



The Municipal Corporation of the Town of Fort Erie

By-law No. 47-2019

Being a By-law to Establish Development Charges For The Town of Fort Erie and to Repeal By-law No. 43-2014

Whereas subsection 2(1) of the *Development Charges Act, 1997, c. 27* (hereinafter called "the Act") provides that the council of a municipality may pass by-laws for the imposition of development charges against land for increased capital costs required because of the needs for services arising from development of the area to which the by-law applies; and

Whereas the Council of The Corporation of the Town of Fort Erie ("Town of Fort Erie") 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 the Council of the Town of Fort Erie received a report entitled Development Charges Background Study dated December 13, 2018 prepared by Hemson Consulting Ltd., wherein it was indicated that the development of any land within the Town of Fort Erie will increase the need for services as defined herein; and

Whereas copies of the Development Charges Background Study were made available on December 13, 2018 and copies of the proposed Development Charges By-law were made available on December 13, 2018 to the public in accordance with Section 12 of the *Act*; and

Whereas the Council of the Town of Fort Erie on March 4, 2019 approved the Development Charges Background Study, dated December 13, 2018, as amended (the "Study"), in which recommendations were made relating to the establishment of a development charge policy for the Town of Fort Erie pursuant to the *Act*; and

Whereas the Council of the Town of Fort Erie heard all persons who applied to be heard no matter whether in objection to, or in support of, the proposed development charges at a Public Meeting held on January 14, 2019; and

Whereas the Council of the Town of Fort Erie on March 4, 2019 determined that the increase in the need for services attributable to the anticipated development as contemplated in the Study, including any capital costs, will be met by updating the capital budget and forecast for the Town of Fort Erie, where appropriate; and

Whereas the Council of the Town of Fort Erie on March 4, 2019 approved the Study and determined that no further public meetings were required under Section 12 of the *Act*; and

Whereas the Council of the Town of Fort Erie on March 4, 2019 determined that the future excess capacity identified in the Study, shall be paid for by the development charges contemplated in the said Study, or other similar charges; and

Whereas the Council of the Town of Fort Erie has given consideration of the use of more than one Development Charge By-law to reflect different needs for services in different areas, also known as “area rating” or “area specific development charges”, and has determined that for the services, and associated infrastructure proposed to be funded by development charges under this by-law, that it is fair and reasonable that the charges be calculated on a municipal-wide uniform basis; and

Whereas the Study includes an Asset Management Plan that deals with all assets whose capital costs are intended to be funded under the Development Charge By-law and that such assets are considered to be financially sustainable over their full life-cycle; and

Whereas the Council of the Town of Fort Erie will give consideration to incorporating the Asset Management Plan outlined in the Study within the Town of Fort Erie’s ongoing practices and Corporate Asset Management Plan; and

Whereas the Council of the Town of Fort Erie approved the planned level of service for Transit services, as identified in the Study which has been estimated in accordance with the requirements of the *Act* and Ontario Regulation 82/98.

Now therefore the Municipal Council of the Town of Fort Erie enacts as follows:

1.0 DEFINITIONS

1.1 In this by-law,

- (a) “**Act**” means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, or any successor thereto;
- (b) “**agricultural use**” means use or intended use for farming or hobby farming purposes
 - a. including (but not limited to):
 - (i) cultivation of crops, whether on open land or in greenhouses, including (but not limited to) fruit, vegetables, herbs, grains, field crops, marijuana, sod, trees, shrubs, flowers, and ornamental plants;
 - (ii) raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish; and
 - (iii) agricultural animal husbandry, dairying, equestrian activities, horticulture, fallowing, pasturing, and market gardening;
 - b. but excludes any portion used for residential, commercial or industrial use;

- (c) “**apartment**” means a building consisting of one or more dwelling units with a private bathroom and kitchen facilities in each dwelling unit which is not a single detached dwelling, a semi-detached dwelling, a farm help house or a multiple dwelling;
- (d) “**bedroom**” means a room located within a dwelling unit and used primarily for sleeping;
- (e) “**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;
- (f) “**Board of Education**” means a board defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c. E. 2 as amended, or any successor thereto;
- (g) “**Building canopy**” means an overhead fixed roof structure that does not contain any walls or is enclosed by other means that is attached to a principal structure which is able to provide shelter from the weather or is decorative;
- (h) “**Building Code Act**” means the *Building Code Act, 1992*, S.O. 1992, c. 23 as amended, or any successor thereto;
- (i) “**brownfield sites**” means abandoned, vacant, derelict, idled or underutilized property in the urban area of the Town of Fort Erie with an active potential for redevelopment, where redevelopment is complicated by real or perceived environmental contamination. Brownfields are also often characterized by building deterioration/obsolescence, and/or inadequate infrastructure. Brownfields can include many uses such as old landfills and abandoned factories to dry cleaners and former gasoline stations. Most brownfields are located in urban areas and many are located in key areas such as the downtown or along the waterfront;
- (j) “**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 the municipality or local board, as set out in Section 5 of the *Act*;
- (k) “**cellar**” means that portion of a building between two floor levels with a minimum height of 1.9 m which is partly or completely underground, and which has more than one-half of its height from floor to ceiling below grade;
- (l) “**commercial**” when used in reference to a building, structure, lot, use or activity, means a building, structure, lot, use or activity pertaining to the buying or selling of commodities or the supplying of services for remuneration, but does not include activities associated with the manufacturing, warehousing or assembling of goods, or with any construction work;

- (m) “**Council**” means the Council of The Corporation of the Town of Fort Erie;
- (n) “**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 substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot;
- (o) “**development charge**” means a charge imposed pursuant to this By-law;
- (p) “**dwelling unit**” means a suite of habitable rooms which:
 - (i) is located in a building;
 - (ii) is used or intended to be used in common by one or more persons as a single, independent and separate housekeeping establishment;
 - (iii) contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof; and
 - (iv) has a private entrance directly from outside the building or from a common hallway or stairway inside the building;
- (q) “**existing industrial building**” has the same meaning as in O.Reg. 82/98, as amended;
- (r) “**farm help house**” means a dwelling unit constructed on agricultural land used for agricultural uses and not attached to any other building or structure, with sleeping, cooking, living and sanitary facilities, and used for seasonal, interim or occasional residential uses by farm labourers;
- (q) “**grade**” means the average elevation of the finished surface of the ground of a building or structure, exclusive of any artificial embankment abutting such building or structure;
- (r) “**gross floor area**” means the aggregate of the floor areas of all storeys of a building or structure, other than an attic or a cellar, excluding the floor area of any private garage;
- (s) “**industrial**” means the use of land, buildings or structures for the manufacturing, production, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses;
- (t) “**institutional**” means the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, and without limiting the generality of the foregoing includes churches, places of worship, public or private schools, day nursery, public or private hospital, children’s home, nursing home, home for the aged or infirm, monastery, convent, and training school;
- (u) “**local board**” has the same meaning as in the *Act*;

- (v) “**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 in respect of the lands under Sections 41,51 or 53 of the *Planning Act* R.S.O. 1990, c. P. 13 as amended, or any successor thereto;
- (w) “**marijuana production facilities**” means a building used, designed or intended for growing, producing, testing, destroying, storing or distribution of marijuana or cannabis and does not include retail sales;
- (x) “**mobile home**” means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such vehicle is jacked up or that its running gear is removed, but not including any vehicle used or intended for the living, sleeping, or eating accommodation of persons therein for permanent year-round use;
- (y) “**multiple dwelling**” means a residential building consisting of three or more dwelling units where units may be attached by a vertical wall or walls. Multiple dwelling units refer to all dwellings units other than single detached dwellings, secondary suites, semis and apartments and may include but is not limited to townhouses, street townhouses, back to back townhouses, stacked townhouses and duplexes;
- (z) “**Municipality**” means The Corporation of the Town of Fort Erie;
- (aa) “**non-residential use**” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use and includes all commercial, industrial and institutional uses;
- (bb) “**Non-profit housing**” means housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by i) a non-profit corporation being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof; or ii) a non-profit housing co-operative having the same meaning as in the Co-operative Corporations Act, R.S.O. 1990, c.C.35, as amended;
- (cc) “**Owner**” means any person whose interest in a parcel of land is registered on title in the appropriate Land Registry Office;
- (dd) “**place of worship**” means any building or part thereof that is owned by a church or religious organization that is exempt from taxation as a place of worship pursuant to the *Assessment Act*, R.S.O. 1990, c A.31 as amended, but excludes a residential use;
- (ee) “**Regulation**” means O. Reg. 82/98; as amended, or a successor thereto, made under the *Development Charges Act, 1997*;

- (ff) “**residential use**” means lands, buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one or more individuals but does not include a room or suite of rooms in hotels or motels;
- (gg) “**secondary dwelling unit**” means a dwelling unit, whether contained within an existing or proposed single detached dwelling, semi-detached dwelling, or multiple dwelling or located in an accessory building to a single detached dwelling, a semi-detached dwelling or multiple dwelling including but not limited to a structure constructed above an existing garage or other structure separate from the primary dwelling unit, which:
 - (i) comprises an area less than the gross floor area of the primary dwelling unit; and
 - (ii) is not capable of being legally conveyed as a separate parcel of land from the primary dwelling unit;
- (hh) “**semi-detached dwelling**” means a residential building containing two dwelling units separated by vertical division, each of which units has a separate entrance to grade;
- (ii) “**services**” (or “**service**”) means those services set out in Schedule “A” to this By-law;
- (jj) “**servicing agreement**” means an agreement entered into in connection with the development of land including an agreement under Section 51 or Section 53 of the *Planning Act*, but not including an agreement under Section 41 of the *Planning Act*;
- (kk) “**single detached dwelling unit**” means a dwelling unit which is freestanding, separate and detached from other main buildings or main structures;
- (ll) “**site**” means a parcel of land which can be legally conveyed pursuant to Section 50 of the *Planning Act* and includes a development having two or more lots consolidated under identical ownership;
- (mm) “**special care/special needs dwelling unit**” means a residential building or the residential portion of a mixed-use building that has a common entrance at street level, where such units may or may not have exclusive use of sanitary or culinary facilities, or both and which occupants have the right to use, in common, hallways, stairs, yards, common rooms and where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services may be provided as appropriate to occupants and includes but is not limited to retirement homes, senior living accommodations, group homes, and hospitals;
- (nn) “**stacked townhouse building**” means a residential building containing four (4) or more dwelling units which are horizontally and vertically separated with dwelling units entirely or partially above another and where

each dwelling unit egresses directly outside to grade (no egress to a common corridor) and for the purposes of this by-law are defined as apartment units;

- (oo) **“Vehicle canopy”** means an overhead fixed roof structure that is used to shelter areas used for parking and loading or unloading of vehicles from the weather and includes canopies over a gas bar.

2.0 DESIGNATION OF SERVICES

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

- (a) library services;
- (b) fire protection services;
- (c) parks and recreation services;
- (d) public works and fleet;
- (e) parking services;
- (f) transit services;
- (g) administration;
- (h) roads and related;
- (i) storm water drainage and control services;
- (j) wastewater services; and
- (k) water supply services.

2.2 A development charge shall include a charge in respect of:

- (a) library services;
- (b) fire protection services;
- (c) parks and recreation services;
- (d) public works and fleet;
- (e) parking services;
- (f) transit services;
- (g) administration;
- (h) roads and related;
- (i) storm water drainage and control services;
- (j) wastewater services, if available; and
- (k) water supply service, if available.

2.3 Components of the services designated in Subsection 2.1 are described in Schedule "A" to this By-law.

3.0 APPLICATION OF DEVELOPMENT CHARGES

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

- (a) the lands are located in the area described in Subsection 3.2; and
- (b) the development of the lands requires any of the approvals set out in Subsection 3.5 (a).

Area to Which By-law Applies

3.2 (a) Subject to Subsection 3.3, this by-law applies to all lands in the geographic area of the Town of Fort Erie whether or not the land or the use of the land is exempt from taxation under Section 3 of the *Assessment Act*.

- (b) The Development Charges described in Schedule "B" to this By-law shall be calculated and collected on all lands in the geographic area of the Town of Fort Erie.

3.3 This By-law shall not apply to development of lands that are owned by and used for the purposes of:

- (a) The Corporation of the Town of Fort Erie or a local board thereof;
- (b) a Board of Education;
- (c) The Regional Municipality of Niagara or a local board thereof;
- (d) the Niagara Peninsula Conservation Authority;
- (e) the Crown in right of Ontario or the Crown in right of Canada;
- (f) the Niagara Parks Commission.

3.4 This By-law shall not apply to development of lands that are leased by the Niagara Parks Commission.

Approvals for Development

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

- (i) the passing of a zoning by-law or an amendment to a zoning by-law under Section 34 of the *Planning Act*;
- (ii) the approval of a minor variance under Section 45 of the *Planning Act*;
- (iii) a conveyance of land to which a by-law passed under Subsection 50(7) of the *Planning Act*, applies;

- (iv) the approval of a plan of subdivision under Section 51 of the *Planning Act*,
 - (v) a consent under Section 53 of the *Planning Act*,
 - (vi) the approval of a description under Section 50 of the *Condominium Act, 1998*, S.O. 1998, c. 19 as amended, or any successor hereto; or
 - (vii) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- (b) No more than one development charge for each service designated in Subsection 2.1 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in Subsection 3.5(a) are required before the lands, buildings or structures can be developed.
- (c) Despite Subsection 3.5(b), if two or more of the actions described in Subsection 3.5(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions for Intensification of Housing

- 3.6 (a) Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:
- (i) an enlargement of an existing dwelling unit;
 - (ii) the creation of the first two additional dwelling units in an existing single detached dwelling; or
 - (iii) the creation of the first additional dwelling unit in any other existing residential building;
- (b) Despite Subsection 3.6(a), development charges shall be imposed if the total gross floor area of the additional one or two dwelling units exceeds the gross floor area of the existing single detached dwelling.
- (c) Despite Subsection 3.6(a), development charges shall be imposed if the additional unit has a gross floor area greater than:
- (i) in the case of a semi-detached dwelling or multiple dwelling, the gross floor area of the existing dwelling unit; and
 - (ii) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the existing residential building.

Exemption for Industrial Expansion

- 3.7 (a) Notwithstanding any other provisions of this By-law, no development charge is payable with respect to one or more enlargements of an existing industrial building on the same site up to a maximum of fifty percent (50%)

of the existing gross floor area on that site before the first enlargement;
and

- (b) For greater certainty in applying the exemption in this Subsection, the gross floor area of an existing industrial building is enlarged where there is a bona fide increase in the size of the existing industrial building, the enlarged area is attached to the existing industrial building, there is a direct means of ingress and egress from the existing industrial building to and from the enlarged area for persons, goods and equipment, and the existing industrial building, and the enlarged area is to be used for or in connection with an industrial purpose as set out in Subsection 1(1) of the Regulation. Without limiting the generality of the foregoing, the exemption in this Subsection shall not apply where the enlarged area is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor or other passageway, or through a shared below-grade connection such as a service tunnel, foundation, footing or parking facility.

Other Exemptions

3.8 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:

- (a) lands, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the *Assessment Act*;
- (b) places of worship;
- (c) agricultural uses;
- (d) secondary dwelling units;
- (e) development in relation to institutional use;
- (f) vehicle canopies;
- (g) rooms associated with building services that include but are not limited to electrical rooms, mechanical rooms, garbage rooms, elevator machine rooms;
- (h) development occurring within the boundaries of the core areas as set out in Schedules “H”, “I” “J”, “K” and “L” to this By-law;
- (i) Properties subject to eligibility in the Brownfield Development Charge Exemption Program. Exemptions /reductions to development charges shall be subject to the Brownfield Development Charge Exemption Program as outlined herein.

The Brownfields Development Charge Exemption Program will provide a financial incentive in the form of a reduction of Town’s portion of development charges payable equal to the cost of environmental remediation (Items a) – f) in Section 5.4.2 of the Brownfields Rehabilitation Grant Program of the Town of Fort Erie Community Improvement Plan, approved by By-law 109-10, as amended. This reduction of development charges will equal up to 75% of the Town

development charge payable with respect to development on a brownfield site.

The applicant with an approved application and agreement for a property under the Brownfields Rehabilitation Grant Program will have the option of applying the costs of environmental remediation against the Town development charges payable for that property (after any demolition charge credits are applied). If the applicant chooses to exercise this option, the costs of remediation applied against the Town's development charges payable (development charges exempted) will be deducted from the Brownfields Rehabilitation Grant to be paid. In the case of any project that achieves at least an 80% tax increment grant level under the Brownfields Rehabilitation Grant Program, the costs of remediation applied against the development charges payable (development charges exempted) will not be deducted from the Brownfields Rehabilitation Grant to be paid.

The Development Charge Exemption Program is not an application based program. Therefore, an application for a development charge exemption at the time of building permit application will not be required. The development charge exemption will be applied at the time development charges are normally paid, i.e., building permit.

Requirements for the Development Charge Exemption Program are specifically outlined in Section 5.6.3 of the Town of Fort Erie Community Improvement Plan;

Notwithstanding the above, the total accumulated amount of credit and/or exemption by both the Municipal Corporation of the Town of Fort Erie, and the Regional Municipal of Niagara By-law 2017-98, shall not exceed more than 100% of the total remediation costs;

- (j) lands, buildings and structures used for industrial purposes;
- (k) lands and buildings used or intended to be used as municipal housing project facilities, as set out in section 110 of the *Municipal Act, 2001*, S.O. 2001 c. 25, O.Reg.603/06 under the *Municipal Act, 2001*, and the Region's Municipal Housing Facility By-law, all as may be amended;
- (l) lands and buildings used for affordable housing projects that receive funding or are developed in conjunction with Niagara Regional Housing or a department or designated agency of the Niagara Region, the Canada Mortgage and Housing Corporation (CMHC) or other affordable housing provider provided that:
 - (i) this exemption shall only apply to that proportion or number of units in a development which are designated or identified as affordable housing; and
 - (ii) the owner of the lands continues to use the lands and buildings for affordable housing. If the owner ceases to use the proportionate share of the lands and buildings for affordable housing, the development charges exempted under this section shall become due and payable. The owner shall be required to enter into an

agreement with the Town under section 27 of the Act respecting the timing and calculation of payment of development charges, notice of which the owner shall register on the title to the lands at its sole cost and expense with the intention that the provisions shall bind and run with title to the lands.

- (m) lands and buildings used for affordable housing projects constructed by Habitat for Humanity or a non-profit housing provider provided that:
 - (i) this exemption shall only apply to that proportion or number of units in a development which are designated or identified as affordable housing; and
 - (ii) the owner of the lands continues to use the lands and buildings for affordable housing. If the owner ceases to use the proportionate share of the lands and buildings for affordable housing, the development charges exempted under this section shall become due and payable. The owner shall be required to enter into an agreement with the Town under section 27 of the Act respecting the timing and calculation of payment of development charges, notice of which the owner shall register on the title to the lands at its sole cost and expense with the intention that the provisions shall bind and run with title to the lands.

3.9 Notwithstanding the provisions of this By-law, a partial development charges exemption shall be given with respect to:

- (i) Building canopies in which case the total development charges shall be 50% of the amount that would otherwise be payable.

Reduction of Development Charges Where Redevelopment

3.10 In the case of the demolition of all or part of a residential building or structure:

- (a) A credit shall be allowed, provided that the land was improved by occupied structures (or structures capable of occupancy) within the last five years prior to the issuance of the building permit, and the building permit has been issued for the development or redevelopment within five years from the date the demolition permit was issued;
- (b) If a development or redevelopment involves the demolition of and replacement of a residential building or structure, the credit shall be equivalent to the number of dwelling units demolished multiplied by the applicable residential development charge in place at the time the development charge is payable;
- (c) If a development or redevelopment involves the demolition of a replacement of a non-residential building or structure, the credit shall be equivalent to the gross floor area demolished multiplied by the applicable non-residential development charge in place at the time the development charge is payable; and

- (d) No credit shall exceed the amount of the development charge that would otherwise be payable, and no credit is available if the existing land use is exempt from the payment of development charges under this By-law.

4.0 CALCULATION OF DEVELOPMENT CHARGES

Residential

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

Non-Residential Uses

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

Time of Payment of Development Charges

- 4.3 Development charges shall be calculated, payable and collected as of the date a building permit is issued in respect of each dwelling unit, building or structure.
- 4.4 Notwithstanding Subsection 4.3, the Municipality may enter into an agreement with any person who has negotiated to pay a development charge providing for all or part of the development charge to be paid before or after the time it would otherwise be payable.
- 4.5 Where any Development Charge, or part thereof, remain unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected in like manner as taxes.
- 4.6 Where any unpaid Development Charges are collected as taxes under Subsection 4.5 the monies so collected shall be credited to the Development Charges reserve fund or funds.
- 4.7 Despite the payments required under Section 4.0, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service for which a development charge is imposed under this By-law.

5.0 INDEXING

- 5.1 Development charges imposed pursuant to this By-law as set out in Schedule “B” shall be adjusted annually, without amendment to this By-law, in accordance with the Statistics Canada Quarterly Construction Price Statistics (catalogue number 62-007) as follows:

- (a) The initial adjustment shall be January 1, 2020, and
- (b) Thereafter, adjustment shall be made on January 1 of each year.

5.2 For greater certainty, on January 1 of each year, the annual indexation adjustment shall be applied to the development charge as set out in Schedule “B” plus the accumulated annual indexation adjustment from previous years if any.

6.0 PHASE-IN OF DEVELOPMENT CHARGES AND TRANSITION PROVISIONS

6.1 The development charges imposed pursuant to this by-law are being phased-in pursuant to Schedules “B-1”, “B-2” and “B-3”, subject to the exemptions and indexing provision herein, from the effective date of this by-law.

7.0 RESERVE FUNDS

7.1 Development charge payments received by the Municipality pursuant to this By-law shall be maintained in a separate reserve fund or funds for each service to which the development charge relates and shall be spent only for the capital costs determined under paragraphs 2 to 8 of Subsection 5(1) of the Act.

8.0 INTEREST

8.1 The Municipality shall pay interest on a refund under Subsection 18(3), and 25(2) of the Act at a rate equal to the Bank of Canada rate on the date this By-law comes into force.

9.0 FRONT ENDING AGREEMENTS

9.1 The Municipality may enter into agreements with an owner or owners of land in accordance with Section 44 of the Act.

10.0 SCHEDULES

10.1 The following schedules to this by-law form an integral part thereof:

Schedule “A” - Components of Services Designated in Subsection 2.1

Schedule “B” - Residential and Non-Residential Development Charges

Schedule “C” to Schedule “G” - Urban serviced lands for which Development Charges apply

Schedule “H” to Schedule “L” – Core Areas for Municipal Exemption

11.0 SERVICES INSTALLED PURSUANT TO THE PLANNING ACT

11.1 Nothing in this by-law prevents Council from requiring, as a condition of approval under Sections 41, 51 or 53 of the Planning Act that an owner, at his or her own expense, install such local services as Council may require, or that the owner pay for local connections to watermains, sanitary sewers and storm drainage facilities installed at the owner’s expense.

12.0 DATE BY-LAW IN FORCE

12.1 This By-law shall come into force upon its final passage thereof.

13.0 DATE BY-LAW EXPIRES

13.1 This By-law shall expire five years from the date of passage, unless it is repealed at an earlier date.

14.0 REPEAL

14.1 By-law No. 43-2014 is hereby repealed.

15.0 CORRECTIONS

15.1 The Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 18th day of March, 2019.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true copy of By-law No. 47-2019 of the said Town. Given under my hand and the seal of the said Corporation this ___ day of _____, 20__.

Schedule "A"
To By-law No. 47-2019
DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

1. Library Services
 - Buildings
 - Land
 - Materials
 - Furniture and Equipment
2. Fire Protection Services
 - Buildings
 - Land
 - Furniture and Equipment at Stations
 - Vehicles
 - Equipment and Gear
3. Parks and Recreation Services
 - Indoor Recreation
 - Neighbourhood Parks
 - Community Parks
 - Specialized Parks
 - Parks and Open Space Vehicles
4. Public Works and Fleet
 - Buildings
 - Land
 - Furniture and Equipment
 - Vehicles and Equipment
5. Parking Services
 - Parking Spaces
 - Equipment
6. Transit Services
 - Equipment
 - Vehicles
7. Administration
 - Studies
8. Roads and Related
 - Roads
 - Bridges and Culverts
9. Storm Water Drainage and Control Services
 - Channels, Drainage and Ponds
10. Wastewater Services
 - Sewers
11. Water Supply Services
 - Supply Systems

Schedule "B-1"
To By-law No. 47-2019

DEVELOPMENT CHARGES EFFECTIVE FROM THE DATE THE BY-LAW COMES INTO FORCE TO SEPTEMBER 18, 2019

Service	Residential Charge By Unit Type				Non-Residential Charge per Square Metre	
	Singles & Semis	Multiples	Apartments 2+ Bedrooms	Apartments Bachelor or 1 Bedroom	Commercial	Industrial
Library Services	\$48	\$39	\$36	\$22	\$0.00	\$0.00
Fire Protection	\$185	\$150	\$136	\$84	\$1.34	\$0.00
Parks And Recreation	\$3,811	\$3,092	\$2,806	\$1,725	\$0.00	\$0.00
Public Works And Fleet	\$525	\$426	\$386	\$238	\$3.81	\$0.00
Parking	\$21	\$17	\$15	\$9	\$0.15	\$0.00
Transit Services	\$158	\$128	\$116	\$72	\$1.15	\$0.00
Administration	\$232	\$188	\$171	\$105	\$1.68	\$0.00
Roads And Related	\$1,491	\$1,209	\$1,097	\$675	\$10.94	\$0.00
Subtotal Town-Wide Services	\$6,471	\$5,249	\$4,763	\$2,930	\$19.07	\$0.00
Storm Water Drainage And Control Services	\$2,591	\$2,103	\$1,907	\$1,174	\$18.99	\$0.00
Wastewater Services	\$3,032	\$2,461	\$2,232	\$1,373	\$22.13	\$0.00
Water Supply Services	\$251	\$204	\$185	\$114	\$1.84	\$0.00
Subtotal Urban Area Services	\$5,874	\$4,768	\$4,324	\$2,661	\$42.96	\$0.00
TOTAL CHARGE PER UNIT	\$12,345	\$10,017	\$9,087	\$5,591	\$62.03	\$0.00

Schedule "B-2"
To By-law No. 47-2019
DEVELOPMENT CHARGES EFFECTIVE SEPTEMBER 19, 2019 TO MARCH 17, 2020

Service	Residential Charge By Unit Type				Non-Residential Charge per Square Metre	
	Singles & Semis	Multiples	Apartments 2+ Bedrooms	Apartments Bachelor or 1 Bedroom	Commercial	Industrial
Library Services	\$58	\$43	\$40	\$25	\$0.00	\$0.00
Fire Protection	\$222	\$165	\$153	\$97	\$1.39	\$0.00
Parks And Recreation	\$4,581	\$3,413	\$3,160	\$1,999	\$0.00	\$0.00
Public Works And Fleet	\$630	\$470	\$435	\$275	\$3.94	\$0.00
Parking	\$25	\$19	\$17	\$11	\$0.16	\$0.00
Transit Services	\$190	\$142	\$131	\$83	\$1.19	\$0.00
Administration	\$278	\$208	\$192	\$122	\$1.74	\$0.00
Roads And Related	\$1,791	\$1,335	\$1,235	\$782	\$11.32	\$0.00
Subtotal Town-Wide Services	\$7,775	\$5,795	\$5,363	\$3,394	\$19.74	\$0.00
Storm Water Drainage And Control Services	\$3,113	\$2,321	\$2,148	\$1,359	\$19.65	\$0.00
Wastewater Services	\$3,643	\$2,716	\$2,513	\$1,591	\$22.90	\$0.00
Water Supply Services	\$301	\$225	\$208	\$132	\$1.90	\$0.00
Subtotal Urban Area Services	\$7,057	\$5,262	\$4,869	\$3,082	\$44.45	\$0.00
TOTAL CHARGE PER UNIT	\$14,832	\$11,057	\$10,232	\$6,476	\$64.19	\$0.00

Schedule "B-3"
To By-law No. 47-2019
DEVELOPMENT CHARGES EFFECTIVE FROM MARCH 18, 2020 TO BY-LAW EXPIRY




Service	Residential Charge By Unit Type				Non-Residential Charge per Square Metre	
	Singles & Semis	Multiples	Apartments 2+ Bedrooms	Apartments Bachelor or 1 Bedroom	Commercial	Industrial
Library Services	\$68	\$48	\$45	\$29	\$0.00	\$0.00
Fire Protection	\$259	\$181	\$170	\$110	\$1.43	\$0.00
Parks And Recreation	\$5,347	\$3,735	\$3,512	\$2,273	\$0.00	\$0.00
Public Works And Fleet	\$736	\$514	\$484	\$313	\$4.08	\$0.00
Parking	\$29	\$20	\$19	\$12	\$0.16	\$0.00
Transit Services	\$222	\$155	\$146	\$94	\$1.23	\$0.00
Administration	\$325	\$227	\$214	\$138	\$1.80	\$0.00
Roads And Related	\$2,091	\$1,460	\$1,373	\$889	\$11.70	\$0.00
Subtotal Town-Wide Services	\$9,077	\$6,340	\$5,963	\$3,858	\$20.40	\$0.00
Storm Water Drainage And Control Services	\$3,635	\$2,539	\$2,388	\$1,545	\$20.31	\$0.00
Wastewater Services	\$4,254	\$2,971	\$2,794	\$1,808	\$23.68	\$0.00
Water Supply Services	\$352	\$246	\$232	\$150	\$1.96	\$0.00
Subtotal Urban Area Services	\$8,241	\$5,756	\$5,414	\$3,503	\$45.95	\$0.00
TOTAL CHARGE PER UNIT	\$17,318	\$12,096	\$11,377	\$7,361	\$66.35	\$0.00

Town of Fort Erie

Development Charges Background Study

URBAN AREAS

LEGEND

-  Urban Area Boundary
-  Roadways
-  Municipal Boundary

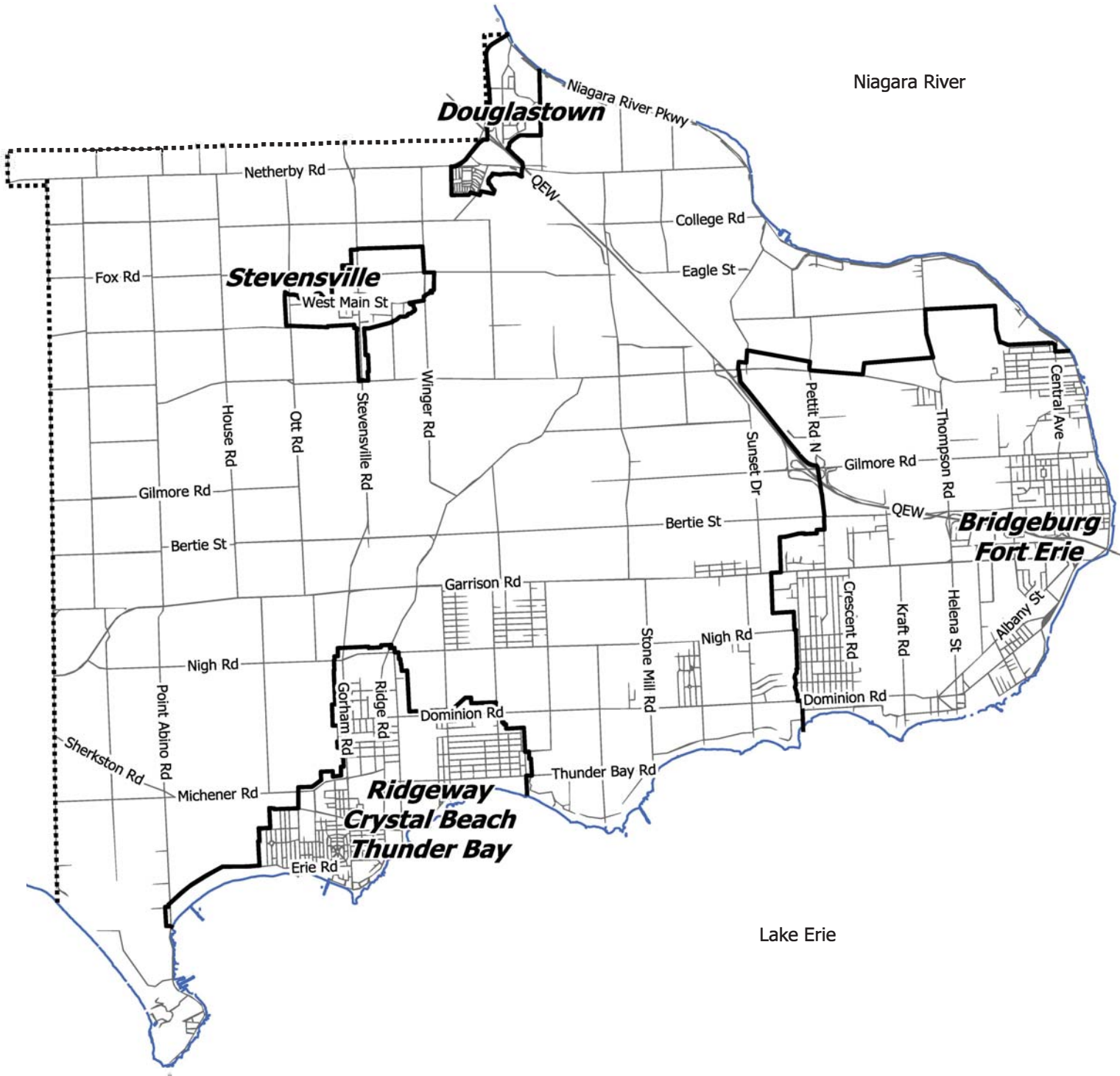


Town of Fort Erie
 Community & Development Services
 March 2014



Scale:
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**SCHEDULE "C" to
 By-law 47-2019**






Town of Fort Erie

Development Charges Background Study

BRIDGEBURG
AND FORT ERIE
URBAN AREA

LEGEND

-  Urban Area Boundary
-  Roadways
-  Parcel Fabric



Town of Fort Erie

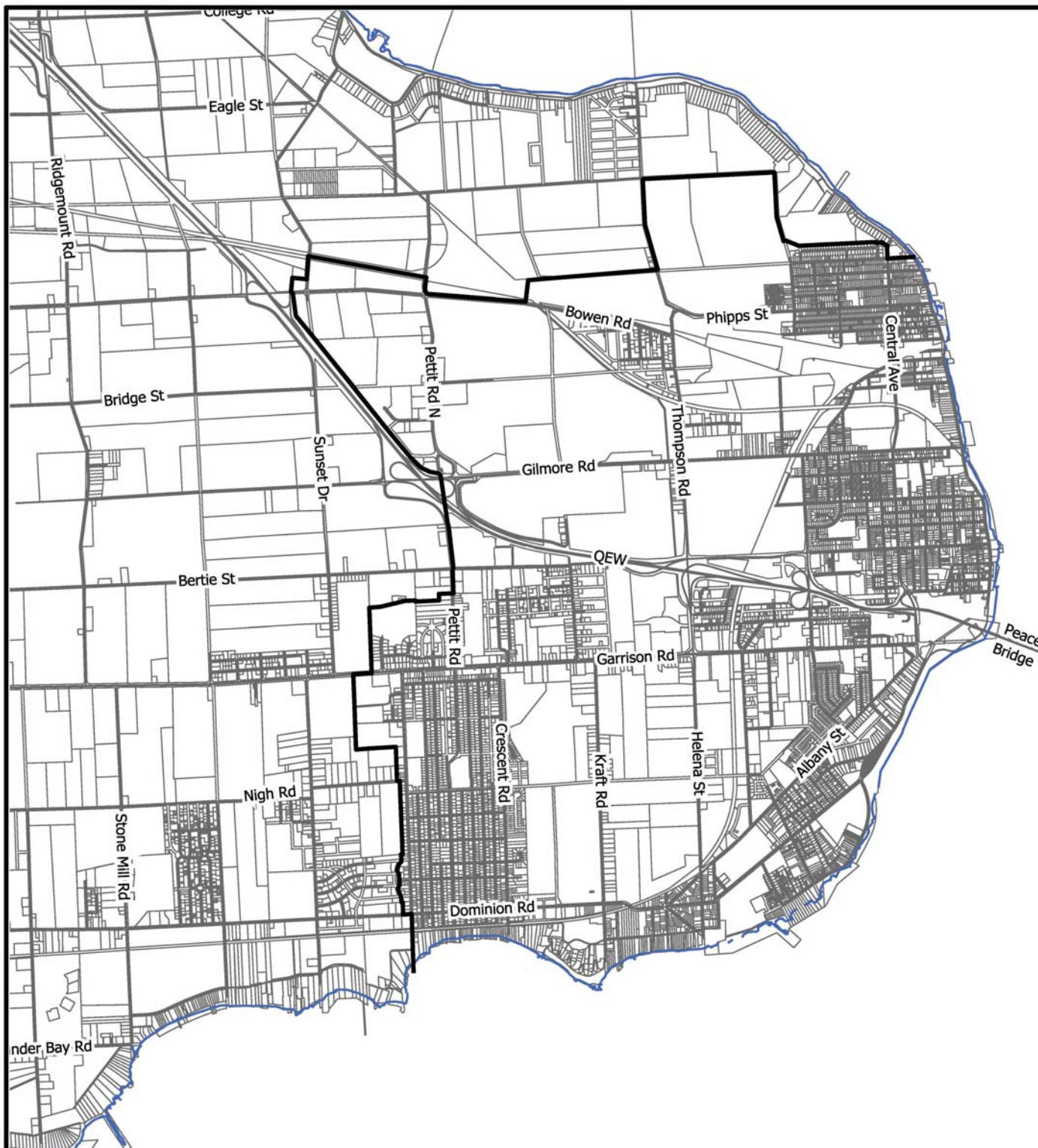
Community & Development Services
March 2014

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**SCHEDULE "D" to
By-law 47-2019**






Town of Fort Erie

Development Charges Background Study

CRYSTAL BEACH, RIDGEWAY
AND THUNDER BAY
URBAN AREA

LEGEND

-  Urban Area Boundary
-  Roadways
-  Parcel Fabric



Town of Fort Erie

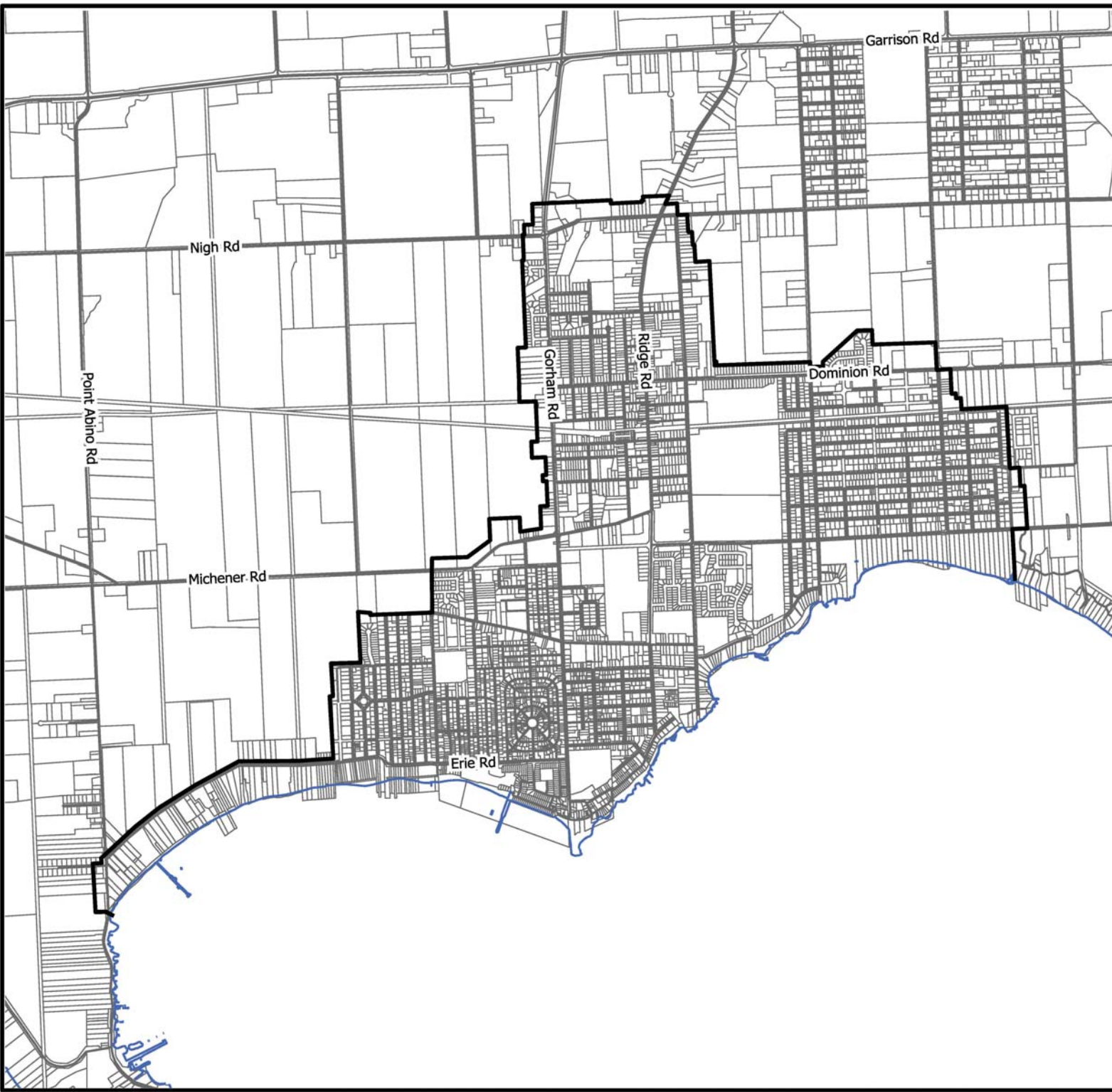
Community & Development Services
March 2014

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**SCHEDULE "E" to
By-law 47-2019**






Town of Fort Erie

Development Charges Background Study

DOUGLASTOWN

LEGEND

-  Urban Area Boundary
-  Roadways
-  Parcel Fabric



Town of Fort Erie

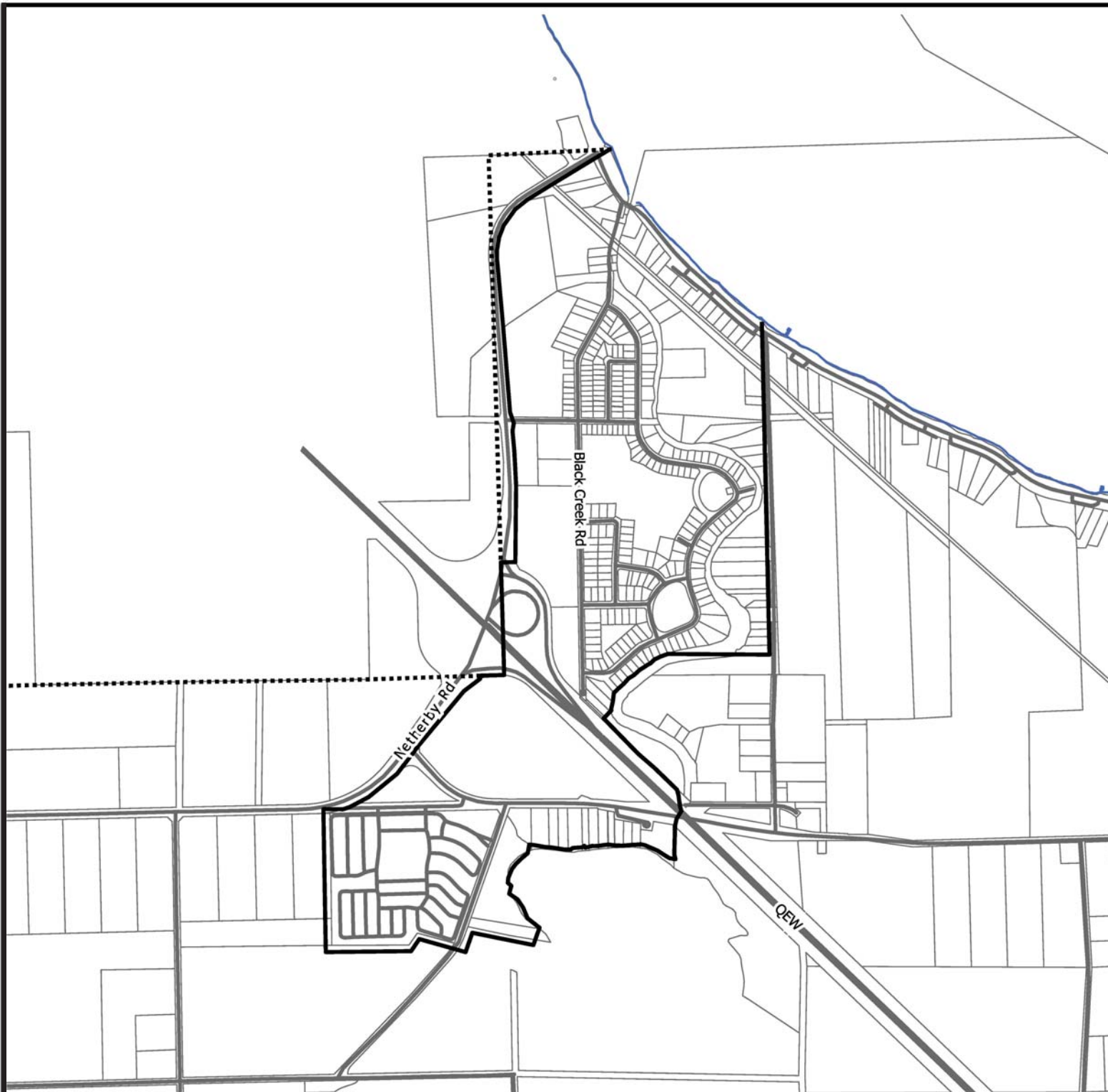
Community & Development Services
March 2014

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**SCHEDULE "F" to
By-law 47-2019**






Town of Fort Erie

Development Charges Background Study

STEVENSVILLE

LEGEND

-  Urban Area Boundary
-  Roadways
-  Parcel Fabric



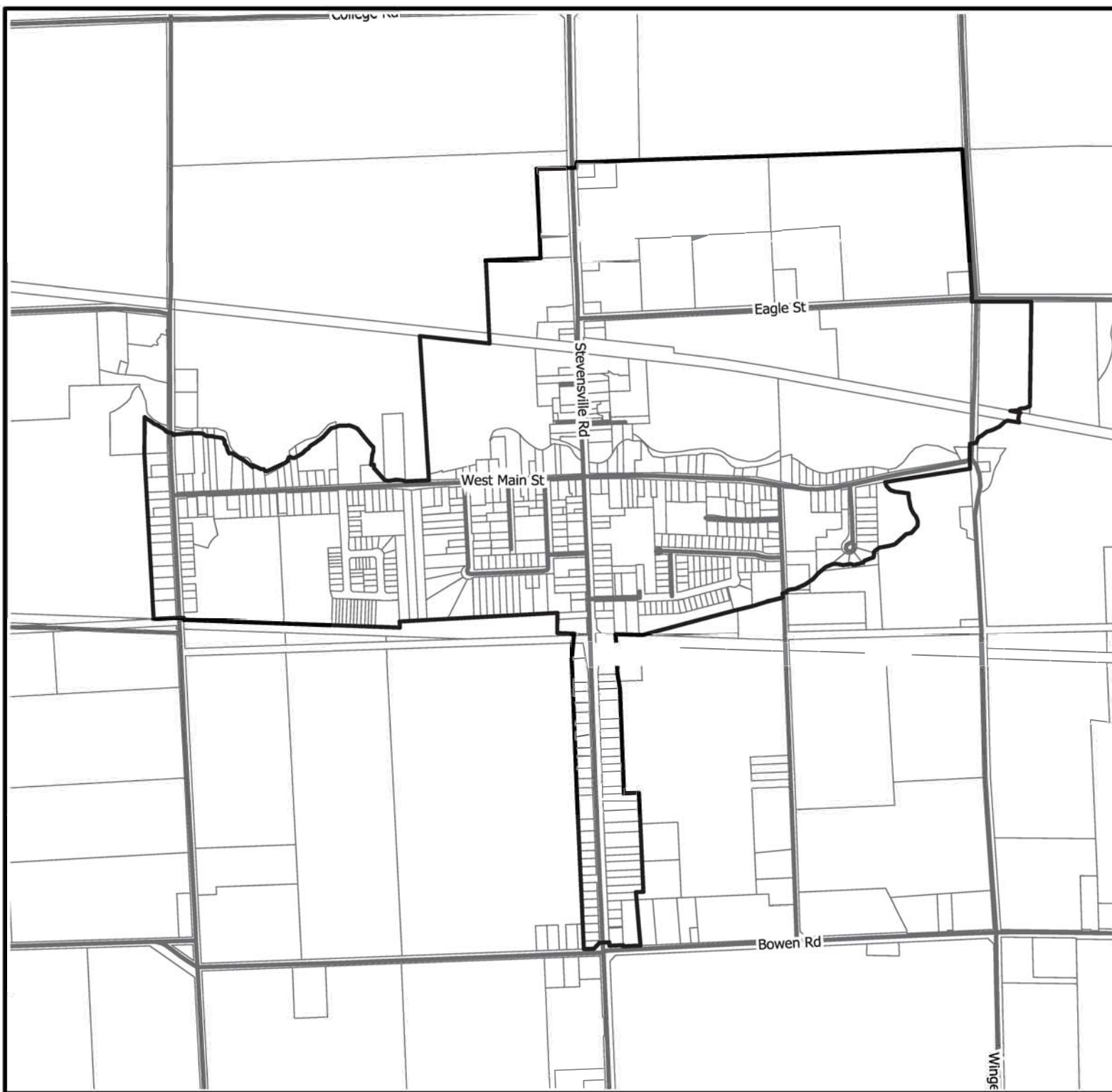
Town of Fort Erie
Community & Development Services
March 2014

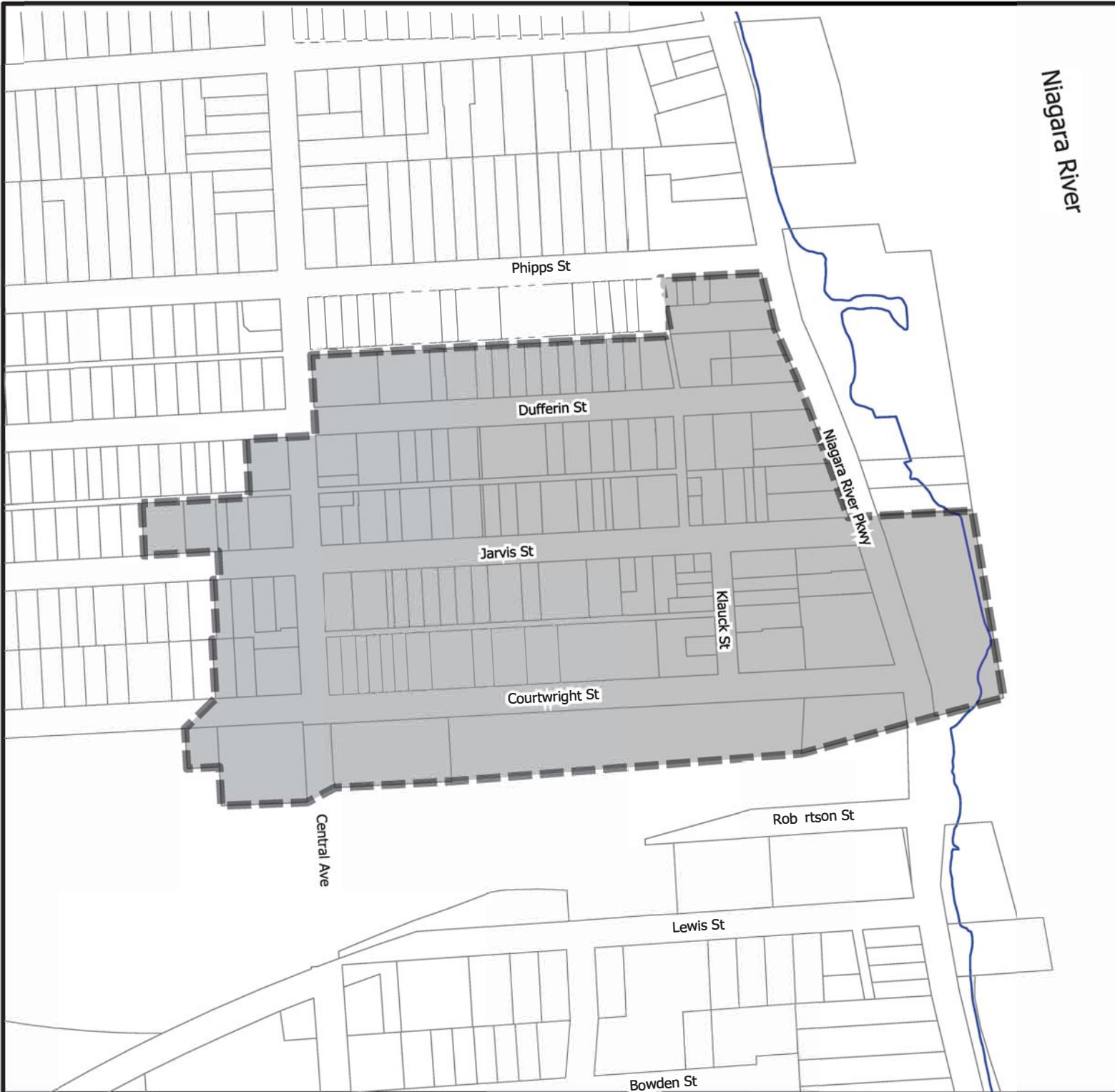
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**SCHEDULE "G" to
By-law 47-2019**







Town of Fort Erie

Development Charges Background Study

BRIDGEBURG
CORE AREA
EXEMPTION

LEGEND

-  - Property Lines
-  - Exemption Area



Town of Fort Erie
Planning & Development Services
December 2018

N



Scale:
1:4000



**SCHEDULE "H" to
By-law 47-2019**

Town of Fort Erie

Development Charges Background Study

RIDGEWAY
CORE AREA
EXEMPTION

LEGEND

-  - Property Lines
-  - Exemption Area



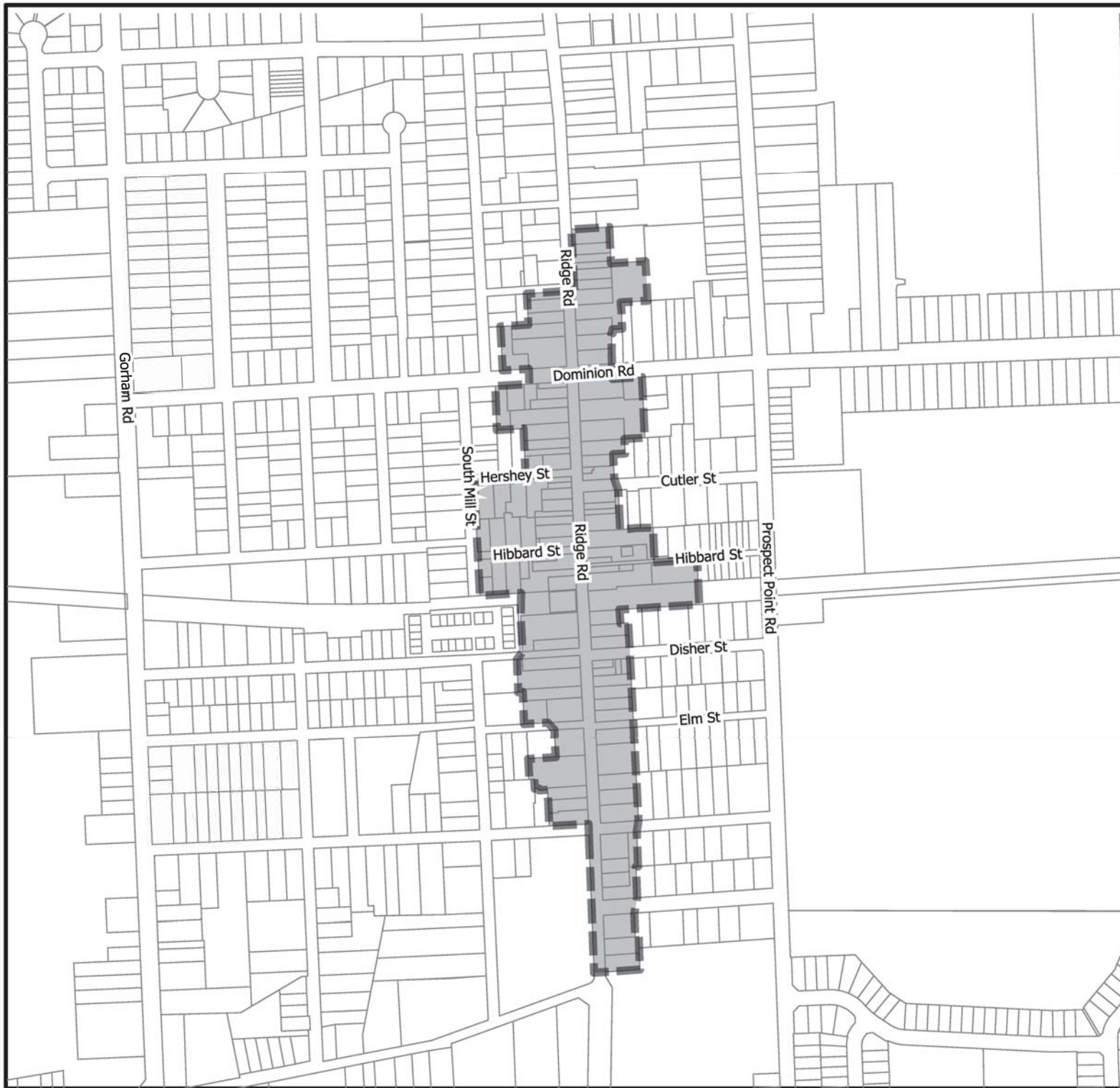
Town of Fort Erie
Planning & Development Services
December 2018

N



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**SCHEDULE "I" to
By-law 47-2019**





Town of Fort Erie

Development Charges Background Study

CRYSTAL BEACH
CORE AREA
EXEMPTION

LEGEND

-  - Property Lines
-  - Exemption Area



Town of Fort Erie
Planning & Development Services
December 2018



Scale:
1:5500

**SCHEDULE "J" to
By-law 47-2019**





Lake Erie

Town of Fort Erie

Development Charges Background Study

STEVENSVILLE
CORE AREA
EXEMPTION

LEGEND

-  - Property Lines
-  - Exemption Area



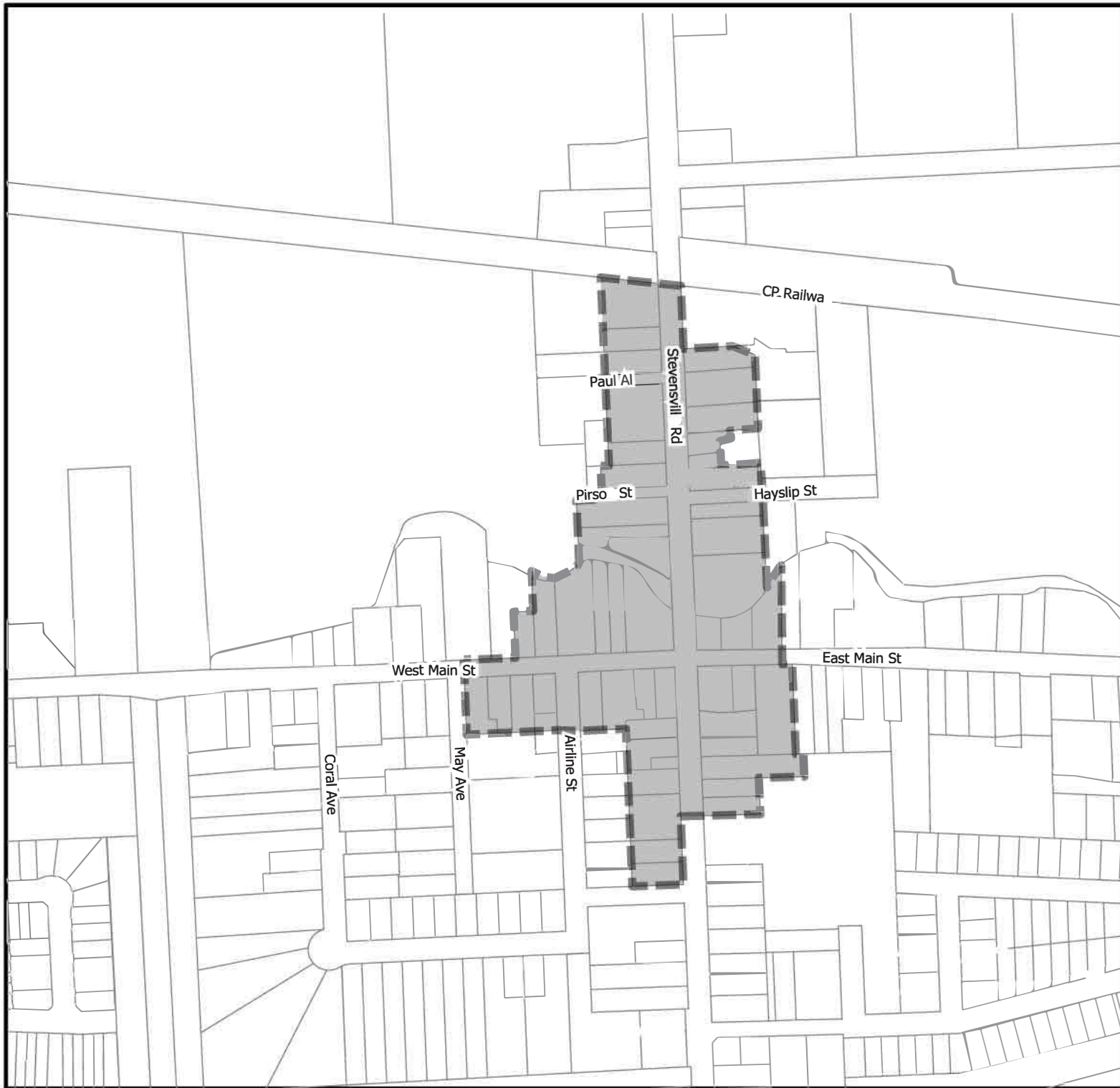
Town of Fort Erie
Planning & Development Services
December 2018

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**SCHEDULE "K" to
By-law 47-2019**





Town of Fort Erie

Development Charges Background Study

SOUTH END
CORE AREA
EXEMPTION

LEGEND

-  - Property Lines
-  - Exemption Area



Town of Fort Erie
 Planning & Development Services
 December 2018



Scale:
1:5000

**SCHEDULE "L" to
By-law 47-2019**

