

THE CORPORATION OF THE TOWNSHIP OF RAMARA

BYLAW NUMBER 2019.64

A BYLAW TO ESTABLISH A SPECIFIC AREA DEVELOPMENT CHARGE
FOR THE CORPORATION OF THE TOWNSHIP OF RAMARA
BAYSHORE VILLAGE SANITARY SEWER AND WATER SERVICE AREA

WHEREAS subsection 2(1) of the Development Charges Act, 1997 provides that a council of a municipality may pass Bylaws for the imposition of development charges against land for increased capital costs required because of the need for services arising from development;

AND WHEREAS the Council of the Corporation of the Township of Ramara has given Notices in accordance with Section 12 of the Development Charges Act, 1997, of its intention to pass a development charge bylaw under Act;

AND WHEREAS the Council of the Township of Ramara on August 26th 2019 approved the Area Specific Development Charge Background Study dated June 27, 2019, in which certain recommendations were made related to the establishment of a development charge policy for the Township pursuant to the Development Charges Act, 1997.

AND WHEREAS the Council of the Township of Ramara heard all persons who applied to be heard concerning the development charge proposal and background study at a public meeting held on July 22, 2019;

AND WHEREAS the Council of the Township of Ramara deem that no further public meetings were required;

AND WHEREAS the Council of the Township of Ramara has given consideration of the use of more than one Development Charge By-law to reflect different needs for services in different areas, also known as "area rating" or "area specific development charges", and has determined that for the services, and associated infrastructure proposed to be funded by development charges under this by-law, that it is fair and reasonable that the charges be calculated on an area-specific basis;

AND WHEREAS the Study dated June 27, 2019 contains an Asset Management Plan that deals with all assets whose capital costs are intended to be funded under the Development Charge By-law and that such assets are considered to be financially sustainable over their full life-cycle;

AND WHEREAS the Council of the Township of Ramara will give consideration to incorporating the Asset Management Plan outlined in the Study within the Township of Ramara's ongoing practices and Asset Management Plan;

AND WHEREAS the Council of the Township of Ramara desires that a development charge be implemented for the Bayshore Village municipal sewer and water service area;

NOW THEREFORE the Township of Ramara enacts as follows:

1. DEFINITIONS

1.1 In this bylaw:

- a) "Act" shall mean the Development Charges Act, 1997 and any amendment thereto.
- b) "Commercial" shall mean any land, building or structure used for the purpose of buying and selling commodities or supplying services for profit or gain.
- c) "Council" shall mean the Council of the Corporation of the Township of Ramara.
- d) "Development" shall mean the construction, erection or placing of one or more buildings or structures on land or the construction, erection or making of an addition or alteration to a building or structure that increases the size or floor area.
- e) "Development charge" shall mean a charge imposed on land with respect to this bylaw.
- f) "Dwelling Unit" shall mean any part of a building or structure or mobile home as defined in Section 46 of the Planning Act used or intended to be used as living quarters whether on a permanent or seasonal basis.
- g) "Floor area" shall mean the total of all floor area within the building or structure measured between the outside surfaces of the exterior walls and shall include floor area below grade. For the purpose of this bylaw, floor area shall not include the floor area used for equipment for the heating, cooling, ventilating, electrical or mechanical for the building.
- h) "Industrial" shall mean any land, building or structure used for manufacturing processing, fabricating or assembly of raw materials or good or warehousing or bulk storage of goods and shall include any related accessory uses.
- i) "Institutional" shall mean any land, building or structure used by an organized body, religious group or society for a not for profit and non commercial purpose and includes such uses as schools, place of worship, community centre, nursing home, home for the aged, library and government building, but shall not include any residential use or group home.

- j) "Non-residential" shall mean any commercial, industrial or institutional use.
- k) "Re-development" shall have the same meaning as development.
- l) "Residential use" shall mean the lands, building or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a single detached dwelling, a semi detached dwelling, a townhouse dwelling, an apartment dwelling, and the residential portion of a mixed use building or structure;

2. DESIGNATED MUNICIPAL SERVICES

- 2.1 The designated municipal services for which the development charge will be collected are:

Bayshore Village Sanitary Sewer Services
Bayshore Village Water Services

3. APPLICABLE LANDS, BUILDINGS AND STRUCTURES

- 3.1 This bylaw shall apply to only those lands described in Schedule "B" to the bylaw.
- 3.2 This bylaw shall not apply to land that is owned by and used for the purpose of:
 - a) the Township or local board thereof;
 - b) the County of Simcoe
 - c) a Board of Education

4. TRIGGERS FOR THE CHARGE

- 4.1 Development charges shall be imposed on land to be developed or re-developed for residential and on residential use only where the development requires:
 - a) the passing of a zoning bylaw or 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 bylaw passed under subsection 50 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.

5. SCHEDULE OF DEVELOPMENT CHARGES

- 5.1 Subject to the provision of this bylaw, development charges against land shall be imposed and collected in accordance with the rates set out in Schedule "A" to this bylaw. Such charges are in addition to the municipal wide development charges established under the authority of the Act by a separate bylaw.

6. LOCAL SERVICE INSTALLATION

- 6.1 Nothing in this bylaw prevents Council from requiring, as a condition of an agreement under Section 51 or 53 of the Planning Act, that an owner, at his or her own expense, shall install or pay for such local services, as Council may require in accordance with Section 59 of the Planning Act.

7. MULTIPLE CHARGES

- 7.1 Where two or more of the actions described in subsection 4.1 are required before land to which a development charge applies can be development, only one development charge shall be calculated and collected in accordance with the provisions of this bylaw;
- 7.2 Notwithstanding subsection 7.1, if two or more of the actions described in subsection 5(1) occur at different times, and if the subsequent action has the effect of increasing the need of municipal services as set out in Schedule "B", an additional development charge on the additional residential dwelling units and non residential floor area, shall be calculated and collected in accordance with the provision of this bylaw.

8. SERVICES IN LIEU

- 8.1 Council may by agreement with the owner of the land, substitute services in lieu for all or a part of the development charge applicable to the owner's land as may be specified in the agreement. Such agreement shall specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit of the development charge.

9. DEVELOPMENT CHARGES CREDITS

- 9.1 In the case of the demolition or removal of all or part of a building or structure, a credit for the number of residential dwelling units or non-residential floor area will be recognized provided that a building permit has been issued for the development or re-development within 3 years from the date of demolition permit was issued. If no demolition permit was issued, no credit will be recognized.
- 9.2 Where a development charge has been paid to the Township since the passage of development charge bylaws under the authority of the Development Charges Act, 1997, a credit to the amount paid will be recognized toward the current development charge so that the applicant shall top up the recognized credit to an amount equal to the development charge at the time the building permit is issued.

10. TIMING OF CALCULATION AND PAYMENT

- 10.1 Subject to Sections 8 and 9 of this Bylaw, development charges shall be calculated and payable in full on the date that the first building permit is issued in relation to a building or structure on land to which a development charge applies.
- 10.2 Where development charges apply to land in relation to which building permit is required, the building permit shall not be issued until the development charge has been paid in full to the Treasurer of the Township.

11. RESERVE FUNDS

- 11.1 The municipality will establish the following reserve funds as it relates to development charges:

Bayshore Village Sewer Development Charge Reserve Fund

Bayshore Village Water Development Charge Reserve Fund

- 11.2 The Treasurer shall invest each reserve in accordance with Council policy
- 11.3 Council may borrow from the reserve funds and in accordance with the Act at the Bank of Canada Rate in effect at the date of passage of this bylaw updated quarterly on the first business day of January, April, July and October of each year.
- 11.4 The Treasurer shall submit an annual report of each reserve fund to Council by March 31 of the year following and in accordance with the Act and Regulations thereto.

12. BYLAW AMENDMENT OR APPEAL

- 12.1 Where this bylaw or any development charge prescribed thereunder is amended or repealed by order of the Ontario Municipal Board, the Municipal Treasurer shall calculate forthwith the amount of any overpayment to be refunded plus interest as a result of said amendment or repeal;
- 12.2 Refunds that are required to be paid under subsection 12.1 shall be paid within 15 business days with interest to be calculated as follows:
- a) interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
 - b) the interest rates shall be the Bank of Canada interest rate in effect on the date of enactment of the bylaw update on the first business day of every January, April, July and October thereafter shall be used.

13. BYLAW INDEXING

- 13.1 The development charges set out in Schedule "A" to this bylaw shall be adjusted annually on September 1, without amendment to this bylaw, in accordance with the most recent twelve month change in the Statistic Canada Quarterly Construction Price Statistics.

14. BYLAW ADMINISTRATION

- 14.1 This bylaw shall be administered by the Municipal Treasurer.

15. SEVERABILITY

- 15.1 In the event any provision, or part thereof, of this bylaw 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 the bylaw shall remain in full force and effect.

16. SCHEDULES TO THE BYLAW

- 16.1 Schedule "A" and Schedule "B" attached hereto shall be and form part of this bylaw.

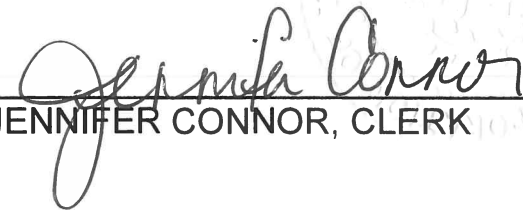
17. DATE BYLAW EFFECTIVE

17.1 This bylaw shall come into force and effect on September 1, 2019.

BYLAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 26TH DAY OF AUGUST 2019.



BASIL CLARKE, MAYOR



JENNIFER CONNOR, CLERK

SCHEDULE "A" TO BYLAW 2019.64

BAYSHORE VILLAGE	Residential Charge
	Single-Detached \$/unit
Sanitary Sewage Service	\$4,859
Water Service	\$2,116
Total Sewer and Water	\$6,975

SCHEDULE "B" TO BYLAW 2019.64

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the Township of Ramara, in the County of Simcoe and being composed of::

1. Lots 1 to 70 inclusive, Plan M-39;
2. Lots 71 to 173 inclusive, Plan M-40;
3. Lots 174 to 258 inclusive, and Block "F", Plan M-41;
4. Lots 259 to 338 inclusive, Plan M-42;
5. Block H, Plan M-39;
6. Lots 1-29, Plan 680 (Southview Drive).