

THE CORPORATION OF THE TOWNSHIP OF MULMUR
BY-LAW NO XX-21

*A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF MULMUR TO AMEND
DEVELOPMENT CHARGES BY-LAW 30-19*

WHEREAS Section 2(1) of the Development Charges Act, 1997 ("Act") enables the Council of a municipality to pass By-laws to impose development charges against lands located in the Township to pay for increased capital costs where the development of the land would increase the need for municipal services as designated in the By-law and the development requires one or more of the actions set out in Section 2(2) of the Act; and

AND WHEREAS The Corporation of the Township of Mulmur has determined that the development of lands within the Township will increase the need for municipal services and Council has confirmed it's intent to provide the said services; and

AND WHEREAS a Development Charge is intended to ensure that the increase in the need for services attributed to the anticipated growth will be met; and

AND WHEREAS Section 19 of the Act provides for amendments to be made to development charges by-laws;

AND WHEREAS the Council of the Corporation of the Township of Mulmur (hereinafter called "the Council") has determined that certain amendments should be made to the Development Charge By-law of the Township of Mulmur, being By-law 30-19;

AND WHEREAS the Council has given Notice of its Development Charges proposal in accordance with Section 12(1) of the Act, and held a public meeting on August 4, 2021 and is satisfied that no further notice is required.

NOW THEREFORE BE IT HEREBY RESOLVED THAT The Corporation of the Township of Mulmur hereby enacts the following:

1. By-law 30-19 is hereby amended as follows

1.1 Sections 1.13 and 1.16 are deleted and replaced with the following:

1.13 **Dwelling Unit** means a combination of rooms where generally a kitchen, living quarter and sanitary conveniences are provided for habitation for the exclusive use of the occupants and with a private entrance from outside the building or from a common hallway or stairway inside. It may include a modular home constructed in accordance with the Building Code and

C.S.A. A-277 Regulations. Any “dwelling”, and “additional second dwellings” as defined by the Township of Mulmur Comprehensive Zoning By-Law 28-18, as amended or replaced, shall also be considered a “dwelling unit” under this By-law

1.16 **Institutional** means development of a building or structure intended for use:

1.16.1 As a long-term care home within the meaning of Subsection 2 (1) of the Long-Term Care Homes Act, 2007;

1.16.2 As a retirement home within the meaning of Subsection 2(1) of the Retirement Homes Act, 2010.

1.16.3 By any institution of the following post-secondary institutions for the objects of the institution:

1.16.3.1 a university in Ontario that receives direct, regular and ongoing operation funding from the Government of Ontario;

1.16.3.1 a college or university federated or affiliated with a university described in subclause 1.16.3.1; or

1.16.3.1 an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institute Act, 2017;

1.16.4 As a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or

1.16.5 As a hospice to provide end of life care.

1.2 The following definitions are added to Section 1 of the By-law:

1.28 **Non-profit housing development** means development of a building or structure intended for use as residential premises by:

1.28.1 A corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary objective is to provide housing;

1.28.2 A corporation without share capital to which the Canada Not-for-profit Corporation Act applies, that is in good standing under that Act and whose primary objective is to provide housing; or

1.28.3 A non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.

1.29 **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.

1.3 Section 2.1 is deleted and replaced with the following:

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

2.1.1 the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the Planning Act;

2.1.2 the approval of a minor variance under section 45 of the Planning Act;

2.1.3 a conveyance of land to which a by-law passed under subsection 50 (7) of the Planning Act applies;

2.1.4 the approval of a plan of subdivision under section 51 of the Planning Act;

2.1.5 a consent under section 53 of the Planning Act;

2.1.6 the approval of a description under section 9 of the Condominium Act, 1998; or

2.1.7 the issuing of a permit under the Building Code Act, 1992 in relation to a building or structure.

1.4 Section 6.2 is deleted and replaced with the following:

6.2 No Development Charges are payable in the following cases:

6.2.1 An enlargement to an existing dwelling unit;

- 6.2.2 The creation of a maximum of two additional dwelling units in an existing single detached dwelling or structure ancillary to such dwelling. The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the existing residential building/dwelling:
- 6.2.3 The creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units or within a structure ancillary to such residential building;
- 6.2.4 The creation of one additional dwelling unit in any other existing residential building/dwelling or within a structure ancillary to such residential building/dwelling. The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the existing residential building/dwelling;
- 6.2.5 The creation of a second dwelling unit in a proposed new Single Detached, Semi-Detached or Row Townhouse dwelling or in a building ancillary to such dwelling, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new detached dwelling must only contain two dwelling units.</p> <p>The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
2	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.</p> <p>The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	<p>The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.</p> <p>The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.</p>

1.5 The following is added to the by-law:

6.3 For the purposes of Section 6.2 “existing residential building/dwelling”, means:

6.3.1 A residential building/dwelling, containing at least one dwelling unit, that existed on a parcel of land as of September 1, 2021 and which was not exempt from the payment of development charges pursuant to Section 2(3)(b) of the Act; or

6.3.2 The first residential building/dwelling, containing at least one dwelling unit, constructed on a vacant parcel of land after September 1, 2021 and for which development charges were paid.

- 6.4 In addition to the restrictions outlined in Subsection 6.2.5, for the purposes of the exemption for an additional residential unit in a building ancillary to a proposed new Single Detached, Semi-Detached or Row Townhouse Dwelling, the proposed new Single Detached, Semi-Detached or Row Townhouse Dwelling must be located on a parcel of land on which no other Single Detached, Semi-Detached or Row Townhouse dwelling is or would be located.
- 6.5 For the purposes of Subsection 6.2.5, “parcel of land” means a lot or block within a registered plan of subdivision or draft plan of subdivision or any land that may be legally conveyed under the exemption provided in clause 50 (3) (b) or clause 50 (5) (a) of the Planning Act.
- 1.6 Section 8.4 is deleted and replaced with the following:
- 8.4 Places of Worship for religious uses, excluding those lands contained within the Township’s employment lands as defined in the Township’s Official Plan, that are exempt from Provincial taxes pursuant to the Provincial Land Tax RSO 1990, cP32 as amended, shall be exempt from the Development Charge.
- 1.7 The following is added to Section 8 of the By-law:
- 8.5 Land vested in or leased to 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, shall be exempt from the Development Charge.
- 1.8 The following is added to Section 9 of the by-law:
- 9.6 No credit shall be given with respect to the demolition of derelict buildings as determined by the Chief Building Official of the Township
- 1.9 The following is added to Section 10 of the by-law:
- 10.3 Development charges for rental housing and institutional developments are due and payable in 6 equal 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.

- 10.4 Development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- 10.5 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 Subsections 10.1, 10.3 and 10.4 shall be calculated on the rates set out in Schedule “B” on the date of the planning application, including interest. Where both planning applications apply, Development Charges under Subsections 10.1, 10.3 and 10.4 shall be calculated on the rates, including interest, set out in Schedule “B” on the date of the later planning application, including interest.
- 10.6 Interest for the purposes of Subsections 10.3, 10.4 and 10.5 shall be determined as defined in the Township’s Council approved Development Charge Interest Rate Policy.
- 1.10 Section 15.1 is deleted and replaced with the following:
- 15.1 The following schedules to this By-law form and integral part of this By-law:
- Schedule “A” – Classification of Services and Classes of Service;
- Schedule “B” – Components of Development Charge
- 1.11 Schedule “A” is deleted and the attached Schedule “A” substitutes therefore.
- 1.12 Schedule “B” is deleted and the attached Schedule “B” substitutes therefore.
- 1.13 This By-law shall come into force and effect on September 1, 2021.

FINALLY PASSED AND ENACTED THIS 1st DAY OF SEPTEMBER, 2021

Mayor

Clerk

Schedule "A"
Classification of Services and Classes of Service

<p>Transportation</p> <p>Roads Sand Storage Buildings Vehicles and Equipment</p>
<p>Fire Services</p> <p>Honeywood and Rosemont Buildings Shelburne Building Fire Vehicles Fire suits Small equipment</p>
<p>Recreation</p> <p>Recreation/Community Buildings Arena Recreation Vehicles and Small Equipment Developed Parkland Growth-Related Studies (Service Specific)</p>
<p>Library Services</p> <p>Library Circulation and Equipment/Furniture Shelburne Library Expansion</p>
<p>Class of Growth-Related Studies</p> <p>Transportation Fire Services Recreation Library Services</p>

Schedule "B"
Components of Development Charge

Service/Class	Residential (per Dwelling Unit)	Percent of Residential Charge	Non- Residential (per sq.ft. of Gross Floor Area)	Percent of Non- Residential Charge
Transportation	6,798	56%	0.79	68%
Fire Services	2,135	17%	0.25	21%
Recreation	2,035	17%	-	-
Library Services	29	0%	-	-
Growth-Related Studies	1,227	10%	0.12	10%
Total	12,225	100%	1.16	100%