



# Revised Proposed D.C. By-law

Township of Melancthon

(Revised from D.C. Background Study dated June 14, 2019)

August 13, 2019

Watson & Associates Economists Ltd.  
905-272-3600  
info@watsonecon.ca



## THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

### By-law Number 2019-\_\_

#### **BEING A BY-LAW to establish development charges for the Township of Melancthon and to repeal Development Charge By-law Number 2014-42.**

**WHEREAS** subsection 2(1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended (the “Act”), provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies;

**AND WHEREAS** a Development Charges Background Study for the Township of Melancthon, dated June 14, 2019 (the “Study”) as required by section 10 of the Act was presented to Council along with a draft of this By-law as then proposed on July 18, 2019 and was completed within a one-year period prior to the enactment of this By-law;

**AND WHEREAS** notice of a public meeting was given pursuant to subsection 12(1) of the Act, and in accordance with the regulations under the Act, on or before June 27, 2019, and copies of the Study and this proposed development charge by-law were made available to the public not later than June 14, 2019 in accordance with subsection 12(1) of the Act;

**AND WHEREAS** a public meeting was held on July 18, 2019 in accordance with the Act to hear comments and representations from all persons who applied to be heard (the “Public Meeting”);

**AND WHEREAS** any person who attended the public meeting was afforded an opportunity to make representations and the public generally were afforded an opportunity to make written submissions relating to this proposed By-law;

**AND WHEREAS** the Council of the Township of Melancthon has determined that no further public meeting is required in accordance with Section 12(3) of the *Development Charges Act, 1997*, S.O. 1997, c. 27;



**NOW THEREFORE** The Corporation of the Township of Melancthon by its Council enacts the following:

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MELANCTHON ENACTS AS FOLLOWS:**

**1.0 DEFINITIONS**

1.1 In this By-law,

- (a) “Act” means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, or any successor thereto;
- (b) “administration service” means any and all development related 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 Act;
- (c) “accessory use” means where used to describe a use, building, or structure that the use, building or structure is naturally and normally incidental , subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;
- (d) “agricultural use” means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry, maple syrup projection; and associated on-farm buildings and structures, including but not limited to livestock facilities and manure storages, excluding
  - i. Residential uses;
  - ii. On-farm diversified uses;
  - iii. Cannabis Production Facilities;
  - iv. Greenhouse.
- (e) “apartment unit” means any residential unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and



the residential units are connected by an interior corridor;

- (f) “*Assessment Act*” means the *Assessment Act*, R.S.O. 1990, c. A.31, as amended or any successor thereto;
- (g) “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;
- (h) “benefiting area” means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
- (i) “board” has the same meaning as that specified in the *Education Act*, R.S.O. 1990, c. E.2, as amended or any successor thereto;
- (j) “*Building Code Act*” means the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, and all Regulations made under it including the Building Code, as amended, or any successors thereto;
- (k) “Cannabis” means:
  - i. A Cannabis plant;
  - ii. Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
  - iii. any substance or mixture of substances that contains or has on it any part of such a plant; and
  - iv. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
- (l) “Cannabis Plant” means a plant that belongs to the genus “Cannabis”.
- (m) “Cannabis Facilities” means a Building, or part thereof, designed, used, or intended to be used for one or more of the following: cultivation, growing propagation, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment or distribution of cannabis where



a licence, permit or authorization has been issued under applicable federal law but does not include a Building or part thereof solely designed, used, or intended to be used for retail sales of cannabis.

- (n) “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. O. 1990, c. 57, and
    - (iv) 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;
- (o) “commercial” means any use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include industrial or agricultural uses, but does include hotels, motels, motor inns and boarding, lodging and rooming houses;



- (p) “Council” means the Council of the Township of Melancthon;
- (q) “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that the effect of increasing the size of usability thereof, and includes redevelopment;
- (r) “development charge” means a charge imposed pursuant to this By-law;
- (s) “dwelling unit” means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;
- (t) “*Education Act*” means the *Education Act*, R.S.O. 1990, c. E.2, as amended or any successor thereto;
- (u) “existing industrial” means an industrial building or buildings existed on a lot in the Township on the day this By-law comes into effect or the first industrial building or buildings constructed and occupied on a vacant lot pursuant to site plan approval under section 41 of the Planning Act subsequent to this By-law coming into effect for which full Development Charges were paid;
- (v) “grade” means the average level of finished ground adjoining a building or structure at all exterior walls;
- (w) “greenhouse” means the use of a building or structure for the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, vegetables and other types of nursery stock for wholesale or retail purposes. Such use may also include the retail sale of greenhouse products customarily, incidental, subordinate and exclusively, devoted to the principal use, located on the same lot therein. A retail space accessory to a greenhouse shall have a maximum retail floor area of 75 square metres.
- (x) “gross floor area” means:
  - a. in the case of a residential building or structure, the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the



centre line of party walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and

- b. in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:
  - (i) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
  - (ii) loading facilities above or below grade; and

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;

- (y) “industrial” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club, or any land, buildings or structures used for an agricultural use;
- (z) “institutional” means land, buildings, structures or any part thereof used by any organization, group or association for promotion of charitable, educational or benevolent objectives and not for profit or gain;
- (aa) “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 or any part or parts thereof;

- (bb) “mixed use” means land, buildings or structures used, or designed or intended for use, for a combination of residential and non-residential uses;
- (cc) “multiple dwellings” means all dwellings other than single-detached, semi-detached and apartment unit dwellings;
- (dd) “municipality” (or the “Township”) means The Corporation of the Township of Melancthon;
- (ee) “non-residential use” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use;
- (ff) “on-farm diversified use” means a use, occurring entirely and exclusively within a detached building that is secondary and subordinate to the active and principle agricultural use occurring on a property. Such uses shall be integrated within a farm cluster of buildings which must include a dwelling, and may include, but are not limited to, uses that produce value added agricultural products or provide a service that is supportive of regional agri-business.
- (gg) “owner” means the owner of land or a person who has made an application for approval for the development of land upon which a development charge is imposed;
- (hh) “Official Plan” means the Official Plan adopted for the municipality, as amended and approved;
- (ii) “place of worship” means a building or structure that is used primarily for worship and religious practices and purposes, including related administrative, assembly and associated spaces, but does not include portions of such building or structure used for any commercial use, including but not limited to daycare facilities;
- (jj) “*Planning Act*” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or any successor thereto;
- (kk) “rate” means the interest rate established weekly by the Bank of Canada





based on Treasury Bills having a term of 91 days;

- (ll) “redevelopment” means the construction, erection or placing of one (1) or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential or from non-residential to residential;
- (mm) “regulation” means any regulation made under the Act;
- (nn) “residential dwelling” means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;
- (oo) “residential use” means the use of a building or structure or portion thereof for one or more dwelling units. This also includes a dwelling unit on land that is used for an agricultural use;
- (pp) “semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor;
- (qq) “service” means a service designed in Schedule “A” to this By-law, and “services” shall have a corresponding meaning;
- (rr) “Single detached dwelling” means a completely detached building containing only one dwelling unit;
- (ss) “Wind Turbine” means any wind energy system, comprising one or more turbines, that converts energy into electricity, with a combined nameplate generating capacity greater than 500 kilowatts and a height greater than 100 metres, that converts energy into electricity, and consists of a wind turbine, a tower, and associated control or conversion electronics. A wind turbine and energy system may be connected to the electricity grid in circuits at a substation to provide electricity off-site for sale to an electrical utility or other intermediary;



- (tt) “Zoning By-Law” means the Zoning By-Law of the Township or any successor thereof passed pursuant to Section 34 of the *Planning Act, S.O. 1998*;

## **2.0 DESIGNATION OF SERVICES**

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

- a) Library Services;
- b) Fire Protection Services;
- c) Policing Services;
- d) Indoor Recreation Services;
- e) Outdoor Recreation Services;
- f) Services Related to a Highway;
- g) Administration Studies – Engineering & Protection Services; and
- h) Administration Studies – Community Based Services.

2.2 The components of the services designated in subsection 2.1 are described in Schedule “A” to this By-law.



### **3.0 APPLICATION OF BY-LAW RULES**

- 3.1 Development charges shall be payable in the amounts set out in this By-law where:
- a) the lands are located in the area described in subsection 3.2; and
  - b) the development of the lands requires any of the approvals set out in clause 3.4(a).

#### **Area to Which By-law Applies**

- 3.2 Subject to subsection 3.3, this By-law applies to all lands in the geographic area of the Township of Melancthon.
- 3.3 This By-law shall not apply to lands that are owned by and used for the purposes of:
- a) the Township of Melancthon or a local board thereof;
  - b) a board as defined in section 1(1) of the *Education Act*; or
  - c) the Corporation of the County of Dufferin or a local board thereof.

#### **Approvals for Development**

- 3.4 (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
- (i) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
  - (ii) the approval of a minor variance under section 45 of the *Planning Act*;
  - (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
  - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;



- (v) a consent under section 53 of the *Planning Act*,
  - (vi) the approval of a description under section 50 of the *Condominium Act*, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or
  - (vii) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- (b) No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in subsection 3.4(a) are required before the lands, buildings or structures can be developed.
- (c) Despite subsection 3.4(b), if two or more of the actions described in subsection 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

### **Exemptions**

- 3.5 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:
- (a) an enlargement to an existing dwelling unit;
  - (b) one or two additional dwelling units in an existing single detached dwelling; or
  - (c) one additional dwelling unit in any other existing residential building;
- 3.6 Notwithstanding section 3.5(b), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.
- 3.7 Notwithstanding section 3.5, development charges shall be imposed if the additional unit has a gross floor area greater than



- i. in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
- ii. in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building.

### 3.8 Exemption for Industrial Development:

3.8.1 Notwithstanding any other provision of this by-law, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial building where the gross floor area is enlarged by 50 percent or less.

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

- 1) determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
- 2) divide the amount determined under subsection 1) by the amount of the enlargement

3.8.3 For the purpose of section 3.8 herein, “existing industrial building” is used as defined in the Regulation made pursuant to the Act.

### Other Exemptions:

3.9.1 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to lands, buildings or structures used as a place of worship, cemetery or burial ground exempt from taxation under the *Assessment Act*.

3.9.2 Notwithstanding the provisions of this By-law, development charges shall not be imposed on “an agricultural use”, including barns, silos, or other storage facilities for produce, livestock, or machinery and equipment used in connection with an existing agricultural operation, and other ancillary development to an agricultural use, but excluding a “residential dwelling”, an “on-farm diversified use” or a “cannabis production facility”.



## **Amount of Charges**

### **Residential Uses**

3.10 The development charges set out in Schedules B-1 and B-2 shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

### **Non-Residential Uses**

3.11 The development charges described in Schedules B-1 and B-2 to this by-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed use building or structure, on the non-residential uses in the mixed use building or structure, and calculated with respect to each of the services according to the total floor area of the non-residential use.

### **Wind Turbines**

3.12 The development charges described in Schedules B-1 and B-2 to this by-law shall be imposed on wind turbines with respect to services related to a highway and fire protection services on a per unit basis.

### **Reduction of Development Charges for Redevelopment**

3.13 Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 5 years prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.10 by the



number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and

- (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 3.11 by the gross floor area that has been or will be demolished or converted to another principal use;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

### **Time of Payment of Development Charges**

- 3.14 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of a building permit for the development.
- 3.15 Despite section 3.14, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

### **4. PAYMENT BY SERVICES**

- 4.1 Despite the payment required under subsections 3.11 and 3.12, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law.

### **5. INDEXING**

- 5.1 Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, on January 1<sup>st</sup> of each year, in accordance with the prescribed index in the Act.

### **6. SCHEDULES**

- 6.1 The following schedules shall form part of this By-law:

Schedule A - Components of Services Designated in section 2.1





Schedule B-1- Schedule of Development Charges for Engineering & Protection Services

Schedule B-2 - Schedule of Development Charges for Community Based Services

## **7. CONFLICTS**

7.1 Where the Township of Melancthon and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

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

## **8. SEVERABILITY**

8.1 If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

## **9. DATE BY-LAW IN FORCE**

9.1 This By-law shall come into effect at 12:01 AM on August \_\_, 2019.

## **10. DATE BY-LAW EXPIRES**

10.1 This By-law will expire at 12:01 AM on August \_\_, 2023 unless it is repealed by Council at an earlier date.

## **11. EXISTING BY-LAW REPEALED**

11.1 By-law Number 2014-22 is hereby repealed as of the date and time of this By-law coming into effect.



**12.0 SHORT TITLE**

12.1 This By-law may be referred to as the "Development Charges By-law".

**READ A FIRST AND SECOND TIME THIS xx DAY OF AUGUST, 2019.**

**READ A THIRD TIME AND FINALLY PASSED THIS xx DAY OF AUGUST, 2019.**

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**MAYOR**

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**CLERK**



## **Schedule "A"**

### **Township of Melancthon Components of Service**

- 1.0 Services Related to a Highway
- 2.0 Fire Protection Services
- 3.0 Policing Services
- 4.0 Administration Studies – Engineering & Protection Services
- 5.0 Indoor Recreation Services
- 6.0 Outdoor Recreation Services
- 7.0 Library Services
- 8.0 Administration Studies – Community Based Services



**Schedule “B-1”**  
**Township of Melancthon**  
**Schedule of Residential and Non-Residential Development Charges for Engineering & Protection Services**

Service	RESIDENTIAL				NON-RESIDENTIAL	Wind Turbines
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	(per sq.ft. of Gross Floor Area)	
<b>Municipal Wide Engineering &amp; Protection Services:</b>						
Services Related to a Highway	1,895	913	656	1,483	1.43	1,895
Fire Protection Services	1,080	521	374	845	0.80	1,080
Policing Services	12	6	4	9	0.01	-
Administration - Studies - Engineering & Protection Services	514	248	178	402	0.38	-
<b>Total Municipal Wide Engineering &amp; Protection Services</b>	<b>3,501</b>	<b>1,688</b>	<b>1,212</b>	<b>2,739</b>	<b>2.62</b>	<b>2,975</b>

**Schedule “B-2”**  
**Township of Melancthon**  
**Schedule of Residential and Non-Residential Development Charges for Community Based Services**

Service	RESIDENTIAL				NON-RESIDENTIAL	Wind Turbines
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	(per sq.ft. of Gross Floor Area)	
<b>Municipal Wide Community Based Services</b>						
Outdoor Recreation Services	56	27	19	44	0.02	-
Indoor Recreation Services	2,156	1,039	747	1,687	0.60	-
Library Services	172	83	60	135	0.05	-
Administration - Studies - Community Based Services	999	482	346	782	0.73	-
<b>Total Municipal Wide Community Based Services</b>	<b>3,383</b>	<b>1,631</b>	<b>1,172</b>	<b>2,648</b>	<b>1.40</b>	<b>-</b>