

Corporation of the Township of Alfred and Plantagenet

By-Law 2023-46

BEING A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES FOR THE TOWNSHIP OF ALFRED AND PLANTAGENET

WHEREAS section 2(1) of the *Development Charges Act, 1997*, S.O. 1997, c.27, as amended (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 need for Services arising from Development in the area to which the By-law applies;

AND WHEREAS the Council of the Corporation of the Township of Alfred and Plantagenet (the “Township”) has given Notice in accordance with section 12 of the Act of its intention to pass a By-law under section 2 of the Act;

AND WHEREAS the Council of the Township has heard all persons who applied to be heard, no matter whether in objection to, or in support of, the Development Charge proposal at a public meeting held on July 13, 2023;

AND WHEREAS the Council of the Township had before it a report entitled Development Charge Background Study dated August 5, 2022, prepared by Watson & Associates Economists Ltd., wherein it is indicated that the Development of any land within the Township will increase the need for Services as defined herein;

AND WHEREAS the Council of the Township has indicated its intent that the future excess capacity identified in the Study shall be paid for by the Development Charges or other similar charges;

AND WHEREAS the Council of the Township on July 19, 2023, approved the Development Charge Background Study, dated August 5, 2022, in which certain recommendations were made relating to the establishment of a Development Charge policy for the Township pursuant to the Act, thereby determining that no further public meetings were required under section 12 of the Act.

NOW THEREFORE, the Council of the Corporation of the Township of Alfred and Plantagenet enacts as follows:

DEFINITIONS

- (1) “**Accessory Use**” means a use of land, Building or structures which is incidental and subordinate to the principal use of the lands and Buildings;
- (2) “**Act**” means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;
- (3) “**Agricultural**” when used to describe a use or Development means a use or Development that is a bona fide farming operation including, notwithstanding the generality of the foregoing, greenhouses which are not connected to Regional water and wastewater services, sod farms and breeding and boarding of horses including barns, silos and other ancillary Development to such Agricultural Development but excluding any residential, commercial, industrial, or retail Development and does not include cannabis production facilities;
- (4) “**Air-supported structure**” means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (5) “**Apartment Dwelling**” means a Building containing more than one Dwelling Unit where the units are connected by an interior corridor. Notwithstanding the foregoing, an Apartment Dwelling includes a Stacked Townhouse Dwelling or a Back-to-back Townhouse Dwelling that is developed on a block approved for

Development at a minimum density of sixty (60) units per net hectare pursuant to plans and drawings approved under section 4.1 of the *Planning Act*;

- (6) “**Back-to-back Townhouse Dwelling**” means a Building containing four or more Dwelling Units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

- (7) “**Bedroom**” means a habitable room of at least seven (7) square metres, including a den, study, loft, or other similar area, but does not include a living room, dining room, kitchen, or other space;

- (8) “**Board of Education**” means a board defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c. E.2, as amended;

- (9) “**Building Code Act**” means the *Building Code Act, 1992*, S.O. 1992, c. 23 as amended;

- (10) “**Building**” means a permanent enclosed structure occupying an area greater than ten square metres (10 m²) and, notwithstanding the generality of the foregoing, includes, but is not limited to:

- (a) an above-grade storage tank;
- (b) an air-supported structure;
- (c) an industrial tent;
- (d) a roof-like structure over a gas-bar or service station; and
- (e) an area attached to and ancillary to a retail Development delineated by one or more walls or part walls, a roof-like structure, or any one or more of them;

- (11) “**Capital Cost**” means costs incurred or proposed to be incurred by the Township or a Local Board thereof directly or by others on behalf of and as authorized by the Township or Local Board:

- (a) to acquire land or an interest in land, including a leasehold interest,
- (b) to improve land,
- (c) to acquire, lease, construct or improve Buildings and structures,
- (d) to acquire, lease, construct or improve facilities including (but not limited to):
 - (i) rolling stock with an estimated useful life of seven years or more,
 - (ii) furniture and equipment other than computer equipment; and
 - (iii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990 c. P.44, as amended.

- (e) interest on money borrowed to pay for costs in (a) to (d).

- (12) “**Council**” means the Council of the Corporation of the Township of Alfred and Plantagenet;

- (13) “**Development**” means the construction, erection or placing of one or more Buildings on land or the making of an addition or alteration to a Building that has the effect of increasing the size thereof, and includes Redevelopment;

- (14) “**Development Charge**” means a charge imposed pursuant to this by-law;

- (15) “**Dwelling Unit**” means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, except in

the case of a Special Care/Special Need Dwelling, as defined in this By-law, in which case a Dwelling Unit shall mean a room or suite of rooms designated for Residential occupancy with or without exclusive sanitary and/or culinary facilities;

- (16) **“Farm Building”** means that part of a farming operation encompassing barns, silos and other Accessory Use to a bona fide Agricultural use or “value add” buildings of a commercial or retail nature for the farming operation or farm help quarters for the farming operation workers but excluding a Residential use;
- (17) **“Grade”** means the average level of finished ground adjoining a Building or structure at all exterior walls;
- (18) **“Gross Floor Area”** means the Total Floor Area, measured from the outside of exterior walls, or between the outside of exterior walls and the centre line of party walls dividing the Building from another Building, of all floors above Grade, and,
 - (a) includes the area of a Mezzanine; and
 - (b) excludes those areas used exclusively for parking garages or parking structures; and
 - (c) where the building has only one wall or does not have any walls, the total floor area shall be the total of the areas directly beneath any roof-like structure of the building;
- (19) **“Industrial”** when used to describe a use or Development, means a use or Development used for, or in connection with:
 - (a) manufacturing, producing, processing, storing or distributing something;
 - (b) research or development in connection with manufacturing, producing or processing something;
 - (c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production, or processing takes place;
 - (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - (ii) in or attached to the Building or structure used for that manufacturing, producing, processing, storage or distribution.
 - (e) does not include self-storage facilities or retail warehouses.
- (20) **“Institutional”** 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 institution of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular and ongoing operation funding from the Government of Ontario;
 - (ii) a college or university federated or affiliated with a university described in subclause (i); or

- (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institute Act*, 2017.
- (d) as a memorial home, club house or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- (e) as a hospice to provide end of life care;
- (21) **“Local Board”** means a municipal service board, public utility commission, transportation commission, public library board, board of park management, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of one or more municipalities or parts thereof, other than a board defined in section 1 (1) of the *Education Act* and a conservation authority;
- (22) **“Lot Coverage”** means the Total Floor Area compared with the total lot area;
- (23) **“Mezzanine”** means an intermediate floor assembly between the floor and ceiling of any room or storey and includes an interior balcony;
- (24) **“Mobile Home”** means any dwelling that is designed to be made mobile and constructed or manufactured to provide a permanent residence for one or more persons but does not include a travel trailer or tent trailer otherwise designed, as long as no building permit or foundation permit is required. A Mobile Home is classified as a Multiple Dwelling for the purposes of this By-law;
- (25) **“Multiple Dwelling”** includes all dwellings other than a Single Detached Dwelling, a Semi-detached Dwelling, an Apartment Dwelling, and a Special Care/Special Need Dwelling and includes a Mobile Home;
- (26) **“Non-profit housing development”** means development of a building or structure intended for use as residential premises by:
- (a) a corporation to which the *Not-for-Profit Corporations Act*, 2010 applies, that is in good standing under that Act and whose primary objective 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 objective is to provide housing; or
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.
- (27) **“Non-Residential”** when used to describe a use or Development, means a use or Development consisting of land, Buildings or structures, or portions thereof, used, or designed or intended for a use other than as a Residential Development;
- (28) **“Official Plan”** means the Official Plan of the Township and any amendments thereto;
- (29) **“Owner”** means the owner of land or a person who has made application for an approval of the Development of land upon which a Development Charge is imposed;
- (30) **“Place of Worship”** means any Building or part thereof that is exempt from taxation as a place of worship pursuant to paragraph 3 of section 3 of the *Assessment Act*, R.S.O. 1990, c. A.31, as amended or successor legislation;
- (31) **“Planning Act”** means the *Planning Act*, R.S.O. 1990, c. P.13, as amended;

- (32) **“Public Hospital”** means a Building or structure, or part of a Building or structure, that is defined as a hospital under the *Public Hospitals Act*, R.S.O. 1990 c. P.40, as amended;
- (33) **“Redevelopment”** means the construction, erection or placing of one or more Buildings on land where all or part of a Building on such land has previously been demolished, or changing the use of all or part of a Building from a Residential purpose to a Non-residential purpose or from a Non-residential purpose to a Residential purpose, or changing all or part of a Building from one form of Residential Development to another form of Residential Development or from one form of Non-residential Development to another form of Non-residential Development;
- (34) **“Regulation”** means any regulation made pursuant to the Act;
- (35) **“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;
- (36) **“Residential”** when used to describe a use or Development, means a use or Development consisting of land, Buildings or structures, or portions thereof, used, or designed or intended for use as a home or residence for one or more individuals, and shall include a Single Detached Dwelling, a Semi-detached Dwelling, a Multiple Dwelling, an Apartment Dwelling, a Special Care/Special Need Dwelling, and the residential portion of a mixed-use Building or structure;
- (37) **“Retail”** means lands, buildings, structures or any portions thereof, used, designed or intended to be used for the sale, lease or rental or offer for sale, lease or rental of any manner of goods, commodities, services or entertainment to the public, for consumption or use, whether directly or through membership, but shall exclude commercial, industrial, hotels/motels, as well as offices not located within or as part of a retail development, and self-storage facilities;
- (38) **“Retail Development”** means a development of land or buildings which are designed or intended for retail;
- (39) **“Seasonal Structure”** means a building placed or constructed on land and used, designed or intended for use for a non-residential purpose during a single season of the year where such building is designed to be easily demolished or removed from the land at the end of the season;
- (40) **“Semi-detached Dwelling”** means a Building, or part of a Building, divided vertically into two Dwelling Units each of which has a separate entrance and access to Grade;
- (41) **“Services”** means those services designated in Schedule “A” to this By-law;
- (42) **“Single Detached Dwelling”** means a completely detached Building containing only one Dwelling Unit;
- (43) **“Stacked Townhouse Dwelling”** means a Building, or part of a Building, containing two or more Dwelling Units where each Dwelling Unit is separated horizontally and/or vertically from another Dwelling Unit by a common wall;
- (44) **“Total Floor Area”** :
- (a) includes the sum of the total areas of the floors in a Building whether at, above or below grade, measured:
- (i) between the exterior faces of the exterior walls of the Building;
 - (ii) from the centre line of a common wall separating two uses; or
 - (iii) from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall; and

- (b) includes the area of a Mezzanine;
- (c) excludes those areas used exclusively for parking garages or structures; and
- (d) where a Building has only one wall or does not have any walls, the Total Floor Area shall be the total of the area directly beneath any roof-like structure of the Building.

SCHEDULE OF DEVELOPMENT CHARGES

2.

- (1) Subject to the provisions of this By-law, the Development Charges relating to Services shall be determined in accordance with the following:
 - (a) Council hereby determines that the Development or Redevelopment of land, Buildings or structures for Residential and Non-Residential uses will require the provision, enlargement or expansion of the Services referenced in Schedule "A"; and
 - (b) In the case of Residential Development, or the Residential portion of a mixed-use Development, the Development Charge shall be the sum of the products of:
 - (i) the number of Dwelling Units of each type, multiplied by,
 - (ii) the corresponding total dollar amount for such Dwelling Unit as set out in Schedule "B",further adjusted by section 12; and
 - (c) In the case of Non-Residential Development, or the Non-Residential portion of a mixed-use Development, the Development Charge shall be the sum of the products of:
 - (i) the Total Floor Area of the Non-residential Development or portion, multiplied by,
 - (ii) the corresponding total dollar amount per square foot of Total Floor Area as set out in Schedule "B";further adjusted by section 12.

APPLICABLE LANDS

3.

- (1) Subject to the exceptions and exemptions described in the following subsections, this By-law applies to all lands in the Township, whether or not the land or use is exempt from taxation under section 3 of the *Assessment Act*, R.S.O. 1990, c.A.31 as amended.
- (2) This By-law shall not apply to land that is owned by and used for the purposes of:
 - (a) a Board of Education;
 - (b) any municipality or Local Board thereof;
 - (c) Non-profit housing development;
 - (d) a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education if the development is intended to be occupied and used by the university;

- (e) a Place of Worship and land used in connection therewith, if exempt from taxation under section 3 of the *Assessment Act*, R.S.O. 1990, c. A31, as amended;
- (f) a Garden Suite as defined in the *Planning Act*;
- (g) temporary buildings provided that such buildings are removed within two years of the issuance of the building permit;
- (h) a building for the sale of gardening and related products provided that such building is not erected before March 15 and is removed before October 15 of each year;
- (i) where specifically authorized by a resolution of Council, development, on land where a public facility is being provided.

(3) This By-law shall not apply to that category of exempt Development described in section 2(3) of the Act, namely:

- (a) an enlargement to an existing residential dwelling unit;
- (b) a second residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or row house cumulatively contain no more than one residential unit;
- (c) a third residential unit in an existing detached house, semidetached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units;
- (d) one residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units;
- (e) in an existing rental residential building, which contains four or more residential units, the creation of the greater of one residential unit or one per cent of the existing residential units;
- (f) notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of additional dwelling units in proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:
 - (i) A second residential unit in a new detached house, semidetached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit;
 - (ii) A third residential unit in a new detached house, semidetached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units; or
 - (iii) One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached

house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semidetached house or rowhouse contains any residential units.

(4) The exemptions and exceptions respecting Industrial Development that are described in section 4 of the Act also apply under this By-law, namely:

- (a) if the Gross Floor Area of an existing Industrial Building is enlarged by 50 percent or less the Development Charge in respect of the enlargement is zero;
- (b) if the Gross Floor Area of an existing Industrial Building is enlarged by more than 50 percent, the amount of the Development Charge in respect of the enlargement shall be determined as follows:
 - (i) determine the amount by which the enlargement exceeds 50 percent of the Gross Floor Area before the enlargement;
 - (ii) divide the amount determined in (i) by the amount of the enlargement; and
 - (iii) multiply the Development Charge otherwise payable without reference to this section by the fraction determined in (ii).
- (c) THAT for greater certainty in applying the exemption in this section, the total 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 are 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 section 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 a parking facility.

- (d) in particular, for the purposes of applying this exemption, the industrial building is considered existing if it is built, occupied and assessed for property taxation at the time of the application respecting the enlargement.
- (e) the exemption for an existing industrial building provided by this section shall be applied to a maximum of fifty percent (50%) of the total floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this By-law or any previous development charges by-law of the municipality made pursuant to the Act, as amended or its predecessor legislation.

APPROVAL FOR DEVELOPMENT

4.

- (1) Development Charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
 - (a) the passing of a zoning by-law or an amendment thereto under section 34 of the *Planning Act*;
 - (b) the approval of a minor variance under section 45 of the *Planning Act*;
 - (c) a conveyance of land to which a by-law passed under section 50 (7) of the *Planning Act* applies;
 - (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;

- (e) a consent under section 53 of the *Planning Act*;
 - (f) the approval of a description under section 9 of the *Condominium Act*, 1998, S.O. 1998, c. 19, as amended; or
 - (g) the issuing of a permit under the *Building Code Act*, in relation to a Building or structure.
- (2) Where a Development requires an approval described in section 4(1) after the issuance of a building permit and no Development Charge has been paid, then the Development Charge shall be paid prior to the granting of the approval required under section 4(1).
- (3) If a Development does not require a building permit but does require one or more of the approvals described in section 4(1), then, notwithstanding section 9, the Development Charge shall nonetheless be payable in respect of any increased, additional or different Development permitted by any such approval that is required for the increased, additional or different Development.

OTHER REDUCTIONS

5. Notwithstanding any other provision of this by-law, development charges for rental housing development shall be reduced in accordance with the following:
- (1) A development charge for a residential unit intended for use as a rented residential premises with three or more bedrooms shall be reduced by 25 per cent;
 - (2) A development charge for a residential unit intended for use as a rented residential premises with two bedrooms shall be reduced by 20 per cent; and
 - (3) A development charge for a residential unit intended for use as a rented residential premises not referred to in paragraph 1 or 2 shall be reduced by 15 per cent.
6. Notwithstanding any other provision of this by-law, development charges shall be reduced in accordance with the following:
- (1) development charges imposed during the first year the by-law is in force shall be reduced to 80 per cent of the maximum development charge that could otherwise be imposed by the by-law.
 - (2) development charges imposed during the second year the by-law is in force shall be reduced to 85 per cent of the maximum development charge that could otherwise be imposed by the by-law.
 - (3) development charges imposed during the third year the by-law is in force shall be reduced to 90 per cent of the maximum development charge that could otherwise be imposed by the by-law.
 - (4) Development charges imposed during the fourth year the by-law is in force shall be reduced to 95 percent of the development charge that would otherwise be imposed by the by-law.
7. Once proclamation for required amendments to the Act to allow the following exemptions is received by the Lieutenant Governor, the following shall be exempt from development charges:
- (1) Affordable residential units; or
 - (2) Attainable residential units

LOCAL SERVICE INSTALLATION

8. Nothing in this By-law prevents Council from requiring, as a condition of an agreement under section 51 or 53 of the *Planning Act*, that the Owner, at his or her own expense, shall install or pay for such local Services, as Council may require.

MULTIPLE CHARGES

9.

- (1) Where two or more of the actions described in section 4(1) are required before land to which a Development Charge applies can be developed, only one Development Charge shall be calculated and collected in accordance with the provisions of this By-law.
- (2) Notwithstanding section 9(1), if two or more of the actions described in section 4(1) occur at different times, and if the subsequent action has the effect of increasing the need for municipal Services as set out in Schedule "A", an additional Development Charge based on the number of any additional Residential units and on any increased Non-residential Total Floor Area, shall be calculated and collected in accordance with the provisions of this By-law.

SERVICE IN LIEU

10.

- (1) Council may authorize an Owner, through an agreement under section 38 of the Act, to substitute such part of the Development Charge applicable to the Owner's Development as may be specified in the agreement, by the provision at the sole expense of the Owner, of Services in lieu. Such agreement shall further specify that, where the Owner provides Services in lieu, in accordance with the agreement, Council shall give to the Owner a credit against the Development Charge in accordance with the provisions of the agreement and the provisions of section 39 of the Act, equal to the reasonable cost to the Owner of providing the Services in lieu. In no case shall the agreement provide for a credit which exceeds the total Development Charge payable by an Owner to the municipality in respect of the Development to which the agreement relates.
- (2) In any agreement under section 10(1), Council may also give a further credit to the Owner equal to the reasonable cost of providing Services in addition to, or of a greater size or capacity, than would be required under this By-law.
- (3) The credit provided for in section 10(2) shall not be charged to any Development Charge reserve fund.

DEMOLITION CREDITS FOR REDEVELOPMENT OF LAND

11. Where, as a result of the Redevelopment of land, a Building or structure existing on the land was, or is to be, demolished, in whole or in part:

- (1) Subject to subsection (5) below, a credit shall be allowed against the Development Charge otherwise payable pursuant to this By-law, provided that where a demolition permit has been issued and has not been revoked, a building permit must be issued for the Redevelopment within five (5) years from the date the demolition permit was issued;
- (2) The credit shall be calculated:
- (a) in the case of the demolition of a Building, or a part of a Building, used for a Residential purpose, by multiplying the number and type of Dwelling Units demolished by the relevant Development Charge in effect under this By-law on the date when the Development Charge with respect to the Redevelopment is payable pursuant to this By-law; or
- (b) in the case of the demolition of a Building, or part of a Building, used for a Non-residential purpose, by multiplying the Nonresidential Total Floor Area

demolished, by the relevant Development Charge in effect under this By-law on the date when the Development Charge with respect to the Redevelopment is payable pursuant to this By-law;

- (3) No credit shall be allowed where the demolished Building or part thereof would have been an exception under, or exempt pursuant to, this By-law;
- (4) Where the amount of any credit pursuant to this section exceeds, in total, the amount of the Development Charge otherwise payable under this By-law with respect to the Redevelopment, the excess credit shall be reduced to zero and shall not be carried forward unless the carrying forward of such excess credit is expressly permitted by a phasing plan for the Redevelopment that is acceptable to the Township's Treasurer or designate; and

CONVERSION CREDITS FOR REDEVELOPMENT OF LAND

12. Where, as a result of the Redevelopment of land, a Building or Structure existing on the land was, or is to be, converted from one principal use to another principal use on the same land:

- (1) A credit shall be allowed against the Development Charge otherwise payable under this By-law;
- (2) The credit shall be calculated:
 - (a) in the case of the conversion of a Building or part of a Building used for a Residential purpose, by multiplying the number and type of Dwelling Units being converted by the relevant Development Charge in effect under this By-law on the date when the Development Charge with respect to the Redevelopment is payable pursuant to this By-law; or
 - (b) in the case of the conversion of a Building, or part of a Building, used for a Non-residential purpose, by multiplying the Non-residential Total Floor Area being converted by the relevant Development Charges in effect under this By-law on the date when the Development Charges with respect to the Redevelopment are payable pursuant to this By-law;
- (3) No credit shall be allowed where the Building, or part thereof, prior to conversion would have been an exception under, or exempt pursuant to this By-law;
- (4) Where the amount of any credit pursuant to this section exceeds, in total, the amount of the Development Charges otherwise payable under this By-law with respect to the Redevelopment, the excess credit shall be reduced to zero and shall not be carried forward unless the carrying forward of such excess credit is expressly permitted by a phasing plan for the Redevelopment that is acceptable to the Township's Treasurer or designate; and
- (5) Notwithstanding subsections (1) to (4) above, no credit shall be allowed where the building or part thereof prior to conversion would have been exempt pursuant to this By-law or any predecessor thereof.

TIMING OF CALCULATION AND PAYMENT

13.

- (1) A Development Charge shall be calculated and payable in full in money or by provision of Services as may be agreed upon, or by credit granted pursuant to the Act or this By-law, on the date a building permit is issued in relation to a Building or structure on land to which a Development Charge applies unless a "Conditional" Building Permit is issued in which case the Development Charges should be calculated and payable when the conditions to the Building Permit have been satisfied.
- (2) Where a Development Charge applies to land in relation to which a building permit is required, the building permit shall not be issued until the Development

Charge has been paid in full unless it is a “Conditional” Building Permit in which case the Development Charges shall be paid when the conditions are satisfied.

- (3) Notwithstanding subsections (1) and (2), 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, payable on the anniversary date each year thereafter.

- (4) Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment made on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the development charges under subsection 2(1) shall be calculated based on the rates set out in Schedule “B” on the date of the planning application, including interest. Where both planning application apply, Development Charges under subsection 2(1) shall be calculated on the rates, including interest, set out in Schedule “B” on the date of the later planning application.

- (5) Interest for the purposes of subsections (3) and (4) above shall be determined as the base rate plus 1%

(a) The base rate shall be equal to the average prime rate on:

- (i) October 15 of the previous year, if the adjustment date is January 1,
- (ii) January 15 of the same year, if the adjustment date is April 1,
- (iii) April 15 of the same year, if the adjustment date is July 1, and
- (iv) July 15 of the same year, if the adjustment date is October 1.

(b) The average prime rate, on a particular date means, the mean, rounded to the nearest hundredth of a percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest in effect on that date for determining interest rates on Canadian dollar commercial loans by that bank in Canada.

- (6) Payment of a Development Charge may be deferred subject to terms and conditions set out by Township Policy.

RESERVE FUNDS

14.

- (1) Monies received from payment of Development Charges shall be maintained in a separate reserve fund for each service and class of service sub-categories set out in Schedule “A”.

- (2) Monies received for the payment of Development Charges shall be used only in accordance with the provisions of section 35 of the *Act*.

- (3) Council directs the Township’s Treasurer to divide the reserve funds created hereunder into separate sub-accounts in accordance with the Service and class of service sub-categories set out in Schedule “A” to which the Development Charge payments, together with interest earned thereon, shall be credited.

- (4) Where any Development Charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll for the property on which the Development or Redevelopment occurred and shall be collected in the same manner as taxes.

- (5) Where any unpaid Development Charges are collected as taxes under subsection (4) above, the monies so collected shall be credited to the Development Charge reserve funds referred to in subsection (1), above.
- (6) The Township's Treasurer shall in each year, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in section 12 of O. Reg. 82/98.

BY-LAW AMENDMENT OF REPEAL

15.

- (1) Where this By-law or any Development Charge prescribed hereunder is amended or repealed either by order of the Ontario Land Tribunal or by resolution of Council, the Township Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
- (2) Refunds that are required to be paid shall be paid with interest to be calculated as follows:
- (a) Interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
- (b) The Bank of Canada interest rate in effect on the date of enactment of this By-law shall be used.

BY-LAW INDEXING

16. The Development Charges set out in Schedule "B" of this By-law shall be adjusted annually on January 1, without amendment to this By-law, in accordance with the prescribed index as set out in paragraph 10 of Subsection 5(1) of the Act, and O. Reg 82/98.

BY-LAW ADMINISTRATION

17. This By-law shall be administered by the Township's Treasurer.

SCHEDULES TO THE BY-LAW

18. The following Schedules to this By-law form an integral part of this By-law:

Schedule A – Schedule of Municipal Services

Schedule B – Schedule of Development Charges

SEVERABILITY

19. In the event any provision or part thereof, of this By-law is found, by a court of competent jurisdiction, to be void, voidable, unenforceable, or *ultra vires*, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this By-law shall remain in full force and effect.

HEADINGS FOR REFERENCE ONLY

20. The headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this By-law.

DATE BY-LAW EFFECTIVE

21. This By-law shall come into force and effect on July 19, 2023.

DATE BY-LAW EXPIRES

22. This By-law will expire at 12:01 AM on July 19, 2033 unless it is repealed by Council at an earlier date.

SHORT TITLE

23. This By-law may be cited as the "Development Charges By-law".

REPEAL

24. By-law 2019-75 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 19TH DAY OF JULY 2023.



Yves Laviolette, Mayor


Annie Rochefort, Clerk

SCHEDULE “A”
DESIGNATED MUNICIPAL SERVICES/CLASS OF
SERVICES UNDER THIS BY-LAW

Services

- 1. Roads and Related Services
- 2. Fire Protection Services
- 3. Park and Recreation Services
- 4. Library Services
- 5. Waste Diversion Services

Schedule “B”

Schedule of Development Charges

Service/Class of Service	RESIDENTIAL				NON-RESIDENTIAL (per sq. ft. of Gross Floor Area)	
	Single and Semi-Detached Dwelling	Other Multiples	Apartments – 2 Bedrooms +	Apartments – Bachelor and 1 Bedroom	Farm Building	All Other
Municipal Wide Services/Class of Service:						
Roads and Related Services	5,708	4,418	3,648	2,746	1.60	3.20
Fire Protection Services	147	114	94	71	0.04	0.08
Parks and Recreation Services	1,348	1,043	861	648	0.06	0.12
Library Services	349	270	223	168	0.02	0.03
Waste Diversion Services	2	2	1	1	0.00	0.00
Total Municipal Wide Services/Class of Services	7,554	5,847	4,827	3,634	1.72	3.43

