

## Report PDR-CC-34-16

**To:** Warden Barfoot and County Councillors  
**From:** Randy Scherzer, Director of Planning  
Kevin Wepler, Director of Finance  
**Meeting Date:** October 4, 2016  
**Subject:** **Development Charges Background Study and By-laws**  
**Status:** Recommendation adopted by Council as presented per Resolution  
CC128-16; Endorsed by Council November 1, 2016 per Resolution  
CC134-16;

### Recommendation(s)

**WHEREAS Council instructed Hemson Consulting Ltd. to prepare a draft Development Charges Background Study and draft Development Charges By-laws on the basis of the growth forecasts and growth related capital program presented to Council on June 23, 2016;**

**AND WHEREAS a Development Charges Background Study and Development Charges By-laws were prepared and made available on the County website and at the County Administration Building on August 3, 2016 in accordance with the Development Charges Act;**

**AND WHEREAS a Stakeholder Information Session and a Public Meeting were held on August 25 and September 6, 2016, respectively to receive comments on the Development Charges Background Study and Draft Development Charges By-law with notice being given in accordance with the Development Charges Act;**

**AND WHEREAS based on the comments received revisions to the capital program and the development charges by-laws have been recommended by the Development Charges Steering Committee;**

**NOW THEREFORE BE IT RESOLVED THAT Council receive Report PDR-CC-34-16 regarding the Development Charges Background Study and By-laws;**

**AND THAT Council endorse the growth-related capital program as set out in the Development Charges Background Study dated August 3, 2016 and as amended to reflect the changes to the capital program as supported by the Development Charges Steering Committee;**

**AND THAT Council express its intent that growth-related costs identified in the Development Charges Background Study as post-period benefit shall be paid for subsequently by development charges or other similar charges;**

**AND THAT Council state that it 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 Act;**

**AND THAT Council has determined that no further public meetings are required under Section 12(3) of the Development Charges Act, 1997;**

**AND THAT Council hereby adopts the Development Charges By-laws 4949-16 and 4950-16 as presented.**

## Background

The purpose of this report is to propose Council's adoption of the Development Charges By-laws as included in the agenda package.

Development charges are fees collected from developers to help pay for the cost of capital infrastructure required to provide services to new development. The principle of development charges is that 'growth pays for growth' so that existing residents do not have to absorb the costs of growth through property taxes. Development charges are generally collected upon building permit issuance and therefore County development charges are collected by local municipalities and forwarded to the County. The Development Charges Act allows municipalities to levy development charges. Development in Grey County is subject to development charges imposed by the County of Grey as well as some local municipalities who collect development charges, including Owen Sound, Meaford, The Blue Mountains, Grey Highlands, West Grey and Southgate.

The current development charge rates collected by the County are shown in Table 1 below. Development charges are currently only collected for residential development as well as wind turbines. Non-residential development charges (e.g. commercial and industrial development) are currently not collected by the County. Development charges are levied through a single County-wide development charge. Residential development charges are presently collected based on the size (gross floor area) of the residential unit.

*Table 1: Current Development Charge Rates*

<b>Type of Development</b>	<b>Residential A (&gt;225 sq. m.) (2422 sq. ft.)</b>	<b>Residential B (≤225 sq. m. (2422 sq. ft.) and &gt;110 sq. m. (1184 sq. ft.)</b>	<b>Residential C (≤110 sq. m. (1184 sq. ft.)</b>	<b>Wind Turbines (per turbine)</b>	<b>Non-Residential Development</b>
<b>Current Development Charge Rates Effective January 1, 2016</b>	\$5,296.24	\$4,413.54	\$3,530.84	\$5,275.14	No Charge

Municipalities are required to review the Development Charges Background Study every 5 years. The current Development Charges By-laws were adopted by Council on January 3<sup>rd</sup>, 2012 and therefore expires on January 3<sup>rd</sup>, 2017.

Grey County has retained Hemson Consulting Ltd. to prepare a development charges background study and by-laws in accordance with the Development Charges Act. The Development Charges Steering Committee and Staff worked with Hemson to prepare background information and conduct analysis in order to prepare growth forecasts and a growth related capital program. The growth forecasts were based on the Growth Management Study received by Council in December 2015. On June 23, 2016, Council instructed Hemson to prepare a Development Charges Background Study and draft Development Charges By-laws on the basis of the growth forecasts and growth-related capital program that was presented to Council.

On August 3, 2016 the Development Charges Background Study and draft by-laws were posted on the County website and were available for viewing at the County Administration Building. A Stakeholder Information Session was held on August 25, 2016 to obtain feedback from stakeholders. A Public Meeting was held on September 6, 2016 in order to obtain feedback from the public and was appropriately advertised on the County's website on August 3, 2016 and the Owen Sound Sun Times, the Hanover Post and Grey Bruce This Week on August 11, 2016. Several comments were received which have been attached to this Report. The comments received were discussed with the Development Charges Steering Committee on September 20<sup>th</sup>, 2016 which resulted in recommended changes to the Development Charges Background Study and the draft Development Charges By-laws. A consolidated report will be released following by-law

passage that reflects the final capital programs, revised maximum calculated DC rates and approved by-laws.

The following are highlights of changes to the development charges background study and the by-laws based on either comments received, recommendations from the Steering Committee or based on further review from Hemson and Staff:

- Formula correction – non-residential calculated charge
  - Hemson reviewed the non-residential calculated charge and identified a correction required to the formula. This has resulted in a decrease to the non-residential calculated rate from \$83.49 per square metre to \$34.87 which was discussed at the Public Meeting. The non-residential calculated rate has been further reduced based on changes to the capital program as outlined below.
- Adjustment to the roads capital program
  - Based on comments received and based on a further review by Staff, some adjustments have been made to the roads and related capital program. One adjustment was made to account for the existing condition of one of the sections of Grey Road 1 (Section 1-1). Another adjustment was to change the Category 1 and 2 maps to reflect the proposed upgrades to sections of Grey Road 17B. The other change was to remove the intersection upgrades for the Alvanley intersection (Category 4 project) as this project is now being completed by MTO. Staff and Hemson reviewed the benefit-to-existing costs attributed to the various projects with the Steering Committee and the recommendation was to keep the same benefit-to-existing costs.
  - The changes to the roads capital program has resulted in a decrease of 3 per cent to the residential and non-residential rates. The revised development charge rates are shown in Table 2 of this report.
- By-law policy changes
  - The current development charges by-law applies a charge to residential development based on the size (gross floor area) of the residential unit. Hemson is recommending that the County apply a residential charge based on unit type given that this is the industry standard and based on recent Board and Court decisions that would support this approach. The residential type categories recommended are identified in Table 3 of this report and are also reflected in Schedule B of the Development Charges By-laws. Comments were received recommending that the semi-detached unit type be combined with the row housing and other multiple residential type category. Hemson explored this option with the Development Charges Steering Committee and by moving semi-detached

to a different category it results in a slightly higher charge for single detached unit types, a higher charge for the suggested semi-detached, row housing and other multiples category, and only a slight decrease for the apartment category. As a result, the Development Charges Steering Committee suggested that the residential type categories remain the same which may help to encourage higher density housing and more affordable housing types.

- Based on preliminary comments received from Council as well as other comments received, the Development Charges Steering Committee is recommending that non-residential development be exempted from the payment of development charges save and except for wind turbines. As such, the proposed by-laws add non-residential development within the exemption section of the by-law and the non-residential charges schedule has been removed from the proposed by-laws. The definition for non-residential development has also been revised to add in a statement that non-residential does not include wind turbines.
- Redevelopment Clauses (Section 20) – comments were received from the Blue Mountains Resorts recommending that the County consider using the wording that was developed in the Town of The Blue Mountains Development Charges by-law with respect to the redevelopment clauses. This was reviewed with the Development Charges Steering Committee and the Committee recommended that the redevelopment clauses be revised using the wording from the Town’s by-laws. The new wording has been added to the proposed by-laws.
- Additional Dwelling Clauses (Section 17) – Staff recommended that the Additional Dwelling clauses in the by-laws be revised to clarify that additional units can be added either within or attached to an existing dwelling without a development charge. For single detached, up to 2 additional dwelling units can be added within or attached to an existing single detached unit without a development charge. For semi-detached, row housing, other multiples or apartments, one additional dwelling unit can be added within or attached to an existing unit without a development charge. This should help to encourage the creation of secondary dwelling units which will ultimately assist with providing more affordable housing in Grey County.
- Definition changes – several definitions were changed or added to clarify some of the terms in the by-laws including commercial resort units, apartments, other residential uses, dwelling units, farm building, and non-residential use. The following are some of the definitions that have been added/revised:

- ♣ *“apartment” means any dwelling unit within a building containing more than three dwelling units where the units are connected by an interior corridor*
- ♣ *“farm building” means a building or structure actually used as part of or in connection with a bona fide farming operation and includes barns, silos, and other buildings or structures ancillary to a bona fide farming operation, but excluding a residential use*

## Financial / Staffing / Legal / Information Technology

### Considerations

The proposed development charge rates have been calculated based on a County-wide rate. The majority of the capital costs relate to roads. The County road system acts as a network on which cars and trucks travel to access various destinations throughout the County and therefore area-rate specific charges were not recommended. The calculated development charges are shown in Table 2. As mentioned, the Development Charges Steering Committee recommended that non-residential development be exempted from paying development charges (save and except for wind turbines) and therefore the proposed by-laws do not include a non-residential rate schedule.

A schedule has been included for wind turbines. Although the calculated maximum eligible wind turbine charge is less than the current wind turbine charge, the methodology used to calculate the wind turbine charge can be defended and is based on recent Board/Court decisions regarding this matter. The wind turbine charge was discussed with the Steering Committee and it was noted that there are other ways to recover road-related costs associated with specific wind turbine projects including through road use agreements. The County has utilized road use agreements in the past to recover road-related costs that are directly attributable to specific wind turbine projects.

The post-benefit period has been extended for a number of road projects identified in the Development Charges Background Study as it is expected that some projects will continue to provide benefits to future growth beyond 2041. By extending the post-benefit period it reduces the proposed development charge rates, however these post-benefit costs will need to be paid for subsequently by future development charges or other similar charges.

The Steering Committee also recommended that the rate increases for the residential development charges be phased in over a two year period. The rate schedules in the by-laws have been updated to show the rate increases being phased in over a two year

period. Given that the rate structures in the current by-law are based on unit size versus unit type, the phased-in rate increases have been calculated using the Residential B category (average residential unit size) as a base and calculating the equivalent rate increases on a proportional basis. Table 3 shows the proposed development charge rates phased in over a two year period.

*Table 2 - Calculated Development Charges*

<b>Type of Development</b>	<b>Single and Semi-Detached Residential (per unit)</b>	<b>Row Housing and Other Multiple Residential (per unit)</b>	<b>Apartment (per unit)</b>	<b>Wind Turbines (per turbine)</b>	<b>Non-Residential Development (per sq.m.)</b>
<b>Calculated Development Charge Rates (Maximum Eligible Charge)</b>	\$6,571	\$4,575	\$3,884	\$2,345.72	\$33.93

*Table 3 – Proposed Rate Structure (Two Year Phase-in)*

<b>Type of Development</b>	<b>Single and Semi-Detached Residential (per unit)</b>	<b>Row Housing and Other Multiple Residential (per unit)</b>	<b>Apartment (per unit)</b>	<b>Wind Turbines (per turbine)</b>	<b>Non-Residential Development</b>
<b>Proposed Development Charge Rates (Jan. 1, 2017 to Dec. 31, 2017)</b>	\$5,425	\$3,778	\$3,207	\$2,345.72	No Charge (Exempted)
<b>Proposed Development Charge Rates (Jan. 1, 2018 to By-laws Expiration Date) *subject</b>	\$6,571	\$4,575	\$3,884	\$2,345.72	No Charge (Exempted)

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The adoption of the proposed Development Charges By-laws will enable the County to continue to collect development charges for residential development and wind turbines to help pay for the costs of growth and to mitigate against further increases to property taxes. By exempting non-residential development from the payment of development charges, other sources of revenue will be required to cover these costs, including property taxes.

## Link to Strategic Goals / Priorities

Action 6.5 of the County's Strategic Plan indicates that new or enhanced sources of revenue should be explored to help offset service and program costs. Development Charges help to offset growth related capital costs.

## Supporting Documentation

1. [Development Charges Background Study \(to be amended\)](#)
2. [Updated Maps for Roads Capital Program - Category 1 to 5](#)
3. [Comments Received - Development Charges](#)
4. [Grey County Growth Management Study](#)

## Attachments

By-law 4949-16 Establish Development Charges County-Wide Roads and Related Charges

By-law 4950-16 Establish Development Charges General Services

Respectfully submitted by,

Randy Scherzer, Director of Planning

Kevin Weppler, Director of Finance



**THE CORPORATION OF THE COUNTY OF GREY BY-  
LAW NO. 4949-16**

**A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES FOR THE COUNTY  
OF GREY (COUNTY-WIDE ROADS AND RELATED CHARGES)**

**WHEREAS** Subsection 2(1) of the *Development Charges Act, 1997* provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from the development of the area to which the by-law applies;

**AND WHEREAS** Council has received a report entitled “Development Charges Background Study, County of Grey”, dated August 3, 2016, prepared by Hemson Consulting Ltd. (the “Study”);

**AND WHEREAS** Council gave notice to the public and held a public meeting pursuant to Section 12 of the Act on September 6, 2016, prior to which the Study and the proposed County-wide development charges by-law were made available to the public and Council heard comments and representations from all persons who applied to be heard (the “Public Meeting”);

**AND WHEREAS** following the Public Meeting, Council afforded the public an additional period of time for the submission of further written representations;

**AND WHEREAS** Council has further considered the Study and the By-law in light of the further written representations received;

**AND WHEREAS** Council has provided notice of intent to enact the proposed County-wide development charges by-law;

**AND WHEREAS** Council has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development will be met as set out in the Capital Programs contained in Appendices B and C of the Study;

**AND WHEREAS** Council has expressed its intention that excess capacity identified in the Study shall be paid for by development charges or other similar charges;

**AND WHEREAS** the Council of the County of Grey has given consideration of the use of more than one development charge by-law to reflect different needs for services in different areas, also known as area rating or area specific DCs, and has determined that for the services, and associated infrastructure proposed to be funded by DCs under this by-law, that it is fair and reasonable that the charges be calculated on a municipal-wide uniform basis;

**AND WHEREAS** the Development Charges Background Study dated August 3, 2016 includes an Asset Management Plan that deals with all assets whose capital costs are intended to be funded under the development charge by-law and that such assets are considered to be financially sustainable over their full life-cycle.

**AND WHEREAS** Council will give consideration to incorporate the asset management plan outlined in the Development Charges Background Study within the County's ongoing practices and corporate asset management strategy.

**AND WHEREAS** Council hereby adopts the Study;

**AND WHEREAS** Council has determined that no further public meetings are required under Section 12 of the Act;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF GREY ENACTS AS FOLLOWS:**

Definitions

1. In this By-law,

“Act” and “*Development Charges Act, 1997*” means the *Development Charges Act, 1997*, S.O. 1997, c.27;

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

“air-supported structure” means an air supported structure as defined in the *Building Code Act*,

“apartment” means any dwelling unit within a building containing more than three dwelling units where the units are connected by an interior corridor;

“board” means a board of education, public school board, secondary school board, Catholic school board, Protestant school board, or a board as defined in Subsection 1(1) of the *Education Act*, R.S.O. 1990, c.E.2, as amended;

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

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

“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, 1984*, R.S.O. 1990, 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) as 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.

“commercial building” means any building that is used for a purpose of non-residential use and that is not an industrial building or an institutional building;

“commercial resort unit” means one room or a group of rooms in a building used or designed or intended to be used by one or more persons, as a single commercial accommodation unit within a commercial resort unit complex (i) in which food preparation and sanitary facilities are provided for the exclusive use of such person or persons; (ii) which has a private entrance from a common hallway or entrance either inside or outside the building; (iii) which is part of a rental or lease management program which consists of a minimum of ten such units in one building or group of buildings; (iv) which is not used or designated as a principal residence; and (v) which has been established to provide accommodation for gain or profit; but does not mean or include a hotel unit, a motel unit, an inn unit, a lodge unit, a dormitory unit, or a hostel unit. For the purposes of this by-law commercial resort units are residential use;

“commercial resort unit with separate designated lock off unit” means a commercial resort unit having a single adjacent room or suite with a shared door in the common wall between the main part of the unit and the adjacent room or suite, with a private entrance from the common hallway or entrance either inside or outside the building for each of the main part of the unit and the adjacent room or suite, with each of the main part of the unit and the adjacent room or suite designated as separate condominium units in accordance with a declaration and description, and where the gross floor area of the adjacent room or suite does not exceed 46.5 square metres. For the purposes of this by-law commercial resort units with separate designated lock off unit are residential use;

“Council” means the Council of the Corporation of the County of Grey;

“County” means the Corporation of the County of Grey;

“development” means any use or proposed use in respect of land that requires one or more of the actions referred to in Section 7 of this By-law, including the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment;

“development charge” means a charge imposed pursuant to this By-law;

“dwelling unit” means 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, or a commercial resort unit with or without separate designated lock off unit;

“farm building” means a building or structure actually used as part of or in connection with a bona fide farming operation and includes barns, silos, and other buildings or structures ancillary to a bona fide farming operation, but excluding a residential use;

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

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

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

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

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

“industrial building” means a building used for or in connection with,

- (a) manufacturing, producing, processing, storing or distributing something;
- (b) research or development in connection with manufacturing, producing or processing something;
- (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 something, and
  - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution.

"institutional building" means a building or structure or portions thereof used or designed or intended to be used for a purpose which is classified as a Group B pursuant to the *Building Code Act*;

"institutional church use" means land, buildings or structures used, designed, or intended to be used for a place of worship or for the purpose of a cemetery or burial ground and exempt from taxation under the *Assessment Act*, R.S.O. 1990, c.A.31, as amended;

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

"mezzanine" means a mezzanine as defined in the *Building Code Act*;

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

"non-residential use" means land, buildings or structures or portions thereof used, designed or intended to be used for a purpose other than for residential use and not including wind turbines;

“owner” means the owner of land or any person authorized by such owner to make one or more applications described in Section 7 of this By-law for the development of such land;

“other multiple residential buildings” mean residential buildings not including single detached dwellings, semi-detached dwellings, row dwellings or apartments;

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

“Public Works” includes, but is not limited to, lands, buildings, structures, equipment and vehicle fleet;

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

“residential use” means 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, row dwelling, a multiple dwelling, an apartment dwelling, the residential portion of a mixed-use building or structure and, for the purposes of this by-law:

- (a) commercial resort units; and
- (b) commercial resort units with separate designated lock off unit;

“Roads & Related Works” include, but are not limited to, land, bridges, culverts, structures, drainage ditches, highways, roadways, sidewalks, signal lights, storm sewers and street lights;

“semi-detached dwellings or row dwellings” mean residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings;

“services” means services designated in this By-law and listed in Schedule A to this By-law or in agreement under Section 44 of the Act, or both;

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

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

“wind turbine” means any wind energy conversion system with a name plate capacity greater than 300 kilowatts, that converts wind energy into electricity for sale to an electrical utility or other intermediary.

### Rules

2. For the purpose of complying with Section 6 of the Act:
  - (a) the area to which this By-law applies shall be the area described in Section 3 of this By-law;
  - (b) the rules developed under paragraph 9 of Subsection 5(1) of the Act for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be as set forth in Sections 4 through 16, inclusive, and Section 27 of this By-law;
  - (c) the exemptions, partial exemptions and credits provided for by such rules shall be the exemptions, partial exemptions and credits set forth in Sections 17 through 23, inclusive, of this By-law, the indexing of charges shall be in accordance with Section 14 of this By-law, and there shall be no phasing in of development charges as provided in Subsection 15 (1) of this By-law except as provided in Subsection 15 (3) and Subsection 15 (4); and
  - (d) the redevelopment of land shall be in accordance with the rules set forth in Section 20 of this By-law.

### Lands Affected

3. This By-law applies to all lands in the geographic area of the County, whether or not the land is exempt from taxation under the *Assessment Act*, R.S.O. 1990, c.A.31, as amended.



### Designation of Services

4. It is hereby declared by Council that all development within the area to which this By-law applies will increase the need for services.
5. The development charge applicable to a development as determined under this By-law shall apply without regard to the services required or used by an individual development.
6. Development charges shall be imposed for the following categories of services (but excluding ineligible services as set forth in Section 2 (4) of the Act) to pay for the increased capital costs required because of increased needs for services arising from development:
  - (a) Roads and Related Works;

### Approvals for Development

7. Development charges shall be imposed against all lands, buildings or structures within the area to which this By-law applies if the development of such lands, buildings or structures requires any of the following approvals:
  - (a) the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the *Planning Act* or successor legislation;
  - (b) the approval of a minor variance under Section 45 of the *Planning Act* or successor legislation;
  - (c) a conveyance of land to which a by-law passed under Subsection 50(7) of the *Planning Act* or successor legislation applies;
  - (d) the approval of a plan of subdivision under Section 51 of the *Planning Act* or successor legislation;
  - (e) a consent under Section 53 of the *Planning Act* or successor legislation;
  - (f) the approval of a description under the *Condominium Act* or successor legislation; or

- (g) the issuing of a permit under the *Building Code Act* or successor legislation in relation to a building or structure.
8. No more than one development charge for each service designated in Section 6 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in Section 7 are required before the lands, buildings or structures can be developed.
  9. Notwithstanding Section 8 and Section 13, if two or more of the actions described in Section 7 occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by that action.
  10. If a development does not require a building permit but does require one or more of the approvals described in Section 7, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such approval and shall be paid prior to the granting of the approval required under section 7.
  11. Nothing in this By-law prevents Council from requiring, as a condition of an agreement under Section 51 or Section 53 of the *Planning Act*, that the owner, at his or her own expense, install such local services related to a plan of subdivision or within the area to which the plan relates, as Council may require in accordance with the local service policies of the County in effect at the time, or that the owner pay for local connections to storm drainage facilities installed at the owner's expense, or administrative, processing , or inspection fees.

#### Basis for Calculation of Development Charges

13. (1) Subject to the provisions of this By-law, development charges in the County shall be imposed, calculated and collected in accordance with the base rates designated for the use of the development set out in Schedules B and C, which relate to the services set out in Schedule A.
- (2) The development charge with respect to the development of any land, buildings or structures shall be calculated as follows:
  - (a) in the case of residential use development, or the residential portion of a mixed-use development, the sum of the product of the number and type of dwelling units multiplied by the corresponding total amount for each dwelling unit, as set out in Schedule B;

- (b) in addition to the development charge determined under section 13 (2)(a), in the case of commercial resort development, or the commercial resort portion of a mixed-use development, based upon the gross floor area of the non-residential portion of the development, in which the development occurs multiplied by the corresponding amount as set out in this by-law as applicable;
  - (c) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the gross floor area of such development, and the type of development multiplied by the corresponding amount as set out in in this by-law as applicable; and,
  - (d) in the case of wind turbines, the sum of the number of wind turbines multiplied by the corresponding amount for each wind turbine as set out in Schedule C.
  - (e) in the case of a type of development not described above, based upon the number of units and/or gross floor area portions of such development and the type of development multiplied by the corresponding amount as set out in Schedules B or C as applicable.
- (3) Notwithstanding subsections 13(1) and (2) of this By-law, development charges shall not be imposed on industrial buildings.

#### Indexing of Development Charges

14. The development charges set out in Schedules B and C hereto shall be adjusted without amendment to this By-law annually on January 1<sup>st</sup> in each year, commencing on January 1<sup>st</sup>, 2018, in accordance with the Statistics Canada Quarterly, Construction Price Statistics (catalogue number 62-007) based on the preceding twelve month period ending September 30<sup>th</sup>.

#### Phasing, Timing of Calculation and Payment

15. (1) The residential development charges set out in this By-law are subject to phasing in as identified in Schedule "B" hereto and are payable in full, subject to the exemptions and credits herein, from the date this By-law comes into force.
- (2) The development charge shall be calculated as of and shall be payable on the date the first building permit is issued in relation to a building or

structure on land to which the development charge applies unless sections 10 and 11 apply in which case the development charge shall be calculated as of and shall be payable on the dates determined pursuant to those sections.

- (3) Notwithstanding subsection 15(1), development charges imposed on wind turbine development pursuant to this By-law are not being phased-in and are set out in Schedule C of this By-law. The development charge shall be that charge in force at the time that all the requirements for a building permit have been satisfied and the building permit is ready to be issued.

#### Payment by Money or the Provision of Services

16. (1) Payment of development charges shall be by cash or by cheque.
- (2) In the alternative to payment by the means provided in Subsection (1), the County may, by an agreement entered into with the owner under Section 38 of the Act, accept the provision of services in full or partial satisfaction of the development charge otherwise payable provided that:
  - (a) if the County and the owner cannot agree as to the reasonable cost of the work performed, the reasonable cost of the work shall be determined by the County's Treasurer; and
  - (b) if the credit exceeds the amount of the development charge for the service to which the work relates,
    - (i) the excess amount shall not be credited against the development charge for any other service, unless the County has so agreed in an agreement under Section 38 of the Act; and
    - (ii) in no event shall the County be required to make a cash payment to the credit holder.
- (3) Nothing in this By-law prevents Council from requiring, as a condition of any approval given under the *Planning Act* that the owner, at the owner's expense, install such local services as Council may require in accordance with the local service policies of the County in effect at the time.

#### Rules for Exemption Relating to the Creation of Additional Dwelling Units

17. This By-law does not apply with respect to approvals related to the residential development of land, buildings or structures that would have the affect only,
- (1) of permitting the enlargement of an existing dwelling unit;
  - (2) of creating a maximum of two additional dwelling units in or attached to an existing single detached dwelling where the total gross floor area of the additional dwelling unit or units is less than or equal to the gross floor area of the existing dwelling unit;
  - (3) of creating a maximum of one additional dwelling unit in or attached to an existing semi-detached dwelling or row dwelling where the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the existing dwelling unit; or
  - (4) of creating a maximum of one additional dwelling unit in or attached to any existing other residential building where the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the smallest existing dwelling unit.

#### Categories of Exempt Uses

18. The following categories of uses are hereby designated as being exempt from the payment of development charges:
- (1) land, buildings or structures owned by and used for the purposes of a municipality and exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1990, c.A.31, as amended;
  - (2) lands, buildings or structures owned by and used for the purposes of a board and exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1990, c.A.31;
  - (3) buildings or structures used as public hospitals governed by the *Public Hospitals Act*, R.S.O. 1990, c.P.40, as amended;
  - (4) land, buildings or structures used for institutional church use and exempt from taxation under the *Assessment Act*, R.S.O. 1990, c.A.31, as amended;
  - (5) farm buildings;

- (6) buildings or structures used for and devoted solely to accommodation of temporary or seasonal agricultural labourers which may contain their own culinary facilities and sanitary facilities;
- (7) industrial buildings; and
- (8) non-residential uses.

#### Temporary Buildings or Structures

- 19. (1) Subject to Subsections (2) and (3), temporary buildings or structure shall be exempt from the payment of development charges.
- (2) In the event that a temporary building or structure becomes protracted, it shall be deemed not to be nor ever to have been a temporary building or structure, and the development charges required to be paid under this By-law shall become payable on the date the temporary building or structure becomes protracted.
- (3) Prior to the issuance of a building permit for a temporary building or structure, the County may require an owner to enter into an agreement, including the provision of security for the owner's obligation under the agreement, pursuant to Section 27 of the Act providing for all or part of the development charge that would be required by Subsection (2) if the temporary building or structure became protracted, to be paid. The terms of such agreement shall then prevail over the provisions of this By-law.

#### Rules for the Redevelopment of Land

- 20. (1) Despite any other provision of this By-law, where as a result of the redevelopment of land, a building or structure existing on the same land has been demolished in order to facilitate redevelopment, or converted from one principal use to another principal use on the same land, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
  - (a) In the case of a residential building or structure, an amount equivalent to the applicable development charge for the unit type of the existing dwelling that has been or will be demolished or converted to another principal use; or
  - (b) In the case of a non-residential building or structure, an amount

calculated by multiplying the applicable development charge by the Gross Floor Area that has been or will be demolished or converted to another principal use; or

- (c) In the case of a mixed-use building or structure, by an amount calculated by the unit type for the existing residential use portion and by gross floor area for the non-residential use portion, of the unit that has been or will be demolished or converted to another principal use.
- (2) The amount of any reduction or credit permitted shall not exceed, in total, the amount of the development charges otherwise payable with respect to the re-development.
- (3) Any reduction or credit applicable hereunder shall only apply provided that a building permit for the re-development has been issued within five years of the date of the issuance of a permit for the demolition of any building or structure on the same lands.
- (4) For greater certainty, and without limiting the generality of the foregoing, no credit shall be allowed where the demolished building or structure or part thereof prior to the demolition or conversion would have been exempt from the payment of development charges pursuant to this By-law (ie temporary structures).

#### Rules with Respect to Existing Agreements

21. If there is a conflict between this By-law and an agreement made between the County and the owner or former owner of land before the coming into force of this By-law and the owner or former owner of the land agreed to pay all or a portion of a charge related to development under the agreement with respect to the land or provided services in lieu of payment, then the provisions of the agreement prevail over the By-law to the extent of the conflict. The extent of the conflict shall be determined on a service by service basis. Notwithstanding the allocation of total development charges within an existing agreement, the development charges may be reallocated by the County to services set out in this By-law.

#### Reserve Funds

22. (1) Monies received from payment of development charges under this By-law shall be maintained in separate reserve funds as per the service set out in Schedule A.
- (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) 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.
- (4) Where any unpaid development charges are collected as taxes under subsection (3), the monies so collected shall be credited to the development charge reserve funds referred to in subsection (1).
- (5) The Treasurer of the County shall, in each year commencing in 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.
- (6) Notwithstanding anything herein to the contrary, the County may borrow money from a reserve fund and repay the amount used plus interest at a rate not less than the Bank of Canada rate updated on the first business day of every January, April, July, and October.

#### Interest

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

#### Front Ending Agreements

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

#### Schedules

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

Schedule A	Designated Services
Schedules B-1 and B-2	Residential Development Charges



Schedule C

Wind Turbine Development Charges

By-law Registration

26. A certified copy of this By-law may be registered in the by-law register in the Land Registry Office against all land in the County and may be registered against title to any land to which this By-law applies.

Date By-law Effective

27. This By-law comes into force on January 1, 2017.

Date By-law Expires

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

Headings for Reference Only

29. 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.

Severability

30. If, for any reason, any provision, Section, Subsection or paragraph of this By-law is held invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part or dealt with in any other way.

ENACTED AND PASSED this 4th day of October, 2016.

\_\_\_\_\_  
WARDEN: Alan Barfoot

\_\_\_\_\_  
CLERK: Sharon Vokes

**THE CORPORATION OF THE COUNTY OF GREY**

**BY-LAW NO. 4949-16**

**Schedule A**

**Designated Services**

1. Roads & Related Works

The designated services listed above exclude in each case ineligible services as set forth in section 2(4) of the *Development Charges Act*, 1997.

THE CORPORATION OF THE COUNTY OF GREY

BY-LAW NO. 4949-16

Schedule B-1

Residential Development Charges

Effective date of By-law passage – December 31, 2017

Service	Residential Charge By Unit Type (1)			Percentage of Charge
	Singles & Semis	Rows & Other Multiples	Apartments	
Roads & Related Works	\$4,954	\$3,449	\$2,928	100.0%
<b>TOTAL CHARGE PER UNIT</b>	<b>\$4,954</b>	<b>\$3,449</b>	<b>\$2,928</b>	<b>100.0%</b>
(1) Based on Persons Per Unit Of:	2.60	1.81	1.54	

THE CORPORATION OF THE COUNTY OF GREY

BY-LAW NO. 4949-16

Schedule B-2

Residential Development Charges

Effective January 1, 2018 – date of By-law expiry

Service	Residential Charge By Unit Type (1)			Percentage of Charge
	Singles & Semis	Rows & Other Multiples	Apartments	
Roads & Related Works	\$6,100	\$4,246	\$3,605	100.0%
<b>TOTAL CHARGE PER UNIT</b>	<b>\$6,100</b>	<b>\$4,246</b>	<b>\$3,605</b>	<b>100.0%</b>
(1) Based on Persons Per Unit Of:	2.60	1.81	1.54	

**THE CORPORATION OF THE COUNTY OF GREY**

**BY-LAW NO. 4949-16**

**Schedule C**

**Wind Turbine Development Charges**

**Effective date of By-law passage**

<b>Service</b>	<b>Wind Turbine Charge per Turbine</b>
Roads & Related Works	\$2,345.72
<b>TOTAL CHARGE PER TURBINE</b>	<b>\$2,345.72</b>

**THE CORPORATION OF THE COUNTY OF GREY BY-LAW NO. 4950-16**

**A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES FOR THE COUNTY OF GREY (COUNTY-WIDE GENERAL SERVICES CHARGES)**

**WHEREAS** Subsection 2(1) of the *Development Charges Act, 1997* provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from the development of the area to which the by-law applies;

**AND WHEREAS** Council has received a report entitled “Development Charges Background Study, County of Grey”, dated August 3, 2016, prepared by Hemson Consulting Ltd. (the “Study”);

**AND WHEREAS** Council gave notice to the public and held a public meeting pursuant to Section 12 of the Act on September 6, 2016, prior to which the Study and the proposed County-wide development charges by-law were made available to the public and Council heard comments and representations from all persons who applied to be heard (the “Public Meeting”);

**AND WHEREAS** following the Public Meeting, Council afforded the public an additional period of time for the submission of further written representations;

**AND WHEREAS** Council has further considered the Study and the By-law in light of the further written representations received;

**AND WHEREAS** Council has provided notice of intent to enact the proposed County-wide development charges by-law;

**AND WHEREAS** Council has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development will be met as set out in the Capital Programs contained in Appendices B and C of the Study;

**AND WHEREAS** Council has expressed its intention that excess capacity identified in the Study shall be paid for by development charges or other similar charges;

**AND WHEREAS** the Council of the County of Grey has given consideration of the use of more than one development charge by-law to reflect different needs for services in different areas, also known as area rating or area specific DCs, and has determined that for the services, and associated infrastructure proposed to be funded by DCs

under this by-law, that it is fair and reasonable that the charges be calculated on a municipal-wide uniform basis;

**AND WHEREAS** the Development Charges Background Study dated August 3, 2016 includes an Asset Management Plan that deals with all assets whose capital costs are intended to be funded under the development charge by-law and that such assets are considered to be financially sustainable over their full life-cycle.

**AND WHEREAS** Council will give consideration to incorporate the asset management plan outlined in the Development Charges Background Study within the County's ongoing practices and corporate asset management strategy.

**AND WHEREAS** Council hereby adopts the Study;

**AND WHEREAS** Council has determined that no further public meetings are required under Section 12 of the Act;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF GREY ENACTS AS FOLLOWS:**

Definitions

1. In this By-law,

“Act” and “*Development Charges Act, 1997*” means the *Development Charges Act, 1997*, S.O. 1997, c.27;

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

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

“apartment” means any dwelling unit within a building containing more than three dwelling units where the units are connected by an interior corridor;

“board” means a board of education, public school board, secondary school board, Catholic school board, Protestant school board, or a board as defined in Subsection 1(1) of the *Education Act*, R.S.O. 1990, c.E.2, as amended;

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

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

“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, 1984*, R.S.O. 1990, 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) as 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.

“commercial building” means any building that is used for a purpose of non-residential use and that is not an industrial building or an institutional building;



“commercial resort unit” means one room or a group of rooms in a building used or designed or intended to be used by one or more persons, as a single commercial accommodation unit within a commercial resort unit complex (i) in which food preparation and sanitary facilities are provided for the exclusive use of such person or persons; (ii) which has a private entrance from a common hallway or entrance either inside or outside the building; (iii) which is part of a rental or lease management program which consists of a minimum of ten such units in one building or group of buildings; (iv) which is not used or designated as a principal residence; and (v) which has been established to provide accommodation for gain or profit; but does not mean or include a hotel unit, a motel unit, an inn unit, a lodge unit, a dormitory unit, or a hostel unit. For the purposes of this by-law commercial resort units are residential use;

“commercial resort unit with separate designated lock off unit” means a commercial resort unit having a single adjacent room or suite with a shared door in the common wall between the main part of the unit and the adjacent room or suite, with a private entrance from the common hallway or entrance either inside or outside the building for each of the main part of the unit and the adjacent room or suite, with each of the main part of the unit and the adjacent room or suite designated as separate condominium units in accordance with a declaration and description, and where the gross floor area of the adjacent room or suite does not exceed 46.5 square metres. For the purposes of this by-law commercial resort units with separate designated lock off unit are residential use;

“Council” means the Council of the Corporation of the County of Grey;

“County” means the Corporation of the County of Grey;

“development” means any use or proposed use in respect of land that requires one or more of the actions referred to in Section 7 of this By-law, including the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment;

“development charge” means a charge imposed pursuant to this By-law;

“dwelling unit” means 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, or a commercial resort unit with or without separate designated lock off unit;

“farm building” means a building or structure actually used as part of or in connection with a bona fide farming operation and includes barns, silos, and other buildings or structures ancillary to a bona fide farming operation, but excluding a residential use;

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

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

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

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

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

“industrial building” means a building used for or in connection with,

- (a) manufacturing, producing, processing, storing or distributing something;
- (b) research or development in connection with manufacturing, producing or processing something;
- (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 something, and
  - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution.

"institutional building" means a building or structure or portions thereof used or designed or intended to be used for a purpose which is classified as a Group B pursuant to the *Building Code Act*;

"institutional church use" means land, buildings or structures used, designed, or intended to be used for a place of worship or for the purpose of a cemetery or burial ground and exempt from taxation under the *Assessment Act*, R.S.O. 1990, c.A.31, as amended;

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

"mezzanine" means a mezzanine as defined in the *Building Code Act*;

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

"non-residential use" means land, buildings or structures or portions thereof used, designed or intended to be used for a purpose other than for residential use and not including wind turbines;

“owner” means the owner of land or any person authorized by such owner to make one or more applications described in Section 7 of this By-law for the development of such land;

“other multiple residential buildings” mean residential buildings not including single detached dwellings, semi-detached dwellings, row dwellings or apartments;

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

“Public Works” includes, but is not limited to, lands, buildings, structures, equipment and vehicle fleet;

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

“residential use” means 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, row dwelling, a multiple dwelling, an apartment dwelling, the residential portion of a mixed-use building or structure and, for the purposes of this by-law:

- (a) commercial resort units; and
- (b) commercial resort units with separate designated lock off unit;

“Roads & Related Works” include, but are not limited to, land, bridges, culverts, structures, drainage ditches, highways, roadways, sidewalks, signal lights, storm sewers and street lights;

“semi-detached dwellings or row dwellings” mean residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings;

“services” means services designated in this By-law and listed in Schedule A to this By-law or in agreement under Section 44 of the Act, or both;

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

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

“wind turbine” means any wind energy conversion system with a name plate capacity greater than 300 kilowatts, that converts wind energy into electricity for sale to an electrical utility or other intermediary.

### Rules

2. For the purpose of complying with Section 6 of the Act:
  - (a) the area to which this By-law applies shall be the area described in Section 3 of this By-law;
  - (b) the rules developed under paragraph 9 of Subsection 5(1) of the Act for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be as set forth in Sections 4 through 16, inclusive, and Section 27 of this By-law;
  - (c) the exemptions, partial exemptions and credits provided for by such rules shall be the exemptions, partial exemptions and credits set forth in Sections 17 through 23, inclusive, of this By-law, the indexing of charges shall be in accordance with Section 14 of this By-law, and there shall be no phasing in of development charges as provided in Subsection 15 (1) of this By-law except as provided in Subsection 15 (3) and Subsection 15 (4); and
  - (d) the redevelopment of land shall be in accordance with the rules set forth in Section 20 of this By-law.

### Lands Affected

3. This By-law applies to all lands in the geographic area of the County, whether or not the land is exempt from taxation under the *Assessment Act*, R.S.O. 1990, c.A.31, as amended.

### Designation of Services

4. It is hereby declared by Council that all development within the area to which this By-law applies will increase the need for services.
5. The development charge applicable to a development as determined under this By-law shall apply without regard to the services required or used by an individual development.
6. Development charges shall be imposed for the following categories of services (but excluding ineligible services as set forth in Section 2 (4) of the Act) to pay for the increased capital costs required because of increased needs for services arising from development:
  - (a) Land Ambulance;
  - (b) Public Works – Buildings & Vehicle Fleet;
  - (c) Provincial Offences;
  - (d) Employment Resources;
  - (e) General Government;
  - (f) Trails;

### Approvals for Development

7. Development charges shall be imposed against all lands, buildings or structures within the area to which this By-law applies if the development of such lands, buildings or structures requires any of the following approvals:
  - (a) the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the *Planning Act* or successor legislation;
  - (b) the approval of a minor variance under Section 45 of the *Planning Act* or successor legislation;
  - (c) a conveyance of land to which a by-law passed under Subsection 50(7) of the *Planning Act* or successor legislation applies;

- (d) the approval of a plan of subdivision under Section 51 of the *Planning Act* or successor legislation;
  - (e) a consent under Section 53 of the *Planning Act* or successor legislation;
  - (f) the approval of a description under the *Condominium Act* or successor legislation; or
  - (g) the issuing of a permit under the *Building Code Act* or successor legislation in relation to a building or structure.
8. No more than one development charge for each service designated in Section 6 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in Section 7 are required before the lands, buildings or structures can be developed.
9. Notwithstanding Section 8 and Section 13, if two or more of the actions described in Section 7 occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by that action.
10. If a development does not require a building permit but does require one or more of the approvals described in Section 7, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such approval and shall be paid prior to the granting of the approval required under section 7.
11. Nothing in this By-law prevents Council from requiring, as a condition of an agreement under Section 51 or Section 53 of the *Planning Act*, that the owner, at his or her own expense, install such local services related to a plan of subdivision or within the area to which the plan relates, as Council may require in accordance with the local service policies of the County in effect at the time, or that the owner pay for local connections to storm drainage facilities installed at the owner's expense, or administrative, processing , or inspection fees.

#### Basis for Calculation of Development Charges

13. (1) Subject to the provisions of this By-law, development charges in the County shall be imposed, calculated and collected in accordance with the

base rates designated for the use of the development set out in Schedule B, which relate to the services set out in Schedule A.

- (2) The development charge with respect to the development of any land, buildings or structures shall be calculated as follows:
  - (a) in the case of residential use development, or the residential portion of a mixed-use development, the sum of the product of the number and type of dwelling units multiplied by the corresponding total amount for each dwelling unit, as set out in Schedule B;
  - (b) in addition to the development charge determined under section 13 (2)(a), in the case of commercial resort development, or the commercial resort portion of a mixed-use development, based upon the gross floor area of the non-residential portion of the development, in which the development occurs multiplied by the corresponding amount as set out in this by-law as applicable;
  - (c) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the gross floor area of such development, and the type of development multiplied by the corresponding amount as set out in in this by-law as applicable; and,
  - (d) in the case of a type of development not described above, based upon the number of units and/or gross floor area portions of such development and the type of development multiplied by the corresponding amount as set out in Schedule B as applicable.
- (3) Notwithstanding subsections 13(1) and (2) of this By-law, development charges shall not be imposed on industrial buildings.

#### Indexing of Development Charges

14. The development charges set out in Schedule B as applicable hereto shall be adjusted without amendment to this By-law annually on January 1st in each year, commencing on January 1st, 2018, in accordance with the Statistics Canada Quarterly, Construction Price Statistics (catalogue number 62-007) based on the preceding twelve month period ending September 30th.

#### Phasing, Timing of Calculation and Payment

15. (1) The residential development charges imposed on residential development pursuant to this By-law are not being phased-in and are set



out in Schedule B of this By-law. The development charge shall be that charge in force at the time that all the requirements for a building permit have been satisfied and the building permit is ready to be issued.

(2) The development charge shall be calculated as of and shall be payable on the date the first building permit is issued in relation to a building or structure on land to which the development charge applies unless sections 10 and 11 apply in which case the development charge shall be calculated as of and shall be payable on the dates determined pursuant to those sections.

#### Payment by Money or the Provision of Services

16. (1) Payment of development charges shall be by cash or by cheque.
- (2) In the alternative to payment by the means provided in Subsection (1), the County may, by an agreement entered into with the owner under Section 38 of the Act, accept the provision of services in full or partial satisfaction of the development charge otherwise payable provided that:
- (a) if the County and the owner cannot agree as to the reasonable cost of the work performed, the reasonable cost of the work shall be determined by the County's Treasurer; and
  - (b) if the credit exceeds the amount of the development charge for the service to which the work relates,
    - (i) the excess amount shall not be credited against the development charge for any other service, unless the County has so agreed in an agreement under Section 38 of the Act; and
    - (ii) in no event shall the County be required to make a cash payment to the credit holder.
- (3) Nothing in this By-law prevents Council from requiring, as a condition of any approval given under the *Planning Act* that the owner, at the owner's expense, install such local services as Council may require in accordance with the local service policies of the County in effect at the time.

#### Rules for Exemption Relating to the Creation of Additional Dwelling Units

17. This By-law does not apply with respect to approvals related to the residential development of land, buildings or structures that would have the affect only,
- (1) of permitting the enlargement of an existing dwelling unit;
  - (2) of creating a maximum of two additional dwelling units in or attached to an existing single detached dwelling where the total gross floor area of the additional dwelling unit or units is less than or equal to the gross floor area of the existing dwelling unit;
  - (3) of creating a maximum of one additional dwelling unit in or attached to an existing semi-detached dwelling or row dwelling where the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the existing dwelling unit; or
  - (4) of creating a maximum of one additional dwelling unit in or attached to any existing other residential building where the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the smallest existing dwelling unit.

#### Categories of Exempt Uses

18. The following categories of uses are hereby designated as being exempt from the payment of development charges:
- (1) land, buildings or structures owned by and used for the purposes of a municipality and exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1990, c.A.31, as amended;
  - (2) lands, buildings or structures owned by and used for the purposes of a board and exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1990, c.A.31;
  - (3) buildings or structures used as public hospitals governed by the *Public Hospitals Act*, R.S.O. 1990, c.P.40, as amended;
  - (4) land, buildings or structures used for institutional church use and exempt from taxation under the *Assessment Act*, R.S.O. 1990, c.A.31, as amended;
  - (5) farm buildings;

- (6) buildings or structures used for and devoted solely to accommodation of temporary or seasonal agricultural labourers which may contain their own culinary facilities and sanitary facilities;
- (7) industrial buildings; and
- (8) non-residential uses.

#### Temporary Buildings or Structures

19. (1) Subject to Subsections (2) and (3), temporary buildings or structure shall be exempt from the payment of development charges.
- (2) In the event that a temporary building or structure becomes protracted, it shall be deemed not to be nor ever to have been a temporary building or structure, and the development charges required to be paid under this By-law shall become payable on the date the temporary building or structure becomes protracted.
- (3) Prior to the issuance of a building permit for a temporary building or structure, the County may require an owner to enter into an agreement, including the provision of security for the owner's obligation under the agreement, pursuant to Section 27 of the Act providing for all or part of the development charge that would be required by Subsection (2) if the temporary building or structure became protracted, to be paid. The terms of such agreement shall then prevail over the provisions of this By-law.

#### Rules for the Redevelopment of Land

20. (1) Despite any other provision of this By-law, where as a result of the redevelopment of land, a building or structure existing on the same land has been demolished in order to facilitate redevelopment, or converted from one principal use to another principal use on the same land, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
- (d) In the case of a residential building or structure, an amount equivalent to the applicable development charge for the unit type of the existing dwelling that has been or will be demolished or converted to another principal use; or
  - (e) In the case of a non-residential building or structure, an amount

calculated by multiplying the applicable development charge by the Gross Floor Area that has been or will be demolished or converted to another principal use; or

- (f) In the case of a mixed-use building or structure, by an amount calculated by the unit type for the existing residential use portion and by gross floor area for the non-residential use portion, of the unit that has been or will be demolished or converted to another principal use.
- (2) The amount of any reduction or credit permitted shall not exceed, in total, the amount of the development charges otherwise payable with respect to the re-development.
- (3) Any reduction or credit applicable hereunder shall only apply provided that a building permit for the re-development has been issued within five years of the date of the issuance of a permit for the demolition of any building or structure on the same lands.
- (4) For greater certainty, and without limiting the generality of the foregoing, no credit shall be allowed where the demolished building or structure or part thereof prior to the demolition or conversion would have been exempt from the payment of development charges pursuant to this By-law (ie temporary structures).

#### Rules with Respect to Existing Agreements

21. If there is a conflict between this By-law and an agreement made between the County and the owner or former owner of land before the coming into force of this By-law and the owner or former owner of the land agreed to pay all or a portion of a charge related to development under the agreement with respect to the land or provided services in lieu of payment, then the provisions of the agreement prevail over the By-law to the extent of the conflict. The extent of the conflict shall be determined on a service by service basis. Notwithstanding the allocation of total development charges within an existing agreement, the development charges may be reallocated by the County to services set out in this By-law.

#### Reserve Funds

22. (1) Monies received from payment of development charges under this By-law shall be maintained in separate reserve funds as per the service set out in Schedule A.
- (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) 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.
- (4) Where any unpaid development charges are collected as taxes under subsection (3), the monies so collected shall be credited to the development charge reserve funds referred to in subsection (1).
- (5) The Treasurer of the County shall, in each year commencing in 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.
- (6) Notwithstanding anything herein to the contrary, the County may borrow money from a reserve fund and repay the amount used plus interest at a rate not less than the Bank of Canada rate updated on the first business day of every January, April, July, and October.

Interest

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

Front Ending Agreements

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

Schedules

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

Schedule A	Designated Services
Schedule B	Residential Development Charges

By-law Registration

26. A certified copy of this By-law may be registered in the by-law register in the Land Registry Office against all land in the County and may be registered against title to any land to which this By-law applies.

Date By-law Effective

27. This By-law comes into force on January 1, 2017.

Date By-law Expires

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

Headings for Reference Only

29. 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.

Severability

30. If, for any reason, any provision, Section, Subsection or paragraph of this By-law is held invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part or dealt with in any other way.

ENACTED AND PASSED this 4th day of October, 2016.

\_\_\_\_\_  
WARDEN: Alan Barfoot

\_\_\_\_\_  
CLERK: Sharon Vokes

**THE CORPORATION OF THE COUNTY OF GREY**

**BY-LAW NO. 4950-16**

**Schedule A**

**Designated Services**

1. Land Ambulance
2. Public Works – Buildings & Vehicle Fleet
3. Provincial Offences
4. Employment Resources
5. General Government
6. Trails
7. Health Unit

The designated services listed above exclude in each case ineligible services as set forth in section 2(4) of the *Development Charges Act*, 1997.

**THE CORPORATION OF THE COUNTY OF GREY**

**BY-LAW NO. 4950-16**

**Schedule B**

**Residential Development Charges**

**Effective date of By-law passage**

Service	Residential Charge By Unit Type (1)			Percentage of Charge
	Singles & Semis	Rows & Other Multiples	Apartments	
Land Ambulance	\$142	\$99	\$84	30.2%
Public Works - Buildings & Vehicle Fleet	\$0	\$0	\$0	0.0%
Provincial Offences	\$20	\$14	\$12	4.3%
Employment Resources	\$0	\$0	\$0	0.0%
General Government	\$162	\$113	\$96	34.3%
Trails	\$8	\$6	\$5	1.7%
Health Unit	\$139	\$97	\$82	29.5%
<b>TOTAL CHARGE PER UNIT</b>	<b>\$471</b>	<b>\$329</b>	<b>\$279</b>	<b>100.0%</b>
(1) Based on Persons Per Unit Of:	2.60	1.81	1.54	