

The Corporation of the Township of Southgate By-Law No. 2017-138

Being a By-law With Respect to Development Charges

WHEREAS the Township of Southgate 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 Southgate;

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 Southgate 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 Township 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 charge background study has been completed in accordance with the Act;

AND WHEREAS the Council of The Corporation of the Township of Southgate has given notice of and held a public meeting on the 11th day of October, 2017 in accordance with the Act and the regulations thereto;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE ENACTS AS FOLLOWS:

1. Interpretation

1.1 In this By-law the following items shall have the corresponding meanings:

"accessory" means when used to describe a use, building or structure, that the use, building or structure is naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure located on the same lot therewith;

"Act" means the Development Charges Act, 1997, as amended, or any successor thereof;

"agriculture uses" means a bona fide farm operation including use of land, buildings or structures for the purposes of beekeeping, dairying, fallow, field crops, fruit farming, horticulture, market gardening, pasturage, raising of livestock or any other farming use;

"apartment unit" means any residential unit within a building containing more than four dwelling units where the units are connected by an interior corridor;

“bedroom” means a habitable room which can be used as sleeping quarters, but does not include a bathroom, living room, dining room or kitchen;

“board of education” has the same meaning as set out in the Education Act, R.S.O. 1990, Chap. E.2, as amended, or any successor thereof;

“bona fide farm uses” means the proposed development that 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;

“building” means a structure having a roof supported by columns or walls or directly on the foundation and used for the shelter and accommodation of persons, animals or goods and without limiting the foregoing, includes buildings as defined in the Building Code Act;

“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 Township or a local board thereof directly or by others on behalf of and as authorized by the Township 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) rolling stock with an estimated useful life of seven years or more,
 - (ii) furniture and equipment other than computer equipment,
 - (iii) material acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 1990, Chap. P.44, as amended, or any successor thereof;
- (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 Township, including interest on borrowing for those expenditures under clauses (a) to (e) above that are growth-related; and
- (f) for interest on money borrowed to pay for costs described in clauses (a) to (d) above;

“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;

“Council” means the Municipal Council of the Corporation of the Township of Southgate;

"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 increases the size of, usability thereof, or change of use thereof, and includes redevelopment;

"development charge" means a charge imposed with respect to this By-law;

"dwelling unit" means a room or rooms located within a building or structure which are occupied or designed or intended to be occupied by one or more persons as a single housekeeping unit and for which a separate private entrance (from outdoors or a common hallway), bathroom and kitchen facilities are provided; but does not mean or include tent, trailer, or a room or a suite of rooms in a boarding house, hotel, motel, motor home or tourist home;

"duplex" means a building that is divided horizontally into two separate dwelling units, each of which has an independent entrance;

"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 excludes residential uses;

"garden suite" means a building containing one (1) dwelling unit where the garden suite is detached from and ancillary to an existing single detached dwelling or semi-detached dwelling on the lands and such building is designed to be portable;

"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;

“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 and the supplying of personal services or as otherwise defined in the zoning by-law. Wind turbines and solar farms are included as industrial developments;

“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;

“local board” means a school board, municipal service board, 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 or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a Township or of two or more municipalities or parts thereof;

“local services” means those services, facilities or things which are under the jurisdiction of the Township of Southgate 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, Chap. 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 trailer or tent trailer or trailer otherwise designed;

“multiple dwellings” means all dwellings other than single detached, semi-detached and apartment unit dwellings;

“Township” means the Corporation of the Township of Southgate and the area within the geographic limits of the Township of Southgate;

“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;

“Official Plan” means the Official Plan adopted by 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, Chap. A.31, as amended, or any successor thereof;

“rate” means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;

“regulation” means any regulation made pursuant to the Act;

“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;

“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;

“row dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

“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” means a service designed in Schedule “A” to this By-law, and

“services” shall have a corresponding meaning;

“servicing agreement” means an agreement between a landowner and the Township relative to the provision of municipal services to specified land within the Township;

“single detached dwelling unit” means a residential building consisting of one dwelling unit and not attached to another structure;

“solar farm” means any solar energy system comprised of one or more solar energy conversion panels and associated control or conversion electronics that converts sunlight into electricity, with a combined nameplate generating capacity greater than or equal to 500 kilowatts. A solar farm may be connected to the electricity grid to provide electricity off-site for sale to an electrical utility or other intermediary;

“structure” means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground;

“wind turbine” means a part of a system 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 intermediaries; and

"Zoning By-Law" means the Zoning By-Law of the Township of Southgate 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) Services related to a Highway;
 - (b) Fire Protection Services;
 - (c) Parks and Recreation Services;
 - (d) Library Services;
 - (e) Administration Services;
 - (f) Waste Diversion Services;
 - (g) Storm Drainage and Control Services;
 - (h) Wastewater Services; and
 - (i) Water Services.
- 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 Southgate whether or not the land or use thereof is exempt from taxation under s.13 of 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 or a local board thereof; or
 - (b) the County of Simcoe or any local board thereof; or
 - (c) a board of education as defined in Section 1(1) of the Education Act.

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 Section 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 subsection 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

- (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.

3.8 **Exemption for Industrial Development:**

- (a) 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.

- (b) 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:
 - (i) determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
 - (ii) divide the amount determined under subsection 3.8(a)(i) by the amount of the enlargement.
- (c) For the purpose of Section 3.8 herein, "existing industrial building" is used as defined in the Regulation made pursuant to the Act.

3.9 Other Exemptions:

Notwithstanding the provision of this By-law, development charges shall not be imposed with respect to:

- (a) Non-residential farm building for a bona fide farm use, with a valid Farm Business Registration Number and assessed as Farmland Realty Tax Class;
- (b) Places of worship, cemetery or burial ground exempt from taxation under the *Assessment Act*;
- (c) Hospitals under the *Public Hospitals Act*; and
- (d) The first 2,500 square feet of non-residential gross floor area for a new building within the Urban Area.

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.

Wind Turbines and Solar Farms

- 3.12 Notwithstanding s.3.10 and s.3.11, the development charges described in Schedule B to this by-law shall be imposed per wind turbine and per 500 kW of nameplate generating capacity for solar farms, and calculated at the single- detached and semi-detached dwelling rate, with respect to services related to a highway, fire protection services, and administration services.

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 60 months (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 3.10 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 Section 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 redevelopment.

Time of Payment of Development Charges

- 3.14 Development charges shall be calculated and payable in money or by provision of service as may be agreed upon, or by credit granted under the Act, on the date that the building permit is issued in relation to a building or structure on land to which the development charge applies.
- 3.15 Where development charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full.
- 3.16 This shall not be deemed to limit the authority of the Council to enter into an agreement for payment of the development charges before or after the date of building permit issuance subject to Section 27 of the Development Charges Act, 1997.

4. Payment of Services

- 4.1 Despite the payment required under Sections 3.10, 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 on January 1, without amendment to this By-law, in accordance with the third quarter of the prescribed index in the Act.

6. Front-end Financing

- 6.1 The Township may enter into front-end agreements with owners in accordance with the provisions of the Act.

7. Accountability

- 7.1 All monies paid pursuant to this By-law shall be maintained separately from all other revenues or receipts of the Township. The Treasurer of the Township shall establish separate reserve funds, pursuant to the categories of services designated in Section 2.1.
- 7.2 The Treasurer of the Township shall provide to the Council an annual financial statement related to this By-law and the development charge reserve funds established under Section 7.1 of this By-law. This annual statement shall be provided on a date directed by Council.
- 7.3 The Township shall pay interest on a refund under subsections 18(3), 18(5) and 25(2) or Section 36 of the Act at a rate equal to the Bank of Canada rate on the date this By-law comes into force, updated on the first business day of every January, April, July and October thereafter.

8. Schedules

- 8.1 The following schedules shall form part of this By-law:

Schedule A – Components of Services Designated in Section 2.1; and

Schedule B – Schedule of Development Charges.

9. Conflicts

- 9.1 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.
- 9.2 Notwithstanding Section 9.1, where a development which is the subject of an agreement to which Section 9.1 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.

10. Severability

10.1 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.

11. Date By-law In Force

11.1 This By-law shall come into effect at 12:01 AM on November 16, 2017.

12. Date By-law Expires

12.1 This By-law will expire at 12:01 AM on November 16, 2022 unless it is repealed by Council at an earlier date.

13. Existing By-law Repealed

13.1 By-laws No. 36-2015 and No. 66-2015 are hereby repealed upon the enforcement of this By-law.

PASSED THIS 15th day of November, 2017

Mayor

Township Clerk

Schedule "A"
To By-law 2017-138
Components of Services Designated in Section 2.1

100% Eligible Services

Transportation Services

Roads

Public Works Facilities

Public Works Vehicles and Equipment

Fire Protection Services

Fire Facilities

Fire Vehicles

Fire Small Equipment and Gear

90% Eligible Services

Parks and Recreation Services

Parkland Development

Parkland Amenities

Parkland Vehicles and Equipment

Recreation Facilities

Library Services

Library Facilities

Library Collection Materials

Waste Diversion

Waste Diversion Facilities

Waste Diversion Vehicles and Equipment

Administration Services

Growth-related Studies

Urban Area Services

Storm Drainage and Control Services

Wastewater Services

Water Services

Schedule "B"
To By-law 2017-138
Schedule of Development Charges

Service	RESIDENTIAL				NON-RESIDENTIAL		
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Wind Turbines	Solar Farm (per 500 kW)	ICI (per ft ² of Gross Floor Area)
Municipal Wide Services:							
Services Related to a Highway	2,293	1,470	945	1,600	2,293	2,293	1.56
Fire Protection Services	253	162	104	177	253	253	0.17
Parks and Recreation Services	1,947	1,248	802	1,358	-	-	0.38
Library Services	191	122	79	133	-	-	0.04
Administration	268	172	110	187	268	268	0.19
Waste Diversion	36	23	15	25	-	-	0.03
Total Municipal Wide Services	4,988	3,197	2,055	3,480	2,814	2,814	2.37
Urban Services							
Stormwater Drainage and Control Services	375	240	154	262	-	-	0.17
Wastewater Services	8,126	5,210	3,348	5,669	-	-	4.77
Water Services	5,058	3,243	2,084	3,529	-	-	2.97
Total Urban Services	13,559	8,693	5,586	9,460	-	-	7.91
GRAND TOTAL RURAL AREA	4,988	3,197	2,055	3,480	2,814	2,814	2.37
GRAND TOTAL URBAN AREA	18,547	11,890	7,641	12,940	2,814	2,814	10.28