

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW 2014-140

A BY-LAW TO ESTABLISH UNIFORM DEVELOPMENT CHARGES FOR 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 in accordance with the Act, a report entitled "City of Belleville 2014 Development Charges Background Study" dated August 19, 2014 prepared by Watson & Associates Economists Ltd. (the "Background Study"), has been completed;

AND WHEREAS the Council of the City of Belleville has considered the Background Study, has considered all written submissions, and 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 September 2, 2014;

AND WHEREAS the Council of the City of Belleville has determined that a further public meeting is not necessary pursuant to subsection 12(3) of the Act.

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

DEFINITIONS

1. In this by-law,

- (1) "Accessory building or structure" shall mean a detached building or structure that is not used for human habitation and the use of which is customarily incidental

and subordinate to a principal use, building or structure and is located on the same lot therewith;

- (2) "Accessory use" shall mean a use customarily incidental and subordinate to, and exclusively devoted to the principal or main use of the lot, building or structure and located on the same lot as such principal or main use.
- (3) "Act" means the *Development Charges Act*, S.O. 1997, c. 27.
- (4) "Administration Service" means any and all studies carried out by the municipality which are with respect to eligible services for which a development charge by-law may be imposed under the *Development Charges Act, 1997*.
- (5) "Apartment dwelling" means any dwelling unit within a building containing three or more dwelling units where the units are connected by an interior corridor.
- (6) "Agricultural use" means the use of land and/or buildings for the cultivation or foraging of crops, livestock or poultry production, raising or training of horses, and orchards, market gardening, maple sugar bushes, tobacco crops or other forms of specialized crop production.
- (7) "Bedroom" means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen.
- (8) "Belleville Downtown Improvement Area" (BDIA) means the geographic location designated on Schedule "E" of this by-law.
- (9) "Board of Education" means a board defined in s.s. 1(1) of the *Education Act*.
- (10) "Bona fide farm operation" means the proposed development is for agricultural use where the yearly income from the agricultural use is substantial and the owner holds a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs. For purposes of determining bona fide farm uses reference may be made to the owner's membership in a legitimate farm organization.

- (11) "Building Code Act" means the *Building Code Act*, 1992, S.O. 1992, c.23.
- (12) "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*, R.S.O. 1990, c.P.-44; 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);

required for provision of services designated in this by-law within or outside the municipality.

- (13) "Central Business District" (CBD) means the geographical location designated on Schedule "D" of this by-law.
- (14) "Council" means the Council of The Corporation of the City of Belleville.
- (15) "Development" means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 7 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.

- (16) "Development charge" means a charge imposed pursuant to this By-law.
- (17) "Duplex dwelling" means a residential building that is divided horizontally into two dwelling units.
- (18) "Dwelling unit" means a suite operated as a housekeeping unit, used or intended to be used as a domicile by 1 or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities, and includes:
- (a) a park model home;
 - (b) a bedroom in a students' or seniors' residence;
 - (c) a building, or portion of a building, used for residential purposes as set out in Subsection 34.
- (19) "Farm building" means that part of a bona fide farm operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use.
- (20) "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls.
- (21) "Gross floor area" means the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or in the case of a mixed use building or structure, between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:
- (a) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
 - (b) loading facilities above or below grade; and
 - (c) a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;
- (22) "Industrial use" means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an

industrial use, but does not include the sale of commodities to the general public through a warehouse club or an agricultural use.

- (23) "Local Board" means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Municipality of Belleville or any part or parts thereof.
- (24) "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*.
- (25) "Mixed use" means a building, structure or development with portions which are to be used for residential development and other portions which are to be used for non-residential development;
- (26) "Multiple dwelling" means all dwellings other than single detached dwellings, semi-detached dwellings, duplex dwellings, apartment dwellings and special care dwelling units;
- (27) "Municipality" means The Corporation of the City of Belleville;
- (28) "Non-residential use" means a building or structure used for other than a residential use;
- (29) "Official Plan" means the Official Plan of the City of Belleville and any amendments thereto.
- (30) "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.

- (31) "Place of worship" means that part of a building or structure that is exempt from taxation as a place of worship under the Assessment Act, R. S.O. 1990, Chap. A.31, as amended, or any successor thereof.
- (32) "Planning Act" means the *Planning Act*, R.S.O. 1990, c.P.-13, as amended.
- (33) "Regulation" means any regulation made pursuant to the Act.
- (34) "Residential use" means lands, buildings or structures or portions thereof used, or designed or intended to be used as a home or residence of one or more individuals who reside or dwell there permanently or for a considerable period of time, and includes a single detached dwelling, a semi-detached dwelling, a multiple dwelling, a duplex dwelling, an apartment dwelling, special care dwelling units, and the residential portion of a mixed-use building or structure, but does not include a place of worship, student residence, military barracks, hotel, motel, or bed and breakfast where individuals typically stay for less than one week;
- (35) "Semi-detached dwelling" means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;
- (36) "Services" means services set out in Schedule "A" to this By-law;
- (37) "Single detached dwelling" means a completely detached building containing only one dwelling unit;
- (38) "Special Care Dwelling Unit" means a unit within a building containing more than six dwelling units or dwelling rooms that are designed to accommodate individuals with specific support needs, including independent permanent living arrangements, where support services such as meal preparation, grocery shopping, housekeeping, nursing, respite care and attendant services are provided at various levels, and:
- (a) the units have a common entrance from street level;
 - (b) the occupants have the right to use common halls, stairs, yards, rooms, and accessory buildings; and
 - (c) the units or rooms may or may not have exclusive sanitary or culinary facilities or both.

- (39) "Urban Service Area" means that area within the Municipality shown as urban area on Schedule "C" of this by-law.

CALCULATION 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 base 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, buildings 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, the sum of the product of the number of dwelling units of each type multiplied by the corresponding total amount for such dwelling unit type, as set out in Schedule "B";
 - (b) notwithstanding subsection (a), the development charge for residential development located within the boundary of the CBD as set out in Schedule "D" will be equal to 50% of the of the total amount otherwise calculated in subsection (a);
 - (c) in the case of non-residential development or redevelopment, or the non-residential portion of a mixed-use development or redevelopment, the product of the gross floor area of such development multiplied by the corresponding total amount for such gross floor area, as set out in Schedule "B".
- (3) The development charges for water and wastewater services are applicable only within the Urban Service Area designated in Schedule "C" to this by-law.
- (4) 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 subsection (2) and Sections 5 and 6, charges payable under Schedule "B" of this by-law apply to all lands in the municipality, whether or not the land or use is exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1990, c.A.-31.
 - (2) This by-law shall not apply to land that is owned by and used for the purposes of:
 - (a) a board of education;
 - (b) any municipality or local board thereof;
 - (c) private schools as defined in the *Education Act*;
 - (d) a place of worship classified as exempt from taxation under Section 3 of the *Assessment Act*;
 - (e) hospitals under the *Public Hospitals Act*;
 - (f) a non-residential farm building;
 - (g) non-residential (other than industrial) land uses located within the BDIA as defined in Schedule "E";
 - (h) development creating or adding an accessory use or structure not exceeding ten square metres of non-residential floor area.
 - (3) The Municipality may exempt lands from this by-law where the lands are designated in the City of Belleville Official Plan as part of a Community Improvement Area and the Municipality implements a Community Improvement Plan which includes the said lands.

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:
 - (a) the enlargement of an existing dwelling unit;
 - (b) the creation of one or two additional dwelling units in an existing single detached dwelling where the total gross floor area of the additional unit(s) does not exceed the gross floor area of the existing dwelling unit;
 - (c) 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.
- (2) 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*;
 - (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*, R.S.O. 1990, c.C.-26; 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*;
 - (b) local services installed or paid for by the owner as a condition of approval under Section 53 of the *Planning Act*.

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. (1) 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.
- (2) Notwithstanding subsection (1), if two or more of the actions described in subsection 7(1) occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as set out in Schedule "A", an additional development charge on the additional residential units and non-residential gross floor area 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 (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 REDEVELOPMENT

11. 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 five years prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
 - (1) 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 as set out in Schedule "B" by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
 - (2) In the case of a non-residential building or structure or, in the case of mixed use

building or structure, the nonresidential uses in the mixed use building or structure, an amount calculated by multiplying the applicable development charges as set out in Schedule "B", by the gross floor area that has been or will be demolished or converted to another principal use.

12. A credit shall not exceed the amount of the development charge that would otherwise be payable, and no credit is available if the existing land use is exempt under this by-law.

TIMING OF CALCULATION AND PAYMENT

13. (1) Development charges shall be calculated, payable and collected in full in money or by provision of services as may be agreed upon, or by credit granted under the Act, on the date that the first building permit is issued in relation to a building or structure on land to which a development charge applies.
- (2) 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.
- (3) If development charges are paid and the applicable building permit is cancelled or revoked before construction begins, the development charges will be refunded to the registered owner of the land.
- (4) Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with Section 27 of the Act.

RESERVE FUNDS

14. (1) Monies received from payment of development charges under this by-law shall be maintained in four separate reserve funds as follows: roads and related and protection; water; wastewater and parks and recreation, libraries and administration.
- (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) Council directs the Municipal Treasurer to divide the reserve funds created hereunder into separate subaccounts in accordance with the service sub-categories set out in Schedule "A" to which the development charge payments shall be credited in accordance with the amounts shown, plus interest earned thereon.
- (4) 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.
- (5) Where any unpaid development charges are collected as taxes under subsection (4), the monies so collected shall be credited to the development charge reserve funds referred to in subsection (1).
- (6) The Treasurer of the Municipality shall, in each year commencing in 2015 for the 2014 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

15. (1) Where this by-law or any development charge prescribed there under is amended or repealed 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 to the registered owner of the land on the date on which the refund is paid.
 - (3) 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 day on which the refund is paid;
 - (b) the refund shall include the interest owed under this section;

- (c) interest shall be paid at the Bank of Canada rate in effect on the date of enactment of this by-law.

BY-LAW INDEXING

16. 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, Non-Residential Building Construction Price Index (CANSIM Table 327-0043).

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 this 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 or interpretation of this by-law.

BY-LAW REGISTRATION

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

BY-LAW ADMINISTRATION

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

SCHEDULES TO THE BY-LAW

21. The following Schedules to this by-law form an integral part of this by-law:
Schedule "A" - Designated Municipal Services

SCHEDULE "A"
TO BY-LAW NO. 2014-140

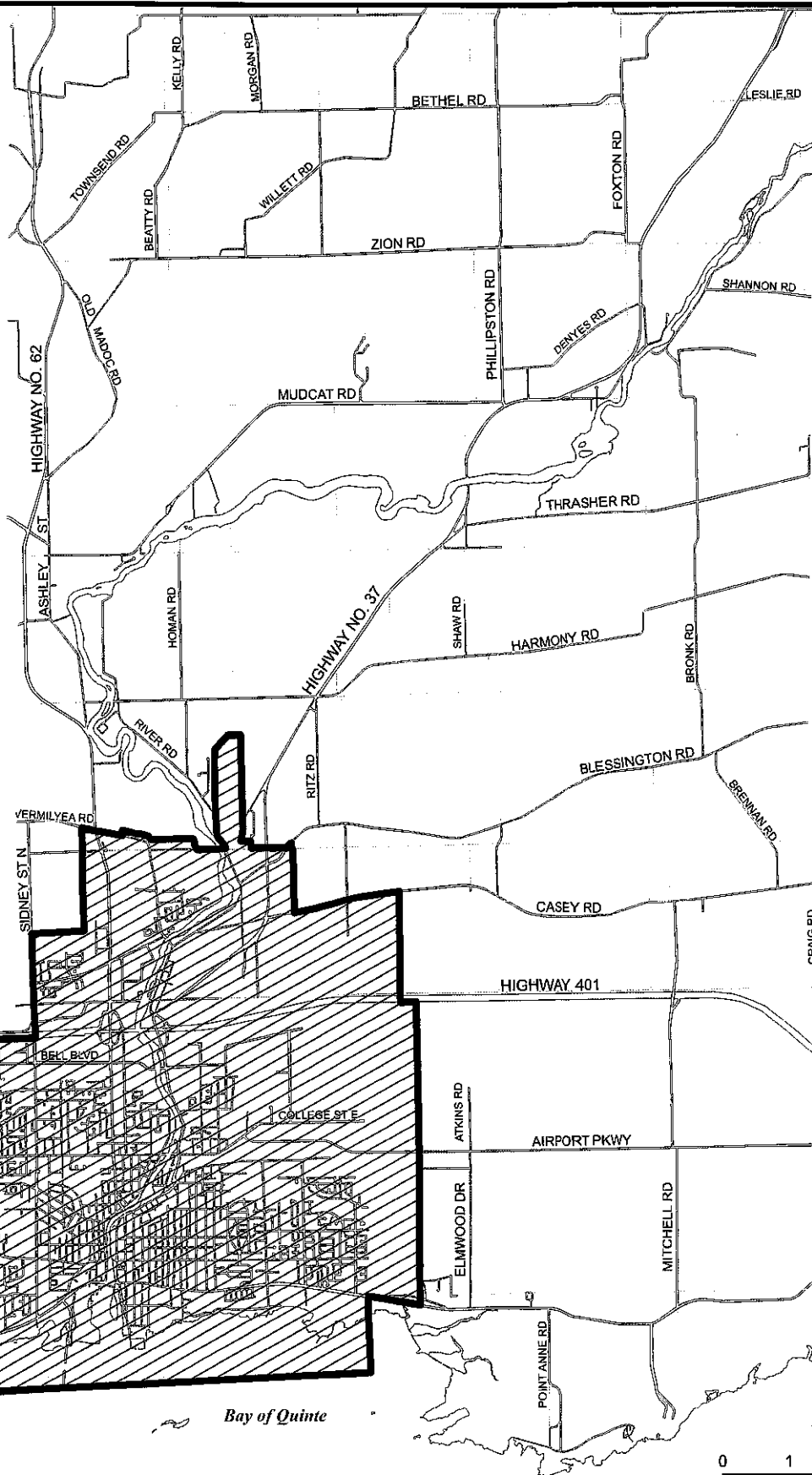
DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

1. Roads and Related Service
2. Parks and Recreation Service
3. Library Service
4. Administration Service
5. Protection Service
6. Water Service
7. Wastewater Service

SCHEDULE "B"
TO BY-LAW NO. 2014-140

SCHEDULE OF CITY-WIDE DEVELOPMENT CHARGES

Service	RESIDENTIAL (per Dwelling Unit)				NON-RESIDENTIAL (per ft ² of Gross Floor Area)	
	Single & Semi Detached	Duplex & Apartments 2 Bedrooms +	Apartments Bach. & 1 Bedroom and Special Care	Multiples	Other Than Industrial	Industrial
City-Wide Services:						
Roads and Related	\$ 2,757	\$ 1,954	\$ 1,122	\$ 1,916	\$ 1.67	\$ -
Protection Services	\$ 116	\$ 82	\$ 48	\$ 81	\$ 0.16	\$ -
Parks and Recreation	\$ 1,857	\$ 1,316	\$ 755	\$ 1,290	\$ 0.09	\$ -
Library Services	\$ 8	\$ 6	\$ 3	\$ 6	\$ -	\$ -
Administration - Studies	\$ 50	\$ 36	\$ 20	\$ 35	\$ 0.03	\$ -
Total City-Wide Services	\$ 4,789	\$ 3,393	\$ 1,948	\$ 3,328	\$ 1.95	\$ -
Urban Services						
Wastewater	\$ 2,051	\$ 1,436	\$ 792	\$ 1,433	\$ 0.95	\$ -
Water	\$ 2,774	\$ 1,943	\$ 1,072	\$ 1,937	\$ 1.29	\$ -
Total Urban Services	\$ 4,825	\$ 3,379	\$ 1,864	\$ 3,370	\$ 2.24	\$ -
GRAND TOTAL RURAL AREA	\$ 4,789	\$ 3,393	\$ 1,948	\$ 3,328	\$ 1.95	\$ -
GRAND TOTAL URBAN AREA	\$ 9,614	\$ 6,772	\$ 3,812	\$ 6,698	\$ 4.19	\$ -

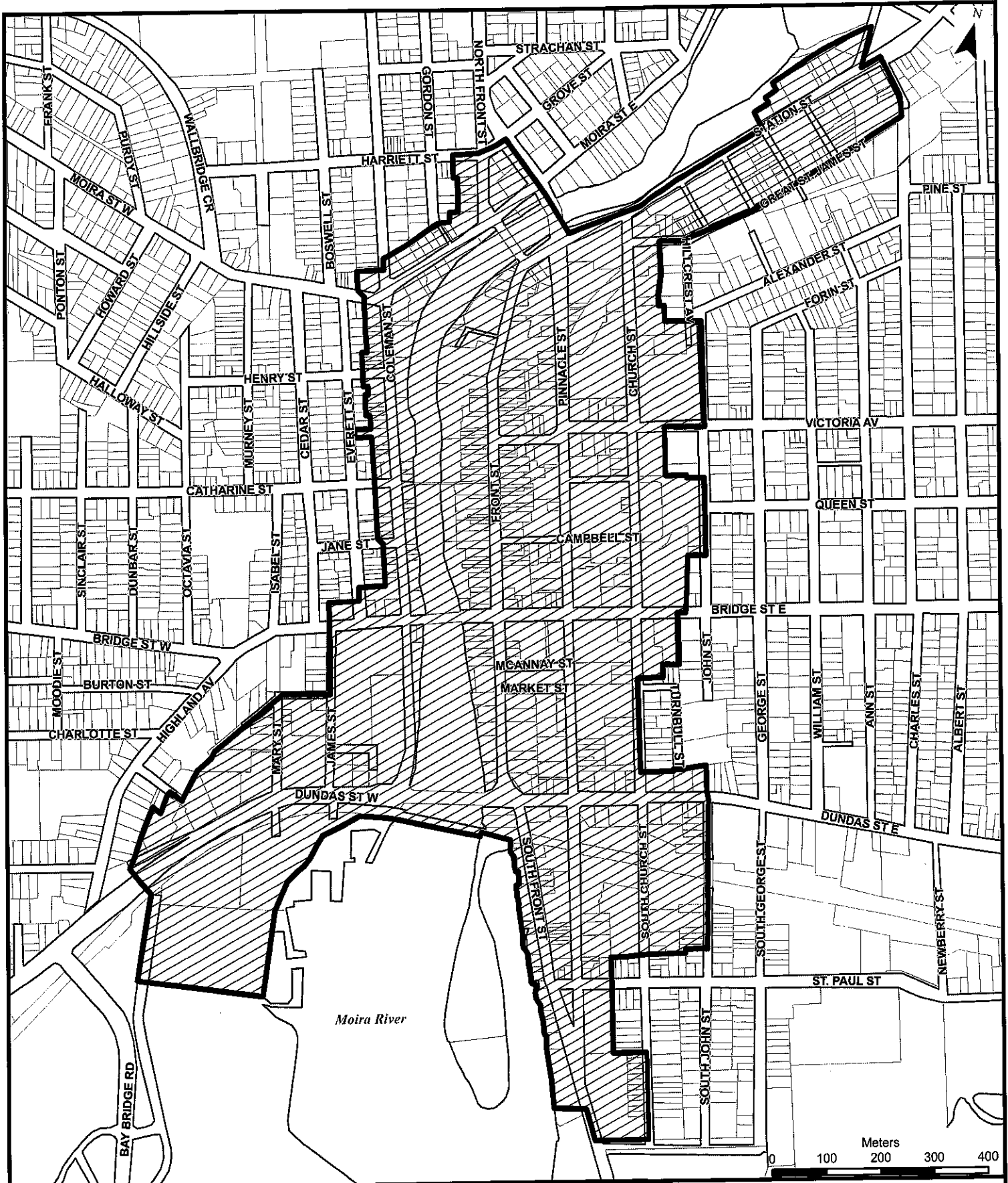


SCHEDULE "C"
TO BY-LAW NO. 2014-140 , AS AMENDED
DESIGNATION OF THE URBAN SERVICE
AREA AND THE RURAL SERVICE AREA

 **URBAN SERVICE AREA**



CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT
SERVICES DEPARTMENT

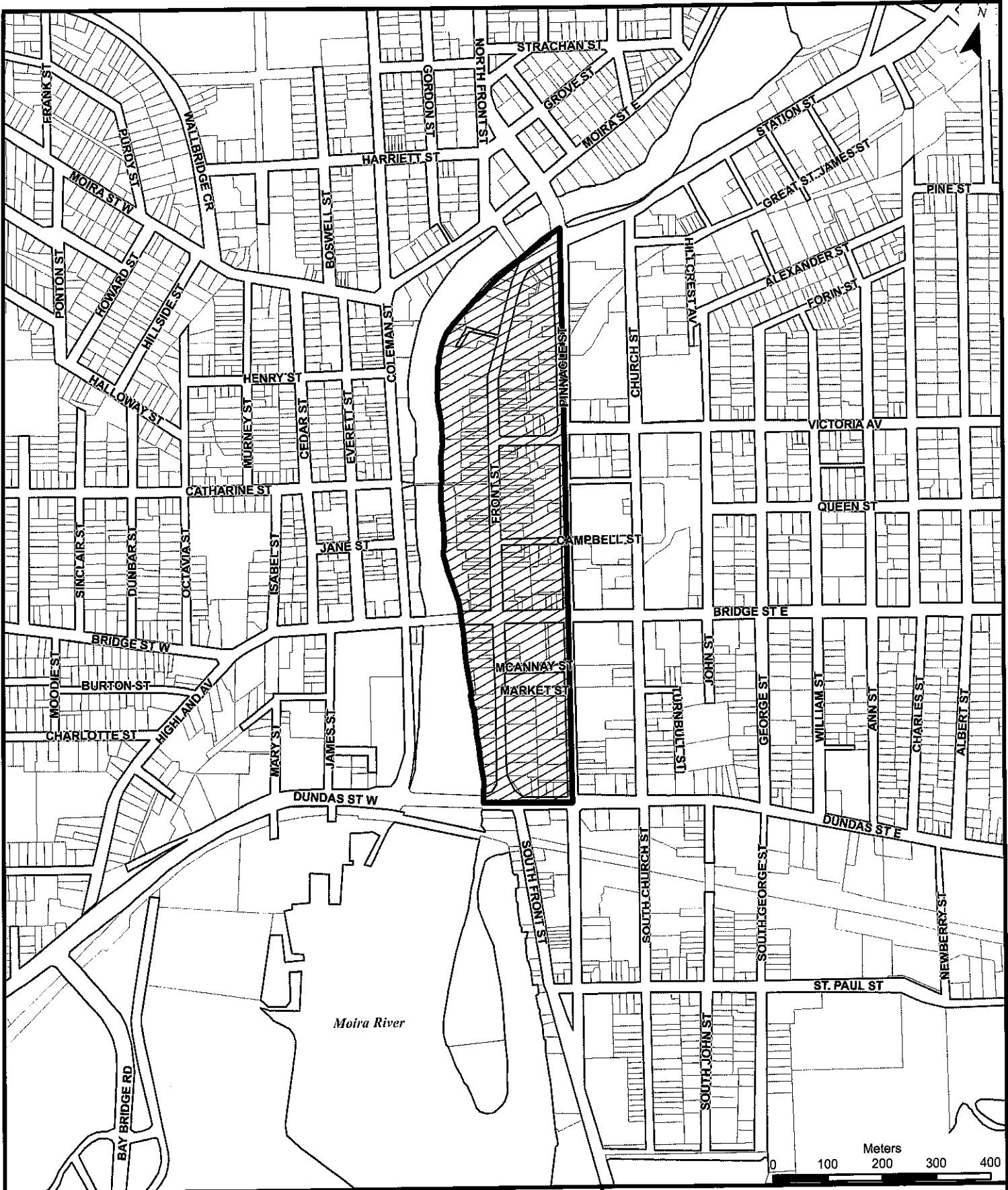


SCHEDULE "D"
TO BY-LAW NO. 2014-140 , AS AMENDED
DESIGNATION OF THE
CENTRAL BUSINESS DISTRICT

 Central Business District (C.B.D.)



CITY OF BELLEVILLE
ENGINEERING & DEVELOPMENT
SERVICES DEPARTMENT



SCHEDULE "E"
TO BY-LAW NO. 2014-140 , AS AMENDED
DESIGNATION OF THE BELLEVILLE
DOWNTOWN IMPROVEMENT AREA (B.D.I.A.)

 DOWNTOWN IMPROVEMENT AREA (B.D.I.A.)



CITY OF BELLEVILLE
 ENGINEERING & DEVELOPMENT
 SERVICES DEPARTMENT