

**THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA**

**BY-LAW NUMBER 36-2017**

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Being A By-Law With Respect to Development Charges

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WHEREAS the Development Charges Act, 1997, permits Council to pass by-laws for the imposition of development charges if development or redevelopment of land within the municipality is for uses which would increase the need for services and any one or more of the actions set out in subsection 4. (a) of the said Development Charges Act, 1997, is required for such development or redevelopment;

AND WHEREAS Council had before it a background study entitled the "Development Charges Background Study Final Report Township of Greater Madawaska" prepared by Jp2g Consultants Inc. and dated April 12, 2017, hereinafter called "the Study";

AND WHEREAS Council has reviewed the Study and has considered the comments of the public at a public meeting duly held on Thursday, December 15, 2016, to consider the enactment of a By-law under the said Development Charges Act, 1997.

AND WHEREAS this By-law replaces the existing Development Charges By-law, being By-law No. 21-2012, passed by the Township of Greater Madawaska which is herein repealed.

NOW THEREFORE the Council of the Corporation of the Municipality of the Township of Greater Madawaska, enacts as follows:

1. In this By-law:

- (a) "Act" means the Development Charges Act, 1997;
- (b) "Board of Education" means a board as defined in subsection 1(1) of the Education Act;
- (c) "Capital Cost" means costs incurred or proposed to be incurred by the Municipality or a local board directly or on behalf of, and as authorized by, a municipality or local board:
  - i) Costs to acquire land or an interest in land, including a leasehold interest;
  - ii) Costs to improve land;
  - iii) Costs to acquire, lease, construct or improve buildings or structures;
  - iv) Costs to acquire, lease, construct or improve facilities including,
    - 1. rolling stock with an estimated useful life of seven years or more,
    - 2. furniture and equipment other than computer equipment, and
    - 3. materials acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act;
  - v) Costs to undertake studies in connection with any of the matters referred to in clauses (i) through (iv);

- vi) Costs of the development charge background study; and
  - vii) Interest on money borrowed to pay for costs described in clauses (i) through (iv).
- (d) “Commercial Use” means a use of land, building or structure for the purpose of buying or selling commodities and/or supplying services, but does not include residential, industrial or institutional uses as otherwise defined in this By-law;
- (e) “Council” means the elected Council of the Township of Greater Madawaska.
- (f) “Development” includes redevelopment.
- (g) “Development Charge” means a charge imposed against land with respect to the growth-related net capital costs under this By-law.
- (h) “Dwelling, Single Detached” means a single dwelling unit which is freestanding, separate and detached from other main buildings or main structures and includes a prefabricated single detached dwelling but does not include a mobile home.
- (i) “Dwelling Unit” means a suite of habitable rooms which:
- i) is located in a building;
  - ii) is used or is intended to be used in common by one or more persons as a single, independent and separate housekeeping establishment;
  - iii) contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof; and
  - iv) has a private entrance directly from outside the building or from a common hallway or stairway inside the building.
- (j) “Dwelling Unit, Apartment” means a dwelling unit located in any one of the following types of dwellings:
- i) “Dwelling, Apartment” means the whole of a building not otherwise defined herein, which contains four (4) more dwelling units serviced by a common entrance or by an independent entrance directly from the outside in which the occupants have the right to use in common any corridors, stairs or elevators contained therein, and the yards appurtenant thereto.
  - ii) “Dwelling, Accessory” means a dwelling unit accessory to a permitted non-residential use, but shall not include an accessory attached dwelling unit or an accessory single detached dwelling unit as otherwise defined in this By-law.
- (k) “Dwelling Unit, Attached” means a dwelling unit located in any one of the following types of dwellings:
- i) “Dwelling, Duplex” means a building that is divided horizontally into two separate dwelling units each of which has an independent entrance either directly from outside or through a common vestibule; or
  - ii) “Dwelling, Row House” means a building that is divided vertically into three or more dwelling units, each of which has a separate and independent entrance at finished grade and separated from the adjoining unit or units by a common unpierced wall with no interior

access between each dwelling unit. Townhouse shall have a corresponding meaning; or

- iii) "Dwelling, Semi-Detached" means a building that is divided vertically into two separate dwelling units each of which has an independent entrance either directly from outside or through a common vestibule; or
  - iv) "Dwelling, Triplex" means a building that is divided horizontally into three separate dwelling units each of which has an independent entrance either directly from outside or through a common vestibule.
- (l) "Existing" means existing as of the date of passing of this By-law.
- (m) "Gross Floor Area (G.F.A.)" means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls.
- (n) "Growth-Related Net Capital Costs" means the portion of the net capital cost of services that is reasonably attributed to the need for such net capital cost that results or will result from new development in all or a defined part of the Municipality.
- (o) "Industrial Use" means land, buildings or structures used for or in connection with,
- i) manufacturing, producing, processing, storing, or distributing something,
  - ii) research or development in connection with manufacturing, producing or processing something,
  - iii) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, producing or processing takes place,
  - iv) office or administrative purposes, if they are,
    - 1. carried out with respect to manufacturing, producing, processing, storage or distributing something, and
    - 2. in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution.
- (p) "Institutional Use" means a use of land, building or structure for social purposes but not for commercial or industrial purposes as defined in this By-law and may include religious, charitable, fraternal, philanthropic or other similar uses.
- (q) "Local Board" means a local board as defined in Section 1 of the Municipal Affairs Act other than a board as defined in subsection 1 (1) of the Education Act.
- (r) "Mobile Home" means any dwelling that is designed to be made mobile and constructed or manufactured to be used in like manner as a single detached dwelling for the permanent accommodation of one or more persons, notwithstanding that the running gear is or may be removed, or that such dwelling is or may be fixed on a finished and permanent foundation or has become in any other manner so adapted and affixed to the land upon which it is situated that it is, or has become, an immobile and

permanent structure, and includes any mobile home as defined in Section 45 (1) (a) of the Planning Act, as amended from time to time, or any successors thereto.

- (s) “Municipality” means the Corporation of the Township of Greater Madawaska.
  - (t) “Net Capital Cost” means the capital cost less capital grants, subsidies and other contributions made to the Municipality or that the Council of the Municipality anticipates will be made, including conveyances or payments under Sections 40, 51 and 53 of the Planning Act, as amended, in respect of the capital cost. The net capital cost also includes a 10 per cent reduction as required under Section 5. (1)8. of the Act for all services except those set out in Section 5. (5) of the Act.
  - (u) “Official Plan” means the most current Official Plan approved by the Minister of Municipal Affairs, for lands within the Township of Greater Madawaska, as amended from time to time.
  - (v) “Owner” means the most recent 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.
  - (w) “Rate” means the interest rate established weekly by the Bank of Canada for Treasury Bills having a term of 30 days.
  - (x) “Regulation” means Ontario Regulation 82/98.
  - (y) “Residential Use” means any use of land, building or structure for the purposes of a single detached dwelling, a single attached dwelling, an apartment dwelling or a mobile home, as defined in this By-law.
  - (z) “Services” means those services, facilities, buildings and things shown on Schedule “A” to this By-law.
  - (aa) “Services in Lieu” means those services specified in an agreement made under Section 9 of this By-law.
  - (bb) “Zoning By-law” means the Comprehensive Zoning By-law 22-2003 of the Corporation of the Township of Greater Madawaska.
2. (a) This By-law applies to all lands in the Municipality whether or not the land or use thereof whether or not the land or use thereof is exempt from taxation under 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 Municipality or Local Board thereof; or
  - iii) the County of Renfrew or any Local Board thereof.
3. Schedules “A” and “B”, attached hereto are incorporated into and form part of this By-law. Schedule “C” is attached for information purposes only and does not form part of this By-law.
4. (a) The development charges set out in this By-law shall be imposed where the development of land for residential, commercial, industrial or institutional uses would increase the need for services and the development requires:

- (i) the passing of a zoning by-law or an amendment to a zoning by-law passed under section 34 of the Planning Act;
  - (ii) the approval of a minor variance under section 45 of the Planning Act;
  - (iii) a conveyance of land to which a by-law passed under subsection 50 (7) of the Planning Act applies;
  - (iv) the approval of a plan of subdivision under Section 51 of the Planning Act;
  - (v) a consent under Section 53 of the Planning Act;
  - (vi) the approval of a description under Section 50 of the Condominium Act; or
  - (vii) the issuing of a building permit under the Building Code Act, in relation to a building or structure.
- (b) No development charge shall be imposed in respect of any action mentioned in Clauses 4. (a) (i) through (vii), if the only effect of the action is to,
- (i) permit the enlargement of an existing dwelling unit; or
  - (ii) permit the creation of up to two additional dwelling units as prescribed in Section 2. of the Regulation (and as illustrated for information purposes on Schedule “C” to this By-law), subject to the prescribed restrictions, in prescribed classes of existing residential buildings.
- (c) No development charge shall be imposed in respect of any action mentioned in Clause 4. (a) (vii), if the only effect of the action is to permit the replacement or reconstruction of a building or structure. Notwithstanding, where the building or structure to be replaced or reconstructed is a dwelling, such building or structure must have been occupied as a dwelling, in accordance with the provisions of any applicable Zoning By-law, at some point during the preceding 24 month period from the day an application for a building permit is made. Further, such restoration, strengthening, replacement or reconstruction of the building or structure must not increase the height bulk and floor area of such use if it is a commercial or industrial use nor shall it increase the number of residential units nor shall it result in a change of use.
- (d) No development charge shall be imposed in respect of any action mentioned in Clauses 4.(a) (i) through (vii), if the only effect of the action is to enlarge the gross floor area of an existing industrial building by 50 per cent or less. If the gross floor area of an existing industrial building is enlarged by more than 50 per cent, the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
- (i) Determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement; and
  - (ii) Divide the amount determined under Clause 4. (d)(i) by the amount of the enlargement.
5. The Development Charges shown on Schedule “B” attached hereto as the “Development Charges” are hereby authorized and established and shall be imposed upon all lands within the Municipality.

6. Notwithstanding Section 5. where a charge related to development has been paid for land before the coming into force of this Development Charges By-law, pursuant to an Agreement under Section 51 or 53 of the Planning Act, R.S.O. 1990, c.P.13, as amended from time to time, or its predecessor, the development charge applicable at the time of the creation of the lot, shall be deemed to be the amount to be paid and no further charge shall be collected.
7. (a) All applicable development charges imposed hereunder as adjusted from time to time in accordance with Clause 9. of this By-law, shall be paid in full on the date a building permit under the said Building Code Act is to be issued in respect of a building or structure on land to which the development charges apply.  
  
(b) No building permit shall be issued for any building or structure on land in respect of which the applicable Development Charges or any part thereof remains unpaid.
8. Nothing in this By-law prevents Council from requiring as a condition of approval under Section 41, 51 or 53 of the Planning Act, that the Owner install at his own expense such services as Council may require.
9. All Development Charges established in this By-law may be adjusted annually on the 31st of December in each year commencing on the 31st of December 2017, in accordance with the prescribed index, the Statistics Canada Quarterly, Construction Price Statistics, catalogue number 62.007.
10. (a) Council may by written agreement, permit an Owner to provide at the Owner's expense, Services in Lieu of payment of all or any portion of the applicable Development Charges. Such agreement shall 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 Charges otherwise applicable to his development equal to the reasonable cost of providing the Services in Lieu.  
  
(b) Council by written agreement may give a 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.  
  
(c) Any dispute as to the reasonable cost of providing the Services in Lieu or the Services mentioned in Paragraph 10.(b) above, shall be referred to the Municipality's Engineer whose decision shall be final and binding on the Owner and the Municipality.
11. A certified copy of this By-law may be registered against such lands in the Municipality as Council by resolution from time to time may direct.
12. (a) The Treasurer shall create reserve funds which shall be separate from the other reserve funds of the Municipality and all payments received by the Municipality pursuant to this By-law shall be deposited into said reserve funds, which funds shall be divided into reserve fund accounts and/or sub-accounts as set out in paragraph 12. (b) of this By-law. Monies paid from the reserve fund accounts shall be taken only to meet growth-related net capital costs for which the Development Charges were imposed.  
  
(b) The Treasurer shall create separate reserve fund accounts and/or sub-accounts for each of the Services identified in Schedule "A" hereto. As Development Charges are received pursuant to this By-law, the monies shall be placed in separate reserve funds for each of the Services as shown on Schedule "A" hereto.  
  
(c) All monies contained within the reserve funds from time to time may be invested in such securities as a Trustee may invest under the Trustee Act, R.S.O. 1990, Chapter T.23 and earnings derived from the investment of such money shall be credited to the reserve funds.

- (d) Accounts shall be kept so that it will be possible to determine therefrom the true state of each reserve fund.
13. The Treasurer of the Municipality shall, in each year on or before March 31, furnish to Council a statement in respect of the reserve fund for the prior year established hereunder containing the information required under the Regulation.
14. (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 paid hereunder and if such an overpayment has been made, the Treasurer shall calculate the amount of such overpayment.
- (b) Any refund payable under this By-law shall include interest calculated from the date upon which the overpayment was collected by the Municipality to the date on which the refund is made. Such interest shall be paid at the Rate (see Clause 1. (w)) in effect from time to time from the date of enactment of this By-law as adjusted in Clause 14.(c) of this By-law.
- (c) 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 April, 2007 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 July, October, January and April, to the Rate established by the Bank of Canada on the day of the adjustment.
- (d) Any overpayment determined under Clause 14. (a) 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 of amendment of this By-law.

And Furthermore Council recognizes the significant investment required by developers/contractors such as septic costs, etc. when constructing apartment dwellings and mobile home parks. In recognition of the significant investment for an apartment dwelling and/or mobile home park this bylaw shall provide relief which will assist the developer/contractor in constructing the apartment dwelling and/or mobile home park and associated costs.

By-law No. 21-2012, of the Township of Greater Madawaska is now hereby repealed.

This By-law shall continue in force and effect for a term of five (5) years from the date of its enactment.

This By-law comes into force on the date it is given third and final reading.

**READ** a first and second time this 10<sup>th</sup> day of April, 2017.

**READ** a third time and passed this 10<sup>th</sup> day of April, 2017.

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Glenda McKay  
Mayor

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Allison Holtzhauer  
CAO/Clerk Treasurer

**SCHEDULE "A"**

**TO BY-LAW NO. 36-2017**

**TOWNSHIP OF GREATER MADAWASKA**

**DEVELOPMENT CHARGES SERVICE CATEGORIES**

**Allocation of Development Charges Between Service Categories**

<u>Service Category</u>	<u>Residential</u>	<u>Proportional Share</u> <u>Commercial</u> <u>/ Industrial</u>
General Eligible Services	4.92 %	5.36 %
Fire Protection	24.46 %	26.87 %
Transportation	62.85 %	67.77 %
Recreation	5.93 %	0.0 %
Library	1.84 %	0.0%
Total	<u>100.0%</u>	<u>100.0%</u>



**SCHEDULE "B"**

**TO BY-LAW NO. 36-2017**

**TOWNSHIP OF GREATER MADAWASKA**

**DEVELOPMENT CHARGES**

<u>Use</u>	<u>Category</u>	<u>Development Charge</u>
Residential (charge per dwelling unit)	Single Detached Dwelling Unit	\$ 3,846.00
	Attached Dwelling Unit	\$ 3,846.00
	Apartment Dwelling Unit	\$0.00
	Mobile Home	\$ 0.00
Commercial/ Industrial (charge per m <sup>2</sup> of G.F.A.)	This charge applies to all Commercial/Industrial categories except enlargements of existing industrial buildings of 50% of the G.F.A. or less. For enlargements of existing industrial buildings that are greater than 50%, a charge is applied only to the amount that exceeds 50%.	\$ 2.62 per m <sup>2</sup>
Institutional	Charge determined based on nature of use, i.e. residential components charged according to class of use and other components charged based on Commercial/ Industrial rate.	

**SCHEDULE “C”**

**TO BY-LAW NO. 36-2017**

**TOWNSHIP OF GREATER MADAWASKA**

**DEVELOPMENT CHARGES - EXCEPTIONS RELATING TO THE CREATION  
OF ADDITIONAL DWELLING UNITS**

\* Note this is an excerpt from O. Reg. 82/98 which is attached for reference purposes only.

“2. For the purposes of Clause 2 (3) (b) of the Act, the following table sets out the name and description of the classes of residential buildings that are prescribed, the maximum number of additional dwelling units that are prescribed for buildings in those classes and the restrictions for each class.

Name of Class of Residential Building	Description of Class of Residential Building	Maximum Number of Additional Dwelling Units	Restrictions
Single detached dwellings	Residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
Semi-detached dwellings or row dwellings	Residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.
Other residential buildings	A residential building not in another class of residential building described in this table	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.

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