



# 2019 Stanley Park Area Development Charges Background Study

City of Belleville

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February 22, 2019

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## List of Acronyms and Abbreviations

<b>Acronym</b>	<b>Full Description of Acronym</b>
D.C.	Development charge
D.C.A.	Development Charges Act, 1997
G.F.A.	Gross floor area
L.P.A.T.	Local Planning Appeal Tribunal
O.M.B.	Ontario Municipal Board
O.Reg.	Ontario Regulation
P.P.U.	Persons per unit
S.D.E.	Single detached equivalent
S.D.U.	Single detached unit
S.P.	Secondary Plan
s.s.	Subsection
sq.ft.	square foot



# Development Charges Background Study



# Chapter 1

## Introduction

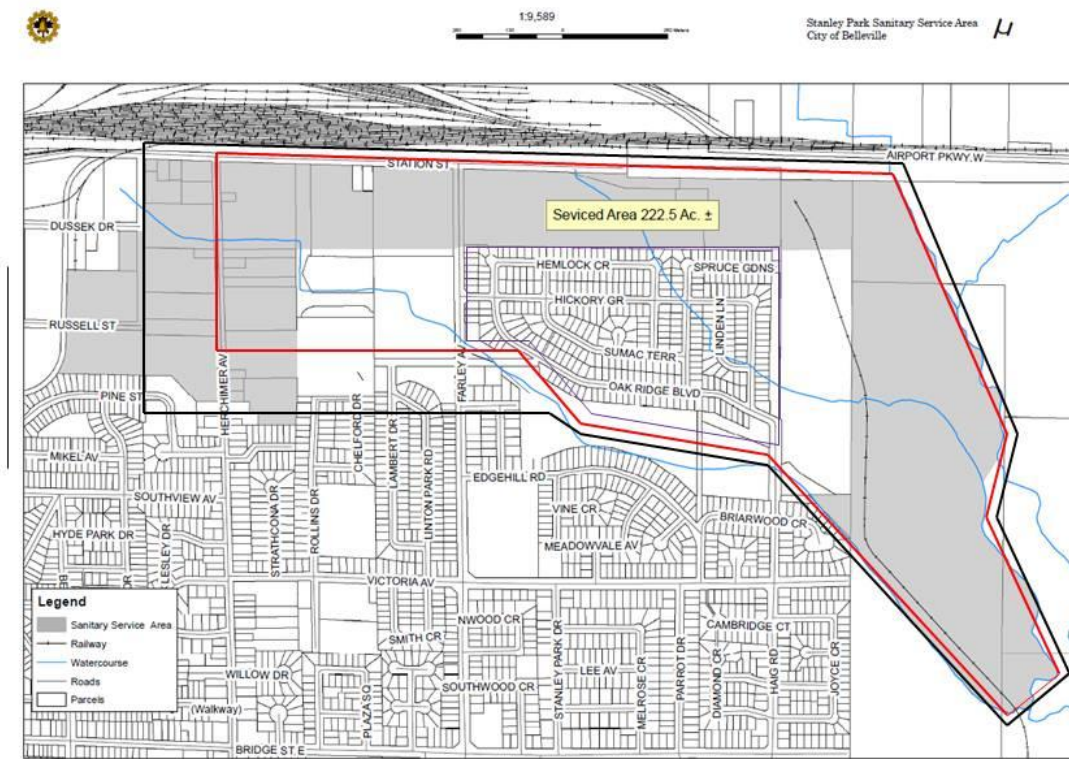


# 1. Introduction

## 1.1 Introduction

The Stanley Park Development Area is a community located in the east end of the City of Belleville (City). In 2003, the City implemented an area-specific development charges (D.C.) By-law for the Stanley Park Development Area to recover costs for road extensions to Station Street and Haig Road. These large collector road improvements were provided in response to the increase in need for services required, in part, by the anticipated development within the area. The area to which the area-specific D.C.s pertain is outlined in red in Figure 1-1. The area-specific D.C. by-law was last updated in 2013 in accordance with the *Development Charges Act*. This most recent by-law (i.e. By-law No. 2013-102) came into effect on June 10, 2013. A new background study is required to be prepared in order that a new area-specific by-law may be enacted for the Stanley Park Development Area.

Figure 1-1  
Map of Stanley Park Development Area





Watson & Associates Economists Ltd. (Watson) has been retained by the City to prepare a background study and draft by-law summarizing the calculations and policies for the area-specific development charge by-law. The following chapters summarize the anticipated development within the benefiting area, the calculation of the charges and the corresponding by-law policies. A draft by-law is included in Appendix A to this report.

## 1.2 Purpose of this Document

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This background study has been prepared pursuant to the requirements of the Development Charges Act (D.C.A.), 1997 (s.10), and accordingly, recommends new Development Charges (D.C.s) and policies for the Stanley Park Development Area.

This D.C. background study, containing the proposed D.C. by-law, will be distributed to members of the public in order to provide interested parties with sufficient background information on the legislation, the study's recommendations, and an outline of the basis for these recommendations.

This report has been prepared, in the first instance, to meet the statutory requirements applicable to the City's D.C. background study, as summarized in Chapter 1. It also addresses the forecast amount, type and location of growth (Chapter 2), the requirement for "rules" governing the imposition of the charges (Chapter 4) and the proposed by-law to be made available as part of the approval process (Appendix A).

In addition, the report is designed to set out sufficient background on the legislation and the policies underlying the proposed by-law, to make the exercise understandable to interested parties. Finally, the background study addresses post-adoption D.C. implementation requirements (Chapter 5) which are critical to the successful application of the new policy.

A full discussion of the statutory requirements for the preparation of a background study and calculation of D.C. and capital charges is provided herein.





## 1.3 Summary of the Process

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As required under Section 12 of the D.C.A., 1997, a Public Meeting has been scheduled for March 11, 2019. Its purpose is to present the study to the public and to solicit public input on the proposed area-specific D.C. by-law. The meeting is also being held to answer any questions regarding the study's purpose, methodology and the proposed modifications to the City's area-specific D.C. by-law. Figure 1-1 outlines the proposed schedule to be followed with respect to the D.C. by-law adoption process.

In accordance with the legislation, the D.C. background study and proposed D.C. by-law were available for public review on February 22, 2019

The process to be followed in finalizing the report and recommendations includes:

- consideration of responses received prior to, at or immediately following the public meeting; and
- finalization of the study and Council consideration of the area-specific by-law on April 30, 2019.

Process Steps	Dates
1. Data collection, staff interviews, preparation of D.C. calculations	November to December, 2018
2. Preparation of draft D.C. background study and review of draft findings with staff	January/February 2019
3. D.C. background study and proposed D.C. by-law available to public	February 22, 2019
4. Statutory notice of Public Meeting advertisement placed in newspaper(s)	20 days prior to public meeting
5. Public Meeting of Council	March 11, 2019



Process Steps	Dates
6. Council considers adoption of D.C. background study and passage of by-law	April 30, 2019
7. Newspaper notice given of by-law passage	By 20 days after passage
8. Last day for by-law appeal	40 days after passage
9. City makes available D.C. pamphlet	by 60 days after in force date

## 1.4 Development Charges Act (D.C.A.) Background Study Requirements

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The D.C.A. requires that a development charge background study must be completed by City Council before passing a development charge by-law. The mandatory inclusions in such a study are set out in s.10 of the D.C.A. and in s.8 of O.Reg. 82/98, and are as follows:

- a) the estimates under paragraph 1 of subsection 5(1) of the anticipated amount, type and location of development;
- b) the calculations under paragraphs 2 to 8 of subsection 5(1) for each service to which the development charge by-law would relate;
- c) an examination, for each service to which the development charge by-law would relate, of the long term capital and operating costs for capital infrastructure required for the service, as well as an asset management plan;
- d) the following for each service to which the development charge relates:
  1. The total of the estimated capital costs relating to the service.
  2. The allocation of the costs referred to in paragraph 1 between costs that would benefit new development and costs that would benefit existing development.
  3. The total of the estimated capital costs relating to the service that will be incurred during the term of the proposed development charge by-law.



4. The allocation of the costs referred to in paragraph 3 between costs that would benefit new development and costs that would benefit existing development.
5. The estimated and actual value of credits that are being carried forward relating to the service.” (O.Reg. 82/98 s.8)

A summary of key requirements of the *Development Charges Act, 1997* (D.C.A., 1997) is set out below.

1. **Services Covered** – service coverage excludes the provision of cultural or entertainment facilities (e.g. museums, theatres and art galleries); tourism facilities (e.g. convention centre); parkland acquisition; hospitals; waste management services for landfill and incineration; and headquarters for the general administration of municipalities and local boards.
2. **Capital Costs** – capital costs which may potentially be included in the calculation include the capital component of the cost to lease an asset, the cost of related studies, interest on borrowing, and exclude computer equipment, and rolling stock with an estimated useful lifetime of six years or less.
3. **Service Standards** – service standards are based upon the average level of service provided in the municipality over the 10-year period immediately preceding the preparation of the background study. In addition, the regulation requires that “...both the quality and quantity of a service shall be taken into account in determining the (average) level of service.” O.Reg. 206/04 specified that the determination of the quality of a service did not include any allowance for depreciation.

However, s.4(3) of O.Reg. 82/98 states that “if the average level of service determined is lower than the standard level of service required under another Act, the standard level of service required under the other Act may be deemed ... to be the average level of service.” This section applies particularly to water, wastewater and storm drainage, where Provincial Regulations often determine requirements.

With respect to transit services, the increase in need for services must be measured relative to the planned level of service over the 10-year forecast



period, as opposed to the historic 10-year level of service measurement for other D.C. eligible services.

4. **Industrial Expansion Exemption** - the Act provides for a mandatory D.C. exemption for enlargements to existing industrial buildings (as defined in the regulation) equal to 50% of the floor area of the existing building prior to the enlargement.
5. **Capital Cost Reduction** - a 10% capital cost reduction applies to the otherwise eligible costs for all services, other than those pertaining to water service (including distribution and treatment subservices), waste water services (including transmission and treatment subservices), storm water and drainage control, highways (as per s.s.1(1) of the Municipal Act), police, fire protection and transit.
6. **Development Charge Background Study** - requirements respecting the content of a D.C. Background Study are explicitly set out in the Act. Requirements include the identification of costs and growth estimates, an examination for each by-law service of the long term capital and operating costs for capital infrastructure required, identification of costs to be incurred during the term of the by-law, and various cost allocations. The study and proposed by-law must be made available to the public at least two weeks prior to the (first) public meeting.
7. **Prescribed Index** - the regulation under the Act specifies the use of the Statistics Canada Quarterly, “Construction Price Statistics” (Cat. 62-007) for indexing purposes. (This catalogue has subsequently been renamed “Capital Expenditure Price Statistics.”)
8. **Excess Capacity** - the recoverable service requirement must be reduced by the part that can be met using the municipality’s excess capacity, except for the excess capacity which Council expressed a clear intention, before or at the time the capacity was created, would be paid for by development charges or other similar charges.
9. **Treasurer’s Statement** - requires information to be provided as to reserve fund continuity, borrowings from the fund, interest accrued thereon, repayment of



borrowings, non-D.C. reserve fund spending on projects, as well as detailed accounting for credits and the source thereof.

10. **Front Ending Agreements** - agreements may include work done before, as well as after, the agreement is entered into. In addition, the work must be in an area subject to the D.C., non-party payments may be required at an earlier or later date than building permit issuance and may provide for “tiering” of the burden against subsequent participants, etc. Further, the Act restricts front-ending agreements to sanitary sewer, water, roads, and storm water management services.
11. **Council Intentions** - if a need for service is to be included in the calculation, Council must have indicated that it intends to ensure that such an increase in need will be met by including it in a Council-approved Official Plan, capital budget/forecast or similar expression of Council.
12. **Capital Costs** - the increase in the need for service attributable to the anticipated development be estimated, as well as the capital costs (including lease costs) necessary to provide the increased service. The latter must be reduced by applicable capital grants, subsidies and other contributions. Also, “capital costs” may include authorized costs incurred or proposed to be incurred by others on behalf of a municipality/local board, as well as those directly incurred.
13. **Cross Subsidization** - a cost recovery shortfall from one type of development may not be made up through higher charges on other types of development.
14. **D.C. Reserve Funds** – reserve funds may be created so as to group services into categories, which are then deemed to be a single service in relation to the use of money from reserve funds and for credits.
15. **Local Planning Appeal Tribunal (L.P.A.T.) Powers** - the L.P.A.T. (formerly the Ontario Municipal Board) is not empowered to remove or reduce the scope of an exemption, to change the phasing in provisions to make the charge payable earlier, to increase the charge in any particular case or to change the by-law expiry date as approved by Council.



16. **D.C. Reserve Fund Draws** - the D.C. reserve fund money may be spent only for capital costs as determined by the legislated method for calculating development charges.
17. **D.C. Reserve Fund Borrowing** – borrowing between D.C. reserve funds is permitted, subject to repayment of interest at the prescribed minimum rate.
18. **Credits** - a D.C. credit must be given where a “ ... municipality agrees to allow a person to perform work that relates to a service to which a D.C. by-law relates ...” Such credit is the reasonable cost of doing the work as agreed by the municipality and the landowner. Credit (or partial credit) may be given before the work is completed. It is a credit only in relation to the service to which the work relates and with respect to that part of the development charge that relates to the service. The credit may be transferred under defined conditions.
19. **Subdivision Agreement Conditions** - agreements may include “local services related to a plan of subdivision or within the area to which the plan relates”.
20. **Regulations** - the Lieutenant-Governor may make regulations as defined in the Act.



# Chapter 2

## Anticipated Development



## 2. Anticipated Development

### 2.1 Stanley Park Development Area

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The Station Street and Haig Road extension projects are required in order to permit additional residential and non-residential development to take place within the Stanley Park Development Area. The geographic area that has been determined to benefit from the works is outlined on Figure 2-1. The area is bounded by Station Street to the north, Herchimer Avenue to the west, Bell Creek to the east, and the existing developed area to the south. The benefiting area includes industrial development adjacent to Station Street, and residential development both east and west of Farley Avenue. Some local commercial non-residential uses may eventually develop in this area, but none are identified at this time. The area will connect into the existing developed area to the south via existing Farley Avenue and Herchimer Avenue and a new extension of Haig Road, which is to be extended to Station Street as part of these works. Traffic will flow onto the proposed Station Street extension from lands located in the general area. The proposed works are designed as collector roads to facilitate traffic inflow and egress from the area.

The land area associated with existing and future anticipated development in the Stanley Park D.C. Area is summarized in Table 2-1 below. The total land area that is identified is approximately 304 acres (122 ha). A significant portion of this area is identified as Environmental Protection Area. The City has determined that the effect of this designation is to preclude any further growth in this area beyond that already planned. As such, the area has been considered to be fully developed at the end of the planning period.





Figure 2-1  
City of Belleville Stanley Park Development Area

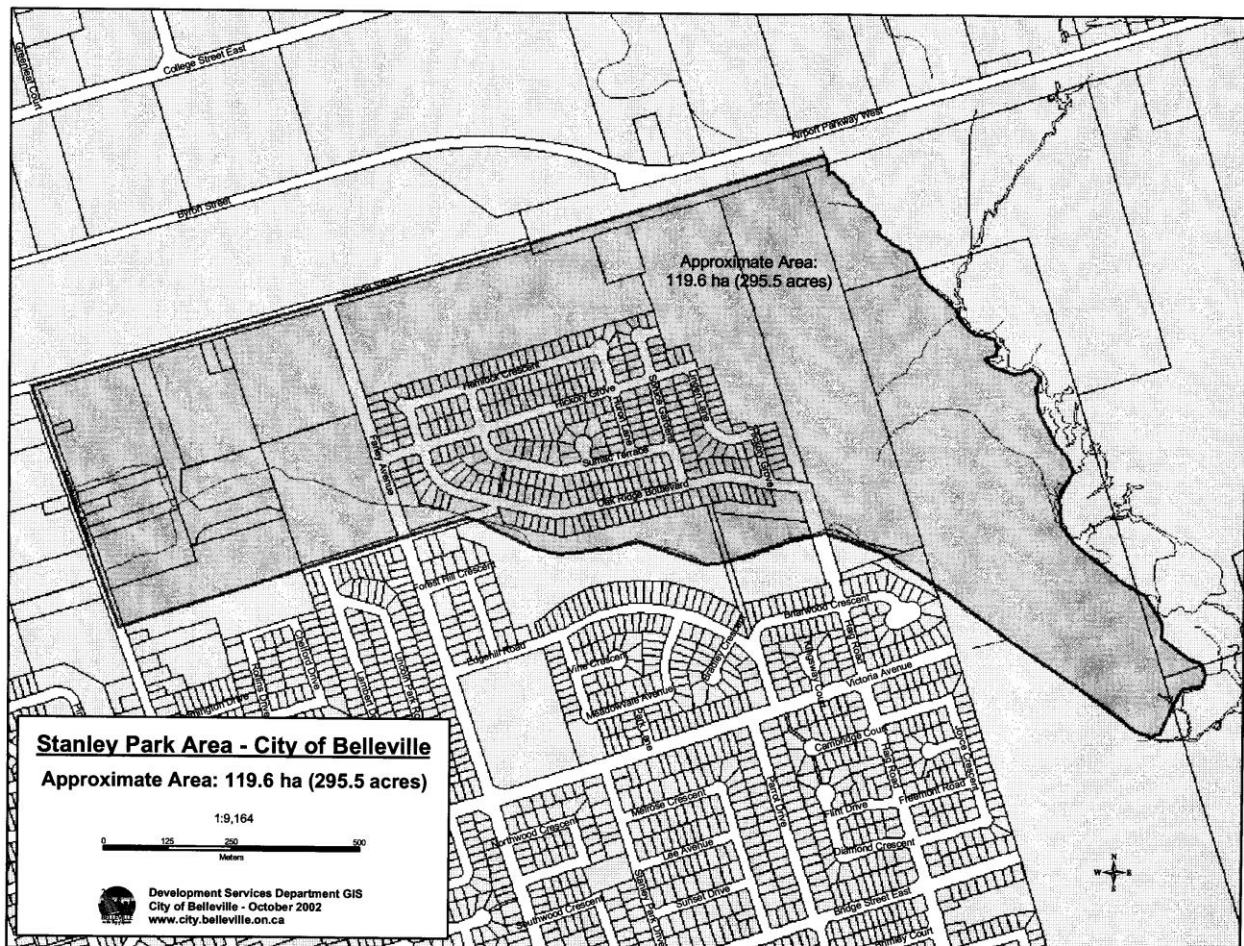




Table 2-1  
Summary of Anticipated Growth and Land Area Allocation in the Stanley Park Development Area

	(units)	Density <sup>1</sup> (units/acre)	Land Area (acres)
<b>Residential:</b>			
Low Density	44	7.2	6
Med Density	100	17	6
Subtotal	144		12
Existing Units built	586	7.2	81
Total	730		93
Estimated Population:	334 persons		
	(s.f.)	(s.f./acre) <sup>2</sup>	(acres)
<b>Non-Residential:</b>	794,359	10,890	73
Estimated Employment:	1,589 employees		
<b>Total Developable Land Area</b>			<b>166</b>
Environmentally Protected Land Area			138
<b>TOTAL LAND AREA</b>			<b>304</b>

<sup>1</sup> From the Official Plan for the City of Belleville

<sup>2</sup> Assumes average 25% coverage

## 2.2 Anticipated Growth in the Stanley Park Development Area

The anticipated growth for the Stanley Park Development Area has been updated to reflect development that has occurred since the passage of the 2013 area-specific D.C. by-law, the City's units in the development process, and the growth forecast assumptions underlying the 2008 L.P.A.T. (formerly O.M.B.) minutes of settlement.

Since 2013, approximately 195 residential building permits have been issued, bringing the total number of existing residential units in the Stanley Park Development Area to 586. There are 144 remaining parcels to which the 2019 development charge will apply. It is anticipated that the increase in residential development in the area will result in additional population growth of 334 persons. Moreover, there are approximately 73 acres of non-residential developable lands within the defined Stanley Park Development Area. These lands are estimated to produce approximately 794,400 square feet of



additional gross floor area at build-out. This additional non-residential development is anticipated to result in employment growth of approximately 1,589 employees.

It is noted that the estimates of additional non-residential development are consistent with those identified in the 2013 by-law, as no non-residential development has occurred within the Stanley Park Development Area since that time.



# Chapter 3

## Stanley Park Development Area - Area-specific Development Charge



### 3. Stanley Park Development Area - Area-specific Development Charge

#### 3.1 Existing Stanley Park Development Area – D.C.

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The City of Belleville addressed the construction of collector roads in the Stanley Park Development Area with an area-specific D.C. background study and by-law. The first background study for this area was completed in 2003, resulting in the adoption of By-law No. 2003-75. The most recent area-specific D.C. to recover growth related road costs in the Stanley Park Development Area was approved by Council on June 10, 2013, under the authority of By-law No. 2013-102. The charges in force under that area-specific D.C. by-law are presented in Table 3-1. The geographic area to which the charge applies was outlined in Figure 2-1, and is not proposed to change with the adoption of this area-specific D.C. by-law.

Table 3-1  
City of Belleville – Stanley Park Development Area  
Schedule of D.C.s (as of January 1, 2018)

Service	Residential Development (per dwelling unit)	Non-Residential Development (per sq.ft. of GFA)
Roads and Related	\$2,813	\$1.67

#### 3.2 Summary of Stanley Park D.C. By-law Provisions

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The Stanley Park Development Area’s current area-specific D.C By-law No. 2013-102 contains the following ‘rules’:

- Applicable Lands – the by-law applies to lands shown in Schedule “C” within the Stanley Park Development Area, whether or not the land or use is exempt from taxation under Section 3 of the Assessment Act.
- Calculation of Development Charges – Schedule “A” to the by-law sets out the development charge for residential dwelling units and non-residential gross floor



area, against which development charges are to be imposed. The current development charge rates are presented in Table 3-1 of this report.

- Timing of Calculation and Payment of the Development Charge – Development charges shall be calculated and payable in full in money, on the date of registration of a plan of subdivision under section 51 of the Planning Act or on the date of approval of a consent under section 53 of the Planning Act. However, if no new plan of subdivision or consent is required, development charges shall be calculated and payable on the date of the first building permit issued in relation to a building or structure on land to which a building permit applies.
- Indexing of Development Charges – The development charges set on in Schedule “B” to the by-law are adjusted annually on January 1st without amendment to the by-law, in accordance with the most recent twelve month change in the Statistics Canada Quarterly “Construction Price Statistics”.
- Exemptions – The by-law provides for no exemptions to the charge, beyond the statutory requirements. These statutory exemptions include developments of municipal governments and boards of education, industrial expansions of up to 50% of the existing gross floor area, and residential expansions and intensifications within existing dwelling units (as prescribed under the D.C.A).

### 3.3 Proposed Capital Improvements and Cost Estimates

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The works identified to address in the increase in need for service arising from future development within the Stanley Park Development Area include the extension of Station Street from Farley to the east limit and the extension of Haig Road from Oak Ridge Boulevard to the new Station Street. The cost estimate for the Station Street and Haig Street extension projects has been updated based on the most qualified tender submission received by the City in respect of these projects (refer to Report No. ENG-2018-07). In addition to the road works, the report also identified costs or watermain stubs, sanitary sewer extension and stubs and storm sewer oversizing, all of which will be recovered as local services from benefiting landowners.

In addition to the capital works identified in the report, additional capital costs have been included for the preparation of this D.C. Background Study and by-law passage. Table 3-2 summarizes the capital project costs contained in the area-specific D.C. calculations.



Table 3-2  
Summary of Project Costs for Station Street and Haig Road Extension

Description	Construction Cost Estimate (2018\$)
Road Construction	\$ 2,490,000
Street Lighting	\$ 305,000
Bike Lanes	\$ 180,000
Landscaping Berms for Visual Screening	\$ 70,000
Watermain Stubs	\$ 13,000
Sanitary Sewer Extension/Stub	\$ 25,000
Storm Sewer Oversizing	\$ 417,000
Development Charge Study 2019	\$ 10,500
<b>Total</b>	<b>\$ 3,510,500</b>

### 3.4 Area-specific Development Charge Calculations

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The calculation of the area-specific charge is contained in Tables 3-3, 3-4 and 3-5. The calculation takes into account the following:

- The net capital cost of the works to be recovered from future development is \$2,257,349. This includes the D.C. eligible capital costs are summarized in Table 3-3, including financing costs related to the current debt repayment for this project. As well as, the D.C. Background Study costs of \$10,500.
- Existing D.C. reserve fund balance of \$207,191 has been deducted reflecting a portion of the growth-related capital needs already recovered from previous developments within the area.
- The net D.C. capital costs to be recovered from future development within the area total \$2,060,658. The D.C.A. requires that this increase in service be measured relative to the historic 10-year average level of service. In this regard, the City's 2015 D.C. Background Study identified a historic level of service equal to \$1,646 per capita/employee. When indexed to 2019 values, this equates to an average historic level of service of \$1,794 per capita/employee. Applying this level of service to the forecast population and employment of 1,923, results in a maximum D.C. eligible amount of \$3,448,261. As the net capital costs identified herein are with this maximum amount no reduction to the capital cost is required.



- The net total development charge recoverable cost was then attributed 17% to residential and 83% to non-residential development, based on the forecast ratio of population to employment.

Table 3-3  
Apportionment of Stanley Park Development Area D.C. Eligible Capital Costs

Description	Construction Cost Estimate (2018\$)	% D.C. Recoverable	D.C. Recoverable
Road Construction	\$ 2,490,000	75%	\$ 1,867,500
Street Lighting	\$ 305,000	75%	\$ 228,750
Bike Lanes	\$ 180,000	0%	\$ -
Landscaping Berms for Visual Screening	\$ 70,000	75%	\$ 52,500
Watermain Stubs	\$ 13,000	local service	\$ -
Sanitary Sewer Extension/Stub	\$ 25,000	local service	\$ -
Storm Sewer Oversizing	\$ 417,000	local service	\$ -
<b>Subtotal</b>	<b>\$ 3,500,000</b>		<b>\$ 2,148,750</b>
Development Charge Study 2019	\$ 10,500	100%	\$ 10,500
<b>Total</b>	<b>\$ 3,510,500</b>		<b>\$ 2,159,250</b>

Table 3-4  
Summary of Stanley Park Development Area Capital Costs Covered in the D.C. Calculation

Increased Service Needs Attributable to Anticipated Development	Gross Capital Cost Estimate	Less:		TOTAL	Residential Share 17%	Non-Residential Share 83%
		Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development <sup>1</sup>			
Station Street and Haig Road Extensions - Debt Repayment	\$3,466,783	\$1,209,435		2,257,349	392,013	1,865,336
Area-Specific DC Study - 2019	10,500			10,500	1,823	8,677
Reserve Fund Balance	(207,191)			(207,191)	(35,981)	(171,210)
<b>Total</b>	<b>3,270,092</b>	<b>1,209,435</b>	<b>-</b>	<b>2,060,658</b>	<b>357,855</b>	<b>1,702,802</b>

<sup>1</sup> local service contributions included in benefit to existing deduction

As summarized in Table 3-5, the new calculated D.C. rate is \$2,969 per single detached residential dwelling unit and \$2.14 per square foot of non-residential gross floor area (G.F.A.). This represents a change from the area specific D.C. currently imposed under the existing by-law (i.e. \$2,813 per residential dwelling unit and \$1.67 per sq.ft. of non-residential gross floor area). This change is reflective of the updated capital cost estimates based on the most qualified tender submission received by the City in respect of these projects and the change in the relative apportionment of costs between residential and non-residential developments.





Table 3-5  
City of Belleville - Stanley Park Development Area  
Area Specific D.C. Calculation

Service	2019 DC Eligible Costs		2019 DC Rates	
	Residential	Non-Residential	Residential (\$/SDU)	Residential (\$/s.f. of GFA)
Roads & Related	\$357,855	\$1,702,802	\$2,969	\$2.14
DC ELIGIBLE CAPITAL COST	\$357,855	\$1,702,802		
Single Detached Equivalent Residential Units / Non-Residential GFA (s.f.)	121	794,359		
Existing DC (\$/residential units and \$/non-residential GFA)			\$2,813	\$1.67

As required under the D.C.A. Table 3-6 summarizes the total of the estimated capital costs relating to the service, the allocation of these costs between costs that would benefit new development and costs that would benefit existing development, and the capital costs that will be incurred during the term of the proposed development charge by-law.

Table 3-6  
City of Belleville - Stanley Park Development Area  
Summary of Capital Costs

	Capital costs that will be incurred during the term of the proposed DC by-law	Capital costs that will be incurred beyond the term of the DC by-law period	Total Development-Related Capital Cost program
a) that would benefit new development	2,060,658	-	2,060,658
b) that would benefit existing development <sup>1</sup>	1,209,435	-	1,209,435
c) Total Development-related Capital Cost Program	3,270,092	-	3,270,092

1. Includes existing reserve fund balance.



## 3.5 Long Term Capital, Operating Cost Examination and Asset Management Plan

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### 3.5.1 Long Term Operating Cost Examination

As a requirement of the D.C.A., 1997 under subsection 10(2)(c), an analysis must be undertaken to assess the long-term capital and operating cost impacts for the capital infrastructure projects identified within the D.C.

With over 500 lane kilometres of existing roads to maintain, the proportionately small additional road length created by the Haig Road and Station Street extensions are not expected to markedly increase the overall road-related operating cost of the City.

Long-term capital costs are examined in the asset management section below.

### 3.5.2 Asset Management

The recent changes to the D.C.A. (new section 10(c.2)) require that the background study must include an Asset Management Plan (A.M.P) related to new infrastructure. Section 10 (3) of the D.C.A. provides:

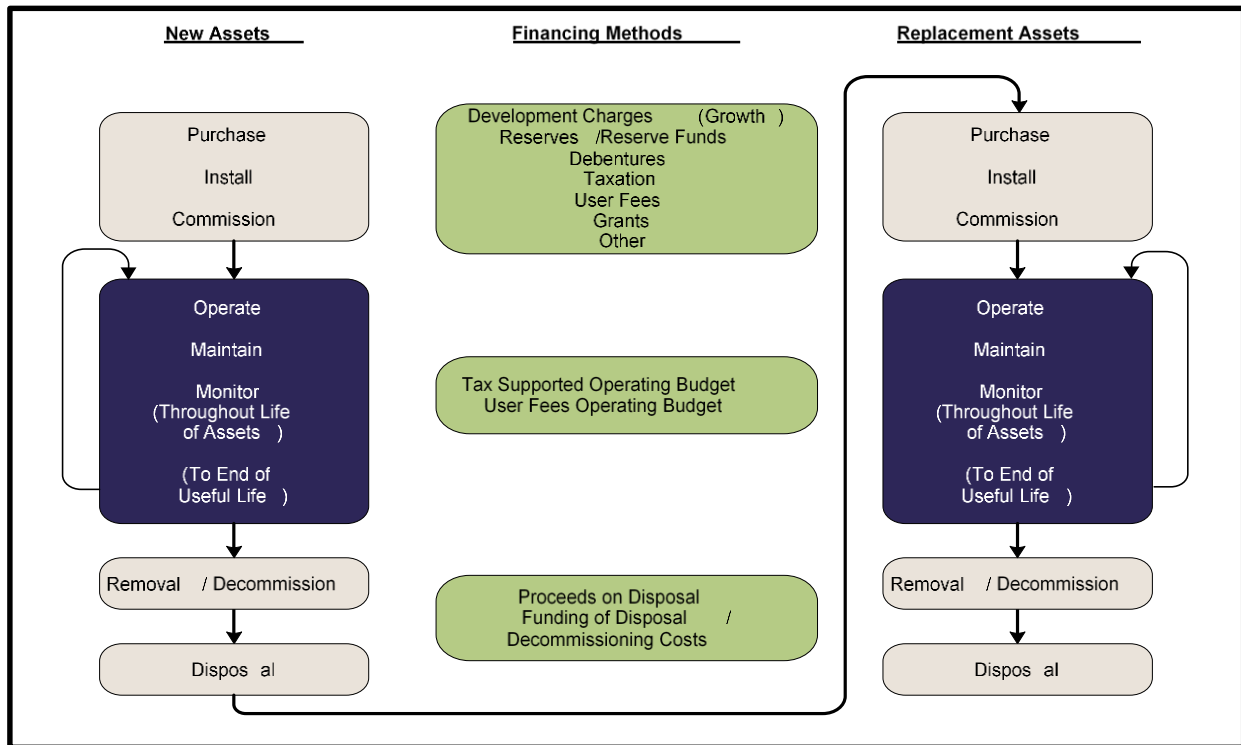
**The A.M.P. shall,**

- a.) deal with all assets whose capital costs are proposed to be funded under the development charge by-law;**
- b.) demonstrate that all the assets mentioned in clause (a) are financially sustainable over their full life cycle;**
- c.) contain any other information that is prescribed; and**
- d.) be prepared in the prescribed manner.**

At a broad level, the A.M.P. provides for the long-term investment in an asset over its entire useful life along with the funding. The schematic below identifies the costs for an asset through its entire lifecycle. For growth-related works, the majority of capital costs will be funded by the D.C. Non-growth-related expenditures will then be funded from non-D.C. revenues as noted below. During the useful life of the asset, there will be minor maintenance costs to extend the life of the asset along with additional program



related expenditures to provide the full services to the residents. At the end of the life of the asset, it will be replaced by non-D.C. financing sources.



In 2012, the Province developed Building Together: Guide for Municipal Asset Management Plans which outlines the key elements for an A.M.P., as follows:

**State of local infrastructure:** asset types, quantities, age, condition, financial accounting valuation and replacement cost valuation.

**Desired levels of service:** defines levels of service through performance measures and discusses any external trends or issues that may affect expected levels of service or the municipality’s ability to meet them (for example, new accessibility standards, climate change impacts).

**Asset management strategy:** the asset management strategy is the set of planned actions that will seek to generate the desired levels of service in a sustainable way, while managing risk, at the lowest lifecycle cost.

**Financing strategy:** having a financial plan is critical for putting an A.M.P. into action. By having a strong financial plan, municipalities can also demonstrate that they have



made a concerted effort to integrate the A.M.P. with financial planning and municipal budgeting, and are making full use of all available infrastructure financing tools.

The above provides for the general approach to be considered by Ontario municipalities. More specific requirements pertaining to municipal asset management plans were introduced by the Province in 2017 through O. Reg. 588/17. The City has prepared an asset management plan in 2014 (2014 A.M.P.). The 2014 A.M.P. addressed the City's existing road network, but it did not address the impact of growth-related assets. As a result, the asset management requirement for this D.C. Background Study must be undertaken in the absence of this information.

In recognition of the schematic in above, the following table (presented in 2018\$) has been developed to provide the annualized expenditures and revenues associated with new growth. Note that the D.C.A. does not require an analysis of the non-D.C. capital needs or their associated operating costs so these are omitted from the table below. Furthermore, the following does not represent a fiscal impact assessment (including future tax/rate increases) but provides insight into the potential affordability of the new assets:

1. The non-D.C. recoverable portion of the capital needs identified will require future lifecycle funding from City financial resources (i.e. taxation, rates, fees, etc.). This amount has been presented as an annual lifecycle cost, calculated on a sinking fund basis, totaling \$32,444.
2. The incremental costs attributable to the growth-related portion of the road extension project have been presented on a sinking fund basis. The road extension has been considered over its estimated useful life, and the resultant annual lifecycle costs total \$97,331.
3. The resultant total annualized expenditures are \$129,775.
4. Consideration was given to the potential new taxation and user fee revenues which will be generated as a result of new growth. These revenues will be available to finance the expenditures identified above. The new operating revenues are \$319,974. This amount, totalled with the existing operating revenues of \$149.4 million, will provide annual revenues of \$149.7 million by the end of the forecast period.



5. The incremental operating revenues of \$319,974 will adequately cover the incremental growth-related expenditures of \$97,331. The remainder of the incremental operating revenues and the existing operating revenues of \$149.7 million can cover the \$32,444 of non-D.C. recoverable expenditures.
6. In consideration of the above, the capital plan is deemed to be financially sustainable.

Table 8-1  
City of Belleville  
Asset Management – Future Expenditures and Associated Revenues (2018\$)

<b>Expenditures (Annualized)</b>	
Annual Lifecycle - Non-Growth Related Capital	\$ 32,444
Annual Lifecycle - Growth-Related Capital	\$ 97,331
<b>Total Expenditures</b>	<b>\$ 129,775</b>
<b>Revenue (Annualized)</b>	
Total Existing Revenue <sup>1</sup>	\$ 149,395,110
Incremental Tax and Non-Tax Revenue (User Fees, Fines, Licences, etc.)	\$ 319,974
<b>Total Revenues</b>	<b>\$ 149,715,084</b>

<sup>1</sup> As per Sch. 10 of 2017 FIR



# Chapter 4

## D.C. Policy Recommendations and D.C. By-Law Rules



## 4. D.C. Policy Recommendations and D.C. By-law Rules

### 4.1 Introduction

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This chapter outlines the D.C. policy recommendations and by-law rules.

s.s.5(1)9 states that rules must be developed:

“...to determine if a development charge is payable in any particular case and to determine the amount of the charge, subject to the limitations set out in subsection 6.”

Paragraph 10 of subsection 5(1) goes on to state that the rules may provide for exemptions, phasing in and/or indexing of D.C.s.

s.s.5(6) establishes the following restrictions on the rules:

- the total of all D.C.s that would be imposed on anticipated development must not exceed the capital costs determined under 5(1) 2-8 for all services involved;
- if the rules expressly identify a type of development, they must not provide for it to pay D.C.s that exceed the capital costs that arise from the increase in the need for service for that type of development; however, this requirement does not relate to any particular development;
- if the rules provide for a type of development to have a lower D.C. than is allowed, the rules for determining D.C.s may not provide for any resulting shortfall to be made up via other development; and
- with respect to “the rules,” subsection 6 states that a D.C. by-law must expressly address the matters referred to above re s.s.5(1) para. 9 and 10, as well as how the rules apply to the redevelopment of land.

### 4.2 D.C. By-law Structure

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**It is recommended that:**

- the City adopt an area-specific D.C. calculation for the Stanley Park Development Area.



## 4.3 D.C. By-law Rules

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The following sets out the recommended rules governing the calculation, payment and collection of D.C.s in accordance with subsection 6 of the D.C.A., 1997.

**It is recommended that the following provides the basis for the D.C.s:**

### ***4.3.1 Payment in any Particular Case***

In accordance with the D.C.A., 1997, s.2(2), a D.C. be calculated, payable and collected where the development requires one or more of the following:

- a) the passing of a zoning by-law or of an amendment to a zoning by-law 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 Section 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 building permit under the Building Code Act in relation to a building or structure.

### ***4.3.2 Determination of the Amount of the Charge***

The following conventions be adopted:

1. In the case of residential development or redevelopment, or the residential portion of a mixed-use development or redevelopment, based upon the number of units;
2. In the case of non-residential development or redevelopment, or the non-residential portion of a mixed-use development or redevelopment, based upon the Gross Floor Area of such development.





### **4.3.3 Application to Redevelopment of Land (Demolition and Conversion)**

If a development involves the demolition and replacement of a building or structure on the same site, or the conversion from one principal use to another, the developer shall be allowed a credit equivalent to:

- the number of dwelling units demolished/converted multiplied by the applicable residential D.C. in place at the time the D.C. is payable; and/or
- the G.F.A. of the building demolished/converted multiplied by the current non-residential D.C. in place at the time the D.C. is payable.

The demolition credit is allowed only if the land was improved by occupied structures, and if the demolition permit related to the site was issued less than 60 months (5 years) prior to the issuance of a building permit. The credit can, in no case, exceed the amount of D.C.s that would otherwise be payable.

### **4.3.4 Exemptions (full or partial)**

#### **Statutory exemptions**

- Industrial building additions of up to and including 50% of the existing G.F.A. (defined in O.Reg. 82/98, s.1) of the building; for industrial building additions which exceed 50% of the existing G.F.A., only the portion of the addition in excess of 50% is subject to D.C.s (s.4(3));
- Buildings or structures owned by and used for the purposes of any municipality, local board, or board of education (s.3); and
- Residential development that results in only the enlargement of an existing dwelling unit, or that results only in the creation of up to two additional dwelling units (based on prescribed limits set out in s.2 of O.Reg. 82/98).

#### **Non-statutory exemptions**

- Consistent with previous by-law policies, no non-statutory exemptions are to be provided.



#### **4.3.5 Phase in Provision(s)**

No provisions for phasing in the development charge are provided in the proposed development charge by-law.

#### **4.3.6 Timing of Collection**

Development charges shall be calculated and payable in full in money, on the date of registration of a plan of subdivision under section 51 of the Planning Act or on the date of approval of a consent under section 53 of the Planning Act. However, if no new plan of subdivision or consent is required, development charges shall be calculated and payable on the date of the first building permit issued in relation to a building or structure on land to which a building permit applies.

#### **4.3.7 Indexing**

All D.C.s will be subject to mandatory indexing annually on January 1<sup>st</sup>, in accordance with provisions under the D.C.A.

### **4.4 Other D.C. By-law Provisions**

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#### **4.4.1 Categories of Services for Reserve Fund and Credit Purposes**

The development charge collections shall be allocated into a Stanley Park Development Area Reserve Fund for Roads and Related Services.

#### **4.4.2 By-law In-force Date**

The proposed by-law under D.C.A., 1997 will come into force on the date of by-law passage.

#### **4.4.3 Minimum Interest Rate Paid on Refunds and Charged for Inter-Reserve Fund Borrowing**

The minimum interest rate is the Bank of Canada rate on the day on which the by-law comes into force (as per s.11 of O.Reg. 82/98).



## 4.5 Other Recommendations

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### It is recommended that Council:

“Approve the capital project listing set out in Table 3-4 of the City of Belleville Stanley Park Area Development Charges Background Study dated February 22, 2019 subject to further annual review during the capital budget process;”

“Approve the City of Belleville Stanley Park Area Development Charges Background Study dated February 22, 2019”

“Determine that no further public meeting is required;” and

“Approve the D.C. By-law as set out in Appendix A”



# Chapter 5

## By-Law Implementation



## 5. By-Law Implementation

### 5.1 Public Consultation

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This chapter addresses the mandatory, formal public consultation process (subsection 5.1.2), as well as the optional, informal consultation process (subsection 5.1.3). The latter is designed to seek the co-operation and involvement of those involved, in order to produce the most suitable policy. Section 5.2 addresses the anticipated impact of the D.C. on development, from a generic viewpoint.

#### ***5.1.1 Public Meeting of Council***

Section 12 of the D.C.A., 1997 indicates that before passing a D.C. by-law, Council must hold at least one public meeting, giving at least 20 clear days' notice thereof, in accordance with the Regulation. Council must also ensure that the proposed by-law and background report are made available to the public at least two weeks prior to the (first) meeting.

Any person who attends such a meeting may make representations related to the proposed by-law.

If a proposed by-law is changed following such a meeting, the Council must determine whether a further meeting (under this section) is necessary. For example, if the by-law which is proposed for adoption has been changed in any respect, the Council should formally consider whether an additional public meeting is required, incorporating this determination as part of the final by-law or associated resolution. It is noted that Council's decision, once made, is final and not subject to review by a Court or the L.P.A.T.

#### ***5.1.2 Other Consultation Activity***

There are three broad groupings of the public who are generally the most concerned with municipal D.C. policy:

1. The residential development community, consisting of land developers and builders, who are typically responsible for generating the majority of the D.C. revenues. Others, such as realtors, are directly impacted by D.C. policy. They are, therefore, potentially interested in all aspects of the charge, particularly the



quantum by unit type, projects to be funded by the D.C. and the timing thereof, and municipal policy with respect to development agreements, D.C. credits and front-ending requirements.

2. The second public grouping embraces the public at large and includes taxpayer coalition groups and others interested in public policy (e.g. in encouraging a higher non-automobile modal split).
3. The third grouping is the industrial/commercial/institutional development sector, consisting of land developers and major owners or organizations with significant construction plans, such as hotels, entertainment complexes, shopping centres, offices, industrial buildings and institutions. Also involved are organizations such as Industry Associations, the Chamber of Commerce, the Board of Trade and the Economic Development Agencies, who are all potentially interested in municipal D.C. policy. Their primary concern is frequently with the quantum of the charge, G.F.A. exclusions such as basement, mechanical or indoor parking areas, or exemptions and phase-in or capping provisions in order to moderate the impact.

## 5.2 Anticipated Impact of the Charge on Development

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The establishment of sound D.C. policy often requires the achievement of an acceptable balance between two competing realities. The first is that high non-residential D.C.s can, to some degree, represent a barrier to increased economic activity and sustained industrial/commercial growth, particularly for capital intensive uses. Also, in many cases, increased residential D.C.s can ultimately be expected to be recovered via higher housing prices and can impact project feasibility in some cases (e.g. rental apartments).

On the other hand, D.C.s or other municipal capital funding sources need to be obtained in order to help ensure that the necessary infrastructure and amenities are installed. The timely installation of such works is a key initiative in providing adequate service levels and in facilitating strong economic growth, investment and wealth generation.



## 5.3 Implementation Requirements

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Once the City has calculated the charge, prepared the complete background study, carried out the public process and passed a new by-law, the emphasis shifts to implementation matters.

These include notices, potential appeals and complaints, credits, front-ending agreements, subdivision agreement conditions and finally the collection of revenues and funding of projects.

The following provides an overview of the requirements in each case.

### 5.3.1 *Notice of Passage*

In accordance with s.13 of the D.C.A., when a D.C. by-law is passed, the municipal clerk shall give written notice of the passing and of the last day for appealing the by-law (the day that is 40 days after the day it was passed). Such notice must be given not later than 20 days after the day the by-law is passed (i.e. as of the day of newspaper publication or the mailing of the notice).

Section 10 of O.Reg. 82/98 further defines the notice requirements which are summarized as follows:

- Notice may be given by publication in a newspaper which is (in the Clerk's opinion) of sufficient circulation to give the public reasonable notice, or by personal service, fax or mail to every owner of land in the area to which the by-law relates;
- s.s.10 (4) lists the persons/organizations who must be given notice; and
- s.s.10 (5) lists the eight items which the notice must cover.

### 5.3.2 *By-law Pamphlet*

In addition to the "notice" information, the City must prepare a "pamphlet" explaining each D.C. by-law in force, setting out:

- a description of the general purpose of the D.C.s;
- the "rules" for determining if a charge is payable in a particular case and for determining the amount of the charge;



- the services to which the D.C.s relate; and
- a general description of the general purpose of the Treasurer's statement and where it may be received by the public.

Where a by-law is not appealed to the L.P.A.T., the pamphlet must be readied within 60 days after the by-law comes into force. Later dates apply to appealed by-laws.

The City must give one copy of the most recent pamphlet without charge, to any person who requests one.

### **5.3.3 Appeals**

Sections 13 to 19 of the D.C.A., 1997 set out requirements relative to making and processing a D.C. by-law appeal and an L.P.A.T. Hearing in response to an appeal. Any person or organization may appeal a D.C. by-law to the L.P.A.T. by filing a notice of appeal with the municipal clerk, setting out the objection to the by-law and the reasons supporting the objection. This must be done by the last day for appealing the by-law, which is 40 days after the by-law is passed.

### **5.3.4 Complaints**

A person required to pay a D.C., or his agent, may complain to municipal council imposing the charge that:

- the amount of the charge was incorrectly determined;
- the credit to be used against the D.C. was incorrectly determined; or
- there was an error in the application of the D.C.

Sections 20 to 25 of the D.C.A., 1997 set out the requirements that exist, including the fact that a complaint may not be made later than 90 days after a D.C. (or any part of it) is payable. A complainant may appeal the decision of municipal council to the L.P.A.T.

### **5.3.5 Credits**

Sections 38 to 41 of the D.C.A., 1997 set out a number of credit requirements, which apply where a municipality agrees to allow a person to perform work in the future that relates to a service in the D.C. by-law.





These credits would be used to reduce the amount of D.C.s to be paid. The value of the credit is limited to the reasonable cost of the work which does not exceed the average level of service. The credit applies only to the service to which the work relates, unless the municipality agrees to expand the credit to other services for which a D.C. is payable.

### **5.3.6 Front-Ending Agreements**

The City and one or more landowners may enter into a front-ending agreement which provides for the costs of a project which will benefit an area in the City to which the D.C. by-law applies. Such an agreement can provide for the costs to be borne by one or more parties to the agreement who are, in turn, reimbursed in future by persons who develop land defined in the agreement.

Part III of the D.C.A., 1997 (Sections 44 to 58) addresses front-ending agreements and removes some of the obstacles to their use which were contained in the D.C.A., 1989. Accordingly, the City assesses whether this mechanism is appropriate for its use, as part of funding projects prior to municipal funds being available.

### **5.3.7 Severance and Subdivision Agreement Conditions**

Section 59 of the D.C.A., 1997 prevents a municipality from imposing directly or indirectly, a charge related to development or a requirement to construct a service related to development, by way of a condition or agreement under s.51 or s.53 of the *Planning Act*, except for:

- “local services, related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the owner as a condition of approval under Section 51 of the *Planning Act*;”
- “local services to be installed or paid for by the owner as a condition of approval under Section 53 of the *Planning Act*.”

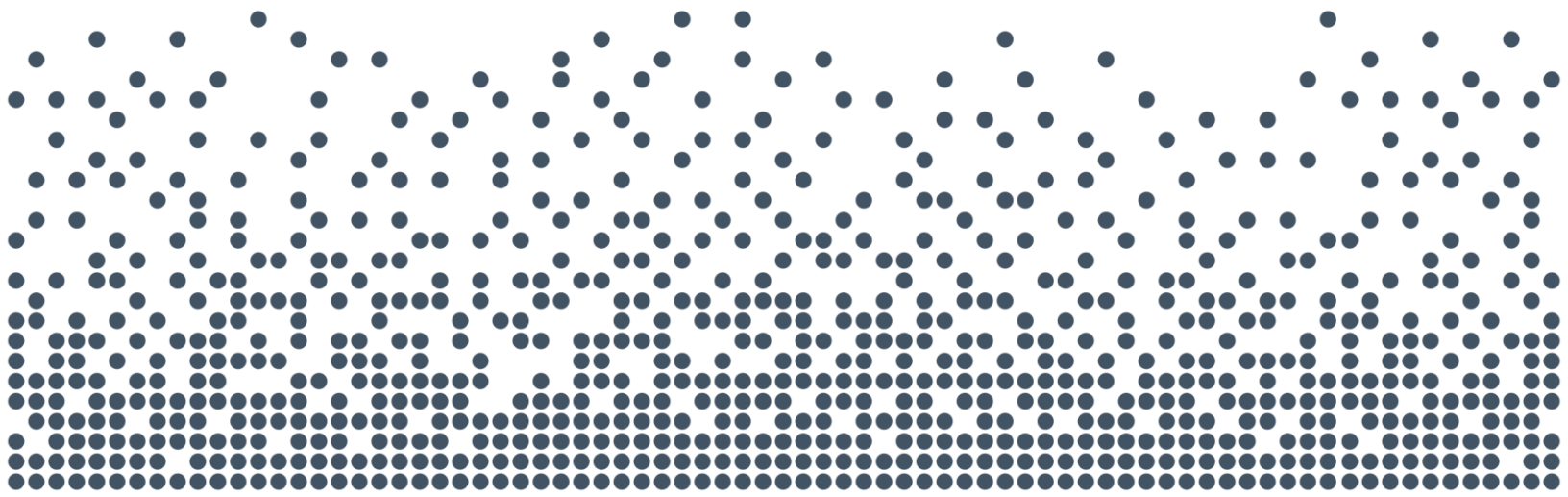
It is also noted that s.s.59(4) of the D.C.A., 1997 requires that the municipal approval authority for a draft plan of subdivision under s.s.51(31) of the *Planning Act*, use its power to impose conditions to ensure that the first purchaser of newly subdivided land is informed of all the D.C.s related to the development, at the time the land is transferred.



In this regard, if the municipality in question is a commenting agency, in order to comply with subsection 59(4) of the D.C.A., 1997 it would need to provide to the approval authority, information regarding the applicable municipal D.C.s related to the site.

If the municipality is an approval authority for the purposes of Section 51 of the *Planning Act*, it would be responsible to ensure that it collects information from all entities which can impose a D.C.

The most effective way to ensure that purchasers are aware of this condition would be to require it as a provision in a registered subdivision agreement, so that any purchaser of the property would be aware of the charges at the time the title was searched prior to closing a transaction conveying the lands.



# Appendices



# Appendix A

## Proposed D.C. By-Law



# CORPORATION OF CITY OF BELLEVILLE

## BY-LAW 2019-\_\_

### **A by-law to establish area-specific development charges for the Stanley Park Development Area in the Corporation of the City of Belleville**

**WHEREAS** subsection 2(1) of the *Development Charges Act, 1997* c. 27 (hereinafter called “the Act”) provides that the council of a municipality may pass By-laws for the imposition of development charges against land for increased capital costs required because of the need for services arising from development in the area to which the by-law applies;

**AND WHEREAS** the Council of The Corporation of the City of Belleville (“City of Belleville”) has given Notice in accordance with Section 12 of the *Development Charges Act, 1997*, of its intention to pass a by-law under Section 2 of the said Act;

**AND WHEREAS** the Council of the City of Belleville has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on March 11, 2019;

**AND WHEREAS** the Council of the City of Belleville had before it a report entitled *City of Belleville Stanley Park Area Development Charge Background Study* dated February 22, 2019 prepared by Watson & Associates Economists Ltd., wherein it is indicated that the development of any land within the area designated in Schedule “C” will increase the need for services as defined herein;

**AND WHEREAS** the Council of the City of Belleville on April 30, 2019 approved the *City of Belleville Stanley Park Area Development Charge Background Study* dated February 22, 2019 in which certain recommendations were made relating to the establishment of an area-specific development charge policy for the City of Belleville pursuant to the *Development Charges Act, 1997*;

**AND WHEREAS** the Council of the City of Belleville at their meeting on April 30, 2019 determined that no additional public meeting was required.



**NOW THEREFORE THE COUNCIL OF THE CITY OF BELLEVILLE ENACTS AS FOLLOWS:**

**DEFINITIONS**

1. In this by-law,
  - (1) “Act” means the *Development Charges Act, 1997, c. 27*;
  - (2) “Apartment dwelling” means any dwelling unit within a building containing more than four dwelling units where the units are connected by an interior corridor;
  - (3) “Accessory use” means a use of land, buildings or structures which is incidental and subordinate to the principal use of the lands and buildings;
  - (4) “Agricultural use” means a bona fide farming operation;
  - (5) “Bedroom” means a habitable room larger than seven square metres in area, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
  - (6) “Board of education” means a board as defined in the *Education Act*;
  - (7) “*Building Code Act*” means the *Building Code Act*, current edition, as amended;
  - (8) “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, lease, construct or improve facilities including,
      - (i) rolling stock with an estimated useful life of seven years or more,
      - (ii) furniture and equipment, other than computer equipment, and



- (iii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, and
  - (e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d);
  - (f) to complete the development charge background study under Section 10 of the Act;
  - (g) interest on money borrowed to pay for costs in (a) to (d);
- (9) “Commercial use” means the use of land, structures, or buildings for the purpose of buying and selling of commodities and supplying of services as distinguished from manufacturing or assembling of goods, also as distinguished from other purposes such as warehousing, or an open storage yard;
- (10) “Council” means the Council of The Corporation of the City of Belleville;
- (11) “Development” means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 8 of this by-law and including the redevelopment of land or the redevelopment, expansion, extension or alteration of a use, building or structure except interior alterations to an existing building or structure which do not change or intensify the use of land;
- (12) “Development charge” means a charge imposed pursuant to this By-law;
- (13) “Dwelling unit” means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- (14) “Farm building” means that part of a farming operation encompassing barns, silos, and other accessory uses to a bona fide agricultural use, excluding a residential use;
- (15) “Grade” means the average level of finished ground adjoining a building or structure at all exterior walls;



- (16) “Gross Floor Area” means,
- (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure with respect to the residential portion thereof, 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 from another dwelling unit or other portion of a building;
  - (b) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure with respect to the non-residential portion thereof, the total area of all building floors above or below measured between the outside surfaces of 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;
- (17) “Industrial use” means the use of land, structure or building for the purpose of carrying out manufacturing processes, and also includes transportation, wholesaling, warehousing, storage or shipping;
- (18) “Institutional use” means a building or part of a building used for a non-commercial purpose by any organized body, religious group, or society such as a hospital, a library, or a similar use;
- (19) “Local board” means a public utility commission, public library board, local board of health, or any other board, commission, committee or 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 municipality or any part or parts thereof;
- (20) “Local services” means those services or facilities 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, required as a condition of approval under s.51 of the *Planning Act*, or as a condition of approval under s.53 of the *Planning Act*;
- (21) “Multiple dwelling” means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment dwellings;





- (22) “Municipality” means The Corporation of the City of Belleville;
- (23) “Non-residential uses” means a building or structure used for other than a residential use;
- (24) “Official Plan” means the Official Plan of the City of Belleville and any amendments thereto;
- (25) “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;
- (26) “*Planning Act*” means the *Planning Act*, current edition, as amended;
- (27) “Public hospital” means that part of a building or structure that is defined as a public hospital under the *Public Hospitals Act*, current edition, as amended;
- (28) “Regulation” means any regulation made pursuant to the Act;
- (29) “Residential uses” means lands, buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, and the residential portion of a mixed-use building or structure;
- (30) “Semi-detached dwelling” means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;
- (31) “Services” means services set out in Schedule “A” to this By-law.
- (32) “Single detached dwelling” means a completely detached building containing one dwelling unit.
- (33) “Stanley Park development area” means those lands as set out in Schedule “C” to this by-law;



## **SCHEDULE OF DEVELOPMENT CHARGES**

- 2.(1) Subject to the provisions of this By-law, development charges against land shall be imposed, calculated and collected in accordance with the rates set out in Schedule “B”, which relate to the services set out in Schedule “A”.
- (2) The development charge with respect to the use of any land, building or structures shall be calculated as follows:
  - (a) In the case of residential development or redevelopment, or the residential portion of a mixed-use development or redevelopment, based upon the number of dwelling units;
  - (b) In the case of non-residential development or redevelopment, or the non-residential portion of a mixed-use development or redevelopment, based upon the Gross Floor Area of such development.
- (3) Council hereby determines that the development or redevelopment of land, buildings or structures for residential and non-residential uses will require the provision, enlargement or expansion of the services referenced in Schedule “A”.

## **PHASE-IN OF DEVELOPMENT CHARGES**

3. The development charges imposed pursuant to this by-law are not being phased-in and are payable in full, subject to the exemptions herein, from the effective date of this by-law.

## **APPLICABLE LANDS**

- 4.(1) Subject to Sections 5 through 7, this by-law applies to lands shown in Schedule “C” within the Stanley Park development area, whether or not the land or use is exempt from taxation under Section 3 of the *Assessment Act*.
- (2) This by-law shall not apply to lands owned by and used for the purposes of:
  - (a) board of education;
  - (b) any municipality or local board thereof.



## **RULES WITH RESPECT TO EXEMPTIONS FOR INTENSIFICATION OF EXISTING HOUSING**

- 5.(1) Notwithstanding Section 4 above, no development charge shall be imposed with respect to developments or portions of developments as follows:
- (2) the enlargement of an existing residential dwelling unit;
- (a) the creation of one or two additional residential dwelling units in an existing single detached dwelling where the total gross floor area of each additional unit does not exceed the Gross Floor Area of the existing dwelling unit;
- (b) the creation of one additional dwelling unit in any other existing residential building provided the Gross Floor Area of the additional unit does not exceed the smallest existing dwelling unit already in the building.
- (c) Notwithstanding subsection 5(1)(b), development charges shall be calculated and collected in accordance with Schedule “B” where the total residential Gross Floor Area of the additional one or two dwelling units is greater than the total Gross Floor Area of the existing single detached dwelling unit.
- (3) Notwithstanding subsection 5(1)(c), development charges shall be calculated and collected in accordance with Schedule “B” where the additional dwelling unit has a residential Gross Floor Area greater than,
- (a) in the case of semi-detached house or multiple dwelling, the Gross Floor Area of the existing dwelling unit, and
- (b) in the case of any other residential building, the residential Gross Floor Area of the smallest existing dwelling unit.

## **RULES WITH RESPECT TO AN “INDUSTRIAL” EXPANSION EXEMPTION**

- 6.(1) Notwithstanding Section 4, 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 is the following:



- (a) if the Gross Floor Area is enlarged by 50 percent or less, the amount of the development charge in respect of the enlargement is zero; or
  - (b) if the Gross Floor Area is enlarged by more than 50 percent, development charges are payable on the amount by which the enlargement exceeds 50 percent of the Gross Floor Area before the enlargement.
- (2) For the purpose of this section, the terms “Gross Floor Area” and “existing industrial building” shall have the same meaning as those terms have in O.Reg. 82/98 made under the Act.
- (3) In this section, for greater certainty in applying the exemption herein:
- (a) the Gross Floor Area of an existing industrial building is enlarged where there is a bona fide physical and functional increase in the size of the existing industrial building.

#### **DEVELOPMENT CHARGES IMPOSED**

- 7.(1) Subject to subsection (2), development charges shall be calculated and collected in accordance with the provisions of this by-law and be imposed on land to be developed for residential and non-residential use, where, the development requires,
- (a) the passing of a zoning by-law or an amendment thereto under Section 34 of the *Planning Act*, R.S.O. 1990, C.P. 13;
  - (b) the approval of a minor variance under Section 45 of the *Planning Act*, R.S.O. 1990, c.P.13;
  - (c) a conveyance of land to which a by-law passed under subsection 49(7) of the *Planning Act*, R. S.O. 1990, c.P.13 applies;
  - (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*, R.S.O. 1990, c.P. 13;
  - (e) a consent under Section 53 of the *Planning Act*, R.S.O. 1990, c.P. 13;



- (f) the approval of a description under Section 50 of the *Condominium Act*, R.S.O. 1980, c.84; or
  - (g) the issuing of a permit under the *Building Code Act*, in relation to a building or structure.
- (2) Subsection (1) shall not apply in respect to
- (a) local services installed or paid for by the owner within a plan of subdivision or within the area to which the plan relates, as a condition of approval under Section 51 of the *Planning Act*, R.S.O. 1990, c.P. 13;
  - (b) local services installed or paid for by the owner as a condition of approval under Section 53 of the *Planning Act*, R.S.O. 1990, c.P. 13.

### **LOCAL SERVICE INSTALLATION**

8. Nothing in this by-law prevents Council from requiring, as a condition of an agreement under Section 51 or 53 of the *Planning Act*, that the owner, at his or her own expense, shall install or pay for such local services within the plan of subdivision or within the area to which the plan relates, as Council may require.

### **MULTIPLE CHARGES**

9. Where two or more of the actions described in subsection 7(1) are required before land to which a development charge applies can be developed, only one development charge shall be calculated and collected in accordance with the provisions of this by-law.

### **SERVICES IN LIEU**

- 10.(1) Council may authorize an owner, through an agreement under Section 38 of the *Act*, to substitute such part of the development charge applicable to the owner's development as may be specified in the agreement, by the provision at the sole expense of the owner, of services in lieu. Such agreement shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against the development charge in accordance with the agreement provisions and the provisions of Section 39 of the *Act*, equal to the reasonable cost to the owner of providing the services in



lieu. In no case shall the agreement provide for a credit that exceeds the total development charge payable by an owner to the municipality in respect of the development to which the agreement relates.

- (2) In any agreement under subsection 10(1), Council may also give a further credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this by-law.
- (3) The credit provided for in subsection (2) shall not be charged to any development charge reserve fund.

### **RULES WITH RESPECT TO RE-DEVELOPMENT**

11. No credit shall be given if all or part of a residential or non-residential building or structure is demolished.

### **TIMING OF CALCULATION AND PAYMENT**

- 12.(1) Development charges shall be calculated and payable in full in money, on the date of registration of a plan of subdivision under section 51 of the *Planning Act* or on the date of approval of a consent under section 53 of the *Planning Act*.
- (2) Notwithstanding subsection (1), if no new plan of subdivision or consent is required, development charges shall be calculated and payable on the date of the first building permit issued in relation to a building or structure on land to which a building permit applies.
- (3) Where development charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full.

### **RESERVE FUNDS**

- 13.(1) Monies received from payment of development charges shall be maintained in a separate reserve fund as follows: Stanley Park Area Reserve Fund.
- (2) Monies received for the payment of development charges shall be used only in accordance with the provisions of Section 35 of the Act.



- (3) Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
- (4) Where any unpaid development charges are collected as taxes under subsection (3), the monies so collected shall be credited to the development charge reserve fund referred to in subsection (1).
- (5) The Treasurer of the Municipality shall, in each year commencing in 2014 for the 2013 year, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in Section 12 of O.Reg. 82/98.

#### **BY-LAW AMENDMENT OR APPEAL**

- 14.(1) Where this by-law or any development charge prescribed thereunder is amended or repealed either by order of the Ontario Municipal Board or by resolution of the Municipal Council, the Municipal Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
- (2) Refunds that are required to be paid under subsection (1) shall be paid with interest to be calculated as follows:
  - (a) Interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
  - (b) The Bank of Canada interest rate in effect on the date of enactment of this by-law shall be used.
- (3) Refunds that are required to be paid under subsection (1) shall include the interest owed under this section.

#### **BY-LAW INDEXING**

15. The development charges set out in Schedule “B” to this by-law shall be adjusted annually on January 1st, without amendment to this by-law, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, “Construction Price Statistics”.



### **BY-LAW REGISTRATION**

16. A certified copy of this by-law may be registered on title to any land to which this by-law applies.

### **SEVERABILITY**

17. In the event any provision, or part thereof, of this by-law is found, by a court of competent jurisdiction, to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of the by-law shall remain in full force and effect.

### **HEADINGS FOR REFERENCE ONLY**

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

### **BY-LAW ADMINISTRATION**

19. This by-law shall be administered by the Municipal Treasurer.

### **SCHEDULES TO THE BY-LAW**

20. The following Schedules to this by-law form an integral part of this by-law:

- Schedule “A” – Schedule of Municipal Services
- Schedule “B” – Area-specific Development Charge for the Stanley Park Development Area
- Schedule “C” – Area in which Area-specific Charge Applies

### **DATE BY-LAW EFFECTIVE**

21. This By-law shall come into force and effect on April 30, 2019.

### **SHORT TITLE**

22. This by-law may be cited as the “City of Belleville Stanley Park Area-Specific Development Charges By-law, 2019.”





Read a first time this 30<sup>th</sup> day of April 2019.

Read a second time this 30<sup>th</sup> day of April 2019.

Read a third time and finally passed this 30<sup>th</sup> day of April 2019.

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Mayor

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Clerk



**SCHEDULE "A"**  
**TO BY-LAW NO. 2019-\_\_\_**

**DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW**

1. Roads and Related Service



**SCHEDULE “B”  
TO BY-LAW NO. 2019-\_\_\_**

**STANLEY PARK AREA-SPECIFIC DEVELOPMENT CHARGE**

<b>SERVICE</b>	<b>Residential Development</b>		<b>Non-Residential Development</b>
	<b>(per Single and Semi- Detached Dwelling Unit)</b>	<b>(per Other Multiple Dwelling Unit)</b>	<b>(per sq.ft. of GFA)</b>
Roads and Related	\$2,969	\$2,272	\$2.14



**SCHEDULE "C"**  
**TO BY-LAW NO. 2019-\_\_\_**

**STANLEY PARK DEVELOPMENT AREA**

