

THE CORPORATION OF THE CITY OF CORNWALL

By-law # 2018-038

A By-law for the Imposition of City-Wide Development Charges

WHEREAS the City of Cornwall will experience growth through development and re-development; and

WHEREAS development and re-development requires the provision of physical and social services by the City of Cornwall; and

WHEREAS Council desires to ensure that the capital cost of meeting growth-related demands for or burden on municipal services does not place an excessive financial burden on the City of Cornwall or its existing taxpayers while at the same time ensuring new taxpayers contribute no more than the net capital cost attributable to providing the current level of municipal services; and

WHEREAS the *Development Charges Act, 1997* (the "Act") provides that the council of a City may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services; and

WHEREAS a development charge background study has been completed in accordance with the Act; and

WHEREAS the Council of The Corporation of the City of Cornwall has given notice of and held a public meeting on the 5th day of March, 2018 in accordance with the Act and the regulations thereto;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF CORNWALL ENACTS AS FOLLOWS:

1. INTERPRETATION

1.1 In this By-law the following items shall have the corresponding meanings:

"Act" means the *Development Charges Act*, as amended, or any successor thereof;

"accessory use" means where used to describe a use, building, or structure that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively

devoted to a principal use, building or structure;

“apartment unit” means any residential unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor;

“bedroom” means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a bathroom, living room, dining room or kitchen;

“benefitting area” means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

“board of education” has the same meaning as set out in the *Education Act*, R.S.O. 1990, Chap. E.2, as amended, or any successor thereof;

“bona fide farm uses” means the proposed development will qualify as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs and be assessed in the Farmland Realty Tax Class by the Ontario Property Assessment Corporation;

“Building Code Act” means the *Building Code Act*, S.O. 1992, as amended, or any successor thereof;

“capital cost” means costs incurred or proposed to be incurred by the City or a local board thereof directly or by others on behalf of and as authorized by the City or local board,

(1) to acquire land or an interest in land, including a leasehold interest,

(2) to improve land,

(3) to acquire, lease, construct or improve buildings and structures,

(4) to acquire, construct or improve facilities including,

(1) furniture and equipment other than computer equipment, and

(2) material acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, Chap. P.44, as amended, or any successor thereof; and

(3) rolling stock with an estimated useful life of seven years or more, and

(5) to undertake studies in connection with any matter under the Act and any of the matters in clauses (1) to (5) above, including the development

charge background study

required for the provision of services designated in this by-law within or outside the City, including interest on borrowing for those expenditures under clauses (1) to (5) above that are growth-related;

“commercial” means any use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include industrial or agricultural uses, but does include hotels, motels, motor inns and boarding, lodging and rooming houses;

“Council” means the Council of the City;

“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 the effect of increasing the size of usability thereof, and includes redevelopment;

“development charge” means a charge imposed with respect to this by-law;

“dwelling unit” means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;

“existing” means the number, use and size that existed as of the date this by-law was passed;

“farm building” means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;

“gross floor area” means:

- (1) in the case of a residential building or structure, 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 party walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and
- (2) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:
 - (1) a room or enclosed area within the building or structure above

or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;

- (2) loading facilities above or below grade; and
- (3) a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;

“industrial” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, distribution centres, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;

“institutional” means land, buildings, structures or any part thereof used by any organization, group or association for promotion of charitable, educational or benevolent objectives and not for profit or gain;

“Local Board” means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, 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, including school purposes, of the City of Cornwall or any part or parts thereof;

“local services” means those services, facilities or things which are under the jurisdiction of the City and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the *Planning Act*, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;

“multiple dwellings” means all dwellings other than single-detached, semi-detached and apartment unit dwellings;

“City” means the Corporation of the City of Cornwall;

“non-residential use” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use;

“Official Plan” means the Official Plan adopted for the City, as amended and approved;

“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'

"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*, R.S.O. 1990, Chap. A.31, as amended, or any successor thereof;

"rate" means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;

"regulation" means any regulation made pursuant to the Act;

"residential dwelling" means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;

"residential use" means the use of a building or structure or portion thereof for one or more dwelling units. This also includes a dwelling unit on land that is used for an agricultural use;

"row dwelling" means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

"semi-detached dwelling" means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor;

"service" means a service designed in Schedule "A" to this by-law, and "services" shall have a corresponding meaning;

"servicing agreement" means an agreement between a landowner and the City relative to the provision of municipal services to specified land within the City;

"single detached dwelling unit" means a residential building consisting of one dwelling unit and not attached to another structure;

"special care dwelling unit" means a building not otherwise defined herein containing more than four dwelling units: where the occupants have the right to use in common, halls, stairs, yards, common room and accessory buildings; which dwelling units may or may not have exclusive sanitary and/or culinary facilities; that is designed to accommodate individuals with specific needs, where meals are provided within the development on a regular basis and includes a bedroom, student residence, retirement home

and lodge, nursing home, granny flat, accessory dwelling and group home.

2. DESIGNATION OF SERVICES

2.1 The categories of services for which development charges are imposed under this by-law are as follows:

- (1) Transportation Services;
- (2) Fire Services;
- (3) Parks and Recreation Services;
- (4) Library Services;
- (5) Administrative Services;
- (6) Child Care Services;
- (7) Waste Diversion Services;
- (8) Wastewater Services; and
- (9) Water Services

2.2 The services designated in section 2.1 are described in Schedule A.

3. APPLICATION OF BY-LAW RULES

3.1 Development charges shall be payable in the amounts set out in this by-law where:

- (1) the development of the lands requires any of the approvals set out in subsection 3.4(1).

Area to Which By-law Applies

3.2 Subject to section 3.3, this by-law applies to all lands in the City of Cornwall whether or not the land or use thereof is exempt from taxation under s.13 or the *Assessment Act* .

3.3. Notwithstanding clause 3.2 above, this by-law shall not apply to lands that are owned by and used for the purposes of:

- (1) the City or a local board thereof;
- (2) a board of education; or
- (3) the Corporation of the County of Stormont, Dundas and Glengarry or a local board thereof;

Approvals for Development

3.4 (1) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:

- (1) the passing of a zoning by-law or of an amendment to a zoning

- by-law under section 34 of the *Planning Act* ;
- (2) the approval of a minor variance under section 45 of the *Planning Act* ;
 - (3) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - (4) the approval of a plan of subdivision under section 51 of the *Planning Act* ;
 - (5) a consent under section 53 of the *Planning Act* ;
 - (6) the approval of a description under section 50 of the *Condominium Act* , R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or
 - (7) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- (2) No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this by-law applies even though two or more of the actions described in subsection 3.4(1) are required before the lands, buildings or structures can be developed.
- (3) Despite subsection 3.4(2), if two or more of the actions described in subsection 3.4(1) occur at different times, additional development charges shall be imposed if the subsequent action has the effect or increasing the need for services.

Exemptions

- 3.5 Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
- (1) an enlargement to an existing dwelling unit;
 - (2) one or two additional dwelling units in an existing single detached dwelling; or
 - (3) one additional dwelling unit in any other existing residential building;
- 3.6 Notwithstanding section 3.5(2), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.
- 3.7 Notwithstanding section 3.5, development charges shall be imposed if the additional unit has a gross floor area greater than
- (1) in the case of a semi-detached or row dwelling, the gross floor area of

the existing dwelling unit; and

(2) in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building.

3.8 Exemption for Industrial Development:

3.8.1 Notwithstanding any other provision of this by-law, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial building where the gross floor area is enlarged by 50 percent or less.

3.8.2 If the gross floor area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

(1) determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;

(2) divide the amount determined under subsection (1) by the amount of the enlargement

3.8.3 The exemption of an existing industrial building provided by this section shall be applied to a maximum of fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this By-law.

3.9 For the purpose of section 3.8 herein, "existing industrial building" is used as defined in the Regulation made pursuant to the Act.

3.10 Other Exemptions:

Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:

(1) Bona fide farm uses;

(2) Places of worship;

(3) Hospitals;

(4) College or University Buildings;

(5) Manufacturing Uses

(6) Infill development within a priority area of the Heart of the City Community Improvement Policy Area (as set out in scheduled C)

(7) Complete building permit applications received prior to April 10, 2018 and issued by June 30, 2018 will not be subject to development

charges. A complete building permit means that all drawings and plans have been submitted in final form and all fees and charges have been paid.

3.11 Brownfield Community Improvement Policy Area:

For the development or redevelopment of land located within the Brownfields Community Improvement Policy Area as per the Schedule D, the reimbursement of the development charge may be requested in whole or in part under a City approved Brownfields Application through the Brownfields Rehabilitation Grant Program (tax increment grant) as an eligible cost. Under Section 28 of the Planning Act, grants are limited to a maximum of the cost of the environmental remediation.

Amount of Charges

Residential

3.12 The development charges set out in Schedule B shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential uses in the mixed-use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential

3.13 The development charges described in Schedule B to this by-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed-use building or structure, on the non-residential uses in the mixed-use building or structure, and calculated with respect to each of the services according to the total floor area of the non-residential use.

Reduction of Development Charges for Redevelopment

3.14 Despite any other provisions of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 60 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (1) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the

applicable development charge under subsection 3.11 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and

(2) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 3.12, by the gross floor area that has been or will be demolished or converted to another principal use;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

Time of Payment of Development Charges

3.15 The development charge for all services be collected at the time of issuance of the second stage of a building permit.

3.16 Despite subsections 3.14, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

4. PAYMENT BY SERVICES

4.1 Despite the payment required under subsections 3.11 and 3.12, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this by-law.

5. INDEXING

5.1 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, on the January 1st of each year, in accordance with the prescribed index in the Act.

6. SCHEDULES

6.1 The following schedules shall form part of this by-law:

Schedule A - Services Designated in section 2.1

Schedule B - Residential and Non-Residential Development Charges

Schedule C - Map of Priority Areas within the Heart of the City Community Improvement Policy Area

Schedule D - Map of Brownfield Community Improvement Policy Area

7. CONFLICTS

- 7.1 Where the City and an owner or former owner have entered into an agreement with respect to land within the area to which this by-law applies, and a conflict exists between the provisions of this by-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.
- 7.2 Notwithstanding section 7.1, where a development which is the subject of an agreement to which section 7.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4(1), an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this by-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

8. SEVERABILITY

- 8.1 If, for any reason, any provision of this by-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this by-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

9. DATE BY-LAW IN FORCE

- 9.1 This by-law shall come into effect at 12:01 AM on April 10, 2018.

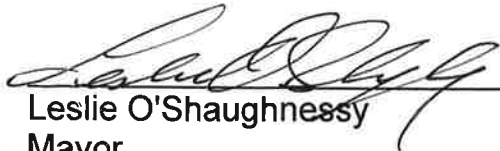
10. DATE BY-LAW EXPIRES

- 10.1 This by-law will expire at 12:01 AM on April 10, 2023 unless it is repealed by Council at an earlier date.

Read before, signed sealed in Open Council this 9th day of April, 2018.



Manon L. Levesque
City Clerk



Leslie O'Shaughnessy
Mayor

SCHEDULE "A" TO BY-LAW
SERVICES DESIGNATED IN SUBSECTION 2.1

100% Eligible Services

Transportation Services;
Fire Services;
Wastewater Services; and
Water Services

90% Eligible Services

Parks and Recreation Services;
Library Services;
Administrative Services;
Child Care Services; and
Waste Diversion Services

SCHEDULE B SCHEDULE OF DEVELOPMENT CHARGES

Year 1 –April 10, 2018 to December 31, 2018

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units	(per ft ² of Gross Floor Area)
Municipal Wide Services:						
Transportation Services	717	512	277	681	277	2.26
Fire Services	42	30	16	40	16	0.13
Parks and Recreation Services	152	109	59	145	59	0.02
Library Services	15	11	6	14	6	-
Administration Studies	64	46	25	60	25	0.20
Child Care Services	-	-	-	-	-	-
Waste Diversion Services	0	0	0	0	0	-
Total Municipal Wide Services	990	707	382	940	382	2.61
Urban Services						
Wastewater Services	18	13	7	17	7	0.03
Water Services	51	36	20	49	20	0.09
Total Urban Services	69	49	27	66	27	0.12
GRAND TOTAL RURAL AREA	990	707	382	940	382	2.61
GRAND TOTAL URBAN AREA	1,059	756	409	1,006	409	2.73

Year 2 – January 1, 2019 to December 31, 2019

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units	(per ft ² of Gross Floor Area)
Municipal Wide Services:						
Transportation Services	1,434	1,024	554	1,362	554	2.26
Fire Services	83	59	32	79	32	0.13
Parks and Recreation Services	304	217	118	289	118	0.02
Library Services	30	22	12	29	12	-
Administration Studies	128	91	49	121	49	0.20
Child Care Services	-	-	-	-	-	-
Waste Diversion Services	1	0	0	1	0	-
Total Municipal Wide Services	1,980	1,414	765	1,880	765	2.61
Urban Services						
Wastewater Services	36	26	14	34	14	0.03
Water Services	102	73	40	97	40	0.09
Total Urban Services	138	98	54	132	54	0.12
GRAND TOTAL RURAL AREA	1,980	1,414	765	1,880	765	2.61
GRAND TOTAL URBAN AREA	2,119	1,513	818	2,012	818	2.73

Year 3 – January 1, 2020 to December 31, 2020

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units	(per ft² of Gross Floor Area)
Municipal Wide Services:						
Transportation Services	2,151	1,537	830	2,042	830	2.26
Fire Services	125	89	48	119	48	0.13
Parks and Recreation Services	457	326	176	434	176	0.02
Library Services	46	33	18	43	18	-
Administration Studies	191	137	74	181	74	0.20
Child Care Services	-	-	-	-	-	-
Waste Diversion Services	1	1	1	1	1	-
Total Municipal Wide Services	2,971	2,122	1,147	2,821	1,147	2.61
Urban Services						
Wastewater Services	54	38	21	52	21	0.03
Water Services	154	109	59	146	59	0.09
Total Urban Services	208	148	80	197	80	0.12
GRAND TOTAL RURAL AREA	2,971	2,122	1,147	2,821	1,147	2.61
GRAND TOTAL URBAN AREA	3,178	2,269	1,228	3,018	1,228	2.73

Year 4 – January 1, 2021 to December 31, 2021

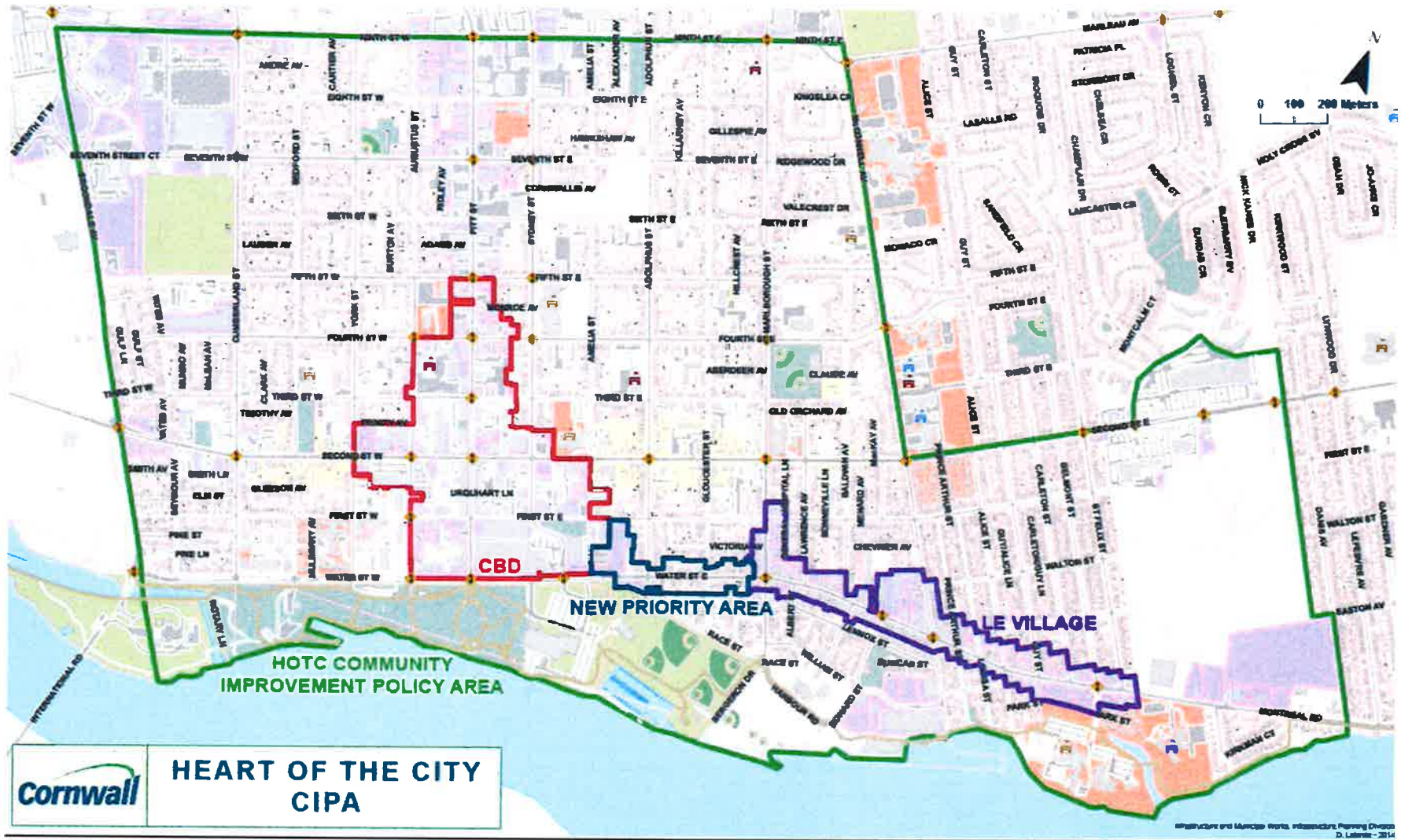
Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units	(per ft² of Gross Floor Area)
Municipal Wide Services:						
Transportation Services	2,868	2,049	1,107	2,723	1,107	2.26
Fire Services	166	118	64	158	64	0.13
Parks and Recreation Services	609	434	235	578	235	0.02
Library Services	61	44	24	58	24	-
Administration Studies	255	182	98	242	98	0.20
Child Care Services	-	-	-	-	-	-
Waste Diversion Services	2	1	1	2	1	-
Total Municipal Wide Services	3,961	2,829	1,530	3,761	1,530	2.61
Urban Services						
Wastewater Services	72	51	28	69	28	0.03
Water Services	205	146	79	194	79	0.09
Total Urban Services	277	197	107	263	107	0.12
GRAND TOTAL RURAL AREA	3,961	2,829	1,530	3,761	1,530	2.61
GRAND TOTAL URBAN AREA	4,238	3,026	1,637	4,024	1,637	2.73

Year 5 – January 1, 2022 to April 9, 2023

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units	(per ft² of Gross Floor Area)
Municipal Wide Services:						
Transportation Services	3,585	2,561	1,384	3,404	1,384	2.26
Fire Services	208	148	80	198	80	0.13
Parks and Recreation Services	761	543	294	723	294	0.02
Library Services	76	55	30	72	30	-
Administration Studies	319	228	123	302	123	0.20
Child Care Services	-	-	-	-	-	-
Waste Diversion Services	2	1	1	2	1	-
Total Municipal Wide Services	4,951	3,536	1,912	4,701	1,912	2.61
Urban Services						
Wastewater Services	90	64	35	86	35	0.03
Water Services	256	182	99	243	99	0.09
Total Urban Services	346	246	134	329	134	0.12
GRAND TOTAL RURAL AREA	4,951	3,536	1,912	4,701	1,912	2.61
GRAND TOTAL URBAN AREA	5,297	3,782	2,046	5,030	2,046	2.73

SCHEDULE C

MAP OF PRIORITY AREAS WITHIN THE HEART OF THE CITY COMMUNITY IMPROVEMENT POLICY AREA



SCHEDULE D

BROWNFIELD COMMUNITY IMPROVEMENT POLICY AREA

