

Meeting: COUNCIL

Date: June 8, 2009

Dept: Planning and Public Works

Report No: PLAN-2009-36-CNC

Title: PUBLIC MEETING FOR PROPOSED TOWNSHIP OF SCUGOG
DEVELOPMENT CHARGES BY-LAW AND BACKGROUND
STUDY

RECOMMENDATION:

THAT Staff Report No. PLAN-2009-36-CNC be received for information;

AND THAT all submissions received by 4:30 p.m. on June 12, 2009, including those opinions expressed verbally at the June 8, 2009 public meeting, be referred to Staff for consideration in preparing the final Development Charges By-Law, scheduled to be presented to Council for approval on June 22, 2009.

BACKGROUND:

1. INTRODUCTION

The purpose of this report is to provide information about the proposed Township Development Charges By-Law for the statutory public meeting to be held on June 8, 2009, pursuant to Section 12 of the *Development Charges Act, 1997* (the DCA).

2. RENEWAL OF DEVELOPMENT CHARGES BY-LAW

The DCA gives municipalities the authority to impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development. This ensures new services

necessitated by development are provided in a fiscally responsible manner where “growth pays for growth”.

The Township’s existing Development Charges By-Law No. 96-04 was enacted by Council on August 30, 2004. According to the DCA, a development charges by-law expires five years after the day it comes into force. As such, Council must pass a new by-law before August 30, 2009 for the Township to continue to impose development charges.

The municipality must prepare its by-law based on the results of an up-to-date background study. The background study is required to justify and defend the resultant charge and provide a basis for the statutory public meeting mandated by the DCA.

On April 21, 2008, the General Purpose and Administration Committee authorized the retention of Hemson Consulting Limited to update the Township’s development charges background study and by-law (see Staff Report No. CORP-2009-25-GP&A). Over the past year, the consultant has worked with Township Staff to draft the documents.

Prior to enacting the new development charges by-law, Council must hold a public meeting to solicit input from the public and provide the necessary background information on the proposed by-law. The statutory public meeting is scheduled for June 8, 2009. Any person who attends will be permitted to make comments relating to the proposed by-law.

Notice of the public meeting has been advertised in the Township Bulletin Board weekly and posted on the Township website since May 14, 2009. Copies of the background study and proposed by-law were made available to the public since May 25, 2009 at the Municipal Office and on the Township website.

In addition, Staff has advised the Scugog Chamber of Commerce, the Durham Region Home Builders’ Association, the Building Industry and Land Development (BILD) Association of Greater Toronto and known local developers and invited input regarding the proposed development charges.

Council is scheduled to make a final decision on the proposed by-law at its June 22, 2009 meeting, subsequent to the public comment period, which concludes on June 12, 2009. This will ensure implementation prior to the August 30, 2009 expiry date of the current by-law.

The following is a summary of the key steps and dates in the development charges by-law renewal process:

Step	Date
1. Draft Background Study completed	May, 2009
2. Notice Public Meeting placed in newspapers and on website	Weekly since May 14, 2009
3. Proposed By-law and Background Study available to public	May 25, 2009
4. Communication with affected organizations	Week of May 25, 2009
5. Statutory Public Meeting	June 8, 2009
6. By-law revisions (if necessary)	June, 2009
7. Council considers adoption of Background Study and passage of By-law	June 22, 2009
8. Notice of by-law amendment passage placed in newspaper and on website	By 20 days after passage
9. Last day for By-law appeal	By 40 days after passage
10. Pamphlet made available (where by-law not appealed)	By 60 days after in-force date

3. HIGHLIGHTS OF THE PROPOSED NEW TOWNSHIP DEVELOPMENT CHARGES BY-LAW

This section highlights the proposed Township Development Charges By-law, which is proposed to come into effect on July 1, 2009. A complete explanation of the development charge calculation is provided in the background study (under separate cover due to its size). The executive summary of the background study is appended as Attachment 1. A copy of the proposed by-law is included as Attachment 2.

3.1 Residential Development Charge Calculation

Table 1 shows the current and calculated residential development charges. The charges necessary to support the long-term capital forecasts required for growth represent an overall 5% increase over the current rate, or \$567, for Single and Semi-Detached. The rate for Rows and Other Multiples is calculated to increase by 7%, or \$697 per unit, while the amount for Apartments is calculated to decline by 5%, or \$366 per unit.

TABLE 1 – Current and Calculated Residential Development Charges by Unit Type
(in dollars per unit)

SERVICE	Single & Semi-Detached			Rows & Other Multiples			Apartments		
	Current	Calculated	%	Current	Calculated	%	Current	Calculated	%
Public Library	394	492	25%	313	400	28%	231	261	13%
Fire	789	560	-29%	625	455	-27%	447	297	-34%
Parks & Recreation	3,214	4,222	31%	2,549	3,432	35%	1,884	2,238	19%
Public Works Buildings & Fleet	736	702	-5%	584	570	-2%	447	372	-17%
Animal Control	23	24	4%	18	20	11%	13	13	0%
General Government	169	260	54%	134	212	58%	99	138	39%
Sub-Total General Services	5,325	6,260	18%	4,223	5,089	21%	3,121	3,319	6%
Roads & Related	6,580	6,212	-6%	5,219	5,049	-3%	3,857	3,293	-15%
TOTAL CHARGE PER UNIT	11,905	12,472	5%	9,441	10,138	7%	6,978	6,612	-5%

The changes calculated in the residential development charges are primarily due to capital cost increases that have occurred over the past number of years and revisions to the growth-related capital programs. The amount of the proposed Fire, Public Works and Roads and Related charges has declined since many of the projects identified in the capital forecasts for the 2004 background study have been implemented. This reduction has been offset by a proposed increase in the charges for Public Library (due to the forthcoming expansion), Parks and Recreation (due to additional projects and higher costs) and General Government (due to the inclusion of additional eligible planning studies).

It is recommended that the full residential development charges for the Apartments category be implemented on July 1, 2009. The proposed new

charge represents a decrease over the current amount being levied and should be implemented immediately.

It is recommended that the full residential development charges for the Single & Semi-Detached and Rows & Other Multiples categories be phased-in over a two year period, commencing on July 1, 2010 given current economic conditions. This delay and phasing-in is consistent with the recent actions of senior levels of government (i.e. renovation tax credits, tax credits for first time homebuyers, infrastructure funding to municipalities to stimulate job growth etc.) and the Region (i.e. waiving of development charge indexing). It is noted that the Township will be foregoing revenue it is entitled to collect through the development charge by deferring and phasing implementation. However, the amount is anticipated to be minimal in light of current economic conditions and the limited development activity in the municipality.

Table 2 shows the proposed phase-in of the new residential development charges. It is noted that these charges would be further adjusted for indexing on an annual basis.

TABLE 2 – Proposed Phase-in of New Residential Development Charges by Type of Development
(in dollars per unit)

TYPE	July 1, 2009	July 1, 2010	July 1, 2011
Single & Semi-Detached	11,905	12,189	12,472
Rows & Other Multiples	9,441	9,790	10,138
Apartments	6,612	6,612	6,612

3.2 Non-Residential Development Charge Calculation

Table 3 shows the current and calculated non-residential development charges. The calculated charge for commercial development is \$91.76 per sq. m (46% increase over current), for institutional development is \$40.13 per sq. m (36% decrease from current) and \$26.51 per sq. m for industrial development (not currently charged).

TABLE 3 – Current and Calculated Non-Residential Development Charges by Type of Development
(in dollars per square metre of gross floor area)

SERVICE	Commercial			Institutional			Industrial		
	Current	Calculated	%	Current	Calculated	%	Current	Calculated	%
Public Library									
Fire	3.89	3.60	-7%	3.89	3.60	-7%	0.00	3.60	n/a
Parks & Recreation									
Public Works Buildings & Fleet	4.02	4.52	12%	4.02	4.52	12%	0.00	4.52	n/a
Animal Control									
General Government	0.85	1.67	96%	0.85	1.67	96%	0.00	1.67	n/a
Sub-Total General Services	8.76	9.79	12%	8.76	9.79	12%	0	9.79	n/a
Roads & Related	54.16	81.97	51%	54.16	30.34	-44%	0.00	16.78	n/a
TOTAL CHARGE PER SQ. M	62.92	91.76	46%	62.92	40.13	-36%	0	26.57	n/a

The changes in the calculated non-residential development charges are due to similar reasons as the residential charges, but are also a result of differentiating the rate by type of development. Commercial development generates significantly more vehicle traffic per unit of gross floor area than the other categories. This results in proportionally greater capital servicing demands and a higher charge for the Roads and Related component.

It is recommended that non-residential development charges be levied by type of development, in lieu of one rate for all categories. The calculated charge is considerably different by type and should be applied accordingly for fairness.

It is recommended that the full institutional development charges be implemented on July 1, 2009. The proposed new charge represents a

decrease over the current amount being levied and should be implemented immediately. It is also noted that certain institutional sector uses are exempt from paying the charge due to provisions in the DCA (e.g. schools and municipal facilities).

It is recommended that the full commercial and industrial development charges be phased-in over a four year period, commencing on July 1, 2010, given current economic conditions and the magnitude of the proposed changes. Delaying and phasing-in the new charges will provide a period for the market to adapt to the higher rates and allow any pending development to proceed under status quo conditions.

Although the new commercial development charge represents a significant increase over the current non-residential rate, implementing the full charge is not expected to negatively impact development in this sector as it is largely population driven.

Scugog is the only municipality in Durham and York Regions that does not impose an industrial development charge. A number of factors support the introduction of a charge at this time:

- Scugog is cost competitive within the GTA in terms of a combination of annualized industrial land costs, development charges and industrial property taxes. Adding an industrial development charge will not alter this situation;
- Industrial development charge revenue would allow the Township to play a role in servicing the Port Perry Employment Area, in particular for stormwater management servicing;
- An industrial development charge will also provide a mechanism to offer development charge credits to developers who upfront the capital costs to service their property and to allow the Township to collect from benefiting landowners and reimburse the front-enders;
- The cost to service industrial development is funded by the existing residents and businesses through higher property taxes. The added revenue would allow the Township to reduce taxation pressures; and
- Many industrial developments would be exempt from paying the development charge. Pursuant to the DCA, the floor space of an existing industrial building can be expanded by 50% without paying a

charge. The industrial development charge is only applicable to the area of expansion exceeding 50% of the existing floor area.

The farming industry would not be impacted by the new industrial development charge. Bonafide agricultural uses and farm buildings are exempt from paying development charges under the current and proposed by-law.

Table 4 shows the proposed phase-in of the new non-residential development charges. It is noted that these charges would be further adjusted for indexing on an annual basis.

TABLE 4 – Proposed Phase-in for New Non-Residential Development Charges by Type of Development
(in dollars per square metre of gross floor area)

TYPE	July 1, 2009	July 1, 2010	July 1, 2011	July 1, 2012	July 1, 2013
Commercial	62.92	70.13	77.34	84.55	91.76
Institutional	40.13	40.13	40.13	40.13	40.13
Industrial	0.00	6.64	13.29	19.93	26.57

3.3 Exemptions

The existing development charges by-law provides the following exemptions:

- Intensification of existing housing (if the expansion does not exceed the area of the current structure);
- Industrial development;
- Expansions of other non-residential uses (if the expansion is less than 232 sq. m in area);
- Certain institutional uses (i.e. hospitals, government buildings, schools, places of worship, cemeteries);
- Agricultural uses and farm buildings;
- Temporary buildings or structures;
- Garden suites and mobile homes (receive a refund if removed within ten years); and
- Redevelopment (credits for demolition of buildings within five years).

It is recommended that the current exemption policy be maintained, with the exception of the industrial development exemption. The impact of eliminating this exemption will be mitigated by deferring implementation for a

year and phasing-in the charge over four years. As well, the DCA specifically exempts industrial expansions (up to 50% of the existing floor space) from the charge. **It is also recommended that the ten year limit on refunds for garden suites and mobile homes be removed** since Council can extend the terms of these dwellings beyond ten years.

3.4 Collection

It is recommended that the current policy for the collection of development charges at building permit issuance be maintained.

3.5 Indexing

It is recommended that the development charge rates continue to be indexed annually on July 1st of each year, in accordance with the change in the prescribed index for the most recently available annual period, ending March 31, with the first indexing to occur on July 1, 2010.

The current by-law requires the Township to index the charge annually, without the opportunity to consider its appropriateness. **It is recommended that the policy be changed to give Council the option to index annually.**

3.6 Revenue Forecast from the New Charges

The new residential and non-residential development charge rates being recommended in Tables 1 and 3, respectively, would generate approximately \$26.25 million in revenue towards the growth-related capital programs totalling (gross) \$25.32 million for General Services and \$31.02 million for Roads and Related Services set out in the background study. If Council were not to implement the full cost recovery rates for all sectors, a reduction in the capital programs and service levels would be required. Alternatively, financing from other sources would be needed, most likely through property tax increases and/or higher/new user fees.

4. COMPARISON OF RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT CHARGES

Table 5 compares the calculated Township residential development charges for single and semi-detached dwellings with the current rates in effect or calculated in other Durham and York Region municipalities:

TABLE 5 – Comparison of Residential Development Charges for Single and Semi-Detached Dwellings (in dollars per unit)

Municipality	By-law Date	Lower Tier	Upper Tier	Total
Region of Durham	2008			
Brock	2009 Calc	\$18,128	\$18,486	\$36,614
Clarington	2008	\$14,521	\$18,486	\$33,007
Scugog – Calculated	2009 Calc	\$12,472	\$18,486	\$30,958
Scugog – Current	2004	\$11,905	\$18,486	\$30,391
Ajax	2008	\$11,631	\$18,486	\$30,117
Uxbridge	2009 Calc	\$10,982	\$18,486	\$29,468
Pickering	2009 Calc	\$10,889	\$18,486	\$29,375
Whitby	2008	\$10,208	\$18,486	\$28,694
Oshawa	2004	\$8,108	\$18,486	\$26,594
Region of York	2007			
Markham (1)	2009 Calc	\$19,203	\$23,752	\$42,955
Aurora	2009 Calc	\$16,097	\$23,752	\$39,849
King (King City)	2006	\$15,803	\$23,752	\$39,555
Richmond Hill (1)	2009 Calc	\$12,853	\$23,752	\$36,605
Vaughan (1)	2008	\$12,505	\$23,752	\$36,257
Whitchurch-Stouffville	2007	\$10,573	\$23,752	\$34,325
Newmarket	2004	\$7,981	\$23,752	\$31,733
East Gwillimbury (Queensville)	2004	\$5,611	\$23,752	\$29,363
Georgina	2004	\$4,370	\$23,752	\$28,122

Notes: (1) Special Area Charges Excluded

Source: Hemson Consulting based on municipal data

The calculated residential development charge for single and semi-detached units would be in the higher range for Durham Region, but is not significantly greater than current or calculated rates in the other lower tier municipalities. If compared to total rates (lower plus upper tier) in York Region, the calculated charge would be in the low range.

Table 6 compares the calculated Township commercial development charges with the current rates in effect or calculated in other Durham and York Region municipalities:

TABLE 6 – Comparison of Commercial Development Charges
(in dollars per square metre of gross floor area)

Municipality	By-law Date	Lower Tier	Upper Tier	Total
Region of Durham	2008			
Scugog – Calculated	2009 Calc	\$91.76	\$94.40	\$186.16
Uxbridge	2009 Calc	\$64.69	\$94.40	\$159.09
Scugog – Current	2004	\$62.92	\$94.40	\$157.32
Clarington	2008	\$53.96	\$94.40	\$148.36
Brock	2009 Calc	\$49.37	\$94.40	\$143.77
Pickering	2009 Calc	\$39.61	\$94.40	\$134.01
Whitby	2008	\$38.97	\$94.40	\$133.36
Oshawa	2004	\$37.36	\$94.40	\$131.76
Ajax	2008	\$36.16	\$94.40	\$130.56
Region of York	2007			
Richmond Hill (1)	2009 Calc	\$82.56	\$248.99	\$331.55
Whitchurch-Stouffville	2007	\$65.12	\$248.99	\$314.11
King (King City)	2006	\$60.39	\$248.99	\$309.38
Markham (1)(2)	2008	\$41.81	\$248.99	\$290.80
Aurora	2009 Calc	\$31.45	\$248.99	\$280.44
Vaughan (1)	2008	\$20.00	\$248.99	\$268.99
East Gwillimbury (Queensville)	2004	\$19.81	\$248.99	\$268.80
Georgina	2004	\$16.90	\$248.99	\$265.89
Newmarket	2004	\$11.08	\$248.99	\$260.07

- Notes: (1) Special Area Charges Excluded
(2) Markham Non-Residential Hard Services Charge of \$81,007 per net hectare included assuming 50% coverage

Source: Hemson Consulting based on municipal data

The calculated commercial development charge would be the highest lower-tier rate levied in Durham Region. The recommended one-year deferral and four-year phase-in on implementation will help to mitigate the impact. All total rates charged in York Region are considerably higher than the Township total.

Table 7 compares the calculated Township industrial development charges with the current rates in effect or calculated in other Durham and York Region municipalities:

TABLE 7 – Comparison of Industrial Development Charges
(in dollars per square metre of gross floor area)

Municipality	By-law Date	Lower Tier	Upper Tier	Total
Region of Durham	2008			
Brock	2009 Calc	\$49.37	\$24.76	\$74.13
Pickering	2009 Calc	\$39.61	\$24.76	\$64.37
Whitby	2008	\$38.97	\$24.76	\$63.72
Oshawa	2004	\$37.15	\$24.76	\$61.90
Ajax	2008	\$36.16	\$24.76	\$60.92
Clarington	2008	\$30.00	\$24.76	\$54.76
Scugog – Calculated	2009 Calc	\$26.57	\$24.76	\$51.33
Uxbridge	2009 Calc	\$14.89	\$24.76	\$39.65
Scugog – Current	2004	\$0.00	\$24.76	\$24.76
Region of York	2007			
King (King City)	2006	\$60.39	\$79.91	\$140.30
Richmond Hill (1)	2009 Calc	\$51.13	\$79.91	\$131.04
Whitchurch-Stouffville	2007	\$50.48	\$79.91	\$130.39
Markham (1)(2)	2008	\$41.81	\$79.91	\$121.72
Aurora	2009 Calc	\$31.45	\$79.91	\$111.36
Vaughan (1)	2008	\$20.00	\$79.91	\$99.91
East Gwillimbury (Queensville)	2004	\$19.81	\$79.91	\$99.72
Georgina	2004	\$16.90	\$79.91	\$96.81
Newmarket	2004	\$11.08	\$79.91	\$90.99

- Notes: (1) Special Area Charges Excluded
(2) Markham Non-Residential Hard Services Charge of \$81,007 per net hectare included assuming 50% coverage

Source: Hemson Consulting based on municipal data

In contrast to the commercial rate, the calculated industrial development charge would be the second lowest rate levied in Durham Region. The recommended one-year deferral and four-year phase-in on implementation will further help to mitigate the impact. The total charge is considerably lower than the charges in York Region.

5. NEXT STEPS

5.1 Public Submissions

As noted above, the Township will be holding the statutory public meeting required by the DCA to provide the public an opportunity to comment on the proposed Township Development Charges By-Law on June 8, 2009 during the regular meeting of Council. Written submissions will also be received until 4:30 p.m. on June 12, 2008. All input will be considered in preparing the final recommendations and by-law.

If the proposed by-law needs to be changed following the public meeting, Council must formally consider whether a second public meeting is required. Council's decision in this regard should be reflected in an appropriately worded resolution. The decision will be final and not subject to review by a court or the Ontario Municipal Board.

5.2 Future Council Decisions

On June 22, 2009, Council is scheduled to consider approval of the:

- Capital forecasts contained in the 2009 Township Development Charges Background Study, as required by the DCA;
- Development Charges Background Study as constituting Council's background study for the purposes of Section 10 of the DCA; and,
- Final recommendations and Township Development Charges By-law.

6. ENVIRONMENTAL CONSIDERATIONS

The growth-related capital programs include several initiatives that will help the environment, such as stormwater management facilities to improve water quality, sustainability considerations with the library expansion, and park, facility and trail system improvements. Staff will have regard for other environmental considerations through the implementation of the capital programs.

7. ACCESSIBILITY CONSIDERATIONS

The growth-related capital programs include several initiatives that will enhance accessibility, such as sidewalk improvements, accessibility considerations with the library expansion, and park, facility and trail system

upgrades. Staff will have regard for other environmental considerations through the implementation of the capital programs.

8. FUNDING OPTIONS

Development charges are a significant revenue source for the municipality. Increased property taxes and user fees would be required if the Township does not levy charges.

9. CONCLUSION

The Township has completed a comprehensive background study in support of a new development charges by-law pursuant to the requirements of the *Development Charges Act, 1997*. The new by-law proposes revised charges based on more up-to-date development forecasts, growth-related capital programs and cost estimates. The non-residential development charges should be levied by type of development, given the considerable variation calculated between categories. Non-residential charges should also be extended to industrial development. Implementation of any rate increases should be deferred a year and phased-in to lessen the impact on the development industry, especially in light of current economic conditions. Minor changes to the development charge policies are also proposed.

It is recommended that this report be received for information, with final recommendations regarding the proposed by-law to be presented to Council on June 22, 2009. Further, it is recommended that all submissions received prior to 4:30 p.m. on June 12, 2009, including those opinions expressed verbally at the June 8, 2009 public meeting, be received and referred to Staff for consideration in preparing the final development charge recommendations and by-law.

Respectfully submitted:



Gene Chartier, P.Eng.
Commissioner of Planning &
Public Works/Deputy CAO

Approved for presentation to Council:



Bev Hendry
CAO

EXECUTIVE SUMMARY

The following summarizes the findings of the 2009 Development Charges Background Study.

A. STUDY CONSISTENT WITH DEVELOPMENT CHARGES LEGISLATION

- This study calculates development charges for the Township of Scugog in compliance with the provisions of the *Development Charges Act, 1997 (DCA)* and its associated regulation: *O. Reg. 82/98*.
- The Township of Scugog's existing development charges by-law 96-04 expires on August 30, 2009, and Council must pass a new development charges by-law before this expiry date in order to continue to levy development charges.
- The Township needs to continue implementing development charges to fund capital projects related to growth throughout Scugog so that development pays for its capital requirements to the extent allowed by the *DCA* and so that new services required by growth are provided in a fiscally responsible manner.
- The *DCA* and *O. Reg. 82/98* require that a development charges background study be prepared in which development charges are determined with reference to:
 - A forecast of the amount, type and location of housing units, population and non-residential development anticipated in the Township;
 - A review of future capital projects, including an analysis of gross expenditures, funding sources, and net expenditures incurred or to be incurred by the Township to provide for the expected development, including the determination of the growth and non-growth-related components of the capital projects; and

- An examination of the long-term capital and operating costs for the capital infrastructure required for each service to which the development charges by-laws would relate.
- This report identifies the growth-related net capital costs which are attributable to development that is forecast to occur in the Township. These costs are apportioned to types of development (residential, industrial, commercial, institutional) in a manner that reflects the increase in the need for each service attributable to each type of development.

B. ALL SERVICES WITH GROWTH-RELATED COSTS INCLUDED IN THE ANALYSIS

The following Township services have been included in the development charge analysis:

- Library Services
- Fire Services
- Parks and Recreation
- Public Works: Buildings and Fleet
- Animal Control
- General Government
- Roads and Related

Development charges for all services are calculated on a Township-wide basis.

C. TOWNSHIP OF SCUGOG IS ANTICIPATED TO GROW BY 1,420 PEOPLE AND 930 EMPLOYEES OVER 10 YEARS

- A development forecast for the 10-year study period, 2009–2018, estimates that the Township’s population will grow by approximately 1,420 people and by about 2,790 to 2031.
- Population growth in new housing units is forecast at 3,390 people over the 2009–2018 period and 6,750 to 2031.
- The Township’s employment is forecast to grow by approximately 930 employees over the next 10 years and 1,740 to 2031.

- Approximately 47,620 square metres of new non-residential building space are expected over the 10-year period, 2009–2018, and 94,840 square metres are projected to 2031.

D. DEVELOPMENT CHARGES STUDY INCLUDES A \$25.32 MILLION GROWTH-RELATED CAPITAL PROGRAM FOR GENERAL SERVICES OVER THE NEXT 10 YEARS AND A \$31.02 MILLION PROGRAM FOR ROADS TO 2031

- The 2009–2018 growth-related capital program for general services including library, fire, parks & recreation, public works: buildings & fleet, animal control and general government totals \$25.32 million.
- The roads and related gross capital program totals an additional \$31.02 million to 2031.
- The *DCA* requires that the gross capital costs be reduced by grants, subsidies, and recoveries from other governments; capital replacements or other benefits provided to the existing community; existing reserve fund balances; and a statutory 10 per cent reduction for eligible general (or “soft”) services when calculating development charges.
- After the above considerations, the shares of the capital programs related to servicing growth are:
 - \$7.73 million for general services for growth over the period 2009–2018.
 - \$18.52 million for roads and related services to service growth to 2031.

E. CALCULATED CHARGES ARE SIMILAR TO EXISTING CHARGES

- The calculated charges are the maximum charges the Township may adopt. Lower charges can be approved; however, this will require a reduction in the capital plan and reduced service levels or financing from other sources, most likely through increased property taxes or user fees.
- The following tables summarize the calculated Township-wide residential and non-residential development charges.

Calculated Township-Wide Residential Development Charges

SERVICE	Charge By Unit Type		
	Single & Semi-Detached	Rows & Other Multiples	Apartments
Library Services	\$492	\$400	\$261
Fire Services	\$560	\$455	\$297
Parks & Recreation	\$4,222	\$3,432	\$2,238
Public Works: Buildings & Fleet	\$702	\$570	\$372
Animal Control	\$24	\$20	\$13
General Government	\$260	\$212	\$138
General Services Charge Per Unit	\$6,260	\$5,089	\$3,319
Roads & Related	\$6,212	\$5,049	\$3,293
TOTAL DEVELOPMENT CHARGE PER UNIT	\$12,472	\$10,138	\$6,612

Calculated Township-Wide Industrial Development Charges

SERVICE	Calculated Charge (\$/sq.m)
Library Services	\$0.00
Fire Services	\$3.60
Parks & Recreation	\$0.00
Public Works: Buildings & Fleet	\$4.52
Animal Control	\$0.00
General Government	\$1.67
General Services Charge Per sq. m	\$9.79
Roads & Related	\$16.78
TOTAL DEVELOPMENT CHARGE PER SQ M	\$26.57

Calculated Township-Wide Commercial Development Charges

SERVICE	Calculated Charge (\$/sq.m)
Library Services	\$0.00
Fire Services	\$3.60
Parks & Recreation	\$0.00
Public Works: Buildings & Fleet	\$4.52
Animal Control	\$0.00
General Government	\$1.67
General Services Charge Per sq. m	\$9.79
Roads & Related	\$81.97
TOTAL DEVELOPMENT CHARGE PER SQ M	\$91.76

Calculated Township-Wide Institutional Development Charges

SERVICE	Calculated Charge (\$/sq.m)
Library Services	\$0.00
Fire Services	\$3.60
Parks & Recreation	\$0.00
Public Works: Buildings & Fleet	\$4.52
Animal Control	\$0.00
General Government	\$1.67
General Services Charge Per sq. m	\$9.79
Roads & Related	\$30.34
TOTAL DEVELOPMENT CHARGE PER SQ M	\$40.13

- The total calculated residential charges are slightly higher than the Township's existing development charges.

Change in Township-Wide Residential Development Charges

SERVICE	Current Residential Charge SDU	Calculated Residential Charge SDU	Difference in Charge	
Library Services	\$394	\$492	\$98	25%
Fire Services	\$789	\$560	(\$229)	-29%
Parks & Recreation	\$3,214	\$4,222	\$1,008	31%
Public Works: Buildings & Fleet	\$736	\$702	(\$34)	-5%
Animal Control	\$23	\$24	\$1	4%
General Government	\$169	\$260	\$91	54%
General Services Charge Per Unit	\$5,325	\$6,260	\$935	18%
Roads & Related	\$6,580	\$6,212	(\$368)	-6%
TOTAL DEVELOPMENT CHARGE PER UNIT	\$11,905	\$12,472	\$567	5%

- Non-residential development charges have been calculated for commercial, industrial and institutional uses. This is consistent with the Region of Durham's development charges by-law. The Township's 2004 development charges study calculated one non-residential charge rate for all uses.
- The Township does not currently levy development charges on industrial uses.

- Commercial development charges are higher than other non-residential uses due to higher trip generation rates which are used to calculate the roads and related charge.

Change in Township-Wide Commercial Development Charges

SERVICE	Current Charge Sq. m	Calculated Charge Sq. m	Charge	
Library Services	\$0.00	\$0.00	\$0.00	n/a
Fire Services	\$3.89	\$3.60	(\$0.29)	-7%
Parks & Recreation	\$0.00	\$0.00	\$0.00	n/a
Public Works: Buildings & Fleet	\$4.02	\$4.52	\$0.50	12%
Animal Control	\$0.00	\$0.00	\$0.00	n/a
General Government	\$0.85	\$1.67	\$0.82	96%
General Services Charge Per sq. m	\$8.76	\$9.79	\$1.03	12%
Roads & Related	\$54.16	\$81.97	\$27.81	51%
TOTAL DEVELOPMENT CHARGE PER SQ M	\$62.92	\$91.76	\$28.84	46%

- Calculated institutional development charges are lower than current charges.

Change in Township-Wide Institutional Development Charges

SERVICE	Current Charge Sq. m	Calculated Charge Sq. m	Charge	
Library Services	\$0.00	\$0.00	\$0.00	n/a
Fire Services	\$3.89	\$3.60	(\$0.29)	-7%
Parks & Recreation	\$0.00	\$0.00	\$0.00	n/a
Public Works: Buildings & Fleet	\$4.02	\$4.52	\$0.50	12%
Animal Control	\$0.00	\$0.00	\$0.00	n/a
General Government	\$0.85	\$1.67	\$0.82	96%
General Services Charge Per sq. m	\$8.76	\$9.79	\$1.03	12%
Roads & Related	\$54.16	\$30.34	(\$23.82)	-44%
TOTAL DEVELOPMENT CHARGE PER SQ M	\$62.92	\$40.13	(\$22.79)	-36%

F. A PORTION OF GROWTH-RELATED COSTS REQUIRES FUNDING FROM NON-DEVELOPMENT CHARGE SOURCES

- The DCA requires that the growth-related net capital costs for certain general services be reduced by 10 per cent in calculating the applicable development charges for these services. The 10 per cent share of growth-related net capital costs not included in the development charge calculation must be funded from non-development charge sources.

- In total, nearly \$770,500 is identified to provide for the required 10 per cent reduction over the 10-year planning period.
- Non-development charge funding for replacement portions of the capital forecast and other benefits to the existing community total an additional \$1.52 for general services and \$11.4 million for roads and related services.
- It is estimated also that net operating costs will increase by about \$1.24 million by the year 2018 as the facilities and infrastructure embodied in the general capital forecast are operated and maintained.

G. DEVELOPMENT CHARGES BY-LAW PRACTICES AND COLLECTION POLICIES HAVE BEEN REVIEWED

- It is recommended that present practices regarding collection of development charges and by-law administration continue to the extent possible.
- As required under the *DCA*, the Township should codify any rules regarding application of the by-laws and any exemptions within the development charges by-laws proposed for adoption.
- It is recommended that the Township develop reporting policies consistent with the requirements of the *DCA*.
- It is recommended that the by-laws permit the payment of a development charge in cash or through services-in-lieu agreements or front ending agreements. The municipality is not obligated to enter into services-in-lieu agreements.
- It is recommended that Council adopt the growth-related capital forecast included in this background study, subject to annual review through the Township's normal capital budget process.
- It is proposed that the Township examine differentiating the non-residential development charges rate into commercial, institutional and industrial categories.

THE CORPORATION OF THE TOWNSHIP OF SCUGOG

DEVELOPMENT CHARGES BY-LAW NO. XX-09

BEING A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES FOR THE TOWNSHIP OF SCUGOG.

WHEREAS subsection 2(1) of the *Development Charges Act* (the "Act") provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from the development of the area to which the by-law applies;

AND WHEREAS Council has before it a report entitled "Development Charges Background Study", the Township of Scugog, dated May, 2009 (the "Study") prepared by Hemson Consulting Ltd.;

AND WHEREAS the study was made available to the public and Council gave notice to the public and held a public meeting pursuant to section 12 of the Act on June 8, 2009, prior to which the Study and the proposed development charge by-law were made available to the public and Council, heard comments and representations from all persons who applied to be heard (the "Public Meeting");

AND WHEREAS following the Public Meeting, Council afforded the public an additional period of time for the submission of further written representations;

AND WHEREAS by Resolution No. 09-XX adopted by Council on the XXth day of XXXXX, 2009, Council has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development will be met;

AND WHEREAS by Resolution No. 09-XX adopted by council on the XXth day of XXXXX, 2009, Council has indicated its intent that the future excess capacity identified in the Study shall be paid for by the development charges or other similar charges;

AND WHEREAS by Resolution No. 09-XX adopted by Council on the XXth day of XXXXX, 2009, Council determined that no further public meetings were required under section 12 of the Act.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SCUGOG ENACTS AS FOLLOWS:

Definitions

1. In this By-law,

“Act” means the *Development Charges Act*, 1997, S.O. 1997, c.27;

“Agricultural Use” means a bona fide farming operation, including sod farms, the breeding and boarding of horses, and greenhouses;

“Air-supported Structure” means an air supported structure as defined in the *Building Code Act*;

“Apartment House Dwelling” means a building containing more than four Dwelling Units where the Dwelling Units have a common entrance and are connected by a common corridor and where none of the Dwelling Units is a Single Detached Dwelling, a Semi-Detached Dwelling or a Multiple Dwelling;

“Board of Education” means a board of education, public school board, secondary school board, Catholic school board or Protestant school board;

“Building or Structure” means a structure occupying an area greater than 10 square metres consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof, but does not include a farm building, but does include an air-supported structure and an exterior storage tank;

“Building Code Act” means the *Building Code Act*, S.O. 1992, chapter 23, as amended and all Regulations thereto including the Ontario Building Code, 1997, as amended;

“Commercial use” means land, buildings or structures used, or designed or intended for use for either or both of office and retail uses as defined in this by-law;

“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 Gross Floor Area, and includes redevelopment;

“Development Charge” means a charge imposed pursuant to this By-law;

“Dwelling Unit” means any part of a building or structure designed or intended for use by one family only, in which sanitary conveniences and facilities for cooking or for the installation of cooking equipment are provided and in which or for which a heating system is provided, and which has a private entrance from outside the building or from a common hallway or stairway inside;

“Farm Building” means a building or structure actually used as part of or in connection with a bona fide farming operation and includes barns, silos and other buildings or structures ancillary to a bona fide farming operation, but excludes a Residential Use;

“Floor” includes a paved, concrete, wooden, gravel, or dirt floor;

“Garden Suite” means a one-unit detached, temporary residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable;

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

“Gross Floor Area” means the sum total of the total areas of the floors in a building or structure, whether at, above, or below-grade, measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating two uses, or from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall, and:

- (a) includes the floor area of a mezzanine and air-supported structure and the space occupied by interior walls partitions; and
- (b) in the case of non-residential uses, excludes any parts of the building or structure used for mechanical equipment related to the operation or maintenance of the building or structure, stairwells, elevators, washrooms, and the parking and loading of vehicles, and;
- (b) where a building does not have any walls, the Gross Floor Area shall be the sum total of the area of land directly beneath the roof of the building and the total areas of the floors in the building or structure.

“Industrial” shall mean manufacturing, assembling, processing, fabricating, refining, research and development, storage of materials and products, truck terminals, warehousing, and buildings and structures or portions thereof which are designed, used or intended to be used for a purpose, other than retail service or sales areas, storage or warehousing in connection with retail sales or service areas and office areas, which are accessory to any of the foregoing uses, but the term “industrial” does not include any other non-residential use and “industrial use”, “industrial building” and “industrial development” shall have similar meanings.

“institutional use” means lands, 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 includes office uses where such uses are accessory to an institutional use.

“Local Board” means a public utility commission, transportation commission, public library board, board of park management, local board of health, police services board, 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 of the Township or the Region;

“Mezzanine” means a mezzanine as defined in the *Building Code Act*; “Mobile Home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent or temporary residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;

“Multiple Dwellings” means all dwellings other than Single Detached Dwellings, Semi-Detached Dwellings and Apartment House Dwellings;

“Non-Residential Uses” means land, buildings or structures or portions thereof used, or designed or intended to be used for a use other than for a residential use;

“Office use” means lands, buildings or structures used or designed or intended for use for the practice of a profession, the carrying on of a business or occupation and, for greater certainty, but without in any way limiting the generality of the foregoing, shall include but not be limited to the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, insurance company, veterinarian, surveyor, appraiser, financial institution, consumer loan company, employment agency, advertising agency, consulting firm, business service, investment company, security broker,

“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. 1980, c. 31 as amended;

“Planning Act” means The *Planning Act*, R.S.O. 1990 c. P13, as amended, and all regulations enacted pursuant thereto;

“Protracted” means in relation to a temporary building or structure the persistence of its construction, erection, placement on land, alteration or addition to it for a continuous period exceeding eight months;

“Redevelopment” means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential or from non-residential to residential;

“Retail use” means lands, buildings or structures used or designed or intended for use for the sale or rental or offer for sale or rental of goods or services for consumption or use and, for greater certainty, but without in any way limiting the generality of the foregoing, shall include, but not be limited to, food stores, pharmacies, clothing stores, furniture stores, department stores, sporting goods stores, appliance stores, garden centres, automotive dealers, automotive repair shops, gasoline service stations, government owned retail facilities, private daycare, private schools, private lodging and retirement homes, private recreational facilities, sports clubs, golf courses, skiing facilities, race tracks, gambling operations, medical clinics, funeral homes, motels, hotels, rooming houses, restaurants, theatres, facilities for motion picture, audio and video production and distribution, sound recording services, self-storage mini warehouses and parking garages;

“Region” means the Regional Municipality of Durham;

“Residential Uses” means land, buildings or structures or portions thereof used, designed, or intended to be used as living accommodation for one or more individuals;

“Row Dwelling” means a residential building consisting of one dwelling unit having two vertical walls, but no other parts, attached to another structure;

“Semi-Detached Dwelling” means one of a pair of two attached single family dwellings with a common masonry wall dividing the pair of single family dwellings vertically or horizontally, each of which has an independent entrance either directly or from the outside or through a common vestibule;

“Services” means services designated in this By-law including Schedule A to this By-law or in agreement under section 44 of the Act, or both;

“Single Detached Dwelling” means a residential building consisting of one Dwelling Unit and not attached to another structure;

“Temporary Building or Structure” means a building or structure constructed or erected or placed on land for a continuous period not exceeding eight months, or an addition or alteration to a building or structure that has the effect of increasing the Gross Floor Area thereof for a continuous period not exceeding eight months;

“Township” means The Corporation of the Township of Scugog;

Rules

2. For the purpose of complying with section 6 of the Act:
 - (a) the area to which this By-law applies shall be the area described in section 3 of this By-law;

- (b) the rules developed under paragraph 9 of subsection 5(1) of the Act for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be as set forth in sections 4 through 18, inclusive and section 25 of this By-law;
- (c) the exemptions provided for by such rules shall be the exemptions set forth in sections 19 through 23, inclusive of this By-law, the indexing of charges may be in accordance with section 16 if this By-law and there shall be no phasing in as provided in subsection 17(1) of this By-law; and
- (d) the redevelopment of land shall be in accordance with the rules set forth in section 24 of this By-law.

Lands Affected

- 3. This By-law applies to all lands in the geographic area of the Township of Scugog.

Designation of Services

- 4. It is hereby declared by Council that all development land within the area to which this By-law applies will increase the need for services.
- 5. The development charge applicable to a development as determined under this By-law shall apply without regard to the services required or used by an individual development.
- 6. Development charges shall be imposed and reserve funds established for the following categories of services, as set out in Schedule "A", to pay for the increased capital costs required because of increased needs for services arising from development:
 - (a) Public Library;
 - (b) Fire Department;
 - (c) Parks and Recreation;
 - (d) Animal Control;
 - (e) Public Works Buildings & Fleet;
 - (f) General Government;
 - (g) Roads and Related

Approvals for Development

- 7. Development charges shall be imposed against all lands, buildings or structures within the area to which this By-law applies if the development of such lands, buildings or structures requires any of the following approvals:

- (a) the passing of a zoning by-law or of an amendment thereto under section 34 of the *Planning Act*;
 - (b) the approval of a minor variance under section 45 of the *Planning Act*;
 - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (e) a consent under section 53 of the *Planning Act*;
 - (f) the approval of a description under section 50 of the *Condominium Act*, or;
 - (g) the issuing of a permit under the *Building Code Act*, 1992 in relation to a building or structure.
8. No more than one development charge for each service designated in section 6 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 section 7 are required before the lands, buildings or structure can be developed.
9. Notwithstanding section 13 if two or more of the actions described in section 7 occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by those actions.
10. Where a development requires an approval described in section 7 after the issuance of a building permit and no development charge has been paid, then the development charge shall be paid prior to the granting of the approval required under section 7.
11. If a development does not require a building permit but does require one or more of the approvals described in section 7, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such approval required for the increased or additional development being granted.
12. Nothing in this By-law prevents Council from requiring, as a condition of an agreement under sections 51 or 53 of the *Planning Act*, that the owner, at his or her own expense, install such local services related to a plan of subdivision or within the area to which the plan relates, as council may require, or that the owner pay for local connections to storm drainage facilities installed at the owner's expense, or administrative, processing, or inspection fees.

Calculation of Development Charges

13. The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:
 - (a) in the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units; or
 - (b) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the Gross Floor Area of such development.

Amount of Charge – Residential

14. (1) 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.

Garden Suite

14. (2) The development charges imposed upon a garden suite under this section shall be payable at the rate applicable to an apartment.

The development charges paid in respect to a garden suite shall be refunded in full to the then current owner thereof, upon request, if the garden suite is demolished or removed within ten years of the issuance of the building permit relating thereto unless Council, by By-Law, grants an extension pursuant to the provisions of the *Planning Act*.

The onus is on the applicant to produce evidence to the satisfaction of the Township, acting reasonably, which establishes that the applicant is entitled to the refund claimed under this section.

Mobile Home

14. (3) The development charges imposed upon a mobile home under this section shall be payable at the rate applicable to an apartment.

The development charges paid in regard to a mobile home shall be refunded in full to the then current owner thereof, upon request, if the mobile home is removed within ten years of the issuance of the building permit relating thereto unless Council, by By-Law, grants an extension pursuant to the provisions of the *Planning Act*.

The onus is on the applicant to produce evidence to the satisfaction of the Township, acting reasonably, which establishes that the applicant is entitled to the refund claimed under this section.

Amount of Charge – Non-Residential

15. The development charges described in Schedules C, D and E of 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 Gross Floor Area of the non-residential use.

Indexing of Development Charges

16. The development charges set out in Schedules B to E hereto may be adjusted without amendment to this By-law annually on July 1st in each year, commencing July 1st, 2009, in accordance with the Statistics Canada Quarterly, Construction Price Statistics based on the 12 month period ending March 31st.

Phasing, Timing of Calculation and Payment

17. (1) The development charges set out in this By-law are not subject to phasing in and are payable in full, subject to the exemptions and credits herein from the effective date of this By-law.
- (2) Subject to section 24 (with respect to redevelopment) and subsection (3), the development charge shall be calculated as of, and shall be payable, on the date the first building permit is issued in relation to a building or structure on land to which the development charge applies.
- (3) Notwithstanding subsection (2) the Township may require an owner to enter into an agreement, including the provision of security for the owner's obligations under agreement, pursuant to section 27 of the Act providing for all or part of a development charge to be paid before or after it otherwise would be payable. The terms of such agreement shall then prevail over the provision of this By-law.
- (4) The Chief Building Official of the Township shall withhold the issuance of a building permit in relation to a building or structure on land to which the Development Charge applies unless the Development Charge has been paid.

Payment by Money or the Provision of Services

18. (1) Payment of development charges shall be by cash or by certified cheque.
- (2) In the alternative to payment by the means provided in subsection (1), the Township may, by an agreement entered into with the owner, accept the provision of services in full or partial satisfaction of the development charge otherwise payable provided that:
 - (a) if the Township and the owner cannot agree as to the reasonable cost of doing the work under sub-section (2), the dispute shall be referred to Council whose decision shall be final and binding.
 - (b) if the credit exceeds the amount of the charge for the service to which the work relates,
 - (i) the excess amount shall not be credited against the charge for any other service, unless the Township has so agreed in an agreement under Section 39 of the Act; and
 - (ii) in no event shall the Township be required to make a cash payment to the credit holder.
- (3) Nothing in this By-law prevents Council from requiring, as a condition of any approval given under the *Planning Act* that the owner, at the owner's expense, install such local services as Council may require in accordance with the Township's local services' policies in effect at the time.

Rules with Respect to Exemptions for Intensification of Existing Housing

19. (1) 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 additional dwelling unit in an existing single detached dwelling unit;
 - (c) of creating one additional dwelling unit in an existing semi-detached dwelling unit; or
 - (d) of creating one additional dwelling unit for any other existing residential building.

- (2) Notwithstanding clauses (1)(b) to (d), a development charge shall be imposed with respect to the creation of one additional dwelling unit 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 clause (1)(b) and (1)(c), and the smallest existing dwelling unit in clause (1)(d).

Rules with Respect to Non-Residential Exemptions

20. (1) If a development includes the enlargement of the Gross Floor Area of an existing non-residential building, the amount of the development charge that is payable is the following:
- (a) if the Gross Floor Area is enlarged by 232 m² or less, the amount of the development charge in respect of the enlargement is zero.
 - (b) subject to subsection 20(2)(c) below, if the Gross Floor Area is enlarged by more than 232 m² development charges are payable on the amount by which the enlargement exceeds 232 m² of Gross Floor Area before the enlargement, and
20. (2) In this section, for greater certainty in applying the exemption herein:
- (a) the Gross Floor Area of an existing non-residential building shall be determined as of the date this By-law comes into force:
 - (b) the Gross Floor Area of an existing non-residential building is enlarged where there is a bona fide increase in the size of the existing building and the enlarged area is attached to an existing non-residential building and is used for or in connection with a non-residential purpose. Without limiting the generality of the foregoing, the exemption in this section shall not apply where the enlarged area is attached to the existing non-residential building by means only of a tunnel, bridge, canopy, corridor or other passageway, or through a shared below grade connection such as a service tunnel, foundation, footing or a parking facility.
 - (c) the exemption provided for in this section shall only be applied once for each lot even if the enlargement is less than 232 m² in the first instance.

Rules with Respect to Statutory Industrial Exemption

20. (3) If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with this section.

- (a) If the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero
- (b) If the gross floor area 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.
 - (ii) Divide the amount determined under paragraph (i) by the amount of the enlargement.

Categories of Exempt Institutions

- 21. (1) The following categories of institutions are hereby designated as being exempt from the payment of development charges:
 - (a) buildings or structures used as hospital governed by the *Public Hospitals Act*, R.S.O 1990, c. P.40;
 - (b) buildings or structures owned by and used for the purposes of the Township, the Region, or their local boards;
 - (c) buildings or structures owned by a board of education and used for school purposes;
 - (d) buildings or structures owned by and used for the purposes of a college of applied arts and technology established pursuant to the *Ministry of Colleges and Universities Act* R.S.O 1990, c. M.19;
 - (e) buildings or structures owned by and used for the purposes of a university established by and Act of the Legislative Assembly of Ontario.
 - (f) Development in relation to lands to be used as a place of worship and land used in connection therewith, a churchyard, cemetery or burying ground exempt under the *Assessment Act*, R.S.O. 1980, c. 31, as amended, for taxation purposes; and
 - (g) Development of Farm Buildings.
- (2) The exemption referred to in this paragraph 21 (1) (b) does not apply to the development for residential uses of lands owned by:
 - (a) the Region or any local board thereof; or
 - (b) any corporation owned, controlled, or operated by the Region.

Agricultural Uses

22. Agricultural uses as well as farm buildings and other ancillary development to an agricultural use excluding any residential or commercial uses shall be exempt from the provisions of this By-law.

Temporary Buildings or Structures

23. (1) Temporary buildings or structures shall be exempt from the provisions of this By-law.
- (2) In the event that a temporary building or structure becomes protracted, it shall be deemed not to be nor ever to have been a temporary building or structure, and the development charges required to be paid under this By-Law shall become payable on the date the temporary building or structure becomes protracted.
- (3) Prior to the Township issuing a building permit for a temporary building or structure, the Township may require an owner to enter into an agreement, including the provision of security for the owner's obligation under the agreement, pursuant to section 27 of the Act providing for all or part of the development charge required by subsection 23(2) to be paid after it would otherwise be payable. The terms of such agreement shall then prevail over the provisions of this By-law, as it relates to the timing of the payment.

Rules with Respect to the Redevelopment of Land

24. (1) Where there is a redevelopment of land on which there is a conversion of space proposed, or on which there was formerly erected a building or structure that has been demolished, a credit shall be allowed against the development charge otherwise payable by the owner pursuant to this By-law for the portion of the previous building or structure still in existence that is being converted or for the portion of the building or structure that has been demolished, as the case may be, calculated by multiplying the number and type of dwelling units being converted or demolished or the non-residential Gross Floor Area being converted or demolished by the relevant development charge in effect on the date when the development charge is payable in accordance with this By-law.
- (2) A credit in respect of any demolition under this section shall not be given unless a building permit has been issued or a subdivision agreement has been entered into with the Township for the development within 5 years from the date the demolition permit was issued.
- (3) The amount of any credit hereunder shall not exceed, in total, the amount of the development charges otherwise payable with respect to the development.

Pre-Development Charge By-Law Credits

25. Where an owner or former owner of land to which this By-law applies has paid to the Township a prior capital contribution as required by an agreement between the Township and the owner or former owner, the Township will, until the expiry of this By-Law, recognize as a credit towards a development charge imposed under this by-Law, an amount equal to the capital contributions previously paid (as indexed in accordance with the then capital contributions policy of the Township to the date the development charge imposed under this By-law is paid) expressed as a dollar amount per acre for the land to which the development charge imposed under this By-law applies.

Interest

26. The Township shall pay interest on a refund under subsection 18(3), (5) and 25(2) of the *Development Charges Act*, 1997 at a rate equal to the Bank of Canada rate on the date this By-law comes into force.

Front Ending Agreements

27. The Township may enter into agreements under Part III of the Act.

Schedules

28. The following Schedules to this By-law form an integral part of this By-law.

Schedule 'A' Designated Services

Schedule 'B' Residential Development Charges

Schedule 'C' Industrial Development Charges

Schedule 'D' Commercial Development Charges

Schedule 'E' Institutional Development Charges

By-law Registration

29. A certified copy of this By-law may be registered in the by-law register in the Land Registry Office against all land in the Township and may be registered against title to any land to which this By-law applies.

Date By-law Effective

30. This By-law comes into force on date of passage.

Date By-law Expires

31. This By-law expires five years after the date on which it comes into force.

Repeal

32. By-law No. 96-04, as amended is hereby repealed effective on the date this By-law comes into force.

Headings for Reference Only

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

Severability

34. If, for any reason, any provision, section, subsection or paragraph of this By-law is held 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 or amended, in whole or in part or dealt with in any other way.

READ a FIRST, SECOND, AND THIRD TIME, and PASSED this XXth day of XXXXXX, 2009.

MAYOR, Marilyn Pearce

CLERK, Kim Coates

TOWNSHIP OF SCUGOG BY-LAW XX-09

SCHEDULE A – SERVICES

1. Public Library
2. Fire Department
3. Parks and Recreation
4. Public Works Buildings & Fleet
5. Animal Control
6. General Government
7. Roads and Related

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SCHEDULE B - RESIDENTIAL DEVELOPMENT CHARGES

SERVICE	Charge By Unit Type		
	Single & Semi-Detached	Rows & Other Multiples	Apartments
Public Library	\$492	\$400	\$261
Fire Department	\$560	\$455	\$297
Parks & Recreation	\$4,222	\$3,432	\$2,238
Public Works: Buildings & Fleet	\$702	\$570	\$372
Animal Control	\$24	\$20	\$13
General Government	\$260	\$212	\$138
General Services Charge Per Unit	\$6,260	\$5,089	\$3,319
Roads & Related	\$6,212	\$5,049	\$3,293
TOTAL DEVELOPMENT CHARGE PER UNIT	\$12,472	\$10,138	\$6,612

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SCHEDULE C - INDUSTRIAL DEVELOPMENT CHARGES

SERVICE	Industrial Charge (\$/sq.m)
Public Library	\$0.00
Fire Department	\$3.60
Parks & Recreation	\$0.00
Public Works: Buildings & Fleet	\$4.52
Animal Control	\$0.00
General Government	\$1.67
General Services Charge Per sq. m	\$9.79
Roads & Related	\$16.78
TOTAL DEVELOPMENT CHARGE PER SQ M	\$26.57

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SCHEDULE D - COMMERCIAL DEVELOPMENT CHARGES

SERVICE	Commercial Charge (\$/sq.m)
Public Library	\$0.00
Fire Department	\$3.60
Parks & Recreation	\$0.00
Public Works: Buildings & Fleet	\$4.52
Animal Control	\$0.00
General Government	\$1.67
General Services Charge Per sq. m	\$9.79
Roads & Related	\$81.97
TOTAL DEVELOPMENT CHARGE PER SQ M	\$91.76

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SCHEDULE E - INSTITUTIONAL DEVELOPMENT CHARGES

SERVICE	Institutional Charge (\$/sq.m)
Public Library	\$0.00
Fire Department	\$3.60
Parks & Recreation	\$0.00
Public Works: Buildings & Fleet	\$4.52
Animal Control	\$0.00
General Government	\$1.67
General Services Charge Per sq. m	\$9.79
Roads & Related	\$30.34
TOTAL DEVELOPMENT CHARGE PER SQ M	\$40.13