

The Corporation of the Municipality of Bluewater

By-law Number 92-2017

A by-law to establish development charges for the Corporation of the Municipality of Bluewater

WHEREAS the Municipality of Bluewater will experience growth through development and re-development;

AND WHEREAS development and re-development requires the provision of physical and social services by the Municipality of Bluewater;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth-related demands for or burden on municipal services does not place an excessive financial burden on the Municipality of Bluewater or its existing taxpayers while at the same time ensuring new taxpayers contribute no more than the net capital cost attributable to providing the current level of municipal services;

AND WHEREAS the *Development Charges Act, 1997* (the "Act") provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services;

AND WHEREAS a development charge background study has been completed in accordance with the Act;

AND WHEREAS the Council of The Corporation of the Municipality of Bluewater has given notice of and held a public meeting on the 23rd day of January, 2017 in accordance with the Act and the regulations thereto;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF BLUEWATER ENACTS AS FOLLOWS:

1. INTERPRETATION

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

“Act” means the *Development Charges Act*, as amended, or any successor thereof;

“apartment unit” means any residential unit within a building containing more than four dwelling units where the units are connected by an interior corridor, but does not include a special care/special need dwelling unit;

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

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

“bona fide farm uses” means the proposed development will qualify as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs and be assessed in the Farmland Realty Tax Class by the Ontario Property Assessment Corporation;

“Building Code Act” means the *Building Code Act*, S.O. 1992, as amended, or any successor thereof;

“capital cost” means costs incurred or proposed to be incurred by the 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, construct or improve facilities including,
 - (i) furniture and equipment other than computer equipment, and
 - (ii) material acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, Chap. P.44, as amended, or any successor thereof; and
 - (iii) rolling stock with an estimated useful life of seven years or more, and
- (e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d) above, including the development charge background study required for the provision of services designated in this By-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (a) to (e) above that are growth-related;

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

“Council” means the Council of the municipality;

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

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

“dwelling unit” means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;

“Existing” means the number, use and size that existed as of the date this by-law was passed;

“Existing 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 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;

“farm building” means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;

“gross floor area” means:

- (a) in the case of a residential building or structure, the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the

centre line of party walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and

- (b) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:
 - (i) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
 - (ii) loading facilities above or below grade; and
 - (iii) a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;

“Institutional” means land, buildings, structures or any part thereof used by any organization, group or association for promotion of charitable, educational or benevolent objectives and not for profit or gain;

“Local Board” means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Municipality of Bluewater or any part or parts thereof;

“local services” means those services, facilities or things 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 in respect of the lands under Sections 41, 51 or 53 of the *Planning Act*, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;

“mobile home” means a prefabricated dwelling unit designed and intended to be transported or portable for movement from site to site, and includes enclosed additions thereto not exceeding 9.2 sq. metres (100 sq. feet);

“multiple dwelling” means all dwellings other than single-detached, semi-detached, apartment unit dwellings and special care/special dwelling units;

“municipality” means the Corporation of the Municipality of Bluewater;

“non-residential use” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use;

“nursing home” means a residential building or the residential portion of a mixed-use building licensed as a nursing home by the Province of Ontario;

“Official Plan” means the Official Plan adopted for the Municipality, as amended and approved;

“Owner” means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed’

“place of worship” means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act*, R.S.O. 1990, Chap. A.31, as amended, or any successor thereof;

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

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

“Residential Dwelling” means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more Dwelling Units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;

“residential use” means the use of a building or structure or portion thereof for one or more Dwelling Units. This also includes a Dwelling Unit on land that is used for an Agricultural Use;

“retirement home or lodge” means a residential building or the residential portion of a mixed-use building which provides accommodation primarily for retired persons or couples where each private bedroom or living accommodation has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;

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

“special care/special need dwelling” means:

- a) a building containing two or more dwelling units, which units have a common entrance from street level:
 - (i) where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;
 - (ii) which may or may not have exclusive sanitary and/or culinary facilities;
 - (iii) that is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and

(iv) where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels;

and includes, but is not limited to, retirement homes or lodges, nursing homes, and hospices;

“semi-detached dwelling” means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;

“service” means a service designed in Schedule “A” to this By-law, and “services” shall have a corresponding meaning;

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

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

“supplementary farm dwelling unit” means an additional farm residence in the form of a non-permanent dwelling unit that can be easily removed once the need for the additional farm residence has been fulfilled. This type of unit accommodates the farm family, farm retirees, or farm labourers working on the farm operation;

“Wind Turbine” means any wind energy system, comprising one or more turbines, that converts energy into electricity, with a combined nameplate generating capacity greater than 500 kilowatts and a height greater than 100 metres, that converts energy into electricity, and consists of a wind turbine, a tower, and associated control or conversion electronics. A wind turbine and energy system may be connected to the electricity grid in circuits at a substation

to provide electricity off-site for sale to an electrical utility or other intermediary;
and

“Zoning By-Law” means the Zoning By-Law of the Municipality of Bluewater, or any successor thereof passed pursuant to Section 34 of the Planning Act, S.O. 1990.

2. DESIGNATION OF SERVICES

2.1 The categories of services for which development charges are imposed under this By-law are as follows:

- (a) Services related to a Highway;
- (b) Outdoor Recreation Services;
- (c) Administration;
- (d) Waste Diversion
- (e) Wastewater Services; and
- (f) Water Services.

2.2 The components of the services designated in section 2.1 are described in Schedule A.

3. APPLICATION OF BY-LAW RULES

3.1 Development charges shall be payable in the amounts set out in this By-law where:

- (a) the lands are located in the areas described in section 3.2; and
- (b) the development of the lands requires any of the approvals set out in subsection 3.4(a).

Area to Which By-law Applies

- 3.2 Subject to section 3.3, this By-law applies to all lands in the Municipality of Bluewater whether or not the land or use thereof is exempt from taxation under s. 13 or the Assessment Act.
- 3.3. Notwithstanding clause 3.2 above, this by-law shall not apply to lands that are owned by and used for the purposes of:
- (a) the municipality or a local board thereof;
 - (b) a board of education; or
 - (c) the Corporation of the County of Huron or a local board thereof.

Approvals for Development

- 3.4 (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
- (i) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
 - (ii) the approval of a minor variance under section 45 of the *Planning Act*;
 - (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (v) a consent under section 53 of the *Planning Act*;
 - (vi) the approval of a description under section 9 of the *Condominium Act*, R.S.O. 1998, Chap. C.19, as amended, or any successor thereof; or
 - (vii) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

- (b) No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in subsection 3.4(a) are required before the lands, buildings or structures can be developed.
- (c) Despite subsection 3.4(b), if two or more of the actions described in subsection 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

RULES WITH RESPECT TO EXEMPTIONS FOR INTENSIFICATION OF EXISTING HOUSING

- 3.5 (a) Notwithstanding Section 3.1 to 3.4 above, no development charge shall be imposed with respect to developments or portions of developments as follows:
- (i) the enlargement of an existing residential dwelling unit;
 - (ii) 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;
 - (iii) 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.
- (b) Notwithstanding subsection 3.5(a)(ii), 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.

- (c) Notwithstanding subsection 3.5(a)(iii), 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,
 - (i) in the case of semi-detached house or multiple dwelling, the gross floor area of the existing dwelling unit, and
 - (ii) in the case of any other residential building, the residential gross floor area of the smallest existing dwelling unit.

RULES WITH RESPECT TO AN “INDUSTRIAL” EXPANSION EXEMPTION

- 3.6 (a) Notwithstanding Section 3.1 to 3.4, 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 in respect of the enlargement is determined in accordance with the following:
- (i) Subject to subsection 3.6(a)(iii), if the gross floor area is enlarged by 50 percent or less of the lesser of:
 - (1) the gross floor area of the existing industrial building, or
 - (2) the gross floor area of the existing industrial building before the first enlargement for which:
 - (A) an exemption from the payment of development charges was granted; or
 - (B) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,the amount of the development charge in respect of the enlargement is zero;

(ii) Subject to subsection 3.6(a)(iii), if the gross floor area is enlarged by more than 50 per cent of the lesser of:

- (1) the gross floor area of the existing industrial building, or
- (2) the gross floor area of the existing industrial building before the first enlargement for which:

(A) an exemption from the payment of development charges was granted, or

(B) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

- (3) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and
- (4) divide the amount determined under subsection (a) by the amount of the enlargement.

(iii) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsections 3.6(a)(i) and 3.6(a)(ii), the cumulative gross floor area of any previous enlargements for which:

(1) an exemption from the payment of development charges was granted, or

(2) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

shall be added to the calculation of the gross floor area of the proposed enlargement

- (iv) For the purposes of this subsection (a), the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.

3.7 Other Exemptions:

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

- a) lands, buildings or structures used or to be used for a place of worship or for the purposes of a cemetery or burial ground exempt from taxation under the *Assessment Act*; and
- b) the development of non-residential farm buildings constructed for bona fide farm uses, being that which operates with a valid Farm Business Registration Number and is assessed in the Farmland Realty Tax Class.

Amount of Charges

3.8 Residential

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

3.9 Non-Residential

The development charges described in Schedule B to this by-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed use building or structure, on the non-residential uses in the mixed use building or structure, and calculated with respect to each of the services according to the total floor area of the non-residential use.

Wind Turbines

3.10 The development charges described in Schedule B to this by-law shall be imposed on wind turbines with respect to Services related to a Highway and Administration Services on a per unit basis.

Reduction of Development Charges for Redevelopment

3.11 Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 4 years prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.9 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and

- (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 3.10, by the gross floor area that has been or will be demolished or converted to another principal use;

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

Phasing in of Development Charges

- 3.12 The following percentage of each service, as provided in Schedule B, shall be imposed based on the following schedule:

Service	Residential	
	August 22, 2017 - December 31, 2017	1-Jan-18 August 21, 2022
Municipal Wide Services:		
Services Related to a Highway	50.00%	100.00%
Outdoor Recreation Services	50.00%	100.00%
Administration	50.00%	100.00%
Waste Diversion	50.00%	100.00%
Urban Services		
Wastewater Services	100%	100%
Water Services	100%	100%

Time of Payment of Development Charges

- 3.13 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of the first building permit for the development.

- 3.14 Despite section 3.13, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.
- 3.15 Notwithstanding section 3.13, any development which requires more than one building permit or for which more than one building permit will be or has been issued, the development charge, shall be calculated, payable and collected as of the date the first building permit is issued in respect of the building for the use to which the development charge applies and if the gross floor area of such building is increased before final or completion building permit, the development charges shall be calculated, payable and collected on the additional area as of the date the final or completion building permit is issued.

4. PAYMENT BY SERVICES

- 4.1 Despite the payment required under subsections 3.9, 3.10 and 3.11, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law.

5. INDEXING

- 5.1 Development charges imposed pursuant to this By-law may be adjusted annually, without amendment to this By-law, commencing on the 1st of January, 2018 and each year thereafter, in accordance with the prescribed index in the Act.

6. SCHEDULES

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

Schedule A - Components of Services Designated in subsection 2.1

Schedule B - Residential and Non-Residential Development Charges

- Schedule C-1 - Urban Service Area for Bayfield
- Schedule C-2 - Map of Urban Service Area for Hensall Water
- Schedule C-3 - Map of Urban Service Area for Hensall Wastewater
- Schedule C-4 - Map of Urban Service Area for Zurich

CONFLICTS

- 7.1 Where the Municipality and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.
- 7.2 Notwithstanding section 7.1, where a development which is the subject of an agreement to which section 7.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4(a), an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this By-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

8. SEVERABILITY

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

9. DATE BY-LAW IN FORCE

- 9.1 This By-law shall come into effect at 12:01 AM on August 22, 2017.

10. DATE BY-LAW EXPIRES

- 10.1 This By-law will expire at 12:01 AM on August 22, 2022 unless it is repealed by Council at an earlier date.

Read a first and second time, this 21st day of August, 2017.

Read a third time and finally passed this 21st day of August, 2017

Tyler Hessel, Mayor

Chandra Alexander, Clerk

SCHEDULE "A" TO BY-LAW 92-2017

COMPONENTS OF SERVICES DESIGNATED IN SUBSECTION 2.1

100% Eligible Services

Services Related to a Highway

Bridges, Culverts & Structures

Depots and Domes

Services Related to a Highway Related Vehicles

Water Services

Storage

Wastewater Services

Treatment

90% Eligible Services

Outdoor Recreation

Parkland Development

Administration

Growth Related Studies

Waste Diversion

Capital Component of Collection

SCHEDULE "B"
BY-LAW NO. 92-2017
SCHEDULE OF DEVELOPMENT CHARGES

Service	RESIDENTIAL				NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	(per ft ² of Gross Floor Area)	Wind Turbines
Municipal Wide Services:						
Services Related to a Highway	838	617	401	666	0.48	838
Outdoor Recreation Services	672	494	322	533	0.09	-
Administration	387	285	185	307	0.25	387
Waste Diversion	21	15	10	17	0.01	-
Total Municipal Wide Services	1,918	1,411	918	1,523	0.83	1,225
Urban Services						
Wastewater						
Bayfield	7,320	5,398	3,510	5,811	1.26	-
Hensall	3,034	2,237	1,455	2,409	0.16	-
Zurich	6,481	4,779	3,108	5,145	0.00	-
Water						
Hensall	2,495	1,840	1,196	1,981	0.13	-
GRAND TOTAL RURAL AREA	1,918	1,411	918	1,523	0.83	1,225
GRAND TOTAL BAYFIELD AREA	9,238	6,809	4,428	7,334	2.09	1,225
GRAND TOTAL HENSALL AREA	7,447	5,488	3,569	5,913	1.12	1,225
GRAND TOTAL ZURICH AREA	8,399	6,190	4,026	6,668	0.83	1,225

Schedule C-1
Sewer Service Area for Bayfield

The Development Charge related to wastewater capacity in the Bayfield will be applicable to any development that is connected to the wastewater service area or becomes connected to it, or to the sewage treatment plant directly, by means of the installation to sanitary sewage pipe or forcemain or connection to a sanitary sewage pipe or forcemain.

Schedule C-2 Map of Urban Service Area for Hensall Water



Filename: Z:\16148-Bluewater-Development_Changes_Capital\Projects\GIS\Hensall_Water_Service_Area_Map.mxd 2016-12-23



Schedule C-2
MUNICIPALITY OF BLUEWATER
HENSALL WATER SERVICE AREA

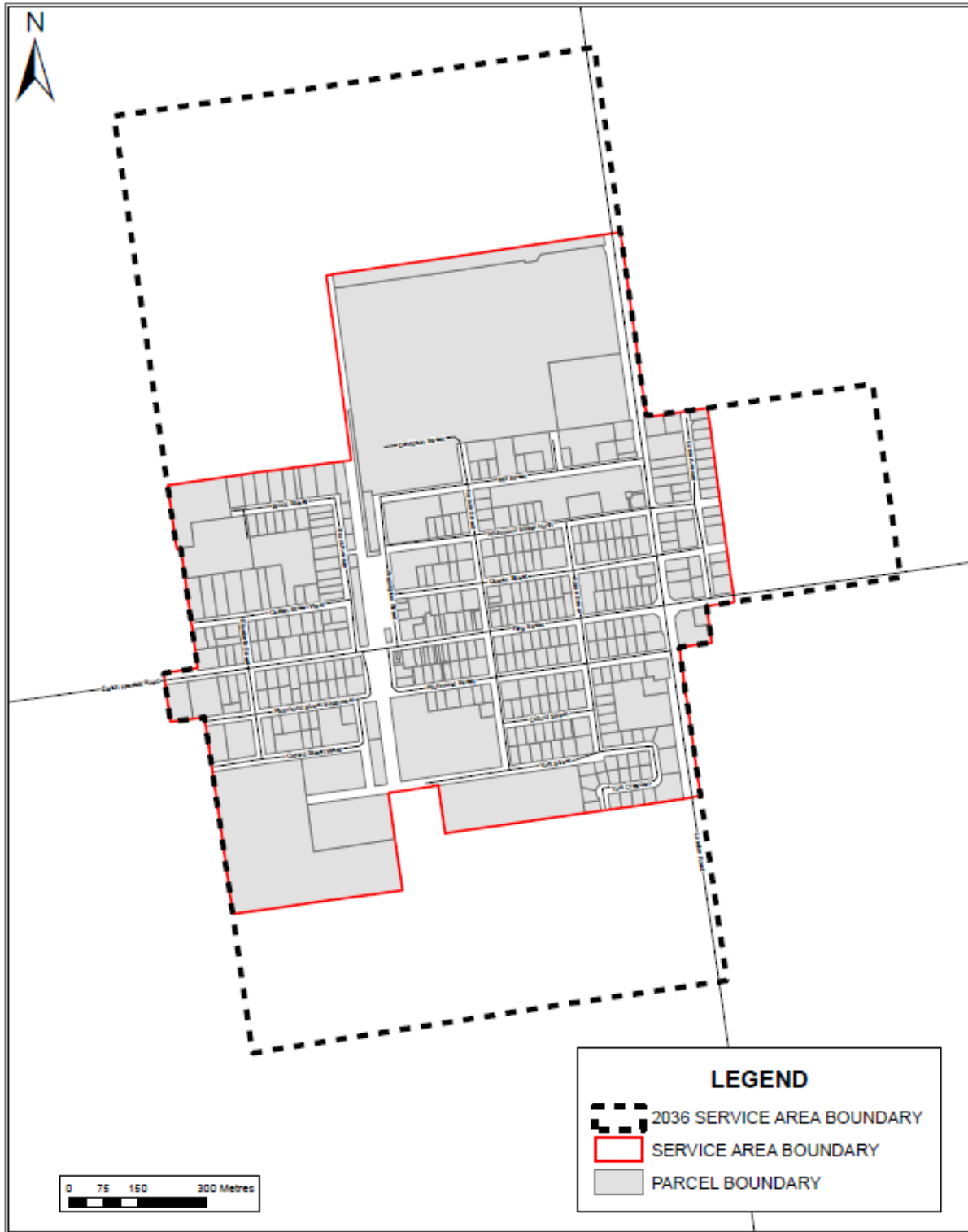
DATE
Dec. 22, 2016

PROJECT No.
16148

SCALE
As Shown

FIGURE No.
3

**Schedule C-3
Map of Urban Service Area for Hensall Wastewater**



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**Schedule C-3
MUNICIPALITY OF BLUEWATER
HENSALL SANITARY SERVICE AREA**

DATE Dec. 22, 2016	PROJECT No. 16148
SCALE As Shown	FIGURE No. 2

Schedule C-4
Map of Urban Service Area for Zurich

