
THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NUMBER 2009-22

A BY-LAW FOR THE IMPOSITION OF DEVELOPMENT CHARGES

WHEREAS subsection 2(1) of the *Development Charges Act, 1997 c. 27* (hereinafter called "the Act") provides that the council of a municipality may pass By-laws for the imposition of development charges against land for increased capital costs required because of the need for services arising from development in the area to which the by-law applies;

AND WHEREAS The Corporation of the Township of Melancthon has determined that the development of lands within the municipality will increase the need for municipal services;

AND WHEREAS the Council of the Corporation of the Township of Melancthon at its meeting of October 1, 2009 approved the recommendations contained in a report entitled Township of Melancthon 2009 Development Charge Background Study prepared by Watson & Associates Economists Ltd.;

AND WHEREAS the Council of the Corporation of the Township of Melancthon has indicated its intent, that it intends to ensure that the increase in need for services attributable to the anticipated development in the Municipality will be met;

AND WHEREAS the Council of The Corporation of the Township of Melancthon has given notice of and held a public meeting on the 1st day of October, 2009 in accordance with the Act and the regulations thereto;

AND WHEREAS the Council of The Corporation of the Township of Melancthon has determined that no further public meeting is required in accordance with Section 12(3) of the Development Charges Act, 1997;

NOW THEREFORE The Corporation of the Township of Melancthon by its Council enacts the following:

1. DEFINITIONS

In this by-law,

1. "Act" means the *Development Charges Act, 1997, c. 27*;
2. "administration service" means any and all development-related studies carried out by the municipality which are with respect to eligible services for which a development charge by-law may be imposed under the *Development Charges Act, 1997*.
3. "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 principal use, building or structure;
4. "agricultural use" means a bona fide farming operation;
5. "apartment unit" means any residential 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;
6. "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;
7. "benefiting area" means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
8. "board of education" means a board defined in s.s. 1(1) of the *Education Act*;
9. "bona fide farm uses" means the proposed development will qualify as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs and be assessed in the Farmland Realty Tax Class by the Ontario Property Assessment Corporation;

10. "Building Code Act" means the *Building Code Act*, 1992, S.O. 1992, c.23, as amended;

11. "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, 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*, R.. O. 1990, c. 57, and
 - (iv) to undertake studies in connection with any of the matters referred to in clauses (a) to (d);
- (f) to complete the development charge background study under Section 10 of the Act;
- (g) interest on money borrowed to pay for costs in (a) to (d); required for provision of services designated in this by-law within or outside the municipality.

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

13. "Council" means the Council of the Township of Melancthon;

14. "development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that the effect of increasing the size of usability thereof, and includes redevelopment;

15. "development charge" means a charge imposed pursuant to this By-law;
16. "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;
17. "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;
18. "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
19. "gross floor area" means
- a. in the case of a residential building or structure, the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and
 - b. in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:
 - (i) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
 - (ii) loading facilities above or below grade; and

(iii) a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;

20. "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. Includes wind turbines;
21. "institutional" means land, buildings, structures or any part thereof used by any organization, group or association for promotion of charitable, educational or benevolent objectives and not for profit or gain;
22. "Local Board" means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the municipality or any part or parts thereof;
23. "multiple dwellings" means all dwellings other than single-detached, semi-detached and apartment unit dwellings;
24. "Municipality" means The Corporation of the Township of Melancthon;
25. "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;
26. "Official Plan" means the Official Plan adopted for the municipality, as amended and approved;
27. "Planning Act" means the *Planning Act, 1990*, R.S.O. 1990, c.P.13, as amended;
28. "rate" means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;
29. "regulation" means any regulation made pursuant to the Act;

30. "residential dwelling" means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;
31. "residential use" means the use of a building or structure or portion thereof for one or more dwelling units. This also includes a dwelling unit on land that is used for an agricultural use;
32. "semi-detached dwelling" means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor;
33. "service" means a service designed in Schedule "A" to this By-law, and "services" shall have a corresponding meaning;
34. "Single detached dwelling" means a completely detached building containing only one dwelling unit;
35. "Wind Turbine" means any wind energy system, comprising one or more turbines, that converts energy into electricity, with a combined nameplate generating capacity greater than 500 kilowatts and a height greater than 100 metres, that converts energy into electricity, and consists of a wind turbine, a tower, and associated control or conversion electronics. A wind turbine and energy system may be connected to the electricity grid in circuits at a substation to provide electricity off-site for sale to an electrical utility or other intermediary;
36. "Zoning By-Law" means the Zoning By-Law of the Municipality or any successor thereof passed pursuant to Section 34 of the Planning Act, S.O. 1998.

2. DESIGNATION OF SERVICES

- 2.1 The categories of services for which development charges are imposed under this By-law are as follows:
- (a) Roads and Related Services;

- (b) Fire Protection Services;
- (c) Police Services;
- (d) Outdoor Recreation Services;
- (e) Indoor Recreation Services;
- (f) Library Services; and
- (g) Administration.

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 Melancthon whether or not the land or use thereof is exempt from taxation under s. 13 or the Assessment Act.

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

- (a) the Township of Melancthon or a local board thereof;
- (b) a board of education; or
- (c) the Corporation of the County of Dufferin 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, Chap. C.26, as amended, or any successor thereof; or
 - (vii) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- (b) No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in subsection 3.4(a) are required before the lands, buildings or structures can be developed.
- (c) Despite subsection 3.4(b), if two or more of the actions described in subsection 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions

- 3.5 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:
- (a) an enlargement to an existing dwelling unit;

- (b) one or two additional dwelling units in an existing single detached dwelling; or
- (c) one additional dwelling unit in any other existing residential building;

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

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

- i. in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
- ii. in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building.

3.8 Exemption for Industrial Development:

3.8.1 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.

3.8.2 If the gross floor area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

- 1) determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
- 2) divide the amount determined under subsection 1) by the amount of the enlargement

- 3.9 For the purpose of section 3.8 herein, "existing industrial building" is used as defined in the Regulation made pursuant to the Act.

Amount of Charges

Residential

- 3.10 The development charges set out in Schedule B shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential

- 3.11 The development charges described in Schedule B to this by-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed use building or structure, on the non-residential uses in the mixed use building or structure, and calculated with respect to each of the services according to the total floor area of the non-residential use.
- 3.12 Notwithstanding section 3.11 herein, wind turbine developments will have a deemed total gross floor area of 541 sq.ft.

Reduction of Development Charges for Redevelopment

- 3.13 Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 5 years prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.11 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
- (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 3.12 by the gross floor area that has been or will be demolished or converted to another principal use;

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

Time of Payment of Development Charges

- 3.14 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of a building permit for the development.
- 3.15 Despite section 3.14, 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 3.11 and 3.12, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law.

5. INDEXING

5.1 Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, on January 1st of each year, 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 of Melancthon and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

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

8. SEVERABILITY

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

9. **DATE BY-LAW IN FORCE**

9.1 This By-law shall come into effect at 12:01 AM on Nov 5, 2009.

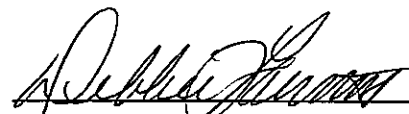
10. **DATE BY-LAW EXPIRES**

10.1 This By-law will expire at 12:01 AM on Nov 5, 2014 unless it is repealed by Council at an earlier date.

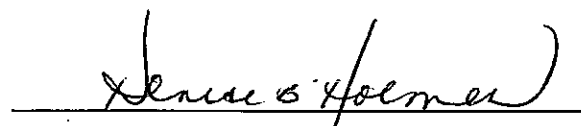
11. **EXISTING BY-LAW REPEALED**

11.1 By-law Number 40-2004 is hereby repealed as of the date and time of this By-law coming into effect.

PASSED THIS 5th day of November 2009.



REEVE MAYOR



TOWNSHIP CLERK

SCHEDULE "A" TO BY-LAW NO. 2009-22
COMPONENTS OF SERVICES DESIGNATED IN SUBSECTION 2.1

TOWNSHIP-WIDE SERVICES

100% Eligible Services

Roads and Related Services

- Roads
- Depots and Domes
- Public Works Rolling Stock

Fire Protection Services

- Fire Facilities
- Fire Vehicles
- Small Equipment and Gear

Police Services

- Small Equipment and Gear

90% Eligible Services

Outdoor Recreation Services

- Parkland Development, amenities and trails

Indoor Recreation Services

- Recreation Facilities

Library Services

- Library Facilities
- Library Materials

Administration Services

- Studies

SCHEDULE "B" TO BY-LAW NO. 2009-22
SCHEDULE OF DEVELOPMENT CHARGES

SERVICE	RESIDENTIAL				NON-RESIDENTIAL (per ft ² of Gross Floor Area)
	Single-Detached Dwelling & Semi- Detached Dwelling	Apartments 2 Bedrooms +	Apartments Bachelor & 1 Bedroom	Multiple Dwellings	
Municipal Wide Services:					
Roads and Related	3,599	2,125	1,451	3,131	2.97
Fire Protection Services	647	382	261	563	0.19
Police Services	-	-	-	-	-
Outdoor Recreation Services	73	43	29	63	0.05
Indoor Recreation Services	581	343	234	505	0.36
Library Services	85	50	34	74	0.05
Administration	271	160	109	236	0.20
Total Municipal Wide Services	5,256	3,103	2,118	4,572	3.82
GRAND TOTAL	5,256	3,103	2,118	4,572	3.82