

THE CORPORATION OF THE TOWNSHIP OF MULMUR

BY-LAW NO. 23 -09

**A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF MULMUR TO ESTABLISH  
DEVELOPMENT CHARGES**

WHEREAS Section 2(1) of the Development Charges Act, 1997 (“Act”) enables the Council of a municipality to pass By-laws to impose development charges against lands located in the Township to pay for increased capital costs where the development of the land would increase the need for municipal services as designated in the By-law and the development requires one or more of the actions set out in Section 2(2) of the Act; and

WHEREAS The Corporation of the Township of Mulmur has determined that the development of lands within the Township will increase the need for municipal services and Council has confirmed it’s intent to provide the said services; and

WHEREAS the Council of the Corporation of the Township of Mulmur, at its meeting of September 16, 2009, approved the recommendations of a report entitled Township of Mulmur Development Charges Background Study prepared by Meridian Planning Consultants and has therefore indicated that it intends to ensure that the increase in the need for services attributed to the anticipated growth will be met; and

WHEREAS the Council has given Notice of its Development Charges proposal in accordance with Section 12(1) of the Act, and held a public meeting on September 16, 2009, and is satisfied that no further notice is required.

NOW THEREFORE BE IT HEREBY RESOLVED THAT The Corporation of the Township of Mulmur hereby enacts the following:

**1. DEFINITION**

1.1 **Act** means the Development Charges Act, 1997 as amended from time to time and includes the Regulations passed under the Act, as amended from time to time.

1.2 In this By-law:

1.2.1 All words and phrases used in this By-law that have been defined in the Act shall have the same meaning as those words and phrases in the Act;

1.2.2 Where the Development Charges Act does not specify a definition, the following definitions shall apply to the extent that they are not in conflict with the definitions in the Act;

1.3 **Apartment Dwelling** means a building containing 3 or more dwelling units which have a common entrance from the street level, and the occupants of which have the right to use common elements, including units defined as Special Care Dwelling Units

1.4 **Board Of Education** means a board of education, public school board, secondary school board, Catholic school board or Protestant school board.

1.5 **Building Or Structure** means a structure occupying an area greater than 10 square metres consisting of walls and a roof or a structural system serving the same purpose as defined in the Building Code and including carports and cloth, plastic or vinyl materials supported by structural frames but does not include awnings or an exterior storage tank.

1.6 **Building Code Act** means the *Building Code Act*, S.O. 1992, chapter 23, as amended and all Regulations thereto including the Ontario Building Code, 1997, as amended.

1.7 **Building Permit** means a Permit issued in accordance with the Building Code Act.

- 1.8 **Commercial Use** means, notwithstanding any other provisions of this By-law, lands, buildings or structures to be developed within a Commercial zone as defined by the Township's Zoning By-law.
- 1.9 **Council** means the Council of the Corporation of the Township of Mulmur.
- 1.10 **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 has the effect of increasing the Total Floor Area, and includes Redevelopment.
- 1.11 **Development Charge** means a charge imposed pursuant to this By-law.
- 1.12 **Duplex** means a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule.
- 1.13 **Dwelling Unit** means a combination of rooms in which a kitchen, living quarters and sanitary conveniences are provided for habitation for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside. It may include a modular home constructed in accordance with the Building Code and C.S.A. A-277 Regulations.
- 1.14 **Existing Lot of Record** means a parcel of land which existed prior to the date of passing of this Development Charges By-law.
- 1.15 **Gross Floor Area** means the total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, verandah or sunroom unless such sunroom is habitable during all seasons of the year.
- 1.16 **Institutional Use** means, notwithstanding any other provisions of this By-law, lands, buildings or structures to be developed within an Institutional zone as defined by the Township's Zoning By-law.
- 1.17 **Multi-Unit** means, for the purposes of this By-law, any combination of two (2) or more dwelling units on a lot which is not defined as a Semi-Detached Dwelling. Includes an Apartment, Townhouse and Duplex as defined herein.
- 1.18 **Non-Residential Uses** means land, buildings or structures or portions thereof used, or designed or intended to be used for a use other than for a residential use.
- 1.19 **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.
- 1.20 **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, or changing the use of a building or structure from residential to non-residential or from non-residential to residential.
- 1.21 **Residential Uses** means land, buildings or structures or portions thereof used, designed, or intended to be used principally (or primarily) as living accommodation for one or more individuals.
- 1.22 **Semi-Detached Dwelling** means the whole of a building divided vertically into two separate dwelling units.
- 1.23 **Services** means services designated in this By-law including Schedule A to this By-law or in agreement under Section 44 of the Act, or both.
- 1.24 **Single Detached Dwelling** means a detached building containing one dwelling unit only.

- 1.25 **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 total floor area thereof for a continuous period not exceeding eight month.
- 1.26 **Townhouse Dwelling** means a dwelling unit in a building divided vertically into no less than three or more than eight dwelling units attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.
- 1.27 **Township** means The Corporation of the Township of Mulmur.
- 2. IMPOSITION OF DEVELOPMENT CHARGES**
- 2.1 A development charge shall be paid in respect of all development, as provided in this By-law.
- 3. APPLICATION OF THIS BY-LAW**
- 3.1 This By-law shall apply to all lands within The Corporation of the Township of Mulmur.
- 3.2 No land, except land owned by and used for the purposes of a municipality or a board as defined in subsection 1 (1) of the *Education Act*, is exempt from a development charge by reason only that it is exempt from taxation under section 3 of the *Assessment Act*.
- 3.3 Nothing in this By-law prevents the approval authority or Council, as the case may be, from requiring, as a condition of an agreement under the Planning Act, SS. 51 or 53, that the owner at his or her own expense shall install or pay for local services as the approval authority or Council may require.
- 4. CALCULATION OF DEVELOPMENT CHARGES - GENERAL**
- 4.1 Development charges shall be calculated in accordance with Schedule "B"
- 5. INDEXING OF THE DEVELOPMENT CHARGE**
- 5.1 Development Charges may be adjusted, without amendment to this By-law, on the first day of January in each year, beginning with January 1, 2011, in accordance with the then most recent Statistics Canada Quarterly, Construction Price Index catalogue number 62-007.
- 6. CALCULATION OF DEVELOPMENT CHARGES - RESIDENTIAL**
- 6.1 Development Charges shall apply to each dwelling unit in every development, whether single-use or mixed-use.
- 6.2 No Development Charges are payable in the following cases:
- 6.2.1 Where an existing dwelling is enlarged renovated or repaired;
- 6.2.2 Where a maximum of two additional dwelling units are being created within an existing single detached dwelling;
- 6.2.3 Where a maximum of one additional dwelling unit is being created in a semi-detached or townhouse, provided the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the dwelling unit already in the building;
- 6.2.4 Where a maximum of one additional dwelling unit is being created in any other residential class of building, provided the gross floor area of the

additional dwelling unit is less than or equal to the gross floor area of the smallest dwelling unit already in the building;

## **7. CALCULATION OF DEVELOPMENT CHARGES - NON-RESIDENTIAL**

7.1 If the development is the enlargement of the gross floor area of a non-residential building and the gross floor area is enlarged by 50% or less of the size of the building, as of the date of passing of this Development Charges By-law, there shall be no development charge.

7.2 If the development is the enlargement of the gross floor area of a non-residential building and the gross floor area is enlarged by more than 50%, the amount of the development charge shall be based on the size of the enlargement that exceeds the exemption outlined in paragraph 7.1 above.

## **8. EXEMPT BUILDINGS**

8.1 Non-residential buildings used accessory to an agricultural operation shall be exempt from the development charge.

8.2 Buildings owned and used by the Township, or any Board of Education used for school purposes shall be exempt from the Development Charge.

8.3 Temporary buildings where the owner has completed an agreement with the Township specifying the owner's obligation to remove the building.

8.4 Places of worship for religious uses that are exempt from Provincial taxes pursuant to the Provincial Land Tax Act RSO 1990, cP32 as amended.

## **9. REDEVELOPMENT**

9.1 In accordance with Subsections 9.2, 9.3 & 9.4 where there is a redevelopment, conversion, demolition or change of use of a building or structure or part thereof, the development charges payable by the new or proposed development shall be credited by the amount to which the previous use of the building or structure was subject to development charges at the time this By-law was passed.

9.2 A credit shall not be warranted where a building or structure or part thereof was demolished and no building permit has been issued within 5 years from the date of issuance of the demolition permit.

9.3 The credit with respect to a redevelopment, conversion, demolition, or change of use of a building or structure or part thereof shall not exceed the amount of the development charges payable with respect to new or proposed development.

9.4 No credit shall be given with respect to the redevelopment, conversions, demolition, or change of use of a building or structure or part thereof where the existing building or structure or part thereof would have been exempt from development charges in accordance with this By-law.

9.5 Where a non-residential building and associated use is proposed to be relocated to a different lot and the existing building demolished, the new building shall be credited in accordance with Subsections 9.1, 9.2, 9.3 & 9.4. If the relocation of the non-residential building and use results in an increased demand on services, the increase in demand for services shall be payable in accordance with the provisions of this By-law. If in the future, redevelopment of the demolished site is proposed, the new proposed development of the site shall be subject to the full Development Charge as the service capacity associated with the demolished site has effectively been transferred.

## **10. PAYMENT OF DEVELOPMENT CHARGES**

10.1 Except as otherwise provided in this By-law, Development Charges shall be calculated and payable in full in cash or certified cheque in Canadian

funds or by credits granted by the Act, on the date that the first building permit is issued.

- 10.2 Except as otherwise provided in this By-law, a building permit shall not be issued until the development charge has been paid in full.

## **11. WRITTEN AGREEMENTS WITH THE MUNICIPALITY**

- 11.1 Pursuant to the provisions of the Act, Council may enter into written agreements in regard to all matters authorized by the Act and general law.
- 11.2 The applicable provisions of this By-law may be varied in individual instances by the written agreements, as permitted by the Act.
- 11.3 Council has the power to enter into agreements to reduce or waive development charges that are payable under the Act and this By-law.
- 11.4 Agreements may give credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this By-law. The credit shall not exceed the service standard used in the calculation of the development charge, and no credit shall be charged to any development charges reserve fund prescribed in this By-law or exceed the proportion of the development charge related to that service, payable by the owner to the Township.
- 11.5 Agreements may provide for all or any part of a development charge to be paid before or after it would otherwise be payable.
- 11.6 Front-ending agreements entered into under the provisions of s. 44 of the Act shall be deemed to be agreements under this section.
- 11.7 This By-law shall prevail over any previous agreements between a property owner and the Township with respect to the payment of impost fees, lot levies or Development Charges. However, where fees or charges have been paid for services included in this By-law pursuant to an agreement that was registered on the title of the lands prior to the passing of this By-law, the Township shall apply that fee as a credit against the applicable Development Charge.

## **12. ADMINISTRATION**

- 12.1 A certified copy of this By-law may be registered on title to any land to which the By-law applies.
- 12.2 This By-law shall be administered by the Treasurer of the Township.

## **13. RESERVE FUNDS**

- 13.1 Monies received from payment of Development Charges shall be maintained in a separate reserve fund, and shall be used only to meet the growth-related net capital costs for which the Development Charge was levied under this By-law.
- 13.2 Where any Development Charge, or part thereof, remains unpaid after the due date, the unpaid amount shall be added to the tax roll and shall be collected as taxes. Where any unpaid Development Charges are collected as taxes, the monies so collected shall be credited to the development charge reserve fund.
- 13.3 The Treasurer of the Township shall, in each year, furnish to Council, a statement in respect of the reserve fund established hereunder for the prior year.

## **14. REFUNDS**

- 14.1 Where this By-law or any Development Charge prescribed hereunder is amended or repealed either by order of the Ontario Municipal Board or by Council, the Township shall forthwith pay the appropriate refund,

calculated in accordance with the Act and Regulations passed under the Act.

**15. SCHEDULES**

15.1 The following schedules to this By-law form an integral part of this By-law;

15.2 Schedule "A" - Classification of Services;

15.3 Schedule "B" - Components of Development Charge;

**16. GENERAL**

17.1 This By-law comes into full force and effect upon the final passing thereof, or on September 23, 2009 if passed prior to September 23, 2009.

17.2 Unless repealed earlier, or unless the term of the By-law is extended by legislation, this By-law expires five years from the day it comes into force.

17.3 Where in this By-law the context so requires, words in the singular include the plural and words in the plural include the singular, and words importing the masculine gender include feminine and neuter gender.

17.4 Any portion of this By-law found to be invalid shall be severed, and the balance of the By-law shall be deemed to be valid and enforceable and shall be construed without reference to the invalid portions.

FINALLY PASSED AND ENACTED this 16<sup>th</sup> Day of September, 2009.

Gordon Montgomery

Mayor

Terry Horner

Clerk

**Schedule "A"**  
**Classification of Services**

<p><b>Transportation</b></p> <p>roads public works garages sand storage building vehicles and heavy equipment small equipment</p>
<p><b>Fire &amp; Emergency Services</b></p> <p>buildings fire vehicles small equipment fire suits</p>
<p><b>Police</b></p> <p>number of officers</p>
<p><b>Recreation</b></p> <p>developed parkland recreation buildings arenas upper level of community centres recreation vehicles</p>
<p><b>Library Services</b></p> <p>capita library contribution</p>
<p><b>Administration</b></p> <p>office staff office equipment growth related studies</p>
<p><b>Primrose Area Specific</b></p> <p>Non-Residential Study Cost</p>
<p><b>Mansfield Area Specific</b></p> <p>Mansfield Servicing Study</p>

**Schedule "B"**  
**Components of Development Charge**

**Rural Area Charge**

Service Area	Residential Charge	Percent of Residential Charge	Non-Residential Charge (sq.ft)	Percent of Non-Residential Charge
Transportation	\$1,994.99	72.98%	\$0.87	87.03%
Fire & Emergency Services	\$206.88	7.57%	\$0.09	9.03%
Recreation	\$441.45	16.15%		
Administration	\$90.38	3.31%	\$0.04	3.94%
Lagoon				
<b>Total Per Capita / sq. ft.</b>	<b>\$2,733.69</b>	<b>100.00%</b>	<b>\$1.00</b>	<b>100.00%</b>
<b>Total Per Unit</b>	<b>\$7,408.30</b>			

**Primrose Area Specific Charge Non-Residential Charge**

Primrose Non-Residential Charge (sq.ft)	\$1.10
Township Wide Non-Residential Charge	\$1.00
<b>Total Non-Residential Charge in Primrose</b>	<b>\$2.10</b>

**Mansfield Area Specific Charge**

Mansfield Servicing Charge	\$450.00
Township Wide Rural Charge	\$7,408.30
<b>Total Mansfield Development Charge</b>	<b>\$7,858.30</b>