

Reference: FIN-08-2019

THE CORPORATION OF HALDIMAND COUNTY

By-law Number 2042/19

**Being a by-law to establish Development Charges on Lands
within the Corporation of Haldimand County**

WHEREAS Section 2(1) of the *Development Charges Act*, 1997, S.O. 1997, Chapter 27 (the "Act") authorizes municipalities to pass a by-law for the imposition of development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which this by-law applies;

WHEREAS The Corporation of Haldimand County, as required by Section 10 of the Act, has undertaken and completed a development charge background study regarding the anticipated amount, type and location of development; the increase in needs for services; estimated capital costs to provide for such increased needs, including the long-term capital and operating costs for capital infrastructure required for the services;

WHEREAS as required by Section 11 of the Act, this by-law is being enacted within one year of the March 5, 2019 completion of the said Development Charge Background Study, titled Haldimand County Development Charge Background Study, March 5, 2019 prepared by Watson & Associates Economists Ltd;

WHEREAS the Council of The Corporation of Haldimand County, at a Council Meeting on May 13, 2019, has adopted the recommendations for development charges policies in Haldimand County;

WHEREAS in advance of passing this by-law the Council of The Corporation of Haldimand County has given notice of and held a public meeting on April 16, 2019, in accordance with Section 12(1)(b) of the Act regarding its proposals for this development charges by-law;

WHEREAS the Council of The Corporation of Haldimand County has heard all persons who applied to be heard no matter whether in objection to, or in support of, the said by-law,

AND WHEREAS the Council of The Corporation of Haldimand County has adopted the Development Charges Background Study by resolution on May 13, 2019, and thereby indicates the intent to ensure that the increase in the need for services attributable to the anticipated development will be met, and the intent that the future excess capacity identified in this study shall be paid for by the development charges or similar charges;

NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:

Definitions

- 1) In this by-law,

- a) “Act” means the Development Charges Act, 1997, S.O. 1997, c. 27, as amended, or any successor thereto;
- b) “agricultural land” means land which is zoned for agricultural or farming uses in the Zoning By-Laws of The Corporation of Haldimand County;
- c) “apartment unit” means any dwelling unit in an apartment building and will include a garden suite or granny flat;
- d) “apartment building” means a building consisting of more than one dwelling unit with a private bathroom and kitchen facilities in each unit and which is not a single detached dwelling, a semi-detached dwelling, a farm help house, a multiple unit dwelling, a mobile home, a temporary residential structure, or a special care/special dwelling unit;
- e) “accessory apartment” means a residential dwelling unit within a single or semi- detached dwelling not exempted within Section 7 of this by-law and in the case of a mixed-use development, a residential dwelling unit which is secondary to the main use of the building. An accessory apartment, as defined, shall be considered an apartment unit;
- f) “assisted living facility” means a building consisting of more than one dwelling unit which includes a bedroom to accommodate one or more people and provides nursing assistance (but not 24-hour nursing care), laundry, and food/dietary services as well as various common areas for residences, visitors and staff but is not a long-term care/nursing facility;
- g) “bedroom” includes any room which can be used as sleeping quarters but does not include a kitchen, bathroom, living room or dining room;
- h) “benefiting area” means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
- i) “capital costs” includes the capital costs defined in Section 5(3) of the Act;
- j) “commercial” means any non-residential development not defined under “institutional” or “industrial”;
- k) “Council” means the Council of The Corporation of Haldimand County;
- l) “County” means the body corporate continued as a Municipality under the name “The Corporation of Haldimand County”;
- m) “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 size or usability thereof, and includes redevelopment;
- n) “development charge” or “development charges” means charges imposed with respect to this by-law;
- o) “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 bathroom and kitchen facilities for their exclusive use, and shall exclude suites contained within a motel or hotel;

- p) “farm building” means that part of a bona fide farm operation encompassing barns, silos, and other ancillary development to an agricultural use that will be assessed in the Farmland Realty Tax Class by the Municipal Property Assessment Corporation:
- i) including (but not limited to):
 - a) cultivation of crops, whether on open land or in greenhouses, including (but not limited to) fruit, vegetables, herbs, grains, field crops, cannabis, sod, trees, shrubs, flowers, and ornamental plants; and
 - ii) but excluding:
 - a) a residential, commercial, or an industrial use, including (but not limited to) cannabis retail, processing, or production facilities, and retail-related greenhouses;
- q) “farm help house” means a residential building constructed on a farm and not attached to any other building or structure, with sleeping, cooking, living and sanitary facilities, and used for seasonal, interim or occasional residential uses by farm labourers;
- r) “garden suite” or “granny flat” means a building containing one (1) dwelling unit where the unit is detached from and ancillary to an existing single detached dwelling or semi-detached dwelling on the lands and such building may be designed to be portable;
- s) “grade” means the average level of proposed or finished ground adjoining, at all exterior walls, a building containing one or more dwelling units, a non-residential building or structure or a building or structure with both residential and non-residential uses;
- t) “gross floor area” means the total area of all floors above grade of a building containing one or more dwelling units or non-residential building or structure of a building, or structure with both residential and non-residential uses measured between the outside surfaces of exterior walls, or between the outside surfaces of exterior walls and the center line of party walls dividing the dwelling unit, or non-residential building or structure or other portion of a building;
- u) “growth-related net capital costs” means the portion of the net capital costs of services that is reasonably attributable to the need of such net capital costs that results, or will result from development, in all or a defined part of the Corporation of Haldimand County;
- v) “hotel” (and “motel”) means a commercial establishment offering lodging to travellers and sometimes to permanent residents, and may include other services such as restaurants, meeting rooms and stores that are available to the general public;
- w) “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 warehouse club or public storage facilities;

- x) "institutional" means a building used for, or in connection with religious, charitable, cultural, educational, governmental, health or welfare purposes and shall include but not be limited to:
- i. public and private non-commercial schools, nursery schools, or day care facilities; and
 - ii. Long-term care facilities/Nursing homes.

And shall exclude facilities containing special care/special dwelling units, including assisted living facilities.

- y) "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, or local authority established or exercising any power of authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of The Corporation of Haldimand County;
- z) "long-term care facility/nursing home" means a building consisting of more than one dwelling unit which includes a bedroom to accommodate one or more people and has full time staff to provide 24-hour nursing and palliative care, laundry and food/dietary services as well as various common areas for residences, visitors and staff;
- aa) "manufactured home" means a manufactured home as referenced within the Ontario Building Code;
- bb) "mixed use development" means a building or structure in which there are or will be both residential and non-residential uses, but does not include a hotel, motel, resort development, guest house, boarding house, nursing home, retirement living multiple unit dwelling or home for the aged;
- cc) "mobile home" means a mobile home as referenced in the Ontario Building Code;
- dd) "multiple unit dwelling" means all dwellings other than single detached dwelling units, semi-detached dwelling units, apartments, and special care/special dwelling units;
- ee) "net capital cost" means the capital cost less capital grants, subsidies and other contributions made to Haldimand County or that the Council of The Corporation of Haldimand County anticipates will be made, including conveyances or payments under Sections 41, 42, 51 and 53 of the *Planning Act*, as amended; and any successor thereto in respect of the capital cost;
- ff) "non-residential" means a building, other than for residential use, and, without limiting the generality of the foregoing, includes commercial, industrial, institutional and retail buildings;
- gg) "place of worship" means a building or structure that is used for worship and religious practices and purposes, including related administrative, religious teaching, assembly and associated spaces, but does not include portions of such building or structure used for any commercial use, including but not limited to daycare facilities;

- hh) "Residential" means lands, buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one or more individuals, and shall include, but is not limited to;
- i) single detached dwelling unit,
 - ii) semi-detached dwelling unit,
 - iii) an apartment dwelling unit,
 - iv) a multiple dwelling unit,
 - v) special care/special dwelling unit,
 - vi) accessory apartment,
 - vii) farm help houses,
 - viii) individual mobile homes,
 - ix) individual manufactured homes,
 - x) temporary residential structures,
 - xi) individual dwelling units in semi-detached dwellings, multiple dwellings, and apartment units,
 - xii) semi-detached dwellings, multiple unit dwellings, apartments, and special care/special dwelling units in buildings or structures which are not exclusively used for residential purposes.
- ii) "retail" means a building used for, or in connection with the offering or sale of goods, wares, merchandise, substances, articles or things directly to the consumer;
- jj) "semi-detached dwelling" means a residential building consisting of two dwelling units attached by a vertical wall or walls;
- kk) "services" means services designated in Schedule "A" of this by-law or designated in front-ending agreement;
- ll) "single detached dwelling" means a residential building containing one dwelling unit and not attached to another building or structure, whether or not the sole single detached dwelling is situated on a single lot, and includes manufactured homes; and
- mm) "special care/special dwelling unit/room" means a residence in an assisted living facility:
- a. Containing two or more dwelling rooms, which rooms have common entrance from street level; and
 - b. where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room and accessory buildings; and
 - c. that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where support services, such as meal preparation, grocery shopping, laundry, housing, nursing, respite care and attending services are provided at various levels; but
 - d. excludes long-term care facilities/nursing homes.

- nn) “temporary residential structure” means a residential building containing one dwelling unit and not attached to another building or structure and constructed on a lot of record on which another single detached dwelling or semi-detached dwelling is situated.

Scope of By-Law

- 2) This by-law applies to all of the land within The Corporation of Haldimand County.

Development Charges

- 3) The development of land, buildings or structures for residential and non-residential uses have required or will require the provision, enlargement, expansion of the services referenced in Schedule “A” of this by-law.
- 4) The development of land is subject to a development charge where the development requires any one or more of the following:
- a) the passing of zoning by-law or an amendment thereto under Section 34 of the *Planning Act*, as amended or any successor thereto;
 - b) the approval of a minor variance under Section 45 of the *Planning Act*, as amended or any successor thereto;
 - c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies, as amended or any successor thereto;
 - d) the approval of a plan of subdivision under Section 51 of the *Planning Act*, as amended or any successor thereto;
 - e) a consent under Section 53 of the *Planning Act*, as amended or any successor thereto;
 - f) the approval of a site plan and agreement under Section 41 of the *Planning Act*;
 - g) the approval of a description under Section 50 of the *Condominium Act*, as amended or any successor thereto; or
 - h) the issuing of a permit under the *Building Code Act*, as amended or any successor thereto, in relation to a building or structure.

Calculation of Development Charges

- 5) The development charge with respect to the development of any land, buildings and structures are to be calculated and collected in accordance with the rates set out in Schedule “B-1”, Schedule “B-2”, Schedule “C-1” and Schedule “C-2”, subject to the other provisions of this by-law, calculated as follows:
- a) in the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units;
 - b) 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;

- 6) Subject to the provisions of this by-law, development charges against land are to be calculated and collected in accordance with the rates set out in Schedule “B-1”, Schedule “B-2”, Schedule “C-1”, and Schedule “C-2”, in respect of the services set out in Schedule “A” of this by-law.
- a) Mixed-Use Development
 - i) Where a development has both residential and non-residential uses, development charges will be assessed against both uses, to the extent of their respective uses of a building or structure, and as though the uses were separate.
 - b) Redevelopment
 - i) Development charges payable in a redevelopment shall be calculated by reducing the development charges payable by the maximum number of former residential units or by the maximum non-residential former gross floor area (as the case may be) which had been on the same property within ten (10) years of an action or approval required in Section 4 of this by-law but has since been demolished. Any such reduction shall not produce a refund.
 - c) Change of Use
 - i) Where an existing non-residential building or structure is converted in whole or in part to residential uses, the residential development charge payable for the dwelling units created shall be reduced by an amount equal to the non-residential development charges previously paid for the development being converted, but any such reduction shall not produce a refund. No credit will be provided for services excluded from the non-residential charge.
 - ii) Where an existing residential building is converted in whole or in part to non-residential uses, the non-residential development charge payable for the gross floor area so converted shall be reduced by an amount equal to any residential development charges previously paid for the residential building being converted, and if a dwelling unit is only partially converted the reduction shall be in proportion to the extent of the conversion, but any such reduction shall not produce a refund.
 - iii) Development charges assessable for the conversion of uses in a mixed-use building or structure shall be determined in accordance with subsections (c) i) and (c) ii) of this by-law, as applicable.

Exemptions from Development Charges

- 7) As provided for in Section 2(3) of the Act and Ontario Regulation 82/98, the following are not subject to development charges under the Act and this by-law if the only effect of an action referred to in Section 4 of this by-law is to:
- a) permit the enlargement of an existing dwelling unit; or
 - b) permit the creation of up to two additional dwelling units, as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings. The said prescribed matters from Ontario Regulation 82/98 are attached as Schedule “D” to this by-law.

- 8) As set out in section 4 of the Act, 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 as follows:
- a) the exemption for industrial enlargement provided for in this subsection shall apply only to the enlargement of the gross floor area of an existing industrial building; for this subsection, an “existing industrial building” shall have the same meaning as defined in O. Reg. 82/98 under the Act, as amended or successor thereto, and at the time of application for a building permit, shall have fifty (50) per cent or more of its gross floor area occupied by industrial uses;
 - b) such enlargement must be attached to, or within, the existing industrial building, but shall not be attached by means only of a tunnel, bridge, passageway, shared below grade connection, foundation, footing, shared connected roof or parking facility;
 - c) both the enlargement and existing industrial building must be constructed on lands owned by the same beneficial owner;
 - d) the enlargement shall be for a use for, or in connection with, an industrial purpose as set out in this by-law on lands owned by the same beneficial owner;
 - e) the enlargement shall be for the exclusive use of an existing occupant whose occupancy equals fifty (50) percent or more of the total gross floor area of the existing structure immediately prior to the issuance of the subject expansion building permit;
 - f) the building permit for the construction of the enlargement is to be issued not less than ten (10) years from the date of occupancy permit issuance for the original building, or occupancy permit issuance for the last building permit for an enlargement on the property;
 - g) for the purposes of the calculation of the applicable development charge, the gross floor area of an existing industrial building shall be calculated as it existed prior to the first enlargement in respect of that building for which an exemption under section 4 of the Act is sought;
 - h) for the purposes of the calculation of the applicable development charge, the enlargement shall be measured to also include all prior enlargements from the existing industrial building as determined in clause 6(c)1;
 - i) if the area of the enlargement as determined in clause 8(h) above is fifty (50) per cent or less than the gross floor area determined in clause 8(g) above, the amount of the development charge in respect of the enlargement is zero (0) dollars; and
 - j) if the area of the enlargement as determined in clause 8(h) above is more than fifty (50) per cent of the gross floor area determined in clause 8(g) above, the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable less that portion related to any gross floor area of the enlargement which is required to bring the cumulative amount of enlargements to fifty (50) percent.
- 9) Notwithstanding any other provision of this by-law, the following types of development are exempted from any development charges under this by-law:

- a) development which is or would be classified under the *Assessment Act* as exempt from taxation for realty taxes such as a place of worship;
- c) any development undertaken by:
 - i) the County,
 - ii) any board within the meaning of subsection 1(1) of the *Education Act*, as amended or any successor thereto, or
 - iii) any local board of the Corporation of Haldimand County.
- c) farm building constructed for bona fide farm uses.

Collection of Development Charges

10) Subject to the provisions of this section, development charges are payable at the time of the issuance of the first building permit.

- a) Prepayment or Deferral Agreements
 - i) Council may authorize, in accordance with Section 27 of the Act, an agreement with a person to permit, on such terms as Council may require, the payment of a development charge before or after it is otherwise payable under this by-law.
- b) Services in Lieu Agreements
 - i) Council may agree, in accordance with Sections 38, 39, 40 and 41 of the Act, to allow a person to perform work that relates to a service to which this development charge by-law relates, in return for a credit towards the development charges payable by the said person, upon terms specified by Council in its agreement with the person. No such credit shall exceed the total development charges payable by the person.
- c) Front-Ending Agreements
 - i) Council may authorize a front-ending agreement in accordance with the provisions of Part III of the Act, upon such terms as Council may require, in respect of the development of land.

Administration of By-law

11) This by-law shall be administered by the Treasurer of The Corporation of Haldimand County.

Indexing

12) As authorized in paragraph ten of Section 5(1) of the Act, the development charges provided for in this by-law shall be adjusted annually by the percentage change during the preceding year, as recorded in the Statistics Canada Quarterly, Non-Residential Building Construction Price Index in the Toronto area. This adjustment shall take place as follows:

- a) the initial adjustment shall be one year from the date of passage of this by-law, and

- b) thereafter, adjustment shall be made each year on the anniversary of the date of passage of this by-law.
- 13) The Treasurer shall, annually on May 31st, furnish to Council a statement in respect of the separate reserve funds required by the Act for each Service to which this by-law relates, for the prior year, containing the information set out in Section 43 of the Act and Section 12 of Ontario Regulation 82/98.

Schedules

- Schedule "A" - List of Services
- Schedule "B-1" - Schedule of Residential Development Charges by Service and Unit Type for Engineering-related Services
- Schedule "B-2" - Schedule of Residential Development Charges by Service and Unit Type for Community Benefit-related Services
- Schedule "C-1" - Schedule of Non-Residential Development Charges by Service and Per Square Foot and Per Square Metre for Engineering-related Services
- Schedule "C-2" - Schedule of Non-Residential Development Charges by Service and Per Square Foot and Per Square Metre for Community Benefit-related Services
- Schedule "D" - Table from O. Reg. 82/98 referred to in Section 7

Short Title

- 14) This by-law may be referred to as the "2019 Haldimand County Development Charges By-Law".

Repeal of Previous By-Law

- 15) By-Law No. 1441/14 of The Corporation of Haldimand County, as amended, be hereby repealed.

Date By-Law in Force

- 16) This by-law shall come into force and effect on the day following the date of its passing and enactment

READ a first and second time this 13th day of May 2019.

READ a third time and finally passed this 13th day of May 2019.

MAYOR

CLERK

Schedule "A"
Haldimand County Components of Service

Municipal-wide Services

- 1.0 Services Related to a Highway
- 2.0 Public Works – Buildings & Fleet
- 3.0 Parking Spaces
- 4.0 Fire Protection Services
- 5.0 Indoor & Outdoor Recreation Services
- 6.0 Library Services
- 7.0 Administration (studies)
- 8.0 Cemeteries
- 9.0 Ambulance
- 10.0 Waste Diversion Services

Urban Services

- 11.0 Stormwater Drainage and Control Services
- 12.0 Wastewater Services
- 13.0 Water Services

Schedule “B-1”

Residential Development Charges by Service and Unit Type

Engineering-related Services

Service	RESIDENTIAL				
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units
Municipal Wide Services:					
Services Related to a Highway	1,970	1,469	946	1,653	749
Public Works	238	178	114	200	90
Fire Protection Services	690	515	331	579	262
Waste Diversion	163	122	78	137	62
Administration - Engineering-related	29	22	14	24	11
Total Municipal Wide Services	3,090	2,306	1,483	2,593	1,174
Urban Services					
Stormwater Drainage and Control Services	121	90	58	102	46
Wastewater Services	5,930	4,423	2,847	4,976	2,254
Water Services	1,966	1,466	944	1,650	747
Total Urban Services	8,017	5,979	3,849	6,728	3,047
GRAND TOTAL RURAL AREA	3,090	2,306	1,483	2,593	1,174
GRAND TOTAL URBAN AREA	11,107	8,285	5,332	9,321	4,221

Schedule “B-2”

Residential Development Charges by Service and Unit Type

Community Benefit-related Services

Service	RESIDENTIAL				
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units
Municipal Wide Services:					
Parking Services	91	68	44	76	35
Indoor & Outdoor Recreation Services	7,150	5,333	3,432	6,000	2,718
Library Services	1,132	844	543	950	430
Administration - Community Benefit-related	196	146	94	164	75
Cemeteries	70	52	34	59	27
Ambulance	235	175	113	197	89
Total Municipal Wide Services	8,874	6,618	4,260	7,446	3,374

Schedule “C-1”
 Non-Residential Development Charges by Service Per Square Foot and Per
 Square Metre of G.F.A.
 Engineering-related Services

Service	NON-RESIDENTIAL	
	(per sq.ft. of Gross Floor Area)	(per sq.m. of Gross Floor Area)
Municipal Wide Services:		
Services Related to a Highway	0.78	8.40
Public Works	0.10	1.08
Fire Protection Services	0.29	3.12
Waste Diversion	0.02	0.22
Administration - Engineering-related	0.01	0.11
Total Municipal Wide Services	1.20	12.92
Urban Services		
Stormwater Drainage and Control Services	0.05	0.54
Wastewater Services	2.27	24.43
Water Services	0.76	8.18
Total Urban Services	3.08	33.15
GRAND TOTAL RURAL AREA	1.20	12.92
GRAND TOTAL URBAN AREA	4.28	46.07

Schedule “C-2”
 Non-Residential Development Charges by Service Per Square Foot and Per
 Square Metre of G.F.A.
 Community Benefit-related Services

Service	NON-RESIDENTIAL	
	(per sq.ft. of Gross Floor Area)	(per sq.m. of Gross Floor Area)
Municipal Wide Services:		
Parking Services	0.04	0.43
Indoor & Outdoor Recreation Services	0.44	4.74
Library Services	0.07	0.75
Administration - Community Benefit-related	0.08	0.86
Cemeteries	0.03	0.32
Ambulance	0.10	1.08
Total Municipal Wide Services	0.76	8.18

Schedule “D”
 TABLE FROM O.REG. 82/98 REFERRED TO IN SECTION 7

Name of Class of Residential Building	Description of Class of Residential Building	Maximum Number of Additional Dwelling Units	Restrictions
Single Detached Dwellings	Residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
Semi-Detached Dwellings or Row Dwellings	Residential buildings, each of which contains a single dwelling unit, that have one other parts, attached to other buildings	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.
Other residential buildings	A residential building not in another class of residential building described in this table	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.