

# THE CORPORATION OF THE CITY OF KAWARTHA LAKES

## BY-LAW 2015-224

### A BY-LAW TO IMPOSE DEVELOPMENT CHARGES IN THE CITY OF KAWARTHA LAKES

#### Recitals

1. The City of Kawartha Lakes will experience growth through development requiring the provision of infrastructure and other services by the City.
2. Subsection 2(1) of the *Development Charges Act*, S.O. 1997 Chap. 27 (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 arising from the development of the area to which the by-law applies.
3. A draft of a report entitled "City of Kawartha Lakes Development Charge Background Study" (the "study") prepared by Watson & Associates Economists Limited ("Watson") and a draft of a proposed development charge by-law (the "proposed by-law") prepared by the Manager of Corporate Assets, both dated September 21<sup>st</sup>, 2015, were made available to the public at least 14 days prior to a public meeting held by Council on October 6<sup>th</sup>, 2015 on these documents in accordance with section 12 of the Act.
4. Subsequent to the October 6<sup>th</sup>, 2015 public meeting, Watson issued an addendum to the study and the Manager of Corporate Assets revised the proposed by-law, and the resulting amended study and revised proposed by-law were made available to the public on October 30<sup>th</sup>, 2015 and were dated the same.
5. Subsequent to the issuance of the October 30<sup>th</sup>, 2015 addendum and revised proposed by-law, Watson issued a second addendum to the study and the Manager of Corporate Assets again revised the proposed by-law, and the resulting amended study and revised proposed by-law were made available to the public on November 11<sup>th</sup>, 2015 and are dated the same.
6. Having reviewed the November 11<sup>th</sup>, 2015 amended study and revised proposed by-law, Council has adopted the amended study and has determined that no further public meetings are required on these documents.
7. Having adopted the amended study, including the growth-related capital program referred to therein, Council has thereby indicated that it intends to ensure that the related increase in the need for services attributable to anticipated development will be met, and has further indicated its intent to recover the costs of the committed and future excess capacity identified in the study through development charges or other similar charges.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-Law 2015-224.**

#### Section 1.00: Definitions and Interpretation

##### 1.01 **Definitions:** In this by-law,

**"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;

**"Act"** means the *Development Charges Act*, S.O. 1997, Chap. 27, as amended, or any successor thereof;

**"agricultural use"** means the use of land, buildings and structures for farming, apiaries, fish farming, animal husbandry or the cultivation of trees, shrubs, flowers, grains, sod, fruits, vegetables and other crops or ornamental plants, or similar agrarian activity;

**"apartment dwelling unit"** means:

- (a) any dwelling unit within a dwelling containing three (3) or more dwelling units where access to each dwelling unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor; and

(b) any dwelling unit within a dwelling attached to a non-residential building or structure where the dwelling unit is not a single-detached, semi-detached or row dwelling unit and would otherwise constitute a multiple dwelling unit;

**“Assessment Act”** means the *Assessment Act*, R.S.O. 1990, Chap. A.31, as amended, or any successor thereof;

**“bedroom”** means, within a dwelling unit, a habitable room of less than seven square metres of floor area, including a den, study or other similar area, but does not include a bathroom, living room, dining room or kitchen;

**“benefiting area”** means an area defined by map, geography, plan or legal description in a front-ending agreement or as established by resolution of Council as an area in which development receives or will receive a benefit from the emplacement of municipal capital infrastructure;

**“board of education”** has the same meaning as set out in the *Education Act*, R.S.O. 1990, Chap. E.2, as amended, or any successor thereof;

**“Building Code Act”** means the *Building Code Act*, S.O. 1992, Chap. 23, as amended, or any successor thereof;

**“building permit”** or **“permit”** means a permission or authorization given in writing by the Chief Building Official for the construction or demolition of a building or structure, or part thereof, as defined in subsection 1(1) of the Building Code Act;

**“capital charge”** means a charge, fee or similar levy or cost recovery mechanism imposed on owners by the City pursuant to sections 390-400, inclusive, of the Municipal Act;

**“capital cost”** means capital costs as defined in subsection 5(3) of the Act incurred or proposed to be incurred by the City or a local board thereof directly or by others on behalf of and as authorized by the City or local board;

**“Chief Building Official”** means the person appointed by Council to discharge the duties of the chief building official pursuant to the Building Code Act;

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

**“City of Kawartha Lakes Development Charge Background Study”** means the most recent study, or successor thereof, as approved by or otherwise prepared for Council, undertaken by or on behalf of the City that satisfies or is intended to satisfy section 10 of the Act;

**“City Treasurer”** means the person appointed by Council to discharge the duties of the treasurer described in section 286 of the Municipal Act;

**“commercial”** means lands, buildings or structures or any part thereof used, designed or intended to facilitate the buying or selling of commodities or services, including those that relate to self-service and other storage facilities, hotels, inns, motels and boarding, lodging, rooming houses and recreational lodging and all those that are non-residential in nature but excluded from all other types of non-residential land, structures and buildings otherwise defined herein;

**“Condominium Act”** means the *Condominium Act*, S.O. 1998, Chap.19, as amended, or any successor thereof;

**“construction”** means the erection, installation, extension or material alteration or repair of a building or structure and includes the installation of a building unit fabricated or moved from elsewhere;

**“Council” or “City Council”** means the municipal council for the City;

**“demolition”** means the deconstruction or removal of a building or structure or any material part thereof;

**“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 which may include demolition and or conversion of use;

**“development charge”** means a charge imposed pursuant to this by-law, or a predecessor thereof as context requires;

**“development charge reserve fund”** means a fund of the City established pursuant to section 33 of the Act;

**“dwelling”** means a residential building or structure, or part thereof, occupied or capable of being occupied as a home, residence or domestic establishment or habitat of some kind, but does not include motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses of any kind;

**“dwelling unit”** means any part, which may include the entirety of, a dwelling used, designed or intended to be used exclusively by one or more cohabitating persons;

**“electricity generation”** means lands, buildings or structures that that are not of an accessory use and that:

- (a) form, support or accommodate a system or utility used, designed or intended to convert wind, solar, biomass, coal, natural gas, waste, water flow or other form of energy into electricity and feed it into the general power grid, and includes such systems or utilities that are subject to the Green Energy Act or are participating or intended to participate in the Independent Electricity System Operator’s Feed-In Tariff Program, or successor thereof, or similar program; and
- (b) constitute development whereby gross floor area is inapplicable, indeterminate or otherwise unrepresentative of the scale of the development, as determined by the Chief Building Official;

**“existing development”** means development that existed as of the time this by-law comes into force;

**“existing industrial building”** has the same meaning as that provided for in the Act;

**“farm building”** means any part of a non-residential building or structure located on three (3) or more hectares of land and is used solely for farm and farm-related activities carried out on the same farm and includes barns, implement sheds, seasonal roadside stands and silos but does not included processing or year-round wholesale or retail facilities;

**“general service area”** means all land within the corporate boundaries of the City of Kawartha Lakes;

**“Green Energy Act”** means the *Green Energy Act*, S.O. 2009, Chap. 12, Schedule A, as amended, or any successor thereof;

**“gross floor area”**, as determined by the Chief Building Official, 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, except for:
  - i. 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;

- ii. loading facilities above or below grade; and
- iii. a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;

**“industrial”** means lands, buildings or structures or any part thereof used, designed or intended for manufacturing, processing, fabricating, electricity generation, 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;

**“institutional”** means lands, buildings or structures or any part thereof used by any non-profit organization, group or association for the promotion of charitable, educational or benevolent objectives, and includes post-secondary institutions, nursing homes and non-profit clubs;

**“Local Board” or “local board”** means a school board, public utility, commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special legislation with respect to any of the affairs or purposes, including school purposes, of the City of Kawartha Lakes or any part or parts thereof;

**“local services”** means those services, facilities or things that are:

(a) under the jurisdiction of the City and are related to a plan of subdivision, or within the area to which the plan relates, to which sections 41, 51 or 53 of the Planning Act pertain; and

(b) those services to which section 59 of the Act pertains;

**“Manager of Corporate Assets”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

**“Manager of Revenue and Taxation”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

**“mandatory connection”** means the compulsory connection to either a water or wastewater system of the City as prescribed by City of Kawartha Lakes By-Law 2014-255 (Mandatory Connection By-Law), as amended, or any successor thereof;

**“multiple dwelling unit”** means any dwelling unit, other than single-detached, semi-detached, row and apartment dwelling units, within a dwelling, and includes any dwelling unit not otherwise defined herein;

**“Municipal Act”** means the *Municipal Act, 2001*, S.O. 2001, Chap. 25, as amended, or any successor thereof;

**“municipal housing dwelling unit”** means a dwelling unit that is part of or intended to be part of a municipal housing project facility as defined in City of Kawartha Lakes By-Law 2006-262 (Municipal Housing Facilities Bylaw), as amended, or any successor thereof;

**“municipal service”** means a municipal service provided by the City and designated in subsection 3.01 of this by-law;

**“nameplate generating capacity”, “nameplate capacity” or “plated capacity”** means, in respect of electricity generation development, the maximum rated continuous load-carrying capability to generate electricity, expressed in kilowatts (KW), as verified, if applicable, by the Electrical Safety Authority or any successor thereof or similar regulating authority;

**“non-residential”** means lands, buildings or structures or any part thereof designed, used or intended to be used for a use that is other than a residential use;

**“Northwest Lindsay Development Area”** means the benefitting area in respect of the Northwest Sanitary Sewer Works Capital Charge, as represented in Schedule 3 to this by-law;

**“Northwest Sanitary Sewer Works Capital Charge”** means the capital charge as prescribed by City of Kawartha Lakes By-Law 2015-151 (Northwest Sanitary Sewer Capital Charge), as amended, or any successor thereof;

**“owner”** means the owner of land, or successor thereof, or a person who has made application for an approval for the development of land upon which a development charge is imposed;

**“park model trailer”** means a CAN/CSA-Z241 Series-03 (R2013) recreational trailer as defined by the Standards Council of Canada, or successor thereof, that is constructed and certified in accordance with this standard and that is built on a single chassis, designed to be relocated from time to time and designed exclusively for seasonal residential use;

**“Planning Act”** means the *Planning Act*, R.S.O. 1990, Chap.13, as amended, or any successor thereof;

**“police service area”** means the area serviced by the City of Kawartha Lakes Police Service, or any successor thereof, that being:

- (a) the union of all land within the former Township of Ops and the former Town of Lindsay, and all land that has been or may be appended thereto by the City to accommodate development, or in the alternative;
- (b) all land deemed to receive service by the City of Kawartha Lakes Police Service, or any successor thereof, as otherwise established by resolution of Council subsequent to the enactment of this by-law;

**“residential”** means lands, buildings or structures or any part thereof used, designed or intended to provide accommodation or quarters for living, sleeping, sanitary and culinary purposes, or otherwise to serve as a domestic residence;

**“row dwelling unit”** means a dwelling unit in a dwelling containing three (3) or more attached dwelling units in a single row where each dwelling unit has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

**“rural-Ops service area”** means all land within the police service area that does not form part of either the water, sewer or sewer-NWT service areas;

**“rural-other service area”** means all land within the general service area that does not form part of either the urban-Lindsay, urban-NWT, urban-other or rural-Ops service areas;

**“semi-detached dwelling unit”** means a dwelling unit in a dwelling consisting of exactly two (2) attached dwelling units where each dwelling unit has an independent entrance from the outside and is vertically separated from the abutting dwelling unit;

**“service area”** means a benefitting area in respect of a municipal service or set of municipal services, and includes the police, transit, water, sewer, sewer-NWT, general, urban-Lindsay, urban-NWT, urban-other, rural-Ops and rural-other service areas;

**“sewer-NWT service area”** means the intersection of all land within the Northwest Lindsay Development Area and the sewer service area;

**“sewer service area”** means the union of all land serviced by a City wastewater system, that being all land on which development is subject to mandatory connection to a City wastewater system intended to service the development;

**“single-detached dwelling unit”** means a dwelling unit in a dwelling consisting of exactly one (1) dwelling unit that is not attached to another dwelling unit;

**“transit service area”** means the area serviced by the City’s public transit service, that being:

- (a) all land within the former Town of Lindsay, and all land that has been or may be appended thereto by the City to accommodate development, or in the alternative;
- (b) all land deemed to receive the City's public transit service as otherwise established by resolution of Council subsequent to the enactment of this by-law;

**“urban-Lindsay service area”** means the intersection of all land within the transit, police, water and sewer service areas outside of the urban-NWT service area;

**“urban-NWT service area”** means the intersection of all land within the transit, police, water and sewer-NWT service areas;

**“urban-other service area”** means the intersection of all land within the water and sewer service areas that does not form part of either the urban-Lindsay or urban-NWT service areas;

**“water service area”** means the union of all land serviced by a City water system, that being all land on which development is subject to mandatory connection to a City water system intended to service the development;

**“zoning by-law”** means the zoning by-law, or set of zoning by-laws, of the City enacted pursuant to section 34 of the Planning Act.

- 1.02 **Interpretation:** All word variations and derivatives of the terms defined in subsection 1.01 shall carry a corresponding meaning, and the words “include”, “includes”, “inclusive” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, including the regulations pursuant thereto, that are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: General Rules
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- 2.01 **Section 6 Compliance:** For the purpose of complying with section 6 of the Act:
  - (a) this by-law applies to all service areas except for land owned by or used for the purpose of:
    - i. the City or a local board thereof; or
    - ii. a board of education; and
  - (b) 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 sections 3.00 through 8.00, inclusive, of this by-law where:
    - i. the exemptions from development charges shall be those provided for in certain provisions of section 6.00 of this by-law;
    - ii. the application of development charges to the redevelopment of land shall be provided for in certain provisions of section 6.00 of this by-law;
    - iii. the development charges shall be phased in over time in accordance with certain provisions of section 7.00 of this by-law; and
    - iv. the development charges shall be indexed over time in accordance with certain provisions of section 7.00 of this by-law.

Section 3.00: Development Charges in Respect of Municipal Services
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3.01 **Designation of Municipal Services**: Development charges shall be imposed for the following municipal services to pay for the increased capital costs required in respect of the increased needs for services arising from development:

- (a) Health and Social;
- (b) Library;
- (c) Parks and Recreation;
- (d) Fire;
- (e) Paramedic;
- (f) Police;
- (g) Airport;
- (h) Transit;
- (i) Administration;
- (j) Water Treatment;
- (k) Water Distribution;
- (l) Sewage Treatment;
- (m) Sewage Collection; and
- (n) Roads and Related.

3.02 **Geographic Application of Development Charges**: Respecting the municipal services designated in subsection 3.01, development charges shall be imposed in the general service area, except that:

- (a) development charges respecting the police service shall be imposed in the police service area only;
- (b) development charges respecting the transit service shall be imposed in the transit service area only;
- (c) development charges respecting the water treatment and water distribution services shall be imposed in the water service area only;
- (d) development charges respecting the sewage treatment service shall be imposed in the sewer service area only; and
- (e) development charges respecting the sewage collection service shall be imposed in the sewer service area only, exclusive of the sewer-NWT service area.

3.03 **Development Charges Independent of Specific Need or Benefit**: The development charges related to a development as determined pursuant to this by-law shall apply without regard to the specific increase in need for municipal services required by, or the specific municipal service benefits conferred to, any individual or particular development.

Section 4.00: Approvals for Development
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4.01 **Imposition of Development Charges**: Development charges shall be imposed against all lands, buildings or structures within the area to which this by-law applies if the development of such lands, buildings or structures requires any of the following approvals or actions:

- (a) the passing of a zoning by-law or an amendment thereto under section 34 of the Planning Act;
- (b) the approval of a minor variance under section 45 of the Planning Act;

- (c) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
  - (d) the approval of a plan of subdivision under section 51 of the Planning Act;
  - (e) a consent under section 53 of the Planning Act;
  - (f) the approval of a description under section 50 of the Condominium Act; or
  - (g) issuance of a permit under the Building Code Act in relation to a building or structure.
- 4.02 **Multiple Development Charges**: No more than one development charge for each municipal service designated in subsection 3.01 shall be imposed upon any lands, buildings or structures to which this by-law applies, even though two or more of the actions and approvals described in subsection 4.01 may be required before the lands, buildings or structure can be developed.
- 4.03 **Subsequent Approvals**: Notwithstanding subsection 4.02, if two or more of the actions or approvals described in subsection 4.01 occur at different times for a development, additional development charges shall be imposed in respect of any increased or additional development arising directly from such approvals or actions.
- 4.04 **After Issuance of Building Permit**: Where a development requires an action or approval described in subsection 4.01 after the issuance of a building permit in respect thereof, if the related development charges remain unpaid in whole or in part, the unpaid portion of development charges shall then be paid prior to the execution of the action or granting of the approval that is required.
- 4.05 **Building Permit Not Required**: If a development does not require a building permit but does require one or more of the actions or approvals described in subsection 4.01, the related development charges shall then nonetheless be payable in respect of any increased or additional development arising directly from such action or approval.
- 4.06 **Local Services and Other Conditions of Development**: Nothing in this by-law prevents the City from requiring as a condition of an agreement that the owner, at his or her own expense, install such local services related to a plan of subdivision or within the area to which the plan relates, as the City may require, or that the owner pay for local infrastructure connections or administrative, processing, permit, inspection or other fees or capital charges as may be required by the City.

Section 5.00: Calculation and Payment of Development Charges
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- 5.01 **General Basis of Calculation**: The development charge with respect to the use of any land, buildings or structures shall be calculated:
- (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; and
  - (b) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon:
    - i. in the case of electricity generation development, the nameplate generating capacity of such development; otherwise
    - ii. the type of non-residential development and gross floor area of such development.
- 5.02 **Residential**: The residential development charges per dwelling unit described in Schedule 1 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 component of the mixed use building or structure, according to the type of dwelling unit, and calculated with respect to each of the applicable municipal services or service areas according to the type of dwelling unit.
- 5.03 **Non-Residential**: The non-residential development charges per unit of gross floor area described in Schedule 2 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 applicable municipal services or service areas according to the gross floor area of the type of non-residential use.

- 5.04 **Electricity Generation**: Notwithstanding subsection 5.03, the non-residential development charges per 500 kilowatts of nameplate generating capacity described in Schedule 2 to this by-law shall be imposed on electricity generation uses of lands, buildings or structures, and, in the case of a mixed use building or structure, on the electricity generation uses in the mixed use building or structure, and calculated with respect to each of the applicable municipal services or service areas according to each increment of 500 kilowatts of nameplate generating capacity.
- 5.05 **Timing of Calculation and Payment of Development Charges**: Development charges respecting a development shall be calculated as of, and shall be payable on:
- (a) in the case that a building permit is issued with respect to the development, the date the building permit is issued; otherwise
  - (b) the date the first action or approval described in subsection 4.01 with respect to the development is executed or granted.
- 5.06 **Override with Sections 26 and 27 of the Act**: Notwithstanding subsection 5.05, as permitted by sections 26 and 27 of the Act, the following provisions shall apply:
- (a) If a development requires approval of a plan of subdivision under section 51 of the Planning Act or a consent under section 53 of the Planning Act and if a subdivision or consent agreement with respect to the development is entered into with the City, the water treatment, water distribution, sewage treatment, sewage collection and roads and related development charges pertaining to the development shall be calculated as of, and shall be payable on, the date the agreement is executed.
  - (b) Notwithstanding paragraph (a) but subject to paragraph (c) of this subsection, the dates on which development charges are to be calculated and made payable may be determined by an agreement entered into by the City with an owner required to pay the development charges where such an agreement may:
    - i. provide for all any part of the development charges to be paid before or after they otherwise would be payable;
    - ii. permit the owner to provide services in lieu of the payment of all or any portion of the development charges; or
    - iii. provide for security for the owner's obligations under the agreement.
  - (c) With respect to an agreement pursuant to paragraph (b) of this subsection, unless the agreement is approved by resolution of Council, paragraph (a) of this subsection shall prevail.

Section 6.00: Exemptions, Refunds and Credits
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- 6.01 **Legislated Residential Exemptions**: Notwithstanding any other provision of this by-law, development charges shall not be imposed with respect to actions or approvals outlined in subsection 4.01 related to residential development of land, buildings or structures that would have the effect only of:
- (a) permitting the enlargement of an existing dwelling unit;
  - (b) creating one or two additional dwelling units in an existing single-detached dwelling, where the gross floor area of the additional unit or units does not exceed the gross floor area of the existing dwelling unit;
  - (c) creating one additional dwelling unit in an existing semi-detached or row dwelling where the gross floor area of the additional unit does not exceed the gross floor area of the existing dwelling unit; or
  - (d) creating one additional dwelling unit in any other existing residential dwelling, where the gross floor area of the additional unit does not exceed the gross floor area of the

smallest existing dwelling unit within the residential dwelling.

- 6.02 **Legislated Industrial Exemption:** Notwithstanding any other provision of this by-law, if a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge payable in respect of the enlargement shall be determined by the Chief Building Official in accordance with section 4 of the Act.
- 6.03 **Discretionary Exemptions:** Notwithstanding any other provision of this by-law, development charges shall not be imposed with respect to development of:
- (a) a place of worship, non-profit hospice, public hospital, cemetery, burial site or crematorium as defined in the Assessment Act;
  - (b) a farm building;
  - (c) a park model trailer;
  - (d) a municipal housing dwelling unit;
  - (e) an electricity generation development with 100 kilowatts or less of nameplate generating capacity that, in the opinion of the Chief Building Official, does not constitute an addition to an existing electricity generation development such that the combined nameplate generating capacity of the existing and additional electricity generation development exceeds 100 kilowatts; or
  - (f) a temporary building or structure, such as a sales office or model home, that, in the opinion of the Chief Building Official, is constructed for the sole purpose of facilitating a specific development where the Chief Building Official is satisfied that the building or structure will be removed once the development it serves is substantially complete in his or her opinion.
- 6.04 **Refund for Temporary Buildings and Structures:** Notwithstanding any other provision of this by-law, if an owner who has paid a development charge pursuant to this by-law in respect of a building or structure demonstrates to the satisfaction of the Chief Building Official that the building or structure existed or substantially existed for a continuous period not exceeding six (6) months, the owner shall then be entitled to a refund without interest equal to the development charge paid.
- 6.05 **Redevelopment Credit:** Subject to subsection 6.06, but notwithstanding any other provision of this by-law, where, as a result of the redevelopment of land, a building or structure, or part thereof, existing on the same land was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use, in order to facilitate the redevelopment, the development charge otherwise payable with respect to such redevelopment shall be reduced by:
- (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 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use;
  - (b) in the case of a non-residential building or structure or, in the case of 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 by the gross floor area that has been or will be demolished or converted to another principal use; and
  - (c) notwithstanding paragraph (b) of this subsection, in the case of an electricity generation building or structure or, in the case of mixed-use building or structure, the electricity generation uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge by each increment of 500 kilowatts of the nameplate generating capacity that has been or will be lost through demolition or conversion to another principal use.
- 6.06 **Restrictions on Redevelopment Credit:** A reduction to a development charge pursuant to subsection 6.05 shall not exceed the amount of the development charge otherwise payable pursuant to this by-law and shall not be applied unless the existing building or structure in question was, in the opinion of the Chief Building Official, capable of being

occupied and was demolished or converted, as the case may be, within the three (3) year period prior to the earlier of:

- (a) the development charge with respect to the redevelopment becoming payable; or
- (b) the subject owner pursuant to paragraph (b) of subsection 5.06 entering into an agreement with the City governing the time the development charge with respect to the redevelopment becomes payable.

- 6.07 **Credit Related to Expiration or Revocation of Building Permit:** Where a building permit has been issued for a development for which a development charge has been paid, in the case that the building permit expires or is revoked, the development charge paid shall not be refunded but instead shall be credited against any subsequent additional development charges that may be payable as a result of any actions or approvals described in subsection 4.01 being executed or granted in respect of the development.
- 6.08 **Onus on Owner:** The onus is on the owner liable for a development charge to produce evidence to the satisfaction of the Chief Building Official that the owner is indeed entitled to an exemption, refund or credit pursuant to this section.

Section 7.00: Administrative Matters
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- 7.01 **Override by Prior Agreement:** The provisions of an agreement between the City and an owner setting out, based upon development charges in effect prior to the coming into force of this by-law, the development charges and or services in lieu of development charges to be paid or provided by the owner shall override this by-law if the agreement was executed before the enactment of this by-law.
- 7.02 **By-Law Administration:** The Chief Building Official and Manager of Corporate Assets are jointly responsible for the administration of this by-law, where the former position is responsible for day-to-day administration and the latter position is responsible for general administration and oversight.
- 7.03 **Interest:** The City shall pay interest on a refund in respect of subsection 18(3) or 25(2) of the Act in accordance with the minimum interest rate as prescribed by the Act subject to that rate being updated by the City Treasurer on the first business day of every January, April, July and October during the term of this by-law.
- 7.04 **Reserve Fund:** Upon enactment of this by-law, pursuant to section 33 of the Act, the City Treasurer shall restructure the development charge reserve fund as necessary into separate accounts corresponding to the municipal services designated in subsection 3.01.
- 7.05 **Phasing in of Development Charges:** Subject to subsection 7.06, development charges shall be phased in during the term of this by-law in accordance with the phasing of development charges indicated in Schedule 1 and Schedule 2.
- 7.06 **Indexing of Development Charges:** Without amendment to this by-law, starting on January 1<sup>st</sup>, 2016 the Manager of Corporate Assets shall annually index the development charges set out in Schedule 1 and Schedule 2 to reflect the most recent published cumulative change in the Statistics Canada Quarterly Construction Price Statistics index since September 30<sup>th</sup>, 2014, whereupon the indexed development charges shall take effect at 12:01am January 1<sup>st</sup> of the year during which they are to be in effect.
- 7.07 **Withhold Building Permit:** As permitted by section 28 of the Act, the Chief Building Official may withhold a building permit for a development if a development charge in respect thereof remains unpaid.
- 7.08 **Collection as Property Taxes:** In accordance with subsection 32(1) of the Act, where a development charge or any part thereof remains unpaid after it is payable by an owner, or otherwise remains in default of payment pursuant to an agreement entered into under paragraph (b) of subsection 5.06, the amount unpaid shall be added to the property tax roll accordingly by the Manager of Revenue and Taxation and shall be collected from the owner in the same manner as property taxes.
- 7.09 **Registration on Title:** As permitted by section 42 of the Act, the City may register a

certified copy of this by-law with the Land Registry Office, or any successor thereof, against title to any land to which this by-law applies.

Section 8.00: Other Matters
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- 8.01 **Schedules**: The following schedules to this by-law form part of this by-law:
- (a) Schedule 1 – Residential Development Charges;
  - (b) Schedule 2 – Non-Residential Development Charges; and
  - (c) Schedule 3 – Northwest Lindsay Development Area.
- 8.02 **Abbreviations for Schedules**: The following equivalences apply to abbreviations used in the schedules to this by-law:
- (a) “GFA” stands for gross floor area;
  - (b) “NGC” stands for nameplate generating capacity; and
  - (c) “KW” stands for kilowatt or kilowatts, as context requires.
- 8.03 **Subsequent By-Laws**: This by-law does not preclude the enactment of subsequent by-laws imposing development charges within the City.
- 8.04 **Headings for Reference Only**: Headings herein are used for reference only and shall not affect the construction or interpretation of this by-law.
- 8.05 **Effective Date and Expiry**: This by-law shall come into force at 12:01am November 25<sup>th</sup>, 2015, and shall expire at 12:01am November 25<sup>th</sup>, 2020 unless it is repealed prior thereto.

By-law read a first, second and third time, and finally passed, this 24<sup>th</sup> day of November, 2015.

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Andy Letham, Mayor

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Judy Currins, City Clerk

### Schedule 1 – Residential Development Charges

The residential development charges shall be the development charges in the following tables, effective as indicated therein, subject to indexing:

Schedule of Charges Effective January 1, 2016	Residential			
	(\$/Dwelling Unit)			
	Single or Semi-Detached	Row or Multiple	Apartment	
			Two or More Bedrooms	Other
Health and Social				
Library	206	172	145	100
Parks and Recreation	178	149	125	86
Fire	467	390	329	225
Paramedic	65	54	46	31
Police	446	372	314	215
Airport	27	22	19	13
Transit	68	57	48	33
Administration	123	102	86	59
Water Treatment	2,183	1,821	1,536	1,053
Water Distribution	2,646	2,207	1,862	1,276
Sewage Treatment	1,531	1,277	1,077	738
Sewage Collection	5,117	4,267	3,600	2,467
Roads and Related	4,668	3,893	3,284	2,251
<b>Total</b>	<b>17,726</b>	<b>14,783</b>	<b>12,471</b>	<b>8,548</b>
Service Area	Residential			
	(\$/Dwelling Unit)			
	Single or Semi-Detached	Row or Multiple	Apartment	
			Two or More Bedrooms	Other
Urban-Lindsay	17,726	14,783	12,471	8,548
Urban-NWT	12,609	10,516	8,871	6,080
Urban-Other	17,212	14,354	12,109	8,300
Rural-Ops	6,180	5,154	4,348	2,980
Rural-Other	5,734	4,782	4,034	2,765

Schedule of Charges Effective November 25, 2015 to December 31, 2015	Residential			
	(\$/Dwelling Unit)			
	Single or Semi-Detached	Row or Multiple	Apartment	
			Two or More Bedrooms	Other
Urban-Lindsay	15,584	12,038	10,892	8,476
Urban-NWT	12,609	10,516	8,871	6,080
Urban-Other	15,504	11,973	10,835	8,300
Rural-Ops	6,180	5,154	4,348	2,980
Rural-Other	5,734	4,782	4,034	2,765

### Schedule 2 – Non-Residential Development Charges

The non-residential development charges shall be the development charges in the following tables, effective as indicated therein, subject to indexing:

Schedule of Charges Effective January 1, 2016	Non-Residential			
	(\$/500 KW of NGC)	(\$/m <sup>2</sup> of GFA)		
	Electricity Generation	Industrial	Commercial	Institutional
Health and Social				
Library		1.26	1.26	1.26
Parks and Recreation		1.09	1.09	1.09
Fire	467	2.62	6.28	4.49
Paramedic	65	0.36	0.88	0.63

Police	446	1.80	4.32	3.08
Airport		0.15	0.36	0.26
Transit		0.26	0.63	0.45
Administration	123	0.69	1.65	1.18
Water Treatment		8.87	20.41	14.60
Water Distribution		10.78	25.26	18.05
Sewage Treatment		6.11	14.03	10.06
Sewage Collection		20.57	46.66	33.47
Roads and Related	4,668	24.12	55.53	39.64
<b>Total</b>	<b>5,769</b>	<b>78.66</b>	<b>178.34</b>	<b>128.24</b>
<b>Service Area</b>	<b>Non-Residential</b>			
	<b>(\$/500 KW of NGC)</b>	<b>(\$/m<sup>2</sup> of GFA)</b>		
	<b>Electricity Generation</b>	<b>Industrial</b>	<b>Commercial</b>	<b>Institutional</b>
Urban-Lindsay		78.66	178.34	128.24
Urban-NWT		58.09	131.68	94.77
Urban-Other		76.60	173.40	128.24
Rural-Ops	5,769	32.08	71.36	51.61
Rural-Other	5,322	30.28	67.04	48.53

<b>Schedule of Charges Effective November 25, 2015 to December 31, 2015</b>	<b>Non-Residential</b>			
	<b>(\$/500 KW of NGC)</b>	<b>(\$/m<sup>2</sup> of GFA)</b>		
	<b>Electricity Generation</b>	<b>Industrial</b>	<b>Commercial</b>	<b>Institutional</b>
Urban-Lindsay		78.66	68.32	63.40
Urban-NWT		58.09	68.32	63.40
Urban-Other		76.60	68.06	63.15
Rural-Ops	5,769	32.08	36.04	34.94
Rural-Other	5,322	30.28	35.87	34.77

**Schedule 3 – Lindsay Northwest Development Area**

