

**The Corporation of the City of Quint West
Draft By-Law Number 16-012**

Being a By-law to Establish Development Charges For The Corporation of The City of Quinte West.

Whereas the City of Quinte West 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 Quinte West;

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 City of Quinte West 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 the Council of the City of Quinte West had before it a report entitled Development Charges Background Study dated November 17, 2015, prepared by Hemson Consulting Ltd., wherein it is indicated that the development of any land within the City of Quinte West will increase the need for services as defined herein;

And Whereas the Council of The Corporation of the City of Quinte West has given notice of and held a public meeting on the 2nd day of December, 2015 in accordance with the Act and the regulations thereto;

And Whereas by resolution adopted by Council of the City of Quinte West on December 7, 2015, Council has indicated its intent that the future excess capacity identified in the Development Charges Background Study, dated November 17, 2015, prepared by Hemson Consulting Ltd., shall be paid for by development charges or other similar charges;

Now Therefore Be It Enacted By The Council For The Corporation Of The City of Quinte West 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;

"Apartment unit" means any residential unit within a building containing more than four dwelling units where the units are connected by an interior corridor;

"Bedroom" means a habitable room which can be used as sleeping quarters, but does not include a bathroom, living room, dining room or kitchen;

"Board of Education" has the same meaning as set out in the *Education Act*, R.S.O. 1990, c. E.2, as amended, or any successor thereof;

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

"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. 1990, 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 use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include industrial or agricultural uses, but does include hotels, motels, motor inns and boarding, lodging and rooming houses;

"Commercial core area – Trenton" means the geographic location designated on Schedule "C" of this By-law.

"Commercial core area – Frankford" means the geographic location designated on Schedule "D" of this By-law.

"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 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 any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;

"Existing" means the number, use and size that existed as of the date this by-law was passed;

"Farm building" means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;

"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;

"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, but does not include the sale of commodities to the general public through a warehouse club;

"Institutional" means land, buildings; structures or any part thereof used by any organization, group or association for promotion of charitable, educational or benevolent objectives and not for profit or gain;

"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 Quinte West or any part or parts thereof;

"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, c.P. 13, as amended, or any successor thereof;

"Multiple dwellings" means all dwellings other than single-detached, semi-detached and apartment unit dwellings.

"Municipality" means the Corporation of the City of Quinte West;

"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;

"Official Plan" means the Official Plan adopted for the City, 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, c. A.31, as amended, or any successor thereof;

"Rate" means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;

"Regulation" means any regulation made pursuant to the Act;

"Residential Dwelling" 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;

"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;

"Row dwelling" means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

"School, private" means a private school defined under the *Education Act* or any successor thereto, being "an institution at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any school day for five or more pupils who are of, or over compulsory school age in any of the subjects of the elementary or secondary school courses of study".

"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" means a service designed in Schedule "A" to this By-law, and "services" shall have a corresponding meaning;

"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;

"City" means the area within the geographic limits of the City of Quinte West; and

"Zoning By-law" means the Zoning By-laws of the City of Quinte West or any successor thereof passed pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

2. DESIGNATION OF SERVICES

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

- (a) Library Services;
- (b) Fire Protection Services;
- (c) Police Services;
- (d) Indoor Recreation Services;
- (e) Outdoor Recreation Services;
- (f) Administration Services;
- (g) Roads and Related Services;
- (h) Water Services; and
- (i) Wastewater Services.

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 City of Quinte West 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;
- (c) the Corporation of the County of Hastings, County of Northumberland or a local board thereof;
- (d) Lower Trent Conservation or Quinte Conservation;
- (e) a public hospital under the *Public Hospitals Act*; or
- (f) a place of worship exempt under s.3 of the *Assessment Act*.

3.4. Notwithstanding clause 3.2 above, the Water and Wastewater development charges shown in Schedule "B" only apply in areas where the respective service will be available.

Approvals for Development

3.5 (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*, R.S.O. 1990 c.P. 13, as amended;
 - (ii) the approval of a minor variance under section 45 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended;
 - (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act*, R.S.O.1990 c.P. 13, as amended applies;
 - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended;
 - (v) a consent under section 53 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended;
 - (vi) the approval of a description under section 50 of the *Condominium Act*, S.O. 1998, C.19, as amended, or any successor thereof; or
 - (vii) the issuing of a permit under the *Building Code Act*, S.O. 1992, C.23, as amended in relation to a building or structure
- (b) No more than one development charge for each service designated in Schedule "A", 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 subsection 3.5(a) are required before the lands, buildings or structures can be developed.
- (c) Despite subsection 3.5(b), if two or more of the actions described in Subsection 3.5(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Local Service Installation

- 3.6 Nothing in this By-law prevents Council from requiring, as a condition of an agreement under Section 41, 51 or 53 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, that the owner, at his or her own expense, shall install or pay for such local services, within the Plan of Subdivision or Condominium or within the area to which the plan or site plan control agreement relates, as Council may require.

Exemptions

- 3.7 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:
- (a) an enlargement to an existing dwelling unit;
 - (b) one or two additional dwelling units in an existing single detached dwelling; or
 - (c) one additional dwelling unit in any other existing residential building
- 3.8 Notwithstanding section 3.7(b), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.

- 3.9 Notwithstanding section 3.7, development charges shall be imposed if the additional unit has a gross floor area greater than
- (i) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
 - (ii) in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building.

3.10 Other Exemptions

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

- a) Industrial development including enlargements to existing buildings.
- b) Where a lot levy, impost fee or development charge was collected as a condition for a lot created by consent pursuant to Section 53 of *Planning Act*, R.S.O. 1990 c.P. 13, as amended, then the amount collected shall be deducted from the Development Charges payable at the time a building permit is issued.
- c) A grant equal to the calculated charge for residential and non-residential development within the commercial core areas as defined by Schedules "C" and "D" may be provided subject to the development complying with the guidelines and other requirements included in Community Improvement Plan(s) approved under Section 28 of the *Planning Act*, R.S.O. c.P. 13, 1990, as amended.

Amount of Charges

Residential

- 3.11 The development charges set out in Schedule "B" 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 calculated with respect to each of the services according to the type of residential use.

Non-Residential

- 3.12 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 uses in 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.

Reduction of Development Charges for Redevelopment

- 3.13 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 3 years 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 3.11 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 3.12, 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

- 3.14 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of a building permit for the development.
- 3.15 Despite section 3.14, 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 3.11 and 3.12, 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 relates 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, on December 31st of each year, 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"	Residential and Non-Residential Development Charges
Schedule "C"	Map of Commercial Core Area - Trenton
Schedule "D"	Map of Commercial Core Area – Frankford

7. CONFLICTS

- 7.1 Where the City 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 3.5(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. HEADINGS FOR REFERENCE ONLY

9.1 The headings inserted in this By-law are for convenience only and shall not affect the construction of interpretation of this By-law.

10. DATE BY-LAW IN FORCE

10.1 This By-law shall come into force and effect on by-law passage.

11. DATE BY-LAW EXPIRES

11.1 This By-law will expire five years after the effective date, unless it is repealed by Council at an earlier date.


12. EXISTING BY-LAW REPEALED


12.1 By-law Number 15-167 is hereby repealed as of the date and time of this By-law coming into effect.

13. SHORT TITLE

13.1 This By-law may be cited as the "City of Quinte West Development Charges By-law 2015".

Read a First, Second and Third Time and Finally Passed This 18th Day of January, 2016.


Jim Harrison, Mayor


Virginia LaFour, Deputy City Clerk

**SCHEDULE "A" TO BY-LAW 16-012
COMPONENTS OF SERVICES DESIGNATED IN SUBSECTION 2.1**

100% Eligible Services

Roads and Related
Fire Protection Services
Police Services

90% Eligible Services

Administration Services
Indoor Recreation Services
Outdoor Recreation Services
Library Services

100% Eligible Services that Apply Where Available

Water Services
Wastewater Services

SCHEDULE "B" to BY-LAW 16-012

**SCHEDULE OF DEVELOPMENT CHARGES
(January 1, 2016 - December 31, 2016)**

Service	Residential				NON-RESIDENTIAL (per m ² of Gross Floor Area)
	Single Detached Dwelling & Semi- Detached Dwelling	Apartments & 2 Bedrooms +	Apartments Bachelor & 1 bedroom	Multiple Dwellings	
Municipal Wide Services					
Roads and Related	2,628	1,602	1,246	1,780	14.75
Fire Protection Services	439	268	208	298	2.47
Police Services	195	119	92	132	1.10
Outdoor Recreation Services	604	368	286	409	-
Indoor Recreation Services	-	-	-	-	-
Library Services	123	75	59	84	-
Administration	24	15	12	17	0.14
Total Municipal Wide Services	4,013	2,447	1,903	2,720	18.46
Urban Services					
Water	583	330	211	339	3.67
Wastewater	3,785	2,246	1,420	2,301	22.07
Total Urban Services	4,368	2,575	1,632	2,640	25.74
TOTAL MUNICIPAL AND URBAN SERVICES					
Total Urban Services Area	8,381	5,022	3,535	5,360	44.20
Total Water Only Serviced Area	4,596	2,777	2,114	3,059	22.13
Total Rural Service Area	4,013	2,447	1,903	2,720	18.46

SCHEDULE "B" to BY-LAW 16-012

**SCHEDULE OF DEVELOPMENT CHARGES
(January 1, 2017 - December 31, 2017)**

Service	Residential				NON-RESIDENTIAL (per m ² of Gross Floor Area)
	Single Detached Dwelling & Semi- Detached Dwelling	Apartments & 2 Bedrooms +	Apartments Bachelor & 1 bedroom	Multiple Dwellings	
<u>Municipal Wide Services</u>					
Roads and Related	2,628	1,602	1,246	1,780	14.75
Fire Protection Services	439	268	208	298	2.47
Police Services	195	119	92	132	1.10
Outdoor Recreation Services	604	368	286	409	-
Indoor Recreation Services	-	-	-	-	-
Library Services	123	75	59	84	-
Administration	24	15	12	17	0.14
Total Municipal Wide Services	4,013	2,447	1,903	2,720	18.46
<u>Urban Services</u>					
Water	612	354	241	373	3.67
Wastewater	3,892	2,326	1,564	2,439	22.07
Total Urban Services	4,504	2,680	1,806	2,812	25.74
TOTAL MUNICIPAL AND URBAN SERVICES					
Total Urban Services Area	8,517	5,127	3,709	5,532	44.20
Total Water Only Serviced Area	4,625	2,801	2,144	3,093	22.13
Total Rural Service Area	4,013	2,447	1,903	2,720	18.46

SCHEDULE "B" to BY-LAW 16-012

**SCHEDULE OF DEVELOPMENT CHARGES
(January 1, 2018 - December 31, 2018)**

Service	Residential				NON-RESIDENTIAL (per m ² of Gross Floor Area)
	Single Detached Dwelling & Semi- Detached Dwelling	Apartments & 2 Bedrooms +	Apartments Bachelor & 1 bedroom	Multiple Dwellings	
Municipal Wide Services					
Roads and Related	2,628	1,602	1,246	1,780	14.75
Fire Protection Services	439	268	208	298	2.47
Police Services	195	119	92	132	1.10
Outdoor Recreation Services	604	368	286	409	-
Indoor Recreation Services	-	-	-	-	-
Library Services	123	75	59	84	-
Administration	24	15	12	17	0.14
Total Municipal Wide Services	4,013	2,447	1,903	2,720	18.46
Urban Services					
Water	642	378	272	407	3.67
Wastewater	3,999	2,407	1,709	2,577	22.07
Total Urban Services	4,641	2,785	1,980	2,984	25.74
TOTAL MUNICIPAL AND URBAN SERVICES					
Total Urban Services Area	8,654	5,232	3,883	5,704	44.20
Total Water Only Serviced Area	4,655	2,825	2,175	3,127	22.13
Total Rural Service Area	4,013	2,447	1,903	2,720	18.46

SCHEDULE "B" to BY-LAW 16-012

**SCHEDULE OF DEVELOPMENT CHARGES
(January 1, 2019 - December 31, 2019)**

Service	Residential				NON-RESIDENTIAL (per m ² of Gross Floor Area)
	Single Detached Dwelling & Semi- Detached Dwelling	Apartments & 2 Bedrooms +	Apartments Bachelor & 1 bedroom	Multiple Dwellings	
Municipal Wide Services					
Roads and Related	2,628	1,602	1,246	1,780	14.75
Fire Protection Services	439	268	208	298	2.47
Police Services	195	119	92	132	1.10
Outdoor Recreation Services	604	368	286	409	-
Indoor Recreation Services	-	-	-	-	-
Library Services	123	75	59	84	-
Administration	24	15	12	17	0.14
Total Municipal Wide Services	4,013	2,447	1,903	2,720	18.46
Urban Services					
Water	671	403	302	440	3.67
Wastewater	4,107	2,487	1,853	2,715	22.07
Total Urban Services	4,777	2,890	2,155	3,155	25.74
TOTAL MUNICIPAL AND URBAN SERVICES					
Total Urban Services Area	8,790	5,337	4,058	5,875	44.20
Total Water Only Serviced Area	4,684	2,850	2,205	3,160	22.13
Total Rural Service Area	4,013	2,447	1,903	2,720	18.46

SCHEDULE "B" to BY-LAW 16-012

**SCHEDULE OF DEVELOPMENT CHARGES
(January 1, 2020 - December 31, 2020)**

Service	Residential				NON-RESIDENTIAL (per m ² of Gross Floor Area)
	Single Detached Dwelling & Semi- Detached Dwelling	Apartments & 2 Bedrooms +	Apartments Bachelor & 1 bedroom	Multiple Dwellings	
Municipal Wide Services					
Roads and Related	2,628	1,602	1,246	1,780	14.75
Fire Protection Services	439	268	208	298	2.47
Police Services	195	119	92	132	1.10
Outdoor Recreation Services	604	368	286	409	-
Indoor Recreation Services	-	-	-	-	-
Library Services	123	75	59	84	-
Administration	24	15	12	17	0.14
Total Municipal Wide Services	4,013	2,447	1,903	2,720	18.46
Urban Services					
Water	700	427	332	474	3.67
Wastewater	4,214	2,568	1,997	2,853	22.07
Total Urban Services	4,914	2,995	2,329	3,327	25.74
TOTAL MUNICIPAL AND URBAN SERVICES					
Total Urban Services Area	8,927	5,442	4,232	6,047	44.20
Total Water Only Serviced Area	4,713	2,874	2,235	3,194	22.13
Total Rural Service Area	4,013	2,447	1,903	2,720	18.46

Schedule "C" to By-Law 16-012
Map of Commercial Core Area - Trenton



Schedule "D" to By-Law 16-012
Map of Commercial Core Area - Frankford

