

THE CORPORATION OF THE TOWNSHIP OF RAMARA

BYLAW NO. 2022.49

**A BYLAW TO ESTABLISH TOWNSHIP-WIDE SOFT
SERVICES DEVELOPMENT CHARGES FOR THE
CORPORATION OF THE TOWNSHIP OF RAMARA**

WHEREAS subsection 2(1) of the *Development Charges Act, 1997* provides that a 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;

AND WHEREAS the Council of the Corporation of the Township of Ramara has given Notice in accordance with Section 12 of the *Development Charges Act, 1997*, of its intention to pass a development charge by-law under the Act;

AND WHEREAS the Council of the Township of Ramara on June 27, 2022 approved the Development Charge Background Study by Hemson Consulting Ltd. dated April 14, 2022, in which certain recommendations were made related to the establishment of a development charge policy for the Township pursuant to the *Development Charges Act, 1997*;

AND WHEREAS the Council of the Township of Ramara heard all persons who applied to be heard concerning the development charge proposal and background study at a public meeting held on May 2, 2022;

AND WHEREAS the Council of the Township of Ramara deems that no further public meetings were required;

AND WHEREAS the Council of the Township of Ramara has given consideration of the use of more than one development charge by-law to reflect different needs for services in different areas, also known as area rating or area-specific DCs, and has determined that for the services and associated infrastructure proposed to be funded by DCs under this by-law it is fair and reasonable that the charges be calculated on a municipal-wide uniform basis;

AND WHEREAS the Development Charges Background Study dated April 14, 2022 includes an Asset Management Plan that deals with all assets whose capital costs are intended to be funded under the development charge by-law and that such assets are considered to be financially sustainable over their full life-cycle.

AND WHEREAS the Council of the Township of Ramara will give consideration to incorporate the asset management plan outlined in the Development Charges

Background Study within the Township's ongoing practices and corporate asset management strategy.

NOW THEREFORE, the Council of the Corporation of the Township of Ramara hereby enacts as follows:

1. DEFINITIONS

1.1 In this by-law:

- a) **"Act"** shall mean the *Development Charges Act, 1997* and any amendment thereto.
- b) **"Commercial"** shall mean any land, building or structure used for the purpose of buying and selling commodities or supplying services for profit or gain.
- c) **"Council"** shall mean the Council of the Corporation of the Township of Ramara.
- d) **"Development"** shall mean the construction, erection or places of the one or more building or structures on land or the construction, erection or making of an addition or alteration to a building or structure that increases the size or floor area.
- e) **"Development charge"** shall mean a charge imposed on land with respect to this by-law.
- f) **"Dwelling Unit"** shall mean any part of a building or structure or mobile home as defined in Section 46 of the Planning Act used or intended to be used as living quarters whether on a permanent or seasonal basis.
- g) **"Floor area"** shall mean the total of all floor area within the building or structure measured between the outside surfaces of the exterior walls and shall include floor area below grade. For the purpose of this by-law, floor area shall not include the floor area used for equipment for the heating, cooling, ventilating, electrical, or mechanical for the building.
- h) **"Industrial"** shall mean any land, building or structure used for manufacturing processing, fabricating or assembly of raw materials or goods or warehousing or bulk storage of goods and shall include any related accessory uses.
- i) **"Institutional"** shall mean any land, building or structure used by an organized body, religious group or society for a not for profit and non commercial purpose and includes such uses as schools, place of worship, community centre, nursing home, home for the aged, library and government building, but shall not include any residential use or group home.

- j) **"Non-residential"** shall mean any commercial, industrial or institutional use.
- k) **"Re-development"** shall have the same meaning as development.
- l) **"Residential use"** shall mean the lands, building 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 townhouse dwelling, an apartment dwelling, and the residential portion of a mixed use building or structure;

2. DESIGNATED MUNICIPAL SERVICES

- 2.1 The designated municipal services for which the development charge will be collected are:
 - 1. Library Services;
 - 2. Parks and Recreation; and
 - 3. Development-Related Studies

3. APPLICABLE LANDS, BUILDINGS AND STRUCTURES

- 3.1 This by-law shall apply to all lands within the geographic limits of the Township.
- 3.2 This by-law shall not apply to land that is owned by and used for the purpose of:
 - a) the Township or local board thereof;
 - b) the County of Simcoe
 - c) a Board of Education
- 3.3 This by-law shall not apply to:
 - a) the enlargement of an existing dwelling unit or the creation of additional dwelling units in an existing residential building in accordance with the Regulations;
 - b) the enlargement of the gross floor area of an existing industrial building, as per Section 4 of the Act;
 - c) a non-residential building used or designated or intended for use in connection with the production of crops, animal husbandry or other similar uses normally associated with agriculture;
 - d) an institutional building;
 - e) All non-residential development, as defined herein, for all lands within the Township except those shown in Schedule "B" as attached to this by-law. For greater certainty, these lands are designated as the "Rama Road Economic Employment District".

4. TRIGGERS FOR THE CHARGE

4.1 Development charges shall be imposed on land to be developed or re-developed for residential and non-residential use only 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 of the Planning Act;
- 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;
- g) the issuing of a permit under the Building Code Act, in relation to a building or structure.

5. SCHEDULE OF DEVELOPMENT CHARGES

5.1 to the provision of this by-law, development charges against land shall be imposed and collected in accordance with the rates set out in Schedule "A" to this by-law.

6. LOCAL SERVICE INSTALLATION

6.1 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 an owner, at his or her own expense, shall install or pay for such local services, as Council may require in accordance with Section 59 of the Act.

7. MULTIPLE CHARGES

7.1 Where two or more of the actions described in subsection 4.1 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 provision of this by-law;

- 7.2 Notwithstanding subsection 7.1, if two or more of the actions described in subsection 5(1) occur at different times, and if the subsequent action had the effect of increasing the need for municipal services, an additional development charge on the additional residential dwelling units and non-residential floor area, shall be calculated and collected in accordance with the provision of the by-law.

8. SERVICES IN LIEU

- 8.1 Council may by agreement with an owner of land, substitute services in lieu for all or part of the development charge applicable to the owner's land as may be specified in the agreement. Such agreement shall specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against of the development charge.

9. DEVELOPMENT CHARGES CREDITS

- 9.1 In the case of the demolition or removal of all or part of a building or structure, a credit for the number of residential dwelling units or non-residential floor area will be recognized provided that a building permit has been issued for the development or re-development within 3 years from the date of demolition permit was issued. If no demolition permit was issued, no credit will be recognized.
- 9.2 Where an impost fee, lot levy or like charge was paid to the Township since the passage of development charge by-laws under authority of the *Development Charges Act, 1989*; namely:

By-law 92.03 of the Township of Mara; and
By-law 92.02 of the Township of Rama;

or where a development charge has been paid to the Township since the passage of development charge by-laws under the authority of the *Development Charges Act, 1989*, namely:

By-law 92.03 of the Township of Mara; and
By-law 92.02 of the Township of Rama;
And any amendment thereto;

or where a development charge is paid to the Township under the authority of this by-law and any amendment thereto;

a credit to the amount paid will be recognized toward the current development charge so that the applicant shall top up the recognized credit to an amount equal to the development charge at the time the building permit is issued.

10. TIMING OF CALCULATION AND PAYMENT

- 10.1 Development charges shall be calculated and payable in accordance with Section 26, Section 26.1 and Section 26.2 of the *Development Charges Act*.
- 10.2 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 to the Treasurer of the Township.
- 10.3 Notwithstanding Section 10.1, the development charge may be payable with respect to an approval of a plan of subdivision under Section 51 or the *Planning Act* immediately upon entering into an agreement and with respect to a consent under Section 53 of the *Planning Act*, immediately upon entering into a consent agreement and prior to final approval of the consent.
- 10.4 In accordance with Section 27 of the *Development Charges Act*, Council 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.

11. INTEREST RATES

- 11.1 The municipality may charge interest on the installments required by Section 26.1(3) of the *Development Charges Act* from the date the development charge would have been payable in accordance with Section 26 of the *Development Charges Act* to the date the installment is paid.
- 11.2 Where Section 26.2 (1)(a) or (b) of the *Development Charges Act* applies, the municipality may charge interest on the development charge from the date of the application referred to in the applicable clause to the date the development charge is payable under Section 26.2(3) of the *Development Charges Act*.
- 11.3 The municipality may determine, by Council resolution, interest rates in relation to Sections 11.1 and 11.2.

12. RESERVE FUNDS

- 12.1 The municipality will establish a separate reserve fund for each of the services set out in subsection 2.1 of this by-law.
- 12.2 The Treasurer shall invest each reserve fund in accordance with Council policy.

12.3 Council may borrow from the reserve funds and in accordance with the Act at the Bank of Canada Rate in effect at the date of passage of this by-law updated quarterly on the first business day of January, April, July and October of each year.

12.4 The Treasurer shall submit an annual report on each reserve fund to Council by March 31 of the year following and in accordance with the Act and Regulations thereto.

13. BY-LAW AMENDMENT OR APPEAL

13.1 Where this by-law or any development charge prescribed thereunder is amended or repealed by order of the Local Planning Appeal Tribunal, the Municipal Treasurer shall calculate forthwith the amount of any overpayment to be refunded plus interest as a result of said amendment or repeal;

13.2 Refunds that are required to be paid under subsection 12.1 shall be paid within 15 business days 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 interest rates shall be the Bank of Canada interest rate in effect on the date of enactment of the by-law update on the first business day of every January, April, July and October thereafter shall be used.

14. BYLAW INDEXING

14.1 The development charges set out in Schedule "A" to this by-law shall be adjusted annually on September 1, without amendment to this by-law, in accordance with the most recent twelve month change in the Statistic Canada Quarterly Construction Price Statistics.

15. BY-LAW ADMINISTRATION

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

16. SEVERABILITY

16.1 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.

17. REPEAL

17.1 All former bylaws respecting Township-Wide Soft Services Development Charges for the Corporation of the Township of Ramara, including By-law 2015.13 and any amendments thereto are hereby repealed effective on the date this By-law comes into force and effect (July 1, 2022).

18. SCHEDULES TO THE BY-LAW

18.1 Schedule "A" and Schedule "B" attached hereto shall be and form part of this by-law.

19. DATE BY-LAW EFFECTIVE

19.1 This by-law shall come into force and effect on July 1, 2022.

**BYLAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 27 DAY OF JUNE, 2022.**

The Corporation of the
Township of Ramara

Original Signed By

BASIL CLARKE, MAYOR

Original Signed By

CATHY WAINMAN, DEPUTY CLERK

Status: Passed

SCHEDULE “A” TO BY-LAW 2022.

Schedule of Township-Wide Development Charges: Soft Services

SERVICE	Charge Per Unit Type			Non-Residential Charge (\$/sq.m.)
	Singles/ Semis	Rows / Other Multiples	Apartments	
Library Services	\$708	\$583	\$554	\$0.00
Parks And Recreation	\$740	\$609	\$579	\$0.00
Development-Related Studies	\$80	\$66	\$63	\$0.51
TOTAL CHARGE	\$1,528	\$1,258	\$1,196	\$0.51

SCHEDULE "B" TO BY-LAW 2022.

Rama Road Economic Employment District

