



**The Corporation of Norfolk County**

**By-Law 2019-100**

**Being a By-Law respecting Development Charges on Lands within The Corporation of Norfolk County.**

**WHEREAS** section 2(1) of the Development Charges Act, 1997, S.O. 1997, Chapter 27 (hereinafter may be referred to as "the Act") authorizes municipalities to pass a by-law for the imposition of 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 this by-law applies;

**AND WHEREAS** Norfolk County, as required by Section 10 of the Act, has undertaken and completed a development charge background study regarding the anticipated amount, type and location of development; the increase in needs for services; estimated capital costs to provide for such increased needs, including the long term capital and operating costs for capital infrastructure required for the services;

**AND WHEREAS** as required by Section 11 of the Act this By-law is being enacted within one year of the December 2018 completion of the said development charge background study, titled " Norfolk County 2018 Development Charges Background Study," dated December 21, 2018 prepared by Watson & Associates Economists Ltd. and has been made available to the public at least two weeks prior to the public meeting;

**AND WHEREAS** the Council of Norfolk County, at its meeting of October 15, 2019 has adopted the Development Charges Background Study, as amended;

**AND WHEREAS** in advance of passing this By-law the Council of Norfolk County has given notice of and held a public meeting on April 23, 2019 in accordance with Section 12(1)(b) of the Development Charges Act, 1997 regarding its proposals for this development charges by-law;

**AND WHEREAS** the Council of Norfolk County, has heard all persons who applied to be heard no matter whether in objection to, or in support of, the said By-law;

**AND WHEREAS** by resolution adopted by Council on October 15, 2019, Council has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development will be met;

**AND WHEREAS** by resolution adopted by Council on October 15, 2019, Council has indicated its intent that the future excess capacity identified in the Study shall be paid for by development charges or other similar charges;

**NOW THEREFORE** the Council of The Corporation of Norfolk County hereby enacts as follows:

**1. Definitions**

In this By-law,

- 1.1** "agricultural land" means land which is zoned for agricultural or farming uses in the zoning by-law of Norfolk County, or a predecessor municipality;
- 1.2** "apartment" means a building consisting of more than one dwelling unit with a private bathroom and kitchen facilities in each unit and which is not a single detached dwelling, a semi-detached dwelling, a farm help house, a multiple unit dwelling, a mobile home or a temporary residential structure;
- 1.3** "bedroom" includes any room which can be used as sleeping quarters but does not include a kitchen, bathroom, living room or dining room;
- 1.4** "benefiting area" means an area defined by a map, plan or legal description on a front-ending agreement as an area that will receive a benefit from the construction of a service;
- 1.5** "brownfields" mean abandoned, idled or underutilized industrial and commercial properties where expansion or redevelopment is complicated by real or perceived environmental contamination, building deterioration/obsolescence, and/or inadequate infrastructure which have been specifically designated as such by Council;
- 1.6** "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.
- 1.7** "cannabis plant" means a plant that belongs to the genus *Cannabis*;
- 1.8** "cannabis production facility" means a building, or part thereof, designed, used, or intended to be used for one or more of the following: cultivation, 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;
- 1.9** "capital cost" includes the capital costs defined in Section 5(3) of the Act;

- 1.10** "commercial development" means a building or structure used, designed or intended for use for, or in connection with the purchase and/or sale and/or rental of commodities; the provision of services for a fee; or the operation of a business office. Commercial development does not include a "retail development", an "industrial development", or "roofed accommodation development" as defined herein;
- 1.11** "Council" means the Council of Norfolk County;
- 1.12** "development" includes redevelopment;
- 1.13** "development charge or development charges" means the charges imposed by this By-law against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which this By-law applies;
- 1.14** "existing industrial development" means an industrial development that existed at the time of this by-law's passage;
- 1.15** "farming business" means a business operating on agricultural land with a current Farm Business Registration Number issued pursuant to the Farm Registration and farm Organization Funding Act, 7993, S.O. 1993 Chapter 21 and assessed in the Farmland Realty Tax Class by the Municipal Property Assessment Corporation;
- 1.16** "farm help house", means a residential building constructed on a farm and not attached to any other building or structure, with sleeping, cooking, living and sanitary facilities, and used for seasonal, interim or occasional residential uses by farm labourers;
- 1.17** "grade" means the average level of proposed or finished ground adjoining, at all exterior walls, a building containing one or more dwelling units, a non-residential building or structure with both residential and non-residential uses;
- 1.18** "gross floor area" means the total area of all floors above and below grade of a building containing one or more dwelling units or a non-residential building or structure of a building or structure with both residential and non-residential uses 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 or non-residential building or structure from another dwelling unit or non-residential building or structure or other portion of a building, and excludes those areas used exclusively for parking garages or parking structures, except where parking garages or parking structures are used for the sale, lease, or service of vehicles;
- 1.19** "growth-related net capital cost" means the portion of the net capital cost of services that is reasonably attributable to the need for such net capital costs that results or will result from development in all or a defined part of Norfolk County;

- 1.20** "industrial development" means a building used for, or in connection with:
- a. Manufacturing, producing, processing, storing or distributing something;
  - b. Research or development in connection with manufacturing, producing or processing, something;
  - c. Retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site which the manufacturing, production or processing takes place;
  - d. Office or administrative purposes, if they are:
    - i) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and,
    - ii) in or attached to the building or structure used for that manufacturing, producing or processing, storage or distribution;
  - e. Without limiting the generality of the foregoing, industrial development also includes a building used as a commercial greenhouse which is not a farm business as defined herein, a warehouse, and a mini-storage facility;
  - f. Industrial development does not include cannabis production facilities.
- 1.21** "institutional" means a building used for, or in connection with religious, charitable, cultural, educational, governmental, health or welfare purposes and shall include but not be limited to, public and private non-commercial schools, nursery schools or day care facilities;
- 1.22** "local board" means a school board, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, or any other board, commission, committee, or local authority established or exercising any power of authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of Norfolk County;
- 1.23** "manufactured home" means a manufactured home as defined in the Building Code Act, standard for manufactured homes CSA A-277, "Procedure for Certification of Factory Built Houses";
- 1.24** "mixed use development" means a building or structure in which there are or will be both residential and non-residential uses, but does not include a hotel, motel, resort development, guest house, boarding house, nursing home, retirement living multiple unit dwelling or home for the aged;
- 1.25** "mobile home" means a mobile home as defined in the Building Code Act, standard for mobile homes CAN/CSA-Z240.2.1 "Structural Requirements for Mobile Homes";
- 1.26** "multiple unit dwelling" means a residential building consisting of three or more dwelling units attached by a vertical wall or walls and not abutting any dwelling units along a horizontal plane;

- 1.27** "net capital cost" means the capital cost less capital grants, subsidies and other contributions made to the County or that the Council of Norfolk County anticipates will be made, including conveyances or payments under Sections 42, 51, and 53 of the Planning Act, R.S.O. 1990, Chapter P.13 in respect of the capital cost;
- 1.28** "non-residential" means a building used for or in connection with other than residential use, and, without limiting the generality of the foregoing includes commercial, industrial, institutional and retail development;
- 1.29** "place of worship" means a building or structure which is or would be classified as exempt from taxation for realty taxes in accordance with the exemption for "...every place of worship and land used in connection therewith and every churchyard, cemetery or burying ground," in Assessment Act, R.S.O. 1990, Chapter A.31;
- 1.30** "predecessor municipality" means the former Regional Municipality of Haldimand- Norfolk, former Corporation of the City of Nanticoke, former Corporation of the Town of Simcoe, former Corporation of the Township of Delhi and former Corporation of the Township of Norfolk;
- 1.31** "County" means the body corporate continued as a municipality under the name "The Corporation of Norfolk County";
- 1.32** "residential" includes:
- i) single detached dwellings;
  - ii) individual dwelling units in semi-detached dwellings;
  - iii) farm help houses;
  - iv) individual mobile homes;
  - v) individual dwelling units in multiple unit dwellings;
  - vi) individual apartment dwelling units;
  - vii) individual manufactured homes;
  - viii) temporary residential structures;
  - ix) semi-detached dwellings, multiple unit dwellings and apartments in buildings or structures which are not exclusively used for residential purposes;
  - x) residential facility; and,
  - xi) tiny homes.
- 1.33** "residential facility" means a building containing two or more dwelling units which dwelling units do not have self-contained kitchens. Residential facility includes a garden suite within the meaning of Section 39.1 of the Planning Act. R.S.O. 1990, c. P.13, as amended. Residential facility does not include a single detached dwelling, a semi-detached dwelling, a farm help house, a multiple unit dwelling, an apartment, or roofed accommodation as defined herein;

- 1.34** "retail development" means land, buildings or portions thereof used, designed or intended for use for the purpose of offering foods, wares, merchandise, substances, articles or things for sale directly or providing entertainment to the public and includes rental of wares, merchandise, substances, articles or things and includes offices and storage in connection with, related or ancillary to such retail uses. Retail development includes, but is not limited to: conventional restaurants; fast food restaurants; concert halls | theatres | cinemas | movie houses / drive-in theatres; automotive fuel stations with or without service facilities; specialty automotive shops | auto repairs | collision serviced car or truck washes; auto dealerships' regional shopping centres; community shopping centres; neighbourhood shopping centres, including more than two stores attached and under one ownership; department | discount stores; banks and similar financial institutions; including credit unions (excluding freestanding bank kiosks); warehouse clubs and retail warehouses. Retail development does not include roofed accommodation development.
- 1.35** "roofed accommodation development" means a building or structure used, designed or intended for use for the purpose of offering overnight accommodation to the public and includes hotels, motels, and inns;
- 1.36** "semi-detached dwelling" means a residential building consisting of two dwelling units attached by a vertical wall or walls;
- 1.37** "services" means services designated in Schedule "A" of this By-law or designated in a front-ending agreement;
- 1.38** "single detached dwelling" means a residential building containing one dwelling unit and not attached to another building or structure, whether or not the sole single detached dwelling is situated on a single lot, and includes manufactured homes but excludes tiny homes;
- 1.39** "temporary building or structure" means building without a foundation which is constructed, erected or placed on land for a continuous period of time not exceeding one (1) year, or a like addition or alteration to an existing building or an existing structure that has the effect of increasing the usability thereof for a continuous period not exceeding one (1) year. Temporary building or structure excludes a garden suite within the meaning of Section 39.1 of the Planning Act, R.S.O. 1990, c. P. 13, as amended; and
- 1.40** "tiny home" means a dwelling unit with a minimum useable floor area as determined by the Ontario Building Code, and a maximum usable floor area of 100 square metres.

## **2. Scope of By-Law**

- 2.1** This By-law applies to all of the land within Norfolk County.

### **3. Development Charges**

**3.1** The development of land, buildings or structures for residential and non-residential uses have required or will require the provision, enlargement, expansion of the services referenced in Schedule A.

- i) For the purposes of the water and wastewater services, development charge will be imposed if the development has or will have access to these services by 2041 (the term of the Development Charge Study).

**3.2** The development of land is subject to a development charge where the development requires one of the following:

- i) The development of land is subject to a development charge where the development requires one of the following:
- ii) The passing of a zoning by-law or an amendment thereto under Section 34 of the Planning Act;
- iii) The approval of a minor variance under Section 45 of the Planning Act;
- iv) A conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
- v) The approval of a plan of subdivision under Section 51 of the Planning Act;
- vi) A consent under Section 53 of the Planning Act;
- vii) The approval of a description under Section 50 of the Condominium Act; R.S.O. 1990, Chapter 26; or
- viii) The issuing of a permit under the Building Code Act, 1992, S.O. 1992, Chapter 23, in relation to a building or structure.

### **4. Calculation of Development Charges**

**4.1** The development charge with respect to the development of any land, buildings and structures are to be calculated and collected in accordance with the rates set out in Schedule "B" and Schedule "C", subject to the other provisions of this by-law, calculated as follows:

- i) In the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units;
- ii) In the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the gross floor area of such development;

**4.2** Subject to the provisions of this by-law, development charges against land are to be calculated and collected in accordance with the rates set out in Schedule “B” and Schedule “C” in respect of the services set out in Schedule “A” of this by-law.

a) Mixed-Use Development

- i) Where a development has both residential and non-residential uses, development charges will be assessed against both uses, to the extent of their respective uses of a building or structure, and as though the uses were separate.

b) Redevelopment

- i) Development charges payable in a redevelopment shall be calculated by reducing the development charges payable by the maximum number of former residential units or by the maximum non-residential former gross floor area (as the case may be) which had been on the same property within ten (10) years of an action or approval required in Section 4 of this by-law, but has since been demolished. Any such reduction shall not produce a refund.

c) Change of Use

- i) Where an existing non-residential building or structure is converted in whole or in part to residential uses, the residential development charge payable for the dwelling units created shall be reduced by an amount equal to the non-residential development charge previously paid for the development being converted, but any such reduction shall not produce a refund. No credit will be provided for services excluded from the non-residential charge.
- ii) Where an existing residential building is converted in whole or in part to non-residential uses, the non-residential development charge payable for the gross floor area so converted shall be reduced by an amount equal to any residential development charges previously paid for the residential building being converted, and if a dwelling unit is only partially converted the reduction shall be in proportion to the extent of the conversion, but any such reduction shall not produce a refund.
- iii) Development charges assessable for the conversion of uses in a mixed-use building or structure shall be determined in accordance with subsections (c) i) and (c) ii) of this by-law as applicable.

d) Tiny Homes

- i) Development charges for tiny homes shall be imposed at the applicable rate for bachelor and 1-bedroom apartment units.



## **5. Exemptions from Development Charges**

**5.1** As provided for in Section 2(3) of the Act and Ontario Regulation 82/98, the following are not subject to development charges under the Act and this By-law if the only effect of an action referred to in Section 4 of this By-law is to:

- a. Permit the enlargement of an existing dwelling unit; or,
- b. Permit the creation of up to two additional dwelling units, as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings. The said prescribed matters from Ontario Regulation 82/98 are attached as Schedule "D".

**5.2** Notwithstanding any other provision of this By-law, the following types of development are exempted from any development charges under this By-law:

- i) Industrial development;
- ii) Roofed accommodation development;
- iii) Temporary Structures;
- iv) Farm help house development;
- v) Farming business development;
- vi) Affordable housing, provided the development charge liabilities of the affordable housing project are not eligible for funding by senior levels of government, and which receives funding from the County under its social housing program;
- vii) A parking garage exclusively devoted to parking, including the construction of an outdoor parking lot at grade, or the construction of a parking garage above or below grade;
- viii) Development which is or would be classified under the Assessment Act as exempt from taxation for realty taxes as a place of worship;
  - a. Any development undertaken by:
    - i) Any board within the meaning of subsection 1 (1) of the Education Act, R.S.O. 1990, Chapter E.2, and,
    - ii) Any local board of the County.

**5.3** All development within the boundaries of the "Central Business Districts" as defined within the County's official plan or official plans of the predecessor municipalities.

**5.4** Brownfield development that has been approved by the County, or any predecessor municipality thereof. The amount of the exemption hereunder is equivalent to the cost of environmental remediation on, in or under the property as approved by the County and required to be paid by the owner, up to but not exceeding the amount of the development charges otherwise payable under this By-law.

## **6. Collection of Development Charges**

**6.1** Subject to the provision of this section, development charges are payable at the time of building permit issuance.

**6.2** Prepayment or Deferral Agreements  
Council may authorize, in accordance with Section 27 of the Act, an agreement with a person to permit, on such terms as Council may require, the payment of a development charge before or after it is otherwise payable under this By-law.

**6.3** Services in Lieu Agreements  
Council may agree, in accordance with Sections 38, 39, 40 and 41 of the Act, to allow a person to perform work that relates to a service to which this development charge by-law relates, in return for a credit towards the development charges payable by the said person, upon terms specified by Council in its agreement with the person. No such credit shall exceed the total development charges payable by the person.

**6.4** Front-Ending Agreements  
Council may authorize a front-ending agreement in accordance with the provisions of Part III of the Act, upon such terms as Council may require, in respect of the development of land.

## **7. Administration of By-Law**

**7.1** This By-law shall be administered by the Treasurer of Norfolk County.

**7.2** As authorized in paragraph ten of Section 5(1) of the Act, the development charges provided for in this By-law shall be adjusted annually by the percentage change during the preceding year, as recorded in the Statistics Canada, Table 18-10-0135-01 Building construction price indexes, by type of building. This adjustment shall take place on January 1<sup>st</sup> of each year.

**7.3** The Treasurer shall, in each year prior to May 31st, commencing May 31, 2020 for the 2019 year, furnish to Council a statement in respect of the separate reserve funds required by the Act for each service to which this By-law relates, for the prior year, containing the information set out in Section 43 of the Act and Section 12 of Ontario Regulation 82/98.

**7.4** This By-Law may be referred to as the "2019 Norfolk County Development Charges By-Law".

7.5 This By-Law shall come into force and take effect on October 15, 2019.

Read a first and second time this 15<sup>th</sup> day of October, 2019.

Read a third time and finally passed this 15<sup>th</sup> day of October, 2019.

  
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Mayor

  
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Clerk

Authority: Resolution 3,11

Meeting: July 2 and 9, 2019,

Staff Report: FS 19-21

SCHEDULE "A"  
TO BY-LAW NO. 2019-XXX

Services for Which Development Charges are levied

Roads and Related

Fire Protection

Parking

Parks and Recreation

Library

Administration

Ambulance

Waste Diversion

Water

Wastewater

SCHEDULE "B"  
TO BY-LAW NO. 2019-XXX

Schedule of Development Charges

October 15, 2019 to December 31, 2019

Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	(per m <sup>2</sup> of Gross Floor Area)
<b>Municipal Wide Services:</b>					
Roads and Related Services	1,737	911	675	1,102	12.56
Fire Protection Services	645	413	272	451	4.62
Parking Services	138	72	54	87	0.97
Parks and Recreation Services	1,623	851	631	1,029	0.00
Library Services	870	456	338	552	0.00
Administration	86	55	36	60	0.62
Ambulance Services	123	64	48	78	0.88
Waste Diversion Services	-	-	-	-	0.00
<b>Total Municipal Wide Services</b>	<b>5,222</b>	<b>2,822</b>	<b>2,054</b>	<b>3,359</b>	<b>19.65</b>
<b>Urban Services</b>					
Water Services	6,222	3,597	2,343	3,804	36.80
Wastewater Services	4,261	2,138	1,800	2,977	31.53
<b>Total Urban Services</b>	<b>10,483</b>	<b>5,735</b>	<b>4,143</b>	<b>6,781</b>	<b>68.33</b>
GRAND TOTAL RURAL AREA	5,222	2,822	2,054	3,359	19.65
GRAND TOTAL URBAN AREA	15,705	8,557	6,197	10,140	87.98

SCHEDULE "C"  
TO BY-LAW NO. 2019-XXX

Schedule of Development Charges

January 1, 2020 to October 15, 2024

Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	(per m <sup>2</sup> of Gross Floor Area)
<b>Municipal Wide Services:</b>					
Roads and Related Services	1,793	1,148	757	1,253	17.08
Fire Protection Services	645	413	272	451	6.28
Parking Services	142	91	60	99	1.33
Parks and Recreation Services	1,675	1,072	707	1,170	0.00
Library Services	898	575	379	627	0.00
Administration	86	55	36	60	0.84
Ambulance Services	127	81	54	89	1.19
Waste Diversion Services	-	-	-	-	0.00
<b>Total Municipal Wide Services</b>	<b>5,366</b>	<b>3,435</b>	<b>2,265</b>	<b>3,749</b>	<b>26.72</b>
<b>Urban Services</b>					
Water Services	7,167	4,589	3,027	5,008	52.91
Wastewater Services	4,261	2,728	1,800	2,977	31.53
<b>Total Urban Services</b>	<b>11,428</b>	<b>7,317</b>	<b>4,827</b>	<b>7,985</b>	<b>84.44</b>
GRAND TOTAL RURAL AREA	5,366	3,435	2,265	3,749	26.72
GRAND TOTAL URBAN AREA	16,794	10,752	7,092	11,734	111.16

SCHEDULE "D"  
TO BY-LAW NO. 2019-XXX

**Table from O.Reg. 82/09 referred to in Sec.2**

<b>Name of Class of Residential Building</b>	<b>Description of Class of Residential Buildings</b>	<b>Maximum Number of Additional Dwelling Units</b>	<b>Restrictions</b>
Single detached dwellings	Residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
Semi-detached dwellings or row dwellings	Residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.
Other residential buildings	A residential building not in another class of residential building described in this table.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.