

THE CORPORATION OF THE TOWN OF LASALLE

BY-LAW NO. _____

A By-Law to Impose Development Charges on certain Residential and Non-Residential Development within the Town of LaSalle.

WHEREAS the Development Charges Act, 1997, S.O. 1997, c.27 authorizes an area municipality to pass by-laws to establish and impose development charges against land to pay for increased capital costs required due to development within the municipality;

AND WHEREAS the Corporation has completed a background study to review development levels and service levels, both historic and projected, within the Town of LaSalle, which Development Charge Background Study has been reviewed, considered and approved by the Council of the Corporation;

AND WHEREAS the Council of the Corporation held an open house and public meeting on October 29, 2020, to review the provisions of the Development Charge Background Study and a proposed development charges by-law, notice of which meeting was given in accordance with the provisions of the Development Charges Act, 1997;

AND WHEREAS the Council of the Corporation heard representations from any and all persons who attended the said public meeting and who requested the opportunity to be heard, and also reviewed and considered any and all written submissions received by the Corporation prior to the public meeting, no matter whether in objection to or in support of the said Study or proposed by-law;

AND WHEREAS the Council of the Corporation has determined it is not necessary to hold any further public meetings to continue to review the said Study or proposed by-law;

AND WHEREAS the development charges contained in this by-law have been determined in accordance with the provisions of the Development Charge Background Study;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF LASALLE HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law:

- (1) "apartment dwelling unit" means a residential unit within a building containing four or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the outside and through a corridor or hallway from the inside, but shall not include a semi-detached dwelling, a townhouse dwelling or "linked homes" as defined in paragraph (22) provided herein;
- (2) "Bill 197" means the COVID-19 Economic Recovery Act, 2020, which received Royal Assent on July 21, 2020;
- (3) "class" means a grouping of services combined to create a single service for the purposes of this by-law and as provided in section 7 of the Development Charges Act;
- (4) "commercial use" means use of any lands, buildings or structures for the purpose of buying and selling commodities and supplying services, as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar industrial uses;
- (5) "Corporation" means the body corporate referred to as The Corporation of the Town of LaSalle;
- (6) "Council" means the Council of The Corporation of the Town of LaSalle;
- (7) "development" includes redevelopment;
- (8) "development charge" means a charge imposed pursuant to this by-law, as adjusted in accordance with the provisions of this by-law;
 - a) "Town-wide development charge" means a charge, which is calculated on a per capita basis and is payable by all development within the Town of LaSalle.

- b) "Urban Area development charge" means a charge, which is calculated on an urban area basis and is payable by a development within the urban areas of the Town of LaSalle.
 - 1. "Area-specific development charge" means a charge, which is calculated on an area-specific basis and is payable by a development within the defined area in the Town of LaSalle.
- (9) "Development Charge Background Study" means the Development Charge Background Study, dated October 7, 2020, as amended;
- (10) "dwelling unit" means one or more habitable rooms occupied or designed to be occupied by one or more persons as an independent and separate housekeeping unit in which separate kitchen and sanitary facilities are provided for the use of such person or persons, with a private entrance from outside the building or from a common hallway or stairway inside the building;
- (11) "gross floor area" means the sum total of the gross horizontal areas of all floors, above or below grade, of the building or buildings on the land concerned, measured from the exterior faces of the exterior walls, or from the centreline of the common wall separating two buildings to the exterior walls thereof, and the "gross floor area" of a building shall include a basement floor area where the basement ceiling height is 1.8 metres or more, but the "gross floor area" of a building shall not include:
 - a) elevator shafts and stairwells at each floor;
 - b) floor area used exclusively for the accommodation of heating, cooling, ventilating, electrical, telecommunications or mechanical equipment that service the building;
 - c) interior balconies and mezzanines and enclosed porches;
and
 - d) loading facilities, above or below grade; or
 - e) any part of the building or structure that is used for the parking of motor vehicles, for storage units or any other accessory use.

- (12) "industrial use" means the use of any land, building or structure for the purpose of manufacturing, processing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adopting for sale any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services. A transportation terminal would also be considered an "industrial use";
- (13) "institutional use" means development of a building or structure intended for use,
- a) as a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
 - b) as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
 - c) by any of the following post-secondary institutions for the objects of the institution:
 - 1. a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,
 - 2. a college or university federated or affiliated with a university described in subclause (1), or
 - 3. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;
 - d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
 - e) as a hospice to provide end of life care.
- (14) "multiple dwellings" means all dwellings other than single detached dwellings, semi-detached dwellings, apartment house dwellings and special care/special need dwellings;
- (15) "non-profit housing use" development of a building or structure intended for use as residential premises by,

- a) A corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
 - b) A corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
 - c) A non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.
- (16) "non-residential use" means lands, buildings or structures or portions thereof used or designed or intended to be used for uses other than a residential use, and includes all commercial, industrial and institutional uses;
- (17) "owner" means the owner of land or the person who has made application for approval for the development of land upon which a development charge is imposed;
- (18) "rental housing" means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;
- (19) "residential use" means lands, buildings or structures used or designed or intended for use as a residence for one or more individuals, and shall include but is not limited to single detached dwellings, semi-detached dwellings, townhouse dwellings and apartment dwellings;
- (20) "semi-detached dwelling" means one of a pair of two attached single dwelling units with a common wall having a fire resistance rating of at least one hour, dividing the pair of single dwellings vertically, each of which has an independent entrance either directly from the outside or through a common vestibule;
- (21) "services" means services described in the Development Charge Background Study and as designated in section 6 of this by-law;

- (22) "single detached dwelling" means a single dwelling which is freestanding, separate and detached from other main buildings or main structures, and includes dwellings that are free standing, separate and attached to one or more other main buildings below grade level only ("linked homes"), and also includes a mobile home that is permitted by the Corporation to attach to municipal water or sanitary sewer/wastewater services;
- (23) "special care/special need dwelling" means a building or a complex of buildings containing two or more dwelling units, which units have a common entrance from the street level, where occupants have the right to use, in common with other occupants, hallways, stairs, yards, common rooms and accessory buildings, which may or not may not have exclusive sanitary and/or kitchen facilities that are designed to accommodate persons with specific needs or persons who require special care, including independent permanent living arrangements, where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels, and without limiting the generality of the foregoing includes retirement homes and lodges, nursing homes, charitable homes, group homes (including correctional group homes), hospices and student residences;
- (24) "Town of LaSalle" means the geographic area known as the Town of LaSalle;
- (25) "townhouse dwelling" means a building divided vertically into three or more attached dwelling units by common walls extending from the base of the foundation to the roofline, each dwelling unit having a separate entrance at grade, and so located on a lot that individual units may not have legal frontage on a public street.

APPLICATION

2. Lands Applicable

- (1) This by-law applies to all land within the Town of LaSalle.
- (2) Notwithstanding the provisions of subsection 2(1), this by-law shall not apply to lands that are owned by and used for the purposes of:

- a) The Corporation; or
- b) A School Board as defined in section 1(1) of the Education Act; or
- c) The Corporation of the County of Essex.

3. Timing of Payment

- (1) Subject to the provisions of this by-law, development charges shall be payable by the owner of any land within the Town of LaSalle where such land is the subject of a development that requires any of the approvals set out in section 4 of this by-law.
- (2) Town-wide and Urban area development charges are payable by the owner of land at the time of the issuance of the first building permit.
- (3) Area-specific development charges for the Reaume Sanitary Service Area are payable by the owner of the land at the time of the execution of the development agreement.
- (4) The Corporation may, by an agreement in writing, give an owner of land a credit towards all or part of a development charge in exchange for that owner performing works that relate to a designated municipal service for which a development charge or a part thereof is imposed under this by-law.
- (5) Notwithstanding 3(1) to 3(4), Development Charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest (as provided in the Town's Development Charge Interest Rate Policy, as amended), payable on the anniversary date each year thereafter.
- (6) Notwithstanding 3(1) to 3(4), Development Charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest (as provided in the Town's Development Charge Interest Rate Policy, as amended), payable on the anniversary date each year thereafter.

- (7) Where the development of land results from the approval of a Site Plan or Zoning Bylaw Amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Subsections 3(1) to 3(4) shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply, Development Charges under Subsections 3(1) to 3(4) shall be calculated on the rates, including interest (as provided in the Town's Development Charge Interest Rate Policy, as amended), set out in Schedules "B" on the date of the later planning application, including interest.
4. Development charges are hereby imposed on all lands within the Town of LaSalle that are developed or proposed to be developed for residential uses or non-residential uses if the development or proposed development requires:
 - (1) the passing of a zoning by-law or an amendment to a zoning by-law under section 34 of the Planning Act;
 - (2) the approval of a minor variance under section 45 of the Planning Act;
 - (3) a conveyance of land to which a by-law passed under section 50(7) of the Planning Act applies;
 - (4) the approval of a plan of subdivision under section 51 of the Planning Act;
 - (5) a consent under section 53 of the Planning Act;
 - (6) the approval of a description under section 50 of the Condominium Act; or
 - (7) the issuing of a permit under the Building Code Act, 2006, in relation to a building or structure.
5. Notwithstanding the provisions of section 4 herein, if two or more of the actions described in section 4 occur at different times, additional development charges may be imposed by the Corporation if the subsequent action has the effect of increasing the need for services.

SERVICES AND CLASSES

6. The development charges imposed under this by-law have been calculated for the categories of services and classes and the components thereof as set out in Schedule "A" to this by- law and are as follows:

- (1) Services Related to a Highway;
- (2) Public Works;
- (3) Fire Protection Services;
- (4) Policing Services;
- (5) Parks and Recreation Services;
- (6) Transit Services;
- (7) Library Services;
- (8) Growth Studies;
- (9) Water Services;
- (10) Wastewater Services; and
- (11) Wastewater – Reaume Sanitary Service Area.

DEVELOPMENT CHARGES

7. Determination of the Charges

- (1) The Town-wide development charges as set out in Schedule "A" to this by-law shall apply to and be imposed on all land within the Town of LaSalle being developed for residential uses according to the type of residential unit to be developed thereon, which development charge shall be payable on a per dwelling unit basis.
- (2) The Town-wide development charges as set out in Schedule "A" to this by-law shall apply to and be imposed on all land within the Town of LaSalle being developed for non-residential uses according to the provisions of this by-law, which development charges shall be payable for each square foot of the gross floor area of the building or buildings to be constructed thereon.
- (3) The Urban area development charges as set out in Schedule "A" to this by-law shall apply to and be imposed on the municipal urban area as defined by Schedule "C" to this by-law for residential uses on a per dwelling unit basis and for non-residential uses on a per square foot of gross floor area basis.

- (4) The Wastewater - Reaume Sanitary Service Area area-specific development charges as set out in Schedule "A" to this by-law shall apply to and be imposed on the Reaume Sanitary Service Area as defined by Schedule "D" to this by-law for residential uses on a per dwelling unit basis.

EXEMPTIONS

8. Notwithstanding the provisions of this by-law, no development charge shall be payable where the development:
 - (1) is limited to the enlargement of an existing dwelling unit;
 - (2) is limited to the creation of up to two additional dwelling units as prescribed, in prescribed classes of existing residential buildings as set out in the Regulations to the Development Charges Act, 1997;
 - (3) is limited to the creation of an additional dwelling unit as prescribed, in prescribed classes of new residential buildings as set out in the Regulations to the Development Charges Act, 1997;
 - (4) is limited to the creation of an additional dwelling unit ancillary to a new dwelling unit for prescribed classes of new residential buildings as set out in the Regulations to the Development Charges Act, 1997;
 - (5) is the enlargement of the gross floor area of an existing industrial building in accordance with the following provisions;
 - a) Notwithstanding any other provision of this by-law, there shall be an exemption from the payment of development charges for one or more enlargements of an existing industrial building on its site, whether attached or separate from the existing industrial building, up to a maximum of fifty per cent of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Development Charges Act or this section. Development charges shall be imposed in accordance with this by-law with respect to the amount of the floor area of an enlargement that results in the gross floor area of the industrial building being increased by

greater than fifty per cent of the gross floor area of the existing industrial building.

- b) If the gross floor area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
 - 1. determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
 - 2. divide the amount determined under subsection 1. by the amount of the enlargement
- c) For the purpose of section 3.8 herein, “existing industrial building” is used as defined in the Regulation made pursuant to the Act.

- (6) is a non-residential use. This exemption is limited to development applications executed prior to June 30, 2022. Subsequently, no exemption for this development type will be provided; and
- (7) is an apartment development. This exemption is limited to development applications executed prior to June 30, 2022. Subsequently, no exemption for this development type will be provided.

REMOVAL OF BUILDINGS

9. Redevelopment

- (1) Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 10 years prior to the date of payment of development charges in regard to such redevelopment was, or is to be removed, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- 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 Section 7 by the number, according to type, of dwelling units that have been or will be removed or converted to another principal use; and
 - b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under Section 7, by the gross floor area that has been or will be removed or converted to another principal use;
- (2) For the purposes of subsection 9(1) herein, "removed" shall include the physical moving of a building or structure, or the destruction of a building or structure as a result of any man-made or natural disaster.

DEMOLITION CREDIT

10. Demolition Credit

- (1) Where a building or structure has been demolished or is to be demolished, in whole or in part, a demolition credit shall be given as provided herein for such demolished building or structure or part thereof against development charges otherwise payable with respect to development on the same land.
- (2) A demolition credit shall be given only where the date of demolition is three years or less prior to the date of the filing of the application for a building permit for the development of the same land. For the purposes of this section, the date of demolition shall be deemed to be the date of issuance of a demolition permit by the Corporation.
- (3) The demolition credit shall be calculated according to the following formula:
$$A - (B \times C) = D$$
where:

- A= development charges otherwise paid or payable
- B = the number of residential dwelling units (or sq.ft. of non-residential gross floor area) demolished no earlier than three years prior to the date of the filing of the application for the building permit
- C = the current residential development charge per dwelling unit (or non-residential development charge per sq.ft. of gross floor area) which applies to residential units (or non-residential buildings) of the type demolished
- D = development charges net of demolition credit (cannot be a negative amount)

- (4) In no event shall the amount of the demolition credit herein exceed the amount of development charges otherwise payable with respect to the development of the said land.
- (5) The onus will be on the owner of land to provide all of the appropriate evidence required so as to justify and accurately calculate the demolition credit that may be owing to the owner pursuant to the provisions of this section.

FRONT-ENDING AGREEMENTS

11. The Corporation may enter into a front-ending agreement with an owner of land on terms and conditions satisfactory to the Corporation and in accordance with the provisions of the Development Charges Act, 1997. The details pertaining to such agreements will be established as part of individual development plan of subdivisions and/or other pertinent Planning Act applications

INDEXING

12. Development charges imposed pursuant to this by-law shall be adjusted annually without amendment to this by-law, commencing on January 1st, 2021 and on January 1st of each year thereafter, in accordance with the third quarter of the prescribed index in the Development Charges Act, 1997.

GENERAL

13. Schedules

- (1) The following schedules shall form part of this by-law:

- Schedule A: Components of Services and Classes Designated in Section 6;
- Schedule B: Schedule of Development Charges
- Schedule C: Map of Urban Serviced Areas of the Town
- Schedule D: Map of Applicable Lands for Wastewater - Reaume Sanitary Service Area Area-specific Development Charges

14. This by-law shall be administered by the Treasurer of the Corporation and shall be enforced by the Chief Building Official of the Corporation.

15. This by-law shall come into force and take effect on the final passing thereof.

16. This by-law shall expire 5 years after the date it comes into force and takes effect, unless this by-law is repealed at an earlier date.

17. By-law 7842 of the Corporation, finally passed on December 15th, 2015, as amended, be and the same is hereby repealed.

18. This by-law may be referred to as the Town of LaSalle Development Charges By-law, 2020.

Read a first and second time and FINALLY PASSED this 8th day of December 2020.

1st Reading- December 8, 2020

2nd Reading- December 8, 2020

Mayor

3rd Reading - December 8, 2020

Clerk

Schedule A
To By-law _____
Components of Services and Classes Designated in Section 6

Town-wide Services

- Services Related to a Highway
- Roads
- Fire Protection Services
 - Fire Facilities
 - Fire Vehicles
 - Fire Small Equipment & Gear
- Policing Services
 - Police Facilities
 - Police Vehicles
 - Police Small Equipment & Gear
- Transit Services
 - Transit Vehicles
- Water Services
 - Water Distribution
- Parks and Recreation Services
 - Parkland Development
 - Parkland Amenities
 - Recreation Facilities
- Library Services
 - Library Facilities

Wastewater Collection &
Treatment

Area-specific Services

- Wastewater Services
- Reaume Sanitary Service Area

Town-wide Classes of Services

- Public Works
 - Services Related to a Highway
 - Water Services
 - Wastewater Services
- Growth Studies
 - Services Related to a Highway
 - Water Services
 - Wastewater Services
 - Fire Protection Services
 - Policing Services
 - Transit Services
 - Library Services
 - Parks and Recreation Services

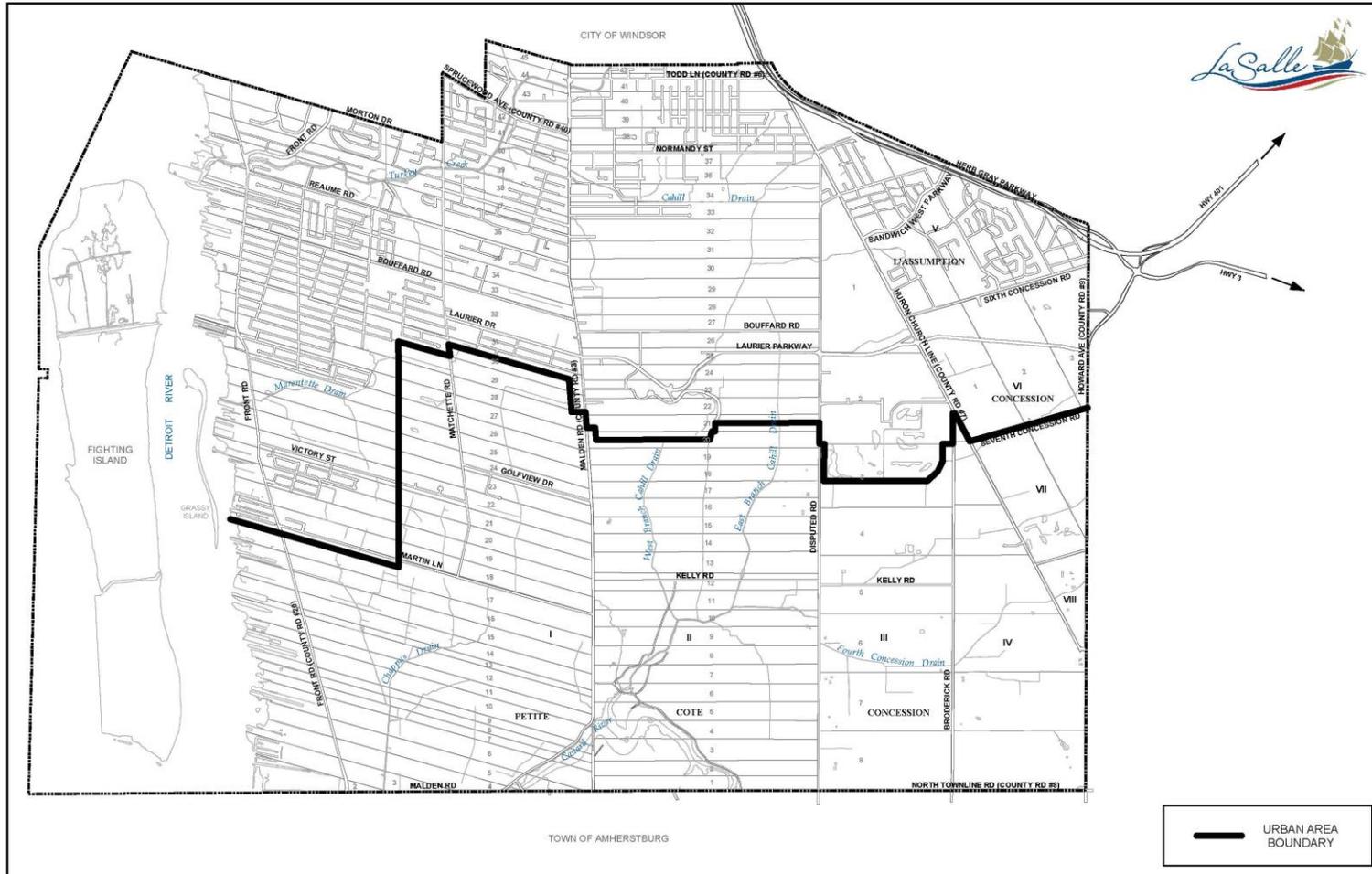
Urban Area Services

- Wastewater Services

Schedule B
To By-law _____
Schedule of Development Charges

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Town-wide Services						
Services Related to a Highway	6,239	3,882	3,384	2,615	2,186	3.71
Public Works (Facilities and Fleet)	443	276	240	186	155	0.27
Fire Protection Services	859	535	466	360	301	0.51
Policing Services	100	62	54	42	35	0.06
Parks and Recreation Services	7,339	4,567	3,980	3,076	2,571	1.07
Transit Services	104	65	56	44	36	0.06
Library Services	-	-	-	-	-	-
Growth Studies	182	113	99	76	64	0.10
Water Services	2,158	1,343	1,170	904	756	1.28
Sub-total Town-wide Services	17,424	10,843	9,449	7,303	6,104	7.06
Urban Area Services						
Wastewater Services	2,132	1,327	1,156	894	747	1.18
Sub-total Urban Area Services	2,132	1,327	1,156	894	747	1.18
Area-Specific Services						
Wastewater - Reaume Sanitary Service Area	2,252	1,396	1,216	946	788	-
Sub-total Area-Specific Services	2,252	1,396	1,216	946	788	-
Grand Total - Town-wide	17,424	10,843	9,449	7,303	6,104	7.06
Grand Total - Urban Area	19,556	12,170	10,605	8,197	6,851	8.24
Grand Total - Reaume Sanitary Service Area	21,808	13,566	11,821	9,143	7,639	8.24

Schedule C
 To By-law ____
 Map of Urban Serviced Areas of the Town



Schedule D
To By-law _____

Map of Applicable Lands for Wastewater-Reaume Sanitary Service Area Area-specific Development Charges

