

# THE CORPORATION OF THE TOWN OF ARNPRIOR

## BY-LAW NUMBER 5920-10

### BEING A BY-LAW FOR THE IMPOSITION OF DEVELOPMENT CHARGES

**WHEREAS** the Town of Arnprior will experience growth through development and re-development;

**AND WHEREAS** development and re-development require the provision of physical and social services by the Town of Arnprior;

**AND WHEREAS** Council desires to ensure that the capital cost of meeting growth-related demands for, or burdens on, municipal services does not place an excessive financial burden on the Town of Arnprior 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** subsection 2(1) of the *Development Charges Act, 1997 c. 27* (hereinafter called "the Act") provides that the Council the Town of Arnprior may impose development charges against land to pay for increased capital costs required because of increased needs for services;

**AND WHEREAS** the Council of The Corporation of the Town of Arnprior has given Notice on November 3, 2010 according to section 12 of the *Development Charges Act, 1997*, of its intention to pass a by-law under Section 2 of the said Act;

**AND WHEREAS** the Council of the Town of Arnprior has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on November 24, 2010;

**AND WHEREAS** the Council of the Town of Arnprior had before it a report entitled 2010 Development Charge Background Study dated November 9, 2010 prepared by Watson & Associates Economists Ltd., wherein it is indicated that the development of any land within the Town will increase the need for services as defined herein;

**AND WHEREAS** the Council of the Town of Arnprior on November 26, 2010 approved the applicable Development Charge Background Study, as amended, inclusive of the capital forecast therein, in which certain recommendations were made relating to the establishment of a development charge policy for the Town of Arnprior pursuant to the *Development Charges Act, 1997*;

**AND WHEREAS** the Council of the Town of Arnprior on November 26, 2010 determined that no additional public meeting was required to be held as part of the approval process.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF ARNPRIOR  
ENACTS AS FOLLOWS:**

**1. INTERPRETATION**

1.1. In this by-law, the following items shall have corresponding meanings:

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

“Accessory use” means where used to describe a use, building, or structure that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;

“Bedroom” means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;

“Benefiting area” means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

“Board of Education” means a board as defined in sec. 1(1) of the *Education Act*;

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

“Capital cost” means costs incurred or proposed to be incurred by the Town or a local board thereof directly or by others on behalf of, and as authorized by, the Town or local board,

1. to acquire land or an interest in land, including a leasehold interest;
2. to improve land;
3. to acquire, lease, construct or improve buildings and structures;
4. to acquire, lease, construct or improve facilities including,
  - (a) furniture and equipment, other than computer equipment, and
  - (b) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S. O. 1990, c. 57, and
  - (c) rolling stock with an estimated useful life of seven years or more; and
5. to undertake studies in connection with any of the matters referred to in clauses 1 to 5 above, including the Development Charges Background Study

required for the provision of services designated in this By-Law within or outside the Town, including interest on borrowing for those expenditures under clauses 1 to 5 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 Town of Arnprior;

"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 pursuant to this By-law;

"Duplex dwelling" means a building or structure divided horizontally into two dwelling units, in which each unit has an independent entrance either directly from the outside or through a common vestibule;

"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; except in the case of a care home as defined in the Tenant Protection Act, 1997, or group home as defined in subsection 166(1) of the Municipal Act, 2001, or senior citizen's home as defined in this By-Law, or retirement home or lodge as defined in this By-Law, in which case "dwelling unit" means:

- (i) a room or suite of rooms designated for residential occupancy with or without exclusive sanitary and/or culinary facilities;
- (ii) a room or suite of rooms used, or designed or intended for use, by more than one person with no more than two persons sharing a bedroom and with sanitary facilities directly connected and accessible to each room; or
- (iii) every six (6) square metres of bedroom area within a room or suite of rooms used, or designed or intended for use, by more than one person with more than two persons sharing a bedroom.

"Existing" means the number, use and size that existed as of the date this By-Law was passed;

"Gross floor area" means:

1. in the case of a residential building or structure, the total area of all floors above and/or below grade of a dwelling unit, measures 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

2. 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 areas 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, except for:
  - (a) 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;
  - (b) loading facilities above or below grade; and
  - (c) a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;

“Industrial” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehousing club

“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 Town of Arnprior or any part or parts thereof;

“Local services” means those services, facilities or things which are under the jurisdiction of the Town 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;

“Multiple dwellings” means all dwellings other than single-detached, semi-detached and duplex;

"Municipal water and sewer serviced area" means all lands within the Town of Arnprior connecting into the municipal water and sewer system;

"Non-residential use" means land, building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use;

"Official Plan" means the Official Plan adopted for the Town, 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 use" means lands, buildings or structures, 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;

"Retirement home or lodge" means a residential building or structure or the residential portion of a mixed-use building or structure 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;

"Semi-detached dwelling" means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor;

"Senior citizen's home" means any home for senior citizens sponsored and administered by any public agency or any service club, church or other profit or non-profit organization, either of which obtains its financing from Federal, Provincial or municipal Governments or agencies, or by public subscription, donation or residents payments, or by any combination thereof, and such homes shall include auxiliary uses such as club,

kitchen, dining and/or lounge facilities, usually associated with Senior Citizens development.

"Service" means a service designated in Section 2.1 and in Schedule "A" to this By-law, and "services" shall have a corresponding meaning;

"Servicing agreement" means an agreement between a landowner and the Town relative to the provision of municipal services to specified land within the Town;

"Single detached dwelling unit" means a residential building consisting of one dwelling unit and not attached to another structure;

"Town" means the Corporation of the Town of Arnprior; and the area within the geographic limits of the Corporation of the Town of Arnprior.

## **2. DESIGNATION OF SERVICES**

2.1 The designation of services for which Development Charges are imposed under this By-law are as follows:

1. General Government;
2. Fire Services;
3. Police Services;
4. Water Services;
5. Wastewater Services;
6. Recreation Services;
7. Library Services;
8. Roads Services;
9. Public Works Services.

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

## **3. APPLICATION OF BY-LAW RULES**

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

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

### Area to Which By-law Applies

3.2 Subject to section 3.3, this By-law applies to all lands in the Town of Arnprior 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 Town or a local board thereof;
  - (b) a board of education; or
  - (c) The Corporation of the County of Renfrew or local board thereof.

#### Approvals for Development

- 3.4 Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
- a) the passing of a Zoning by-law or of an amendment to a Zoning by-law under section 34 of the *Planning Act*;
  - b) the approval of a minor variance under section 45 of the *Planning Act*;
  - c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
  - d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
  - e) a consent under section 53 of the *Planning Act*;
  - f) the approval of a description under section 50 of the *Condominium Act*, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or
  - g) the issuing of a permit under the Building Code Act in relation to a building or structure.
- 3.5 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 are required before the lands, buildings or structures can be developed.
- 3.6 Despite subsection 3.5, if two or more of the actions described in subsection 3.4 occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

#### Exemptions

- 3.7 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:
- 1. an enlargement to an existing dwelling unit;

2. one or two additional dwelling units in an existing single detached dwelling; or
  3. one additional dwelling unit in any other existing residential building;
- 3.8 Notwithstanding Section 3.7(2), Development Charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.
- 3.9 Notwithstanding section 3.7, development charges shall be imposed if the additional unit has a gross floor area greater than:
- 1 In the case of a semi-detached, duplex or row dwelling, the gross floor area of the existing dwelling unit; and
  - 2 In the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building.

#### Rules with Respect to an Industrial Expansion Exemption

- 3.10 Notwithstanding any other provision of this By-Law, no Development Charge is payable with respect to an enlargement of the gross floor area of an existing industrial or commercial building, where the gross floor area is enlarged by 50 percent or less.
- 3.11 If the gross floor area of an existing industrial or commercial building is enlarged by greater than 50 percent, the amount of the Development Charge payable in respect of the enlargement is the amount of the Development Charge that would otherwise be payable multiplied by the fraction as determined as follows:
1. determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
  2. divide the amount determined under Subsection (1) by the amount of the enlargement.
- 3.12 For the purpose of Section 3.10 herein, "existing industrial building" is used as defined in the Regulations made pursuant to the Act.

#### Other Exemptions:

- 3.13 Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:
1. buildings used as hospitals as governed by the Public Hospitals Act;
  2. where a residential or non-residential building or structure is destroyed or damaged by causes beyond the owner's control (e.g. fire, tornado, etc.)

such building or structure shall be exempted from a development charge provided that the building or structure is reconstructed or restored and that such reconstruction or restoration is started within twenty-four (24) months of the date on which the building or structure was destroyed or damaged. Where a non-residential building or structure is reconstructed and the gross floor area will exceed the gross floor area of the building or structure prior to its destruction, the provisions of Section 3.8 shall apply to the enlarged area only.

#### **4. AMOUNT OF CHARGES**

##### Residential

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

##### Non-Residential

4.2 The Development Charges set out 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.

##### Reduction of Development Charges for Redevelopment

4.3 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 24 months 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:

1. 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 Section 4.1 by the number, according to type of dwelling units that have been or will be demolished or converted to another principal use; and
2. in the case of a non-residential building or structure, or in the case of a mixed-use building or structure, the non-residential uses in the mixed-use building or structure,

an amount calculated by multiplying the applicable Development Charges under Section 4.2, 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.

- a. If an owner or former owner has paid all or any portion of a charge related to development pursuant to an agreement under Section 51 or 53 of the Planning Act, 1990, or a predecessor thereof, with respect to land within the area to which the By-Law applies, a credit for the amount of the charge already paid shall be granted within the calculation of the Development Charge applied, provided a receipt of prior payment has been produced by the owner.

#### Time of Payment of Development Charge

- b. Development Charges imposed under this By-Law are calculated, payable, and collected upon issuance of a building permit with respect to each dwelling unit, building or structure.

Despite Section 4.5, 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.

### **5. PAYMENT BY SERVICES**

- 5.1 Despite the payment required under subsections 4.1 and 4.2, Council may, by agreement, give a credit towards a Development Charge in exchange for or services to which a Development Charge relates under this By-law.

### **6. INDEXING**

- 6.1 Development Charges imposed shall be adjusted annually in accordance with the Statistics Canada Quarterly, Construction Price Statistics for the most recent year over year period, on the anniversary date of this By-law, without amendment to this By-Law.

### **7. RESERVE FUNDS**

- 7.1 Development Charges reserve funds for revenues received from development charges shall be established for two categories of services as provided in Schedule "A".
- 7.2 The Development Charges reserve funds shall be used to meet the net capital costs for which the Development Charge was levied under this By-Law.

- 7.3 The Treasurer of the municipality shall maintain separate accounts under the Development Charges reserve funds including interest earned thereof for each service designated in Section 2.1 of this By-Law.
- 7.4 Income received from investments of the Development Charge reserve funds shall be credited to the Development Charges reserve fund accounts for the designated service in relation to which the investment income applies.
- 7.5 The Treasurer is hereby directed to prepare an annual financial statement for the Development Charges funds as prescribed under Section 12 of Ontario Regulation 82/98 and to submit the statement for Council's consideration and within 60 days thereafter, to submit such statement to the Minister of Municipal Affairs and Housing.

## **8. SCHEDULES**

- 8.1 The following Schedules shall form part of this By-Law:

Schedule A - Categories of Services Designated in section 2.1.

Schedule B - Residential and Non-Residential Development Charges.

## **9. CONFLICTS**

- 9.2 Where the Town and an owner or former owner have entered into an agreement with respect to land within the area to which this By-Law applies, and a conflict exists between the provisions of this By-Law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.
- 9.3 Notwithstanding section 9.1, where a development which is the subject of an agreement to which section 9.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4, an additional Development Charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this By-Law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

## **10. SEVERABILITY**

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

## **11. DATE BY-LAW IN FORCE**

- 11.2 This By-Law shall come into effect on the date of passage hereof.

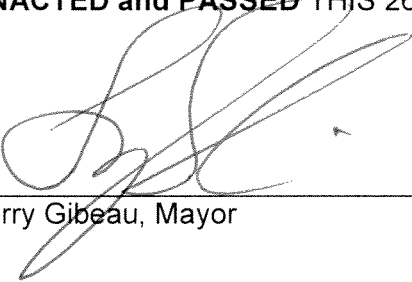
**12. DATE BY-LAW EXIRES**

12.2 This By-Law will expire at 12:01 AM on November 29, 2015 unless it is repealed by Council at an earlier date.

**13. EXISTING BY-LAW REPEALED**

13.2 By-law Number 5394-05 is hereby repealed as of the date and time of this By-law coming into effect.

**ENACTED and PASSED** THIS 26<sup>th</sup> day of November, 2010.



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Terry Gibeau, Mayor



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Jacquie Farrow-Lawrence, Town Clerk

**SCHEDULE "A" to By-law Number 5920-10**

**The Corporation of the Town of Arnprior**

Uses of Land, Buildings or Structures Subject to Development Charges indicated by an "X"

<b>Categories of Service</b>	<b>Services</b>	<b>Residential Uses</b>	<b>Commercial /Industrial Uses</b>
<b>100% Eligible Services</b>	Fire Services	X	X
	Police Services	X	X
	Water Services	X	X
	Wastewater Services	X	X
	Road Systems Services	X	X
	Public Works Services	X	X
<b>90% Eligible Services</b>	General Government	X	X
	Recreation Services	X	X
	Library Services	X	X

**SCHEDULE "B" to By-law Number 5920-10**

**The Corporation of the Town of Arnprior**

**Development Charge for Designated Uses of Land, Buildings or Structures  
Effective November 29, 2010 to November 28, 2011.**

**Residential Uses - Rates per Unit**

Categories of Service	Service	Type of Dwelling			Proportionate Share %
		Singles & Semi Detached & Duplex	Multiples - 2 or more bedrooms	Multiples - less than 2 bedrooms	
100% Eligible Services	Fire Services	\$96.00	\$81.00	\$39.00	1.6%
	Police Services	78.00	65.80	31.70	1.3%
	Water Services	461.30	389.30	187.30	7.7%
	Wastewater Services	1,026.70	866.60	416.80	17.1%
	Road Systems Services	2,706.00	2,283.90	1,098.60	45.1%
	Public Works Services - Housing	120.00	101.30	48.70	2.0%
	Public Works Services - Equipment	276.00	232.90	112.14	4.6%
Total 100% Eligible Services		\$4,764.00	\$4,020.80	\$1,934.24	79.4%
90% Eligible Services	General Government	\$48.00	\$40.50	\$19.50	0.8%
	Recreation Services	714.00	602.60	289.90	11.9%
	Library Services	474.00	400.10	192.40	7.9%
Total 90% Eligible Services		\$1,236.00	\$1,043.20	\$501.80	20.6%
Total Development Charge		\$6,000.00	\$5,064.00	\$2,436.04	100.0%

**Commercial/Industrial Uses - Rates per Square Foot (ft<sup>2</sup>)**

Categories of Service	Service	Up to 10,000 ft <sup>2</sup>	10,000 - 15,000 ft <sup>2</sup>	15,000 - 20,000 ft <sup>2</sup>	Over 20,000 ft <sup>2</sup>	Proportionate Share %
100% Eligible Services	Fire Services	\$0.03	\$0.02	\$0.01	\$0.01	1.6%
	Police Services	0.02	0.02	0.01	0.01	1.3%
	Water Services	0.14	0.09	0.07	0.05	7.8%
	Wastewater Services	0.31	0.21	0.15	0.10	17.1%
	Road Systems Services	0.81	0.54	0.41	0.27	45.2%
	Public Works Services - Housing	0.04	0.02	0.02	0.01	2.0%
	Public Works Services - Equipment	0.08	0.06	0.04	0.03	4.7%
Total 100% Eligible Services		\$1.43	\$0.96	\$0.71	\$0.48	79.7%
90% Eligible Services	General Government	\$0.01	\$0.01	\$0.01	\$0.00	0.7%
	Recreation Services	0.21	0.14	0.11	0.07	11.8%
	Library Services	0.14	0.09	0.07	0.05	7.8%
Total 90% Eligible Services		\$0.36	\$0.24	\$0.19	\$0.12	20.3%
Total Development Charge per Square Foot		\$1.79	\$1.20	\$0.90	\$0.60	100.0%