

# The Corporation of the City of Kawartha Lakes

## By-Law 2019-XXX

### 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 capital-related services by the City, and intends to recover from development the costs of such services to the extent permitted by law or as otherwise considered advisable by Council.
2. Subsection 2(1) of the *Development Charges Act*, S.O. 1997 Chap. 27 (hereinafter, 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 the report entitled "2019 Development Charges Background Study" (hereinafter, the "study") prepared by Watson and Associates Economists Limited (hereinafter, "Watson") and a draft proposed development charges by-law (hereinafter, the "proposed by-law") prepared by the Manager of Corporate Assets, were both dated and made publicly available on October 7, 2019.
4. Council held a public meeting regarding the study and proposed by-law on November 5, 2019, and sufficient public notice of the meeting was given by the City.
5. On November 29, 2019, 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 publicly available on December 4, 2019.
6. Having reviewed the 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 needs referred to therein, Council has thereby indicated its intention to ensure the increase in need for services attributable to anticipated development is met, and has further indicated its intention 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 2019-XXX.**

# 1 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”** means non-residential lands, buildings or structures or any part thereof used, designed or intended solely 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, on land of at least three (3) hectares in area, and includes barns, implement sheds, seasonal roadside stands and silos but does not include processing or year-round wholesale or retail facilities;

**“agricultural development charges”** means development charges pertaining to agricultural development as determined in the Development Charges Background Study but subject to the same indexation to which development charges set out in Schedules 1 and 2 to this by-law are subject pursuant to this by-law;

**“apartment dwelling unit”** means a stacked dwelling unit or any dwelling unit within a dwelling:

- (a) containing three (3) or more dwelling units whereby access to each dwelling unit is obtained through one or more common entrances from the outside and the dwelling units are connected by one or more interior corridors; or
- (b) attached to a non-residential building or structure whereby 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 (7) 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 Council through resolution or by by-law 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 Treasurer”** means the person appointed by Council to discharge the duties of the treasurer described in section 286 of the Municipal Act;

**“commercial”** means non-residential lands, buildings or structures or any part thereof used, designed or intended to facilitate the buying or selling of commodities or services, including those related 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 in this by-law;

**“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, such as a repurposed shipping container, that is relocated or fabricated;

**“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 in turn includes 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 Charges 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;

**“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 person or two or more cohabitating persons;

**“electricity generation”** means non-residential lands, buildings or structures 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 electricity grid, and includes such systems or utilities that participate or are 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 exists as of the time this by-law comes into force;

**“existing industrial building”** has the same meaning as that set out in the Act;

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

**“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 building 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;

**“industrial”** means non-residential 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 accessory uses thereof, but does not include buildings or structures used for selling commodities to the general public through a warehouse club;

**“institutional”** means non-residential lands, buildings or structures or any part thereof used, designed or intended for 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”** 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 legislation with respect to any of the affairs or purposes, including school purposes, of the City of Kawartha Lakes;

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

- (a) under the jurisdiction of the City and 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;

**“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 (Consolidated Municipal Housing Facilities By-Law), as amended, or any successor thereof;

**“municipal service”** means a municipal service provided by or on behalf of the City and designated in subsection 2.01 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 used, designed or intended for a use that is not a residential use;

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

**“Northwest Sanitary Sewer Works Capital Charge”** means the capital charge imposed pursuant to 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 development charges are or are to be 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 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 whereby each dwelling unit has an exclusive 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 or wastewater service areas;

**“rural-other service area”** means all land within the general service area that does not form part of 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 whereby each dwelling unit has an exclusive 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, wastewater, wastewater-NWT, general, urban-Lindsay, urban-NWT, urban-other, rural-Ops and rural-other service areas;

**“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;

**“stacked dwelling unit”** means a dwelling unit, other than a row dwelling unit, within a dwelling containing at least three (3) dwelling units whereby each dwelling unit is separated from the others vertically and or horizontally and has an exclusive entrance from the outside;

**“temporary building or structure”** means a former building or structure that, as determined by the Chief Building Official, was created with the express intention of being used for a continuous period not to six (6) months and existed or substantially existed for a continuous period not exceeding six (6) months;

**“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 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 wastewater service areas outside the wastewater-NWT service area;

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

**“urban-other service area”** means the intersection of all land within the water and wastewater service areas outside the urban-Lindsay and urban-NWT service areas;

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

**“wastewater service area”** means the union of all land serviced by a City wastewater system, that being all land on which development is, as determined by the Chief Building Official, required, planned or expected to connect, or is capable of being connected in future, to a City wastewater system intended to service the development;

**“water service area”** means the union of all land serviced by a City water system, that being all land on which development is, as determined by the Chief Building Official, required, planned or expected to connect, or is capable of being connected in future, to a City water system intended to service the development; and

**“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 Rules:** 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 made 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.

## **2 Section 2.00: Development Charges Respecting Municipal Services**

- 2.01 **Designation of Municipal Services:** Development charges shall be imposed in respect of the following municipal services to pay for the increased capital-related costs required in respect of the increased needs for services arising from development:

- (a) Health and Social;
- (b) Airport;
- (c) By-Law Enforcement;
- (d) Parking;
- (e) Parks and Recreation;
- (f) Library;
- (g) Administration Studies;
- (h) Fire;
- (i) Paramedic;
- (j) Police;
- (k) Transit;
- (l) Waste Diversion;
- (m) Roads and Related;
- (n) Water Treatment;
- (o) Water Distribution;
- (p) Wastewater Treatment; and
- (q) Wastewater Collection.

2.02 **Geographic Application of Development Charges:** Respecting the municipal services designated in subsection 2.01, development charges shall be imposed in the general service area, except that:

- (a) police development charges shall be imposed in the police service area only;
- (b) transit development charges shall be imposed in the transit service area only;
- (c) water treatment and water distribution development charges shall be imposed in the water service area only;
- (d) wastewater treatment development charges shall be imposed in the wastewater service area only; and

(e) wastewater collection development charges shall be imposed in the wastewater service area only, exclusive of the wastewater-NWT service area.

2.03 **Development Charges Independent of Specific Need or Benefit:** Development charges shall be determined and imposed pursuant to this by-law without regard to the specific increase in need for municipal services that may be required by, or the specific municipal service benefits that may be conferred to, any individual or particular development.

### **3 Section 3.00: Approvals for Development**

3.01 **Development Charges Triggered by Development Approvals:** 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 9 of the Condominium Act; or

(g) the issuing of a permit under the Building Code Act in relation to a building or structure.

3.02 **Multiple Development Approvals:** No more than one development charge for each municipal service designated in subsection 2.01 shall be imposed upon any lands, buildings or structures to which this by-law applies, in respect of a development, even though two or more of the approvals and actions described in subsection 3.01 may be required before the lands, buildings or structure can be developed.

3.03 **Subsequent Development Approvals:** Notwithstanding subsection 3.02, if two or more of the approvals and actions described in subsection 3.01 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.

3.04 **After Building Permit Issuance:** Where a development requires an approval or action described in subsection 3.01 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 granting of the approval or the execution of the action that is required.

- 3.05 **Building Permit Not Required:** If a development does not require a building permit but does require one or more of the approvals or actions described in subsection 3.01, the related development charges shall then nonetheless be payable in respect of any increased or additional development arising directly from such approval or action.
- 3.06 **Withholding of Building Permit Issuance:** As permitted by section 28 of the Act, the Chief Building Official shall withhold issuance of a building permit for a development for which any development charges remain unpaid, provided the development is not subject to an agreement pursuant to subsection 4.06 or 4.07 providing for the development charges to be paid at a time other than building permit issuance.
- 3.07 **Local Services and Other Conditions of Development:** Nothing in this by-law prevents the City from requiring as a condition of development, whether or not through a development agreement, that the owner, at his or her own expense, install local services, as the City may require, or that the owner pay for local infrastructure connections or upgrades, administrative, processing, permit, inspection or other fees or capital, community benefits or other charges as may be required by the City.

#### **4 Section 4.00: Calculation and Payment of Development Charges**

- 4.01 **General Basis of Calculation:** Development charges 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 the type of non-residential development and gross floor area or nameplate generating capacity of such development, whichever unit of measure is applicable.
- 4.02 **Residential Calculation:** The residential development charges per dwelling unit set out 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 thereof, and calculated with respect to each of the applicable municipal services according to the type of dwelling unit.
- 4.03 **Non-Residential Calculation:** The non-residential development charges per unit of gross floor area set out 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 component thereof, and calculated with respect to each of the applicable municipal services according to the type of non-residential use.

- 4.04 **Modification for Electricity Generation Calculation:** Notwithstanding subsection 4.03, the non-residential development charges per 500 kilowatts of nameplate generating capacity set out 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 component thereof, and calculated with respect to each of the applicable municipal services according to each increment of 500 kilowatts of nameplate generating capacity.
- 4.05 **Timing of Calculation and Payment of Development Charges:** Development charges pertaining to a development shall be calculated as of, and shall be payable on, the date the building permit is issued for the development or, if no such permit is or is to be issued, the date the first approval or action described in subsection 3.01 is granted or executed for the development.
- 4.06 **Override with Section 26 the Act:** Notwithstanding subsection 4.05, for a development that 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 for which a subdivision agreement or consent agreement is or is to be entered into, the City may, in accordance with Council policy, require that the roads and related, water treatment, water distribution, wastewater treatment and or wastewater collection development charges be calculated and made payable immediately upon execution of such an agreement.
- 4.07 **Override with Section 27 of the Act:** Notwithstanding subsection 4.05, the dates on which development charges pertaining to a development are to be calculated and made payable may, in accordance with Council policy, be determined by an agreement between the City and the owner required to pay the development charges.

## **5 Section 5.00 Development Charges Exemptions, Refunds and Credits**

- 5.01 **Legislated General Exemptions:** Notwithstanding any other provision of this by-law, development charges shall not be imposed on land owned by and used for the purposes of a municipality, a local board of a municipality or a board of education.
- 5.02 **Legislated Residential Exemptions:** Notwithstanding any other provision of this by-law, development charges shall not be imposed with respect to approvals or actions outlined in subsection 3.01 related to residential development to which subsection 2(3) of the Act applies.
- 5.03 **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 development charges payable in

respect of the enlargement shall be determined in accordance with section 4 of the Act if subsection 5.04 does not apply to the enlargement.

- 5.04 **Discretionary Exemptions:** Notwithstanding any other provision of this by-law, development charges shall not be imposed respecting the development of:
- (a) a place of worship, non-profit hospice, public hospital, cemetery, burial site or crematorium as defined in the Assessment Act;
  - (b) an industrial building or structure that is not electricity generation development;
  - (c) the first 2,500 square metres of gross floor area of any single commercial building or structure;
  - (d) an agricultural building or structure;
  - (e) a park model trailer; or
  - (f) a municipal housing dwelling unit.
- 5.05 **Refund for Temporary Buildings or Structures:** Notwithstanding any other provision of this by-law, a temporary building or structure shall, on a retroactive basis, not be considered development, and, therefore, an owner who paid development charges for a temporary building or structure shall be entitled to a refund of the development charges, without interest, if the owner demonstrates to the satisfaction of the Chief Building Official that the building or structure was indeed temporary.
- 5.06 **Redevelopment Credit:** Subject to subsections 5.07 and 5.08, but notwithstanding any other provision of this by-law, in respect of the redevelopment of land, where a building or structure on the same land was demolished or is to be demolished or converted from one principal use to another principal use, in whole or in part, in order to facilitate the redevelopment, the development charges otherwise pertaining to such a redevelopment shall, as determined by the Chief Building Official based on information he or she considers verifiable, 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 thereof, an amount calculated by multiplying the applicable development charge rate by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
  - (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 thereof, an amount calculated by multiplying the applicable development charge rate by the gross floor area or nameplate generating capacity, whichever unit of measure is applicable, that has been or will be demolished or converted to another principal use.

- 5.07 **Restrictions on Redevelopment Credit:** In respect of development charges pertaining to a redevelopment, a reduction in the development charges determined pursuant to subsection 5.06 shall:
- (a) be determined in accordance with development charge rates that would otherwise apply if the exemptions provided for by subsections 5.01 through 5.04 did not apply;
  - (b) notwithstanding paragraph (a) of this subsection, not exceed the amount of development charges otherwise payable pursuant to this by-law; and
  - (c) apply only if the building or structure in question was, as determined by the Chief Building Official based on information he or she considers verifiable, capable of being occupied within the three (3) year period prior to the development charges becoming payable pursuant to this by-law.
- 5.08 **Override of 3-Year Restriction on Redevelopment Credit:** Notwithstanding paragraph (c) of subsection 5.07, the period during which a redevelopment credit may be obtained by an owner pursuant to subsection 5.06 may be established by the City in accordance with Council policy, but in no case shall such a period exceed ten (10) years.
- 5.09 **Credit Related to Expiration or Revocation of Building Permit:** Where a building permit has been issued for a development on land for which development charges have been paid, in the case that the building permit expires or is revoked, the development charges shall not be refunded but instead shall be credited against any subsequent development charges that may become payable as a result of any subsequent approvals or actions described in subsection 3.01 being granted or executed in respect of the same land.
- 5.10 **Onus on Owner:** The onus is on the owner liable for development charges 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.

## **6 Section 6.00: Administrative Matters**

- 6.01 **Override by Prior Agreement:** The provisions of an agreement between the City and an owner setting out, based upon development charge rates 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 for or provided by the owner shall override this by-law if the agreement was executed before the coming into force of this by-law.
- 6.02 **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.

- 6.03 **Interest:** The City shall pay interest on a refund issued pursuant to 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.
- 6.04 **Restructuring of 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 respecting the municipal services designated in subsection 2.01.
- 6.05 **Replenishment of Reserve Fund:** To ensure transparent and timely compliance with paragraph 3 of subsection 5(6) of the Act, the City Treasurer shall ensure the development charge reserve fund is replenished annually from other City funds to correct shortfalls in the development charge reserve fund resulting from development charges exemptions or any similar cause that may arise.
- 6.06 **No Phasing in of Development Charges:** The development charges set out in Schedule 1 and Schedule 2 shall not be phased in, and, subject to indexation in accordance with subsection 6.07, shall take effect upon the coming into force of this by-law.
- 6.07 **Indexation of Development Charges:** Without amendment to this by-law:
- (a) on April 1, 2020, the Manager of Corporate Assets shall index the development charges set out in Schedule 1 and Schedule 2 in accordance with the Statistics Canada Quarterly Construction Price Statistics Index, or any successor thereof, whereupon the indexed development charges shall take effect at 12:01am on April 1, 2020; and
  - (b) starting on January 1, 2021, the Manager of Corporate Assets shall annually index the development charges set out in Schedule 1 and Schedule 2 in accordance with the Statistics Canada Quarterly Construction Price Statistics Index, or any successor thereof, whereupon the indexed development charges shall take effect at 12:01am on January 1 of the year during which they are to be in effect.
- 6.08 **Collection as Property Taxes:** In accordance with subsection 32(1) of the Act, development charges or any portion thereof that remain unpaid after they become payable by the subject owner shall be added to the tax roll and shall be collected from the owner in the same manner as property taxes.
- 6.09 **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.

## **7 Section 7.00 Other Matters**

- 7.01 **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.
- 7.02 **Abbreviations in Schedules:** The following equivalences apply to abbreviations and symbols appearing in the schedules to this by-law:
- (a) “\$” stands for dollars;
  - (b) “/” stands for per;
  - (c) “m<sup>2</sup>” stands for square metre or square metres, as context requires;
  - (d) “GFA” stands for gross floor area, measured in square metres;
  - (e) “NGC” stands for nameplate generating capacity, measured in kilowatts; and
  - (f) “KW” stands for kilowatt or kilowatts, as context requires.
- 7.03 **Subsequent By-Laws:** This by-law does not preclude the enactment of subsequent by-laws imposing development charges within the City.
- 7.04 **Headings for Reference Only:** Headings herein are used for reference only and shall not affect the construction or interpretation of this by-law.
- 7.05 **Effective Date and Expiry:** This by-law shall come into force at 12:01am April 1, 2020, and shall expire at 12:01am April 1, 2025 unless it is repealed prior thereto.
- 7.06 **Repeal:** By-Law 2015-224 (A By-Law to Impose Development Charges in the City of Kawartha Lakes) is repealed upon the coming into force of this by-law.

By-law read a first, second and third time, and finally passed, this 10th day of December, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

## Schedule 1: Residential Development Charges

The residential development charges shall be the development charges in the following table, subject to indexation:

Municipal Service	(\$/Dwelling Unit)			
	Single or Semi-Detached	Row or Multiple	Apartment	
			Two or More Bedrooms	Other
Health and Social	206	183	123	93
Airport	22	20	13	10
By-Law Enforcement	14	13	9	6
Parking	111	98	66	50
Parks and Recreation	664	590	398	300
Library	340	303	204	154
Administration Studies	362	322	217	164
Fire	322	287	193	146
Paramedic	190	169	114	86
Police	393	350	236	178
Transit	240	213	144	108
Waste Diversion	33	29	20	15
Roads and Related	6,049	5,381	3,628	2,734
Water Treatment	3,181	2,829	1,908	1,438
Water Distribution	3,302	2,938	1,981	1,493
Wastewater Treatment	4,057	3,609	2,433	1,834
Wastewater Collection	5,899	5,247	3,538	2,666
<b>Total</b>	<b>25,385</b>	<b>22,581</b>	<b>15,225</b>	<b>11,475</b>
Municipal Service Area	(\$/Dwelling Unit)			
	Single or Semi-Detached	Row or Multiple	Apartment	
			Two or More Bedrooms	Other
Urban-Lindsay	25,385	22,581	15,225	11,475
Urban-NWT	19,486	17,334	11,687	8,809
Urban-Other	24,752	22,018	14,845	11,189
Rural-Ops	8,706	7,745	5,221	3,936
Rural-Other	8,313	7,395	4,985	3,758

## Schedule 2: Non-Residential Development Charges

The non-residential development charges shall be the development charges in the following table, subject to indexation:

Municipal Service	Electricity Generation (\$/500 KW of NGC)	Other Non-Residential (\$/m <sup>2</sup> of GFA)
Health and Social		
Airport		0.18
By-Law Enforcement		0.12
Parking		0.90
Parks and Recreation		1.91
Library		0.98
Administration Studies	362	2.95
Fire	322	2.63
Paramedic	190	1.55
Police	393	2.69
Transit		1.71
Waste Diversion		0.27
Roads and Related	6,049	49.39
Water Treatment		22.39
Water Distribution		23.24
Wastewater Treatment		28.24
Wastewater Collection		51.97
<b>Total</b>	<b>7,316</b>	<b>191.11</b>
Municipal Service Area	Electricity Generation (\$/500 KW of NGC)	Other Non-Residential (\$/m <sup>2</sup> of GFA)
Urban-Lindsay	7,316	191.11
Urban-NWT	7,316	139.14
Urban-Other	6,923	186.71
Rural-Ops	7,316	63.56
Rural-Other	6,923	60.87

# Schedule 3: Northwest Lindsay Development Area

