

**THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND
BY-LAW NUMBER 2019-85**

A BY-LAW WITH RESPECT TO DEVELOPMENT CHARGES

WHEREAS the City of Clarence-Rockland (“the City”) will experience growth through development and re-development;

AND WHEREAS development and re-development requires the provision of physical and social services by the City of Clarence-Rockland;

AND WHEREAS Council desires to ensure that the capital cost of meeting development-related demands for or burden on municipal services does not place an excessive financial burden on the City of Clarence-Rockland or its existing taxpayers while at the same time ensuring new taxpayers contribute no more than the net capital cost attributable to providing the current level of municipal services;

AND WHEREAS the Development Charges Act, 1997 permits Council to pass by-laws for the imposition of development charges if development or re-development of land within the City of Clarence-Rockland is for uses which would increase the need for municipal services and any one or more of the actions set out in subsection 2(2) of the Development Charges Act, 1997 are required for such development or re-development;

AND WHEREAS the Council of the Corporation of the City of Clarence-Rockland has given notice in accordance with section 12 of the Act, of its intention to pass a by-law under section 2 of the said Act;

AND WHEREAS Council had before it a report entitled the “Development Charges Background Study”, submitted by Hemson Consulting Ltd. dated September 18, 2019 (the “Study”);

AND WHEREAS Council of the Corporation of the City of Clarence-Rockland, hereby determines that the future excess capacity identified in the Study dated September 18, 2019, shall be paid for by the development charges contemplated in the Study;

AND WHEREAS Council of the City of Clarence-Rockland on November 18, 2019 determined that the increase in the need for services attributable to the anticipated development as contemplated in the Study, including any capital costs, will be met by updating the capital budget and forecast for the City of Clarence-Rockland, where appropriate;

AND WHEREAS the Council of the City of Clarence-Rockland 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 development charges”, and has determined that for the services, and associated infrastructure proposed to be funded by development charges under this by-law, that it is fair and reasonable that the charges be calculated on a municipal-wide basis;

AND WHEREAS the Study dated September 18, 2019 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 Clarence-Rockland will give consideration to incorporating the Asset Management Plan outlined in the Study within the City of Clarence-Rockland ongoing practices and Corporate Asset Management Plan;

AND WHEREAS Council has reviewed the Study and has considered the comments of the public at a public meeting duly called on October 22, 2019, to consider the enactment of a by-law under the Development Charges Act, 1997;

AND WHEREAS Council of the Corporation of the City of Clarence-Rockland agrees that no further public meetings are required under Section 12 of the Act.

THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND BY THE COUNCIL THEREFORE ENACTS AS FOLLOWS:

1. In this By-law terms have the following meanings:

- (a) “Act” means the Development Charges Act, 1997, as amended;
- (b) “Agricultural Use” means a use of land, buildings or structures for the purpose of field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping and such uses, structures and buildings as are customarily related to a farming operation, but does not include a Dwelling Unit;
- (c) “Apartment Unit” (Apt) means any residential dwelling unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor;

- (d) “Bedroom” (BR) includes any room which can be used as sleeping quarters but does not include a kitchen, bathroom, living room or dining room;
- (e) “Board of Education” has the same meaning as that specified in subsection 29(1) of the Act;
- (f) “Capital Cost” means costs incurred or proposed to be incurred by a municipality or a local board or commission thereof directly or under an agreement;
 - i. to acquire land or an interest in land,
 - ii. to improve land,
 - iii. to acquire, construct or improve buildings and structures,
 - iv. to acquire, construct or improve facilities including,
 - 1. rolling stock with an expected useful life of seven years or more, furniture and equipment, excluding computer equipment and
 - 2. materials acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 1998, and
 - v. to undertake studies in connection with any of the matters in clauses (f)(i) through (iv), required for the provision of designated services
- (g) “City” means the City of Clarence-Rockland;
- (h) “Commercial Use” means the use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include Industrial Use or Agricultural Use, but does include hotels, motels, motor inns and boarding, lodging and rooming houses;
- (i) “Council” means the Council of the City of Clarence-Rockland;
- (j) “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 re-development;
- (k) “Development Charge” means a charge imposed with respect to Growth-Related Net Capital Costs against land pursuant to the provisions of the within by-law;
- (l) “Duplex dwelling unit” shall mean a dwelling that is divided horizontally into two dwelling units.

- (m) “Dwelling Unit” means one or more habitable rooms designed or intended for use by one household exclusively as an independent and separate unit in which separate kitchen and sanitary facilities are provided for the exclusive use of the household with a private entrance from outside the building or from a common hallway or stairway inside the building;
- (n) “Existing” means the number, use and size that existed as of the date this by-law was passed;
- (o) “Growth-Related Net Capital Cost” means the portion of the Net Capital Cost of services that is reasonably attributable to the need for such Net Capital Cost that results or will result from new development in all or a defined part of the City;
- (p) “Industrial Use” means the use of land, buildings or structures designed for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article or thing, or any part thereof and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services. This definition does not include Agricultural Use;
- (q) “Institutional Use” means land, buildings, structures or part thereof used by any organization, group or association for promotion of charitable, educational or benevolent objectives and not for profit or gain;
- (r) “Local Board” means a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the City of Clarence-Rockland or any part or parts thereof;
- (s) “Local Services” means those services, facilities or things which are within the boundaries of, about or are necessary to connect lands to Services and an application has been made in respect of the lands under sections 51 and 53 of the Planning Act, R.S.O. 1990;
- (t) “Multiple Housing” means all residential dwellings other than single detached dwellings, semi-detached dwellings, duplex dwellings and apartment units;
- (u) “Net Capital Cost” means the Capital Cost less capital grants, subsidies and other

contributions made to the City or that the council of the municipality anticipates will be made, including conveyances or payments under sections 41, 51 and 53 of the *Planning Act, R.S.O. 1990*, in respect of the Capital Cost;

- (v) “Non-Residential Use” includes Commercial, Industrial and Institutional Uses;
- (w) “Non-Profit Housing” housing which is or is intended to be offered primarily to persons or families of low income and which is owned or operated by a non-profit corporation being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof;
- (x) “Official Plan” means the Official Plan adopted for the City, as amended and approved;
- (y) “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;
- (z) “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, R.S.O. 1990*, c. A.31, as amended;
- (aa) “Rate” means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;
- (bb) “Regulation” means O. Reg. 82/98 as at February 20, 1998, as amended;
- (cc) “Residential Building” means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more Dwelling Units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;
- (dd) “Residential Use” means the use of a building or structure or portion thereof for one or more Dwelling Units. This also includes a Dwelling Unit on land that is used for an Agricultural Use, but does not include any other type of building erected on Agricultural land;
- (ee) “Row Housing Dwelling Unit” means a building that is divided vertically into three or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit;
- (ff) “Semi-Detached Dwelling Unit” means the whole of the building divided vertically from the foundation to the roof by an unpierced common wall into two

separate dwelling units each of which has an independent entrance directly from grade;

- (gg) “Services” means those services, facilities, accommodations and things shown on Schedule “A” to this by-law;
- (hh) “Services in Lieu” means those Services specified in an agreement made under clause 11 of this by-law;
- (ii) “Servicing Agreement” means an agreement to provide municipal services by the City of Clarence-Rockland to specified lands within the municipality;
- (jj) “Single Detached Dwelling Unit” means a completely detached dwelling unit to which entrance is gained only by a private entrance outside the building;
- (kk) “Temporary building or structure” means a building or structure constructed or erected on land for a continuous period not exceeding six months, or an addition or alteration to a building or structure that has the effect of increasing the total floor area thereof for a continuous period exceeding six months;
- (ll) “Total floor area” means:
 - i. In the case of a residential use building or structure, or in the case of a mixed-use building or structure with respect to the residential use portion thereof, the total of all floors measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls separating the dwelling unit from another dwelling unit or other portion of the building;
 - ii. In the case of a non-residential use 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 separating two uses; and

1. Includes the area of a mezzanine as defined in the Ontario Building Code; and
2. Excludes those areas exclusively for parking of vehicles unless the parking of vehicles is the primary use of the building or structure.

- (mm) “Unit” includes a Dwelling Unit and Apartment Unit;
- (nn) “Zoning By-Law” means the Zoning By-Law of the City of Clarence-Rockland, as adopted by Council, plus amendments or any successor thereof passed pursuant to the *Planning Act, R.S.O. 1990*;
2. (a) This by-law applies to all lands in the City of Clarence-Rockland whether or not the land or use thereof is exempt from taxation under s. 13 of the *Assessment Act*.
- (b) Notwithstanding clause 2(a) above, this by-law does not apply to the development of land that is owned by and used for the purposes of:
- i. A Board of Education;
 - ii. The City of Clarence-Rockland, or any local board or commission thereof;
 - iii. The United Counties of Prescott & Russell or any local board thereof;
 - iv. A place of worship and the land used in connection therewith; and
 - v. Temporary buildings or structures provided that such buildings are removed within six months of the issuance of a building permit.
- (c) Notwithstanding clause 2(a) above, half of the prescribed charge is applicable to a residential use building erected and owned by non-profit housing, provided that satisfactory evidence is provided to the Treasurer that the residential use building is intended for persons of low or modest incomes and that the dwelling units are being made available at values that are initially and will continue to be below current market levels in the County of Prescott & Russell.
3. Council hereby determines that the development of land, buildings or structures for Residential and Non-Residential Uses have required or will require the provision, enlargement, expansion or improvement of the Services shown in the proportions applicable to each such use on Schedule “A” hereto.
4. (a) The development charge with respect to the use of any land, buildings or structures shall be calculated as follows;
- i. In the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units; or
 - ii. In the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the total floor area of such development
- (b) The development charges described in Schedule B 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 residential use.

- (c) 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 components of the mixed-use building or structure, and calculated with respect to each of the services according to the total floor area of the non-residential use.
 - (d) The Development Charges set out in this By-law are identified in Schedule B hereto and are payable in full, subject to the exemptions and credits herein from the effective date of this By-law.
 - (e) No development charge shall be imposed if a building that has been destroyed or legally demolished is rebuilt within three years of the destruction or demolition. If a different type of building is constructed, a credit equal to the development charge that would have been imposed on the original building, will apply.
5. (a) The whole of the development charge imposed hereunder shall be calculated and paid in full on the date a building permit under the *Building Code Act* is issued in respect of the building or structure for the use to which the development charge hereunder applies.
- (b) No building permit shall be issued for any building or structure in respect of which the development charge applicable hereunder remains unpaid, unless an agreement permits a later payment.
- (c) The Council may enter into a written agreement providing for payment of the development charges on any date that Council decides is appropriate.
6. Nothing in this by-law prevents Council from requiring, as a condition of approval under section 51 or 53 of the *Planning Act, R.S.O. 1990*, that the Owner, at his own expense, install such Local Services as Council may require or that the Owner install local connections to municipal services at the Owner's expense.
7. This By-law does not apply with respect to approvals related to the residential development of land, buildings or structures that would have the affect only:
- (a) of permitting the enlargement of an existing dwelling unit;

- (b) of creating one or two additional dwelling units in an existing single detached dwelling;
 - (c) of creating one additional dwelling unit in an existing semi-detached dwelling or duplex dwelling; or
 - (d) of creating one additional dwelling unit in any other existing residential building, all as defined in the Regulations.
8. For the purposes of section 7, where a building permit has been issued for the construction of a single detached dwelling, semi-detached dwelling, or any other residential dwelling following the adoption of this by-law, such building shall be deemed not to be existing until such time as a provisional occupancy certificate has been granted and a final inspection has been completed. For the purposes of clarification, and without limiting the generality of the foregoing, where an applicant has paid Development Charges on issuance of building permit and prior to the granting of provisional occupancy by Building Department with respect to that building permit, the applicant or such successor permit holder, alters, modifies, etc., the building to add dwelling unit(s), such additional dwelling unit(s) shall not be eligible for the exemptions set out in section 7 with respect to the payment of Development Charges.
9. Notwithstanding Subsections 7(b) to (d), a Development Charge shall be imposed with respect to the creation of one or two additional dwelling units in a dwelling, if the gross floor area of the additional one or two dwelling units exceeds, the gross floor area of the existing dwelling unit in Subsection 7(b) and 7(c), and the smallest existing dwelling unit in Subsection 7(d).
10. The development charges established hereunder may be adjusted without amendment to this by-law annually as of the 31st of December in each year commencing on 31st December, 2020, in accordance with the most recent twelve-month change in Statistics Canada Quarterly, Construction Price Statistics.
11. (a) Council, by written agreement, may permit an Owner to commute the whole or such part of the development charge applicable to the Owner's development, as may be specified in the agreement, by the provision at the Owner's sole expense of Services in Lieu. Such agreement shall further specify that where the Owner provides Services in Lieu in accordance with the agreement, Council shall give to the Owner a credit against the Development charge otherwise applicable to his development equal to the reasonable cost of providing the Services in Lieu.

- (b) In any agreement made under clause 11 (a), Council may also give a further credit equal to the owner's reasonable cost of providing Services in addition to or of a greater size or capacity than would be required under this by-law, but may not give the credit against the development charge payable.
 - (c) Any dispute as to the reasonable cost of providing the Services in Lieu or the Services mentioned in clause 11 (a) and (b) above shall be referred to the City of Clarence-Rockland Council whose decision shall be final and binding.
- 12. A copy of this by-law may be registered against such lands in the City of Clarence-Rockland as Council by resolution from time to time may direct.
- 13. Any amount of development charge which remains unpaid after the date specified in clause 5 or in a written agreement shall be added to the tax roll and collected as unpaid taxes.
- 14. The Treasurer of the City of Clarence-Rockland shall administer this by-law.
- 15.
 - (a) Any agreement made under section 51 or 53 of the *Planning Act, R.S.O. 1990*, before the date this by-law comes into force which provides for the payment of a lot levy, capital contribution or other charge shall remain in full force and effect and be enforceable according to its terms.
 - (b) The Treasurer in calculating the development charge payable under clause 4, above shall deduct from the development charge otherwise payable any amount paid pursuant to an agreement mentioned in clause 11 (a), above.
 - (c) Where a lot levy, or development charge was collected as a condition for a lot created by consent pursuant to Section 53 of the *Planning Act R.S.O. 1990*, then the amount collected shall be deducted from the Development Charge at the time the Building Permit is issued.
- 16.
 - (a) Council directs the Treasurer to create individual reserve funds, separate from the other reserve funds of the municipality, including reserve funds created or administered under section 165 of the *Municipal Act* for each of the services listed in Schedule "A" to this by-law. The Treasurer shall deposit the development charges received under this by-law into the appropriate reserve fund thus created and shall pay from the appropriate reserve fund any amounts necessary to defray the Net Capital Cost of the service.
 - (b) The amounts contained in the reserve funds established under clause 16 (a) above,

shall be invested in accordance with subsection 165(2) of the *Municipal Act* and any income received from such investment shall be credited to the said reserve fund in the proportions determined by the balances in the accounts listed in Schedule "A" to this by-law as of December 31 of the previous year.

17. Where any unpaid development charges are collected as taxes under clause 11 above, the money so collected shall be credited to the said reserve funds in the proportions provided for in Schedule A.
18. The Treasurer of the City of Clarence-Rockland shall, in each year on or before May 31, present to Council a statement in respect of the reserve fund for the prior year established hereunder containing the information required under the Regulation.
19.
 - (a) If this by-law is amended or repealed by Council or the Ontario Municipal Board, the Treasurer shall determine within 30 days of the amendment or repeal whether any owner has overpaid in respect of the development charge payable hereunder immediately prior to the repeal or amendment of this by-law and if such an overpayment has been made, the Treasurer shall calculate the amount of such overpayment.
 - (b) Any overpayment determined under clause 19 (a), above shall be paid to the person who made the payment by his or her last known address within 30 days of the date of the repeal or amendment of this by-law.
 - (c) The refund payable under clause 19 (b), above shall be paid with interest calculated from the date upon which the overpayment was collected to the date on which the refund is made. Such interest shall be paid at the Bank of Canada Rate in effect from time to time from the date of enactment of this by-law as adjusted in clause 19 (d), below.
 - (d) The Bank of Canada Rate in effect on the date of enactment of this by-law shall be adjusted on the first business day of January, 2011 to the Rate established by the Bank of Canada on that day and shall be adjusted four times each year thereafter on the first business day of January, April, July and October to the Rate established by the Bank of Canada on the day of the adjustment.
20. This by-law shall continue in force and effect for a term of 5 years from the date of its coming into force.
21. This by-law comes into force on February 1, 2020.

By-law read a first, second and third time and finally passed this 28th day of October 2019.

GUY DESJARDINS, MAYOR

MONIQUE OUELLET, CLERK

SCHEDULE “A”

SCHEDULE OF CATEGORY OF MUNICIPAL SERVICES AND ALLOCATIONS

Category of Service	Percentage of Total Charge	
	Residential	Non-Residential
Protection Services		
Fire Protection	9.86%	9.04%
Services Related to a Highway		
Public Works	8.75%	8.42%
Roads And Related	81.39%	82.54%
TOTAL CITY-WIDE UNIFORM CHARGE	100.00%	100.00%

Category of Service	Percentage of Total Charge	
	Residential	Non-Residential
Transit and Protection Services		
Fire Protection	7.87%	7.11%
Services Related to a Highway		
Public Works	6.98%	6.62%
Roads And Related	64.95%	64.93%
Engineering		
Waterworks	20.20%	21.33%
TOTAL CITY-WIDE UNIFORM CHARGE (incl. Waterworks)	100.00%	100.00%

Category of Service	Percentage of Total Charge	
	Residential	Non-Residential
Transit and Protection Services		
Fire Protection	6.07%	5.47%
Services Related to a Highway		
Public Works	5.39%	5.09%
Roads And Related	50.12%	49.92%
Engineering		
Waterworks	15.59%	16.40%
Sanitary Sewage	22.82%	23.12%
TOTAL CITY-WIDE UNIFORM CHARGE (fully serviced)	100.00%	100.00%

SCHEDULE "B"

SCHEDULE OF DEVELOPMENT CHARGES

Service	Residential Charge By Unit Type (1)		
	Single & Semi-Detached	Rows & Other Multiples	Apartments
Protection Services			
Fire Protection	\$1,016	\$782	\$544
Subtotal Transit and Protection Services	\$1,016	\$782	\$544
Services Related to a Highway			
Public Works	\$901	\$693	\$482
Roads And Related	\$8,384	\$6,449	\$4,485
Services Rel. to a Highway Charge	\$9,285	\$7,142	\$4,967
TOTAL UNSERVICED CHARGE	\$10,301	\$7,924	\$5,511

City-Wide Uniform Charge	\$10,301	\$7,924	\$5,511
Waterworks	\$2,608	\$2,006	\$1,395
TOTAL CHARGE (incl. Waterworks)	\$12,909	\$9,930	\$6,906

City-Wide Uniform Charge	\$10,301	\$7,924	\$5,511
Engineered Services			
Waterworks	\$2,608	\$2,006	\$1,395
Sanitary Sewage	\$3,818	\$2,937	\$2,042
TOTAL CHARGE (fully serviced)	\$16,727	\$12,867	\$8,948