

BY-LAW NUMBER 18-2013

OF

THE REGIONAL MUNICIPALITY OF DURHAM

being a new area specific by-law regarding development charges for water supply service for the Carruthers Creek Development Area

WHEREAS section 2(1) of the *Development Charges Act, 1997*, provides that council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies if the development requires one or more of the approvals identified in section 2(2) of the *Development Charges Act, 1997*;

AND WHEREAS the Council of The Regional Municipality of Durham has given notice and held a public meeting on April 3, 2013, in accordance with section 12(1) of the *Development Charges Act, 1997*;

AND WHEREAS the Council of The Regional Municipality of Durham has permitted any person who attended the public meeting to make representations in respect of the proposed development charges;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF DURHAM HEREBY ENACTS AS FOLLOWS:

PART I

INTERPRETATION

Definitions

1. In this By-law,
 - (a) "Act" means the Development Charges Act, 1997;
 - (b) "Area Municipality" means a lower-tier municipality that forms part of the Region;
 - (c) "Carruthers Creek Development Area" means the area within the Region generally as described in Schedule A and shown on Schedule B;
 - (d) "Council" means the Council of The Regional Municipality of Durham;
 - (e) "Development" includes redevelopment;
 - (f) "Development Charges" means a development charge imposed pursuant to this by-law in accordance with the Act in regard to water supply services;
 - (g) "Local Board" means a local board as defined in the Municipal Affairs Act, other than a board defined in section 1(1) of the Education Act;
 - (h) "Mixed-Use" means a building or structure containing both Non-Residential and Residential uses;
 - (i) "Net Hectares of Land" means the area of any parcel of land in the Carruthers Creek Development Area in hectares net of the area designated by the Toronto and Region Conservation Authority as floodplain and/or fill regulated area, and net of any area existing or

required by the Ontario Hydro Electric Power Commission for its high voltage transmission line corridor;

- (j) “Non-Residential” means the use of lands, buildings or structures for other than a Residential use;
 - (k) “Region” means The Regional Municipality of Durham;
 - (l) “Residential” means the use of lands, buildings or structures used, or designed or intended for use as a home or residence of one or more individuals;
 - (m) “Residential Unit” means a residential building or structure or a room or suite of rooms within a residential building or structure 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;
 - (n) “Service” means the service designated in section 7 of this by-law.
2. In this by-law where reference is made to a statute or a section of a statute such reference is deemed to be a reference to any successor statute or section.

PART II

APPLICATION OF BY-LAW — RULES

Circumstances Where Development Charges are Payable

3. Development charges shall be payable in the amounts set out in section 8 of this by-law where:
- (i) the lands are located in the area described in section 4(1); and
 - (ii) the development of the lands requires any of the approvals set out in section 5(1).

Lands Affected

4. (1) Subject to section 4(2), this by-law applies to all lands within the Carruthers Creek Development Area.
- (2) This by-law shall not apply to lands that are owned by and used for the purposes of:
- (a) the Region or a Local Board thereof
 - (b) a board as defined in section 1(1) of the *Education Act*;
 - (c) an Area Municipality or a Local Board thereof in the Region.

Approvals for Development

5. (1) Development Charges shall be imposed upon all lands in the Carruthers Creek Development Area that are developed for Residential uses or Non-Residential uses if the Development requires,
- (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 subsection 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, 1992*;
- (2) Council has determined that the Development of the land to which this by-law applies increases the need for the service designated in section 7.

Multiple Approvals

6. (1) The Development Charges shall not be imposed on land subject to this by-law more than once even though two or more of the actions described in section 5(1) are required before the land can be developed.
- (2) Notwithstanding section 6(1), if two or more of the actions described in section 5 occur at different times, additional Development Charges shall be imposed, if the subsequent action has the effect of increasing the need for the service designated in Section 7.

Designation of Service

7. (1) For the purposes of this by-law, the service for which Development Charges are imposed under Part II of this by-law is the Carruthers Creek water supply service.
- (2) The components of the service designated in section 7(1) are described on Schedule "C".

Amount of Development Charges

8. (1) Subject to the provisions of this by-law, a Development Charge of \$36,855 per hectare shall be imposed upon Residential uses and Non-Residential uses of lands, buildings or structures in the Carruthers Creek Development Area.
- (2) The Development Charge described in section 8(1) shall be calculated in the case of Residential and Non-Residential Development, based upon the number of Net Hectares of Land related to the Development.

Exemptions

9. (1) In this section,
- (a) "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;
 - (b) "other residential building" means a residential building not in another class of residential building described in this subsection.
 - (c) "semi-detached or row dwelling" means a residential building consisting of one dwelling unit having one or two vertical walls, but no other parts, attached to another structure;

- (d) “single detached dwelling” means a residential building consisting of one dwelling unit and not attached to another structure.
- (2) Subject to subsections 9(3) and 9(4), development charges shall not be imposed in respect to:
 - (a) the issuance of a building permit not resulting in the creation of an additional dwelling unit;
 - (b) the enlargement of an existing dwelling unit;
 - (c) the creation of one or two additional dwelling units in an existing single detached dwelling;
 - (d) the creation of one additional dwelling unit in a semi-detached dwelling, a row dwelling, or any other residential building.
 - (3) Notwithstanding subsection 9(2)(c), development charges shall be imposed in accordance with section 8 if the total gross floor area of the additional one or two dwelling units in the existing single detached dwelling exceeds the gross floor area of the existing dwelling unit.
 - (4) Notwithstanding subsection 9(2)(d), development charges shall be imposed in accordance with section 8 if the additional dwelling unit has a gross floor area greater than:
 - (a) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
 - (b) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

PART III

ADMINISTRATION

Payment of Development Charge

- 10. Development Charges with respect to any Non-Residential, Residential or Mixed-Use Development, adjusted in accordance with section 13 of this by-law to the date of payment, are payable in full on the earlier of:
 - (i) the date of entering into a subdivision agreement under Section 51 of the *Planning Act*, or
 - (ii) the issuing of a permit under the *Building Code Act*, 1992 in relation to such Development.

Payment by Money

- 11. Payment of the Development Charges shall be by cash or by certified cheque.

Front-Ending Agreement

- 12. Council, from time to time, and at any time, may enter into front-ending agreements in accordance with the Act.

Indexing

- 13. Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, as of the 1st day of July, 2014, and on each successive July 1st date in accordance with the Statistics Canada

Quarterly, *Construction Price Statistics*, catalogue number 62-007, for the most recently available annual period ending March 31.

Schedules

14. The following schedules to this by-law form an integral part thereof:

- Schedule A – Description of Carruthers Creek Water Supply Development Area
- Schedule B – Map Showing Boundary of Carruthers Creek Development Area
- Schedule C – Components of Service Designated in Section 7

Date By-law in Force

15. This by-law shall come into force on July 1, 2013.

Date By-Law Expires

16. This by-law will expire five years from the date it comes into force, unless it is repealed at an earlier date by a subsequent by-law.

Repeal

17. By-law No. 46-2008 is hereby repealed effective on the date this by-law comes into force.

Registration

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

Severability

19. 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.

Short Title

20. This By-law may be cited as the Regional Municipality of Durham Carruthers Creek Development Area Water Development Charges By-law, 2013.

BY-LAW read and passed this 24th day of April, 2013.

Original Signed By:

R. Anderson, Regional Chair and CEO

D. Bowen, Regional Clerk

SCHEDULE "A"

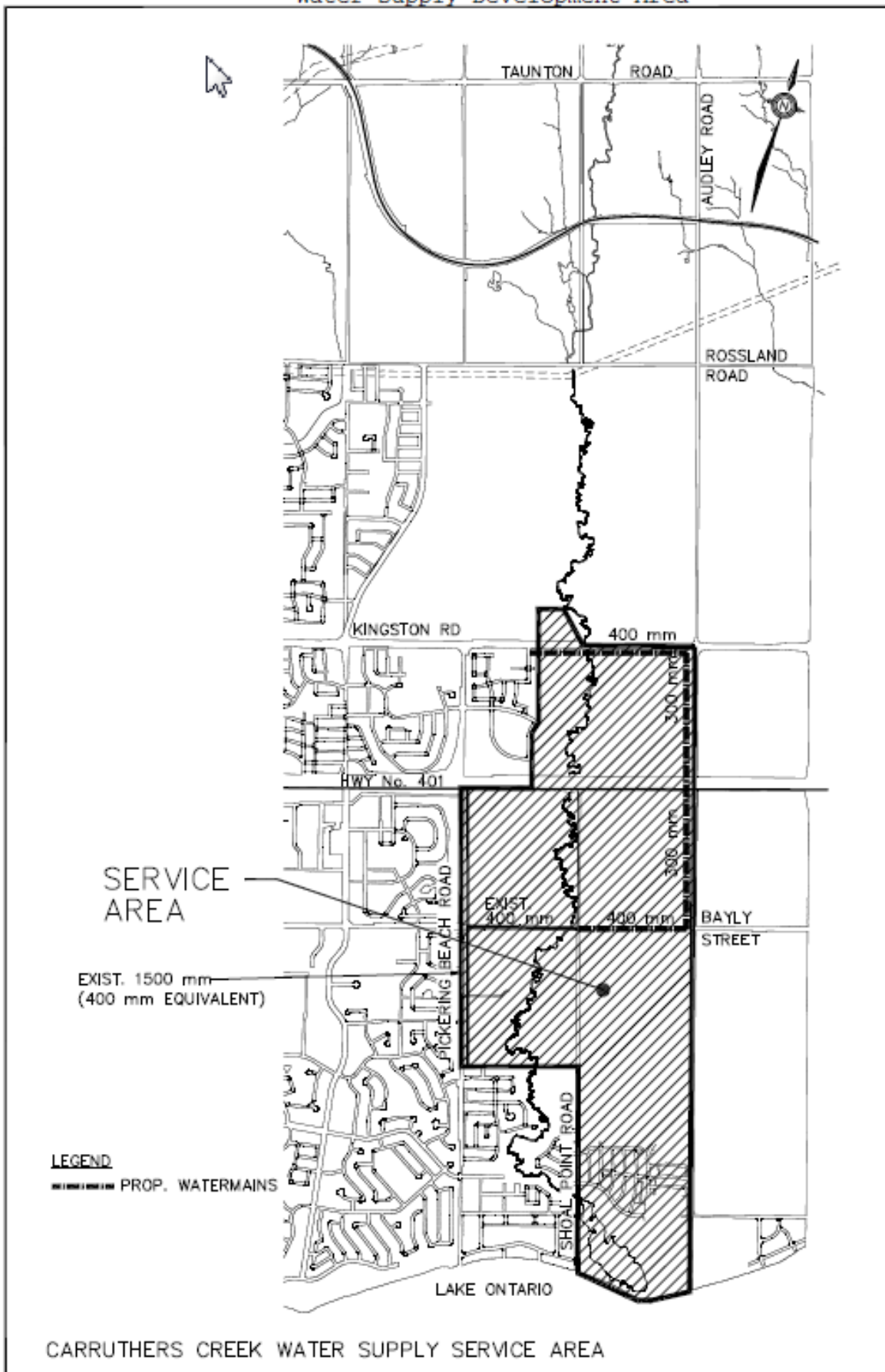
DESCRIPTION OF CARRUTHERS CREEK WATER SUPPLY DEVELOPMENT AREA

The Carruthers Creek Development Area is the area, generally, bounded by Pickering Beach Road, Highway No.2, Audley Road and Lake Ontario, all in the Town of Ajax, and as more specifically shown on the map attached as Schedule "B".

SCHEDULE 'B'

MAP SHOWING BOUNDARY OF CARRUTHERS CREEK WATER SUPPLY DEVELOPMENT AREA

Schedule 'B' Boundary of Carruthers Creek Water Supply Development Area



SCHEDULE "C"

COMPONENTS OF SERVICE DESIGNATED IN SECTION 7

1. A 400 mm diameter watermain on Highway No.2 from Alexander's Crossing to Audley Road;
2. A 300 mm diameter watermain on Audley Road from Bayly Street to north side of Highway 401; and
3. A 300 mm diameter watermain on Audley Road from north side of Highway 401 to Highway No. 2