The Corporation of the Township of Selwyn

By-law 2018 - 044

A By-law for the Imposition of Development Charges

Whereas the Development Charges Act, 1997 (the "Act") 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; and

Whereas the Township of Selwyn will experience growth through development and re-development; and

Whereas development and re-development requires the provision of physical and social services by the Township of Selwyn; and

Whereas Council desires to ensure that the capital cost of meeting growth-related demands for or burden on municipal services does not place an excessive financial burden on the Township of Selwyn or its existing taxpayers while at the same time ensuring new taxpayers contribute no more than the net capital cost attributable to providing the current level of municipal services; and

Whereas a development charge background study has been completed in accordance with the Act; and

Whereas the Council of The Corporation of the Township of Selwyn has given notice of and held a public meeting on the 22 day of May, 2018 in accordance with the Act and the regulations thereto;

Now therefore the Council of the Corporation of the Township of Selwyn enacts as follows:

1.0 Interpretation

1.1 In this By-law the following items shall have the corresponding meanings:

"Act" means the Development Charges Act, as amended, or any successor thereof;

"Affordable Housing Unit" means any residential dwelling unit for which the purchase price is at least 25% less than the average purchase price for the same type of residential dwelling unit in the County of Peterborough and any residential dwelling unit where the monthly rent is at or below the maximum affordable monthly rent amount established by the Residential Rental Standards Board for the Province of Ontario;

"agricultural use" means general farming and shall include such uses as breeding and rearing of livestock, including poultry, fowl and fur-bearing animals, the general cultivation of land and associated production, conditioning, processing and storing of field crops, fruits, vegetables and horticultural crops and the selling of such produce on the premises. For the purposes of this by-law, an agricultural use shall exclude retail sales

and commercial activities, including but not limited to restaurants, banquet facilities, hospitality and accommodation facilities, gift shops, services related to grooming, boarding, or breeding of household pets, and marijuana and alcohol processing or production facilities;

"apartment unit" means any residential unit within a building containing more than four dwelling units where the units are connected by an interior corridor;

"bedroom" means a habitable room which can be used as sleeping quarters, but does not include a bathroom, living room, dining room or kitchen;

"board of education" has the same meaning as set out in the Education Act, R.S.O. 19990, Chap. E.2, as amended, or any successor thereof;

"Building Code Act" means the Building Code Act, S.O. 1992, as amended, or any successor thereof;

"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, construct or improve facilities including,
    (i) furniture and equipment other than computer equipment, and
    (ii) material acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 19990, Chap. P.44, as amended, or any successor thereof; and
    (iii) rolling stock with an estimated useful life of seven years or more, and
(e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d) above, including the development charge background study 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) to (e) above that are growth-related;

"commercial" means any use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include industrial or agricultural uses, but does include hotels, motels, motor inns and boarding, lodging and rooming houses;

"Council" means the Council of the Township of Selwyn;

"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 the effect of increasing the size of usability thereof, and includes redevelopment;

"development charge" means a charge imposed with respect to this By-law;

"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;

"existing" means the number, use and size that existed as of the date this bylaw was passed;

"farm building" means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;

"gross floor area" means:

(a) in the case of a residential building or structure, 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 party walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and

(b) 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:

(i) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;

(ii) loading facilities above or below grade; and

(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;

"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;

"institutional" means land, buildings, structures or any part thereof used by any organization, group or association for promotion of charitable, educational or benevolent objectives and not for profit or gain;

"Local Board" means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any

general or special Act with respect to any of the affairs or purposes, including school purposes, of the municipality or any part or parts thereof;

"local services" means those services, facilities or things which are under the jurisdiction of the Township of Selwyn 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. 19990, Chap. P.13, as amended, or any successor thereof;

"multiple dwellings" means all dwellings other than single-detached, semidetached and apartment unit dwellings;

"municipality" means the Corporation of the Township of Selwyn;

"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;

"not-for-profit housing" means housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by:

(a) A non-profit corporation being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof; or
(b) A non-profit housing co-operative having the same meaning as in the Cooperative Corporations Act; or
(c) Not-for-profit agency-sponsored construction (e.g. Habitat for Humanity);

"Official Plan" means the Official Plan adopted for the Township, as amended and approved;

"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;

"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, Chap. A.31, as amended, or any successor thereof;

"Rate" means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;

"regulation" means any regulation made pursuant to the Act;

"Residential Dwelling" means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more Dwelling Units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;

"residential use" means the use of a building or structure or portion thereof for one or more Dwelling Units. This also includes a Dwelling Unit on land that is used for an Agricultural Use;

"Retirement suites" means a room or suite or rooms providing separate and independent residential occupancy but is not a self containing dwelling unit because of limited kitchen dining facilities and in which the occupants require access to other parts of the facility for centralized eating and dining area services;

"Retirement/Long Term Care Facility" means a residential building containing residential suites, providing residence mostly to senior citizens and in which certain centralized services and activities including eating and dining areas are provided and may also include personal services, recreational and other supportive service and care, and in which an office for 1 doctor may also be located;

"row dwelling" means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

"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 not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor;

"service" means a service designed in Schedule "A" to this By-law, and "services" shall have a corresponding meaning;

"servicing agreement" means an agreement between a landowner and the municipality relative to the provision of municipal services to specified land within the municipality;

"single detached dwelling unit" means a residential building consisting of one dwelling unit and not attached to another structure;

"Township" means the area within the geographic limits of the Township of Selwyn; and

"Zoning By-Law" means the Zoning By-Law of the Township of Selwyn or any successor thereof passed pursuant to Section 34 of the Planning Act, S.O. 1998.

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 Services;
(b) Fire Services;
(c) Parks and Recreation Services
(d) Library Services;
(e) Administration Services
(f) Lakefield South Development Area - Infrastructure Services

2.2 The components of the services designated in section 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 section 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 section 3.3, this By-law applies to all lands in the Township of Selwyn whether or not the land or use thereof is exempt from taxation under s.13 or the Assessment Act.

3.3. Notwithstanding clause 3.2 above, this by-law shall not apply to lands that are owned by and used for the purposes of:

(a) the municipality or a local board thereof; or

(b) a board of education.

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 of an amendment to a zoning by-law under section 34 of the Planning Act;

(ii) the approval of a minor variance under section 45 of the Planning Act;

(iii) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;

(iv) the approval of a plan of subdivision under section 51 of the Planning Act;

(v) a consent under section 53 of the Planning Act;

(vi) the approval of a description under section 50 of the Condominium Act, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or

(vii) the issuing of a permit under the Building Code Act 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 or 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) an enlargement to an existing dwelling unit;

(b) one or two additional dwelling units in an existing single detached dwelling; or

(c) one additional dwelling unit in any other existing residential building;

3.6 Notwithstanding section 3.5(b), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.

3.7 Notwithstanding section 3.5, development charges shall be imposed if the additional unit has a gross floor area greater than

(a) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and

(b) in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building.

Other Exemptions:

3.8 Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:

(a) Hospitals under the Public Hospitals Act

(b) Non-residential farm buildings

(c) Industrial Buildings

(d) Not-for-profit housing

(e) Lot levies paid prior to 1991, and where proof of payment can be verified

(f) Stand-alone accessory dwelling units, separate from existing residential dwelling units on the same lot

Amount of Charges

Residential

3.9 The development charges set out in Schedule B 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

3.10 The development charges described in Schedule B 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 total floor area of the non-residential use.

Reduction of Development Charges

For Redevelopment

3.11 Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 5 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 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 3.9 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and

(b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 3.10, by the gross floor area that has been or will be demolished or converted to another principal use;

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

For Affordable Housing

3.12

(1) In determining the average purchase price for a residential dwelling unit in the County of Peterborough as it relates to an affordable housing unit, the average purchase price for the same type of residential dwelling unit will be calculated for the calendar year next preceding the calendar year in which the completed application for the building permit for the dwelling unit in question is received and shall be determined annually on the basis of information compiled by the Peterborough Real Estate Board or its successor.

(2) In determining the maximum affordable monthly rent for a residential dwelling unit in the County of Peterborough as it relates to an affordable housing unit, the maximum affordable monthly rent for the same type of residential dwelling unit will be calculated for the calendar year next preceding the calendar year in which the completed application for the building permit for the dwelling unit in question is received and shall be determined annually on the basis of information compiled by the Residential Rental Standards Board for the Province of Ontario.

(3) The development charge payable for a residential dwelling unit that qualifies as an Affordable Housing Unit in accordance with the definition shall be zero.

(4) Despite the provisions of subparagraph 3 above, the development charge required by this By-law for a residential dwelling unit shall be paid prior to the issuance of the building permit in accordance with the provisions of this By-law.

(5) The person to whom the building permit was issued may, upon completion of the initial sale or rental of a residential dwelling unit, apply to the Chief Building Official for a reduction of the Development Charge and shall provide such documentary evidence as is satisfactory to the Chief Building Official that the building qualifies as an Affordable Housing Unit as defined.

(6) Satisfactory documentary evidence that the building qualifies as an Affordable Housing Unit shall include, but not be limited to:

(a) a copy of a Land Transfer Tax Affidavit duly executed in accordance with Section 5 (1.2) of the Land Transfer Tax Act;

(b) a statement forming part of the electronic document as required by Section 5(1.1) of the Land Transfer Tax Act; or

(c) a lease contract with the first tenant to occupy the residential dwelling unit.

(7) Upon receiving an application for reduction of the Development Charge in accordance with subparagraph 5 of this By-law, and upon being satisfied that the building qualifies as an Affordable Housing Unit as defined, the Chief Building Official shall refund to the person to whom the building permit was originally issued a sum equal to the Development Charge originally paid upon the issuance of the building permit as provided for in this By-law.

Time of Payment of Development Charges

3.13 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of a building permit for the development.

3.14 Despite section 3.13, Council from time to time, and at anytime, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

4.0 Payment by Services

4.1 Despite the payment required under subsections 3.9 and 3.10, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law.

5.0 Indexing

5.1 Development charges imposed pursuant to this By-law shall be adjusted annually on the anniversary date of bylaw passage, without amendment to this By-law, in accordance with the prescribed index in the Act.

6.0 Schedules

6.1 The following schedules shall form part of this By-law:

Schedule A - Components of Services Designated in section 2.1
Schedule B - Residential and Non-Residential Development Charges
Schedule C - Map of Lakefield South Development Area

7.0 Conflicts

7.1 Where the Township and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

7.2 Notwithstanding section 7.1, where a development which is the subject of an agreement to which section 7.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4(a), an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this By-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

8.0 Severability

8.1 If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

9.0 Date By-law in Force

9.1 This By-law shall come into effect at 12:01 AM on September 11, 2018.

10.0 Date By-law Expires

10.1 This By-law will expire at 12:01 AM on September 11, 2023 unless it is repealed by Council at an earlier date.

11.0 Repeal

11. 1 That By-law 2013-080, a By-law to establish a Policy for Credits under the Development Charges Act, be repealed in its entirety.

Passed this 26th day of June, 2018

Mayor, Mary Smith

Clerk, Angela Chittick

Schedule "A" To By-Law 2018-044

Components of Services Designated In Subsection 2.1

100% Eligible Services

Roads and Related
- Roads
- Public Works Facilities
- Rolling Stock

Fire Services
- Fire Facilities
- Fire Vehicles
- Fire Fighter Equipment

Infrastructure Services (Lakefield South Development Area Only)

90% Eligible Services

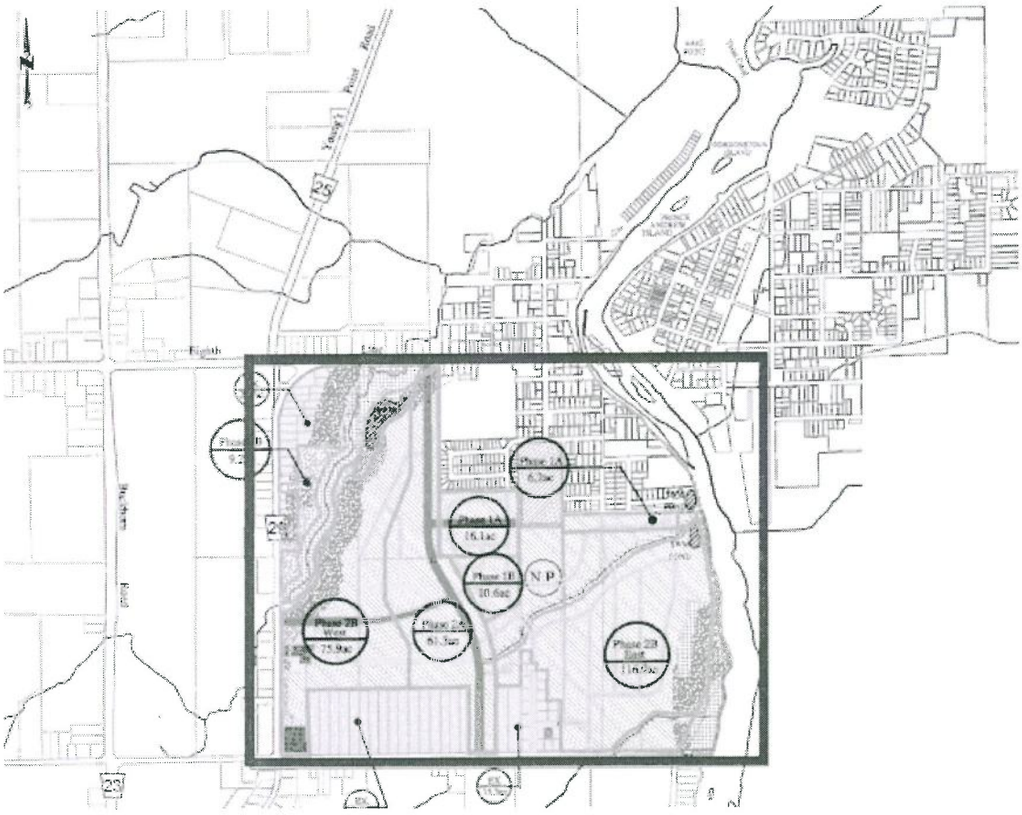
Parks and Recreation Services
- Parkland Development
- Marinas
- Recreation Facilities
- Vehicles

Library Services
- Library Facilities
- Library Collection Materials

Administration Services
- Growth Related Studies

Schedule "C" To By-Law 2018-044

Map of Lakefield South Development Area



Schedule "B" To By-Law 2018-044

Schedule of Development Charges

Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	(per ft² of Gross Floor Area)
Township Wide Services:					
Roads and Related	1,530	1,068	656	1,107	0.97
Fire Services	117	82	50	85	0.09
Parks and Recreation Services	748	522	321	541	0.14
Library Services	379	265	163	274	0.07
Administration Studies	161	112	69	116	0.10
Total Township Wide Services	**2,935**	**2,049**	**1,259**	**2,123**	**1.37**
Lakefield South Development Area:					
Sanitary Collection	2,804	1,957	1,203	2,029	1.60
Sanitary Treatment	425	297	182	308	0.24
Water Distribution	1,851	1,292	794	1,339	1.06
Water Treatment	2,442	1,705	1,047	1,767	1.40
Stormwater Facility	1,110	775	476	803	0.63
Collector Road	243	170	104	176	0.14
Administration Studies	147	103	63	106	0.08
Total Lakefield South Services	**9,022**	**6,299**	**3,869**	**6,528**	**5.15**
GRAND TOTAL - TOWNSHIP WIDE	2,935	2,049	1,259	2,123	1.37
GRAND TOTAL - LAKEFIELD SOUTH	11,957	8,348	5,128	8,651	6.52