

The Corporation of the Municipality of Meaford

By-law Number 56 – 2015

Being a by-law to establish Development Charges for the Municipality of Meaford

Whereas, Subsection 2(1) of 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 to pay for increased capital costs required because of increased needs for services arising from the development of the area to which the by-law applies; and

Whereas, Council has before it a report entitled “Development Charges Background Study, Municipality of Meaford”, dated June 26, 2015, as amended prepared by Hemson Consulting Ltd. (the “Study”); and

Whereas, Council gave notice to the public and held a public meeting pursuant to Section 12 of the Act on July 13, 2015, prior to which the Study and the proposed development charges by-law were made available to the public and Council heard comments and representations from all persons who applied to be heard (the “Public Meeting”); and

Whereas, following the Public Meeting, Council afforded the public an additional period of time for the submission of further written representations; and

Whereas, through passage of this by-law, Council has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development will be met and further that Council has approved the Capital Programs contained in Appendices B through E of the Study; and

Whereas, through passage of this by-law, Council has expressed its intention that the future excess capacity identified in the Study shall be paid for by development charges or other similar charges; and

Whereas, through passage of this by-law, Council approved the Study and determined that no further public meetings were required under Section 12 of the Act; and

Whereas, the Municipality of Meaford deems it expedient and necessary to establish development charges;

The Council of The Corporation of the Municipality of Meaford enacts as follows:

1. Definitions

In this by-law,

“Act” means the Development Charges Act, 1997, c.27;

“Agricultural Use” means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, designed or intended to be used for the purpose of a bona fide farming operation including, but not limited to, animal husbandry, bee keeping, dairying, fallow, field crops, fish farming, forestry, fruit farming, horticulture, livestock, market gardening, pasturage, poultry keeping, the growing, raising, packing, treating, storing, and sale of produce produced on the premises, temporary farm help accommodation and other activities customarily carried on in the field of agriculture;

“Air-supported Structure” means an air supported structure as defined in the Building Code Act;

“Apartment” means a building consisting of three or more dwelling units which have a common entrance from the street level, and the occupants of which have the right to use in common halls and/or stairs and/or elevators and/or yards and/or storage and/or laundry rooms and facilities, and which is not a dwelling unit or dwelling units contained in a single-detached dwelling, or a semi-detached dwelling;

“Board of Education” means a board as defined in Subsection 1(1) of the Education Act, R.S.O. 1990, c.E.2, as amended;

“Building or Structure” means a structure occupying an area greater than ten square metres consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof including an air-supported structure, excluding a farm building;

“Building Code Act” means the Building Code Act, S.O. 1992, c.23, as amended, and all Regulations thereto including the Ontario Building Code, 1997, as amended;

“Council” means the Council of the Corporation of the Municipality of Meaford;

“Development” means any use or proposed use in respect of land that requires one or more of the actions referred to in Section 5 of this by-law, including 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;

“Development Charge” means a charge imposed pursuant to this by-law;

“Dwelling Unit” means one or more habitable rooms designed or intended to be used together as a single and separate housekeeping unit by one or more persons, containing its own culinary facilities, or facilities for the installation of cooking equipment, and sanitary facilities;

“Farm Building” means a farm building as defined in the Building Code Act;

“Floor” includes a paved, concrete, wooden, gravel, or dirt floor;

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

“Gross Floor Area” means the sum total of the total areas of all floors in a building or structure, whether at, above, or below grade, measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating two uses, or from the outside edge of a floor where the outside edge of the floor does not meet an exterior common wall, and:

- (a) includes the floor area of a mezzanine and air-supported structure and the space occupied by interior walls partitions;
- (b) excludes any parts of the building or structure used for the parking and loading of vehicles; and
- (c) where a building or structure does not have any walls (except as expressly provided in paragraph (a) above, there is deemed to be no gross floor area;

“Hotel Unit” means one or more habitable rooms used, designed or intended to be used as a sleeping accommodation unit by one or more persons, and may be used by the travelling or vacationing public or for recreational purposes, but not containing its own culinary facilities;

“Industrial Use” means premises used for the warehousing of goods and materials, the assembly of manufactured goods, the manufacturing of goods, the repair and servicing of goods and similar uses;

“Institutional Church Use” means land, buildings or structures used, designed, or intended to be used for a place of worship or for the purpose of a cemetery or burial ground and exempt from taxation under the Assessment Act, R.S.O. 1990, c.A.31, as amended;

“Local Board” means municipal service board, municipal business corporation, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any general or special act with respect to the affairs or purposes of the Municipality, but excluding a board, a conservation authority, any municipal business corporation not deemed to be a local board under O. Reg. 168/03 made under the Municipal Act, 2001, S. O. 2001, c.25, and any corporation created under the Electricity Act, 1998, S. O. 1998, c. 15, Sch. A;

“Mezzanine” means a mezzanine as defined in the Building Code Act;

“Motel Unit” means one or more habitable rooms used, designed or intended to be used as a sleeping accommodation unit by one or more persons, and may be used by the travelling or vacationing public or for recreational purposes, but not containing its own culinary facilities;

“Municipality” means the Corporation of the Municipality of Meaford;

“Non-residential Use” means land, buildings or structures or portions thereof used, designed or intended to be used for a purpose other than for residential use and for the purpose of the by-law includes hotel and motel units;

“Owner” means the owner of land or any person authorized by such owner to make one or more applications described in Section 5 of this by-law for the development of such land;

“Other Residential Dwelling Units” mean residential dwelling units not including single detached dwellings, or semi-detached dwellings;

“Protracted” means in relation to a temporary building or structure the persistence of its construction, erection, placement on land, alteration or of an addition to it for a continuous period exceeding eight months;

“Redevelopment” means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, changing the use of a building or structure from residential to non-residential or from non-residential to residential or changing a building or structure from one type of residential development to another or from one type of non-residential development to another;

“Residential Use” means land, buildings or structures or portions thereof used, designed or intended to be used for human habitation as a home, residence or living accommodation for one or more individuals not including hotel or motel units;

“Semi-detached Dwellings” means a residential building, which contains two dwelling units, that have one or two vertical walls, but no other parts, attached to other buildings;

“Services” means services designated in this by-law including Schedule “A” to this by-law or in agreement under Section 44 of the Act, or both;

“Service Area” means lands in one of Service Areas 1 to 3 as shown on Schedule “B” to this by-law;

“Single Detached Dwellings” mean residential buildings, each of which contain a single dwelling unit, that are not attached to other buildings;

“Rural Area” means all of the lands in the geographic area of the Municipality save and except Service Areas 1, 2 and 3.

“Temporary Building or Structure” means a building or structure constructed or erected or placed on land for a continuous period not exceeding eight months, or an addition or alteration to a building or structure that has the effect of increasing the gross floor area thereof for a continuous period not exceeding eight months;

“Townhouse” means a group of three or more attached dwelling units which are separated from the other dwelling unit vertically and/or horizontally and each dwelling unit having a separate entrance to grade.

2. Rules

For the purpose of complying with Section 6 of the Act:

- (a) the area to which this by-law applies shall be the area described in Section 3 of this by-law;
- (b) the rules developed under paragraph 9 of Subsection 5(1) of the Act for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be as set forth in Sections 4 through 10, inclusive, and Section 27 of this by-law;
- (c) the exemptions, partial exemptions and credits provided for by such rules shall be the exemptions, partial exemptions and credits set forth in Sections 11 through 15, inclusive, of this by-law, the indexing of charges shall be in accordance with Section 8 of this by-law; and
- (d) the redevelopment of land shall be in accordance with the rules set forth in Section 15 of this by-law.

3. Lands Affected

This by-law applies to all lands in the geographic area of the Municipality.

4. Designation of Services

- 4.1 It is hereby declared by Council that all development within the area to which this by-law applies will increase the need for services.
- 4.2 The development charge applicable to a development as determined under this by-law shall apply without regard to the services required or used by an individual development.
- 4.3 Development charges shall be imposed for the following categories of services (refer to Schedule "A") to pay for the increased capital costs required because of increased needs for services arising from development:
 - (a) Library;
 - (b) Fire Emergency Services;
 - (c) Parks and Recreation;
 - (d) Public Works;
 - (e) Parking;
 - (f) Administration;
 - (g) Roads;
 - (h) Water; and
 - (i) Sewer.

5. Approvals for Development

- 5.1 Development charges shall be imposed against all lands, buildings or structures within the area to which this by-law applies if the development of such lands, buildings or structures requires any of the following approvals:
- (a) the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the Planning Act;
 - (b) the approval of a minor variance under Section 45 of the Planning Act, R.S.O. 1990, c. C.26, as amended, or Section 9 of the Condominium Act, 1998, S. O. 1998, C. 19, as amended, or its predecessor Act;
 - (c) a conveyance of land to which a by-law passed under Subsection 50(7) of the Planning Act applies;
 - (d) the approval of a plan of subdivision under Section 51 of the Planning Act;
 - (e) a consent under Section 53 of the Planning Act;
 - (f) the approval of a description under Section 50 of the Condominium Act; or
 - (g) the issuing of a permit under the Building Code Act, 1992 in relation to a building or structure.
- 5.2 No more than one development charge under this by-law for each service designated in Subsection 4.3 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 Section 5 are required before the lands, buildings or structures can be developed.
- 5.3 Notwithstanding Subsection 5.2 and Section 6, if two or more of the actions described in Subsection 5.1 occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by that action.
- 5.4 Where a development requires an approval described in Subsection 5.1 after the issuance of a building permit and no development charge has been paid, then the development charge shall be paid prior to the granting of the approval required under Subsection 5.1.

- 5.5 If a development does not require a building permit but does require one or more of the approvals described in Subsection 5.1, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such approval required for the increased or additional development being granted.
- 5.6 Nothing in this by-law prevents Council from requiring, as a condition of an agreement under Section 51 or Section 53 of the Planning Act, that the owner, at his or her own expense, install such local services related to a plan of subdivision or within the area to which the plan relates, as Council may require in accordance with the local service policies of the Municipality in effect at the time, or that the owner pay for local connections to storm drainage facilities installed at the owner's expense, or administrative, processing, or inspection fees.

6. Basis for Calculation of Development Charges

The development charge with respect to the development of any land, buildings or structures shall be calculated as follows:

- (a) in the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units and the Service Area or Rural Area in which the development occurs;
- (b) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the gross floor area of such development, the Service Area or Rural Area in which the development occurs, and the type of development; and,
- (c) in the case of a type of development not described above, based upon the number and type of units and/or gross floor area portions of such development and the Service Area or Rural Area in which the development occurs.

7. Amount of Development Charges

The amount of the development charge shall be imposed as follows:

- (a) the development charges described in Schedule "C" to this by-law shall be imposed on residential development of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-used building or structure, on the residential component of the mixed-use building or structure, calculated for each dwelling unit by type; and
- (b) the development charges described in Schedule "C" to this by-law shall be imposed on the non-residential development of land, buildings, or structures and, in the case of a mixed-used building or structure, on the non-residential portion of the mixed-used building or structure, and calculated on the gross floor area of the non-residential use.

8. Indexing of Development Charges

The development charges imposed pursuant to this by-law may be adjusted annually without amendment to this by-law, commencing one year from the anniversary date of the by-law and each year thereafter, in accordance with the most recently available Statistics Canada Quarterly, Construction Price Statistics.

9. Phasing, Timing of Calculation and Payment

- 9.1 The development charges set out in this by-law are not subject to phasing in and are payable in full, subject to the exemptions and credits herein, from date this by-law comes into force.
- 9.2 Development charges shall be calculated as of, and shall be payable on the date the first building permit is issued for the development of the land against which the development charges imposed by this by-law apply.

10. Payment by Money or the Provision of Services

- 10.1 Payment of development charges shall be by cash or by certified cheque.
- 10.2 In the alternative to payment by the means in Subsection 10.1, the Municipality may, by an agreement, enter into with the owner under Section 38 of the Act, accept the provision of

services in full or partial satisfaction of the development charge otherwise payable provided that:

- (a) if the Municipality and the owner cannot agree as to the reasonable cost of the work performed, the reasonable cost of the work shall be determined by the Municipality's Treasurer; and
- (b) if the credit exceeds the amount of the development charge for the service to which the work relates,
 - (i) the excess amount shall not be credited against the development charge for any other service, unless the Municipality has so agreed in an agreement under Section 38 of the Act; and
 - (ii) in no event shall the Municipality be required to make a cash payment to the credit holder.

11. Rules for Exemption Relating to the Creation of Additional Dwelling Units

This by-law does not apply with respect to approvals related to the residential development of land, buildings or structures that would have the affect only,

- (a) of permitting the enlargement of an existing dwelling unit;
- (b) of creating a maximum of two additional dwelling units in an existing single detached dwelling where the total gross floor area of the additional dwelling unit or units is less than or equal to the gross floor area of the dwelling unit already in the building;
- (c) of creating a maximum of one additional dwelling unit in an existing semi-detached dwelling or row dwelling where the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the dwelling unit already in the building; or
- (d) of creating a maximum of one additional dwelling unit in any existing other residential building where the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the smallest dwelling unit already in the building.

12. Rules for Exemption Relating to Industrial Enlargement

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 is the following:

- (a) if the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero; and
- (b) if the gross floor area is enlarged by more than 50 per cent, development charges are payable on the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement.

13. Categories of Exempt Uses

The following categories of uses are hereby designated as being exempt from the payment of development charges:

- (a) land, buildings or structures owned by and used for the purposes of a municipality and exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31, as amended;
- (b) lands, buildings or structures owned by and used for the purposes of a board of education and exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31;
- (c) buildings or structures used as public hospitals governed by the Public Hospitals Act, R.S.O. 1990, c.P.40, as amended;
- (d) buildings owned by and used, designed or intended for use as a institutional church use; and
- (e) agricultural use as defined herein.

14. Temporary Buildings or Structures

14.1 Subject to Subsections 14.2 and 14.3, temporary buildings or structure shall be exempt from the payment of development charges.

14.2 In the event that a temporary building or structure becomes protracted, it shall be deemed not to be nor ever to have been a temporary building or structure, and the development charges required to be paid under this by-law shall become payable on

the date the temporary building or structure becomes protracted.

- 14.3 Prior to the Municipality issuing a building permit for a temporary building or structure, the Municipality may require an owner to enter into an agreement, including the provision of security for the owner's obligation under the agreement, pursuant to Section 27 of the Act providing for all or part of the development charge required by Subsection 14.2 to be paid after it would otherwise be payable. The terms of such agreement shall then prevail over the provisions of this by-law.

15. Rules for the Redevelopment of Land

- 15.1 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 has been demolished in order to facilitate redevelopment, or converted from one principal use to another principal use on the same land, 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, an amount equivalent to the applicable development charge for the type of the existing residential dwelling that has been or will be demolished or converted to another principal use; or
- (b) in the case of a non-residential building or structure, an amount calculated by multiplying the applicable development charge by the gross floor area that has been or will be demolished or converted to another principal use; or
- (c) in the case of a mixed-use building or structure, by an amount calculated by the residential use for the existing type of dwelling units and by gross floor area for the non-residential use portion, of the unit that has been or will be demolished or converted to another principal use.

- 15.2 The amount of any reduction or credit permitted under this Section shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

- 15.3 Any reduction or credit applicable hereunder shall only apply provided that a building permit for the re-development has been issued within five years of the date of the issuance of a permit for the demolition of any building or structure on the same lands.
- 15.4 If the lands are unserviced at the time the existing building is demolished, water or sewer development charges will not be credited. Water or sewer development charges (or the equivalent) will be due upon servicing.
- 15.5 For greater certainty, and without limiting the generality of the foregoing, no credit shall be allowed where the demolished building or structure or part thereof prior to the demolition or conversion would have been exempt from the payment of development charges pursuant to this by-law (i.e. agricultural use).

16. Reserve Funds

- 16.1 Development charge payments received by the Municipality pursuant to this by-law shall be maintained in a separate reserve fund or funds for each service to which the development charge relates and shall be spent only for the capital costs determined under paragraphs 2 to 8 of Subsection 5(1) of the Act.
- 16.2 Notwithstanding anything herein to the contrary, the Municipality may borrow money from a reserve fund and repay the amount used plus interest at a rate not less than the Bank of Canada rate updated on the first business day of every January, April, July, and October.

17. Interest

The Municipality shall pay interest on a refund under Subsection 18(3) and Subsection 25(2) of the Act at a rate equal to the Bank of Canada rate on the date this by-law comes into force.

18. Front Ending Agreements

The Municipality may enter into agreements under Section 44 of the Act.

19. Schedules

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

Schedule "A"	Designated Services
Schedule "B"	Service Area Boundaries
Schedule "C"	Schedule of Development Charges

20. Date By-law Effective

This by-law comes into force and effect on the date of its enactment.

21. Date By-law Expires

This by-law expires five years after the date on which it comes into force.

22. Repeal

By-law No. 84-2010 is hereby repealed effective on the date this by-law comes into force.

23. Headings for Reference Only

The headings inserted in this by-law are for convenience of reference only and shall not affect the construction or interpretation of this by-law.

24. Severability

If, for any reason, any provision, Section, Subsection or paragraph of this by-law is held 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 or amended, in whole or in part or dealt with in any other way.

Read a first, second and third time and finally passed this 27th day of July, 2015.

Barb Clumpus, Mayor

Robert Tremblay, Clerk

The Corporation of the Municipality of Meaford

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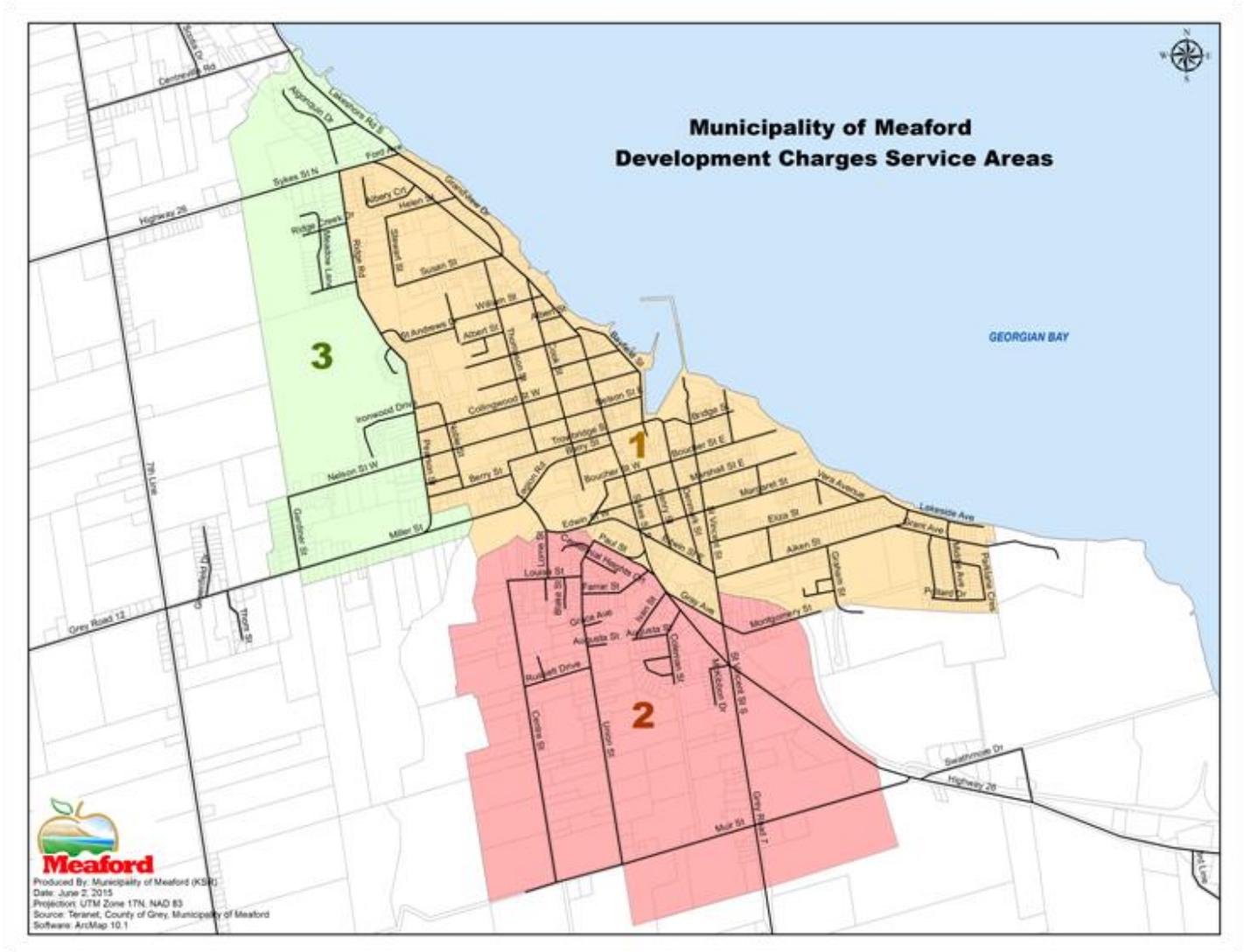
Schedule "A" – Designated Services

1. Library
2. Fire Emergency Services
3. Parks and Recreation
4. Public Works
5. Parking
6. Administration
7. Roads
8. Water
9. Sewer

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Schedule "B" – Service Area Boundaries



Note: Remainder of Municipality is considered the Rural Area.

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Schedule "C" – Schedule of Development Charges

Service	Residential Charge by Unit Type		Non-Residential Charge per Square Metre	
	Single & Semi-Detached	Rows & Other Multiples	Other Non-Residential	Industrial
Public Library	\$510	\$343	\$0.00	\$0.00
Fire Emergency Services	\$636	\$427	\$4.95	\$2.90
Parks and Recreation	\$2,084	\$1,401	\$0.00	\$0.00
Public Works	\$411	\$276	\$3.25	\$1.80
Parking	\$147	\$99	\$1.05	\$0.90
Administration	\$257	\$173	\$2.10	\$1.10
Roads and Related	\$818	\$550	\$7.02	\$3.73
Total Municipal-wide Charge	\$4,863	\$3,269	\$18.37	\$10.43
System Wide Water	\$807	\$542	\$6.92	\$3.68
System-wide Sanitary Sewer	\$5,770	\$3,879	\$49.51	\$26.33
Total Municipal-Wide Serviced Charge	\$11,440	\$7,690	\$74.80	\$40.44

Service Area 1				
Service	Residential Charge by Unit Type		Non-Residential Charge per Square Metre	
	Single & Semi-Detached	Rows & Other Multiples	Other Non-Residential	Industrial
Total Municipal-Wide Charge	\$4,863	\$3,269	\$18.37	\$10.43
System Wide Water	\$807	\$542	\$6.92	\$3.68
System-wide Sanitary Sewer	\$5,770	\$3,879	\$49.51	\$26.33
Total Service Area 1 Charge	\$11,440	\$7,690	\$74.80	\$40.44

Service Area 2				
Service	Residential Charge by Unit Type		Non-Residential Charge per Square Metre	
	Single & Semi-Detached	Rows & Other Multiples	Other Non-Residential	Industrial
Total Municipal-wide Charge	\$4,863	\$3,269	\$18.37	\$10.43
System-Wide Water	\$807	\$542	\$6.92	\$3.68
System-Wide Sanitary Sewer	\$5,770	\$3,879	\$49.51	\$26.33
Service Area 2 Water	\$981	\$660	\$8.41	\$4.48
Service Area 2 Sanitary Sewer	\$1,385	\$931	\$11.88	\$6.32
Total Service Area 2 Charge	\$13,806	\$9,281	\$95.09	\$51.24

Service Area 3				
Service	Residential Charge by Unit Type		Non-Residential Charge per Square Metre	
	Single & Semi-Detached	Rows & Other Multiples	Other Non-Residential	Industrial
Total Municipal-wide Charge	\$4,863	\$3,269	\$18.37	\$10.43
System-Wide Water	\$807	\$542	\$6.92	\$3.68
System-Wide Sanitary Sewer	\$5,770	\$3,879	\$49.51	\$26.33
Service Area 2 Water	\$987	\$663	\$8.57	\$4.46
Service Area 2 Sanitary Sewer	\$1,385	\$931	\$8.65	\$4.50
Total Service Area 3 Charge	\$13,812	\$9,284	\$92.02	\$49.40