



## COUNTY DEVELOPMENT CHARGES BY-LAW INTERPRETATION STATEMENTS

### Topic:

Applying Development Charges (DC's) to Trailer Park situations.

### Explanation:

The County's DC By-law is unclear on how to apply a DC to mobile home parks since the units are considered to be a type of residence.

In trying to determine how this issue might be addressed, some of the Townships in the County were contacted. Responses were received from those that have DC's locally and from Townships that do not have DC's. Of the Townships that responded that have DC's, none levy a charge because a building permit is not required. However, in some Townships that do not have DC's, a building permit is a requirement for the placing of a unit. The issuance of a building permit is clearly a local decision and varies from one Township to the next.

A traditional permanent house for the owner or caretaker would be subject to the DC. Additional accessory buildings requiring a building permit may be subject to a charge depending if the property is considered to be Residential or Commercial. The determination of the structure's use will be left to the discretion of the Township. If Commercial, the Commercial rate will apply to the building area. If Residential, it is unlikely that any charge would be applied because of the exceptions permitted in the DC By-law.

### Interpretation Statement:

A County DC will only be levied on Living Units transported onto Trailer Park/Mobile Home sites **where the local municipality requires the issuance of a building permit**. For other structures in a Trailer/Mobile Home Park that require a building permit, either a Residential or Commercial Development Charge will apply depending upon how the Township views a Trailer Park (commercial vs. residential). The County will abide by the Township's decision on whether the use is Residential or Commercial.

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### Topic:

Structure demolished and re-constructed.

### Explanation:

Demolition of structures (residential or non-residential) will occur with or without a demolition permit or by natural means. The County's DC By-law contains a policy that relates to demolition but does not provide enough direction to cover all circumstances. Section 20 (Rules for the Redevelopment of Land) states that a credit for a previously-paid DC in respect of any demolition or reconstruction will not be considered unless a building permit is issued, or a subdivision agreement has been entered into, within 5 years from the date the demolition permit was issued. This implies that there was a DC payment made at the time the original building permit was issued. Since the County's DC By-law is recent and likely there are no buildings that were levied a charge prior to demolition, this section needs clarification as to the application of a DC. It is the County's position that demolition by natural means should not be an opportunity to unjustly penalize a person who already had a residence established. Also, it is believed that demolition by planned means is not changing the use of the property. In this respect, a DC should not be applied except under the by-law where a commercial building's original area is being increased. In such case, only the area in excess of the original area should be subject to the DC. In the case of a residence, owners can currently

increase the size of their structure under Section 17 of the By-law without a DC. This also applies to reconstruction.

**Interpretation Statement:**

If a building has been demolished either by natural means or as a planned occurrence, the reconstruction of the building will not be subject to a DC Charge provided that a new building permit is issued within 5 years of any demolition. A commercial DC will apply to any expansion to the original area of such commercial building.

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**Topic:**

Establishment of a Hunt Camp

**Explanation:**

Hunt Camps are usually defined in the Township's Zoning By-law and are generally described as being an un-insulated structure with no water service that temporarily accommodates 3-5 persons during hunting seasons. This use is not typically a residential structure nor can it be unequivocally categorized as being commercial, however a building permit is required for its construction. Hunt Camps can also be found on private property and on Crown Land. However, recent contact with all three area districts of MNR (Peterborough, Bancroft and Minden) revealed that land use permits for hunt camps are no longer being issued. Therefore, the collection of DC's on Crown Land for Hunt Camps is not an issue. On patent land, a building permit is required for its establishment. A Hunt Camp is not exempt resulting in the need to apply a DC. This primarily is not a use that generates a demand on services nor is it a use that is used only seasonally (like a cottage) but is generally occupied for a short period of time (1-3 weeks during the year). From a County perspective, this having been stated, it would appear appropriate that the non-residential DC would only apply. A Township may apply a different type of DC under its own by-law (ie: residential) despite the County considering the Hunt camp to be non-residential.

**Interpretation Statement:**

Under the County's DC By-law, a Hunt Camp is considered to be non-residential. A non-residential DC (based on building area) will be applied for the establishment of a Hunt Camp.

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**Topic:**

Travel Trailer removed from a lot after a significant period and permanent building constructed.

**Explanation:**

In a very few set of instances stemming mostly from a historical occupation, travel-type trailers (not mobile homes) have been allowed to be established on previously undeveloped lots. While Townships do not allow this now, there are some lots that still have travel-type trailers on them. These are used for seasonal purposes only; not permanent residency. After time, some owners have removed the trailer and applied for a building permit to replace it with a permanent structure. An argument has been offered that a DC should not apply because the property is just being redeveloped and no new demands are being placed on the County. The difference here is that the new structure requires a building permit (which is a trigger for a DC) and the construction is usually of a standard that allows for year-round occupation thus creating an increase in the demand for services.

**Interpretation Statement:**

The property is eligible for a development charge, notwithstanding the change. There is a provision in the by-law for giving a credit for redevelopment projects (see section 20) but this project, given that the original structure never had a building permit and never paid a development charge, does not qualify for an exemption or credit.

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