

BY-LAW NUMBER 2018-14 OF THE CITY OF ORILLIA

A BY-LAW FOR THE IMPOSITION OF DEVELOPMENT CHARGES

WHEREAS subsection 2(1) of the Development Charges Act, 1997, c. 27 (hereinafter called “the Act”) provides that the council of a municipality may pass by-laws for the imposition of development charges against land for increased capital costs required because of the needs for services arising from development in the area to which the by-law applies;

AND WHEREAS the Council of the City of Orillia (hereinafter the “City”) has given Notice in accordance with 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 City of Orillia had before it a report entitled Development Charges Background Study dated December 8, 2017 (“the background study”) prepared by Hemson Consulting Ltd., wherein it is indicated that the development of any land within the City will increase the need for services as defined herein;

AND WHEREAS copies of the Background Study were made available on December 12, 2017 and copies of the proposed development charges by-law were made available on January 4, 2018 to the public in accordance with Section 12 of the Act;

AND WHEREAS the Council of the City of Orillia held a public meeting on January 29, 2018 to consider the enactment of a municipal-wide development charge by-law in accordance with Section 12 of the Act and heard all persons who applied to be heard and received written submissions whether in objection to, or in support of, the development charges proposal at a public meeting held on January 29, 2018;

AND WHEREAS by resolution adopted by the Council of the City of Orillia on February 12, 2018, Council determined that no further public meetings were required under Section 12(3) of the Act;

AND WHEREAS the Council of the City of Orillia on January 29, 2018 adopted the applicable Development Charges Background Study, dated December 8, 2017, in which certain recommendations were made relating to the establishment of a Development Charge Policy for the City of Orillia pursuant to the *Development Charges Act, 1997*;

AND WHEREAS by resolution adopted by the Council of the City of Orillia on February 12, 2018, Council determined that the increase in the need for services attributable to the anticipated development as contemplated in the Development Charges Background Study dated December 8, 2017, as amended including any Capital costs, will be met by updating the Capital budget and forecast for the City, where appropriate;

AND WHEREAS by resolution adopted by the Council of the City of Orillia on February 12, 2018, Council determined that the future excess capacity identified in the Development Charges Background Study dated December 8, 2017, shall be paid for by the development charges contemplated in the said Development Charges Background Study or other similar charges;

AND WHEREAS the Council of the City of Orillia has given consideration of the use of more than one development charge by-law to reflect different needs for services in different areas, also known as area rating or area specific DCs, and has determined that for the services, and associated infrastructure proposed to be funded by DCs under this by-law, that it is fair and reasonable that the charges be calculated on a municipal-wide uniform basis;

AND WHEREAS the Development Charges Background Study dated December 8, 2017 includes an Asset Management Plan that deals with all assets whose Capital costs are intended to be funded under the development charge by-law and that such assets are considered to be financially sustainable over their full life-cycle;

AND WHEREAS the Council of the City of Orillia will give consideration to incorporate the asset management plan outlined in the Development Charges Background Study within the City's ongoing practices and corporate asset management strategy.

NOW THEREFORE THE COUNCIL OF THE CITY OF ORILLIA ENACTS AS FOLLOWS:

1. In this by-law,

1.1 DEFINITIONS

- (1) "Act" means the *Development Charges Act, 1997*, as amended, or any successor thereto;
- (2) "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 or floor area or both, and exclusively devoted to a principal use, building or structure;
- (3) "accessory apartment" means a residential dwelling unit within a single or semi-detached residential unit which is smaller than the primary dwelling unit or, in the case of a non-residential building, 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;
- (4) "apartment unit" means any residential dwelling unit within;
 - a) 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;
 - b) a commercial building;
- (5) "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;
- (6) "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;
- (7) "board of education" has the same meaning as that specified in the *Education Act* or any successor thereto;
- (8) "Building Code Act" means the *Building Code Act, 1992*, as amended; or any successor thereto;
- (9) "capital cost" means costs incurred or proposed to be incurred by the Municipality or a local board thereof directly or by others on behalf of and as authorized by the Municipality or local board,
 - a) to acquire land or an interest in land, including a leasehold interest,
 - b) to improve land,

- c) to acquire, lease, construct or improve buildings and structures,
 - d) to acquire, construct or improve facilities including,
 - i) furniture and equipment other than computer equipment, and
 - ii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, and
 - iii) rolling stock with an estimated useful life of seven years or more, and to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d), including the development charge background study required for the provision of services as designated in this by-law within or outside the Municipality, including interest on borrowing for those expenditures under clauses (a), (b), (c) and (d) that are growth-related;
- (10) “commercial” means any non-residential development not defined under “institutional” or “industrial”;
- (11) “council” means the Council of the Municipality;
- (12) “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;
- (13) “development charge” means a charge imposed with respect to this by-law;
- (14) “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;
- (15) “grade” means the average level of finished ground adjoining a building or structure at all exterior walls;
- (16) “gross floor area” means 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 other dwelling unit or other portion of a building;

In the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:

- a) a room or enclosed area within the building or structure above or below grade 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;
- (17) “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 on-site office uses 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 otherwise;
- (18) “institutional” means lands, buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public or non-profit purpose and shall include, but without limiting the generality of the foregoing, places of worship, and special care facilities;
- (19) “local board” has the same definition as defined in the *Development Charges Act*;
- (20) “local services” means those services, facilities or things which are under the jurisdiction of the Municipality and are related to a development or within the area to which the development relates in respect of the lands under Sections 41, 51 or 53 of the *Planning Act* as amended or any successor thereto;
- (21) “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 motor home, travel trailer or tent trailer;
- (22) “multiple dwellings” means all dwellings other than single-detached, semi-detached and apartment house dwellings;
- (23) “Municipality” means The Corporation of the City of Orillia;
- (24) “non-residential use” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use and includes all commercial, industrial and institutional uses;
- (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 that is exempt from taxation as a place of worship under the *Assessment Act*, as amended or any successor thereto;
- (27) “regulation” means any regulation made pursuant to the Act;
- (28) “residential” means land or buildings or structures of any kind whatsoever used, designed or intended to be used as seasonal or permanent living accommodations for one or more individuals;
- (29) “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;
- (30) “services” (or “service”) means those services designated in Schedule “A” to this by-law;

- (31) “servicing agreement” means an agreement between a landowner and the Municipality relative to the provision of municipal services to specified lands within the Municipality;
- (32) “single detached dwelling unit” means a residential building consisting of one dwelling unit and not attached to another structure and includes mobile homes.

2.0 DESIGNATION OF SERVICES

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

- library
- fire services
- indoor recreation
- park development
- environmental services & operations
- parking
- transit
- paramedic services
- social housing
- general government (growth studies)
- roads and related
- sanitary sewers
- water works
- storm sewers

3.0 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 subsection 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 subsection 3.3, this by-law applies to all lands in the geographic area of the City of Orillia.

3.3 This by-law shall not apply to lands that are owned by and used for the purposes of:

- (a) The City of Orillia or a local board thereof;
- (b) a board of education as defined in Section 1(1) of the *Education Act*;
- (c) The County of Simcoe or a local board thereof.

Approvals for Development

3.4 (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:

- (i) the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the *Planning Act*;

- (ii) the approval of a minor variance under Section 45 of the *Planning Act*;
 - (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - (iv) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
 - (v) a consent under Section 53 of the *Planning Act*;
 - (vi) the approval of a description under Section 50 of the *Condominium Act*; or
 - (vii) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- (b) No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this by-law applies even though two or more of the actions described in subsection 3.4(a) are required before the lands, buildings or structures can be developed.
- (c) Despite subsection 3.4(b), if two or more of the actions described in subsection 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions

- 3.5. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
- (a) an enlargement of the gross floor area of an existing industrial building in accordance with Section 4 of the Act;
 - (b) the issuance of a building permit in accordance with Section 2(3) of the Act;

Amount of Charges

Residential

- 3.6 The development charges described in Schedule "A" 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 Uses

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

Reduction of Development Charges Where Redevelopment

- 3.8 Despite any other provision of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 48 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:
- (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge in effect at the time of demolition permit issuance under subsections 3.6 and 3.7 of this by-law or any preceding by-law, by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.
 - (b) 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 charge in effect at the time of demolition permit issuance under subsections 3.6 and 3.7 and of this by-law or any preceding by-law, by the gross floor area that has been or will be demolished or converted to another principal use; and provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

Credit for Previous Payments

- 3.9 Despite any other provision of this By-law and notwithstanding Section 17 of the Ontario Regulation 82/98, if an owner or former owner has, before the coming into force of a development charge by-law, paid all or any portion of a charge related to development such as a 'lot levy' or 'impost charge' or provided services, other than local services under the Act, in lieu of the payment of all or any portion of a charge related to development, pursuant to an agreement under Section 51 or 53 of the *Planning Act*, or a predecessor thereof with respect of land, the Municipality shall give a credit for the amount of the charge previously paid, in the event that a development charge is payable under this by-law in respect of the said land. Such credit shall be based upon the amount paid indexed to the time of building permit application based upon the Statistics Canada Construction Price Statistics.

Time of Payment of Development Charges

- 3.10 Development charges imposed under this section are payable upon issuance of a building permit with respect to each dwelling unit, building or structure.
- 3.11 Notwithstanding subsection 3.10, the component of the development charge with respect to roads, sanitary sewer sewerage, waterworks and storm water management services set out in Schedule "A" and Schedule "B", shall be payable, with respect to an approval of a Plan of subdivision under Section 51 of the *Planning Act*, immediately upon entering into the Subdivision Agreement, unless otherwise provided for by an Agreement under Section 27 of the Act. The balance of the applicable charge is payable upon issuance of the building permit.

3.12 Notwithstanding subsections 3.10 and 3.11, an owner may enter into an agreement with the City to provide for the payment in full or in part of a development charge before building permit issuance or later than the issuing of a building permit, as agreed, and for the charging of interest by the City on that part of the development charge paid after it would otherwise have been payable.

4.0 PAYMENT BY SERVICES

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

5.0 INDEXING

5.1 The development charges imposed pursuant to this by-law shall be adjusted annually, commencing February 1st, 2019, without amendment to the By-law, in accordance with the most recent twelve (12) month change in the Statistics Canada Quarterly, "Construction Price Statistics" catalogue 62-007

6.0 SCHEDULES

6.1 The following schedules to this by-law form an integral part thereof:

Schedule "A" - Residential Development Charges

Schedule "B" - Non-Residential Development Charges

7.0 DATE BY-LAW IN FORCE

7.1 This by-law shall come into force and effect from and after the date of its enactment.

8.0 DATE BY-LAW EXPIRES

8.1 This by-law will expire five years from the date of passage, unless it is repealed at an earlier date.

9.0 REPEAL

9.1 By-law No. 2013-36 is hereby repealed upon passage of this bylaw, with the intent that the development charge under By-law 2013-36 remains valid until this by-law comes into force and effect.

BY-LAW read a first, second and third time and finally passed this 12th day of February, A.D. 2018.

MAYOR

CAO/CITY CLERK

SCHEDULE "A" TO BY-LAW NUMBER 2018-14 OF THE CITY OF ORILLIA**RESIDENTIAL DEVELOPMENT CHARGE SUMMARY**

Service	Residential Charge By Unit Type			
	Single & Semi-Detached	Other Multiples	Apartments 2 Bedrooms +	Apartments Bachelor & 1 Bedroom
Library Services	\$1,029	\$938	\$722	\$541
Fire Services	\$506	\$461	\$355	\$266
Indoor Recreation	\$2,587	\$2,360	\$1,816	\$1,362
Parks	\$1,724	\$1,573	\$1,210	\$907
Environmental Services & Operations	\$632	\$576	\$443	\$333
Parking	\$39	\$36	\$28	\$21
Transit	\$419	\$382	\$294	\$220
Paramedic Services	\$133	\$121	\$93	\$70
Social Housing	\$1,273	\$1,161	\$893	\$670
General Government	\$581	\$530	\$408	\$306
Subtotal General Services	\$8,923	\$8,138	\$6,262	\$4,696
Roads And Related	\$4,533	\$4,136	\$3,181	\$2,386
Sanitary Sewer	\$2,650	\$2,417	\$1,860	\$1,395
Water	\$1,229	\$1,121	\$862	\$647
Storm Water	\$373	\$341	\$262	\$196
Subtotal Engineered Services	\$8,785	\$8,015	\$6,165	\$4,624
TOTAL CHARGE PER UNIT	\$17,708	\$16,153	\$12,427	\$9,320

SCHEDULE "B" TO BY-LAW NUMBER 2018-14 OF THE CITY OF ORILLIA**NON-RESIDENTIAL DEVELOPMENT CHARGE SUMMARY**

Service	Non-Residential
	Charge per Square Metre
Library Services	\$0.00
Fire Services	\$3.35
Indoor Recreation	\$0.00
Parks	\$0.00
Environmental Services & Operations	\$4.20
Parking	\$0.26
Transit	\$2.78
Paramedic Services	\$0.88
Social Housing	\$0.00
General Government	\$3.86
Subtotal General Services	\$15.33
Roads And Related	\$29.04
Sanitary Sewer	\$17.11
Water	\$7.93
Storm Water	\$2.41
Subtotal Engineered Services	\$56.49
TOTAL CHARGE PER SQUARE METRE	\$71.82