

**THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES
BY-LAW NUMBER 3122-19**

**BEING A BY-LAW TO IMPOSE CERTAIN DEVELOPMENT CHARGES IN THE
TOWNSHIP OF NORTH DUMFRIES PURSUANT TO THE DEVELOPMENT
CHARGES ACT, S.O., 1997, C. 27, AS AMENDED (THE "ACT") WITH RESPECT TO
SERVICES PROVIDED BY THE TOWNSHIP OF NORTH DUMFRIES.**

WHEREAS subsection 2(1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended (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 arising from development of the area to which the by-law applies;

AND WHEREAS a development charge background study has been completed in accordance with section 10 of the *Act*;

AND WHEREAS the Council of the Township of North Dumfries has given notice and held a public meeting on the 29th day of October 2019 in accordance with section 12 of the *Act* and the Regulations made under the *Act*:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES ENACTS AS FOLLOWS:

1. Definitions:

In this by-law:

- 1.1 "Accessory building" means a building or structure, or part of a building or structure, that is:
- 1.1.1 a parking garage that is exclusively devoted to providing vehicle parking to the main use situated on the same Site;
 - 1.1.2 a mechanical room that is exclusively devoted to providing heating, cooling, ventilating, electrical, mechanical or telecommunications equipment for a building or buildings that contain one or more Dwelling Units or Lodging Units situated on the same Site;
 - 1.1.3 an entrance way, elevator, stairwell or hallway that provides access to a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site;
 - 1.1.4 a pool area, change room, restroom, fitness facility, kitchen, laundry room, lounge or meeting room that is for the exclusive use of the residents of a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site;
 - 1.1.5 a storage room that provides storage exclusively to a resident or residents of a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site; or

- 1.1.6 an exterior deck, porch, canopy, gazebo, storage shed or stairway that is exclusively devoted to the use of the residents of a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site;
- 1.1.7 And for the purposes of this definition, "Site" shall include common elements of the same condominium as the applicable main use, buildings, Dwelling Units or Lodging Units;
- 1.2 "*accessory use*" means a use, including a building or structure, that is naturally and normally incidental, subordinate in purpose or floor area or both, and exclusively devoted to a principal use, building or structure situate on the same lot;
- 1.3 "*Act*" means the Development Charges Act, 1997 S.O. 1997, c.27, as amended;
- 1.4 "*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;
- 1.5 "*capital costs*" means costs incurred or proposed to be incurred by the *Township* directly or by others on behalf of, and as authorized by, the *Township*;
 - 1.5.1 to acquire land or an interest in land, including a leasehold interest;
 - 1.5.2 to improve land;
 - 1.5.3 to acquire, lease, construct or improve buildings and structures;
 - 1.5.4 to acquire, lease, construct or improve facilities including:
 - 1.5.4.1 rolling stock with an estimated useful life of seven years or more;
 - 1.5.4.2 furniture and equipment, other than computer equipment;
 - 1.5.5 to undertake studies in connection with any of the matters in clauses 1.2.1 to 1.2.4;
 - 1.5.6 to undertake the development charge background study required under s. 10 of the Development Charges Act; and
 - 1.5.7 interest on money borrowed to pay for costs described in paragraphs 1.2.1 to 1.2.4.
- 1.6 "*Council*" means the Council of The Corporation of the Township of North Dumfries;
- 1.7 "*development*" includes re-development;
- 1.8 "*development charge*" means a charge imposed against land under this By-law;
- 1.9 "*dwelling unit*" means one or more rooms occupied or designed for human habitation which include a separate, private entrance together with cooking and sanitary facilities for the exclusive use of the occupants thereof. A unit or room in a hotel, motel, nursing or retirement home, independent living facility on the

same Site as a nursing or retirement home, hospice, rehabilitation facility, student residence where meals and supervision are available, group home or hostel designed for human habitation shall not constitute a Dwelling Unit;

1.10 "*existing industrial building*" means a building or buildings existing on a site on the day this By-law is passed or the first building or buildings constructed on a vacant site pursuant to site plan approval under section 41 of the Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act") subsequent to the passing of this By-law for which full development charges were paid, and is used for or in connection with,

1.10.1 the production, compounding, processing, packaging, crating, bottling, packing or assembling of raw or semi-processed goods or materials ("manufacturing") or warehousing;

1.10.2 research or development in connection with manufacturing;

1.10.3 retail sales by a manufacturer, if the retail sales are at the site where the manufacturing is carried out and such retail sales are restricted to goods manufactured at the site; or

1.10.4 office or administrative purposes, if they are,

1.10.4.1 carried out with respect to manufacturing or warehousing; and

1.10.4.2 in or attached to the building or structure used for such manufacturing or warehousing;

1.11 "*farm*" means a parcel of land on which the predominant activity is farming. A farm shall not include a greenhouse;

1.12 "*farm occupation*" means a vocational use permitted by the applicable zoning by-law and carried on in a building or as an accessory use in a portion of a building on a farm where farming occurs;

1.13 "*farming*" means the production of crops or the breeding, raising or maintaining of livestock, or both, and includes but is not limited to:

1.13.1 fur farming;

1.13.2 fruit and vegetable growing;

1.13.3 the keeping of bees;

1.13.4 fish farming; and

1.13.5 sod farming,

and includes such buildings and structures located on a Farm that are designed and intended to be used solely for or in connection with:

i) storage or repair of farm equipment;

ii) storage of materials used in the production or maintenance of crops or livestock on the Farm; or

- iii) storage of the products derived from the Farm's production of crops or livestock.

Farm and Farming shall not include a Dwelling Unit located on a Farm or such buildings or structures located on a Farm that are designed and intended to be used solely for or in connection with the processing of the crops or livestock through mechanical, chemical or other means to create an altered product;

- 1.14 "*grade*" means with respect to a Dwelling Unit or Single Detached Dwelling means the average level of finished ground adjoining same at all exterior walls;
- 1.15 "*greenhouse*" means any nursery building where any form or quantity of flowers, household plants, landscaping plants, horticultural products or manufactured household or gardening products not produced on the Site is offered for sale;
- 1.16 "*gross floor area*" means the total floor area of a building or structure or part thereof measured between the outside faces of exterior walls or between the outside faces of exterior walls and the centre line of an partition walls and, in the case of a dwelling unit, included only those areas above grade. The gross floor area shall include any area which is being used for the repair or for the public sale of vehicles but shall exclude any area which is specifically designed for the parking of passenger motor;
- 1.17 "*home occupation*" means a vocational use, which is not a farm occupation, carried on in conjunction with a dwelling unit on the same property as permitted by the applicable Township Zoning By-law
- 1.18 "*industrial building*" means a building that is used for:
 - 1.18.1 the production, compounding, processing, packaging, crating, bottling, packing or assembling of raw or semi-processed goods or materials ("manufacturing") or warehousing;
 - 1.18.2 research or development in connection with manufacturing;
 - 1.18.3 retail sales by a manufacturer, if the retail sales are an accessory use at the site where manufacturing is carried out; or
 - 1.18.4 office or administrative purposes, if they are,
 - 1.18.4.1 carried out as an accessory use to the manufacturing and warehousing; and
 - 1.18.4.2 in or attached to the building or structure used for such manufacturing or warehousing;
- 1.19 "*local board*" has the same meaning as in section 1 of the Act;
- 1.20 "*local services*" means services related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the owner as a condition of approval under s. 51 of the Planning Act or under s. 53 of the Planning Act;

- 1.21 "*lodging house*" means a building designed or intended to contain, or containing Lodging Units where the residents share access to common areas of the building, other than the Lodging Units;
- 1.22 "*lodging unit*" means a room located in a lodging house which:
- 1.22.1 is designed to be occupied for human habitation by one resident;
 - 1.22.2 is not normally accessible to persons other than the resident without the permission of the resident; and
 - 1.22.3 may contain either cooking or sanitary facilities, but not both, for the exclusive use of the resident.

A unit or room in a hotel, motel, nursing or retirement home, independent living facility on the same Site as a nursing or retirement home, hospice, rehabilitation facility, student residence where meals and supervision are available, group home, or hostel designed for human habitation shall not constitute a Lodging Unit;

- 1.23 "*mixed use development*" means development containing both residential and non-residential uses;
- 1.24 "*non-residential uses*" means all commercial, industrial, institutional or other use, except farming, not included in the definition of residential uses;
- 1.25 "*owner*" means the owner of land or a person authorized by the owner who has made application for an approval for the *development* of land upon which a *development charge* is imposed;
- 1.26 "*pre-existing development*" means a use of land existing on the land at the time a development charge is payable or existing at any time in the five years prior thereto;
- 1.27 "*residential building*" includes the following:
- 1.27.1 "*Residential Building – Apartment*" means a Residential Building containing three (3) or more dwelling units which share common hall or halls and common entry at grade. Despite the foregoing, an apartment dwelling includes stacked townhouse dwellings;
 - 1.27.2 "*Residential Building – Other Multiple*" means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment dwellings within the respective meanings ascribed hereto under this By-law;
 - 1.27.3 "*Residential Building – Single Detached*" means a Residential Building containing one (1) only dwelling unit;
 - 1.27.4 "*Residential Building – Semi-Detached*" means a Residential Building divided vertically into two (2) dwelling units by a solid common wall extending from the base of the foundation to the roof line and said common wall shall have a horizontal distance of not less than fifty percent (50%) of the horizontal depth of the building;

1.27.5 "*Residential Building – Stacked Townhouse*" means a building, other than a duplex, townhouse, or back to back townhouse, containing at least 3 dwelling units; each dwelling unit separated from the other vertically and/or horizontally and each dwelling unit having a separate entrance to grade;

1.27.6 "*Residential Building – Townhouse dwelling*" means one Dwelling Unit within a building containing three or more Dwelling Units which is divided from the other Dwelling Units by one or more vertical solid walls or partitions extending from foundation to roof;

1.28 "*residential use*" means the use of land, buildings or structures for one or more dwelling units;

1.29 "*services*" means services designated in Schedule B of this By-law;

1.30 "*Township*" means The Corporation of the Township of North Dumfries.

Application and Administration of Development Charges:

2. It is hereby declared by the Council of the Township that all development of land within the Township, unless otherwise specified in this by-law, will increase the need for services.

3 (1) Subject to subsection (2) to (6) inclusive, development charges shall apply, and shall be calculated and collected in accordance with the provisions of this By-law, on land to be developed or redeveloped for residential and non-residential use, where:

- a) the development or redevelopment of the land will increase the need for services; and
- b) the development or redevelopment requires one or more of the approvals which follow:
 - (i) the passing of a zoning By-law or of an amendment thereto 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, c.C.26; or
 - (vii) the issuing of a permit under the Building Code Act, 1992, S.O. 1992, c.23 (the "Building Code"), in relation to a building or structure.

- 3 (2) Where two or more of the actions described in subsection (1) are required before the land to which a development charge applies can be developed or redeveloped, only one development charge shall be imposed, calculated and collected in accordance with the provisions of this By-law;
- 3 (3) Despite subsection (2), if two or more of the actions described in subsection (1) occur at different times and if the subsequent action or actions has the effect of increasing the need for services as designated in this By-law, additional development charges shall be imposed, calculated and collected in accordance with the provisions of this By-law.
- 3 (4) Subject to subsection (4), this by-law applies to all lands within the whether or not the land or the use thereof is exempt from taxation under section 3 of the *Assessment Act*, RSO 1990, c. A-31;
- 3 (5) Council hereby imposes the development charges shown in Schedule A upon the development of land to which this by-law applies calculated in the manner set out in section 4 and Schedule A;
- 3 (6) This by-law does not apply to:
- (a) The development of land that is owned by and used exclusively for the purpose of a municipality, a Local Board or a School Board as defined by subsection 1 (1) of the Education Act,
 - (b) Land developed for any municipal use by the:
 - (i) Regional Municipality of Waterloo
 - (ii) Township of North Dumfries
 - (iii) Grand River Conservation Authoritybeing institutions within the category of institution
 - (c) the Crown in right of Ontario or the Crown in right of Canada,
 - (d) a dwelling unit used exclusively for the purposes of non-profit assisted rental housing which is 100% funded by the Regional Municipality of Waterloo or the crown in right of Ontario or Canada;
 - (e) the development of land that constitutes only:
 - (i) the enlargement of an existing dwelling unit,
 - (ii) the creation of the first two additional dwelling units in a one unit (single detached) dwelling, or the creation of the first additional dwelling unit in a semi-detached, multiple or row unit, or apartment dwelling;
 - (f) Development for any one or more of the following land uses:
 - (i) a temporary use permitted under a municipal zoning by-law enacted in accordance with section 39 of the Planning Act;

- (ii) a Home Occupation
- (iii) a farm building
- (iv) temporary erection of a building without a foundation defined in the Building Code for a period not exceeding six consecutive months and not more than six months in any one calendar year on a site for which development charges have been previously paid
- (v) an accessory use

3 (7) The services to which the development charges imposed by subsection (2) relate to are those listed in Schedule B to this by-law

Calculation of Development Charges:

- 4 (1) Subject to the provisions of this By-law, the charges applicable to residential development shall be the sum of the amounts calculated by multiplying the number of units of each type referred to in Schedule "A" by the rates listed thereunder in the relevant services.
- 4 (2) Subject to the provisions of this By-law, the charges applicable to non-residential development shall be the sum of the amounts calculated by multiplying the square feet of non-residential gross floor area by the rates listed in Schedule "A" for the relevant services.
- 4 (3) Subject to the provisions of this By-law, development charges against land to be developed or redeveloped for mixed residential and non-residential use shall be the aggregate of the amount applicable to the residential component and the amount applicable to the gross floor area of the non-residential component.

Redevelopment Allowances

- 4 (4) Where there is a redevelopment, conversion, demolition, or change of use of a building or structure or part thereof, the Development Charges payable by the new or proposed development shall be credited by the amount to which the previous use of the building or structure was subject to Development Charges at the time this By-law was passed
- 4 (5) With respect to a residential building or structure or the residential portion of a mixed-use building or structure that has been demolished or converted, the credit shall be calculated by multiplying the number of dwelling units demolished or converted within five years of the date of building permit application by the Development Charge for the relevant demolished units in accordance with Schedule "A" of this By-law.
- 4 (6) With respect to a non-residential building or structure or the non-residential portion of a mixed-use building or structure that has been demolished or converted, the credit shall be calculated by multiplying the Gross Floor Area of that portion of the building demolished or converted within five years of the date of building permit application by the Development Charge for the relevant demolished units in accordance with Schedule "A" of this By-law.

- 4 (7) The credit with respect to a redevelopment, conversion, demolition, or change of use of a building or structure or part thereof shall not exceed the amount of the Development Charges payable with respect to new or proposed development.
- 4 (8) No credit shall be given with respect to the redevelopment, conversions, demolition, or change of use of a building or structure or part thereof where the existing building or structure or part thereof would have been exempt from Development Charges in accordance with this By-law.
- 4 (9) In determining whether subsections (1) through (5) inclusive apply, demolition or alteration shall be deemed to have occurred as of the date of the permit issued thereof and destruction due to natural or criminal acts shall be deemed to have occurred on the date such acts first occurred.

Administration

5. Subject to any agreement made pursuant to subsection 27 (1) of the Development Charges Act, 1997, the whole of the development charge imposed under this by-law shall be calculated at the rate in effect at the time of issuance of the building permit and paid in full to the Treasurer of the Township prior to the issuance of a building permit under the Building Code Act for any building or structure in connection with the development in respect of which the development charge hereunder is payable.
6. The charges set out in Schedule A on which a development charge is based shall be adjusted without amendment to this by-law on December 1 each year, commencing on December 1, 2020 in accordance with section 7 of O. Reg 82-98 as may be amended from time to time.

Prior Agreements and Payments:

- 7 (1) Where, in any servicing agreement entered into prior to By-law 3122-19 coming into force, provision is made for payment in the future of a development charge in respect of a development of land to which this by-law applies at the applicable rate upon issuance of a building permit or other event and where such payment is made after the coming in force of this by-law, such payment shall be calculated in accordance with the development charges provided for in this by-law and shall be deemed to be a development charge payment made pursuant to this by-law and the Development Charges Act, 1997.
- 7 (2) Notwithstanding any provisions in this by-law quantifying a development charge for the development of a site, where a servicing agreement entered into prior to By-law 3122-19 coming into force provides for the payment of a development charge in respect of a site to which this by-law applies at a fixed rate, or at a minimum rate which is greater than the development charge provided for herein, the charge set out in the agreement shall apply in respect of the development of the site to which the agreement relates. Where the development to which the agreement relates has not been specified, the first development for which a building permit is issued shall be deemed to be that to which the agreement relates and any subsequent development, whether or not requiring any further approvals other than a building permit, shall be subject to the provisions of this by-law.

- 7 (3) Where a charge has been paid pursuant to a condition imposed on a consent given prior to By-law 3122-19 coming into force be the Committee of Adjustment, such payment shall be deemed to be payment in full under this by-law.

Credits:

8. Credits may be given as required under sections 38 - 41 inclusive of the Development Charges Act, 1997, and shall be applied against the development charge payable under this by-law on a site to the maximum of the development charge otherwise payable for the services to which the work relates and in a manner set forth in such an agreement as Council may determine. When an agreement is entered into the credit assigned to a site shall not exceed the maximum density permitted by a draft plan of subdivision or the Township Zoning By-law which pertains to the site on that date, whichever is greater.

Reserve Funds:

9. The Treasurer shall establish and retain reserve funds for the services set out in Schedule "B" in accordance with the provisions of the Development Charges Act, 1997 and shall on or before May 1 of each year prepare and provide to Council a financial statement with respect to each reserve fund or funds so established.

General Provisions:

10. Nothing in this by-law limits the right of Council to require or request an owner to install such services as the Council requires at the owner's expense. Nothing in this by-law relieves an owner of any obligation to install, at the owner's expense, such services as are requested or required by Council as a condition of any approval under the Planning Act.
11. Any servicing agreements made under the Planning Act, prior to the coming into force of By-law 3122-19 shall remain in full force and effect and, to the extent of conflict with this by-law, shall prevail.
12. Where a development charge is payable hereunder, but any matter as to calculation, manner or timing of payment is not expressly provided for herein, such matters shall be determined in accordance with the Development Charges Act, 1997 and Regulations, where applicable by analogy to similar provisions hereof in accordance with the general principles underlying the Development Charges Act, 1997 and this by-law.
13. Nothing in this by-law shall be construed so as to commit or require the Township or its Council to authorize or proceed with any specific capital project or to enter into a servicing agreement or to provide any credit for the construction of Township works at any time and Council shall retain discretion not to proceed with any of the capital projects forecasted if it deems appropriate or advisable for any reason including, but not limited to, the lack of funding from development charges or otherwise.
14. By-law 2660-15 is hereby repealed on the date this by-law comes into effect.
15. This by-law shall come into effect on the 1st day of January 2020.

16. This By-law shall continue in force and effect for a term not to exceed five years from the date it comes into force, unless it is repealed or replaced at an earlier date by a subsequent By-law

17.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
9TH DAY OF DECEMBER, 2019.**



Susan Foxton, Mayor



Ashley Sage, Clerk

Schedule A

Schedule of Development Charges

Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	(per sq.ft. of Gross Floor Area)
Municipal Wide Services:					
Roads and Related	3,178	2,107	1,303	2,411	1.30
Fire Protection Services	178	118	73	135	0.07
Parks and Recreation	2,796	1,854	1,147	2,121	0.06
Administration Studies	183	121	75	139	0.07
Parking Services	24	16	10	18	0.01
Total Municipal Wide Services	6,359	4,216	2,608	4,824	1.51

Schedule B

Services:

Parking;

Fire Protection;

Parks and Recreation;

Township-Wide Engineering; and

Administration.