

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2019-62

BEING A BY-LAW TO IMPOSE DEVELOPMENT CHARGES FOR THE CORPORATION OF THE TOWNSHIP OF SEVERN

WHEREAS the Corporation of the Township of Severn will experience growth through development and re-development;

AND WHEREAS development and re-development requires the provision of physical and social services by the Township of Severn;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth-related demands for or burden on municipal services does not place an excessive financial burden on the Township of Severn 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* (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;

AND WHEREAS a Development Charge Background Study has been completed in accordance with the Act;

AND WHEREAS the Council of The Corporation of the Township of Severn has given notice of and held a public meeting on the 4th day of September, 2019 in accordance with the Act and the regulations thereto;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. INTERPRETATION

1.1 In this By-law the following items shall have the corresponding meanings:

"Act" means the *Development Charges Act*, as amended, or any successor thereof;

“accessory use” means where used to describe a use, building or structure, that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principle use, building or structure;

“apartment unit” 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. Despite the foregoing, an apartment dwelling includes those stacked townhouse dwellings that are developed on a block approved for development at a minimum density of sixty (60) units per net hectare pursuant to plans approved under section 41 of the *Planning Act*;

“back-to-back townhouse dwelling” means a building containing four or more dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

“bedroom” means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a living room, dining room or kitchen;

“benefiting area” means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

“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;

“bona fide farm uses” means the proposed development that will qualify as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs and be assessed in the Farmland Realty Tax Class by the Ontario Property Assessment Corporation, However, “bona fide farm uses” does not include cannabis production facilities;

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

“Cannabis Plant” means a plant that belongs to the genus Cannabis.

“Cannabis Production Facilities” means a Building, or part thereof, designed, used, or intended to be used for one or more of the following: cultivation, propagation, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment or distribution of cannabis where a licence, permit or authorization has been issued under applicable federal law but does not include a Building or part thereof solely designed, used, or intended to be used for retail sales of cannabis. “capital cost” means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of and as authorized by the municipality or local board,

(a) to acquire land or an interest in land, including a leasehold interest,

(b) to improve land,

(c) to acquire, lease, construct or improve buildings and structures,

(d) to acquire, construct or improve facilities including,

(i) furniture and equipment other than computer equipment, and

(ii) material acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 19990, Chap. P.44, as amended, or any successor thereof; and

(iii) rolling stock with an estimated useful life of seven years or more, and

(e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d) above, including the development charge background study required for the provision of services designated in this By-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (a) to (e) above that are growth-related;

“commercial” means any non-residential development not defined under “institutional” or “industrial;”

“correctional group home” means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit supervised on a

24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof, and licensed, approved or supervised by the Province of Ontario as a detention or correctional facility under any general or special act and amendments or replacement thereto. A correction group home may contain an office provided that the office is used only for the operation of the correctional group home in which it is located. A correctional group home shall not include any detention facility operated or supervised by the Federal Government nor any correctional institution or secure custody and detention facility operated by the Province of Ontario;

“Council” means the Council of the municipality;

“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 of usability thereof, and includes redevelopment;

“development charge” means a charge imposed with respect to this By-law;

“dwelling unit” means either (1) a room or suite of rooms used, or designed or intended for use, by one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, or (2) in the case of a special care/special need dwelling, a room or suite of rooms used, or designed or intended for use, by one person with or without exclusive

sanitary and/or culinary facilities, or more than one person in sanitary facilities are directly connected and exclusively accessible to more than one room or suite of rooms;

“existing” means the number, use and size that existed as of the date this by-law was passed;

“grade” means the average level of finished ground adjoining a building or structure at all exterior walls;

“gross floor area” 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 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;

“group home” means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit which may or may not be supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof and licensed, approved or supervised by the Province of Ontario for the accommodation of persons under any general or special act and amendments or replacements thereto. A group home may contain an office provided that the office is used only for the operation of the group home in which it is located;

“industrial” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, includes cannabis production facilities but does not include the sale of commodities to the general public through a warehouse club;

“Institutional” means land, buildings, or structures used or designed or intended for use by an organized body, society or religious group for promoting a public or non-profit purpose and shall include, but without limiting the generality of the foregoing, places of worship, and special care facilities;

“live/work unit” means a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas;

“Local Board” means a local board as defined in the *Development Charges Act*;

“local services” means those services, facilities or things which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the *Planning Act*, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;

“mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer;

“multiple dwelling” means all dwellings other than single detached dwellings, semi-detached dwellings, apartment unit dwellings, and special care/special need dwellings and includes, but is not limited to, back-to-back townhouse dwellings and the residential component of live/work units;

“municipality” means the Corporation of the Township of Severn;

“non-residential use” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use and includes all commercial, industrial and institutional uses and the non-residential portion of a live/work unit;

“nursing home” means a residential building or the residential portion of a mixed-use building licensed as a nursing home by the Province of Ontario;

“Official Plan” means the Official Plan adopted for the Township, as amended and approved;

“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’

“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, Chap. A.31, as amended, or any successor thereof;

“regulation” means any regulation made pursuant to the Act;

“residential use” means land or buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one or more individuals and the residential portion of a live/work unit;

“retirement home or lodge” means a residential building or the residential portion of a mixed-use building which provides accommodation primarily for retired persons or couples where each private bedroom or living accommodation has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;

“semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor;

“service” (or “services”) means a service designed in Schedule “A” to this By-law;

“servicing agreement” means an agreement between a landowner and the municipality relative to the provision of municipal services to specified land within the municipality;

“single detached dwelling unit” means a residential building consisting of one dwelling unit and not attached to another structure and includes mobile homes;

"stacked townhouse dwelling" means a building containing two or more dwelling units where each dwelling unit is separated horizontally from another dwelling unit by a common wall or floor; and

"Special care/special need dwelling" means a building containing two or more dwellings units, which units have a common entrance from street level:

- i. Where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;**
- ii. Which may or may not have exclusive sanitary and/or culinary facilities;**
- iii. That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and**
- iv. Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels,**

and includes, but is not limited to, retirement houses or lodges, nursing homes, charitable dwellings, and group homes (including correctional group homes).

2. DESIGNATION OF SERVICES

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

Municipal Wide Services:

- (a) Services Related to a Highway**
- (b) Fire Protection Services**
- (c) Outdoor Recreation Services**
- (d) Indoor Recreation Services**
- (e) Library Services**

- (f) Administration Studies – Community Related Services**

(g) Administration Studies – Essential Services

Area-Specific Services

Westshore

(a) Water

(b) Wastewater

Coldwater

(a) Wastewater

Severn Estates

(a) Water

Areas not Receiving Wastewater Services

(a) Septage and Hauled Treatment

2.2 The components of the services designated in section 2.1 are described in Schedule A.

3. APPLICATION OF BY-LAW RULES

3.1 Development charges shall be payable in the amounts set out in this By-law where:

(a) the lands are located in the area described in section 3.2; and

(b) the development of the lands requires any of the approvals set out in subsection 3.4(a).

Area to Which By-law Applies

3.2 Subject to section 3.3, this By-law applies to all lands in the Township of Severn whether or not the land or use thereof is exempt from taxation under s. 13 or the *Assessment Act*.

3.3 Notwithstanding clause 3.2 above, this by-law shall not apply to lands that are

owned by and used for the purposes of:

- (a) the municipality or a local board thereof;
- (b) a board of education; or
- (c) the County of Simcoe or a local board thereof.

Approvals for Development

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

- (i) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
- (ii) the approval of a minor variance under section 45 of the *Planning Act*;
- (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
- (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;
- (v) a consent under section 53 of the *Planning Act*;
- (vi) the approval of a description under section 50 of the *Condominium Act*, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or
- (vii) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

(b) No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in

(i) Subject to subsection 3.7.2 (iii), if the gross floor area is enlarged by 50 per cent or less of the lesser of:

1. the gross floor area of the existing industrial building, or
2. the gross floor area of the existing industrial building before the first enlargement for which:

- a. an exemption from the payment of development charges was granted, or
 - b. a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is zero;
- (ii) Subject to subsection 3.7.2 (iii), if the gross floor area is enlarged by more than 50 per cent or less of the lesser of:
 - (A) the gross floor area of the existing industrial building, or
 - (B) the gross floor area of the existing industrial building before the first enlargement for which:
 - (i) an exemption from the payment of development charges was granted, or
 - (ii) a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to section 4 of the Act and this subsection, 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:
 - (A) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and
 - (B) divide the amount determined under subsection (A) by the amount of the enlargement
- (iii) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsection 3.7.2 (ii), the cumulative gross floor area of any previous enlargements for which:
 - (A) An exemption from the payment of development charges was granted, or

(B) A lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to section 4 of the Act and this subsection, shall be added to the calculation of the gross floor area of the proposed enlargement.

(iv) For the purposes of this subsection, the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.

3.8 For the purpose of section 3.7 herein, "existing industrial building" is used as defined in the Regulation made pursuant to the Act.

3.9 Other Exemptions:

Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:

- a) lands, buildings or structures used or to be used for a place of worship or for the purposes of a cemetery or burial ground exempt from taxation under the *Assessment Act*;
- b) The development of non-residential farm buildings constructed for bona-fide farm uses, excluding cannabis production facilities.

Amount of Charges

Residential

3.10 The development charges set out in Schedules B-1 and B-2 shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, according to the type of residential unit and the residential portion of live/work unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential

3.11 The development charges described in Schedules B-1 and B-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 the non-residential portion of a live/work unit, and calculated with respect to each of the services according to the total floor area of the non-residential use.

Reduction of Development Charges for Redevelopment

3.12 Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 36 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

(a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.10 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 in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 3.11, by the gross floor area that has been or will be demolished or converted to another principal use;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

Time of Payment of Development Charges

- 3.13 Development charges imposed under this By-law for fire, library, outdoor, recreation, indoor recreation, administration – studies - essential services and administration – studies – community based services, are calculated, payable, and collected upon issuance of a building permit for the development; the Development Charges for services related to a highway, water and wastewater, are calculated, payable, and collected at time of subdivision agreement with respect to each dwelling unit, building or structure.
- 3.14 Despite section 3.13, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

4. PAYMENT BY SERVICES

- 4.1 Despite the payment required under subsections 3.10 and 3.11, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge is imposed under this By-law.

5. INDEXING

- 5.1 Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, commencing on the first anniversary date of this By-law and each anniversary date thereafter, in accordance with the prescribed index in the Act.

6. SCHEDULES

- 6.1 The following schedules shall form part of this By-law:

Schedule A - Components of Services Designated in section 2.1

Schedule B-1 - Residential and Non-Residential Development Charges for
“Hard Services”

Schedule B-2 - Residential and Non-Residential Development Charges for “Soft
Services”

7. CONFLICTS

7.1 Where the Township and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

7.2 Notwithstanding section 7.1, where a development which is the subject of an agreement to which section 7.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4(a), an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this By-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

8. SEVERABILITY

8.1 If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

9. DATE BY-LAW IN FORCE

9.1 This By-law shall come into effect at 12:01 AM on September 5 ,2019.

10. DATE BY-LAW EXPIRES

10.1 This By-law will expire at 12:01 AM on September 5, 2024 unless it is repealed by Council at an earlier date.

11. EXISTING BY-LAW REPEALED

11.1 By-law 2014-51, as amended, be and it is hereby repealed as of the date and time of this By-law coming into effect.

By-law read a first and second time this 4th day of September, 2019.

By-law read a third time and finally passed this 4th day of September, 2019.

CORPORATION OF THE TOWNSHIP OF SEVERN



MAYOR



CLERK

I hereby certify this document to be a true copy of
By-law Number 2019-62 as enacted by the Council of
The Corporation of the Township of Severn, on the
4th day of SEPTEMBER 2019


Clerk

SCHEDULE A

COMPONENTS OF SERVICES DESIGNATED IN SUBSECTION 2.1

100% Eligible Services

Water

Treatment, Storage and Distribution

Wastewater

Treatment and Collection

Septage and Hauled Treatment

Facilities

Services Related to a Highway

Roads

Fleet

Facilities

Fire Protection Services

Fire Facility

Fire Vehicles

Fire Fighter Equipment

90% Eligible Services

Administration

Studies – Essential Services

Studies – Community Based Services

Indoor Recreation

Recreation Facilities

Recreation Vehicles

Outdoor Recreation

Parkland Development

Vehicles & Equipment

Library

Facilities

Collection Material

**SCHEDULE B-1
SCHEDULE OF DEVELOPMENT CHARGES FOR "HARD SERVICES"**

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide "Hard Services":						
Services Related to a Highway	2,540	1,643	1,133	2,267	1,032	1.71
Fire Protection Services	963	623	430	859	391	0.65
Administration - Studies - Essential Services	166	107	74	148	67	0.12
Total Municipal Wide "Hard Services"	3,669	2,373	1,637	3,274	1,490	2.48
Area Specific Services:						
Westshore:						
Water Services	644	417	287	575	262	0.39
Wastewater Services	7,160	4,631	3,195	6,390	2,909	4.30
Total Area Specific - Westshore	7,804	5,048	3,482	6,965	3,171	4.69
Area Specific Services:						
Coldwater:						
Wastewater Services	11,157	7,217	4,979	9,958	4,534	5.81
Total Area Specific - Coldwater	11,157	7,217	4,979	9,958	4,534	5.81
Area Specific Services:						
Severn Estates:						
Water Services	12,579	8,137	5,613	11,227	5,112	-
Total Area Specific - Severn Estates	12,579	8,137	5,613	11,227	5,112	-
Area Specific Services:						
Areas Not Receiving Wastewater Services						
Septage and Hauled Treatment	73	47	33	65	30	0.10
Total Area Specific - Areas Not Receiving Wastewater Services	73	47	33	65	30	0.10

**SCHEDULE B-2
SCHEDULE OF DEVELOPMENT CHARGES FOR "SOFT SERVICES"**

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide "Soft Services":						
Outdoor Recreation Services	702	454	313	627	285	0.19
Indoor Recreation Services	2,087	1,350	931	1,863	848	0.56
Library Services	159	103	71	142	65	0.04
Administration - Studies - Community Based Services	256	166	114	228	104	0.18
Total Municipal Wide "Soft Services"	3,204	2,073	1,429	2,860	1,302	0.97