



The Corporation of the Township of Mulmur

By-law No. 22 - 2024

Being a by-law to establish development charges for the Corporation of the Township of Mulmur

Whereas the Township of Mulmur will experience growth through development and redevelopment;

And whereas development and redevelopment require the provision of physical and social services by the Township of Mulmur;

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 its intent to provide the said services;

And whereas Council desires to ensure that the capital cost of meeting growth-related demands for or burden on municipal services does not place an excessive financial burden on the Township of Mulmur or its existing taxpayers while at the same time ensuring new taxpayers contribute no more than the net capital cost attributable to providing the current level of municipal services;

And whereas the *Development Charges Act*, 1997 (the "Act") provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services; and

And whereas a development charge background study has been completed in accordance with the Act and the background study and draft proposed bylaw be made available to the public and such documents were made available to the public 60 days prior to the passage of the bylaw and at least two (2) weeks prior to the public meeting required pursuant to Section 12 of the Act;

And whereas the "2024 Development Charge Background Study" dated April 16, 2024 prepared by Watson and Associates Economists Ltd. was amended by "Addendum to the 2024 Development Charges Background Study", and the proposed revised development charge by-law was posted to the Township's website on July 2, 2024 in response to legislative and other minor changes;

And whereas the Council of Township of Mulmur has given notice of and held a public meeting on the May 1, 2024 in accordance with the Act and the regulations thereto;

And whereas any person who attended the public meeting was afforded an opportunity to make representations and the public generally were afforded an opportunity to make written submissions relating to the proposed by-law;

And whereas Council resolved on May 1, 2024 that it is the intention of Council to ensure that the increase in need for services identified in connection with the enactment of the by-law will be met;

And whereas Council resolved on May 1, 2024 that no further public meeting be required, and that this by-law be brought forward for enactment;

And 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;

Now therefore be it resolved that the Corporation of the Township of Mulmur hereby enacts the following:

1. DEFINITIONS

1.1 "Act" means the *Development Charges Act, 1997* as amended from time to time and includes the Regulations passed under the Act, as amended from time to time;

1.2 In this By-law:

1.2.1 All words and phrases used in this By-law that have not been defined in the Act shall have the same meaning as those words and phrases in the Act;

1.2.2 Where the Development Charges Act does not specify a definition, the following definitions shall apply to the extent that they are not in conflict with the definitions in the Act;

1.3 "Accessory Use" means that the building or structure is naturally and normally incidental to or subordinate in purpose or both, and exclusively devoted to a principal use, building or structure;

- 1.4 "Affordable Residential Unit" means a Residential Unit that meets the criteria set out in subsection 4.1 of the Act;
- 1.5 "Agricultural Use" means the growing of crops, including nursery, biomass, and horticulture crops; raising of livestock; raising of other animals for food, fur, or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry, maple syrup production; and associated on-farm buildings and structures, including but not limited to livestock facilities and manure storages, but excluding:
- 1.5.1 A Residential Use;
 - 1.5.2 On-farm Diversified Uses;
 - 1.5.3 Cannabis Facilities; and
 - 1.5.4 A Greenhouse.
- 1.6 "Ancillary Residential Use" means a Residential Dwelling that would be ancillary to a Single Detached Dwelling, Semi-Detached Dwelling, or Row dwelling;
- 1.7 "Apartment Dwelling" means a building containing three (3) or more dwelling units which have a common entrance from the street level, and the occupants of which have the right to use common elements, and includes Stacked Townhouses;
- 1.8 "Attainable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1 of the Act;
- 1.9 "Back-to-Back Townhouse Dwelling" means a building containing three (3) or more dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;
- 1.10 "Bedroom" means any room used or designed or intended for use as sleeping quarters including but not limited to, a den, a study, a family room, or other similar use;
- 1.11 "Board Of Education" means a board of education, public school board, secondary school board, Separate school board or Public-school board;
- 1.12 "Building" Or "Structure" means a structure occupying an area greater than 10 square metres consisting of walls and a roof or a structural system serving the same purpose as defined in the Building Code and including carports and cloth, plastic or vinyl materials supported by structural frames but does not include awnings or an exterior storage tank;

- 1.13 “Building Code Act” means the *Building Code Act*, S.O. 1992, chapter 23, as amended and all Regulations thereto including the Ontario Building Code, 1997, as amended;
- 1.14 “Building Permit” means a Permit issued in accordance with the Building Code Act;
- 1.15 “Cannabis” means:
- 1.15.1 A Cannabis plant;
 - 1.15.2 Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
 - 1.15.3 Any substance or mixture of substances that contains or has on it any part of such a plant; and
 - 1.15.4 Any substance that is identical to any phytocannabinoid produce by, or found in, such a plant, regardless of how the substance was obtained.
- 1.16 “Cannabis Plant” means a plant that belongs to the genus “Cannabis;”
- 1.17 “Cannabis Facilities” means a Building, or part thereof, designed, used, or intended to be used for one or more of the following: cultivation, growing, propagation, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment, or distribution of Cannabis where a licence, permit, or authorization has been issued under applicable federal law but does not include a building or part thereof solely designed, used, or intended to be used for retail sales of Cannabis;
- 1.18 “Capital Cost” shall mean costs incurred or proposed to be incurred by a municipality or local board thereof directly or under an agreement,
- 1.18.1 to acquire land or an interest in land, including a leasehold interest;
 - 1.18.2 to improve land;
 - 1.18.3 to acquire, construct or improve building and structures;
 - 1.18.4 to acquire, construct or improve facilities including:
 - 1.18.4.1 rolling stock with estimated useful life of seven years or more,
 - 1.18.4.2 furniture and equipment other than computer equipment; and

- 1.18.4.3 material acquired for circulation, reference or information purposes by a library board as defined in *The Public Libraries Act*, R.S.O. 1990, as amended;
- 1.18.5 to undertake studies in connection with any matter under the Act and any of the matters in clauses (1.18.1) to (1.18.4) above, including the development charge background study required for the provision of services designated in this By-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (1.18.1) to (1.18.4) above that are growth-related; and
- 1.18.6 interest on borrowing for those expenditures under clauses 1.18.1, through 1.18.5, that are growth related;
- 1.19 "Commercial" means any use of land, structures, or buildings for the purposes of buying or selling commodities and services, but does not include industrial or agricultural uses, but does include hotels, motels, motor inns, boarding, lodging and rooming houses;
- 1.20 "Council" means the Council of the Corporation of the Township of Mulmur;
- 1.21 "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 increasing the Total Floor Area, and includes Redevelopment;
- 1.22 "Development Charge" means a charge imposed pursuant to this By-law;
- 1.23 "Duplex" means a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule;
- 1.24 "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;
- 1.25 "Education Act" means the Education Act, R.S.O. 1990, c. E.2, as amended or any successor thereto;

- 1.26 “Existing Industrial” means an Industrial Building or structure existing on a site as of the date this by-laws comes into effect, or the first building or structures constructed on a vacant site pursuant to site plan approval under section 41 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, or any successor thereof, subsequent to this by-law, for which full development charges were paid;
- 1.27 “Greenhouse” means the use of a building or structure for the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, vegetables, and other types of nursery stock for wholesale or retail purposes. Such use may also include the retail sale of greenhouse products customarily, incidental, subordinate, and exclusively, devoted to the principal use, located on the same lot therein. A retail space accessory to a greenhouse shall have a maximum retail floor area of 75 square metres;
- 1.28 “Gross Floor Area” means the total floor area, as hereinafter defined, exclusive of any portion of the building or structure above and below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, verandah or sunroom unless such sunroom is habitable during all seasons of the year;
- 1.29 “Hospice” means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care;
- 1.30 "Industrial" means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing, or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club or self-storage facilities;
- 1.31 “Institutional” means development of a building or structure intended for use:
- 1.31.1 as a long-term care home within the meaning of subsection 2 (1) of the Fixing Long-Term Care Homes Act, 2021;
- 1.31.2 as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;

- 1.31.3 by any institution of the following post-secondary institutions for the objects of the institution:
 - 1.31.3.1 a university in Ontario that receives direct, regular, and ongoing operation funding from the Government of Ontario;
 - 1.31.3.2 a college or university federated or affiliated with a university described in subclause (i); or
 - 1.31.3.3 an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institute Act, 2017;
- 1.31.4 as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- 1.31.5 as a hospice to provide end of life care.
- 1.32 "Live-work Unit" means a Building, or part of thereof, which contains, or is intended to contain, both a Dwelling Unit and non-residential unit and which is intended for both Residential Use and Non-residential Use concurrently, and shares a common wall or floor with or without direct access between the residential and non-residential uses;
- 1.33 "Long-term Care Home" means a residential building or the residential portion of a mixed-use building within the meaning of subsection 2 (1) of the *Fixing Long-Term Care Homes Act, 2021*;
- 1.34 "Mixed Use Development" means a building that is used, designed, and/or designated to be used for both residential and non-residential purposes, including, but not limited to a Live-work Unit;
- 1.35 "Multi-Unit" means, for the purposes of this By-law, any combination of two (2) or more dwelling units on a lot which is not defined as a Semi-Detached Dwelling and includes an Apartment, Townhouse and Duplex as defined herein;
- 1.36 "Non-profit housing development" means development of a building or structure intended for use as residential premises by:
 - 1.36.1 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;

- 1.36.2 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
- 1.36.3 a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.
- 1.37 "Non-Residential Uses" means land, buildings, or structures or portions thereof used, or designed or intended to be used for a use other than for a residential use;
- 1.38 "Official Plan" means the Official Plan adopted for the Township, as amended and approved;
- 1.39 "On-farm Diversified Use" means a use, occurring entirely and exclusively within a detached building that is secondary and subordinate to the active and principle agricultural use occurring on a property. Such uses shall be integrated within a farm cluster of buildings which must include a residential dwelling, and may include, but not be limited to, uses that produce value added agricultural products or provide a service that is supportive of regional agri-business;
- 1.40 "Other Multiples" means all dwellings other than Single-detached, Semi-detached, and Apartment dwellings, and includes a Duplex, and the portion of a Live-Work Unit, intended to be used exclusively for living accommodations for one or more individuals;
- 1.41 "Owner" means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;
- 1.42 "Place of worship" means that part of a building or structure used for worship and that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31, as amended, and does not include portions of buildings used for any commercial or institutional uses, including, but not limited to, daycare facilities, private schools, and entertainment facilities, or for residential purposes;
- 1.43 "Planning Act" means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or any successor thereto;
- 1.44 "Redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential or from non-residential to residential;

- 1.45 “Regulation” means any regulation made pursuant to the Act;
- 1.46 “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;
- 1.47 “Residential Uses” means land, buildings, or structures or portions thereof used, designed, or intended to be used principally (or primarily) as living accommodation for one or more individuals;
- 1.48 “Retirement Home” means a residential building or the residential portion of a mixed-use building which provides accommodation primarily for retired persons or couples where each private bedroom or living accommodation has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;
- 1.49 “Row Dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;
- 1.50 “Row Townhouse” has the same meaning as a Row Dwelling;
- 1.51 “Semi-Detached Dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor;
- 1.52 “Service” means services designated in this By-law including Schedule “A” to this By-law or in agreement under Section 44 of the Act, or both;
- 1.53 “Single Detached Dwelling” means a detached building containing one dwelling unit only;
- 1.54 “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 and having direct separate access to an exterior ground level main entrance/exit;
- 1.55 “Temporary Building” or “Structure” means a building or structure constructed or erected or placed on land for a continuous period not exceeding eight months, or an addition or alteration to a building or structure that has the effect of increasing the total floor area thereof for a continuous period not exceeding eight months;

- 1.56 “Townhouse Dwelling” means a dwelling unit in a building divided vertically into no less than three nor more than eight dwelling units attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade, and includes a Back-to-Back Townhouse;
- 1.57 “Township” means the Corporation of the Township of Mulmur.

2. DESIGNATION OF SERVICES AND CLASS OF SERVICES

- 2.1 The categories of services and class of services for which development charges are imposed under this By-law are as follows:
- a) Services Related to a Highway
 - b) Fire Protection Services
 - c) Parks and Recreation Services
 - d) Library Services
 - e) Growth-related Studies (Class of Services)

3. IMPOSITION OF DEVELOPMENT CHARGES

- 3.1 Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
- 3.1.1 the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
 - 3.1.2 the approval of a minor variance under section 45 of the *Planning Act*;
 - 3.1.3 a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;
 - 3.1.4 the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - 3.1.5 a consent under section 53 of the *Planning Act*;
 - 3.1.6 the approval of a description under section 9 of the *Condominium Act*, 1998; or
 - 3.1.7 the issuing of a permit under the *Building Code Act*, 1992 in relation to a building or structure.

4. APPLICATION OF THIS BY-LAW

- 4.1 This By-law shall apply to all lands within the Corporation of the Township of Mulmur.

4.2 Nothing in this By-law prevents the approval authority or Council, as the case may be, from requiring, as a condition of an agreement under the *Planning Act*, SS. 51 or 53, that the owner at his or her own expense shall install or pay for local services as the approval authority or Council may require.

5. CALCULATION OF DEVELOPMENT CHARGES – GENERAL

5.1 Development charges shall be calculated in accordance with Schedule "B".

6. INDEXING OF THE DEVELOPMENT CHARGE

6.1 Development Charges shall be adjusted, without amendment to this By-law, on the first day of January in each year, beginning with January 1, 2025, in accordance with the then most recent Statistics Canada Quarterly, Construction Price Index (Toronto).

7. CALCULATION OF DEVELOPMENT CHARGES – RESIDENTIAL

7.1 The residential development charges set out in Schedule "B" 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, and the residential portion for a Live-Work unit, according to the type of residential unit, and calculated with respect to the service according to the type of residential use.

7.2 Notwithstanding Section 7.1, no Development Charges are payable in the following cases:

7.2.1 an enlargement to an existing dwelling unit;

7.2.2 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 rowhouse cumulatively contain no more than one residential unit;

7.2.3 A third 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 no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units;

- 7.2.4 One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of 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;
- 7.2.5 A second residential unit in a new 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 new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit;
- 7.2.6 A third residential unit in a new detached house, semi-detached 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;
- 7.2.7 One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of 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, semi-detached house or rowhouse contains any residential units; or
- 7.2.8 In an existing rental residential Building, which contains four or more residential Dwelling Units, the creation of the greater of one residential Dwelling Unit or one percent of the existing residential Dwelling Units.

8. DISCOUNTS FOR RENTAL HOUSING

- 8.1 The Development Charge payable for Rental Housing developments will be reduced based on the number of bedrooms in each unit as follows:
 - 8.1.1 Three or more bedrooms – 25% reduction;
 - 8.1.2 Two bedrooms – 20% reduction; and
 - 8.1.3 All other bedroom quantities – 15% reduction.

9. OTHER EXEMPTIONS

9.1 Once proclaimed, the following shall be exempt from payment of the Development Charges:

9.1.1 Affordable residential units;

9.1.2 Attainable residential units;

9.1.3 Affordable residential inclusionary zoning units; and

9.1.4 Non-profit housing units.

10. CALCULATION OF DEVELOPMENT CHARGES – NON-RESIDENTIAL

10.1 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, including the non-residential portion for a Live-Work unit, and calculated with respect to the service according to the total floor area of the non-residential use.

11. EXEMPT BUILDINGS

11.1 Non-residential buildings used accessory to an agricultural operation shall be exempt from the development charge.

11.2 Notwithstanding the provisions of this By-law, development charges shall not be imposed on an Agricultural Use, including barns, silos, or other storage facilities for produce, livestock, or machinery and equipment used in connection with an existing Agricultural Use, and other ancillary development to an Agricultural Use, but excluding a Residential Dwelling, an On-farm Diversified Use or a Cannabis Production Facility.

11.3 Buildings owned and used by the Township, County of Dufferin, or any Board of Education used for school purposes shall be exempt from the Development Charge.

11.4 Temporary buildings where the owner has completed an agreement with the Township specifying the owner's obligation to remove the building.

11.5 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.

11.6 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.

11.7 Industrial Development:

11.7.1 Notwithstanding any other provision of this by-law, no Development Charge is payable with respect to an enlargement of the gross floor area of an Existing Industrial building where the Gross Floor Area is enlarged by 50 percent or less;

11.7.2 If the Gross Floor Area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

11.7.2.1 notwithstanding section 11.7.2, if the Gross Floor Area is enlarged by more than 50 percent (50%), development charges shall be payable and collected and the amount payable shall be calculated in accordance with s.4(3) of the Act.

11.7.2.2 that for greater certainty in applying the exemption in this section, 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 areas 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 this by-law. 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.

11.7.2.3 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.

11.7.2.4 the exemption of an Existing Industrial building provided by this section shall be applied to a maximum of fifty percent (50%) of the gross floor area that was existing as of the effective date of this by-law, or based on the first building or structures constructed on a vacant site pursuant to site plan approval under section 41 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, or any successor thereof, subsequent to the effective date of this by-law, for which full development charges were paid.

12. REDEVELOPMENT

12.1 In accordance with Subsections 7, 8, & 10 where there is a redevelopment, conversion, demolition or change of use of a building or structure or part thereof, the development charges payable by the new or proposed development shall be credited by the amount to which the previous use of the building or structure was subject to development charges at the time this By-law was passed.

12.2 A credit shall not be warranted where a building, structure, or part thereof was demolished, and no building permit has been issued within 2 years from the date of issuance of the demolition permit.

12.3 The credit with respect to a redevelopment, conversion, demolition, or change of use of a building or structure or part thereof shall not exceed the amount of the development charges payable with respect to new or proposed development.

12.4 No credit shall be given with respect to the redevelopment, conversions, demolition, or change of use of a building, or structure or part thereof where the existing building or structure or part thereof would have been exempt from development charges in accordance with this By-law.

12.5 Where a non-residential building and associated use is proposed to be relocated to a different lot and the existing building demolished, the new building shall be credited in accordance with Subsections 12.1, 12.2, 12.3, & 12.4. If the relocation of the non-residential building and use results in an increased demand on services, the increase in demand for services shall be payable in accordance with the provisions of this By-law.

If in the future, redevelopment of the demolished site is proposed, the new proposed development of the site shall be subject to the full Development Charge as the service capacity associated with the demolished site has effectively been transferred.

- 12.6 No credit shall be given with respect to the demolition of derelict buildings as determined by the Chief Building Official of the Township.

13. PAYMENT OF DEVELOPMENT CHARGES

- 13.1 Except as otherwise provided in this By-law, Development Charges shall be calculated and payable in full in cash or certified cheque in Canadian funds or by credits granted by the Act, on the date that the first building permit is issued.
- 13.2 Except as otherwise provided in this By-law, a building permit shall not be issued until the development charge has been paid in full.
- 13.3 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.
- 13.4 Notwithstanding subsections 13.1 through 13.3, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received and approved between January 1, 2020, and June 5, 2024, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under sections 7 and 10 shall be calculated based on the rates set out in Schedule "B" on the date the planning application was made. Where both planning applications apply, development charges under sections 7 and 10 shall be calculated on the rates set out in Schedule "B", on the date of the latter planning application, including interest at the prescribed rate.
- 13.5 Notwithstanding subsections 13.1 through 13.3, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received on or after January 1, 2020, where the approval of the application occurred on or after June 6, 2024, and the approval of the application occurred within 18 months of building permit issuance, the Development Charges under section 7 and 10 shall be calculated based on the rates set out in Schedule "B" on the date of the planning application, including interest at the prescribed rate. Where both planning applications apply, development charges under sections 7 and 10 shall be calculated on the rates set out in Schedule "B", on the date of the latter planning application, including interest, including interest at the prescribed rate

13.6 Interest for the purposes of subsections 13.3, 13.4 & 1.5, shall be determined as prescribed in the *Development Charges Act*, as amended from time to time.

14. WRITTEN AGREEMENTS WITH THE TOWNSHIP

14.1 Pursuant to the provisions of the Act, Council may enter into written agreements in regard to all matters authorized by the Act and general law.

14.2 The applicable provisions of this By-law may be varied in individual instances by the written agreements, as permitted by the Act.

14.3 Agreements may give 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. The credit shall not exceed the service standard used in the calculation of the development charge, and no credit shall be charged to any development charges reserve fund prescribed in this By-law or exceed the proportion of the development charge related to that service, payable by the owner to the Township.

14.4 Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

14.5 Front-ending agreements entered into under the provisions of s. 44 of the Act shall be deemed to be agreements under this section.

14.6 This By-law shall prevail over any previous agreements between a property owner and the Township with respect to the payment of impost fees, lot levies or Development Charges. However, where fees or charges have been paid for services included in this By-law pursuant to an agreement that was registered on the title of the lands prior to the passing of this By-law, the Township shall apply that fee as a credit against the applicable Development Charge.

15. ADMINISTRATION

15.1 A certified copy of this By-law may be registered on title to any land to which the By-law applies.

15.2 This By-law shall be administered by the Treasurer of the Township.

16. RESERVE FUNDS

- 16.1 Monies received from payment of Development Charges shall be maintained in a separate reserve fund, and shall be used only to meet the growth-related net capital costs for which the Development Charge was levied under this By-law.
- 16.2 Where any Development Charge, or part thereof, remains unpaid after the due date, the unpaid amount shall be added to the tax roll and shall be collected as taxes. Where any unpaid Development Charges are collected as taxes, the monies so collected shall be credited to the development charge reserve fund.
- 16.3 The Treasurer of the Township shall, in each year, furnish to Council, a statement in respect of the reserve fund established hereunder for the prior year and then post the statement to the Township's website.

17. REFUNDS

- 17.1 Where this By-law or any Development Charge prescribed hereunder is amended or repealed either by order of the Ontario Land Tribunal or by Council, the Township shall forthwith pay the appropriate refund, calculated in accordance with the Act and Regulations passed under the Act.

18. SCHEDULES

- 18.1 The following schedules to this By-law form an integral part of this By-law;

Schedule "A" – Designated Municipal Service and Class of Services under this by-law;

Schedule "B" - Schedule of Development Charges.

19. GENERAL

- 19.1 This By-law comes into full force and effect upon the final passing thereof.
- 19.2 Unless repealed earlier, or unless the term of the By-law is extended by legislation, this By-law expires ten years from the day it comes into force.
- 19.3 Where in this By-law the context so requires, words in the singular include the plural and words in the plural include the singular, and words importing the masculine gender include feminine and neuter gender.
- 19.4 Any portion of this By-law found to be invalid shall be severed, and the balance of the By-law shall be deemed to be valid and enforceable and shall be construed without reference to the invalid portions.

20. REPEAL

20.1 By-law 30-2019 and any amendments thereto is hereby repealed upon the coming into full force and effect of this by-law.

21. DATE BY-LAW IN FORCE

21.1 The By-law shall come into full force and effect on July 3, 2024.

22. DATE BY-LAW EXPIRES

22.1 This By-law will expire on July 3, 2034, unless it is repealed by Council at an earlier date.

FINALLY PASSED AND ENACTED THIS 3rd day of July 2024

Janet Horner

Roseann Knechtel

.....

.....

Janet Horner, Mayor

Roseann Knechtel, Clerk

SCHEDULE "A" TO BY-LAW 22-2024

**DESIGNATED MUNICIPAL SERVICES AND CLASS OF SERVICES
UNDER THIS BY-LAW**

Township-Wide Services

1. Services Related to a Highway
2. Fire Protection Services
3. Parks and Recreation Services
4. Library Services

Township-Wide Class of Services

1. Growth-Related Studies

SCHEDULE "B" TO BY-LAW 22-2024

SCHEDULE OF DEVELOPMENT CHARGES

Services/Class of Services	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	(per sq.ft. of Gross Floor Area)
Township-Wide Services:					
Services Related to a Highway	3,052	3,020	2,265	1,126	1.37
Fire Protection Services	1,411	1,397	1,047	521	0.64
Parks and Recreation Services	10,880	10,767	8,074	4,013	1.17
Library Services	232	230	172	86	0.03
Township-Wide Class of Services:					
Growth-Related Studies	4,283	4,238	3,178	1,580	0.99
Total Township-Wide Services/Class of Services	\$19,858	\$19,652	\$14,736	\$7,326	\$4.20