

**THE CORPORATION OF THE TOWN OF SHELBURNE**

**BY-LAW NUMBER 31-2015**

**Being a By-law to establish development charges for the Town of Shelburne and to repeal By-law No. 11-2014**

**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 Council of The Town of Shelburne has given Notice in accordance with Section 12 of the Development Charges Act, 1997, of its intention to pass a by-law under Section 2 of the said Act;

**AND WHEREAS** the Council of the Town of Shelburne has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at public meetings held on May 11, 2015;

**AND WHEREAS** the Council of the Town of Shelburne had before it a report entitled 2015 Development Charges Background Study dated April 23, 2015 prepared by Hemson Consulting Ltd. wherein it is indicated that the development of any land within the Town of Shelburne will increase the need for services as defined herein;

**AND WHEREAS** the Council of the Town of Shelburne on May 25, 2015 approved the applicable Development Charges Background Study, dated April 23, 2015 in which certain recommendations were made relating to the establishment of a development charge policy for the Town of Shelburne pursuant to the Development Charges Act, 1997;

**AND WHEREAS** the Council of the Town of Shelburne on May 25, 2015 determined that no additional public meeting was required.

**THEREFORE, THE COUNCIL OF THE TOWN OF SHELBURNE ENACTS AS FOLLOWS:**

**1. DEFINITIONS**

In this by-law,

- (1) "Act" means the Development Charges Act, S.O. 1997, c. 27;
- (2) "Administration Service" means any and all 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) "Apartment Dwelling" means a building containing three or more dwelling units that share a common external access to the outside through a common vestibule and a common corridor system.
- (4) "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;
- (5) "Board of Education" means a board defined in s.s. 1(1) of the Education Act;

- (6) "Building Code Act" means the Building Code Act, R.S.O. 1990, c.B.-13, as amended;
- (7) "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.S.O. 1990, c.P.-44; and
  - (e) 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.
- (8) "Council" means the Council of The Town of Shelburne;
- (9) "Development" means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 6 of this by-law and including the redevelopment of land or the redevelopment, expansion, extension or alteration of a use, building or structure except interior alterations to an existing building or structure which do not change or intensify the use of land;
- (10) "Development charge" means a charge imposed pursuant to this By-law;
- (11) "Dwelling unit" means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- (12) "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;
- (13) "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- (14) "Gross floor area" means the total floor area measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls.
- (15) "Local board" means a public utility commission, public library board, local board of health, or any other board, commission, committee or 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 of the municipality or any part or parts thereof;
- (16) "Local services" means those services or facilities which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates, required as a condition of approval under s.51 of the Planning Act, or as a condition of approval under s.53 of the Planning Act;

- (17) "Multiple dwelling" means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment dwellings;
- (18) "Municipality" means The Corporation of The Town of Shelburne;
- (19) "Non-residential uses" means a building or structure used for other than a residential use;
- (20) "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;
- (21) "Planning Act" means the Planning Act, R.S.O. 1990, c.P.-13, as amended;
- (22) "Regulation" means any regulation made pursuant to the Act;
- (23) "Residential uses" means lands, buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, and the residential portion of a mixed-use building or structure;
- (24) "Semi-detached dwelling" means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;
- (25) "Services" means services set out in Schedule "A" to this By-law;
- (26) "Single detached dwelling" means a completely detached building containing only one dwelling unit.
- (27) "Townhouse dwelling" means a minimum of three (3) dwelling units which are attached above and below grade by either the entire length of the garage or by the entire length of the main common wall and all of which front on a public or private street.

## **2. CALCULATION OF DEVELOPMENT CHARGES**

- (1) Subject to the provisions of this By-law, development charges against land shall be imposed, calculated and collected in accordance with the base rates set out in Schedule "B", which relate to the services set out in Schedule "A".
- (2) The development charge with respect to the uses of any land, building or structure shall be calculated as follows:
  - (a) in the case of residential development or redevelopment or the residential portion of a mixed use development or redevelopment, as the sum of the product of the number of dwelling units of each type multiplied by the corresponding total amount for such dwelling unit type, as set out in Schedule "B".
  - (b) in the case of non-residential development or redevelopment, or the non-residential portion of a mixed use development or redevelopment, as the sum of the product of the gross floor area multiplied by the corresponding total amount for such gross floor area as set out in Schedule "B".
- (3) Council hereby determines that the development or redevelopment of land, buildings or structures for residential and non-residential uses will require the provision, enlargement or expansion of the services referenced in Schedule "A".

## **3. APPLICABLE LANDS**

- (1) Subject to Sections 4 and 5, this by-law applies to all lands in the municipality, whether or not the land or use is exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.-31.

- (2) This by-law shall not apply to land that is owned by and used for the purposes of:
- (a) a Board of Education;
  - (b) any municipality or local board thereof;
  - (c) hospitals under the Public Hospitals Act;
  - (d) places of worship exempt from taxation under the Assessment Act;
  - (e) farm buildings.

#### **4. RULES WITH RESPECT TO EXEMPTIONS FOR INTENSIFICATION OF EXISTING HOUSING**

- (1) Notwithstanding Section 3 above, no development charge shall be imposed with respect to developments or portions of developments as follows:
- (a) the enlargement of an existing residential dwelling unit;
  - (b) the creation of one or two additional residential dwelling units in an existing single detached dwelling where the total gross floor area of the additional unit(s) does not exceed the gross floor area of the existing dwelling unit;
  - (c) the creation of one additional dwelling unit in any other existing residential building provided the gross floor area of the additional unit does not exceed the smallest existing dwelling unit already in the building.
- (2) Notwithstanding subsection 4(1)(b), development charges shall be calculated and collected in accordance with Schedule "B" where the total residential gross floor area of the additional one or two dwelling units is greater than the total gross floor area of the existing single detached dwelling unit.
- (3) Notwithstanding subsection 4(1)(c), development charges shall be calculated and collected in accordance with Schedule "B" where the additional dwelling unit has a residential gross floor area greater than,
- (a) in the case of semi-detached house or multiple dwelling, the gross floor area of the existing dwelling unit, and
  - (b) in the case of any other residential building, the residential gross floor area of the smallest existing dwelling unit.

#### **5. RULES WITH RESPECT TO AN "INDUSTRIAL" EXPANSION EXEMPTION**

- (1) Notwithstanding Section 3, 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 percent or less, the amount of the development charge in respect of the enlargement is zero; or
  - (b) if the gross floor area is enlarged by more than 50 percent, development charges are payable on the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.
- (2) For the purpose of this section, the terms "gross floor area" and "existing industrial building" shall have the same meaning as those terms have in O.Reg. 82/98 made under the Act.
- (3) For greater certainty in applying the exemption under this section, the exemption provided by this section shall be applied up to a maximum of fifty percent of the total floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this By-Law or any previous development charges by-law of the Town made pursuant to the *Development Charges Act, 1997*.

## **6. DEVELOPMENT CHARGES IMPOSED**

- (1) Subject to subsection (2), development charges shall be calculated and collected in accordance with the provisions of this by-law and be imposed on land to be developed for residential and non-residential uses, where, the development requires,
  - (a) the passing of a zoning by-law or an amendment thereto under Section 34 of the *Planning Act*,
  - (b) the approval of a minor variance under Section 45 of the *Planning 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*, R.S.O. 1990, c.C.-26; or
  - (g) the issuing of a permit under the *Building Code Act*, in relation to a building or structure.
- (2) Subsection (1) shall not apply in respect to:
  - (a) local services installed or paid for by the owner within a plan of subdivision or within the area to which the plan relates, as a condition of approval under Section 51 of the *Planning Act*,
  - (b) local services installed or paid for by the owner as a condition of approval under Section 53 of the *Planning Act*.

## **7. LOCAL SERVICE INSTALLATION**

Nothing in this by-law prevents Council from requiring, as a condition of an agreement under Section 51 or 53 of the *Planning Act*, that the owner, at his or her own expense, shall install or pay for such local services, within the Plan of Subdivision or within the area to which the plan relates, as Council may require.

## **8. MULTIPLE CHARGES**

- (1) Where two or more of the actions described in subsection 6(1) are required before land to which a development charge applies can be developed, only one development charge shall be calculated and collected in accordance with the provisions of this by-law.
- (2) Notwithstanding subsection (1), if two or more of the actions described in subsection 6(1) occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as set out in Schedule "A", an additional development charge on the additional residential units and additional gross floor area shall be calculated and collected in accordance with the provisions of this by-law.

## **9. SERVICES IN LIEU**

- (1) Council may authorize an owner, through an agreement under Section 38 of the Act, to substitute such part of the development charge applicable to the owner's development as may be specified in the agreement, by the provision at the sole expense of the owner, of services in lieu. Such agreement shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against the development charge in accordance with the agreement provisions and the provisions of Section 39 of the Act, equal to the reasonable cost to the owner of providing the services in lieu. In no case

shall the agreement provide for a credit that exceeds the total development charge payable by an owner to the municipality in respect of the development to which the agreement relates.

- (2) In any agreement under subsection (1), Council may also give a further 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.
- (3) The credit provided for in subsection (2) shall not be charged to any development charge reserve fund.

#### **10. RULES WITH RESPECT TO RE-DEVELOPMENT**

In the case of the demolition or conversion of all or part of a residential or non-residential building or structure:

- (1) a credit shall be allowed, provided that the land was improved by occupied structures within the five years prior to the issuance of the building permit, and the building permit has been issued for the development or redevelopment within five years from the date the demolition or change of use permit has been issued; and
- (2) if a development or redevelopment involves the demolition and/or conversion of and replacement of a building or structure, a credit shall be allowed equivalent to the number of residential dwelling units and/or non-residential gross floor area demolished or converted multiplied by the applicable residential and non-residential development charge in place at the time the development charge is payable.
- (3) A credit can, in no case, exceed the amount of the development charge that would otherwise be payable, and no credit is available if the existing land use is exempt under this by-law.

#### **11. TIMING OF CALCULATION AND PAYMENT**

- (1) Development charges shall be calculated and payable in full in money or by provision of services as may be agreed upon, or by credit granted under the Act, on the date that the first building permit is issued in relation to a building or structure on land to which a development charge applies.
- (2) 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) Notwithstanding subsections (1) and (2) above, a Development Charge or a portion of the Charge may be payable at the time of completing a subdivision or condominium agreement in accordance with the terms of that Agreement.

#### **12. RESERVE FUNDS**

- (1) Monies received from payment of development charges under this by-law shall be maintained in separate reserve funds as follows:
  - a) Administration services;
  - b) Library services
  - b) Fire Protection services;
  - c) Police services;
  - c) Parks services;
  - d) Indoor Recreation services
  - e) Public Works services;
  - e) Parking services;

- g) Roads and Related services;
  - h) Water services;
  - i) Wastewater services;
  - j) School Road services; and
  - k) East Area services.
- (2) Monies received for the payment of development charges shall be used only in accordance with the provisions of Section 35 of the Act.
- (3) Council directs the Municipal Treasurer to divide the reserve funds created hereunder into separate subaccounts in accordance with the service sub-categories set out in Schedule "A" to which the development charge payments shall be credited in accordance with the amounts shown, plus interest earned thereon.
- (4) Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
- (5) Where any unpaid development charges are collected as taxes under subsection (4), the monies so collected shall be credited to the development charge reserve funds referred to in subsection (1).
- (6) The Treasurer of the Municipality shall, in each year commencing in 2015 for the 2014 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. BY-LAW AMENDMENT OR APPEAL**

- (1) Where this by-law or any development charge prescribed thereunder is amended or repealed either by order of the Ontario Municipal Board or by resolution of the Municipal Council, the Municipal Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
- (2) Refunds that are required to be paid under subsection (1) shall be paid with interest to be calculated as follows:
- (a) Interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
  - (b) The Bank of Canada interest rate in effect on the date of enactment of this by-law shall be used.
- (3) Refunds that are required to be paid under subsection (1) shall include the interest owed under this section.

### **14. BY-LAW INDEXING**

The development charges set out in Schedule "B", Schedule "C" and Schedule "D" to this by-law shall be adjusted annually as of the date the by-law comes into force, without amendment to this by-law, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, "Construction Price Statistics".

### **15. SEVERABILITY**

In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this bylaw shall remain in full force and effect.

### **16. 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.

**17. BY-LAW REGISTRATION**

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

**18. BY-LAW ADMINISTRATION**

This by-law shall be administered by the Municipal Treasurer.

**19. SCHEDULES TO THE BY-LAW**

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

Schedule "A" – Schedule of Designated Municipal Services

Schedule "B" – Schedule of Municipal-wide Development Charges

Schedule "C" – Schedule of Area-specific Development Charges

Schedule "D" – Lands Subject to School Road Area Specific Charges

Schedule "E" – Lands Subject to East Area Improvements Area-Specific Charges

**20. EXISTING BY-LAW REPEAL**

By-law No. 11-2014 as amended is repealed effective May 25, 2015.

**21. DATE BY-LAW EFFECTIVE**

This By-law shall come into force and effect on May 25, 2015.

**22. SHORT TITLE**

This by-law may be cited as the "Town of Shelburne Development Charge By-law"

Read a first time and second time this 25<sup>th</sup> day of May 2015.

Read a third time and finally passed this 25<sup>th</sup> day of May, 2015

The Corporation of The Town of Shelburne

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**Mayor**

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**CAO/Clerk**



**TOWN OF SHELBURNE**

**SCHEDULE "A"**

**BY-LAW NO. 31-2015**

**DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW**

1. Administration;
2. Library services
3. Fire Protection services;
4. Police services;
5. Parks services;
6. Indoor Recreation services
7. Public Works services;
8. Parking services;
9. Roads and Related services;
10. Water services
11. Wastewater services

**DESIGNATED MUNICIPAL SERVICES RESPECTING  
AREA-SPECIFIC CHARGES UNDER THIS BY-LAW**

1. Road and Related services

TOWN OF SHELBURNE

SCHEDULE "B.1"

BY-LAW NO. 31-2015

SCHEDULE OF RESIDENTIAL DEVELOPMENT CHARGES UNDER THIS BY-LAW

Service	Charge By Unit Type			
	Single & Semi-Detached	Other Multiples	Apartments 2+ Bedrooms 2+	Apartments< 1 Bedroom
Administration	\$336	\$264	\$191	\$130
Library Services	\$257	\$202	\$146	\$99
Fire Protection Services	\$274	\$215	\$156	\$106
Police Services	\$606	\$477	\$344	\$235
Parks	\$2,550	\$2,006	\$1,449	\$989
Indoor Recreation	\$2,431	\$1,912	\$1,381	\$943
Public Works	\$838	\$659	\$476	\$325
Parking Services	\$154	\$121	\$88	\$60
<b>Town-Wide General Services Charge Per Unit</b>	<b>\$7,446</b>	<b>\$5,856</b>	<b>\$4,231</b>	<b>\$2,887</b>
Roads And Related	\$2,512	\$1,976	\$1,427	\$974
<b>Town-Wide Engineered Services Charge Per Unit</b>	<b>\$2,512</b>	<b>\$1,976</b>	<b>\$1,427</b>	<b>\$974</b>
<b>TOTAL TOWN-WIDE RESIDENTIAL CHARGE BY UNIT TYPE</b>	<b>\$9,958</b>	<b>\$7,832</b>	<b>\$5,658</b>	<b>\$3,861</b>
Wastewater Services	\$3,393	\$2,669	\$1,927	\$1,316
Water Services	\$3,430	\$2,697	\$1,948	\$1,330
<b>TOTAL RESIDENTIAL CHARGE BY UNIT TYPE (Water and Wastewater)</b>	<b>\$6,823</b>	<b>\$5,366</b>	<b>\$3,875</b>	<b>\$2,646</b>
Town-Wide Charge	\$9,958	\$7,832	\$5,658	\$3,861
Water and Wastewater Services	\$6,823	\$5,366	\$3,875	\$2,646
<b>TOTAL RESIDENTIAL CHARGE BY UNIT TYPE (FULLY SERVICED)</b>	<b>\$16,781</b>	<b>\$13,198</b>	<b>\$9,533</b>	<b>\$6,507</b>

TOWN OF SHELBURNE

SCHEDULE "B.2"

BY-LAW NO. 31-2015

SCHEDULE OF NON-RESIDENTIAL DEVELOPMENT CHARGES UNDER THIS BY-LAW

Service	Non-Residential Charge (\$/sq.m)
Administration	\$1.73
Fire Protection Services	\$1.42
Police Services	\$3.11
Public Works	\$4.32
Parking Services	\$0.80
<b>General Services Charge Per sq.m</b>	<b>\$11.38</b>
Roads And Related	\$12.90
<b>Engineered Services Charge Per sq.m</b>	<b>\$12.90</b>
<b>TOTAL TOWN-WIDE NON-RESIDENTIAL CHARGE PER SQ. M.</b>	<b>\$24.28</b>

Wastewater Services	\$13.95
Water Services	\$13.40
<b>TOTAL NON-RESIDENTIAL CHARGE PER SQ.M. (Water and Wastewater)</b>	<b>\$27.35</b>

Town-Wide Charge	\$24.28
Water and Wastewater Services	\$27.35
<b>TOTAL NON-RESIDENTIAL CHARGE PER SQ.M. (FULLY SERVICED)</b>	<b>\$51.63</b>

**TOWN OF SHELBURNE**

**SCHEDULE "C"**

**BY-LAW NO. 31-2015**

**SCHEDULE OF AREA-SPECIFIC DEVELOPMENT CHARGES UNDER THIS BY-LAW**

**School Road**

Single & Semi-Detached Dwelling	\$4,282/unit
Rows & Other Multiples	\$3,368/unit
Apartment 2 Bedrooms & Larger	\$2,432/unit
Apartment 1 Bedroom or Less	\$1,661/unit

Non-Residential Charge \$27.13/square metre of GFA

**East Area Improvements**

Non-Residential Charge \$39.84/square metre of GFA

**TOWN OF SHELBURNE**

**SCHEDULE "D"**

**BY-LAW NO. 31-2015**

**LANDS SUBJECT TO SCHOOL ROAD AREA SPECIFIC CHARGES**



**TOWN OF SHELBURNE**

**SCHEDULE "E"**

**BY-LAW NO. 31-2015**

**LANDS SUBJECT TO EAST AREA IMPROVEMENTS AREA-SPECIFIC CHARGES**

