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By-law 25-2021

By-law to Amend Development Charges By-law 2020-36 for the County of Northumberland

Whereas the County of Northumberland will experience growth through development and re-development of lands within the County; and

Whereas development and re-development requires the provision of physical and social services by the County Northumberland; and

Whereas Council desires to ensure that the capital cost of meeting growth- related demands does not place an excessive financial burden on the County of Northumberland 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 services; and

Whereas the Development Charges Act, 1997 (the “Act”) provides that the Council of a County may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services; and

Whereas Section 19 of the Development Charges Act, 1997, S.O. 1997, c27 (the “Act”) provides for amendments to be made to development charges by-laws; and

Whereas the Council of the Corporation of the County of Northumberland (hereinafter called “the Council”) has determined that certain amendments should be made to the Development Charge By-law of the Corporation of the County of Northumberland, being By-law 2020-36; and

Whereas, in accordance with the Act, a development charges background study has been completed in respect of the proposed amendment; and

Whereas the Council of The Corporation of the County of Northumberland has given notice of and held a public meeting on the 6th day of July 2021 in accordance with the Act and the regulations thereto;

Now Therefore Be It Enacted as a By-law of the Corporation of the County of Northumberland as follows:

1. By-law 2020-36 is hereby amended as follows”

1.1 The definition of “interest” as set out in Section 1 is deleted and replace with the following:

“interest” means the County’ short-term borrowing rate with their financial institutions, calculated as the prime rate less 0.85%. Notwithstanding the foregoing, the interest rate shall not be less than 0%;

1.2 Section 2.1 is deleted and replaced with the following:

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

- a) Paramedic Services
- b) Homes for the Ages Services
- c) Community Housing Services
- d) Waste Diversion Services – Facilities
- e) Waste Diversion Services – Curbside Collection
- f) Roads and Related Services

The classes of services for which development charges are imposed under this by-law are as follows:

- a) Growth-Related Studies

1.3 Section 3.1 is deleted and replaced with the following:

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).

1.4 Section 3.3 is deleted and replaced with the following:

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 County of Northumberland or a local board thereof;
- b) a board of education;
- c) the Corporation of a local Municipality within the County of Northumberland or a local board thereof; or
- d) Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education if the development is intended to be occupied and used by the university

1.5 Section 3.5 is deleted and replaced with the following:

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) the creation of a maximum of two additional dwelling units in an existing single detached dwelling or structure ancillary to such dwelling. The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the existing residential building/dwelling
- c) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units or within a structure ancillary to such residential building;
- d) the creation of one additional dwelling unit in any other existing residential building/dwelling or within a structure ancillary to such residential building/dwelling. The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the existing residential building/dwelling;

- e) the creation of a second dwelling unit in a proposed new Single Detached, Semi-Detached or Row Townhouse dwelling or in a building ancillary to such dwelling, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new detached dwelling must only contain two dwelling units.</p> <p>The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
2	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.</p> <p>The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	<p>The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.</p> <p>The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.</p>

1.6 Section 3.6 is deleted and replaced with the following:

For the purposes of section 3.5 “existing residential building/dwelling”, means:

- a) A residential building/dwelling, containing at least one dwelling unit, that existed on a parcel of land as of October 1, 2020 and which was not exempt from the payment of development charges pursuant to Section 2(3)(b) of the Act; or
- b) The first residential building/dwelling, containing at least one dwelling unit, constructed on a vacant parcel of land after October 1, 2020 and for which development charges were paid.

1.7 Section 3.7 is deleted and replaced with the following:

In addition to the restrictions outlined in Subsection 3.5(e), for the purposes of the exemption for an additional residential unit in a building ancillary to a proposed new Single Detached, Semi-Detached or Row Townhouse Dwelling, the proposed new Single Detached, Semi-Detached or Row Townhouse Dwelling must be located on a parcel of land on which no other Single Detached, Semi-Detached or Row Townhouse dwelling is or would be located.

1.8 Section 3.8.2 is deleted and replaced with the following:

If the gross floor area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

- a) determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
- b) divide the amount determined under subsection (a) by the amount of the enlargement

1.9 Section 3.10 paragraphs d) and e) are deleted

1.10 Section 3.13 is deleted and replaced with the following:

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 60 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from

one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.11 by the number, according to type, of dwelling units that has 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.

1.11 Section 3.18 is deleted and replaced with the following:

Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Subsections 3.14, 3.15, 3.16 and 3.17 shall be calculated on the rates set out in Schedule "A" on the date of the planning application, including interest. Where both planning applications apply Development Charges under Subsections 3.14, 3.15, 3.16 and 3.17 shall be calculated on the rates, including interest, set out in Schedule "A" on the date of the later planning application, including interest. Notwithstanding foregoing, the charge including interest shall not be greater than the charge that would otherwise be payable under 3.14

1.12 The following is added to Section 3 of the by-law:

Development Charge Deferrals

3.20 The full or partial deferral of development charges for municipal housing project facilities may be granted through agreement

1.13 Section 7.2 is deleted and replaced with the following:

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

That By-law No. 25-2021 be introduced and be deemed to be read a first, second and third time and passed, signed and sealed this 25th day of August, 2021.

R.J. (Bob) Crate, Warden

Nancy MacDonald, Clerk

SCHEDULE A

SCHEDULE OF DEVELOPMENT CHARGES FOR THE COUNTY OF NORTHUMBERLAND

Service/Class	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services/Classes:						
Roads and Related	2,100	1,394	1,061	1,640	892	1.16
Growth-Related Studies	45	30	23	35	19	0.03
Homes for Aged	309	205	156	241	131	0.17
Provincial Offences Act	-	-	-	-	-	-
Paramedic Services	95	63	48	74	40	0.05
Community Housing	632	419	319	494	269	-
Waste Diversion Services - Facilities	37	25	19	29	16	0.02
Total Municipal Wide Services	3,218	2,136	1,626	2,513	1,367	1.43
Area-Specific Services/Classes						
Excluding Port Hope Rural Ward II						
Waste Diversion Services - Curbside Collection	70	46	35	55	30	0.04
Growth-Related Studies	1	1	1	1	-	-
Total Area-Specific Services	71	47	36	56	30	0.04
Grand Total - Port Hope Rural Ward II	3,218	2,136	1,626	2,513	1,367	1.43
Grand Total - Outside of Port Hope Rural Ward II	3,289	2,183	1,662	2,569	1,397	1.47