



**THE CORPORATION OF THE TOWN OF ORANGEVILLE**

**BY-LAW NUMBER** 78-2009

**A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES FOR  
TOWN WIDE SERVICES**

**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 Town of Orangeville (the “Council”) has given notice of the proposed development charges by-law and development charge background study and held a public meeting on the 13<sup>th</sup> day of July, 2009 and has heard all persons who applied to be heard and considered all submissions in accordance with the ACT and the regulations thereto;

**AND WHEREAS** the Council has by Resolution determined in accordance with section 12 of the *Development Charges Act, 1997*, that no further public meetings were required;

**AND WHEREAS** the Council had before it a development charge background study entitled “*Development Charges Background Study, The Town of Orangeville*” by Hemson Consulting Ltd., dated June 2009 (hereinafter referred to as the “Study”), wherein it is indicated that the development of certain lands within an area of the Town of Orangeville will increase the need for the services as defined herein;

**AND WHEREAS** the Council on August 10<sup>th</sup>, 2009 received the Study, pursuant to the *Development Charges Act, 1997* and have thereafter indicated its intent by Resolution that it intends to ensure that the increase in the need for services attributable to the anticipated development will be met;

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF ORANGE VILLE ENACTS AS FOLLOWS:**

## Definitions

1. In this By-law, the following items shall have the corresponding meanings:
  - 1) “**ACT**” means the Development Charges Act, 1997, S.O. 1997, C.27 as amended, or any successor thereof;
  - 2) “**accessory use**” means a use of land, a building or a structure which is naturally and normally incidental and subordinate in purpose and/or floor area, and exclusively devoted to, the principal use of such land, building or structure;
  - 3) “**apartment unit**” means any residential dwelling unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor;
  - 4) “**assembly plant**” means a building to which parts for consumer goods are delivered, stores, and assembled into consumer goods and shipped.
  - 5) “**bedroom**” means a habitable room larger than seven square meters, including a den, study or other similar area, but does not include a living room, dining room or kitchen;
  - 6) “**benefiting area**” means an area defined by a map, plan or legal description in a front-ending agreement as referred to under Section 44 of the ACT as an area that will receive a benefit from the construction of a service;
  - 7) “**board of education**” has the same meaning as set out in Section 1(1) of the Education Act, R.S.O. 1990, c.E2, as amended or any successor thereof;
  - 8) “**Building Code Act**” means the *Building Code Act*, 1992 S.O. 1992, c.23, as amended, or any successor thereof.
  - 9) “**commercial use**” means all the commercial uses permitted by Zoning By-law number 22-90 of the Town, as amended or any successor thereof;
  - 10) “**council**” means the council of the town;
  - 11) “**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;
  - 12) “**development charge**” means a charge imposed pursuant to this By-law;
  - 13) “**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;

- 14) **“grade”** means the average level of finished ground adjoining a building or structure at all exterior walls;
- 15) **“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;
- 16) **“industrial use”** means all of the industrial uses permitted by Zoning By-law number 22-90 of the Town as amended or any successor thereof;
- 17) **“institutional use”** means all of the institutional uses permitted by Zoning By-law number 22-90 of the Town as amended or any successor thereof, but does not include a religious institution or cemetery;
- 18) **“local board”** has the same meaning as in the ACT;
- 19) **“local services”** means those services, facilities or things which are under the jurisdiction of the municipality and are related to an application for consent or to a plan of subdivision or within the area to which the plan relates and are to be installed or paid for by the owner as a condition of approval under Sections 51 or 53 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, or any successor thereof;
- 20) **“mobile home”** means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer;
- 21) **“multiple dwelling”** means all dwellings other than single-detached, semi-detached and apartment unit dwellings;
- 22) **“municipality”** means the Corporation of the Town of Orangeville;
- 23) **“net developable hectare”** means a buildable hectare of land but shall not include public highways, private roads (other than driveways) which are designed for the circulation of traffic in the same manner as public highways, and lands defined as hazard lands.
- 24) **“non-residential use”** means a building or structure of any kind whatsoever used, designed or intended to be used for other than residential use;

- 25) **“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;
- 26) **“place of worship”** means that part of a building or structure and land used in connection therewith that is exempt from taxation as a place of worship under Section 3, paragraph 3 of the *Assessment Act* R.S.O. 1990, c.A.31, as amended, or successor thereof;
- 27) **“regulation”** means any regulation made pursuant to The ACT;
- 28) **“residential use”** means land or buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one or more individuals;
- 29) **“row house”** means a free-standing building containing three or more dwelling units having a common wall between each two adjacent dwelling units having at least two private entrances;
- 30) **“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 no other parts, attached or another dwelling unit where the residential units are not connected by an interior corridor;
- 31) **“service”** means a service designated in Schedule “A” to this By-law, and “services” shall have a corresponding meaning;
- 32) **“servicing agreement”** means an agreement between a landowner and the municipality relative to the provision of municipal services to specified lands within the municipality;
- 33) **“single detached dwelling unit”** means a residential building consisting of one dwelling unit and not attached to another structure and includes a mobile home;
- 34) **“Town”** means The Corporation of the Town of Orangeville;
- 35) **“townhouse”** has the same meaning as row house;
- 36) **“warehouse”** means a building to which goods of every nature are delivered, stored and from which such goods are shipped when storage is no longer required;

2. **Designation of Services**

- 2.1 It is hereby declared by the Council of the Town that all development of land within the Town will increase the need for services.
- 2.2 Once this By-law is in force, the development charge applicable to a development as determined under this By-law shall apply without regard to the services required or used by any individual development.
- 2.3 Development charges shall be imposed for the following categories of services to pay for the increased capital costs required because of increased need for services arising from development
  - a) Town Wide Hard Services
  - b) Town Wide Soft Services
- 2.4 The components of the services designated in section 2.3 are described in Schedule A.

3. **Application of By-law Rules**

- 3.1 For the purpose of complying with section 6 of the ACT
  1. The rules developed under paragraph 9 of subsection 5(1) of The ACT for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be as set forth in section 3.2 through 3.12 of this By-law;
  2. The exemptions provided for by such rules shall be the exemptions set forth in section 3.7 and 3.8 of this By-law, and the indexing of charges shall be in accordance within section 3.6 of this By-law;
  3. Determining the development charges payable on the redevelopment of land shall be in accordance with the rules set forth in section 3.9 of this By-law;
  4. The area to which this By-law applies shall be the area described in section 3.2 of this By-law;

**Lands Affected**

- 3.2 Subject to the conditions and limitations contained herein, this By-law applies to all lands located within the Town of Orangeville.

**Application**

- 3.3
  - 1) Development charges shall apply to lands to be developed with;

- a) residential units,
  - b) commercial buildings,
  - c) institutional buildings,
  - d) industrial buildings
- 2) In the case of a development containing more than one use as described in subsection 1), development charges payable shall be the total of the development charges for each use.

### **Approvals Subject to Development Charges**

#### 3.4

- 1) Subject to subsection (2) a development charge shall be calculated, paid and collected in accordance with the provisions of this by-law, where 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) a consent under section 53 of the *Planning Act*;
  - g) the approval of a description under section 50 of the *Condominium Act*; or
  - h) the issuing of a permit under the *Building Code Act*, in relation to a building or structure.
- 2) Subsection (1) shall not apply in respect of local services to be installed or paid as a condition of approval under Section 51 and 53 of the *Planning Act*;
- 3) Nothing in this by-law prevents Council from requiring, as a condition of an agreement under Sections 51 or 53 of the *Planning Act*, that the owner, at his or her own expense, shall install or pay for such Local Services, as Council may require.

### **Imposition of Development Charges**

- 3.5 Subject to section 3.6, 3.7, 3.8 and 3.9, the development charges set forth in

Schedule "B" hereto shall be imposed, without phasing in, on all lands within the Town of Orangeville.

### **Indexing**

- 3.6 Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, commencing on the first anniversary date of this By-law and each anniversary date thereafter while this by-law is in force in accordance with the prescribed index in The ACT.

### **Exemptions For Intensification of Existing Housing**

#### 3.7

- 1) Development charges against land to be developed for residential use shall not apply in respect of the creation of;
  - a) an enlargement to an existing dwelling unit;
  - b) one or two additional dwelling units in an existing single-detached dwelling; or
  - c) one additional dwelling unit in any other existing residential building.
- 2) Notwithstanding subsection 1)b), development charges shall be collected if the total gross floor area of the additional unit or units is greater than the total gross floor area of the existing dwelling unit.
- 3) Notwithstanding subsection 1)c), development charges shall be collected if the additional unit has a gross floor area greater than,
  - a) in the case of a semi-detached or row house, the gross floor area of the existing dwelling unit; and
  - b) in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building.

### **Other Exemptions**

#### 3.8

- 1) No land, except land owned by and used for the purposes of a Board of Education, a municipality or a local board thereof is exempt from a development charge by reason only that it is exempt from taxation under Section 3 of the *Assessment Act*.
- 2) Notwithstanding subsection 1), this By-law shall not apply to land that is used for the purposes of:
  - a) cemetery;

- b) a place of worship, or;
  - c) other uses as set out in Schedule C to this by-law.
- 3) 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 will be determined as follows:
- a) If the gross floor area is enlarged by 50% or less, the amount of the development charge in respect of the enlargement is zero; and
  - b) If the gross floor area is enlarged by more than 50%, 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:
    - (1) Determine the amount by which the enlargement in gross floor area exceeds 50% of the gross floor area in existence at the time of the building permit application; and
    - (2) Divide the amount determined under paragraph (i) by the amount of the enlargement;

### **Redevelopment**

#### 3.9

- 1) If an existing building is demolished and replaced with anew building(s), a credit shall be given against the development charge otherwise payable pursuant to this By-law for the demolished building, the credit to be an amount equal to the development charge that would be applied to the demolished building if it were being developed as anew building with the use of the demolished building determined as its most recent legal use before the demolition, and the credit being calculated based on the applicable development charge for that use as of the date on which the development charge is payable for the new building(s) in accordance with Schedule “B” to this By-law.
- 2) If an existing building or a portion of an existing building is converted to another use, a credit shall be given against the development charge otherwise payable pursuant to this By-law for the converted building or portion of building, the credit to be an amount equal to the development charge that would be applied to the converted building of the converted portion of building if it were being developed as a new building with the use of the building or portion of building determined as its most recent legal use before the conversion took place, and the credit being calculated based on the applicable development charge for that use as of the date on which the development charge is payable for the conversion of the building in accordance with Schedule “B” to this By-law.



- 3) Notwithstanding subsection 1), the credit described therein shall apply provided that a building permit is issued within two years of the date of issue of a permit for demolition.
- 4) In no case shall the credit described in subsections 1) and 2) exceed the total development charges payable for the new or converted building(s).

### **Timing And Calculation Of Payment**

- 3.10 Subject to the provisions of this by-law, development charges shall be calculated, paid and collected at the rates as set out in Schedule "B" to this by-law.
- 3.11
  - 1) The development charge shall be payable on the date a permit is issued under the *Building Code Act*, in relation to a building or structure on land to which the development charge applies. No building permits shall be issued by the Town for the construction of any building or structure on land to which a development charge applied until the applicable development charges has been paid in full to the Town.
  - 2) Notwithstanding subsection 1), the Corporation may enter into an agreement with any person who is required to pay a development charge providing for all or any part of the development charge to be paid before it would otherwise be payable.
  - 3) The total amount of a development charge payable under an agreement pursuant to subsection 2) is the amount of the development charge that would be determined under this By-law on the date specified in the agreement or, if no such date is specified, at the earlier of:
    - a) the time the development charge or any part of it is payable under the agreement;
    - b) the time the development charge would be payable in the absence of the agreement.
  - 4) If the Corporation enters into an agreement under subsection 2), the Corporation may charge interest, at a rate stipulated in the agreement, on that part of the development charge paid after it would otherwise be payable.
  - 5) All development charges shall be calculated as of the date upon which they are payable, unless otherwise specified in an agreement under subsection 2).
  - 6) Notwithstanding subsection 1), the Corporation may, by agreement, allow a person to perform work that relates to a service to which this By-law relates, and give the person a credit towards the payment of development charges in accordance with the agreement, the amount of the credit to be determined in accordance with the ACT.

- 7) Notwithstanding subsection 1), the Corporation may enter into a front-ending agreement under the ACT that relates to the services to which this By-law relates.

### **Unpaid Charges**

- 3.12 If a development charge of any part of it remains unpaid after it is payable, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes.
- 3.13 Where any unpaid Development Charges are collected as taxes, the monies so collected shall be credited to a Development Charge reserve fund.

### **Headings For Reference Only**

4. The headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this By-law.

### **Severability**

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

### **Date By-law In Force**

6. This by-law shall come into force and effect at 12:01 a.m. on September 1, 2009.

### **By-law Repeal**

7. On the effective date of this by-law the accommodation facility development charges exemption By-law 65-2005 is thereby repealed.

### **Additional Development Charges**

8. Additional development charges may be imposed pursuant to other By-laws.

### **Transfer of Credit**

9. As provided for in subsection 41(2) of the *Act*, a credit under any other by-law enacted by the Council, pursuant to the *Act*, may be used, subject to the discretion of the Council, against any Development Charge imposed by this By-law.

### **By-Law Registration**

10. A certified copy of this by-law may be registered on title to any land to which this by-law applies.

**Schedules to the By-Law**

11. The following Schedules to this by-law form an integral part of this by-law:

- Schedule A - Schedule of Designated Municipal Services
- Schedule B - Schedule of Area Specific Development Charges
- Schedule C - Exemption Provisions

**Short Title**

12. The by-law may be cited as the Town of Orangeville Town-Wide Development Charge By-law.

PASSED IN OPEN COUNCIL THIS 10<sup>th</sup> DAY OF AUGUST, 2009.



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Rob Adams, Mayor



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Cheryl Johns, Clerk

**SCHEDULE A**

**Service Categories and Sub-Components**

| <b><u>Service Category</u></b> | <b><u>Sub-Components</u></b>   |
|--------------------------------|--|
| 1. Town Wide Hard Services     | - Water Supply/Conservation<br>- Water Pollution Control Facilities<br>- Roads and Related<br>- Police Services<br>- Fire Protection               |
| 2. Town Wide Soft Services     | - General Government<br>- Library Board<br>- Indoor Recreation<br>- Parks Development and Facilities<br>- Transit<br>- Public Works Yard and Fleet |

**SCHEDULE B**

**TOWN OF ORANGEVILLE  
DEVELOPMENT CHARGES SUMMARY**

**RESIDENTIAL DEVELOPMENT CHARGES**

| <b>SERVICE</b>                             | <b>Charge By Unit Type</b>        |                                   |                                    |                                    |
|--|-----------------------------------|-----------------------------------|------------------------------------|------------------------------------|
|  | <b>Single &amp; Semi-Detached</b> | <b>Rows &amp; Other Multiples</b> | <b>Large Apartment 2BR or more</b> | <b>Small Apartment 1BR or less</b> |
| Fire Services                              | \$589                             | \$492                             | \$328                              | \$219                              |
| Police Services                            | \$561                             | \$469                             | \$312                              | \$208                              |
| Library Board                              | \$687                             | \$573                             | \$382                              | \$255                              |
| Indoor Recreation                          | \$2,782                           | \$2,322                           | \$1,548                            | \$1,032                            |
| Park Development & Facilities              | \$757                             | \$632                             | \$421                              | \$281                              |
| Transit Services                           | \$32                              | \$26                              | \$18                               | \$12                               |
| Public Works: Buildings & Fleet            | \$469                             | \$391                             | \$261                              | \$174                              |
| General Government                         | \$116                             | \$97                              | \$65                               | \$43                               |
| <b>General Services Charge Per Unit</b>    | <b>\$5,993</b>                    | <b>\$5,002</b>                    | <b>\$3,335</b>                     | <b>\$2,224</b>                     |
| Roads & Related                            | \$3,360                           | \$2,805                           | \$1,870                            | \$1,247                            |
| Water Services                             | \$5,703                           | \$4,762                           | \$3,175                            | \$2,116                            |
| Sanitary Sewer Services                    | \$4,821                           | \$4,025                           | \$2,683                            | \$1,789                            |
| <b>Engineered Services Charge Per Unit</b> | <b>\$13,884</b>                   | <b>\$11,592</b>                   | <b>\$7,728</b>                     | <b>\$5,152</b>                     |
| <b>TOTAL DEVELOPMENT CHARGE PER UNIT</b>   | <b>\$19,877</b>                   | <b>\$16,594</b>                   | <b>\$11,063</b>                    | <b>\$7,376</b>                     |

**NON-RESIDENTIAL DEVELOPMENT CHARGES**

| <b>SERVICE</b>                              | <b>Non-Residential Charge (\$/m<sup>2</sup>)</b> |
|---|--|
| Fire Services                               | \$1.45   |
| Police Services                             | \$1.38   |
| Library Board                               | \$0.00   |
| Indoor Recreation                           | \$0.00   |
| Park Development & Facilities               | \$0.00   |
| Transit Services                            | \$0.17   |
| Public Works: Buildings & Fleet             | \$2.41   |
| General Government                          | \$0.29   |
| <b>General Services Charge Per sq. m</b>    | <b>\$5.70</b>                                    |
| Roads & Related                             | \$16.12  |
| Water Services                              | \$27.35  |
| Sanitary Sewer Services                     | \$23.12  |
| <b>Engineered Services Charge Per sq. m</b> | <b>\$66.59</b>                                   |
| <b>TOTAL DEVELOPMENT CHARGE PER SQ M</b>    | <b>\$72.29</b>                                   |

## SCHEDULE C

### TOWN WIDE SERVICES DEVELOPMENT CHARGES EXEMPTION PROVISIONS

#### Exemption Provisions:

Notwithstanding other references within this by-law to the methods of calculation of development charges:

1. The development of land for the purposes of:
  - a) manufacturing, producing, processing, storing or distributing something,
  - b) research or development in connection with manufacturing, producing, processing, storing or distributing 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, storing or distributing something,
    - ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution

shall be charged 0% of the full non-residential development charge shown in Schedule B to the By-law.