	5,230	3,994	6,465	2,873	0.64	4,049
Urban Services							
Wastewater	3,365	1,823	1,392	2,253	1,001	0.45	-
Total Urban Services	3,365	1,823	1,392	2,253	1,001	0.45	-
GRAND TOTAL - MUNICIPAL WIDE	9,654	5,230	3,994	6,465	2,873	0.64	4,049
GRAND TOTAL URBAN AREA	13,019	7,053	5,386	8,718	3,874	1.09	4,049