

THE CORPORATION OF THE CITY OF NORTH BAY
BY-LAW NUMBER 2004-199

A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES
FOR THE CORPORATION OF THE CITY OF NORTH BAY

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 North Bay ("City of North Bay") has given Notice on October 30, 2004 according to 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 North Bay 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 November 22, 2004;

AND WHEREAS the Council of the City of North Bay had before it a report entitled Development Charge Background Study dated November 5, 2004 prepared by C.N. Watson and Associates Ltd., wherein it is indicated that the development of any land within the City of North Bay will increase the need for services as defined herein;

AND WHEREAS the Council of the City of North Bay on November 29, 2004, approved the applicable Development Charge Background Study, as amended, inclusive of the capital forecast therein, in which certain recommendations were made relating to the establishment of a development charge policy for the City of North Bay pursuant to the *Development Charges Act, 1997*;

AND WHEREAS the Council of the City of North Bay on November 29, 2004, determined that no additional public meeting was required to be held as part of the approval process.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law,
 - (1) "Act" means the *Development Charges Act, 1997, c. 27*;
 - (2) "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 *Development Charges Act, 1997*.
 - (3) "Agricultural use" means a bona fide farming operation;

- (4) "Apartment dwelling" means any dwelling unit within a building containing more than four dwelling units where the units are connected by an interior corridor;
- (5) "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;
- (6) "Board of education" means a board defined in s.s. 1(1) of the *Education Act*;
- (7) "Building Code Act" means the *Building Code Act*, 1992, S.O. 1992, c.23, 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*, R. O. 1990, c. 57, 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.
- (9) "Council" means the Council of The Corporation of the City of North Bay;
- (10) "Development" means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 6 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;

- (11) "Development charge" means a charge imposed pursuant to this By-law;
- (12) "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;
- (13) "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;
- (14) "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- (15) "Group home" means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit, supervised on a 24 hour a day basis on site by agency staff on a shift rotation basis, funded wholly or in part by any government and licensed, approved or supervised by the Province of Ontario under a general or special Act and amendments or replacements thereto, for the accommodation of not less than 3 and not more than 8 residents, exclusive of staff;
- (16) "Industrial use" means the use of land, structure, or building for the purpose of carrying out manufacturing processes, and also includes transportation, wholesale, warehousing, storage or shipping;
- (17) "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 of the municipality or any part or parts thereof;
- (18) "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*;
- (19) "Multiple dwelling" means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment dwellings;
- (20) "Municipality" means The Corporation of the City of North Bay;

- (21) "Non-profit housing" means housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by i) a non-profit corporation being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof; or ii) a non-profit housing co-operative having the same meaning as in the *Co-operative Corporations Act*, R.S.O. 1990, c.C.35, as amended;
- (22) "Non-residential uses" means a building or structure used for other than a residential use;
- (23) "Official plan" means the Official Plan of the City of North Bay and any amendments thereto;
- (24) "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;
- (25) "Planning Act" means the *Planning Act, 1990*, R.S.O. 1990, c.P.13, as amended;
- (26) "Regulation" means any regulation made pursuant to the Act;
- (27) "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;
- (28) "Semi-detached dwelling" means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;
- (29) "Services" means services set out in Schedule "A" to this By-law;
- (30) "Single detached dwelling" means a completely detached building containing only one dwelling unit.
- (31) "Gross floor area" means the total floor area measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls.

CALCULATION OF DEVELOPMENT CHARGES

- 2. (1) Subject to the provisions of this By-law, development charges against land in the municipality 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 a 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 Schedules "B" and "C";
 - (b) in the case of non-residential development or redevelopment, or a non-residential portion of a mixed-use development or redevelopment, the development charge shall be the gross floor area of such area multiplied by the corresponding total dollar amount per square metre of gross floor area, as set out in Schedule "B".
- (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".

Cedar Heights Area

- (4) In addition to the development charge payable pursuant to the provisions of subsection (1), a supplementary development charge as set out on Schedule "C" shall be also be payable on the lands in the Cedar Heights Area as shown on Schedule "E" for the development or redevelopment of land in such area

Rural Area

- (5) Notwithstanding the provision of subsection (1), the development charge on the lands shown as the Rural area on Schedule "D" shall be 50 % of the development charge for a single-detached unit (as shown on Schedule "B").

Downtown Improvement Area

- (6) Notwithstanding the provision of subsection (1), the development or redevelopment of land is exempt from the development charge if it is located inside of the boundary of the Downtown Improvement Area as defined by North Bay By-law 144-77, as amended from time to time.

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 Section 5, this by-law applies 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) a place of worship exempt under s.3 of the *Assessment Act*;
 - (d) universities and colleges exempt under s.3 of the *Assessment Act*;
 - (e) a public hospital under the *Public Hospitals Act*;
 - (f) non-profit housing and group homes;
 - (g) industrial uses.

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 residential dwelling unit;
 - (b) 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;
 - (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;
 - (d) the creation of apartment dwellings having a gross floor area not greater than 37 square metres.
- (2) Notwithstanding subsection 5(1) (b), development charges shall be calculated and collected in accordance with Schedules "B" and "C" 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 Schedules "B" and "C" 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 smallest existing dwelling unit, and
 - (b) in the case of any other residential building, the residential gross floor area of the smallest existing dwelling unit.

DEVELOPMENT CHARGES IMPOSED

6. (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,
- (i) 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;
 - (ii) the approval of a minor variance under Section 45 of the *Planning Act*, R.S.O. 1990, c.P.13;
 - (iii) 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;
 - (iv) the approval of a plan of subdivision under Section 51 of the *Planning Act*, R.S.O. 1990, c.P. 13;
 - (v) a consent under Section 53 of the *Planning Act*, R.S.O. 1990, c.P. 13;
 - (vi) the approval of a description under Section 50 of the *Condominium Act*, R.S.O. 1980, c.84; or
 - (vii) 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

7. Nothing in this by-law prevents Council from requiring, as a condition of an agreement under Section 41, 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 or site plan control agreement relates, as Council may require.

MULTIPLE CHARGES

8. (1) Where two or more of the actions described in subsection 6(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 6(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 floor area, shall be calculated and collected in accordance with the provisions of this by-law.

SERVICES IN LIEU

9. (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 which 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 RE-DEVELOPMENT

10. In the case of the demolition of all or part of a residential or non-residential building or structure:

- (1) a credit shall be allowed, provided that the land was improved by occupied structures within the five years prior to the issuance of the building permit, and the building permit has been issued for the development or redevelopment within five years from the date the demolition permit has been issued; and
 - (2) if a development or redevelopment involves the demolition of and replacement of a building or structure, or the conversion from one principal use to another, a credit shall be allowed equivalent to:
 - (a) the number of dwelling units demolished/converted multiplied by the applicable residential development charge in place at the time the development charge is payable, and/or
 - (b) the gross floor area of the building demolished/converted multiplied by the current non-residential development charge in place at the time the development charge is payable.
11. A credit can, in no case, 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

12. (1) Development charges shall be calculated and payable 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.

RESERVE FUNDS

13. (1) Monies received from payment of development charges under this by-law shall be maintained in separate reserve funds.
- (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) The City Treasurer shall divide the reserve funds created hereunder into separate subaccounts in accordance with the service 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 City Treasurer shall, in each year commencing in 2005 for the 2004 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 by order of the Ontario Municipal Board, the City 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 Schedules "B" and "C" to this by-law may be adjusted annually on January 1 each year, without amendment to this by-law, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, "Construction Price Statistics". The first adjustment to the development charges may be made on January 1, 2006.

SEVERABILITY

16. 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

17. 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 REGISTRATION

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

BY-LAW ADMINISTRATION

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

SCHEDULES TO THE BY-LAW

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

- Schedule A - Designated Municipal Services
- Schedule B - Schedule of City-wide Development Charges
- Schedule C - Rate Schedule for Additional Area Specific Development Charges (Cedar Heights / College Education Centre/Heritage Fund Special Area)
- Schedule D - Schedule of Rural Area
- Schedule E - Schedule of Cedar Heights / College Education Centre/Heritage Fund Special Area

DATE BY-LAW EFFECTIVE

21. This By-law shall come into force and effect on the day following the day of its approval by Council.

EXISTING BY-LAW EXPIRY

22. By-law 1999-156, as amended, is repealed on the day this by-law shall come into force.

SHORT TITLE


23. This by-law may be cited as the "North Bay Development Charge By-law, 2004."

READ A FIRST TIME IN OPEN COUNCIL THIS 13TH DAY OF DECEMBER 2004.

READ A SECOND TIME IN OPEN COUNCIL THIS 13TH DAY OF DECEMBER 2004.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 13TH DAY OF DECEMBER 2004.


MAYOR


CITY CLERK

THIS IS SCHEDULE "A" TO BY-LAW NO. 2004-199 OF THE CORPORATION OF THE CITY OF NORTH BAY

DESIGNATED MUNICIPAL SERVICES

The services for which development charges are imposed are listed below in the following categories:

- (a) water purification and distribution works;
- (b) trunk sanitary sewers and treatment plant capacity;
- (c) roads and related works, including bridges, sidewalks, streetlights, traffic signals, works yards and equipment and services related thereto;
- (d) development-related capital studies;
- (e) fire stations, vehicles and equipment and services related thereto;
- (f) parkland and trail development and equipment and services related thereto;
- (g) recreation facilities and equipment and services related thereto;
- (h) library facilities and furnishings and (non-computer) equipment and services related thereto, including circulating and non-circulating materials generally provided to library users by public libraries;
- (i) transit vehicles and equipment and services related thereto.

THIS IS SCHEDULE "B" TO BY-LAW NO. 2004-199 OF THE CORPORATION OF THE CITY OF NORTH BAY

<u>Uses of Land, Buildings, or Structures</u>	Residential Development Charge (Per Housing Unit)					Non Residential Per Square Metre of Gross Floor Area
	Single Family & Semi-Detached Dwellings	2 Bedroom & Larger Apartments	Bachelor & 1 Bedroom Apartments	All Other Dwelling Unit Types	Units in the Rural Area	
Service						
Studies	\$143	\$81	\$51	\$119	\$110	\$0.32
Fire	\$7	\$4	\$3	\$6	\$5	\$0.02
Transit	\$30	\$17	\$11	\$25	\$23	\$0.07
Parks and Recreation	\$556	\$315	\$199	\$465	\$428	\$0.10
Library	\$118	\$67	\$42	\$99	\$91	\$0.02
Roads (including Public Works)	\$1,387	\$787	\$496	\$1,159	\$1,068	\$3.17
Subtotal	\$2,241	\$1,271	\$802	\$1,873	\$1,725	\$3.70
Water Distribution	\$623	\$354	\$223	\$521	\$0	\$1.37
Sanitary Sewerage	\$586	\$332	\$210	\$490	\$0	\$1.29
TOTAL DEVELOPMENT CHARGE	\$3,450	\$1,957	\$1,235	\$2,884	\$1,725	\$6.36

1. Industrial development in exempt under this by-law.

total check 3,526 2,079 5,080 2,783

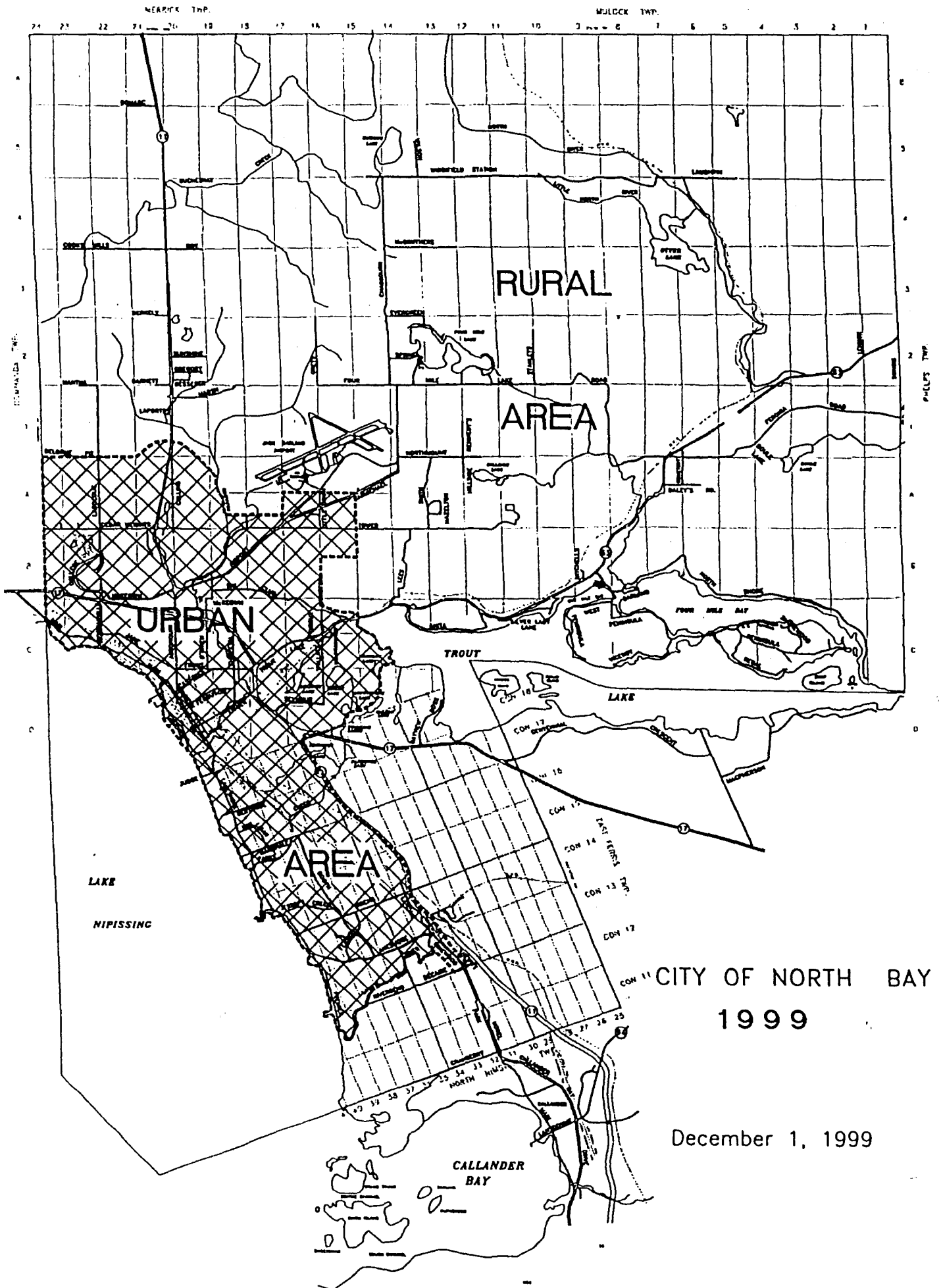
THIS IS SCHEDULE "C" TO BY-LAW NO. 2004-199 OF THE CORPORATION OF THE CITY OF NORTH BAY

**RATE SCHEDULE FOR ADDITIONAL AREA-SPECIFIC DEVELOPMENT CHARGES
CEDAR HEIGHTS/COLLEGE EDUCATION CENTRE/HERITAGE FUND SPECIAL AREA**

<u>SERVICE</u>	<u>Per Dwelling Unit</u>
Sanitary Sewer	\$194
Water	<u>951</u>
Total	\$1,146

This development charge only applies within the Cedar Heights/College Education Centre/Heritage Fund special area as set out in Schedule "E".

**City of North Bay
Schedule "D"
By-law No. 2004-199
Schedule of Rural Area**



Schedule 'E' - Page 1

By-Law No. 2004-199

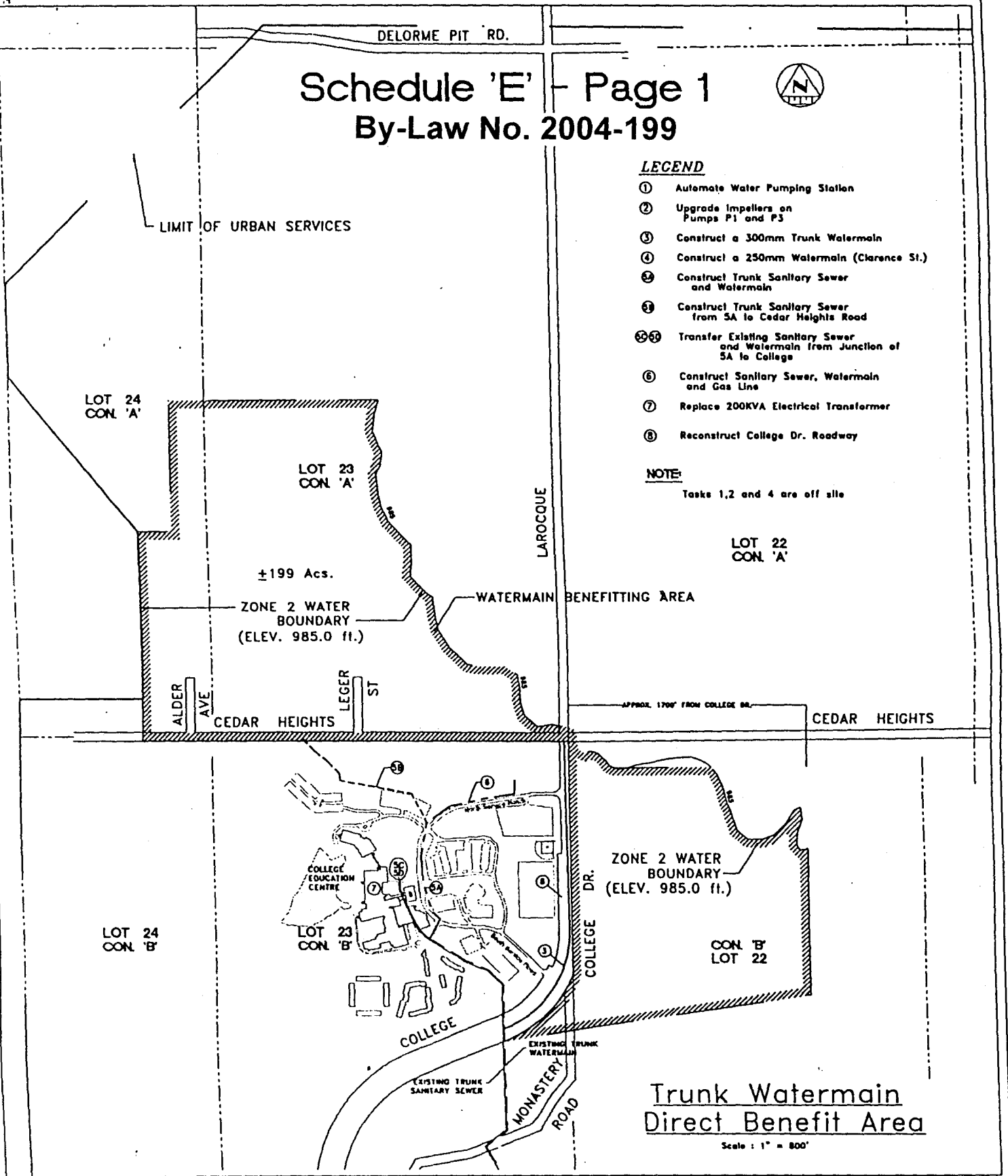


LEGEND

- ① Automate Water Pumping Station
- ② Upgrade Impellers on Pumps P1 and P3
- ③ Construct a 300mm Trunk Watermain
- ④ Construct a 250mm Watermain (Clarence St.)
- ⑤ Construct Trunk Sanitary Sewer and Watermain
- ⑥ Construct Trunk Sanitary Sewer from SA to Cedar Heights Road
- ⑦ Transfer Existing Sanitary Sewer and Watermain from Junction of SA to College
- ⑧ Construct Sanitary Sewer, Watermain and Gas Line
- ⑨ Replace 200KVA Electrical Transformer
- ⑩ Reconstruct College Dr. Roadway

NOTE:

Tasks 1, 2 and 4 are off site



Trunk Watermain Direct Charges

Total Estimated Cost	Direct Benefit Area	No. Dwelling Units/Acre	Total No. Dwellings as Direct Benefit	Total Charge Per Dwelling Unit
\$1,055,000	199.0 Ac.	6.0	1194	\$883.00

City of North Bay

College Education Centre
Trunk Watermain Servicing

Schedule of Direct
Development Charges

December 1, 1999

CITY/SER-EXTN

Schedule 'E' - Page 2

By-Law No. 2004-199

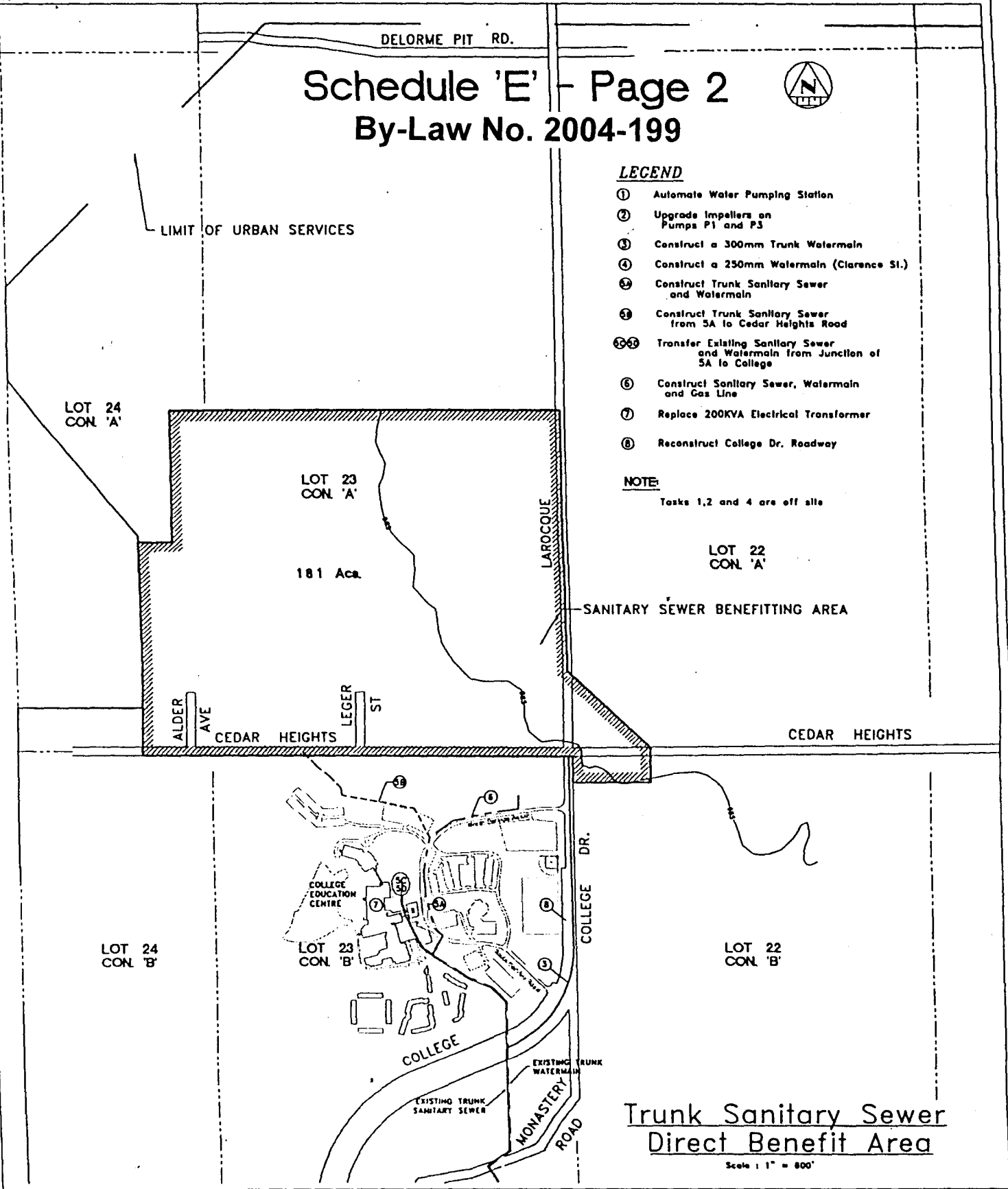


LEGEND

- ① Automate Water Pumping Station
- ② Upgrade Impellers on Pumps P1 and P3
- ③ Construct a 300mm Trunk Watermain
- ④ Construct a 250mm Watermain (Clearance 51.)
- ⑤ Construct Trunk Sanitary Sewer and Watermain
- ⑥ Construct Trunk Sanitary Sewer from 5A to Cedar Heights Road
- ⑦ Transfer Existing Sanitary Sewer and Watermain from Junction of 5A to College
- ⑧ Construct Sanitary Sewer, Watermain and Gas Line
- ⑨ Replace 200KVA Electrical Transformer
- ⑩ Reconstruct College Dr. Roadway

NOTE:

Tasks 1,2 and 4 are off site



Trunk Sanitary Sewer Direct Benefit Area

Scale: 1" = 800'

Trunk Sanitary Sewer Direct Charges

Total Estimated Cost	Direct Benefit Area	No. Dwelling Units/Acre	Total No. Dwellings as Direct Benefit	Total Charge Per Dwelling Unit
\$195,000	181.0 Ac.	6.0	1086	\$180.00

City of North Bay

College Education Centre
Trunk Sanitary Sewer Servicing

Schedule of Direct
Development Charges