

**THE CORPORATION OF THE  
TOWNSHIP OF LANARK HIGHLANDS**

---

**BY-LAW NO. 2011-1156**

**BEING A BY-LAW TO ESTABLISH  
DEVELOPMENT CHARGES**

---

**WHEREAS**, Section 2 (1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, 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 where the by-law applies;

**AND WHEREAS**, a development charge background study has been completed as per Section 10 of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;

**AND WHEREAS**, a public meeting was held on December 15<sup>th</sup>, 2011 as per Section 12 of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;

**NOW THEREFORE BE IT RESOLVED THAT**, the Council of the Corporation of the Township of Lanark Highlands enacts as follows:

**1.0 TABLE OF CONTENTS**

**PART 1 – Definitions**

2.0	Definitions.....	3
-----	------------------	---

**PART 2 – Application**

3.0	Designated Areas.....	8
4.0	Designated Services.....	8
5.0	Designated Uses of Land, Building or Structures.....	8

**PART 3 – Development Charges**

6.0	Development Charges.....	9
7.0	Cumulative Charges.....	10
8.0	Redevelopment.....	11

**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS  
BY-LAW NO. 2011-1156**

**PART 4 – Administration**

9.0	When Development Charge Payment is Due.....	12
10.0	Indexing.....	12
11.0	Reserve Fund.....	13
12.0	Reporting.....	13
13.0	Refunds for By-Law Amendment or Appeal.....	13
14.0	Exceptions and Exemptions.....	13
15.0	Other By-Laws and Regulations.....	13
16.0	Standard of Services.....	14
17.0	By-Law Registration.....	14
18.0	Schedules to the By-Law.....	15
19.0	Ultra Vires.....	15
20.0	By-Laws to be Repealed.....	15
21.0	Effective Date.....	15
	Schedule "A".....	16
	Schedule "B".....	17
	Schedule "C".....	18

**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS  
BY-LAW NO. 2011-1156**

**PART 1  
DEFINITIONS**

**2.0 DEFINITIONS**

For the purposes of this By-law, the following definitions shall apply:

- 2.1 **Accessory** - means when used to describe a use, building or structure, that the use, building or structure is naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure located on the same lot therewith.
- 2.2 **Act** - means the *Development Charges Act, 1997, as amended*.
- 2.3 **Building** - means a structure having a roof supported by columns or walls or directly on the foundation and used for the shelter and accommodation of persons, animals or goods and without limiting the foregoing, includes buildings as defined in the *Building Code Act*.
- 2.4 **Capital Cost** - means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or under an agreement:
- (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 life of seven years or more,
    - (ii) furniture and equipment other than computer equipment, and
    - (ii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*.
  - (e) to undertake studies in connection with any of the matters in clauses (a) to (d),
  - (f) to prepare a development charges background study, and
  - (g) for interest on money borrowed to pay for costs described in clauses (a) to (d) above.

- 2.5 **Commercial Use** - means any use permitted in a commercial zone other than a residential use as described by the zoning by-law of the municipality and any amendments thereto.
- 2.6 **Condominium Act** – means the *Condominium Act, 1998, S.O. 1998, c.19, as amended*.
- 2.7 **Council** - means the Council of the Corporation of the Township of Lanark Highlands.
- 2.8 **Designated Area (Benefiting Area)** - means an area defined by a map, by text, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction or purchase of a service or services.
- 2.9 **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 has the effect of increasing the size or change of use thereof, and includes redevelopment.
- 2.10 **Development Charge** - means a charge imposed against the 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.
- 2.11 **Duplex** - means a building that is divided horizontally into two separate dwelling units, each of which has an independent entrance.
- 2.12 **Dwelling Unit** - shall mean one or more rooms in a building used or designed and intended to be used as a single, independent, and separate house-keeping establishment in which food preparation and sanitary facilities are provided and which has a private entrance from outside the building or from a common hallway or stairway inside the building, but does not mean or include a tent, sleeping cabin, hunt camp, recreational vehicle, or a room or suite of rooms in a boarding house, hotel, motel, motor hotel, or tourist home.
- 2.13 **Farm Building** - means a *building* or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds, but excludes a manure storage facility and a silo.
- 2.14 **Front-Ending Agreement** - means an agreement made under section 44 of the *Development Charges Act, 1997*.
- 2.15 **G.S.T.** - means the Federal Government's Goods and Services Tax.
- 2.16 **Grade** - means the average level of proposed or finished ground adjoining a building at all exterior walls.

- 2.17 **Gross Floor Area** - means 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 any party wall that separates one occupancy from another.
- 2.18 **Hunt Camp** – means a building or structure intended to provide basic shelter and accommodation on a temporary basis for persons engaged in such activities as hunting, fishing, snowmobiling, hiking or other outdoor forms of recreation. The building or structure shall not exceed 41.8 m<sup>2</sup> [450 ft.<sup>2</sup>] in gross floor area and shall not be serviced with indoor plumbing nor wired to provide an electrical service. The building or structure shall not exceed the height required to accommodate one (1) storey and a sleeping loft.
- 2.19 **Industrial Building** - 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 where 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, processing, storage or distribution.
- 2.20 **Industrial Use** - means the use of land, building or structures for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storage or adapting for sale of any goods, substances, article or thing, or any part thereof and the storage of building and construction equipment and materials as distinguished from the buying and selling of commodities and the supplying of personal services or as otherwise defined in the zoning by-law.
- 2.21 **Local Board** - means a local board as defined in the *Municipal Affairs Act*, other than a board defined in subsection 1 (1) of the *Education Act*.
- 2.22 **Local Services** - means those services related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the owner as a condition of approval under Section 51 or 53 of the *Planning Act*.

- 2.23 **Mobile Home** - means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.
- 2.24 **Multiple Dwelling** - shall mean a residential use building containing more than two dwelling units.
- 2.25 **Municipality** - shall mean the Corporation of the Township of Lanark Highlands;
- 2.26 **Net Capital Cost** - means the capital cost less capital grants, subsidies and other contributions made to the *municipality* or that the Council of the *municipality* anticipates will be made, including conveyances or payments under Sections 51 and 53 of the *Planning Act* in respect of the capital cost.
- 2.27 **Non-Residential Uses** - means uses of land, buildings or structures for purposes other than a dwelling unit and shall include commercial, institutional, industrial, agricultural uses, parks and open spaces, and other such uses.
- 2.28 **Owner or Owners** - means the owner of land or a person who has made application for approval for the development of land upon which a development charge is imposed.
- 2.29 **Place of Worship** - means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act*.
- 2.30 **Planning Act** – means the *Planning Act, 1990, R.S.O. c.P.13, as amended*.
- 2.31 **Recreational Vehicle** – means any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by the motor vehicle and is capable of being used for living, sleeping, eating or accommodation of persons on a temporary, transient or short term basis, even if the vehicle is jacked up or its running gear is removed. Examples include a motor home, tent trailer, a camper trailer, a recreational trailer, a fifth wheel or a bus converted into a motor home or a park model trailer, as defined. A recreational vehicle shall not be deemed to include a mobile home or a manufactured home. The definition of a recreational vehicle shall not be interpreted to include recreational equipment such as boats, boat or vehicle trailers, personal water craft, snowmobiles, all terrain vehicles (ATVs) or other equipment used for recreational purposes and which are normally stored or parked on a lot.
- 2.32 **Residential Uses** - means uses of land, buildings or structures designed or intended to be used as living accommodations for any length of time for one or more individuals.

- 2.33 **Row Dwelling** - means a residential building that is divided vertically into three (3) or more dwelling units.
- 2.34 **Semi-Detached Dwelling** - means a residential building that is divided vertically into two dwelling units, each of which has an independent entrance.
- 2.35 **Services** - means municipal services designated in this By-Law or in an agreement made under Section 44 of the *Act*, as applicable.
- 2.36 **Single Detached Dwelling** - means a residential building consisting of one (1) dwelling unit and not attached to another structure.
- 2.37 **Silo** - means a building or structure designed and used for the storage of grain, fodder, feed or other food to be fermented and/or used as feed for livestock and shall include a cylindrical pit or tower, bunker or grain bin whether vertical or horizontal.
- 2.38 **Sleep Cabin** – means an accessory building or structure, located on the same lot as the principle building or structure, the accessory use being for sleeping accommodations in which sanitary facilities may be provided, but shall not contain cooking facilities.
- 2.39 **Square Metre or Square Foot** - means that portion of a building or structure (expressed in metres or feet or any fraction thereof) actually depicted, described or utilized for any use as illustrated in a site plan under the *Planning Act* or the *Building Code Act*.
- 2.40 **Standard of Services** - means those standards which govern the quantity, quality or form, method, delivery, operation or manner in which services are constructed or installed and which have been duly approved by Council and which comply with Section 5 (1) (4) of the *Development Charges Act, 1997*.
- 2.41 **Structure** - means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground.

## **PART 2 APPLICATION**

### **3.0 DESIGNATED AREAS**

- 3.1 The designated area within which development charges are imposed by this by-law are all lands, buildings and structures within the geographic limits of the Township of Lanark Highlands.

### **4.0 DESIGNATED SERVICES**

- 4.1 The municipal services for which development charges shall be imposed are as follows, and as set out in Schedules "A" and "B" attached to and forming part of this By-Law:

- 4.1.1 Transportation Services
- 4.1.2 Fire Services
- 4.1.3 Recreation and Cultural Services
- 4.1.4 Capital Studies

### **5.0 DESIGNATED USES OF LAND, BUILDINGS OR STRUCTURES**

- 5.1 The uses of land, buildings or structures for which development charges are hereby imposed are as follows, and are also as set out in Schedule "A" attached to and forming part of this By-Law:

- 5.1.1 Residential uses as defined in Section 2.32 of this By-Law.



## **PART 3 DEVELOPMENT CHARGES**

### **6.0 DEVELOPMENT CHARGES**

6.1 Development charges shall apply to and shall be calculated and collected in accordance with the provisions this By-Law on land to be developed for residential development where, the development of the land would-increase the need for services and the development requires one or more of the following,

- (a) the passing of a zoning by-law or of 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 Section 50 (7) 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.

6.1.1 Where two or more of the actions described in Subsection 6.1 (a) to (g) are required in order to develop land, only one development charge shall be calculated and collected in accordance with the provisions of this By-Law.

6.1.2 Notwithstanding Subsection 6.1.1, if two or more of the actions described in Subsection 6.1 (a) to (g) occur at different times, and if the subsequent action has the effect of increasing the need for all or some of the services designated in Schedule "A", an additional development charge shall be calculated and collected in accordance with the provisions of this By-Law.

### **6.2 Residential Uses**

The development charges in respect of net capital costs for services for residential uses shall be as set out in Schedule "B", attached to and forming part of this By-Law except that no charge shall apply as set out in Schedule "C" of this By-Law titled Exemptions and Exceptions.

## **7.0 CUMULATIVE CHARGES**

- 7.1 The development charges shall be cumulative by adding together the calculated development charge for each of the applicable services to be used together with any interest charges, as set out in Schedule "A".
- 7.2 For multiple use buildings, the development charge shall be the cumulative total of the applicable charges for each respective land use within the building.

## **8.0 REDEVELOPMENT**

### **8.1 Residential**

An owner who has secured the necessary approvals may demolish and replace an existing residential use or a non-residential use is not be subject to the development charges set out in Schedule "B" with respect to the development being replaced.

## **PART 4 ADMINISTRATION**

## **9.0 WHEN DEVELOPMENT CHARGE PAYMENT IS DUE**

### **9.1 Payment of Development Charge**

- 9.1.1 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 by the Act, on the date that a building permit is issued in relation to a building or structure on land to which a development charge applies.
- 9.1.2 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.
- 9.1.3 Notwithstanding Subsections 9.1.1 and 9.1.2, an owner may enter into an agreement with the municipality to provide for the payment in full of one or more development charges before a building permit is issued or later than the issuing of a building permit.
- 9.1.4 *G.S.T.* shall not be collected as a surcharge to the payment of a *development charge*.

## **9.2 Collection of Unpaid Development Charges**

If the development charge or any part thereof imposed by the municipality remains unpaid after the due date, the amount unpaid shall be added to the tax roll as taxes as per Section 32 of the *Development Charges Act, 1997*.

## **9.3 Complaints about Development Charges**

An owner may complain in writing to the Council of the municipality in respect of the development charge imposed by the municipality on the owner's development subject to the provisions of Section 20 of the *Development Charges Act, 1997*.

## **10.0 INDEXING**

- 10.1 Council may adjust the development charges in this by-law once annually in accordance with the "*Construction Price Statistics*" index as published by Statistics Canada quarterly (catalogue number 62-007). Such adjustments shall not require an amendment to this By-Law.

## **11.0 RESERVE FUND**

- 11.1 A reserve fund for revenues received from development charges is hereby established and shall be called the development charges reserve fund.
- 11.2 The development charges reserve fund shall be used to meet the net capital costs for which the development charge was levied under this By-Law.
- 11.3 The Treasurer of the municipality shall maintain separate accounts under the development charges reserve fund including interest earned thereof for each municipal service category set out in Section 4.1 of this By-Law.
- 11.5 Income received from investments of the development charge reserve fund shall be credited to the development charges reserve fund account for the designated municipal service category (per Section 4.1 of this By-Law) in relation to which the investment income applies.

## **12.0 REPORTING**

- 12.1 The Treasurer shall prepare an annual financial statement for the development charges fund, as prescribed under Section 12 of *Ontario Regulation 82/98* and to submit the statement for Council's consideration and within 60 days thereafter, to submit such statement to the Minister of Municipal Affairs and Housing.

### **13.0 REFUNDS FOR BY-LAW AMENDMENT OR APPEAL**

- 13.1 The municipality shall pay interest on a refund as per the provisions of the *Act* at a rate not less than the Bank of Canada rate in effect on the date this Development Charges By-law comes into force.

### **14.0 EXCEPTIONS AND EXEMPTIONS**

- 14.1 Exceptions and Exemptions are as set out in Schedule "C" of this By-Law.

### **15.0 OTHER BY-LAWS AND REGULATIONS**

- 15.1 Nothing in this By-Law shall exempt any person from complying with the requirements of any other By-Law, agreement or legislation in force.
- 15.2 If an owner or former owner has, before the coming into force of this development charges by-law, paid all or any portion of a charge related to development pursuant to an agreement under section 51 or 53 of the *Planning Act* or a predecessor thereof with respect to land within the area to which the by-law applies, the municipality shall give a credit for the amount of the charge paid.
- 15.3 If an owner or former owner has, before the coming into force of this development charges by-law, provided services in lieu of the payment of all or any portion of a charge related to development pursuant to an agreement under section 51 or 53 of the *Planning Act* or a predecessor thereof with respect to land within the area to which the by-law applies, the municipality shall give a credit for an amount equal to the reasonable cost to the owner or to the former owner of providing the services.
- 15.4 Under this By-Law, the municipality may give a credit for work done against all or a portion of one or more services for which a development charge may be imposed and may allow the credit to be applied to a different service either at the time of entering into an agreement or afterwards, provided that the municipality has first agreed to allow a person to perform such work. However, no credit shall be given for any work that relates to an increase in the level of service that exceeds the ten (10) year average level of service as adopted by the municipality.
- 15.5 Any credit may only be used by the holder of the credit or the holder's agent and may not be transferred unless the holder and person to whom it is to be transferred have agreed in writing, and the municipality also agrees to the transfer and undertakes to transfer the paid credit or credits.
- 15.6 If a conflict exists between the provisions of this development charge by-law and an agreement referred to in Subsection 15.2 or 15.3, the provisions of the agreement prevail to the extent of the conflict.

- 15.7 If a conflict exists between the provisions of this development charges by-law and any other agreement between the municipality and an owner or former owner with respect to land within the area to which the by-law applies, the provisions of the agreement prevail to the extent that there is a conflict.

## **16.0 STANDARD OF SERVICES**

- 16.1 The standards for services within the Corporation of the Township of Lanark Highlands shall be those as set out from time-to-time by Council and shall be the ten (10) year average level of service for any eligible service under the Act.

## **17.0 BY-LAW REGISTRATION**

- 17.1 A certified copy of this By-law may be registered on title to any land to which this by-law applies and may be done at the sole discretion of the municipality.

## **18.0 SCHEDULES TO THE BY-LAW**

- 18.1 The following schedules to this By-Law form an integral part of this By-Law:

Schedule "A" - Uses of Land, Buildings or Structures Subject to Development Charge

Schedule "B" - Development Charge for Designated Uses of Land, Buildings or Structures

Schedule "C" - Exceptions and Exemptions

## **19.0 ULTRA VIRES**

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

## **20.0 BY-LAWS TO BE REPEALED**

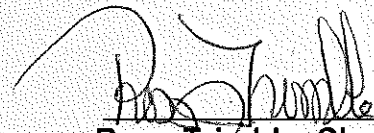
THAT, By-Law No. 2009-1000 is hereby repealed and insofar as it applies to the services affected by this By-Law, any By-Laws previously passed under the *Development Charges Act* or its predecessor with respect to development charges are hereby repealed.

**21.0 EFFECTIVE DATE**

ENACTED AND PASSED this 15<sup>th</sup> day of December, 2011 to October 27<sup>th</sup>, 2014

  
Peter MaLaren, Mayor



  
Ross Trimble, Clerk

**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS  
BY-LAW NO. 2011-1156**

**SCHEDULE "A"**

**Uses of Land, Buildings or Structures Subject to Development Charges  
Indicated by an "X"**

<b>MUNICIPAL SERVICE</b>		<b>Residential Uses</b>	<b>Hunt Camp</b>
1	Transportation Services	X	X
2	Fire Services	X	X
3	Recreation and Cultural Services	X	Nil
4	Capital Studies	X	Nil

**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS  
BY-LAW NO. 2011-1156**

**SCHEDULE "B"**

**Development Charge for Designated Uses of Land, Buildings or Structure**

**Effective from December 15<sup>th</sup>, 2011 to October 27<sup>th</sup>, 2014**

<b>Development Charges for Residential Uses</b>			
<b>Municipal Service</b>		<b>Residential Charge per dwelling unit</b>	<b>Hunt Camp</b>
<b>1</b>	<b>Transportation</b>	<b>\$1405.97/dwelling unit</b>	<b>\$93.17</b>
<b>2</b>	<b>Fire Services</b>	<b>\$156.83/dwelling unit</b>	<b>\$156.83</b>
<b>3</b>	<b>Recreation and Culture</b>	<b>\$316.28/dwelling unit</b>	<b>Nil</b>
<b>4</b>	<b>Capital Studies</b>	<b>\$120.92/dwelling unit</b>	<b>Nil</b>
<b>Total Charge</b>		<b>\$2,000.00/dwelling unit</b>	<b>\$250.00</b>



**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS  
BY-LAW NO. 2011-1156**

**SCHEDULE "C"**

**14.0 EXCEPTIONS AND EXEMPTIONS**

**14.1 Residential Uses**

- 14.1.1 for the creation of up to two additional dwelling units in a single detached dwelling provided that the gross floor area of the additional dwelling unit or dwelling units is less than or equal to the gross floor area of the dwelling unit already in the building;
- 14.1.2 for the creation of up to one additional dwelling unit in a semi-detached, duplex or row dwelling provided that the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the dwelling unit already in the building;
- 14.1.3 for the creation of up to one additional dwelling unit in any residential building not described in 14.1.1 or 14.1.2 provided that the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the smallest dwelling unit already in the building.