

**THE CORPORATION OF THE TOWN OF LASALLE**

**BY-LAW NO: 6456**

**A By-Law to impose development charges on certain residential and nonresidential 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 August 10, 2004, 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 other 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 subsection 1 (18) herein;
- (2) "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;
- (3) "Corporation" means the body corporate referred to as The Corporation of the Town of LaSalle;
- (4) "Council" means the Council of The Corporation of the Town of LaSalle;
- (5) "development" includes redevelopment;
- (6) "development charge" means a charge imposed pursuant to this By-law, as adjusted in accordance with the provisions of this By-law;
- (7) "Development Charge Background Study" means the Development Charge Background Study prepared by C. N. Watson and Associates Ltd., dated July 26, 2004;
- (8) "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;
- (9) "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.
- (10) "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";
- (11) "institutional use" means the use of any land, building or structure that is designed for or intended to be used by an organized body, society or religious group for promoting a public or a non-profit purpose, and without limiting the generality of the foregoing shall including places of worship and educational facilities;
- (12) "multiple dwellings" means all dwellings other than single detached dwellings, semi-detached dwellings, apartment house dwellings and special care/special need dwellings;
- (13) "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;
- (14) "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;
- (15) "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;
- (16) "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;
- (17) "services" means services described in the Development Charge Background Study and as designated in Section 6 of this By-law;
- (18) "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;
- (19) "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;
- (20) "Town of LaSalle" means the geographic area known as the Town of LaSalle;
- (21) "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

- (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

- (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) Development charges are payable by the owner of land at the time of the issuance of a building permit.
- (3) 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.

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, 1992, 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**

6 The development charges imposed under this By-law have been calculated for the categories of designated municipal services and the components thereof as set out in Schedule "A" to this By-law.

## **DEVELOPMENT CHARGES**

7

- (1) The municipal-wide development charges as set out in Schedule "B" 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 area-specific urban development charges as set out in Schedule "C" to this By-law shall apply to and be imposed on all land within the Town of LaSalle urban area as shown on Schedule "D" to this By-law, which lands are 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, in addition to the municipal-wide development charges as set out in Schedule "B" to this By-law.

- (3) The municipal-wide development charges as set out in Schedule "B" to this By-law, and the area-specific urban development charges as set out in Schedule "C" 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.
- (4) No development charge shall be imposed on land within the Town of LaSalle being developed for industrial or institutional uses.

## **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, subject to the prescribed restrictions, in prescribed classes of existing residential buildings as set out in the Regulations to the Development Charges Act, 1997;
  - (3) is the enlargement of the gross floor area of an existing industrial building in accordance with the provisions of section 4 of the Development Charges Act, 1997;
  - (4) is the construction of Phases 2 and 3 of the "Alert Care" development currently being constructed on the lands described as Block 92 on Plan 12M-495, as long as those phases comply with the Site Plan prepared by Fabiani Architect Ltd., and dated December 1, 2003, which Site Plan has been approved by the Corporation.

## **PREPAYMENT PERIOD**

- 9 Where the Corporation is a party to a development agreement that has been signed by all parties on or before August 31, 2004, the owner of those development lands may prepay all or any part of the development charges owing for that development at the rate that would have been payable pursuant to the provisions of By-law 5861 "The Town of LaSalle Development Charges By-law, 1999", on the condition that the said prepayment is received by the Corporation at or before 4:00 p.m. on September 30, 2004.

## **REMOVAL OF BUILDINGS**

- 10
  - (1) Where a building or structure is removed from any land used for residential uses, and a new building or structure is proposed to be constructed in its place on the same land, no development charge shall be payable upon the issuance of a building permit for the new building or structure containing the same number of dwelling units as the old building or structure if the said building permit is issued within 3 years of the removal of the old building or structure.
  - (2) For the purposes of subsection 10(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**

- 11
  - (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:

D = development charges net of demolition credit (cannot be a negative amount)

A = development charges otherwise paid or payable

B = the number of residential dwelling units 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 which applies to residential units of the type demolished

- (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 AGREEMENT**

- 12 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.

## **INDEXING**

- 13 Development charges imposed pursuant to this By-law may be adjusted annually without amendment to this By-law, commencing on September 1, 2005 and on September 1 of each year thereafter, in accordance with the Statistics Canada Quarterly, Construction Price Statistics, catalogue number 62-007, or as otherwise prescribed by the Regulations to the Development Charges Act, 1997.

## **GENERAL**

- 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 5861 of the Corporation, finally passed on August 31, 1999, 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, 2004.

**Read a first and second time and FINALLY PASSED this 31st day of August, 2004.**

1st Reading - August 31, 2004

2nd Reading - August 31, 2004

3rd Reading - August 31, 2004

**SCHEDULE "A"**  
**TO BY-LAW NO. 6456**  
**DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW**

100% Eligible Services

Fire

- Fire Facility
- Fire Vehicles
- Firefighter Equipment

Police

- Police Facility
- Police Equipment

Roads and Public Works

- Roads and Traffic Signals
- Rolling Stock
- Public Works Facilities

Water Supply Services

- Storage
- Pumping
- Distribution

90% Eligible Services

Library

- Library Facilities

Parks and Recreation

- Indoor Recreation Facilities
- Parkland Development
- Parkland Amenities
- Parks and Recreation Vehicles and Equipment

Administration

- Growth Related Studies

Area-Specific Services

Wastewater Services

- Collection
- Pumping
- Treatment

**SCHEDULE "B"**  
**BY-LAW 6456**  
**SCHEDULE OF MUNICIPAL-WIDE DEVELOPMENT CHARGES**

| SERVICE                       | RESIDENTIAL (per dwelling unit)           |                     |                          |                                     | NON-RESIDENTIAL                |
|-------------------------------|---|---------------------|--------------------------|-------------------------------------|--------------------------------|
|                               | Single-Detached & Semi-Detached Dwellings | Apartment Dwellings | Other Multiple Dwellings | Special Care/special Need Dwellings | (per s.f. of Gross Floor Area) |
| Roads and Public Works        | \$ 6,597.00                               | \$ 3,289.00         | \$5,041.00               | \$ 2,166.00                         |                                |
| Fire Services                 | 226.00                                    | 113.00              | 173.00                   | 74.00                               |                                |
| Police Services               | 151.00                                    | 75.00               | 115.00                   | 50.00                               |                                |
| Parks and Recreation Services | 1,388.00                                  | 692.00              | 1,061.00                 | 456.00                              |                                |
| Library Services              | 73.00                                     | 36.00               | 56.00                    | 24.00                               |                                |
| Administration                | 188.00                                    | 94.00               | 144.00                   | 62.00                               |                                |
| Water Supply Services         | 666.00                                    | 332.00              | 509.00                   | 219.00                              | \$ 0.51                        |
| <b>TOTAL</b>                  | <b>\$ 9,289.00</b>                        | <b>\$ 4,631.00</b>  | <b>\$7,099.00</b>        | <b>\$ 3,051.00</b>                  | <b>\$ 0.51</b>                 |

**SCHEDULE "C"**  
**BY-LAW NO. 6456**  
**SCHEDULE OF AREA-SPECIFIC URBAN DEVELOPMENT CHARGES**

| SERVICE             | RESIDENTIAL (per dwelling unit)           |                     |                          |                                     | NON-RESIDENTIAL                |
|---------------------|---|---------------------|--------------------------|-------------------------------------|--------------------------------|
|                     | Single-Detached & Semi-Detached Dwellings | Apartment Dwellings | Other Multiple Dwellings | Special Care/special Need Dwellings | (per s.f. of Gross Floor Area) |
| Wastewater Services | \$ 2,400.00                               | \$ 1,196.00         | \$1,834.00               | \$ 788.00                           | \$ 1.64                        |
| <b>TOTAL</b>        | <b>\$ 2,400.00</b>                        | <b>\$ 1,196.00</b>  | <b>\$1,834.00</b>        | <b>\$ 788.00</b>                    | <b>\$ 1.64</b>                 |

SCHEDULE "D"

BY-LAW NO. 6456

[View Schedule D \(pdf\)](#)