

**ADDENDUM TO:  
MUNICIPALITY OF BRIGHTON  
2014 DEVELOPMENT CHARGES  
BACKGROUND STUDY**

FOR PUBLIC REVIEW AND COMMENT

JULY 17, 2014



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# SUMMARY OF REVISIONS MADE TO JULY 7, 2014 DEVELOPMENT CHARGES BACKGROUND STUDY

## 1. BACKGROUND

Commensurate with the provisions of the *Development Charges Act, 1997* (DCA), the Municipality of Brighton (Municipality) has undertaken a Development Charges (DC) Background Study and has distributed the study to the public. The following provides a summary of key dates in the DC Study process:

- July 7, 2014 – Release of the DC Background Study;
- July 21, 2014 – Public Meeting to present the DC Background Study and draft By-law; and
- Council to consider passage of the Development Charges By-law

The purpose of this addendum is to provide for changes to the 2014 DC Background Study to revise the capital needs listings for roads and related services (including public works), as well as to revise the proposed By-law to include an exemption for the geographical area of the Municipality's industrial park. These refinements will form part of the DC Background Study and will be identified at the Public Meeting and provided for approval by Council prior to consideration of the DC By-law.

## 2. DISCUSSION

Subsequent discussions with Municipal staff identified five adjustments to the DC Background Study and proposed schedule of charges, as well as the associated by-law. These adjustments are summarized below.

### **Roads and Related Capital Needs**

The 2014 DC Background Study includes the increase in capital needs for Roads and Related Services (i.e. roads and public works) over the 17-year forecast period. In the DC Background Study, the capital needs listing for roads and related services totalled \$3.53 million in net growth-related capital costs, excluding reserve fund adjustments. The capital needs listing for roads and related services includes a vacuum truck with an estimated capital cost of \$600,000. Upon further review by Municipal staff it was determined that the vacuum truck should be removed from the 2014 DC Background Study.

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The capital needs listing for roads and related services also included road improvements on Orchard Crescent and Walas Street, both of which have been removed as a result of further review by Municipal staff.

Municipal staff identified the need for an additional road project since the preparation of the July 7<sup>th</sup> DC Background Study. Due to recent and future development in the area, additional sidewalks will be required on Harbour Street to link new development areas with the existing community, addressing pedestrian transportation demands.

As a result of these changes the growth-related capital costs for roads and related services total \$2.71 million, excluding reserve fund adjustments. This represents a reduction of \$0.82 million (or 23%) to the roads and related capital program.

### **Exemption Provisions**

The 2014 DC Background Study identified non-statutory exemptions for places of worship and land used in connection therewith, as well as churchyards, cemeteries, and burial grounds exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1980, c.31. Upon further review, Municipal staff has recommended the addition of an exemption for the geographical area of the Municipality's industrial park. This change has been incorporated into Chapter 7 (Policy Recommendations and Development Charge By-law Rules) of the DC Background Study, and also into the proposed By-law.

DC policies to exempt or reduce charges for industrial development are commonly witnessed in Ontario. These exemptions are principally used as incentives to further economic development initiatives within municipalities. A survey of municipal DC practice within the surrounding areas identify broader exemptions for industrial development, i.e. not limited by geographic area. The following municipalities in neighbouring areas include DC exemptions for industrial development: Prince Edward County, Town of Cobourg (Existing Urban Service Area), City of Quinte West, City of Belleville and City of Peterborough.

As a result of the adjustments noted above, the development charges contained in the DC Background Study have been recalculated. No other changes have been identified impacting the proposed quantum of the development charges.

Table 1 summarizes the proposed schedule of development charges as amended. Table 2 compares the development charges that are currently imposed with those contained in the July 7<sup>th</sup> Background Study and the charges resulting from the revisions noted above. The comparison is provided for single detached residential and non-residential development (i.e. excluding industrial development within the defined industrial park area).

**TABLE 1**  
**MUNICIPALITY OF BRIGHTON**  
**PROPOSED SCHEDULE OF DEVELOPMENT CHARGES**

Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	(per ft <sup>2</sup> of Gross Floor Area)
<b>Municipal Wide Services:</b>					
Roads and Related	\$ 2,949	\$ 1,958	\$ 1,313	\$ 2,315	\$ 2.82
Fire Protection Services	\$ 316	\$ 210	\$ 141	\$ 248	\$ 0.16
Parks and Recreation	\$ 1,331	\$ 884	\$ 593	\$ 1,045	\$ 0.10
Library Services	\$ 241	\$ 160	\$ 107	\$ 189	\$ 0.02
Administration - Studies	\$ 206	\$ 137	\$ 92	\$ 162	\$ 0.24
<b>Total Municipal Wide Services</b>	<b>\$ 5,043</b>	<b>\$ 3,349</b>	<b>\$ 2,246</b>	<b>\$ 3,959</b>	<b>\$ 3.34</b>
<b>Urban Services</b>					
Wastewater	\$ 477	\$ 317	\$ 212	\$ 375	\$ 0.24
Water	\$ 2,153	\$ 1,430	\$ 959	\$ 1,690	\$ 1.08
<b>Total Urban Services</b>	<b>\$ 2,630</b>	<b>\$ 1,747</b>	<b>\$ 1,171</b>	<b>\$ 2,065</b>	<b>\$ 1.32</b>
GRAND TOTAL RURAL AREA	\$ 5,043	\$ 3,349	\$ 2,246	\$ 3,959	\$ 3.34
GRAND TOTAL URBAN AREA	\$ 7,673	\$ 5,096	\$ 3,417	\$ 6,024	\$ 4.66

**TABLE 2**  
**MUNICIPALITY OF BRIGHTON**  
**COMPARISON OF CALCULATED AND PROPOSED DEVELOPMENT CHARGES**

Service	Residential (\$/SDU)			Non-Residential (\$/Sq.ft.)		
	Current	Calculated (July 7 Draft Study)	Calculated	Current	Calculated (July 7 Draft Study)	Calculated
<b>Municipal Wide Services:</b>						
Roads and Related						
Roads	\$ 3,625	\$ 3,225	\$ 2,949	\$ 1.79	\$ 3.08	\$ 2.82
Public Works	\$ 718	\$ 362	\$ -	\$ 0.36	\$ 0.35	\$ -
Fire Protection Services	\$ 1,056	\$ 316	\$ 316	\$ 0.52	\$ 0.16	\$ 0.16
Parks and Recreation	\$ 1,182	\$ 1,331	\$ 1,331	\$ -	\$ 0.10	\$ 0.10
Library Services	\$ 500	\$ 241	\$ 241	\$ -	\$ 0.02	\$ 0.02
Administration - Studies	\$ 188	\$ 206	\$ 206	\$ 0.09	\$ 0.24	\$ 0.24
<b>Total Municipal Wide Services</b>	<b>\$ 7,269</b>	<b>\$ 5,681</b>	<b>\$ 5,043</b>	<b>\$ 2.76</b>	<b>\$ 3.95</b>	<b>\$ 3.34</b>
<b>Area Specific Services:</b>						
Wastewater	\$ 662	\$ 477	\$ 477	\$ 0.33	\$ 0.24	\$ 0.24
Water	\$ 959	\$ 2,153	\$ 2,153	\$ 0.47	\$ 1.08	\$ 1.08
<b>Total Area Specific Services</b>	<b>\$ 1,621</b>	<b>\$ 2,630</b>	<b>\$ 2,630</b>	<b>\$ 0.80</b>	<b>\$ 1.32</b>	<b>\$ 1.32</b>
<b>Grand Total - Urban Area</b>	<b>\$ 8,890</b>	<b>\$ 8,311</b>	<b>\$ 7,673</b>	<b>\$ 3.56</b>	<b>\$ 5.27</b>	<b>\$ 4.66</b>

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Furthermore, the following list summarizes the revisions that have been made to the July 7, 2014 Background Study that are included herein:

- Pages 5-7, 5-9, and 5-10 – revised DC capital needs listings for roads and related services and corresponding textual changes;
- Pages 6-2 through 6-4 – revised development charge calculation and comparison tables;
- Page 7-3 – textual changes to reflect recommended industrial development exemption for the geographical area of the Municipality's industrial park; and
- Appendix C – revised draft DC By-Law.

### **3. PROCESS FOR ADOPTION OF THE DEVELOPMENT CHARGES BY-LAW**

As noted earlier, these changes will be incorporated into the 2014 DC Background Study to be provided to Council and the general public prior to the public meeting on July 21, 2014 and prior to Council's consideration and adoption of the proposed DC By-law.

If Council is satisfied with the above changes to the DC Background Study, then prior to by-law passage Council must:

- Approve the 2014 DC Background Study, as amended;
- Determine that no further public meetings are required on the matter; and
- Adopt a new DC By-law.

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## **AMENDED PAGES**

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## **5.3 Service Levels and 17-Year Capital Costs for Municipal-wide DC Calculation**

### ***5.3.1 Roads and Road Related***

The Municipality has a current inventory of 210 kilometres of arterial and collector roads. This historic level of infrastructure investment equates to a \$6,938 per capita level of service. When applied to the forecast population growth to 2031 (i.e. 340 population), a maximum DC-eligible cost of \$2.4 million could be expected to meet the future increase in needs for service.

Review of the Municipality's roads needs for the forecast period identified \$2.71 million in gross capital costs. These capital needs include various road reconstruction and urbanization projects. Approximately \$300,400 has been deducted for existing reserve fund balances, accounting for funds already secured towards these future needs. Recognizing the benefit to existing development through the resurfacing and replacement of existing infrastructure at the time of addressing growth needs, \$603,600 has been deducted. As a result, approximately \$1.8 million in capital needs have been included in the DC calculation.

In addition to roads, the Municipality's public works department utilizes 33,629 square feet of facility space, and operates a fleet of 42 vehicles and equipment. In this regard, a historic average level of service of \$801.26 per capita has been provided, resulting in a DC-eligible cap of approximately \$272,428. No growth-related capital needs have been identified for public works over the forecast period.

The net growth-related costs for roads and related services have been allocated between future residential and non-residential development on the basis of incremental population to employment growth over the 17-year forecast period (i.e. 49% residential/51% non-residential).

### ***5.3.2 Fire Protection Services***

The Municipality currently has two fire stations which provide a combined total of 10,908 square feet of floor space. The fire department also has a current inventory of 9 vehicles, and provides 36 sets of equipment for firefighter outfitting, as well as various specialty equipment. In total, the inventory of fire protection assets provides a historic average level of service of \$435.50 per capita. The historic level of investment in fire services provides for a DC-eligible amount over the forecast period of approximately \$148,070.

Based on the Municipality's 2013 Fire Master Plan, the department's Implementation Plan and discussions with staff, the Municipality will require funds for a facility review study and an expansion to the Urban (South) Station. The gross capital cost estimates for the increase in

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service total \$525,000. In total, the growth-related capital costs for fire services over the forecast period are \$148,070, after deducting the existing reserve fund balance of \$42,626 and service level cap restrictions of \$334,300.

The allocation of net growth-related costs for fire protection services between residential and non-residential development is 64% residential and 36% non-residential, based on area coverage of residential and non-residential development, over the 17-year forecast period.







**TABLE 6-1**  
**MUNICIPALITY OF BRIGHTON**  
**DEVELOPMENT CHARGE CALCULATION**  
**Municipal-wide Services**  
**2014-Urban Build Out**

SERVICE	2014 \$ DC Eligible Cost		2014 \$ DC Eligible Cost	
	Residential	Non-Residential	SDU	per ft <sup>2</sup>
1. Wastewater	\$ 419,736	\$ 125,376	\$ 477	\$ 0.24
2. Water	\$ 1,892,548	\$ 565,306	\$ 2,153	\$ 1.08
<b>TOTAL DC ELIGIBLE CAPITAL COST</b>	<b>\$ 2,312,283</b>	<b>\$ 690,682</b>	<b>\$ 2,630</b>	<b>\$ 1.32</b>
Build out Gross Population / GFA Growth (ft <sup>2</sup> .)	2,251	522,600		
Cost Per Capita / Non-Residential GFA (ft <sup>2</sup> .)	\$ 1,027.22	\$ 1.32		
<u>By Residential Unit Type</u>	<u>p.p.u</u>			
Single and Semi-Detached Dwelling	2.56	\$ 2,630		
Apartments - 2 Bedrooms +	1.70	\$ 1,746		
Apartments - Bachelor and 1 Bedroom	1.14	\$ 1,171		
Other Multiples	2.01	\$ 2,065		

**TABLE 6-2**  
**MUNICIPALITY OF BRIGHTON**  
**DEVELOPMENT CHARGE CALCULATION**  
**Municipal-wide Services**  
**2014-2031**

SERVICE	2014 \$ DC Eligible Cost		2014 \$ DC Eligible Cost	
	Residential	Non-Residential	SDU	per ft <sup>2</sup>
3. Roads and Related				
3.1 Roads	\$ 882,527	\$ 921,462	\$ 2,949	\$ 2.82
3.2 Public Works	\$ -	\$ -	\$ -	\$ -
4. Fire Protection Services	\$ 94,411	\$ 53,659	\$ 316	\$ 0.16
<b>TOTAL DC ELIGIBLE CAPITAL COST</b>	<b>\$ 976,938</b>	<b>\$ 975,121</b>	<b>\$ 3,265</b>	<b>2.98</b>
20 Year Gross Population / GFA Growth (ft <sup>2</sup> .)	766	327,400		
Cost Per Capita / Non-Residential GFA (ft <sup>2</sup> .)	\$ 1,275.38	\$ 2.98		
<u>By Residential Unit Type</u>	<u>p.p.u</u>			
Single and Semi-Detached Dwelling	2.56	\$ 3,265		
Apartments - 2 Bedrooms +	1.70	\$ 2,168		
Apartments - Bachelor and 1 Bedroom	1.14	\$ 1,454		
Other Multiples	2.01	\$ 2,564		

**TABLE 6-3**  
**MUNICIPALITY OF BRIGHTON**  
**DEVELOPMENT CHARGE CALCULATION**  
**Municipal-wide Services**  
**2014-2024**

SERVICE	2014 \$ DC Eligible Cost		2014 \$ DC Eligible Cost	
	Residential	Non-Residential	SDU	per ft <sup>2</sup>
5. Parks and Recreation	\$ 234,578	\$ 12,346	\$ 1,331	\$ 0.10
6. Library Services	\$ 42,404	\$ 2,232	\$ 241	\$ 0.02
7. Administration - Studies	\$ 36,310	\$ 29,048	\$ 206	\$ 0.24
<b>TOTAL DC ELIGIBLE CAPITAL COST</b>	<b>\$ 313,292</b>	<b>\$ 43,626</b>	<b>\$ 1,778</b>	<b>\$ 0.36</b>
10 Year Gross Population / GFA Growth (ft <sup>2</sup> .)	451	119,700		
Cost Per Capita / Non-Residential GFA (ft <sup>2</sup> .)	\$ 694.66	\$ 0.36		
<u>By Residential Unit Type</u>	<u>p.p.u</u>			
Single and Semi-Detached Dwelling	2.56	\$ 1,778		
Apartments - 2 Bedrooms +	1.70	\$ 1,181		
Apartments - Bachelor and 1 Bedroom	1.14	\$ 792		
Other Multiples	2.01	\$ 1,396		

**TABLE 6-4**  
**SCHEDULE OF DEVELOPMENT CHARGES**

Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	(per ft <sup>2</sup> of Gross Floor Area)
<b>Municipal Wide Services:</b>					
Roads and Related	\$ 2,949	\$ 1,958	\$ 1,313	\$ 2,315	\$ 2.82
Fire Protection Services	\$ 316	\$ 210	\$ 141	\$ 248	\$ 0.16
Parks and Recreation	\$ 1,331	\$ 884	\$ 593	\$ 1,045	\$ 0.10
Library Services	\$ 241	\$ 160	\$ 107	\$ 189	\$ 0.02
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<b>Total Municipal Wide Services</b>	<b>\$ 5,043</b>	<b>\$ 3,349</b>	<b>\$ 2,246</b>	<b>\$ 3,959</b>	<b>\$ 3.34</b>
<b>Urban Services</b>					
Wastewater	\$ 477	\$ 317	\$ 212	\$ 375	\$ 0.24
Water	\$ 2,153	\$ 1,430	\$ 959	\$ 1,690	\$ 1.08
<b>Total Urban Services</b>	<b>\$ 2,630</b>	<b>\$ 1,747</b>	<b>\$ 1,171</b>	<b>\$ 2,065</b>	<b>\$ 1.32</b>
GRAND TOTAL RURAL AREA	\$ 5,043	\$ 3,349	\$ 2,246	\$ 3,959	\$ 3.34
GRAND TOTAL URBAN AREA	\$ 7,673	\$ 5,096	\$ 3,417	\$ 6,024	\$ 4.66

**TABLE 6-5  
COMPARISON OF CURRENT AND CALCULATED DEVELOPMENT CHARGES FOR SPECIFIC  
TYPES OF DEVELOPMENT**

Service	Residential (\$/SDU)		Non-Residential (\$/Sq.ft.)	
	Current	Calculated	Current	Calculated
<b>Municipal Wide Services:</b>				
Roads and Related				
Roads	\$ 3,625	\$ 2,949	\$ 1.79	\$ 2.82
Public Works	\$ 718	\$ -	\$ 0.36	\$ -
Fire Protection Services	\$ 1,056	\$ 316	\$ 0.52	\$ 0.16
Parks and Recreation	\$ 1,182	\$ 1,331	\$ -	\$ 0.10
Library Services	\$ 500	\$ 241	\$ -	\$ 0.02
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<b>Total Municipal Wide Services</b>	<b>\$ 7,269</b>	<b>\$ 5,043</b>	<b>\$ 2.76</b>	<b>\$ 3.34</b>
<b>Area Specific Services:</b>				
Wastewater	\$ 662	\$ 477	\$ 0.33	\$ 0.24
Water	\$ 959	\$ 2,153	\$ 0.47	\$ 1.08
<b>Total Area Specific Services</b>	<b>\$ 1,621</b>	<b>\$ 2,630</b>	<b>\$ 0.80</b>	<b>\$ 1.32</b>
<b>Grand Total - Urban Area</b>	<b>\$ 8,890</b>	<b>\$ 7,673</b>	<b>\$ 3.56</b>	<b>\$ 4.66</b>

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### **7.3.3 Application to Redevelopment of Land (Demolition and Conversion)**

If a development involves the demolition of and replacement of a building or structure on the same site, or the conversion from one principal use to another, the developer shall be allowed a credit equivalent to:

- 1) the number of dwelling units demolished/converted multiplied by the applicable residential development charge in place at the time the development charge is payable; and/or
- 2) the gross floor area of the building demolished/converted multiplied by the current non-residential development charge in place at the time the development charge is payable.

The demolition credit is allowed only if the land was improved by occupied structures, and if the demolition permit related to the site was issued, less than 60 months prior to the issuance of a building permit. The credit can, in no case, exceed the amount of development charges that would otherwise be payable.

### **7.3.4 Exemptions (full or partial)**

a) Statutory exemptions

- industrial building additions of up to and including 50% of the existing gross floor area (defined in O.Reg. 82/98, s.1) of the building; for industrial building additions which exceed 50% of the existing gross floor area, only the portion of the addition in excess of 50% is subject to development charges (s.4(3));
- buildings or structures owned by and used for the purposes of any Municipality, local board or Board of Education (s.3); and
- residential development that results in only the enlargement of an existing dwelling unit, or that results only in the creation of up to two additional dwelling units (based on prescribed limits set out in s.2 of O.Reg. 82/98).

b) Non-statutory exemptions

- a place of worship and land used in connection therewith, and a churchyard, cemetery and burial ground exempt from taxation under Section 3 of the assessment Act, R.S.O. 1980, c.31; and
- industrial development within the defined geographic area of the Municipality's industrial park.

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**THE CORPORATION OF THE MUNICIPALITY OF BRIGHTON  
BY-LAW NO. \_\_\_\_-2014**

**BEING A BY-LAW OF THE MUNICIPALITY OF BRIGHTON  
WITH RESPECT TO DEVELOPMENT CHARGES**

**WHEREAS** Section 2(1) of the *Development Charges Act, 1997, S.O. 1997, c. 27* (hereinafter called the *Act*) enables the Council of a municipality to pass by-laws for the imposition of development charges against land located in the municipality where the development of the land would increase the need for municipal services as designated in the bylaw and the development requires one or more of the actions set out in Subsection 2(2) of the *Act*;

**AND WHEREAS** the Council of the Municipality of Brighton, at its meeting of \_\_\_\_\_<sup>th</sup>, 2014, approved a report entitled *Municipality of Brighton 2014 Development Charges Background Study*;

**AND WHEREAS** the Council has given Notice in accordance with Section 12 of the *Development Charges Act, 1997* of its development charges proposal and held a public meeting on July 21<sup>st</sup>, 2014;

**AND WHEREAS** the Council has heard all persons who applied to be heard in objection to, or in support of, the development charges proposal at such public meeting and provided a subsequent period for written communications to be made;

**AND WHEREAS** the Council, in adopting the *Municipality of Brighton Development Charges Background Study* on \_\_\_\_\_<sup>th</sup>, 2014, directed that development charges be imposed on land under development or redevelopment within the geographical limits of the municipality as hereinafter provided.

**NOW THEREFORE** the Council enacts as follows:

1. In this By-law:

**DEFINITIONS**

- (1) "Act" means the *Development Charges Act, 1997, S.O. 1997, c. 27*;
- (2) "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;

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- (3) "apartment unit" means any residential dwelling unit within a building containing more than two dwelling units where the residential units are connected by an interior corridor;
  - (4) "bedroom" means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a living room, dining room or kitchen;
  - (5) "benefitting area" means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
  - (6) "capital costs" 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,
    - (b) to improve land,
    - (c) to acquire, construct or improve buildings and structures,
    - (d) to acquire, construct or improve facilities including:
      - (i) rolling stock, furniture and equipment with an estimated useful life of seven years or more,
      - (ii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act, 1984, S. 0, 1984, c. 57,*
      - (iii) furniture and equipment, other than computer equipment,
    - (e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d), required for the provision of services designated in this by-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (a), (b), (c) and (d) that are growth-related;
  - (7) "commercial use" means the use of land, structure or building for the purpose of buying and selling of commodities and supplying of services as distinguished from manufacturing or assembling of goods, also as distinguished from other purposes such as warehousing and/or an open storage yard;
  - (8) "council" means the Council of the municipality;
  - (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 usability thereof, and includes redevelopment;



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- (10) "development charge" means a charge imposed with respect to growth-related net capital costs against land in the municipality under this by-law;
- (11) "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;
- (12) "existing 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;
- (13) "front-end payment" means a payment made by an owner pursuant to a front-ending agreement, which may be in addition to a development charge that the owner is required to pay under this by-law, to cover the net capital costs of the services designated in the agreement that are required to enable the land to be developed;
- (14) "front-ending agreement" means an agreement made under Section 44 of the Act between the municipality and any or all owners within a benefitting area providing for front-end payments by an owner or owners or for the installation of services by an owner or owners or for the installation of services by an owner or owners or any combination thereof;
- (15) "grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- (16) "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 party walls dividing the dwelling unit from another dwelling unit or other portion of a building;
- (17) "industrial" means a building used for the purpose of manufacturing, producing, processing, storing or distributing something, research and development

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connected to manufacturing, producing or processing something, retail sales by a manufacturer of something they manufactured, produced or processed, provided that the retail sales take place at the same site; or office and administrative uses if they are carried out with respect to the manufacturing, production, processing, storage or distribution carried out at the same site;

- (18) "multiple" means all dwellings other than single detached dwellings, semi-detached dwellings and apartment dwellings;
- (19) "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;
- (20) "Planning Act" means the *Planning Act, 1990* as amended;
- (21) "rate" means the interest rate established weekly by the Bank of Canada for treasury bills having a term of 30 days;
- (22) "regulation" means any regulation made pursuant to the Act;
- (23) "residential use" means land or buildings or structure of any kind whatsoever used, designed or intended to be used as living accommodations for one or more individuals;
- (24) "semi-detached dwelling", "duplex" or "row housing" means a dwelling unit in a residential building consisting of two (or more in the case of row housing) dwelling units having one vertical wall or one horizontal wall, but no other parts, attached to another dwelling unit where the residential units are not connected by an interior corridor;
- (25) "services" (or "service") means those services designated in Schedule "B" to this by-law or specified in an agreement made under Section 44 of the Act;
- (26) "services in lieu" means those services specified in an agreement made under Section 8 of this by-law;
- (27) "service standards" means the prescribed level of services on which the schedule of charges in Schedule "B" are based;
- (28) "servicing agreement" means an agreement between a landowner and the municipality relative to the provision of municipal services to specified lands within the municipality;
- (29) "single detached dwelling unit" means a residential building consisting of one dwelling unit and not attached to another structure.

## **SCHEDULE OF DEVELOPMENT CHARGES**

2. (1) Subject to the provisions of this by-law, development charges against land shall be calculated and collected in accordance with the base rates set out in Schedule "C", which relate to the services set out in Schedule "B".
- (2) The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:
  - (a) in the case of residential development, or the residential portions of a mixed-use development, based upon the number and type of dwelling units;
  - (b) in the case of commercial and/or industrial, or the commercial and/or industrial portion of a mixed-use development, based upon the gross floor area of such development.
- (3) Council hereby determine that the development of land, buildings or structures for residential and commercial and/or industrial uses will require the provision, enlargement, expansion or improvement of the services referenced in Schedule "C".

### **APPLICABLE LANDS**

3. (1) Subject to Subsections (2), (3), (4) and (5) this by-law applies to all lands in The Municipality of Brighton whether or not the land or use is exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1980, c.31.
- (2) This by-law shall not apply to land that is owned by and used for the purposes of:
  - (a) board of education;
  - (b) any municipality or local board thereof;
  - (c) a place of worship and land used in connection therewith, and a churchyard, cemetery and burial ground exempt from taxation under Section 3 of the Assessment Act, R.S.O.1980, c.31; and
  - (d) industrial development located within the lands of the Municipality's Industrial Park, as defined in Schedule D herein.
- (3) This by-law shall not apply to that category of exempt development described in Subsection 2(3)(b) of the Development Charges Act, 1997, C.27 and Section 2 of O.Reg. 82198, namely:

<b>NAME OF CLASS OF RESIDENTIAL BUILDING</b>	<b>DESCRIPTION OF CLASS OF RESIDENTIAL BUILDING</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 other units must be less than or equal to the gross floor area of the dwelling unit already in the building.
Semi-detached 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 total 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 total 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.

- (4) (a) If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with this section.
- (b) If the gross floor area is enlarged by 50 percent or less, the amount of the development charge in respect of the enlargement is zero.
- (c) If the gross floor area is enlarged by more than 50 percent, the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the action determined as follows:
- (i) Determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.
  - (ii) Divide the amount determined under paragraph 1 by the amount of the enlargement.

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- (5) That where a conflict exists between the provisions of the new by-law and any other agreement between the municipality and the owner, with respect to land to be charged under this policy, the provisions of such agreement prevail to the extent of the conflict.
- (6) This by-law is not applicable to development for which a complete application for building permit has been submitted prior to the in-force date of this by-law.
4. (1) Subject to Subsection (2), development charges shall apply to, and shall be calculated and collected in accordance with, the provisions of this by-law on land to be developed for residential and commercial, industrial and/or institutional use, where:
- (a) the development of that land will increase the need for services, and
  - (b) the development requires:
    - (i) the passing of a zoning by-law or an amendment thereto under Section 34 of the Planning Act, 1990;
    - (ii) the approval of a minor variance under Section 45 of the Planning Act, 1990;
    - (iii) a conveyance of land to which a by-law passed under Subsection 50(7) of the Planning Act, 1990;
    - (iv) the approval of a plan of subdivision under Section 51 of the Planning Act, 1990;
    - (v) a consent under Section 53 of the Planning Act, 1990;
    - (vi) the approval of a description under Section 51 of the Condominium Act, R.S.O. 1980, c.84; or
    - (vii) the issuing of a permit under the Building Code Act, R.S.O. 1992 in relation to a building or structure.
- (2) Subsection (1) shall not apply in respect of:
- (a) local services installed at the expense of the owner within a plan of subdivision as a condition of approval under Section 52 of the Planning Act, 1990;
  - (b) local services installed at the expense of the owner as a condition of approval under Section 53 of the Planning Act, 1990;

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## EXISTING AGREEMENTS

5. An agreement with respect to charges related to development registered prior to passage of this by-law remains in effect after enactment of this by-law.

## MULTIPLE CHARGES

6.
  - (1) Where two or more of the actions described in Section 4(1) are required before land to which a development charge applies can be developed, only one development charge shall be calculated and collected in accordance with the provisions of this by-law.
  - (2) Notwithstanding Subsection (1), if two or more of the actions described in Section 4(1) occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as designated in Schedule "B", an additional development charge on the additional residential units and/or commercial and/or industrial floor area, shall be calculated and collected in accordance with the provisions of this by-law.

## SERVICE STANDARDS

7. The approved service standards for the municipality are those contained in the Development Charges Background Study.

## SERVICES IN LIEU

8.
  - (1) Council may authorize an owner to substitute the whole or such part of the development charge applicable to the owner's development as may be specified in an agreement by the provision at the sole expense of the owner, of services in lieu. Such agreement shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against the development charge otherwise applicable to the development, equal to the reasonable cost to the owner of providing the services in lieu provided such credit shall not exceed the total development charge payable by an owner to the municipality.

- (2) In any agreement under Subsection (1), Council may also give a further credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this by-law.
- (3) The credit provided for in Subsection (2) shall not exceed the service standards referenced in Section 7 and used in the calculation of the charges in Schedule "C" and no credit shall be charged to any development charges reserve fund prescribed in this by-law.

## **FRONT-ENDING AGREEMENTS**

9. (1) Council may enter into a Front-ending agreement with any or all owners within a benefitting area pursuant to Section 21 of the Development Charges Act, 1997, providing for the payment by the owner or owners of a front-end payment or for the installation of services by the owners or any combination of front-end payments and installation of services, which may be in addition to the required development charge.
  - (2) Front-end payments made by benefitting owners under a front-ending agreement relating to the provision of services for which a development charge is payable shall be credited with an amount equal to the reasonable cost to the owner of providing the services, against the development charges otherwise payable under Schedule "73" of this by-law.
  - (3) No credit given pursuant to Subsection 9(1) shall exceed the total development charge payable by the owner for the applicable service component or the standard of service outlined in Schedule "B" and referenced in Section 7.
  - (4) The front-end payment required to be made by the benefitting owner under a front-ending agreement may be adjusted annually.

## **DEVELOPMENT CHARGE CREDITS**

10. (1) An owner who has secured the necessary approvals may demolish and replace existing dwelling units or commercial and/or industrial floor area and not be subject to the development charge under Section 2 with respect to the development being replaced, provided that the demolition has occurred within 60 months of the issuance of building permit and any additional floor area or dwelling units created in excess of those demolished shall be subject to the development charge calculated under Section 2.

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## PHASING TIMING OF CALCULATION AND PAYMENT

11. (1) The Development Charges set out in Schedule C of this By-law are payable in full, subject to the exemptions and credits herein from the effective date of this By-law.
- (2) 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 the first building permit is issued in relation to a building or structure on land to which a development charge applies, or in a manner or at a time otherwise lawfully agreed upon.
- (3) 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.
- (4) Notwithstanding Subsections (1) and(2), an owner may enter into an agreement with the municipality to provide for the payment in full of a development charge before building permit issuance or later than the issuing of a building permit.

## BY-LAW REGISTRATION

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

## RESERVEN FUND(S)

13. (1) Monies received from payment of development charges shall be maintained in a separate reserve fund or finds, and shall be used only to meet the growth-related net capital costs for which the development charge was levied under this by-law.
- (2) Council directs the Municipal Treasurer to divide the reserve fund(s) created hereunder into the separate subaccounts in accordance with the service categories set out in Schedule "B" to which the development charge payments shall be credited in accordance with the amounts shown, plus interest earned thereon.



- (3) Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
- (4) Where any unpaid development charges are collected as taxes under Subsection (3), the monies so collected shall be credited to the development charge reserve fund or funds referred to in Subsection (1).

## **BY-LAW AMENDMENT OR REPEAL**

14. (1) Where this by-law or any development charge prescribed there under is amended or repealed either by order of the Ontario Municipal Board or by the Municipal Council, the Municipal Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
- (2) Refunds that are required to be paid under Subsection (1) shall be paid to the registered owner of the land on the date on which the refund is paid.
- (3) Refunds that are required to be paid under Subsection (1) shall be paid 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 refund shall include the interest owed under this Section;
  - (c) interest shall be paid at the Bank of Canada rate in effect on the later of:
    - (i) the date of enactment of this by-law, or
    - (ii) the date of the last quarterly adjustment, in accordance with the provisions of Subsection (4).
- (4) The Bank of Canada interest rate in effect on the date of enactment of this by-law shall be adjusted on the next following business day to the rate established by the Bank of Canada on that day, and shall be adjusted quarter-yearly thereafter in January, April, July and October to the rate established by the Bank of Canada on the day of adjustment.

## **DEVELOPMENT CHARGE SCHEDULE INDEXING**

15. The development charges referred to in Schedule "C" shall be adjusted annually, without amendment to this by-law, on the anniversary date of this by-law, in accordance with the Statistics Canada Quarterly, Construction Price Statistics catalogue number 62-007.

**BY-LAW ADMINISTRATION**

16. This by-law shall be administered by the Municipal Treasurer.

**SCHEDULES TO THE BY-LAW**

17. The following schedules to this by-law form an integral part of this by-law:

Schedule "A" – Areas Subject to Development Charges,

Schedule "B" – Designated Municipal Services under This By-law

Schedule "C" – Residential and Non-Residential Development Charges

Schedule "D" – Map of Municipal Industrial Park

**DATE BY-LAW EFFECTIVE**

18. (i) This by-law shall come into force and effect on the date of its enactment  
(ii) This by-law shall continue in force and effect for a term not to exceed five years from the date of its enactment, unless it is repealed at an earlier date.

**SHORT TITLE**

19. This by-law maybe cited as the Development Charges By-law

**READ A FIRST AND SECOND TIME, read a third time and finally passed this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2014.**

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Mayor

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Municipal Clerk

**SCHEDULE "A"**  
**TO BY-LAW \_\_\_-2014**  
**AREA SUBJECT TO DEVELOPMENT CHARGES**

1. All land within the corporate limits of the Municipality of Brighton shall be subject to the Development Charges outlined on Schedule "C".
  
2. Only development connected to the municipal sewer and water system shall be subject to the water and wastewater portion of the Development Charges outlined on Schedule "C".

**SCHEDULE "B"**  
**TO BY-LAW NO. \_\_-2014**  
**DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW**

**MUNICIPAL-WIDE SERVICES**

100% Eligible Services

Roads and Related  
Fire Protection Services

90% Eligible Services

Administrative Services  
Parks and Recreation Services  
Library Services

**URBAN SERVICED AREA SERVICES**

Wastewater Services  
Water Services

**SCHEDULE "C"**  
**BY-LAW NO. \_\_\_ - 2014**

Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	(per ft <sup>2</sup> of Gross Floor Area)
<b>Municipal Wide Services:</b>					
Roads and Related	\$ 2,949	\$ 1,958	\$ 1,313	\$ 2,315	\$ 2.82
Fire Protection Services	\$ 316	\$ 210	\$ 141	\$ 248	\$ 0.16
Parks and Recreation	\$ 1,331	\$ 884	\$ 593	\$ 1,045	\$ 0.10
Library Services	\$ 241	\$ 160	\$ 107	\$ 189	\$ 0.02
Administration - Studies	\$ 206	\$ 137	\$ 92	\$ 162	\$ 0.24
<b>Total Municipal Wide Services</b>	<b>\$ 5,043</b>	<b>\$ 3,349</b>	<b>\$ 2,246</b>	<b>\$ 3,959</b>	<b>\$ 3.34</b>
<b>Urban Services</b>					
Wastewater	\$ 477	\$ 317	\$ 212	\$ 375	\$ 0.24
Water	\$ 2,153	\$ 1,430	\$ 959	\$ 1,690	\$ 1.08
<b>Total Urban Services</b>	<b>\$ 2,630</b>	<b>\$ 1,747</b>	<b>\$ 1,171</b>	<b>\$ 2,065</b>	<b>\$ 1.32</b>
GRAND TOTAL RURAL AREA	\$ 5,043	\$ 3,349	\$ 2,246	\$ 3,959	\$ 3.34
GRAND TOTAL URBAN AREA	\$ 7,673	\$ 5,096	\$ 3,417	\$ 6,024	\$ 4.66

**SCHEDULE "D"**  
**TO BY-LAW \_\_\_-2014**  
**MAP OF MUNICIPAL INDUSTRIAL PARK**