

The Corporation of the Township of Guelph/Eramosa

By-law Number 26/2004

A By-law to impose development charges
and repeal By-law No. 51/1999 and 57/2000.

WHEREAS the *Development Charges Act, 1997 c. 27* (hereinafter called “the Act”) provides that the council of a municipality may by by-law impose development charges against land for to pay for increased capital costs required because of increased need for services;

AND WHEREAS a development charges background study has been completed in accordance with the Act;

AND WHEREAS the Council of the Township of Guelph/Eramosa has given notice and held a public meeting on the 19th day of April, 2004 in accordance with the Act and the regulations thereto;

NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF GUELPH/ERAMOSIA ENACTS AS FOLLOWS:

1.0 DEFINITIONS

1.1 In this by-law,

- (1) “**Act**” means the *Development Charges Act, S.O. 1997, c. 27*, as amended, or any successor thereto;
- (2) “**Accessory use**” means where used to describe a use, building, or structure, that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;
- (3) “**Apartment unit**” means any residential dwelling unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor;
- (4) “**Bedroom**” means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
- (5) “**Benefitting area**” means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
- (6) “**Board of Education**” means a board defined in subsection 1(1) of the *Education Act*, or any successor thereto;
- (7) “**Building Code Act**” means the *Building Code Act, R.S.O. 1990, c.B.-13*, as amended, or any successor thereto;
- (8) “**Capital cost**” means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by, the municipality or local board,

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

required for the provision of services designated in this by-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (a), (b), (c) and (d) that are growth-related;

- (9) “**Commercial**” means any non-residential development not defined under “institutional” or “industrial”;
- (10) “**Council**” means the Council of the municipality;
- (11) “**Development**” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment;
- (12) “**Development charge**” means a charge imposed pursuant to this By-law;
- (13) “**Dwelling unit**” means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;
- (14) “**Farm building**” means that part of a bona fide farm operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;
- (15) “**Grade**” means the average level of finished ground adjoining a building or structure at all exterior walls;
- (16) “**Gross floor area**” means the total floor area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from other dwelling units or other portion of a building;

In the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for any of the following:

- i. A room or enclosed area within the building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that services the building;
 - ii. Loading facilities above or below grade;
 - iii. A part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;
- (17) “**Industrial**” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;
- (18) “**Institutional**” means lands, buildings or structures used or designed or intended for use by an organized body, society or religious groups for promoting a public or non-profit purpose and shall include, but without limiting the generality of the foregoing, places of worship, and special care facilities;
- (19) “**Local Board**” has the same definition as defined in the *Development Charges Act, S.O. 1997*;
- (20) “**Local services**” means those services, facilities or things which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41,51 or 53 of the *Planning Act R.S.O. 1990*, as amended or any successor thereto;
- (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;
- (22) “**Multiple dwelling**” means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment dwellings;
- (23) “**Municipality**” means The Corporation of the Township of Guelph/Eramosa;
- (24) “**Non-residential use**” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use and includes all commercial, industrial and institutional uses;

- (25) “**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;
- (26) “**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, as amended or any successor thereto;
- (27) “**Regulation**” means any regulation made pursuant to the Act;
- (28) “**Residential use**” means lands, buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one or more individuals;
- (29) “**Semi-detached dwelling**” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but no other parts, attached or another dwelling unit where the residential units are not connected by an interior corridor;
- (30) “**Services**” (or “**service**”) means those services set out in Schedule “B” to this By-law;
- (31) “**Servicing agreement**” means an agreement between a landowner and the municipality relative to the provision of municipal services to specified lands within the municipality;
- (32) “**Single detached dwelling unit**” means a residential building consisting of one dwelling unit and not attached to another structure and includes mobile homes.

2.0 DESIGNATION OF SERVICES

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

- (a) roads and related;
- (b) fire protection;
- (c) corporate;
- (d) parks;
- (e) recreation;
- (f) water works (area-specific)
- (g) sanitary sewers (area-specific).

2.2 Components of the services designated in Subsection 2.1 are described in *Schedule “A”*.

3.0 APPLICATION OF BY-LAW RULES

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

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

Area to Which By-law Applies

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

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

- (a) the Township of Guelph/Eramosa or a “local board” thereof;
- (b) a “board of education” as defined in Section 1(1) of the *Education Act, R.S.O. 1990*;
- (c) the County of Wellington or a “local board” thereof.

Approvals for Development

- 3.4 (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires,
- (i) the passing of a zoning by-law or an amendment to a zoning by-law under Section 34 of the *Planning Act, R.S.O. 1990*;
 - (ii) the approval of a minor variance under Section 45 of the *Planning Act, R.S.O. 1990*;
 - (iii) a conveyance of land to which a by-law passed under Subsection 50(7) of the *Planning Act, R.S.O. 1990*, 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, R.S.O. 1990*; or
 - (vii) the issuing of a permit under the *Building Code Act S.O. 1990*, in relation to a building or structure.
- (b) No more than one development charge for each service designated in Subsection 2.1 shall be imposed upon any lands, buildings or structures to which this by-law applies even though two or more of the actions described in Subsection 3.4(a) are required before the lands, buildings or structures can be developed.
- (c) Despite Subsection 3.4(b), if two or more of the actions described in Subsection 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions

- 3.5 Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
- (a) lands, buildings or structures used or to be used for a place of worship or for the purposes of a cemetery or burial ground exempt from taxation under the *Assessment Act, R.S.O. 1990*;
 - (b) the development of non-residential farm buildings constructed for bona fide farming uses;
 - (c) an enlargement of the gross floor area of an existing industrial building in accordance with Section 4 of the Act; or
 - (d) the issuance of a building permit in accordance with Section 2(3) of the Act.

Amount of Charges

Residential

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

Non-Residential Uses

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

non-residential uses in the mixed use building or structure, and calculated with respect to each of the services according to the gross floor area of the non-residential use.

Reduction of Development Charges Where Redevelopment

3.8 Despite any other provision of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 48 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (a) In the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under Subsection 3.6 and 3.7 and of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and

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

Time of Payment of Development Charges

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

4.0 PAYMENT BY SERVICES

4.1 Despite the payments required under Subsection 3.9, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service for which a development charge is imposed under this by-law.

5.0 INDEXING

5.1 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, commencing on January 1, 2005 and each January 1 annually thereafter, in accordance with the Statistics Canada Quarterly Construction Price Statistics.

6.0 SCHEDULES

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

Schedule "A" Components of Services Designated in Subsection 2.1

Schedule "B" Residential and Non-Residential Development Charges – Township-wide

Schedule "C" Residential and Non-Residential Development Charges – Rockwood only

7.0 DATE BY-LAW IN FORCE

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

8.0 DATE BY-LAW EXPIRES

8.1 This by-law will expire as of 5 years from the date of passage, unless it is repealed at an earlier date.

9.0 REPEAL

9.1 Upon the coming into force of this by-law, By-law Nos. 51/1999 and 57/2000 of the Township of Guelph/Eramosa are hereby repealed.

READ a three times and finally passed
this **8th** day of **June, 2004**.

Clint Martin, Mayor

Janice Sheppard, Clerk

SCHEDULE "A"
TO BY-LAW 26/2004

DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

1. Public Works
 - Roads, Sidewalks, Streetlights
 - Depots and Domes
 - Rolling Stock

2. Fire Protection
 - Fire Stations
 - Fire Pumpers, Aerials, Tankers, Rescue Vehicles
 - Small Equipment and Gear

3. Corporate
 - Administration Studies

4. Parks and Recreation
 - Parkland Development
 - Parks Rolling Stock
 - Recreation Facilities

5. Waterworks (area-specific)
 - Water Supply Services

6. Sanitary Sewers Collection (area-specific)

7. Sanitary Sewers Treatment (area-specific)

SCHEDULE "B"
TO BY-LAW 26/2004

SCHEDULE OF MUNICIPAL-WIDE DEVELOPMENT CHARGES

SERVICE	RESIDENTIAL				NON-RESIDENTIAL (per s.f. of Gross Floor Area)
	Single Detached Dwelling & Semi-Detached Dwelling	Apartments 2 Bedrooms +	Apartments Bachelor & 1 Bedroom	Other Multiples	
Public Works	587	288	209	426	Nil
Fire Protection Services	169	83	60	122	Nil
Parks and Recreation	1,324	649	471	961	Nil
Administration	72	35	25	51	Nil
TOTAL	2,152	1,055	765	1,560	Nil

SCHEDULE "C"
TO BY-LAW 26/2004

SCHEDULE OF ROCKWOOD AREA-SPECIFIC DEVELOPMENT CHARGES

SERVICE	RESIDENTIAL				NON-RESIDENTIAL (per s.f. of Gross Floor Area)
	Single Detached Dwelling & Semi-Detached Dwelling	Apartments 2 Bedrooms +	Apartments Bachelor & 1 Bedroom	Other Multiples	
Wastewater Services					
- Collection,	4,298	2,106	1,527	3,116	3.23
- Treatment	828	406	294	600	0.79
Water Supply Services	3,250	1,592	1,154	2,355	2.44
TOTAL	8,376	4,104	2,975	6,071	6.46