

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2009-54

BEING A BY-LAW FOR THE IMPOSITION OF DEVELOPMENT CHARGES FOR THE CORPORATION OF THE TOWNSHIP OF SEVERN

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WHEREAS the Corporation of the Township of Severn 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 Severn;

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 Severn 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 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 a Development Charges Background Study has been completed in accordance with the Act;

AND WHEREAS the Council of the Corporation of the Township of Severn has given notice of a public meeting on the 6<sup>th</sup> day of August, 2009 in accordance with the Act and the regulations thereto;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. 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.

**"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 principle use, building or structure.

**"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.

**“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.

**“Benefiting 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.

**“Board of Education”** has the same meaning as set out in the *Education Act*, R.S.O. 1990, Chapter 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. 1990, Chapter 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 non-residential development not defined under “institutional” or “industrial”.

**“Council”** means the Council of the Township of Severn.

**“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 of usability thereof, and includes re-development.

**“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 By-law 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.

**“Grade”** means the average level of finished ground adjoining a building or structure at all exterior walls.

**“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 a 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 or structures used or designed or intended for use by an organized body, society or religious group for promoting a public or non-profit purpose and shall include, both without limiting the generality of the foregoing, places of worship, and special care facilities.

**“Local Board”** means a local board as defined in the *Development Charges Act*.

**“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, Chapter P. 13, as amended, or any successor thereof.

**“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 or tent trailer.

**“Multiple Dwelling”** means all dwellings other than single-detached, semi-detached and apartment unit dwellings.

**“Municipality”** means the Corporation of the Township of Severn.

**“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.

**“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, Chapter A.31, as amended or any successor thereof.

“**Regulation**” means any regulation made pursuant to the Act.

“**Residential Use**” means land or buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one or more individuals.

“**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 units are not connected by an interior corridor.

“**Service**” (or “services”) means a service designed in Schedule “A” to this By-law.

“**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 and includes mobile homes.

## 2. Designation of Services

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

### Municipal Wide Services:

- (a) Services Related to a Highway
- (b) Other Transportation Services
- (c) Fire Protection Services
- (d) Outdoor Recreation Services
- (e) Indoor Recreation Services
- (f) Library Services
- (g) Administration
- (h) Septage and Hauled Treatment

### Area Specific Services

#### Westshore

- (a) Water
- (b) Wastewater

#### Coldwater

- (a) Wastewater

#### Severn Estates

- (a) Water

2.2 The components of the services designated in Section 2.1 are described in Schedule “A”.

### 3. 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 Severn whether or not the land or use thereof is exempt from taxation under Section 13 of the *Assessment Act*.
- 3.3 Notwithstanding Section 3.2 above, this By-law shall not apply to lands that are owned by and use for the purposes of:
- (a) the municipality or local board thereof;
  - (b) a board of education; or
  - (c) the County of Simcoe 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 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, Chapter 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 on 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 provision 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 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.

**3.7 Exemption for Industrial Development**

- 3.7.1 Notwithstanding any other provision of this By-law, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial building where the gross floor area is enlarged by 50 percent or less.

**Rules With Respect to an Industrial Expansion Exemption**

- 3.7.2 If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with the following:

- (i) Subject to subsection 3.7.2(iii), if the gross floor area is enlarged by 50 per cent or less of the lesser of:
  - 1. the gross floor area of the existing industrial building, or
  - 2. the gross floor area of the existing industrial building before the first enlargement for which:
    - a. an exemption from the payment of development charges was granted, or
    - b. a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect to the enlargement of zero.

- (ii) Subject to subsection 3.7.2(iii), if the gross floor area is enlarged by more than 50 per cent or less of the lesser of:
  - (A) the gross floor area of the existing industrial building, or
  - (B) the gross floor area of the existing industrial building before the first enlargement for which:
    - (i) an exemption from the payment of development charges was granted, or
    - (ii) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

- (A) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and
- (B) divide the amount determined under subsection (A) by the amount of the enlargement.

- (iii) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsection 3.7.2(ii), the cumulative gross floor area of any previous enlargements for which:
  - (A) An exemption from the payment of development charges was granted, or
  - (B) A lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,Pursuant to Section 4 of the Act and this subsection,

Shall be added to the calculation of the gross floor area of the proposed enlargement.

- (iv) For the purposes of this subsection, the enlargement must not be attached to the existing industrial building by means of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.

3.8 For the purpose of section 3.7 herein, “existing industrial building” is used as defined in the Regulation made pursuant to the Act.

### 3.9 Other Exemptions

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*,
- (b) a non-residential farm building.

### Amount of Charges

#### 3.10 Residential

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.

#### 3.11 Non-Residential

The development charges described in Schedule “B” to this By-law shall be imposed on non-residential areas 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.

#### 3.12 Reduction of Development Charges for Re-Development

Despite any other provisions of this By-law, where, as a result of the re-development of land, a building or structure existing on the same land within 36 months prior to the date of payment of development charges in regard to such re-development 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 re-development, the development charges otherwise payable with respect to such re-development 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 3.10 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 a 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 3.11, 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 re-development.

### 3.13 Time of Payment of Development Charges

Development charges imposed under this By-law for fire, library, parks, recreation and administration are calculated, payable and collected upon issuance of a building permit for the development; the development charges for roads and related, water and wastewater, are calculated, payable and collected at time of subdivision agreement with respect to each dwelling unit, building or structure.

- 3.14 Despite Section 3.13, Council from time to time, and at any time, 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. Payment by Services

- 4.1 Despite the payment required under Subsections 3.10 and 3.11, 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 is imposed under this By-law.

## 5. Indexing

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

## 6. 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

## 7. 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 subject to an agreement to which 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. 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, amended or modified.

9. Date By-law in Force

9.1 That this By-law shall come into force and effect at 12:01 AM on the 1<sup>st</sup> day of September, 2009.

10. Date By-law Expires

10.1 That this By-law shall expire at 12:01 AM on the 1<sup>st</sup> day of September 2014, unless it is repealed by Council at an earlier date.

11. Existing By-law Repealed

11.1 That By-law No. 2004-120, as amended, be and it is hereby repealed as of the date and time of this By-law coming into effect.

By-law read a first and second time this 6<sup>th</sup> day of August, 2009.

By-law read a third time and finally passed this 6<sup>th</sup> day of August, 2009.

CORPORATION OF THE TOWNSHIP OF SEVERN

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MAYOR

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CLERK-TREASURER

**SCHEDULE "A" TO BY-LAW NO. 2009-54**

**COMPONENTS OF SERVICES DESIGNATED IN SUBSECTION 2.1**

100% Eligible Services

Waterworks  
Treatment, Storage and Distribution

Wastewater  
Treatment and Distribution

Services Related to a Highway  
Roads  
Streetlights  
Traffic Lights  
Intersections  
Sidewalks  
Turning Lanes

Other Transportation Services  
Rolling Stock  
Facility

Fire Protection  
Fire Facility  
Fire Vehicles  
Firefighter Equipment

90% Eligible Services

Administration  
Growth Related Studies

Indoor Recreation  
Recreation Facilities

Outdoor Recreation  
Parkland Development  
Rolling Stock (Parks)

Library  
Facilities  
Collection Materials

Septage and Hauled Treatment  
Facilities

**SCHEDULE "B" TO BY-LAW NO. 2009-54**

**Schedule of Development Charges**

SERVICE	RESIDENTIAL				NON-RESIDENTIAL (per ft <sup>2</sup> of Gross Floor Area)
	Single-Detached Dwelling & Semi-Detached Dwelling	<u>Apartments</u> 2 Bedrooms +	<u>Apartments</u> Bachelor & 1 Bedroom	Other Multiples	
<b>Municipal Wide Services:</b>					
Services Related to a Highway	3,823	2,704	1,919	3,561	4.04
Other Transportation Services	388	274	195	361	0.42
Fire Protection Services	383	271	192	357	0.35
Outdoor Recreation Services	556	393	279	518	0.16
Indoor Recreation Services	1,015	718	509	946	0.31
Library Services	159	112	80	148	0.04
Administration	196	139	98	183	0.22
Septage & Hauled Treatment	81	57	41	75	0.04
<b>Total Municipal Wide Services</b>	<b>6,601</b>	<b>4,668</b>	<b>3,313</b>	<b>6,149</b>	<b>5.58</b>
<b>Area Specific Services:</b>					
<u>Westshore</u>					
Water	2,458	1,738	1,234	2,290	0.95
Wastewater	4,269	3,019	2,143	3,977	1.66
<b>Total Westshore</b>	<b>6,727</b>	<b>4,757</b>	<b>3,377</b>	<b>6,267</b>	<b>2.61</b>
<b>Coldwater</b>					
Wastewater	6,576	4,651	3,301	6,126	6.69
<b>Severn Estates</b>					
Water	11,000	8,204	5,822	10,806	0.00