

The Corporation of the County of Peterborough

By-law No. 2017-19

A By-law to Establish Development Charges for the County of Peterborough and to repeal By-law No. 2016-83

Whereas subsection 2(1) of the Development Charges Act, 1997, S.O. 1997, c. 27 (“Act”) enables the Council of a Municipality to pass By-laws to impose Development Charges against lands located in the Municipality to pay for increased capital costs where the development of the land would increase the need for Municipal services as designated in the By-law and the development requires one or more of the actions set out in Section 2.(2) of the Act;

And Whereas The Corporation of the County of Peterborough has determined that the development of lands within the Municipality will increase the need for municipal services and Council has confirmed its intent to provide the said services;

And Whereas at the County Council Meeting of November 16, 2016, County Council provided Notice of its Development Charges proposal in accordance with Section 12(1) of the Act, and held a Public Meeting prior to which the Study and the proposed County-wide Development Charges By-law were made available to the public in accordance with Section 10 (4) and 12 (1); an asset management plan was prepared in accordance with Section 10 (2); and, Council heard comments and representations from all persons who applied to be heard.

And Whereas at the County Council Meeting of December 16, 2016, County Council passed By-law 2016-83, being a by-law to Establish Development Charges and to repeal By-law Nos. 2011-67 and 2013-79;

And Whereas at the County Council Meeting of February 1, 2017, County Council considered a report prepared by the Director of Planning entitled “Development Charges Information” and County Council passed resolution #57-2017 as follows:

“Be it resolved that County Council supports a Residential Development Charge of 100% to be phased-in using equal increments over the life of the by-law and that the Non-Residential Development Charge be established at 100% with a charge of \$0 for Industrial Uses and for the first 250 square metres of other Non-Residential Uses”;

And Whereas at the County Council Meeting of March 15, 2017, County Council provided Notice of its Development Charges proposal in accordance with Section 12(1) of the Act, and held a Public Meeting, heard comments and representations from all persons who applied to be heard, and is satisfied that no further notice is required;

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And Whereas at the County Council Meeting of April 19, 2017, County Council accepted the recommendation of the Director of Planning contained in his report “Revised Development Charges By-law Report” wherein he recommended:

“That Council receive this staff report and Background Study and,
That Council pass a Development Charges By-law effective May 1, 2017 that sets the following charges:

Residential:

Single-Detached, Semi-Detached Duplex (>103m ²)	\$7627.74 per unit
Single-Detached & Semi-Detached Duplex(<103m ²) and Multiple Residential	\$5085.16 per unit
Small Multiple Residential (< 93m ²) & Apartment	\$3955.12 per unit

Non-residential:

Industrial Uses	no charge (exempt)
Other Non-residential uses	First 250 sq. m. exempt, then \$11.77 per sq. m. thereafter;

And Whereas County Council has provided notice of intent to enact the proposed County-wide Development Charges By-law;

Now Therefore the Council of the Corporation of the County of Peterborough in Session duly assembled enacts as follows, that:

1. Definition

1.1 **Act** means the Development Charges Act, 1997 as amended from time to time and includes the Regulations passed under the Act, as amended from time to time.

1.2 In this By-law:

1.2.1 All words and phrases used in this By-law that have been defined in the Act shall have the same meaning as those words and phrases in the Act;

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- 1.2.2 Where the Development Charges Act does not specify a definition, the following definitions shall apply to the extent that they are not in conflict with the definitions in the Act;
- 1.3 **Affordable Housing** means dwelling units within assisted or social housing programs including Habitat for Humanity and assisted living.
- 1.4 **Agricultural Use** means a bona fide farming operation;
- 1.5 **Apartment Dwelling** means a building containing 3 or more dwelling units which have a common entrance from the street level, and the occupants of which have the right to use common elements.
- 1.6 **Area Municipality** means a lower-tier municipality that forms part of the County.
- 1.7 **Board of Education** means a board of education, public school board, secondary school board, Catholic school board or Protestant school board.
- 1.8 **Building or Structure** means a structure occupying an area greater than 10 square metres consisting of walls and a roof or a structural system serving the same purpose as defined in the Building Code and including carports and cloth, plastic or vinyl materials supported by structural frames but does not include awnings or an exterior storage tank.
- 1.9 **Building Code Act** means the Building Code Act, S.O. 1992, chapter 23, as amended and all Regulations thereto including the Ontario Building Code, 2012, as amended.
- 1.10 **Building Permit** means a Permit issued in accordance with the Building Code Act.
- 1.11 **Capital Costs** include the following:
1. Costs to acquire land or an interest in land, including a leasehold interest.
 2. Costs to improve land.
 3. Costs to acquire, lease, construct or improve buildings and structures.

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4. Costs to acquire, lease, construct or improve facilities including,
 - i. rolling stock with an estimated useful life of seven years or more,
 - ii. furniture and equipment, other than computer equipment, and
 - iii. materials acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act.
5. Costs to undertake growth related studies.
6. Costs of the development charge background study.
7. Interest on money borrowed to pay for other capital costs.

- 1.12 **Commercial Care Facility** means a care facility designed for persons who require nursing and/ or homecare where common facilities and medical care may be provided such as a retirement home, long-term care home or nursing home.
- 1.13 **Commercial Use** means, notwithstanding any other provisions of this By-law, lands, buildings or structures to be developed for commercial purposes for gain or profit.
- 1.14 **Council** means the Council of the Corporation of the County of Peterborough.
- 1.15 **County** means the Corporation of the County of Peterborough.
- 1.16 **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 Total Floor Area, and includes Redevelopment.
- 1.17 **Development Charge** means a charge imposed pursuant to this By-law.
- 1.18 **Duplex** means a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule.
- 1.19 **Dwelling Unit** means a combination of rooms in which a kitchen, living quarters and sanitary conveniences are provided for habitation for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside. It may include a modular home constructed in accordance with the Building Code and C.S.A. A-277 Regulations.

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- 1.20 **Existing Lot of Record** means a parcel of land which existed prior to the date of passing of this Development Charges By-law.
- 1.21 **Farm Building** means that part of a bona fide farm operation encompassing barns, silos, and other ancillary development to an agricultural use, but excluding a residential use.
- 1.22 **Gross Floor Area** means the total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles. Private garage, carport, basement, cellar, porch, verandah or sunroom, unless such sunroom is habitable during all seasons of the year, are not included in Gross Floor Area.
- 1.23 **Hunt Camp** means a building operated without profit or gain for the sole purpose of temporary human habitation at no other times than during established large game and waterfowl hunting seasons. For the purposes of this By-law a hunt camp is a non-residential use.
- 1.24 **Industrial Use** means the use of lands, buildings or structures in connection with:
- (a) Manufacturing, producing, processing, storing or distributing an item;
 - (b) research or development in connection with manufacturing, producing or processing an item;
 - (c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production, or processing takes place;
 - (d) office or administrative purposes, if they are:
 - i. carried out with respect to manufacturing, producing, processing, storage or distributing of an item, and
 - ii. in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution.
- 1.25 **Institutional Use** means the use of lands, buildings or structures for institutional purposes.
- 1.26 **Multiple Residential** means, for the purposes of this By-law, a townhouse or dwelling type other than a single-detached, semi-detached, duplex or apartment.

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- 1.27 **Non-Residential Uses** means land, buildings or structures or portions thereof used, or designed or intended to be used for a use other than for a residential use.
- 1.28 **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.
- 1.29 **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, or changing the use of a building or structure from residential to non-residential or from non-residential to residential.
- 1.30 **Residential Uses** means land, buildings or structures or portions thereof used, designed, or intended to be used principally (or primarily) as living accommodation for one or more individuals.
- 1.31 **Semi-Detached Dwelling** means the whole of a building divided vertically into two separate dwelling units.
- 1.32 **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.
- 1.33 **Single Detached Dwelling** means a detached building containing one principal dwelling unit.
- 1.34 **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 total floor area thereof for a continuous period not exceeding eight months.
- 1.35 **Townhouse Dwelling** means a dwelling unit in a building divided vertically into no less than three and no more than eight dwelling units attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.
- 2. Imposition of Development Charges**
- 2.1 A Development Charge shall be paid in respect of all development, as provided in this By-law.

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3. Application of This By-Law

3.1 This By-law shall apply to all lands within The Corporation of the County of Peterborough.

3.2 Nothing in this By-law prevents the approval authority or Council, as the case may be, from requiring, as a condition of an agreement under the Planning Act, SS. 51 or 53, that the owner at his or her own expense shall install or pay for local services as the approval authority or Council may require.

4. Calculation of Development Charges – General

4.1 Development Charges shall be calculated in accordance with Schedule “C.”

5. Indexing of The Development Charge

5.1 Development Charges may be adjusted, without amendment to this By-law, on the first day of January in each year, beginning with January 1, 2018, using the Statistics Canada Quarterly, Non-Residential Building Construction Price Index, in accordance with the Development Charges Act.

6. Calculation of Development Charges – Residential

6.1 Development Charges shall apply to each dwelling unit in every development, whether single-use or mixed-use. Development that is exempt from Development Charges is outlined in Section 8.

6.2 No Development Charges are payable in the following cases:

6.2.1 Where an existing dwelling is enlarged renovated or repaired;

6.2.2 Where a maximum of two additional dwelling units are being created within an existing single detached dwelling;

6.2.3 Where a maximum of one additional dwelling unit is being created in a semi-detached or townhouse, provided 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;

6.2.4 Where a maximum of one additional dwelling unit is being created in any other residential class of building, provided 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;

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6.2.5 Where a dwelling unit is demolished and reconstruction or redevelopment occurs within 5 years.

7. Calculation of Development Charges – Non-Residential

7.1 Development Charges shall apply to each non-residential building in every development. Development that is exempt from Development Charges is outlined in Section 8.

7.2 Development Charge shall be payable where the gross floor area of an existing non-residential building is enlarged. The payable Development Charges shall be based on the increase in Gross Floor Area.

7.3 Community care facilities shall be subject to the non-residential development charge.

7.4 No Development Charges are payable in the following cases:

7.4.1 Where a non-residential building is demolished and reconstruction or redevelopment occurs within 5 years.

7.4.2 Where a hunt camp is less than 112 m² of gross floor area.

8. Exempt Buildings

8.1 Non-residential buildings used accessory to a bona fide agricultural operation shall be exempt from the Development Charge.

8.2 Buildings owned and used by the County or area municipality, or any Board of Education used for school purposes shall be exempt from the Development Charge.

8.3 Temporary buildings where the owner has completed an agreement with the County or area municipality specifying the owner's obligation to remove the building.

8.4 Places of worship for religious uses that are exempt from Provincial taxes pursuant to the Provincial Land Tax Act RSO 1990, cP32 as amended.

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- 8.5 Land owned by and used for the purposes of a Municipality or a board as defined in subsection 1 (1) of the Education Act, is exempt from a Development Charge by reason only that it is exempt from taxation under section 3 of the Assessment Act;
- 8.6 Buildings or structures used as public hospitals governed by the Public Hospitals Act;
- 8.7 Land, buildings or structures used for institutional church use and exempt from taxation under section 3 of the Assessment Act;
- 8.8 The development of non-residential farm buildings constructed for bona fide farm uses, which qualify as a farm business, being that which operates with a valid Farm Business Registration Number and is assessed in the Farmland Realty Tax Class;
- 8.9 Industrial Uses;
- 8.10 The first 250 square metres of a non-residential building; and
- 8.11 Affordable Housing.

9. Redevelopment

- 9.1 In accordance with Subsections 9.2, 9.3 & 9.4 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.
- 9.2 A credit shall not be warranted where a building or structure or part thereof was demolished and no building permit has been issued within 5 years from the date of issuance of the demolition permit.
- 9.3 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.

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9.4 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.

10. Payment of Development Charges

10.1 Except as otherwise provided in this By-law, Development Charges shall be calculated and payable in full on the date that the first building permit is issued.

10.2 Except as otherwise provided in this By-law, whereby multiple building permits are required for development, Development Charges shall be calculated and payable in full, on the date that the first building permit is issued.

10.3 Except as otherwise provided in this By-law, if a development consists of two or more phases that will not be constructed concurrently and are anticipated to be completed in different years, each phase of the development is deemed to be a separate development for the purposes of payment of a Development Charge.

10.4 Except as otherwise provided in this By-law, a building permit shall not be issued until the Development Charge has been paid in full.

11. Written Agreements With The County

11.1 Pursuant to the provisions of the Act, Council may enter into written agreements in regard to all matters authorized by the Act and general law.

11.2 The applicable provisions of this By-law may be varied in individual instances by the written agreements, as permitted by the Act.

11.3 Council has the power to enter into agreements to reduce or waive Development Charges that are payable under the Act and this By-law.

11.4 Agreements may give credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this By-law. The credit shall not exceed the service standard used in the calculation of the Development Charge, and no credit shall be charged to any Development Charges reserve fund prescribed in this By-law or exceed the proportion of the Development Charge related to that service, payable by the owner to the County.

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11.5 Agreements may provide for all or any part of a Development Charge to be paid before or after it would otherwise be payable.

11.6 Front-ending agreements entered into under the provisions of Section 44 of the Act shall be deemed to be agreements under this section.

11.7 This By-law shall prevail over any previous agreements between a property owner and the County with respect to the payment of impost fees, lot levies or Development Charges. However, where fees or charges have been paid for services included in this By-law pursuant to an agreement that was registered on the title of the lands prior to the passing of this By-law, the County shall apply that fee as a credit against the applicable Development Charge.

12. Administration

12.1 A certified copy of this By-law may be registered on title to any land to which the By-law applies.

12.2 This By-law shall be administered by the Treasurer of the County.

13. Reserve Funds

13.1 Monies received from payment of Development Charges shall be maintained in separate reserve funds, and shall be used only to meet the growth-related net capital costs for which the Development Charge was levied under this By-law.

13.2 Where any Development Charge, or part thereof, remains unpaid after the due date, the unpaid amount shall be added to the tax roll and shall be collected as taxes. Where any unpaid Development Charges are collected as taxes, the monies so collected shall be credited to the Development Charge reserve funds.

13.3 The Treasurer of the County shall, in each year on or before July 1, commencing 2017 for the 2016 year, furnish to Council, a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in Section 12 of O.Reg. 82/98.

13.4 The Treasurer shall make available to the public, the statement, as well as projects whose capital costs were funded under a Development Charges By-law during the year and the manner in which any portion of the capital cost not funded under the By-law was or will be funded.

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14. Refunds

14.1 Where this By-law or any Development Charge prescribed hereunder is amended or repealed either by order of the Ontario Municipal Board or by Council, the County shall forthwith pay the appropriate refund, calculated in accordance with the Act and Regulations passed under the Act.

15. Schedules

15.1 The following schedules to this By-law form an integral part of this By-law;

15.2 Schedule "A" - Classification of Services

15.3 Schedule "B" - Components of Development Charge

15.4 Schedule "C" – Development Charge Schedule

16. General

16.1 This By-law comes into full force and effect on May 1, 2017 and all other Development Charges By-laws are hereby repealed.

16.2 Unless repealed earlier, or unless the term of the By-law is extended by legislation, this By-law expires five years from the day it comes into force.

16.3 Where in this By-law the context so requires, words in the singular include the plural and words in the plural include the singular, and words importing the masculine gender include feminine and neutral gender.

16.4 Any portion of this By-law found to be invalid shall be severed, and the balance of the By-law shall be deemed to be valid and enforceable and shall be construed without reference to the invalid portions.

16.5 By-law No. 2016-83 passed by County Council on December 16, 2016 is repealed effective May 1, 2017.

16.6 This By-law shall be commonly called the "Development Charges" By-law.

Read a first, second and third time and passed in Open Council this 19th day of April, 2017.

Original Signed by
Joe Taylor

Warden

Original Signed by
Sally Saunders

Clerk

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Schedule "A"

Classification of Services

Transportation
Emergency Medical Services
Emergency Measures
Long-Term Care
Social Services
Administration
Health Unit
Waste Diversion
Transit

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Schedule “B”

Components of Development Charge

Residential Charge

Service Area	Percent of Residential Charge
Transportation	86.47%
Emergency Medical Services	3.4%
Emergency Measures	0.33%
Long-Term Care (Fairhaven)	4.73%
Social Services	2.77%
Administration	0.71%
Health Unit	1.51%
Waste Diversion	0.01%
Transit	0.07%
Total	100%

Non-Residential Charge

Service Area	Percent of Non-Residential Charge
Transportation	86.47%
Emergency Medical Services	3.4%
Emergency Measures	0.33%
Long-Term Care (Fairhaven)	4.73%
Social Services	2.77%
Administration	0.71%
Health Unit	1.51%
Waste Diversion	0.01%
Transit	0.07%
Total	100%

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Schedule “C”

Development Charge Schedule

Year	Single-Detached, Semi-Detached Duplex ($>103\text{m}^2$)*	Multiple Residential Single-Detached, Semi-Detached Duplex($<103\text{m}^2$)*	Small Multiple Residential ($< 93\text{m}^2$)* Apartment	Non- Residential (per m^2)
May 1, 2017 to April 30, 2022	\$7,627.74	\$5,085.16	\$3,955.12	First 250 sq.m. exempt, then \$11.77 thereafter

* The areas outlined above represent the gross floor area.