

CONSOLIDATED WITH BYLAW #46-2021

THE CORPORATION OF THE TOWNSHIP OF MULMUR

BY-LAW NO. 30-19

***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 its 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 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. DEFINITION

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 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 **Apartment Dwelling** means a building containing 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, including units defined as Special Care Dwelling Units

1.4 **Board Of Education** means a board of education, public school board, secondary school board, Catholic school board or Protestant school board.

1.5 **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.

1.6 **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.

1.7 **Building Permit** means a Permit issued in accordance with the Building Code Act.

- 1.8 **Commercial Use** means, notwithstanding any other provisions of this By-law, lands, buildings or structures to be developed within a Commercial zone as defined by the Township's Zoning By-law.
- 1.9 **Council** means the Council of the Corporation of the Township of Mulmur.
- 1.10 **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.
- 1.11 **Development Charge** means a charge imposed pursuant to this By-law.
- 1.12 **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.
- 1.13 **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
- 1.14 **Existing Lot of Record means** a parcel of land which existed prior to the date of passing of this Development Charges By-law.
- 1.15 **Gross Floor Area** means the total floor area, as hereinafter defined, exclusive of any portion of the building or structure 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.
- 1.16 **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;
- 1.16.3.2 a college or university federated or affiliated with a university described in subclause 1.16.3.1; or
- 1.16.3.3 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.
- 1.17 **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. Includes an Apartment, Townhouse and Duplex as defined herein.
- 1.18 **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.
- 1.19 **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.

- 1.20 **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.
- 1.21 **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.
- 1.22 **Semi-Detached Dwelling** means the whole of a building divided vertically into two separate dwelling units.
- 1.23 **Services** 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.
- 1.24 **Single Detached Dwelling** means a detached building containing one dwelling unit only.
- 1.25 **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 month.
- 1.26 **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 roofline, each dwelling unit having a separate entrance at grade.
- 1.27 **Township** means The Corporation of the Township of Mulmur.
- 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.
- 2. IMPOSITION OF DEVELOPMENT CHARGES**
- 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.

3. APPLICATION OF THIS BY-LAW

- 3.1 This By-law shall apply to all lands within The Corporation of the Township of Mulmur.
- 3.2 No land, except land owned by and used for the purposes of a municipality or a board as defined in subsection 1 (1) of the *Education Act*, is exempt from a development charge by reason only that it is exempt from taxation under section 3 of the *Assessment Act*.
- 3.3 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.

4. CALCULATION OF DEVELOPMENT CHARGES - GENERAL

- 4.1 Development charges shall be calculated in accordance with Schedule "B"

5. INDEXING OF THE DEVELOPMENT CHARGE

- 5.1 Development Charges may be adjusted, without amendment to this By-law, on the first day of January in each year, beginning with January 1, 2021, in accordance with the then most recent Statistics Canada Quarterly, Construction Price Index (Toronto).

6. CALCULATION OF DEVELOPMENT CHARGES - RESIDENTIAL

- 6.1 Development Charges shall apply to each dwelling unit in every development, whether single-use or mixed-use.
- 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>
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>

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.

7. CALCULATION OF DEVELOPMENT CHARGES - NON-RESIDENTIAL

- 7.1 If the development is the enlargement of the gross floor area of a non-residential building and the gross floor area is enlarged by 50% or less of the size of the building, as of the date of passing of this Development Charges By-law, there shall be no development charge.

- 7.2 If the development is the enlargement of the gross floor area of a non-residential building and the gross floor area is enlarged by more than 50%, the amount of the development charge shall be based on the size of the enlargement that exceeds the exemption outlined in paragraph 7.1 above.

8. EXEMPT BUILDINGS

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

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

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

- 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.

- 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.

9. REDEVELOPMENT

- 9.1 In accordance with Subsections 9.2, 9.3 & 9.4 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.

- 9.2 A credit shall not be warranted where a building or 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.

- 9.3 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.

- 9.4 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.

- 9.5 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 9.1, 9.2, 9.3 & 9.4. 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.

- 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

10. PAYMENT OF DEVELOPMENT CHARGES

- 10.1 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.

- 10.2 Except as otherwise provided in this By-law, a building permit shall not be issued until the development charge has been paid in full.

- 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.

11. WRITTEN AGREEMENTS WITH THE MUNICIPALITY

- 11.1 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.

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

- 11.3 Council has the power to enter into agreements to reduce or waive development charges that are payable under the Act and this By-law.

- 11.4 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.

- 11.5 Agreements may provide for all or any part of a development charge to be paid before or after it would otherwise be payable.

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

- 11.7 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.

12. ADMINISTRATION

- 12.1 A certified copy of this By-law may be registered on title to any land to which the By-law applies.
- 12.2 This By-law shall be administered by the Treasurer of the Township.

13. RESERVE FUNDS

- 13.1 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.
- 13.2 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.
- 13.3 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.

14. REFUNDS

- 14.1 Where this By-law or any Development Charge prescribed hereunder is amended or repealed either by order of the Local Planning Appeal Tribunal (LPAT) or by Council, the Township shall forthwith pay the appropriate refund, calculated in accordance with the Act and Regulations passed under the Act.

15. SCHEDULES

- 15.1 The following schedules to this By-law form an integral part of this By-law;
Schedule "A" - Classification of Services and Classes of Service;
Schedule "B" - Components of Development Charge;

16. GENERAL

- 16.1 This By-law comes into full force and effect upon the final passing thereof.
- 16.2 Unless repealed earlier, or unless the term of the By-law is extended by legislation, this By-law expires five years from the day it comes into force.
- 16.3 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.
- 16.4 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.

17. REPEAL

By-law 30-19 is hereby repealed upon the coming into full force and effect of this by-law.

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%