

TOWN OF GEORGINA

26557 Civic Centre Rd., Keswick, Ontario L4P 3G1

REGION OF YORK
CLERK'S OFFICE

FILE No. -



December 9, 2011

Region of York,
17250 Yonge Street,
NEWMARKET, Ontario
L3Y 6Z1

Attn: Denis Kelly, Regional Clerk

Re: Draft Development Charges Background Study
Report No. DAS-2011-0036

Dear Mr. Kelly:

Town Council considered Report No. DAS-2011-0036 entitled 'Draft Development Charges Background Study and By-law, as amended'.

In accordance with this report, Town Council is respectfully requesting the Region of York, along with the York Region District School Board and the York Catholic District School Board, to consider extending their exemptions from development charges for demolition and re-development from 5 years to 10 years in their development charges by-law.

I have enclosed a photocopy of Report No. DAS-2011-0036 for review and information purposes.

Thank you for your consideration of this request. If you have any questions or concerns, please feel free to contact Rebecca Mathewson, Director of Administrative Services and Treasurer for the Town of Georgina, at 905-476-4301, extension 201 or rmathewson@georgina.ca.

Sincerely,
FOR THE TOWN OF GEORGINA,


Carolyn Lance
Administrative Assistant to the Town Clerk

cc: Ken Thurston, Director, York Region District School Board, 60 Wellington Street West, Aurora L4G 6J8
Susan LaRosa, Director, York Catholic District School Board, Catholic Education Ctr, 320 Bloomington Rd W, Aurora L4G 3G8
Rebecca Mathewson, Director of Administrative Services and Treasurer



COPY

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DAS-2011-0036

**FOR THE CONSIDERATION OF
COUNCIL
OF JULY 18, 2011**

**SUBJECT: DRAFT DEVELOPMENT CHARGES BACKGROUND STUDY AND
BY-LAW, AS AMENDED**

RECOMMENDATION:

- 1. THAT COUNCIL RECEIVE REPORT DAS-2011-0036 REGARDING THE DRAFT DEVELOPMENT CHARGES BACKGROUND STUDY DATED JUNE 2011, AS AMENDED.**
- 2. THAT COUNCIL RECEIVE AND APPROVE THE DEVELOPMENT CHARGES BACKGROUND STUDY DATED JUNE 2011, AS AMENDED, UNDER SECTION 10 OF THE *DEVELOPMENT CHARGES ACT, 1997*.**
- 3. THAT COUNCIL ENDORSE THE GROWTH-RELATED CAPITAL PROGRAM SET OUT BY SERVICE AREAS IN CHAPTER 5 AND FURTHER DETAILED IN APPENDIX B OF THE DEVELOPMENT CHARGE BACKGROUND STUDY DATED JUNE 2011, SUBJECT TO FURTHER ANNUAL REVIEW AND APPROVAL DURING THE CAPITAL BUDGET DELIBERATIONS.**
- 4. THAT COUNCIL EXPRESSES ITS INTENT THAT THAT THE FUTURE EXCESS CAPACITY IDENTIFIED IN THE DEVELOPMENT CHARGES BACKGROUND STUDY DATED JUNE 2011, AS AMENDED, SHALL BE PAID FOR BY THE DEVELOPMENT CHARGES OR OTHER SIMILAR CHARGES.**
- 5. THAT COUNCIL STATES THAT IT HAS GIVEN NOTICE IN ACCORDANCE WITH SECTION 12 OF THE *DEVELOPMENT CHARGES ACT, 1997*, OF ITS INTENTION TO PASS A BY-LAW UNDER SECTION 2 OF THE *ACT*.**
- 6. THAT COUNCIL STATES THAT IT HAS RECEIVED THE BACKGROUND STUDY AND PROPOSED BY-LAW AND DIRECTED STAFF TO MAKE THE BACKGROUND STUDY AND BY-LAW AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH SECTION 12 OF THE *ACT*.**

7. THAT COUNCIL STATES THAT IT HELD A PUBLIC MEETING TO CONSIDER THE ENACTMENT OF THE DEVELOPMENT CHARGE BY-LAW IN ACCORDANCE WITH SECTION 12 OF THE ACT.
8. THAT COUNCIL STATES THAT IT HEARD ALL PERSONS WHO APPLIED TO BE HEARD AND RECEIVED WRITTEN SUBMISSIONS WHETHER IN OBJECTION TO, OR IN SUPPORT OF, THE DEVELOPMENT CHARGES PROPOSED AT THE PUBLIC MEETING.
9. THAT COUNCIL HAS DETERMINED THAT NO FURTHER PUBLIC MEETINGS WERE REQUIRED UNDER SECTION 12(3) OF THE ACT.
10. THAT COUNCIL ADOPT A NEW DEVELOPMENT CHARGES BY-LAW, AS AMENDED, ATTACHED TO THIS REPORT AS APPENDIX A.
11. THAT COUNCIL ADOPT A NEW AREA-SPECIFIC DEVELOPMENT CHARGES BY-LAW FOR DEVELOPMENT-RELATED STUDIES APPLICABLE TO THOSE LANDS WHICH FORM PART OF NORTHWEST SUTTON DEVELOPMENT AREA NO. 3, AS SET OUT IN SCHEDULE D OF THE DEVELOPMENT CHARGES BACKGROUND STUDY, ATTACHED TO THIS REPORT AS APPENDIX B.
12. THAT COUNCIL REQUEST THE REGION OF YORK, THE YORK REGION DISTRICT SCHOOL BOARD, AND THE YORK CATHOLIC DISTRICT SCHOOL BOARD TO CONSIDER EXTENDING ITS EXEMPTIONS FROM DEVELOPMENT CHARGES FOR DEMOLITION AND RE-DEVELOPMENT FROM 5 YEARS TO 10 YEARS IN ITS DEVELOPMENT CHARGES BY-LAW.

BACKGROUND:

Development charges provide for the recovery of growth related capital expenditures from new development, as provided for in the *Development Charges Act, 1997*. It is anticipated that population growth in the Town of Georgina over the 2011-2020 planning period will demand a capital program of more than \$60 million to provide for a wide variety of infrastructure and facility expansions that will service both existing and new residents. The proposed development charges supported by the Development Charges Background Study will raise approximately \$26.3 million.

During the last year, staff have worked closely with the firm of Hemson Consulting to prepare background information and conduct analysis in order to prepare the draft Development Charges Background Study through the formulation of growth forecasts related to population, housing and employment development, and the associated forecast of the capital infrastructure costs needed to service the proposed growth while maintaining the Town's historical service levels to its

residents and businesses. In June 2010, Council undertook an in-depth review of the growth-related capital forecast contained within the draft Development Charges Background Study as presented by staff and Hemson Consulting.

Staff have met with members of the development community, including the Georgina Developers Association, for the purpose of refining the study and proposed development charge rates, ensuring co-ordinated and cohesive forecasts between the Town of Georgina and the development community.

In accordance with the *Development Charges Act, 1997*, the Town of Georgina held a public meeting on June 20, 2011 to consider the enactment of a development charge by-law, in accordance with Section 12 of the Act. Copies of the Draft Background Study and the proposed Development Charges by-law were made available on June 3, 2011 to the public in accordance with Section 12 of the Act. The Town posted the required notice on the Town's web page, in the Georgina Advocate, and in the Pefferlaw Post.

At its Public Meeting of June 20, 2011, Council heard all persons who applied to be heard and received written submissions whether in objection to, or in support of, the development charges proposed.

In response to a request from the Georgina Developers Association, Council deferred the adoption of the Draft Development Charges Background Study and Bylaw, to allow additional time for review of the Background Study and further consultation between Town staff and the development community.

Calculation of Development Charge Rates

The proposed development charge rates have been calculated based on a Town-wide rate for those capital costs that are common across the whole of the Town's geography. Recognizing that the growth related capital costs for the two main urban areas of Keswick and Sutton are unique to those areas, those unique costs have been separated as Area Specific Development Charges applicable to new development in those community plans only.

Non-residential development charge rates are expressed as a charge per square foot of gross floor area (GFA).

Residential development charges are expressed as a charge per capita and levied as a charge per unit and by unit type. Traditionally throughout the Greater Toronto Area, the population per unit (PPU) of a single/semi-detached home is greater than the PPU of a row/multiple home dwelling and development charge rates reflect this difference through a lower development charge rate for row/multiple home dwellings than that established for single/semi-detached homes. Seemingly unique to Georgina, the PPU of our row/multiple home dwellings is equal to or greater than that of the single/semi-detached home. To accommodate this unique PPU, the proposed development charge rates for Georgina assume an equivalent

PPU of 3 persons per unit for both single/semi-detached dwellings and row/multiple home dwellings.

Upon review of the previous Background Study that was prepared and adopted in 2004, staff identified several gaps in the capital asset inventory that was used to develop historic service levels. Additionally, staff notes that the asset inventory reflecting service levels has increased significantly since that time due to additional capital infrastructure investments made by the Town. Consequently, the current Development Charge Reserve Fund balances are not sufficient to adequately fund the future growth-related capital requirements while maintaining existing service levels. As supported by the Background Study, staff are recommending significant increases in the development charge rates.

To mitigate any development charge funding shortfall associated with the growth related capital requirements for indoor recreation, staff are proposing to combine the rate component for indoor recreation with the rate for park development and facilities. This combined rate will ultimately provide the Town with additional flexibility with respect to funding its growth-related capital program and allow the Town to recover additional funds from development charges in the period 2011-2020.

AMENDMENTS TO THE DRAFT DEVELOPMENT CHARGES BACKGROUND STUDY DATED JUNE 2011:

In April 2011, Council received the draft Development Charges Background Study dated April 2011 for information and review. An updated draft Development Charges Background Study dated June 2011 was released and made available to the public. Since that time, staff have further refined the calculated values and the definitions contained in the proposed by-law.

Town staff met with the Executive Board of the Georgina Developers Association on June 29, 2011. As an outcome of this meeting, two further changes were incorporated into the Draft Development Charges Background Study and Bylaw as discussed below.

Development Costs per acre of Developed Parkland (page 97 of the Study)

The draft Development Charges Background contained an inventory of capital assets including estimates for the development costs *per acre* of Developed Parkland, that had been incorrectly calculated based on a *per hectare* value.

The impact of the above-noted correction is very significant, effecting a reduction to the proposed development charge rates for a residential development.

This change does not impact the proposed development charge rates for non-residential development.

Past Service Level Deficiency (Appendix B.4, Table 1, Page 7, of the Study)

As a means of compensating the Development Charge Reserve Funds for the past service level deficiency arising out of the 2004 Development Charges Background Study and established rates, a Town-directed adjustment of \$4.6 million was included in the calculation of service levels in the Draft Development Charges Background Study dated June 2011. In response to concerns raised by the Georgina Developers Association, this amount has been adjusted to \$3.8 million. The value of this adjustment is \$1,000 per single family/semi-detached unit.

In consideration of this adjustment, the Georgina Developers Association noted that the Town's current policies related to trail development and tree compensation result in significant additional costs in some cases and have asked that Town staff review how these policies are implemented. The Chief Administrative Officer supports this request for the requested review that would take into consideration some portion of the value of the adjustment for those situations where the impact of the policies is significantly above the norm as evaluated by staff on a case by case basis, and ultimately subject to Council approval.

Transitional Provisions (page 151 of the Study)

Transitional Provisions included in the draft Development Charges Background Study were proposed for those subdivision and condominium agreements that have been concluded. Staff had initially proposed a transition period of *18 months after the coming into force of this by-law*. In response to concerns raised by the Georgina Developers Association, this section has been removed from the Transitional Provisions and in its place, phase-in provisions have been added to the Timing of Calculation and Payment as follows:

- July 19, 2011 to December 31, 2011 Those rates currently in effect at July 17, 2011
- January 1, 2012 to June 30, 2012 Rates calculated in the 2011 Study less any amounts arising from the Town-directed adjustment
- July 1, 2012 to July 18, 2016 Full rates calculated in the 2011 Study

Proposed Development Charge Rates - Residential

The recommended Town-wide development charge rates for residential dwellings on full implementation on July 1, 2012 are listed in Table 1 below.

Table 1				
Proposed 2011 Town-wide Development Charges for Residential Dwellings				
Service	Residential Dwellings			
	Single & Semi- Detached	Rows & Other Multiples	Apartments	
			2 Bedrooms or Larger	Bachelor or 1 Bedroom
Library Board	\$144	\$144	\$101	\$70
Fire Services	\$498	\$498	\$349	\$241
Parks & Recreation	\$6,792	\$6,792	\$4,754	\$3,283
Public Works	\$18	\$18	\$13	\$9
General Government	\$183	\$183	\$128	\$88
Roads & Related	\$78	\$78	\$55	\$38
TOTAL TOWN-WIDE	\$7,713	\$7,713	\$5,400	\$3,729
<i>Based on a PPU of</i>	3.00	3.00	2.10	1.45

As discussed previously in this report, the growth related capital costs for the serviced plan boundaries within Keswick and Sutton are unique to those areas and development in those areas will be subject to both the Town-wide development charges and Area Specific development charges. Table 2 below lists the Residential Area Specific Charges applicable for Keswick and Sutton, and provides the total development charge that would apply to residential dwellings each of those communities. An additional Area Specific development charge will apply to those benefitting developments to fund the cost of the proposed High Street sewer.

Table 2 Area Specific Development Charges Rates for Residential				
Service	Residential Dwellings			
	Single & Semi-Detached	Rows & Other Multiples	Apartments	
			2 Bedrooms or Larger	Bachelor or 1 Bedroom
KESWICK				
AS - Roads, Water & Sewer	\$59	\$59	\$41	\$28
Add Total Town-wide	\$7,713	\$7,713	\$5,400	\$3,729
TOTAL DC – KESWICK	\$7,772	\$7,772	\$5,441	\$3,757
SUTTON				
AS - Water & Sewer	\$22	\$22	\$15	\$10
Add Total Town-wide	\$7,713	\$7,713	\$5,400	\$3,729
TOTAL DC – SUTTON	\$7,735	\$7,735	\$5,415	\$3,739
AS – High Street Sewer	\$1,157	\$1,157	\$810	\$559
TOTAL DC – SUTTON HIGH STREET SEWER	\$8,892	\$8,892	\$6,225	\$4,298

A comparison of the proposed calculated rates consolidated to reflect both Town-wide charges and area-specific charges versus the current rates reflects the following development charge increases for a single detached dwelling:

Single detached dwelling in Keswick

- increase from \$4,370 to \$7,772 (78%)

Single detached dwelling in Sutton

- Increase from \$4,370 to \$7,735 (77%)

Single detached dwelling in Sutton and benefitting from High Street Sewer

- increase from \$4,370 to \$8,892 (103%). Note: the High Street Sewer costs were not included in the prior Development Charges Background Study, but would've been paid and front-ended directly by certain developers.

Proposed Development Charge Rates – Non-Residential

The recommended 2011 Town-wide development charge rates for non-residential development are listed in Table 3 below.

Table 3		
Proposed 2011 Town-wide Development Charges for Non-Residential		
Service	Commercial, Industrial, Institutional	
	Non-Residential Charge per Square Metre of GFA	Non-Residential Charge per Square Foot of GFA
Library Board	\$0.00	\$0.00
Fire Services	\$2.65	\$0.25
Parks & Recreation	\$0.00	\$0.00
Public Works	\$0.09	\$0.01
General Government	\$0.98	\$0.09
Roads & Related	\$0.37	\$0.03
TOTAL TOWN-WIDE	\$4.09	\$0.38

It is notable that the proposed calculated rates for non-residential development reflect an average decrease in the development charge rate by \$1.07 per square foot. (Previous rate was \$1.45 per sq. ft.).

Table 4 below lists the Non-Residential Area Specific Charges applicable to Keswick and Sutton, and provides the total development charge rates that would apply to non-residential development in each of those communities.

Table 4		
Area Specific Development Charges Rates for Non-Residential		
Service	Commercial, Industrial, Institutional	
	Non-Residential Charge per Square Metre of GFA	Non-Residential Charge per Square Foot of GFA
KESWICK		
Roads, Water & Sewer	\$0.39	\$0.04
Add Total Town-wide	\$4.09	\$0.38
TOTAL DC – KESWICK	\$4.48	\$0.42
SUTTON		
Water & Sewer	\$0.16	\$0.01
Add Total Town-wide	\$4.09	\$0.38
TOTAL DC – SUTTON	\$4.25	\$0.39

In addition, a further Area Specific Charge within the South part of the Northwest Sutton Development Area Plan No. 3 is proposed as follows in Table 5. This Area Specific Charge shall be effected through a separate By-law to recover those capital costs that have been front-ended primarily by one developer, as enacted by Council previously.

The Town has received correspondence from the NW Sutton Landowners Group Inc. dated February 4, 2011 and included this correspondence as part of the Appendix of written submissions. In brief summary, the NW Sutton Landowners Group Inc. has requested that the Town's proposed Development Charges By-law not include this area specific charge and that the Town not disburse any further funds on account of the Northwest Sutton Development Area Plan Landowners Group. Staff have reviewed this correspondence and propose that Council proceed to adopt a separate by-law with respect to recovery of these particular capital costs to ensure that the Town is able to meet its obligations as may be related to the original cost-sharing agreement through the prior Development Charge By-law. Should the NW Sutton Landowners Group seek to remedy their concerns through the courts, the Town's proposed Development Charges By-law containing Town-wide charges and Area-Specific charges unrelated to the Northwest Sutton Development Area Plans cost sharing will not be affected.

Table 5	
Area Specific Charge to Land Within the Northwest Sutton Development Area Plan No. 3	
Major Landowners Comprising Southern Area of Plan Area No. 3 ⁽¹⁾	Lump Sum Payments To Be Made By the Landowners To the Town
Saracini Estates	\$174,154
Legend Properties Development Inc.	\$35,926
Dimitra Walk Estates	\$52,303
TOTAL	\$262,383
<i>(1) This Area Specific Development Charges applies to existing major landowners and their successors for the lands designated in Schedule "G" of the DC Background Study.</i>	

PROPOSED POLICY CHANGES TO DEVELOPMENT CHARGES BY-LAW:

In response to direction from Council and other municipal best practices, staff recommend six particular policy changes to the Development Charges By-law related to the following:

- Area Specific Development Charges for Keswick and Sutton
- Lots of record
- Derelict buildings
- 50% Industrial expansion
- Temporary structures
- Planned retirement communities.

Area Specific Development Charges for Keswick and Sutton

As discussed previously in this report, the growth related capital costs for the serviced plan boundaries within Keswick and Sutton are unique to those areas and development in those areas will be subject to both the Town-wide development charges and Area Specific development charges.

Lots of Record

Since the Town enacted its first Development Charges By-law in 1991, the By-law has contained provisions to exempt existing "single lots of record" from the imposition of development charges. In 2008, Council directed staff to remove this exemption in the next proposed Development Charges By-law. Many municipalities had included this exemption at the time the *Development Charges Act* came into force, primarily as a transitional provision. Several municipalities have since eliminated this exemption within their DC By-laws.

The proposed Development Charges By-law does not include an exemption for "lots of record". As a further transitional measure, the proposed By-law includes a provision to permit an exemption for a period of eighteen (18) months following the enactment of the By-law, after which development charges will be payable in full.

The Education Development Charges By-law also does not include an exemption for "lots of record".

Town staff have confirmed with the Region of York staff that this change to the Town's Development Charge By-law will not affect the exemption for "lots of record" that is provided for in the Region of York's Development Charge by-law currently in effect.

Derelict Buildings

The current Development Charges By-law contains provisions to provide a reduction in development charges, in whole or in part, for the redevelopment of

land where an existing building or structure existed on the land within 60 months (5 years) prior to the date of payment of development charges. In order to preserve this potential reduction in development charges, many landowners do not demolish buildings or structures that have become run-down or in a derelict state of repair (an "eye-sore").

The proposed Development Charges By-law contains provisions to extend the reduction of development charges where an existing building or structure existed on the land within a maximum of 120 months (10 years) prior to the date of development charges, when Council deems a property to contain a derelict building and that the derelict building should be demolished.

This report contains recommendations that the Region of York be requested to review the provisions for the demolition and re-development of derelict buildings to encourage the demolition of like properties and to achieve consistency with the Town of Georgina's By-law in this regard.

50% Industrial Exemption

The current Development Charges By-law contains provisions to provide an exemption in development charges where an existing industrial building is enlarged by 50 percent or less of the gross floor area.

The proposed Development Charges By-law contains provisions to limit the exemption for development charges for the enlargement of existing industrial buildings to 50% of the original structure.

Exemption for Temporary Structures

The proposed Development Charges By-law contains provisions to exempt from development charges those temporary structures, such as sales trailers or industrial tents, that will be removed from the lands within three years of building permit issuance.

Planned Retirement Communities

The current Development Charges By-law provides unique treatment to those developments defined as "planned retirement communities" through their inclusion of single family dwellings in those defined communities as "2 bedroom and larger units" with respect to the applicable development charges. Staff propose that this unique treatment be eliminated in the updated Development Charge By-law, considering that there will always remain a variance in persons per unit in each of the primary housing categories. Additionally, planned retirement communities may be eligible for development charge credits, in whole or in part, through Section 8 of the By-law, for Services-In-Lieu with respect to the amenities that they develop within its development area to the extent of that component of the development charge which should be negotiated at the time of subdivision, condominium or site plan approval, as the case may be.

CONCLUSION:

This report seeks Council's approval of the draft Development Charges Background Study and associated proposed By-law, as may be amended in response to comments and written submission at the Public Meeting of today's date.

Recommended by:



Rebecca Mathewson, CGA
Director of Administrative Services and Treasurer

Approved by:



Susan Plamondon, B.A., L.L.B.
Chief Administrative Officer

Attachment: Development Charges Background Study prepared by Hemson Consulting Ltd. dated June 2011 – distributed to Council electronically and also down-loadable from Town's web site.

Appendix A: Proposed Development Charges Bylaw 2011

*Appendix B: Proposed Area-Specific Development Charges Bylaw 2011 for Northwest Sutton
Development Area No. #3*

Appendix C: Amended Tables of the Draft Development Charges Background Study

**THE CORPORATION OF THE TOWN OF GEORGINA
BY-LAW NO.**

**A BY-LAW TO IMPOSE DEVELOPMENT CHARGES IN THE TOWN OF
GEORGINA**

WHEREAS subsection 2(1) of the *Development Charges Act, 1997* (the Act) provides that the Council of a municipality may pass by-laws for the imposition of development charges against land to pay for increased capital costs because of increased need for services arising from the development of the area to which the by-law applies;

AND WHEREAS the Council of the Town of Georgina has given notice in accordance with section 12 of the Act, of its intention to pass a by-law under section 2 of the said Act;

AND WHEREAS a development charges background study has been prepared by Hemson Consulting Ltd. dated June, 2011 ("the background study"), wherein the background study indicated that the development of any land within the Town of Georgina will increase the need for services as defined herein;

AND WHEREAS by resolution Council of the Town of Georgina received the Background Study and proposed by-law at its meeting of April 18, 2011 and directed staff to make the Background Study and proposed by-law available to the public, in accordance with section 12 of the Act;

AND WHEREAS copies of the background study and the proposed development charges by-law were made available on June 3, 2011 to the public in accordance with section 12 of the Act;

AND WHEREAS the Council of the Town of Georgina held a public meeting on June 20, 2011 to consider the enactment of a development charge by-law, in accordance with section 12 of the Act;

AND WHEREAS the Council of the Town of Georgina has heard all persons who applied to be heard and received written submissions whether in objection to, or in support of, the development charges proposal at a public meeting held on June 20, 2011;

AND WHEREAS on July 18, 2011, following the public meeting, Council approved the Report titled DAS-2011-0036 Draft Development Charges Background Study and By-law, As Amended, dated July 18, 2011.

AND WHEREAS by resolution adopted by Council of the Town of Georgina on July 18, 2011, Council has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development, including any capital costs, will be met, by updating its capital budget and forecast where appropriate;

AND WHEREAS by resolution adopted by Council of the Town of Georgina on July 18, 2011, Council has indicated its intent that the future excess capacity identified in the Development Charges Background Study, dated June, 2011, prepared by Hemson Consulting Limited, shall be paid for by the development charges or other similar charges;

AND WHEREAS by resolution adopted by Council Town of Georgina on July 18, 2011, Council determined that no further public meetings were required under section 12(3) of the Act.

NOW THEREFORE the Council of the Town of Georgina enacts as follows:

DEFINITIONS

1. In this by-law,

- (1) "Act" means the *Development Charges Act, 1997*;
- (2) "accessory use" means a use, building or structure, that is naturally and normally incidental, subordinate in purpose or floor area or both, and exclusively devoted to a principal use of the land, building or structure on the same lot;
- (3) "air-supported sport structure" means an air-supported sport structure as defined in O.Reg. 403/97 under the *Building Code Act, 1992*, S.O. 1992, c.23, as amended or successor legislation;
- (4) "apartment unit" means any residential dwelling unit with a building containing more than four dwelling units where the residential units are connected by an interior corridor;
- (5) "bedroom" means a habitable room larger than seven (7) square metres, including a den, study or other similar area, but does not include a living room, dining room or kitchen;
- (6) "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;

- (7) “Board of Education” has the same meaning as that specified in sub-section 1(1) of the *Education Act*;
- (8) “building” means a structure occupying an area greater than ten square metres (10m²) consisting of a wall, roof and floor or any of them or structural system serving the function thereof, including above grade storage tanks, air-supported sport structures and industrial tents;
- (9) “capital cost” means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by, a municipality or local board,
 - (a) to acquire land or an interest in land, including a leasehold interest,
 - (b) to improve land,
 - (c) to acquire, lease, construct or improve buildings and structures,
 - (d) to acquire, lease, construct or improve facilities including,
 - (i) rolling stock, with an estimated useful life of seven years or more,
 - (ii) furniture and equipment, other than computer equipment, and
 - (iii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*.
 - (e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d),
 - (f) required for the provision of services designated in this by-law within or outside the municipality, including interest on borrowing to pay for costs under clauses (a), (b), (c) and (d) that are development-related;
- (10) “Council” means the Council of the municipality;
- (11) “derelict building” means a building or structure that is vacant, neglected, poorly maintained, and unsuitable for occupancy which may include a building or structure that:
 - (a) is in a ruinous or dilapidated condition;
 - (b) the condition of which seriously depreciates the value of land or buildings in the vicinity;
 - (c) is in such a state of non-repair as to be no longer suitable for human habitation or business purposes;
 - (d) is an allurements to children who may play there to their danger;

- (e) constitutes a hazard to the health or safety of the public;
 - (f) is unsightly in relation to neighbouring properties because the exterior finish of the building or structure is not maintained, or;
 - (g) is a fire hazard to itself or to surrounding lands or buildings;
- (12) “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;
 - (13) “development charge” means a charge imposed under this by-law;
 - (14) “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 which include, at a minimum, a kitchen sink, stove, fridge, a toilet and a sink for the exclusive use with the toilet;
 - (15) “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;
 - (16) “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 the costs of services for which there will be an increased need as a result of development to be borne by one or more of the parties to the agreement and providing for persons who, in the future, develop land within the area defined in the agreement to pay an amount to reimburse some part of the costs of the work;
 - (17) “grade” means the average level of finished ground adjoining a building or structure at all exterior walls;
 - (18) “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.

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 following areas are not included in the gross floor:

- (a) a room or enclosed area within the building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
 - (b) loading facilities above or below grade; and
 - (c) a part of the building or structure below grade that is used for the parking of motor vehicles or for storage;
- (19) "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, 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;
- (20) "local board" means a school board, municipal service board, transportation commission, public library board, board of health, police services board, 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 a municipality or of two or more municipalities or parts thereof, other than a board as defined in subsection 1(1) of the *Education Act*.
- (21) "local services" means those services, facilities or things which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates or are installed or paid for by the owner as a condition of approval under s.53 of the *Planning Act*;
- (22) "mixed-use" means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- (23) "multiple dwellings" means all dwellings other than single detached dwellings, semi-detached dwellings and apartment house dwellings;
- (24) "municipality" means The Corporation of the Town of Georgina;
- (25) "non-residential use" means a building or structure used for other than a residential use;

- (26) "official plan" means the Official Plan of the Town of Georgina and any amendments thereto;
- (27) "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;
- (28) "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*;
- (29) "rate" means the interest rate established weekly by the Bank of Canada for treasury bills having a term of 30 days;
- (30) "redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from a residential use to a non-residential use or from a non-residential use to a residential use, or changing a building or structure from one form of residential use to another form of residential use or from one form of non-residential use to another form of non-residential use;
- (31) "regulation" means any regulation made pursuant to the Act;
- (32) "residential use" means land or building or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one or more individuals;
- (33) "rural areas" means those areas within the municipality not connected to a municipal sanitary sewerage and/or water distribution system or to lands where such systems are available for connection;
- (34) "seasonal air-supported sport structure" means an air-supported structure that is raised and/or erected for a maximum of six months in any given year to allow for the use of an outdoor sports field or portion thereof during the winter season for sports-related activities;
- (35) "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 no other parts, attached to another dwelling unit where the residential units are not connected by an interior corridor;
- (36) "services" (or "service") means those services designated in Schedule "A" to this by-law or specified in an agreement made under Section 44 of the Act;

- (37) "services in lieu" means those services specified in an agreement made under Section 8 of this by-law;
- (38) "servicing agreement" means an agreement between a landowner and the municipality relative to the provision of municipal services to specified lands within the municipality;
- (39) "single detached dwelling unit" means a residential building consisting of one dwelling unit and not attached to another structure;
- (40) "subsidized housing units" means any residential use declared by resolution of Council to be subsidized housing;
- (41) "temporary building or structure" means a building or structure used, designed or intended for a non-residential use that is constructed or placed upon lands and which is demolished or removed from the lands within three years of building permit issuance, including but not limited to sales trailers, office trailers and industrial tents, provided that such a building or structure meets the aforementioned criteria, and includes an accessory building not exceeding 100 square metres of residential gross floor area that is inhabited by the parents of the homeowner who are over the age of 65 years;
- (42) "urban areas" means those areas within the municipality connected to a municipal sanitary sewerage and/or water distribution system and/or to lands where such systems are available for connection;

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 "B" and "C", which relates to the services set out in Schedule "A".
- (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 portion of a mixed-use development, based upon the number and type of dwelling units;
 - (b) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the gross floor area of such development, with the exception of any enlargement of the gross floor area of an existing industrial building which is 50% or less than the gross floor area of the existing building.
- (3) Council hereby determines that the development of land, buildings or structures for residential and non-residential uses have required or will

require the provision, enlargement, expansion or improvement of the services referenced in Schedule "A".

APPLICABLE LAND

3. (1) Subject to subsections (2), (3), (4) and (5), this by-law applies to all lands in the municipality, whether or not the land or use is exempt from taxation under Section 3 of the *Assessment Act*.
- (2) This by-law shall not apply to land that is owned by and used for the purposes of:
 - (a) a board of education as defined under Subsection 1(1) of the *Education Act*;
 - (b) any municipality or local board thereof;
 - (c) the development of a non-residential farm building used for bona fide agricultural purposes;
 - (d) Indian lands;
 - (e) a place of worship and land used in connection therewith, and a churchyard, cemetery and burial ground exempt from taxation under the *Assessment Act*.
- (3) This by-law shall not apply to development creating or adding an accessory use not exceeding 10 square metres of non-residential gross floor area.
- (4) Despite any other provision of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the 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, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
 - (a) 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 Schedule "B" and Schedule "C" of this by-law with the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
 - (b) in the case of a non-residential building or structure or, in the case of a 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 Schedule "B" and Schedule "C" of

this by-law 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.

(5) Notwithstanding section 3(4), where the Council of the municipality deems:

- (a) a property to contain a derelict building or structure; and
- (b) that it is in the best interest of the community for the derelict building to be demolished;

the Council of the municipality may extend the reduction of development charges to a maximum of 120 months from the date of demolition permit to the date of the building permit to facilitate the redevelopment. All other provisions in section 3(4) shall apply.

(6) This by-law shall not apply to that category of exempt development described in the Act, Subsection 2(3) and Section 2 of O.Reg. 82/98, namely:

- (a) the enlargement of an existing dwelling unit or the creation of one or two additional dwelling units in an existing detached house where the total gross floor area of the dwelling units or units created does not exceed the gross floor area of the dwelling unit already in the building, or
- (b) the creation of one additional dwelling unit in an existing semi-detached or row residential building, provided the gross floor area of the additional dwelling unit does not exceed the gross floor area of the dwelling unit already in the building or
- (c) the creation of one additional dwelling unit in any other class of existing residential building, provided the gross floor area of the additional dwelling unit does not exceed the gross floor area of the smallest dwelling unit already in the building.

(7) Notwithstanding subsection 6(a), development charges shall be calculated and collected in accordance with Schedule "B" and Schedule "C" where the total residential gross floor area of the additional one or two dwelling units is greater than the total gross floor area of the existing dwelling unit.

- (8) Notwithstanding subsection 6(b) and (c), development charges shall be calculated and collected in accordance with Schedule "B" and Schedule "C" where the additional dwelling unit has a residential gross floor area greater than,
 - (a) in the case of a semi-detached house or row house, the gross floor area of the existing dwelling unit, and
 - (b) in the case of any other residential building, the residential gross floor area of the smallest dwelling unit contained in the residential unit.
- (9) For the purposes of the exemption for enlargement of *existing industrial buildings* set out in section 4 of the Act, the following provisions shall apply;
 - (a) For the purpose of this subsection 3(9), "gross floor area" and "existing industrial building" shall have the same meaning as those terms have in O.Reg. 82/98 under the Act, as amended;
 - (b) For the purposes of interpreting the definition of "existing industrial building" contained in the regulation, regard shall be had for the classification of the lands pursuant to the *Assessment Act*, R.S.O. 1990, c. A.31 or successor legislation, and in particular whether more than 50 percent of the gross floor area of the building or structure has an industrial tax class code for assessment purposes;
 - (c) Notwithstanding clause 3(9)(b) above, distribution centres, warehouses other than retail warehouses, the bulk storage of goods and truck terminals shall be considered to be industrial uses or buildings;
 - (d) The gross floor area of an existing industrial building shall be defined as the gross floor area of the industrial building as it existed prior to the first enlargement in respect of that building for which an exemption under section 4 of the Act is sought or was obtained;
 - (e) The enlargement of the gross floor area of the existing building must be attached to the existing industrial building;
 - (f) The enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility;

- (g) The enlargement shall be for a use for or in connection with an industrial purpose as set out in this by-law;
 - (h) If the enlargement complies with the provisions of this subsection 3(9) and is equal to 50 percent or less of the gross floor area of an existing industrial building, the amount of the development charge in respect of the enlargement is nil; and
 - (i) If the enlargement is more than 50 percent of the gross floor area of an existing industrial building, and it otherwise complies with the provisions of this subsection 3(9), 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 as determined as follows:
 - (a) The amount by which the enlargement exceeds 50 percent of the gross floor area;
 - (b) Divided by the amount of the enlargement.
- (10) Notwithstanding any other provisions of this by-law, a temporary building or structure shall be exempt from the payment of development charges provided that:
- (a) prior to the issuance of the building permit for the temporary building or structure, the owner shall provide to the municipality securities in the form of a certified cheque or bank draft or a letter of credit acceptable to the municipality's Director of Administrative Services and Treasurer in the full amount of the development charges otherwise payable;
 - (b) within three (3) years of building permit issuance or any extension permitted in writing by the municipality's Director of Administrative Services and Treasurer or equivalent, the owner shall provide the municipality with evidence, to the municipality's satisfaction, that the temporary building or structure was demolished or removed from the lands within three (3) years of building permit issuance or any extension herein provided, whereupon the municipality shall return to the owner the securities provided pursuant to subsection (a), without interest;
 - (c) in the event that the owner does not provide satisfactory evidence of the demolition or removal of the temporary building or structure in

accordance with subsection (b), the temporary building or structure shall be deemed conclusively not to be a temporary building or structure for the purposes of this by-law and the municipality shall, without prior notification to the owner, transfer the funds or draw upon the letter(s) of credit provided pursuant to subsection (a) and transfer the amount so drawn into the appropriate development charges reserve funds; and

- (d) the timely provision of satisfactory evidence of the demolition or removal of the temporary building or structure in accordance with subsection (b) shall be solely the owner's responsibility.

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 non-residential use, where, the development requires,
 - (a) the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the *Planning Act*;
 - (b) the approval of a minor variance under Section 45 of the *Planning Act*;
 - (c) a conveyance of land to which a by-law passed under Section 50(7) of the *Planning Act* applies;
 - (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*;
or
 - (g) the issuing of a permit under the *Building Code Act*, in relation to a building or structure.
- (2) Subsection (1) shall not apply in respect of:
 - (a) local services, related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for the owner as a condition of approval under Section 51 of the *Planning Act*;
 - (b) local services to be installed or paid for by the owner as a condition of approval under Section 53 of the *Planning Act*;

TRANSITIONAL PROVISIONS

5. (1) In the instance of single lots of record in existence at or prior to November 23, 1991 when By-law No. 91-145 (TA-1) came into force:
 - (a) Where a charge related to development was previously paid or services were provided in lieu of the payment for some or all of such charge, then only the balance of the services in lieu or balance of the original charge shall be payable upon application for building permit with respect to the same number and type of units as would have been applicable prior to the effective date of this By-law.
 - (b) Notwithstanding the foregoing, in instances where no severance fee or development charge or condition was previously imposed as a requirement for the creation of such single residential lot of record then no development charge shall be due or payable upon application for building permit.
 - (c) This subsection 5(2) shall be in effect for a period of eighteen (18) months following the coming into force of this By-law, after which development charges will be payable in full.
- (2) An agreement with respect to charges related to development executed prior to passage of this by-law remains in effect after enactment of this by-law

LOCAL SERVICE INSTALLATION

6. Nothing in this by-law prevents Council from requiring, as a condition of an agreement under the *Planning Act*, Section 41, 51, or 53, that the owner, at his or her own expense, shall install or pay for such local services related to a plan of subdivision or within the area to which the plan relates and otherwise, as Council may require.

MULTIPLE CHARGES

7. (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), more than one development charge by-law may apply to the same area and 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 "A", an additional development charge on the additional residential units and/or non-residential floor area, shall be calculated and collected in accordance with the provisions of this by-law.

SERVICES IN LIEU

8. 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, services in lieu thereof, where such work is related to a service to which this by-law relates. Such agreement shall further specify that where the owner provides services in lieu thereof 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 of doing the work as agreed by the municipality and the person who is to be given the credit, provided such credit shall not exceed the total development charge payable by an owner to the municipality for that particular service.

FRONT-ENDING AGREEMENTS

9. (1) Where a development charge by-law is in force, Council may enter into a front-ending agreement with any or all owners within the benefitting area, 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. The cost of the work that will benefit a defined benefitting area is to be borne by one or more of the parties to the agreement who will be reimbursed some part of the costs by persons who, in the future, develop land within the benefitting area.
- (2) A person is entitled to be given a credit towards a development charge for the amount of their non-reimbursable share of the costs of work under a front-ending agreement.
- (3) No credit given pursuant to subsection (2) shall exceed the total development charge payable by the owner for that service, or the level of service underlying Schedule "B" and Schedule "C" and referenced in section 9.
- (4) The front-end payment required to be made by the benefitting owner under a front-ending agreement may be adjusted annually, without amendment to this by-law, each October, while this by-law is in force, in accordance with the average Bank of Canada rate applied annually.

DEVELOPMENT CHARGE CREDITS

10. (1) The development charges payable under Section 2 shall be adjusted to account for the full amount of any development charge paid or services provided in lieu thereof relative to the land in question, under the terms of an agreement with the municipality under the *Planning Act*, Section 51 or 53, executed subsequent to the passing of By-law 91-145 (TA-1).
- (2) An owner who has secured the necessary approvals may demolish and replace the existing dwelling units or non-residential floor area and not be subject to the development charges under Subsection (1) with respect to the development being replaced, provided that any additional floor area of dwelling units created in excess of those demolished shall be subject to the development charge calculated under Subsection (1).

TIMING OF CALCULATION AND PAYMENT

11. (1) Development charges set out in Schedule "B" and Schedule "C" shall be calculated and payable in full in money by certified cheque or by provision of services as may be agreed upon, or by credit granted under 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 with the municipality.
- (2) Where development charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the development charges has been paid in full.
- (3) 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.
- (4) The charge, referenced in Schedule "B", shall be phased and payable in the amounts applicable at the date of payment as set out in Schedule "B". For greater certainty, Schedules "B-1" to "B-3" apply to the following periods.

(a) Schedule B-1	July 19, 2011 to December 31, 2011
(b) Schedule B-2	January 1, 2012 to June 30, 2012
(c) Schedule B-3	July 1, 2012 to July 18, 2016
- (5) The charge, referenced in Schedule "C" is payable the date this by-law comes into force without phasing in the quantum of the charge.

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.

RESERVE FUND(S)

13. (1) Monies received from payment of development charges shall be maintained in separate reserve funds, and shall be used only to meet the capital costs for which the development charge was levied under this by-law.
- (2) Council directs the Municipal Treasurer to establish a separate reserve fund for each of the services set out in Schedule "B" and "C", to which the development charge payments shall be credited in accordance with the amounts shown, plus interest earned thereon.
- (3) The amounts contained in the reserve funds established under this Section shall be invested, with any income received credited to the development charge reserve funds in relation to which the investment income applies.
- (4) 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.
- (5) Where any unpaid development charges are collected as taxes under subsection (4), the monies so collected shall be credited to the development charge reserve funds referred to in subsection (1).
- (6) The Treasurer of the Municipality shall, in each year on or before May 1, commencing 2012 for the 2011 year, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in Section 12 of O.Reg. 82/98.

BY-LAW AMENDMENT OR REPEAL

14. (1) Where this by-law or any development charge prescribed thereunder is amended or repealed either by order of the Ontario Municipal Board or by resolution of Council, pursuant to an order of the Ontario Municipal Board, 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 quarterly thereafter on the first business day of every January, April, July and October to the rate established by the Bank of Canada on the day of the adjustment.

DEVELOPMENT CHARGE SCHEDULE INDEXING

- 15. The development charges referred to in Schedules "B" and "C" may be adjusted annually, without amendment to this by-law, commencing in July 2012, and annually thereafter in each July while this by-law is in force, in accordance with the most recent twelve month change in 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" – Designated Municipal Services
 - Schedule "B" – Schedule of Town-Wide Development Charges
 - Schedule "C" – Schedule of Area Specific Development Charges
 - Schedule "D" – Areas within which the Area Specific Development Charges for Keswick are to be imposed

Schedule "E" – Areas within which the Area Specific Development Charges for
Sutton are to be imposed

Schedule "F" – Areas within which the Area Specific Development Charges for the
Sutton High Street Sewer are to be imposed

DATE BY-LAW EFFECTIVE

18. This by-law shall come into force and effect on July 19, 2011.

SHORT TITLE

19. This by-law may be cited as the Development Charges By-law.
By-law read a first and second time this 18th day of July, 2011.
By-law read a third time and finally passed this 18th day of July, 2011.

Mayor

Town Clerk

SCHEDULE "A"

**TOWN OF GEORGINA
DESIGNATED MUNICIPAL SERVICES**

- 1 General Government (Development Related Studies)
- 2 Library Services
- 3 Fire Services
- 4 Parks and Recreation Services
- 5 Public Works (Buildings and Fleet)
- 6 Roads and Related services
- 7 Water and Sewerage

SCHEDULE B - 1

TOWN OF GEORGINA
SUMMARY OF TOWN-WIDE DEVELOPMENT CHARGES
RATES IN EFFECT FROM JULY 19, 2011 to DECEMBER 31, 2011

SERVICE	RESIDENTIAL DWELLINGS				Non-Residential Charge Per Square Foot of GFA
	Single & Semi-Detached	Rows & Other Multiples	Apartments		
			2 Bedrooms or Larger	Bachelor or 1 Bedroom	
LIBRARY BOARD	\$502	\$485	\$346	\$238	\$0.06
FIRE SERVICES	\$381	\$368	\$263	\$181	\$0.36
PARKS AND RECREATION	\$2,680	\$2,589	\$1,846	\$1,271	\$0.35
PUBLIC WORKS	\$284	\$274	\$196	\$135	\$0.27
GENERAL GOVERNMENT	\$163	\$158	\$112	\$77	\$0.17
TOTAL GENERAL SERVICES CHARGE	\$4,010	\$3,875	\$2,762	\$1,902	\$1.21
ROADS & RELATED	\$241	\$233	\$166	\$114	\$0.24
TOTAL (including roads and related)	\$4,251	\$4,108	\$2,928	\$2,016	\$1.45

SCHEDULE B - 2

TOWN OF GEORGINA
SUMMARY OF TOWN-WIDE DEVELOPMENT CHARGES
Rates in Effect from January 1, 2012 to June 30, 2012

SERVICE	RESIDENTIAL DWELLINGS				Non-Residential Charge Per Square Foot of GFA
	Single & Semi- Detached	Rows & Other Multiples	Apartments		
			2 Bedrooms or Larger	Bachelor or 1 Bedroom	
LIBRARY BOARD	\$144	\$144	\$101	\$70	\$0.00
FIRE SERVICES	\$498	\$498	\$349	\$241	\$0.25
PARKS AND RECREATION	\$5,792	\$5,792	\$4,054	\$2,799	\$0.00
PUBLIC WORKS	\$18	\$18	\$13	\$9	\$0.01
GENERAL GOVERNMENT	\$183	\$183	\$128	\$88	\$0.09
TOTAL GENERAL SERVICES CHARGE	\$6,635	\$6,635	\$4,645	\$3,207	\$0.35
ROADS & RELATED	\$78	\$78	\$55	\$38	\$0.03
TOTAL (including roads and related)	\$6,713	\$6,713	\$4,700	\$3,245	\$0.38

SCHEDULE B - 3

TOWN OF GEORGINA
SUMMARY OF TOWN-WIDE DEVELOPMENT CHARGES
RATES IN EFFECT FROM JULY 1, 2012 to JULY 18, 2016

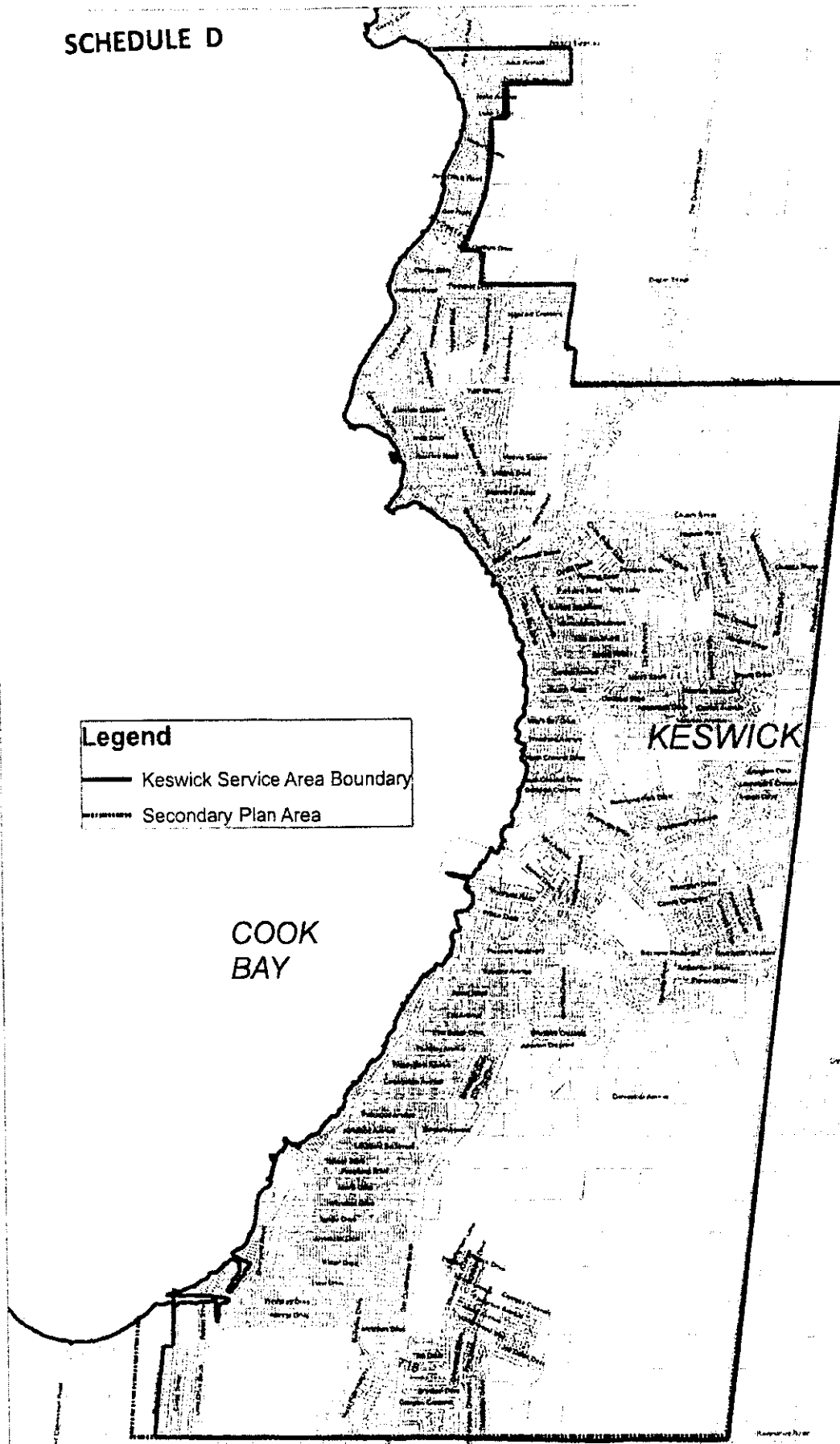
SERVICE	RESIDENTIAL DWELLINGS				Non-Residential Charge Per Square Foot of GFA
	Single & Semi- Detached	Rows & Other Multiples	Apartments		
			2 Bedrooms or Larger	Bachelor or 1 Bedroom	
LIBRARY BOARD	\$144	\$144	\$101	\$70	\$0.00
FIRE SERVICES	\$498	\$498	\$349	\$241	\$0.25
PARKS AND RECREATION	\$6,792	\$6,792	\$4,754	\$3,283	\$0.00
PUBLIC WORKS	\$18	\$18	\$13	\$9	\$0.01
GENERAL GOVERNMENT	\$183	\$183	\$128	\$88	\$0.09
TOTAL GENERAL SERVICES CHARGE	\$7,635	\$7,635	\$5,345	\$3,691	\$0.35
ROADS & RELATED	\$78	\$78	\$55	\$38	\$0.03
TOTAL (including roads and related)	\$7,713	\$7,713	\$5,400	\$3,729	\$0.38

SCHEDULE C

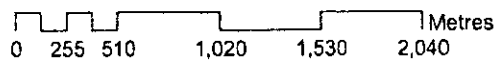
TOWN OF GEORGINA
SUMMARY OF AREA SPECIFIC DEVELOPMENT CHARGES

SERVICE	RESIDENTIAL DWELLINGS				Non-Residential Charge Per Square Foot of GFA
	Single & Semi- Detached	Rows & Other Multiples	Apartments		
			2 Bedrooms or Larger	Bachelor or 1 Bedroom	
KESWICK Roads , Water and Sewer	\$59	\$59	\$41	\$28	\$0.04
	\$59	\$59	\$41	\$28	\$0.04
SUTTON Water & Sewer	\$22	\$22	\$15	\$10	\$0.01
	\$22	\$22	\$15	\$10	\$0.01
SUTTON HIGH STREET SEWER Sewer	\$1,157	\$1,157	\$810	\$559	\$0.00
	\$1,157	\$1,157	\$810	\$559	\$0.00

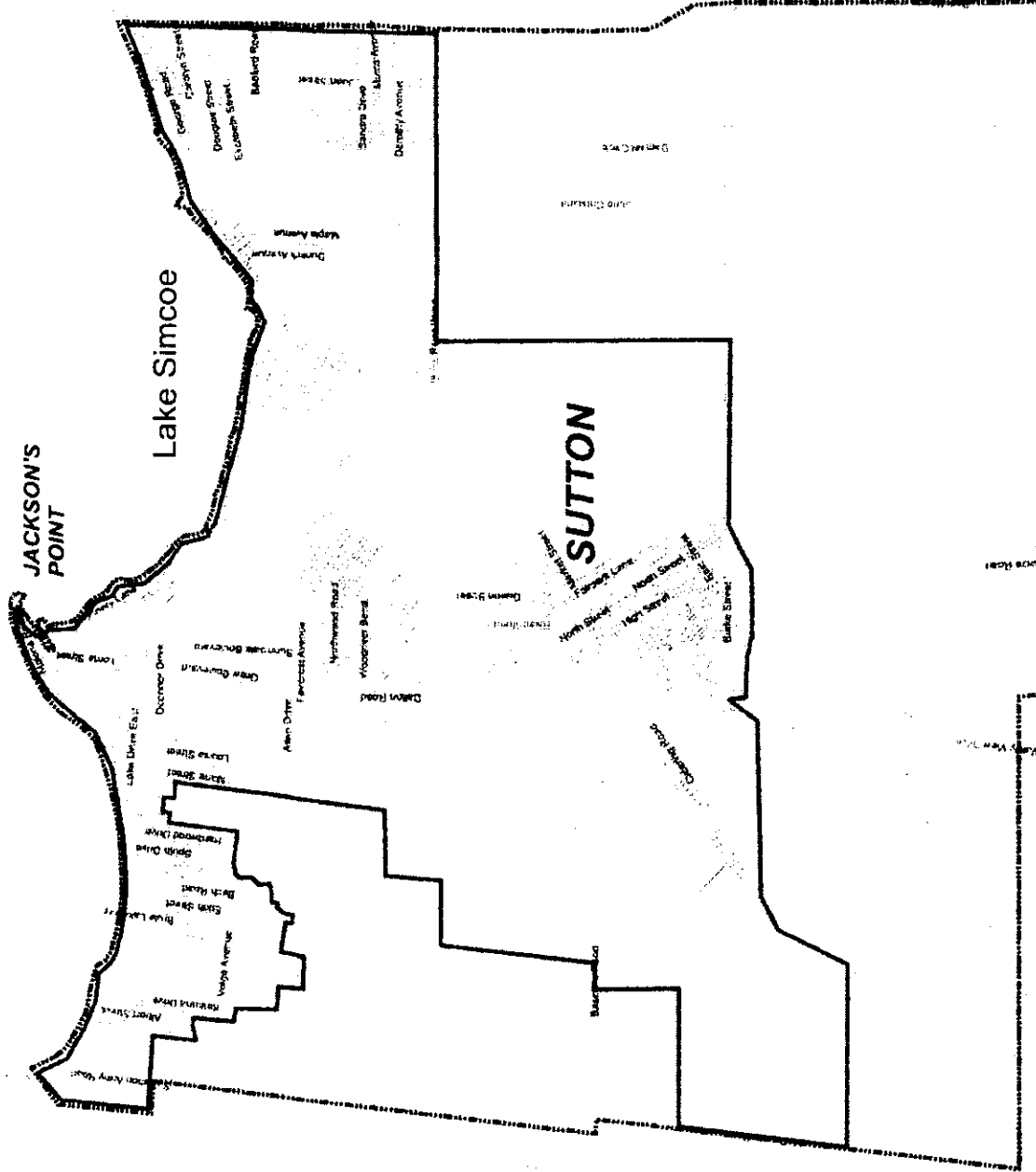
SCHEDULE D



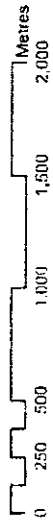
KESWICK URBAN SERVICE AREA MAP



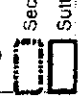
SCHEDULE E



SUTTON URBAN SERVICE AREA MAP



Legend



SCHEDULE F

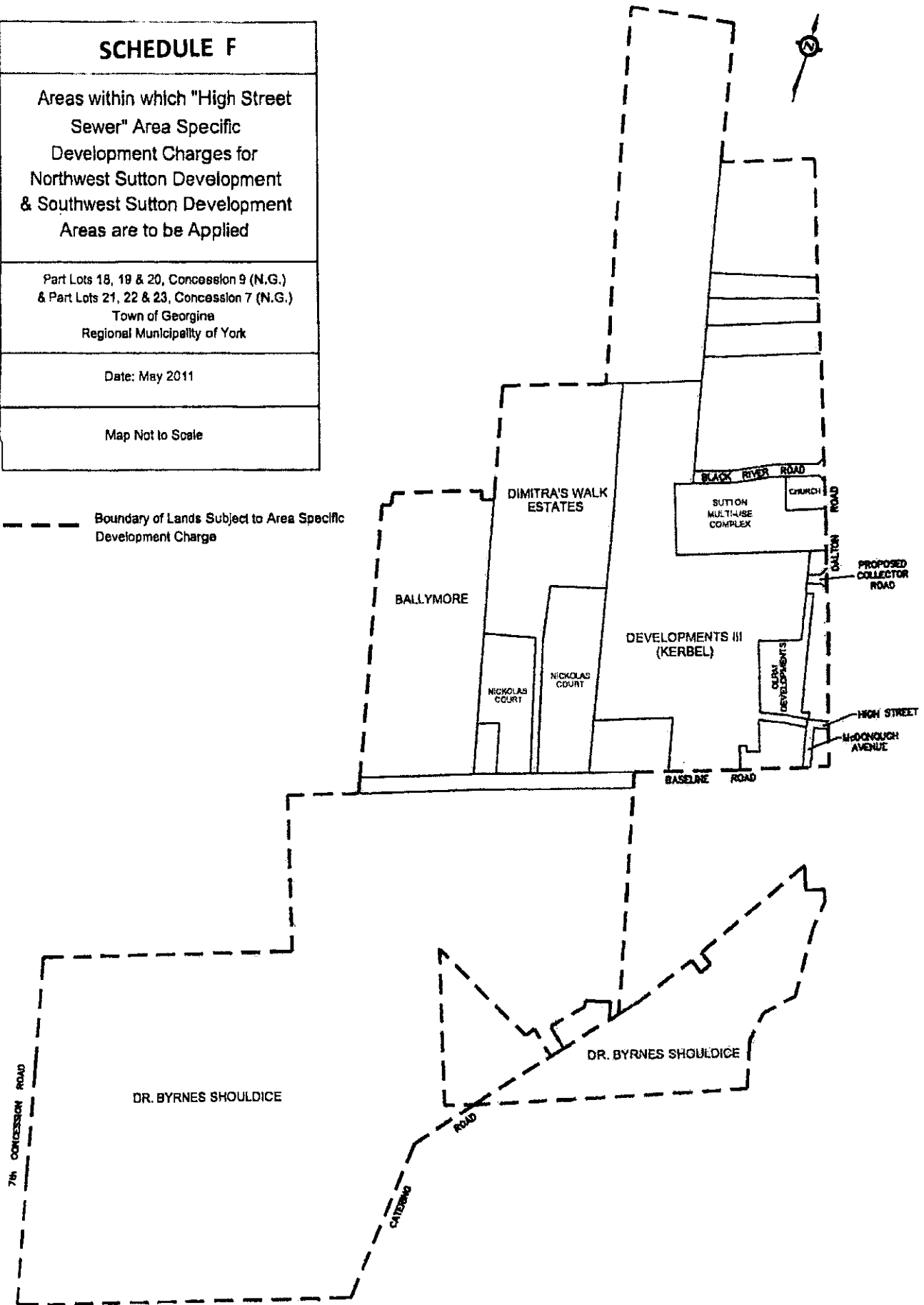
Areas within which "High Street
Sewer" Area Specific
Development Charges for
Northwest Sutton Development
& Southwest Sutton Development
Areas are to be Applied

Part Lots 18, 19 & 20, Concession 9 (N.G.)
& Part Lots 21, 22 & 23, Concession 7 (N.G.)
Town of Georgina
Regional Municipality of York

Date: May 2011

Map Not to Scale

--- Boundary of Lands Subject to Area Specific
Development Charge



**THE CORPORATION OF THE TOWN OF GEORGINA
BY-LAW NO.**

**A BY-LAW TO IMPOSE AN AREA SPECIFIC DEVELOPMENT CHARGE IN
THE NORTHWEST SUTTON DEVELOPMENT AREA NO. 3 PLAN**

WHEREAS subsection 2(1) of the *Development Charges Act, 1997* (the Act) provides that the Council of a municipality may pass by-laws for the imposition of development charges against land to pay for increased capital costs because of increased need for services arising from the development of the area to which the by-law applies;

AND WHEREAS the Council of the Town of Georgina has given notice in accordance with section 12 of the Act, of its intention to pass a by-law under section 2 of the said Act;

AND WHEREAS a development charges background study has been prepared by Hemson Consulting Ltd. dated June, 2011 ("the background study"), wherein the background study indicated that the development of any land within the Town of Georgina will increase the need for services as defined herein;

AND WHEREAS by resolution Council of the Town of Georgina received the Background Study and proposed by-law at its meeting of April 18, 2011 and directed staff to make the Background Study and proposed by-law available to the public, in accordance with section 12 of the Act;

AND WHEREAS copies of the background study and the proposed development charges by-law were made available on June 3, 2011 to the public in accordance with section 12 of the Act;

AND WHEREAS the Council of the Town of Georgina held a public meeting on June 20, 2011 to consider the enactment of a development charge by-law, in accordance with section 12 of the Act;

AND WHEREAS the Council of the Town of Georgina has heard all persons who applied to be heard and received written submissions whether in objection to, or in support of, the development charges proposal at a public meeting held on June 20, 2011;

AND WHEREAS on July 18, 2011, following the public meeting, Council approved the Report titled DAS-2011-0036 Draft Development Charges Background Study and By-law, As Amended, dated July 18, 2011.

SCHEDULE "A"

**TOWN OF GEORGINA
NORTHWEST SUTTON SERVICE AREA
DESIGNATED MUNICIPAL SERVICES**

- 1 Development Area Plans for Northwest Sutton Development Area No. 3 pursuant to Sutton Secondary Plan Amendment No. 72 to the Official Plan for the Town of Georgina

Schedule B
 Town of Georgina
 Schedule of Development Charges for
 Northwest Sutton Development Area No. 3 Plans

Major Landowners Comprising Southern Area of Plan Area No.3 ⁽¹⁾	Lump Sum Payments To Be Made By the Landowners To the Town
Saracini Estate	\$174,154
Legend Properties Development Inc.	\$35,926
Dimitra Walk Estates	\$52,303
Total	\$262,383

(1) This Area Specific Development Charge applies to existing major landowners and their successors for the lands designated in Schedule "C"

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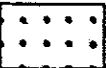
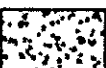
SCHEDULE C

Area Within Which Area Specific
Development Charges for
Northwest Sutton Development
Area No.3 Studies are to be Imposed

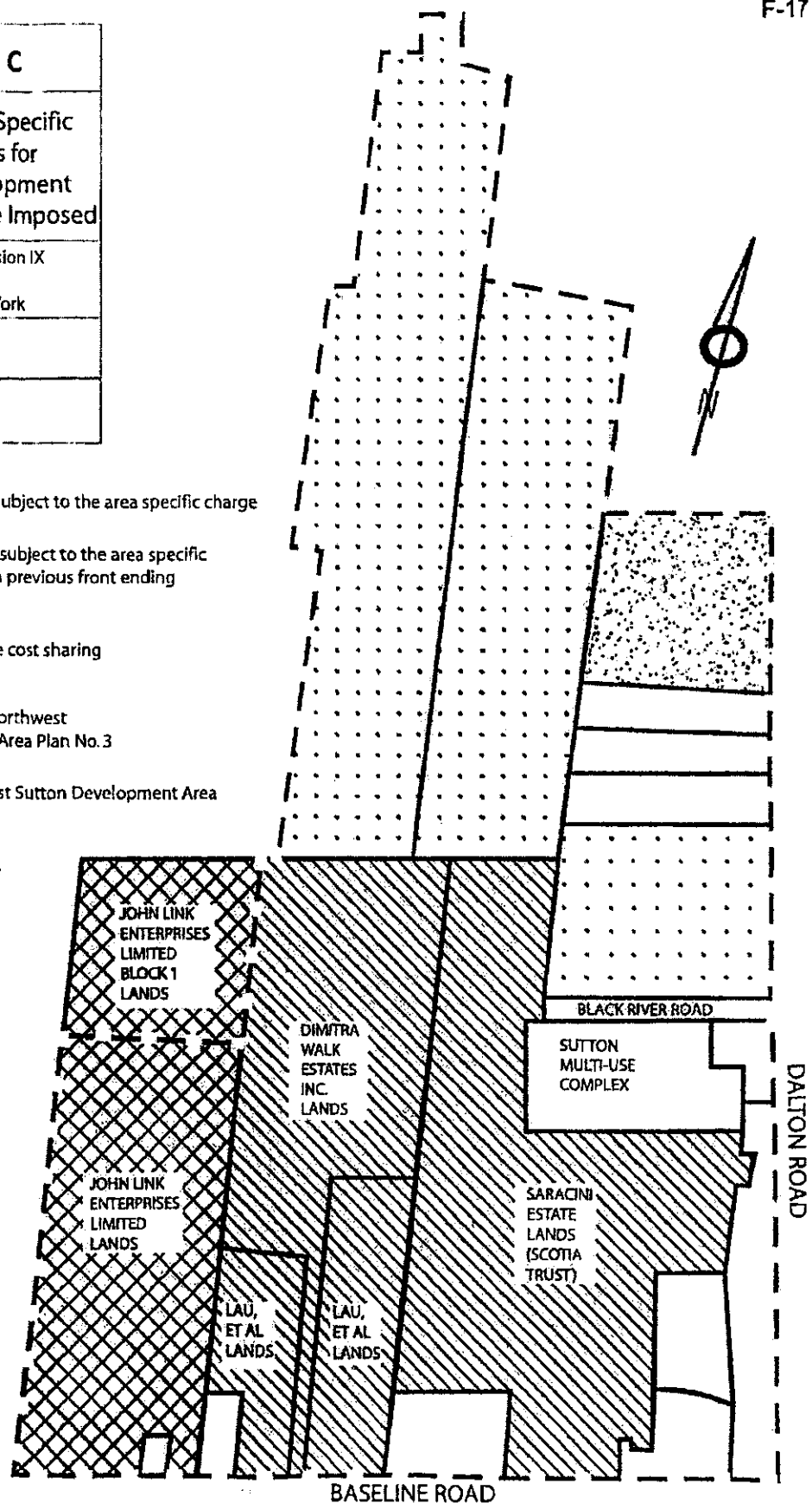
Part Lots 18, 19 & 20 Concession IX
Town of Georgina
Regional Municipality of York

Date: July 2004

Map Not to Scale

-  Properties which are subject to the area specific charge
-  Property which is not subject to the area specific charge (as a result of a previous front ending contribution)
-  Area of possible future cost sharing
-  Lands exempt from Northwest Sutton Development Area Plan No.3
-  Boundary of Northwest Sutton Development Area Plan No.3

Note: Includes John Link Enterprises Limited Block '1' lands, which are outside the boundary of Northwest Sutton Development Area Plan No.3



APPENDIX B.4
TABLE 1 - PAGE 4

TOWN OF GEORGINA
INVENTORY OF CAPITAL ASSETS
PARKS & RECREATION DEPARTMENT
PARK DEVELOPMENT & FACILITIES - PARK DEVELOPMENT

DEVELOPED PARKLAND (acre)	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Development Cost (\$/acre)
Neighbourhood Parks	88.70	92.00	92.00	94.30	96.61	98.91	101.22	103.52	103.52	103.52	\$170,000
Special Park Areas	42.00	42.00	55.00	58.70	62.41	66.11	69.82	73.52	73.52	73.52	\$85,000
Community Park	85.60	85.60	85.60	88.36	91.11	93.87	96.62	99.38	99.38	99.38	\$120,000
Total Developed Parkland (acre)	216.30	219.60	232.60	241.36	250.13	258.89	267.65	276.42	276.42	276.42	
Total Development Value (\$000)	\$28,921.0	\$29,482.0	\$30,587.0	\$31,624.2	\$32,661.3	\$33,698.5	\$34,735.7	\$35,772.8	\$35,772.8	\$35,772.8	

APPENDIX B.4
TABLE 1 - PAGE 7TOWN OF GEORGINA
CALCULATION OF SERVICE LEVELS
PARKS & RECREATION DEPARTMENT
PARK DEVELOPMENT & FACILITIES

Historic Population	2001 39,536	2002 40,083	2003 40,637	2004 41,199	2005 41,768	2006 42,346	2007 43,094	2008 43,856	2009 44,631	2010 45,420
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INVENTORY SUMMARY (\$000)

Recreation	\$58,754.0	\$67,021.8	\$67,334.3	\$67,833.9	\$68,577.9	\$68,577.9	\$68,577.9	\$70,504.5	\$70,504.5	\$70,573.5
Parkland	\$28,921.0	\$29,482.0	\$30,587.0	\$31,624.2	\$32,661.3	\$33,698.5	\$34,735.7	\$35,772.8	\$35,772.8	\$35,772.8
Parks Equipment	\$189.0	\$467.0	\$480.4	\$885.9	\$1,066.9	\$1,450.4	\$1,525.5	\$1,828.0	\$1,828.0	\$1,828.0
Parks Buildings and Special Facilities	\$2,050.9	\$2,050.9	\$2,050.9	\$2,050.9	\$2,050.9	\$2,050.9	\$2,050.9	\$2,050.9	\$2,050.9	\$2,050.9
Total (\$000)	\$89,914.9	\$99,021.7	\$100,452.6	\$102,394.9	\$104,387.1	\$105,777.8	\$106,890.1	\$110,156.3	\$110,156.3	\$110,225.3

SERVICE LEVEL (\$/capita)	Average Service Level									
Recreation	\$1,486.09	\$1,672.09	\$1,656.97	\$1,646.50	\$1,641.86	\$1,619.47	\$1,591.34	\$1,607.63	\$1,579.71	\$1,553.79
Parkland	\$731.51	\$735.53	\$752.69	\$767.80	\$781.96	\$795.79	\$806.04	\$815.69	\$801.52	\$787.60
Parks Equipment	\$4.78	\$11.85	\$11.82	\$21.50	\$25.54	\$34.25	\$35.40	\$41.68	\$40.36	\$40.25
Parks Buildings and Special Facilities	\$51.88	\$51.17	\$30.47	\$49.78	\$49.10	\$48.43	\$47.59	\$46.77	\$45.95	\$45.15
Total (\$/capita)	\$2,274.25	\$2,470.44	\$2,471.96	\$2,485.39	\$2,498.47	\$2,497.94	\$2,480.37	\$2,511.76	\$2,468.14	\$2,426.79

TOWN OF GEORGINA
CALCULATION OF MAXIMUM ALLOWABLE
PARKS & RECREATION DEPARTMENT
PARK DEVELOPMENT & FACILITIES

10 Year Average Service Level 2001-2010 \$2,458.55 per pop

2010 Population 45,420
 Net Population Growth 2011-2020 8,605
 Net Population Growth 2011-2031 21,684

	Maximum Allowable				Excess Calculation (\$000)			
	Average Service Level		10 Years		Using Average Service Level		New Maximum Allowable	
			2031 (\$000)				10 Years 2031	
Total Park Development & Facilities	\$2,458.55 / capita		\$21,156.2		\$111,667.8		\$21,156.2	
Town Directed Adjustment for Past Service Level Deficiency			\$3,800.0				\$3,800.0	
Total Adjusted Park Development & Facilities			\$24,956.2				\$24,956.2	

		2010 Inventory		2031		Excess Capacity		2031	
		\$110,225.3		\$111,667.8		\$0.0		\$53,310.7	

APPENDIX B-4
TABLE 2TOWN OF GEORGINA
2011 DEVELOPMENT CHARGES BACKGROUND STUDY
GROWTH-RELATED CAPITAL PROGRAM

Service	Project Description	Timing	Total Project Cost	Less Grants /Subsidies	Total Municipal Cost	Replacement and Benefit To Existing	Growth-Related Costs			2011-2020 Discounted Growth-Related Net Capital Costs
							Prior Growth	2011-2020	Post 2020	
4.00 PARKS AND RECREATION	4.1 Major Facilities	2012	\$ 750,000	\$ -	\$ 750,000	\$ -		\$ 750,000	\$ -	90% \$ 675,000
		2013	\$ 750,000	\$ -	\$ 750,000	\$ -		\$ 750,000	\$ -	90% \$ 675,000
		2014	\$ 2,500,000	\$ -	\$ 2,500,000	\$ -	\$ -	\$ 2,500,000	\$ -	90% \$ 2,250,000
		2016	\$ 25,000,000	\$ -	\$ 25,000,000	\$ -	\$ -	\$ 15,393,097	\$ 9,606,903	90% \$ 13,853,788
			\$ 29,000,000	\$ -	\$ 29,000,000	\$ -	\$ -	\$ 19,393,097	\$ 9,606,903	\$ 17,453,768
	4.2 Parks Buildings	2012	\$ 175,000	\$ -	\$ 175,000	\$ -		\$ 175,000	\$ -	90% \$ 157,500
			\$ 175,000	\$ -	\$ 175,000	\$ -		\$ 175,000	\$ -	\$ 157,500
	4.3 Park Facilities/Development	2012	\$ 14,209,000	\$ 9,472,000	\$ 4,737,000	\$ -	\$ 1,852,193	\$ 2,884,807	\$ -	90% \$ 2,596,326
		2012	\$ 1,148,990	\$ 766,660	\$ 383,330	\$ -	\$ -	\$ 383,330	\$ -	90% \$ 344,997
		2011	\$ 600,000	\$ -	\$ 600,000	\$ -	\$ -	\$ 600,000	\$ -	90% \$ 540,000
		2012	\$ 20,000	\$ -	\$ 20,000	\$ -	\$ -	\$ 20,000	\$ -	90% \$ 18,000
		2012	\$ 350,000	\$ -	\$ 350,000	\$ -	\$ -	\$ 350,000	\$ -	90% \$ 315,000
		2011	\$ 450,000	\$ -	\$ 450,000	\$ -	\$ -	\$ 450,000	\$ -	90% \$ 405,000
		2013	\$ 200,000	\$ -	\$ 200,000	\$ -	\$ -	\$ 200,000	\$ -	90% \$ 180,000
		2014	\$ 300,000	\$ -	\$ 300,000	\$ -	\$ -	\$ 300,000	\$ -	90% \$ 270,000
		2014	\$ 200,000	\$ -	\$ 200,000	\$ -	\$ -	\$ 200,000	\$ -	90% \$ 180,000
		2015	\$ 4,000,000	\$ -	\$ 4,000,000	\$ 4,000,000	\$ -	\$ -	\$ -	90% \$ -
2017		\$ 3,000,000	\$ -	\$ 3,000,000	\$ -	\$ -	\$ -	\$ 3,000,000	\$ -	90% \$ -
2018		\$ 300,000	\$ -	\$ 300,000	\$ -	\$ -	\$ -	\$ 300,000	\$ -	90% \$ -
2018		\$ 200,000	\$ -	\$ 200,000	\$ -	\$ -	\$ -	\$ 200,000	\$ -	90% \$ -
		\$ 24,978,990	\$ 10,238,660	\$ 14,740,330	\$ 4,000,000	\$ 1,852,193	\$ 5,388,137	\$ 3,500,000	\$ 10,740,330	\$ 4,848,323
TOTAL PARKS AND RECREATION			\$ 54,153,990	\$ 10,238,660	\$ 43,915,330	\$ 4,000,000	\$ 1,852,193	\$ 24,956,234	\$ 13,106,903	90% \$ 22,460,611

Non-Chargeable Growth-Related Net Capital Cost

\$ 2,495,623

Residential Development Charge Calculation	
Residential Share of 2011-2020 Discounted Growth-Related Capital Program	100%
10 Year Growth in Population in New Units	\$22,460,611
Unadjusted Development Charge Per Capita (\$)	10,339
	\$2,172.42
Non-Residential Development Charge Calculation	
Non-Residential Share of 2011-2020 Discounted Growth-Related Capital Program	0%
10 Year Growth in Square Meters	\$ -
Unadjusted Development Charge Per Sq. M (\$)	281,796
	\$0.00

TABLE 5
TOWN OF GEORGINA
SUMMARY OF UNADJUSTED RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT CHARGES
FOR 10-YEAR TOWN-WIDE GENERAL SERVICES

10 Year Growth in Population 10,339
10 Year Growth in Square Meters 281,736

Service	Growth-Related Capital Forecast										Total Growth-		Residential Share	Non-Residential Share
	Total (Net of Grants/ Subsidies) (\$000)	Prior Growth (\$000)	Benefit to Existing Share (\$000)	Pre-Built Service (Calculated Oversizing) (\$000)	Growth-Related Net Capital Costs 2011-2020 (\$000)	Service Discount Required %	Net Capital Costs After Discount (\$000)	Residential Share		Non-Residential Share				
								%	\$000	%	\$000			
1.00 GENERAL GOVERNMENT														
Unadjusted Development Charge Per Capita (\$)	\$1,420.2	\$0.0	\$465.0	\$0.0	\$955.1	10%	\$95.5	\$859.6	70%	\$601.7	30%	\$257.9		
Unadjusted Development Charge Per Sq. M. (\$)										\$58.20		\$0.92		
2.00 LIBRARY BOARD														
Unadjusted Development Charge Per Capita (\$)	\$1,021.8	\$486.8	\$0.0	\$0.0	\$535.1	10%	\$53.5	\$481.6	100%	\$481.6	0%	\$0.0		
Unadjusted Development Charge Per Sq. M. (\$)										\$46.58		\$0.00		
3.00 FIRE SERVICES														
Unadjusted Development Charge Per Capita (\$)	\$3,390.0	\$1,001.0	\$0.0	\$0.0	\$2,389.0	0%	\$0.0	\$2,389.0	70%	\$1,672.3	30%	\$716.7		
Unadjusted Development Charge Per Sq. M. (\$)										\$161.75		\$2.54		
4.00 PARKS AND RECREATION														
Unadjusted Development Charge Per Capita (\$)	\$43,915.3	\$1,852.2	\$4,000.0	\$13,106.9	\$24,956.2	10%	\$2,495.6	\$22,460.6	100%	\$22,460.6	0%	\$0.0		
Unadjusted Development Charge Per Sq. M. (\$)										\$2,172.42		\$0.00		
5.00 PUBLIC WORKS														
Unadjusted Development Charge Per Capita (\$)	\$770.0	\$689.1	\$0.0	\$0.0	\$80.9	10%	\$8.1	\$72.8	70%	\$51.0	30%	\$21.9		
Unadjusted Development Charge Per Sq. M. (\$)										\$4.93		\$0.08		
Total - 10 Year Town-Wide General Services	\$50,517.3	\$4,029.0	\$4,465.0	\$13,106.9	\$28,916.4		\$2,652.7	\$26,263.6		\$25,267.2		\$996.4		
Unadjusted Development Charge Per Capita (\$)														
Unadjusted Development Charge Per Sq. M. (\$)										\$2,443.88		\$3.54		

Table 8

**TOWN OF GEORGINA
SUMMARY OF TOWN-WIDE DEVELOPMENT CHARGES**

SERVICE	Unadjusted Charge Per Capita	Adjusted Charge Per Capita	RESIDENTIAL DWELLINGS			
			Single & Semi- Detached	Rows & Other Multiples	2 Bedrooms or Larger	Apartments Bachelor or 1 Bedroom
LIBRARY BOARD	\$46.58	\$48.00	\$144	\$144	\$101	\$70
FIRE SERVICES	\$161.75	\$166.00	\$498	\$498	\$349	\$241
PARKS AND RECREATION	\$2,172.42	\$2,264.00	\$6,792	\$6,792	\$4,754	\$3,283
PUBLIC WORKS	\$4.93	\$6.00	\$18	\$18	\$13	\$9
GENERAL GOVERNMENT	\$58.20	\$61.00	\$183	\$183	\$128	\$88
TOTAL GENERAL SERVICES CHARGE	\$2,443.88	\$2,545.00	\$7,635	\$7,635	\$5,345	\$3,691
ROADS & RELATED	\$25.67	\$26.00	\$78	\$78	\$55	\$38
TOTAL (including roads and related)	\$2,469.55	\$2,571.00	\$7,713	\$7,713	\$5,400	\$3,729

TABLE 12

TOWN OF GEORGINA
TOWN-WIDE DEVELOPMENT CHARGES
COMPARISON OF CURRENT & NEWLY CALCULATED RATES
RESIDENTIAL DEVELOPMENT CHARGE PER SINGLE DETACHED UNIT

SERVICE	Current Residential Charge (\$/sdu)	Calculated Residential Charge (\$/sdu)	Difference in Charge	
			\$	%
LIBRARY BOARD	\$502	\$144	(\$358)	-71%
FIRE SERVICES	\$381	\$498	\$117	31%
PARKS AND RECREATION	\$2,680	\$6,792	\$4,112	153%
PUBLIC WORKS	\$284	\$18	(\$266)	-94%
GENERAL GOVERNMENT	\$163	\$183	\$20	12%
TOTAL GENERAL SERVICES CHARGE	\$4,010	\$7,635	\$3,625	90%
ROADS & RELATED	\$241	\$78	(\$163)	-68%
TOTAL (including roads and related)	\$4,251	\$7,713	\$3,462	81%