THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2023-150-FI

BEING A BY-LAW to establish development charges for the Corporation of the Town of Whitchurch-Stouffville Services Related to a Highway

WHEREAS the Town of Whitchurch-Stouffville will experience growth through development and redevelopment; and

WHEREAS development and redevelopment require the provision of physical and social services by the Town of Whitchurch-Stouffville; 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 Town of Whitchurch-Stouffville 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

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 Council of The Corporation of the Town of Whitchurch-Stouffville has given notice of and held a public meeting on the 8th day of November, 2023 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 December 6, 2023 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 December 6, 2023 that no further public meeting be required and that this by-law be brought forward for enactment.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1. INTERPRETATION

1.1 In this By-law the following items shall have the corresponding meanings:

"Abandoned Structures" means buildings or structures that have received a formal notification from the Town indicating the building or structure must be demolished within six (6) months of receiving the formal notification;

"Act" means the *Development Charges Act, 1997, S.O. 1997, c. 27*, as amended, or any successor thereof;

"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;

"Affordable Residential Unit" means a Residential Unit that meets the criteria set out in subsection 4.1 of the Act;

"Ancillary Residential Use" means a Residential Dwelling that would be ancillary to a Single Detached Dwelling, Semi-Detached Dwelling, or Rowhouse;

"Agricultural Use" means use or intended use for bona fide farming purposes:

(a) including (but not limited to):
   i. cultivation of crops, whether on open land or in greenhouses, including (but not limited to) fruit, vegetables, herbs, grains, field crops, sod, trees, shrubs, flowers, and ornamental plants;
   ii. raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish;
   iii. agricultural animal husbandry, dairying, equestrian activities, horticulture, fallowing, pasturing, and market gardening; and
   iv. services related to the boarding or breeding of household pets.

(b) but excluding:
   i. retail sales activities; including but not limited to restaurants, banquet facilities, hospitality facilities and gift shops;
   ii. services related to grooming of household pets; and
   iii. Cannabis Production Facilities.

"Apartment Unit" means any residential unit within a building containing four or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor. Despite the foregoing, an Apartment Unit includes Stacked Townhouse Dwellings;

"Attainable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1 of the Act;

"Back-to-back Townhouse Dwelling" means a building containing three or more dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

"Bedroom" means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a bathroom, living room, dining room or kitchen;

"Benefiting Area" means an area defined by map, plan, or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

"Board of Education" has the same meaning as set out in the *Education Act, R.S.O. 1990, c. E.2*, as amended, or any successor thereof;

"Bona Fide Farm Uses" means the proposed development will qualify as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs and be assessed in the Farmland Realty Tax Class by the Ontario Property Assessment Corporation and excludes Cannabis Production Facilities;

"Building Code Act" means the *Building Code Act, S.O. 1992*, as amended, or any successor thereof;

"Capital Cost" means costs incurred or proposed to be incurred by the Municipality or a Local Board thereof directly or by others on behalf of and as authorized by the Municipality 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, construct or improve facilities including,
    i. rolling stock with an estimated useful life of seven years or more, and
    ii. furniture and equipment other than computer equipment, and
    iii. material acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 19990, Chap. c. P.44, as amended, or any successor thereof.
(e) interest on money borrowed to pay for costs in (a) to (d).

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 (a) to (e) above that are growth-related;

"Commercial" means any use of land, structures, or buildings for the purposes of buying or selling commodities and services, but does not include Industrial, Institutional, or Agricultural Use, and does include Cannabis Production Facilities, hotels, motels, and motor inns;

"Cannabis" means:

(a) a cannabis plant;
(b) 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;
(c) any substance or mixture of substances that contains or has on it any part of such a plant; and
(d) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;

"Cannabis Plant" means a plant that belongs to the genus Cannabis;

"Cannabis Production Facilities" means a building, or part thereof, designed, used, or intended to be used for one or more of the following: growing,

production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment, or distribution of cannabis where a license, permit or authorization has been issued under applicable federal law and does include, but is not limited to such buildings as a greenhouse and agricultural building associated with the use. It does not include a building or part thereof solely designed, used, or intended to be used for retail sales of cannabis;

"Charitable Dwelling" means a residential building, a part of a residential building or the residential portion of a mixed-use building maintained and operated by a corporation approved under the *Charitable Institutions Act, R.S.O. 1990, c. C.9,* for persons requiring residential, specialized or group care and charitable dwelling includes a children's residence under the *Child and Family Services Act, R.S.O. 1990, c. C.11*, a home or a joint home under the *Homes for the Aged and Rest Homes Act, R.S.O. 1990, c. H.13*, an institution under the *Mental Hospitals Act, R.S.O. 1990, c. M.8*, a nursing home under the *Nursing Homes Act, R.S.O., 1990, c. N.7*, and a home for special care under the *Homes for Special Care Act, R.S.O. 1990, c, H.12*;

"Correctional Group Home" means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof, and licensed, approved or supervised by the Province of Ontario as a detention or correctional facility under any general or special act and amendments or replacement thereto. A correction group home may contain an office provided that the office is used only for the operation of the correctional group home in which it is located. A correctional group home shall not include any detention facility operated or supervised by the Federal Government nor any correctional institution or secure custody and detention facility operated by the Province of Ontario;

"Council" means the Council of the municipality;

"Derelict Structures" means buildings or structures that have received a formal notification from the Town indicating the building or structure must be demolished within six (6) months of receiving the formal notification;

"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 the effect of increasing the size of usability thereof, and includes redevelopment;

"Development Charge" means a charge imposed with respect to this By-law;

"Duplex" means a building comprising, by horizontal division, two (2) dwelling units, each of which has a separate entrance to grade;

"Dwelling Unit" means any part of a building or structure used, designed, or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and/or sanitary facilities for their exclusive use;

"Existing" means the number, use and size that existed as of January 1, 2019;

"Existing Industrial" means an Industrial Building or structure existing on a site as of January 1, 2019, 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 the January 1, 2019, for which full development charges were paid;

"Farm Building" means that part of a bona fide farming operation encompassing barns, silos, and other ancillary development to an agricultural use, but excluding a residential use;

"Gross Floor Area" means:

(a) in the case of a residential building or structure, the total area of all floors above or below grade, of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and

(b) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:

i. a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
ii. loading facilities above or below grade;
iii. a part of the building or structure below grade that is used for storage or other accessory use; and
iv. a part of the building or structure below grade that is used for the parking of motor vehicles unless the area is used for the storage of motor vehicles prior to being sold or rented to the general public or where the building or structure is used for the sale or renting of motor vehicle to the general public.

"Group Home" means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit which may or may not be supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof and licensed, approved or supervised by the Province of Ontario for the accommodation of persons under any general or special act and amendments or replacements thereto. A group home may contain an office

provided that the office is used only for the operation of the group home in which it is located;

"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;

"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;

"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, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or

(e) as a hospice to provide end of life care.

"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;

"Local Board" means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, 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, including school purposes, of the Town and/or the Region of York, or any part or parts thereof;

"Local Services" means those services, facilities or things which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under sections 41, 51 or 53 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, or any successor thereof;

"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 *Long-Term Care Homes Act, 2007;*

"Multiple Dwellings" means all dwellings other than Single-detached, Semi-detached, Apartment Unit, and Special Care/Special Need Dwelling, and includes Plexes, Duplex, Semi-detached Duplex, Triplex, Semi-detached Triplex, and the portion of a Live-Work Unit intended to be used exclusively for living accommodations for one or more individuals;

"Municipality" means the Corporation of the Town of Whitchurch-Stouffville;

"Non-residential Use" means a building or structure of any kind whatsoever used, designed, or intended to be used for a use other than a Residential Use, and includes the portion of a Live-Work Unit that is not intended to be used exclusively for living accommodations for one or more individuals;

"Nursing home" means a residential building or the residential portion of a mixed-use building licensed as a nursing home by the Province of Ontario, within the meaning of the *Nursing Homes Act, R.S.O., 1990, C. n.7.;*

"Official Plan" means the Official Plan adopted for the Town, as amended, and approved;

"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'

"Plexes" means a Duplex, Semi-detached Duplex, a Triplex, or a Semi-detached Triplex;

"Private School" means a private school defined under the *Education Act, 1990, c. E.2* or any successor thereto, being "an institution at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any school day for five or more pupils who are of, or over compulsory school age in any of the subjects of the elementary or secondary school courses of study";

"Regulation" means any regulation made pursuant to the Act;

"Residential Dwelling" means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units but not including motels, hotels, tents, truck campers, tourist trailers, or mobile camper trailers;

"Residential Use" means the use of a building, structure, or portion thereof for one or more dwelling units. This also includes a Dwelling Unit on land that is used for an Agricultural Use;

"Rental Housing Development" means development of a building or structure with four (4) or more Residential Units of all which are intended for use as rented residential premises;

"Retirement Home or Lodge" 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;

"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;

"Rowhouse" 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 separate from any abutting dwelling unit;

"Semi-detached Duplex" means one (1) of a pair of attached duplexes where each Duplex is divided vertically from the other by a party wall;

"Semi-detached Dwelling" means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;

"Semi-detached Triplex" means one (1) of a pair of Triplexes divided vertically, one (1) from the other, by a party wall;

"Semi-detached Dwelling" means a dwelling unit in a residential building consisting of two (2) dwelling units having one (1) vertical wall, but not other parts, attached or another dwelling unit where the residential units are not connected by an interior corridor;

"Service" means a service designed in Section 2.1 of this By-law, and "services" shall have a corresponding meaning;

"Servicing Agreement" means an agreement between a landowner and the Municipality relative to the provision of municipal services to specified land within the Municipality;

"Single Detached Dwelling Unit" means a residential building consisting of one (1) dwelling unit and not attached to another structure;

"Special Care/Special Need Dwelling" means a Building, or part of a Building:

(a) containing two or more Dwelling Units which units have a common entrance from street level;
(b) where the occupants have the right to use, in common with other occupants, halls, stairs, yards, common rooms and accessory Buildings;
(c) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements;
(d) where support services, such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and

attendant services are provided at any one or more various levels; and

(e) the residential building or the residential portion of a mixed-use building maintained and operated as a nursing home under the *Nursing Homes Act, R.S.O., 1990, C. n.7.*

and includes, but is not limited to, Retirement Home or Lodge, Charitable Dwelling, Group Home (including a Correctional Group Home), Hospice, and Nursing Home;

"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;

"Town" means the area within the geographic limits of the Town of Whitchurch-Stouffville;

"Townhouse Dwelling" means a building vertically divided into three or more dwelling units by common walls extending from the base of the foundation to the roof. Each dwelling unit shall have separate entrance directly to the outside, and includes, but is not limited to, a Back-to-Back Townhouse Dwelling and a Rowhouse, but excludes Stacked Townhouse Dwelling;

"Triplex" means a building comprising three (3) dwelling units, each of which has a separate entrance to grade;

"Zoning By-Law" means the Zoning By-Law of the Town, or any successor thereof passed pursuant to Section 34 of the *Planning Act, S.O. 1998.*

2. DESIGNATION OF SERVICES

2.1 The category of service for which development charges are imposed under this By-law is as follows:

(a) Services Related to a Highway

3. APPLICATION OF BY-LAW RULES

3.1 Development Charges shall be payable in the amounts set out in this by-law where:

(a) the lands are located in the area described in section 3.2; and

(b) the development of the lands requires any of the approvals set out in subsection 3.4(a).

Area to Which By-law Applies

3.2 Subject to section 3.3, this by-law applies to all lands in the Town, whether or not the land or use thereof is exempt from taxation under s. 13 or the *Assessment Act, R.S.O. 1990, c. A.31*, or any successor thereof.

3.3 Notwithstanding clause 3.2 above, this by-law shall not apply to lands that are owned by and used for the purposes of:

(a) the Municipality or a Local Board thereof;

(b) a Board of Education; or

(c) the Corporation of the Region of York or a Local Board thereof.

Approvals for Development

3.4

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

i. the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act, R.S.O. 1990, c. P. 13;*

ii. the approval of a minor variance under section 45 of the *Planning Act;*

iii. a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P. 13* applies;

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

v. a consent under section 53 of the *Planning Act, R.S.O. 1990, c. P. 13;*

vi. the approval of a description under section 50 of the Condominium Act, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or

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

(b) No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings, or structures to which this By-law applies even though two or more of the actions described in subsection 3.4(a) are required before the lands, buildings, or structures can be developed.

(c) Despite subsection 3.4(b), if two or more of the actions described in subsection 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect or increasing the need for services.

Exemptions

3.5 Notwithstanding the provisions of this by-law, Development Charges shall not be imposed with respect to:

(a) an enlargement to an existing dwelling unit;

(b) one or two additional dwelling units in an existing single detached dwelling or prescribed ancillary structure to the existing residential building;

(c) 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 prescribed ancillary structure to the existing residential building;

(d) the creation of one additional dwelling unit in any other existing residential building already containing at least one dwelling unit or prescribed ancillary structure to the existing residential building; or

(e) the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, 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	The proposed new detached dwelling must only contain two dwelling units. 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
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	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units. 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
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	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. 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

(f) Notwithstanding subsection 3.5(b), Development Charges shall be imposed, if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing Single Detached Dwelling Unit;

(g) Notwithstanding section 3.5(d), Development Charges shall be imposed, if the additional Dwelling Unit has a gross floor area greater than:

i. in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and

ii. in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

Discounts for Rental Housing:

The Development Charge payable for Rental Housing developments will be reduced based on the number of bedrooms in each unit as follows:

(a) Three or more bedrooms – 25% reduction;
(b) Two bedrooms – 20% reduction; and
(c) All other bedroom quantities – 15% reduction.

Other Exemptions:

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

(a) Affordable residential units; or
(b) Attainable residential units.

3.6 Exemptions for Industrial Development

3.6.1 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.

3.6.2 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:

(a) notwithstanding section 3.6.2, 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.

(b) 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

(c) 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

(d) 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 January 1, 2019, 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 January 1, 2019, for which full development charges were paid.

3.7 Other Exemptions

Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:

(a) The development of non-residential farm buildings constructed for an agricultural use.

Amount of Charges

3.8 Residential

The 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.

3.9 Non-Residential

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, and 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.

Reduction of Development Charges for Redevelopment

3.10 Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 60 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

(a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.8 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and

(b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 3.9, by the gross floor area that has been or will be demolished or converted to another principal use;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment; and

3.11 Not withstanding section 3.10, for Abandoned Structures and/or Derelict Structures that have received a formal notification from the Town indicating the building or structure must be demolished within six (6) months of receiving the formal notification, and demolition has taken place within the six (6) months of receiving the formal notification, the redevelopment credit will be available for up to 120 months from the date of demolition

Time of Payment of Development Charges

3.12 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 the first building permit is issued in relation to a Building or structure on land to which a Development Charge applies.

3.13 For residential development that requires approval of a plan of subdivision under section 51 of the Planning Act, a consent under section 53 of the Planning Act, site plan approval under section 41 of the Planning Act or a description under section 9 of the Condominium Act (collectively referred to as the "plan of subdivision") and for which a subdivision agreement, consent agreement, site plan agreement or condominium agreement (collectively referred to as the "subdivision agreement") is entered into, the portion of the development charge attributable to the Services Related to a Highway Component as set out in Schedule B shall be calculated in accordance with sections 26, 26.1 and 26.2 of the Act, and payable and collected as at the date the subdivision agreement between the Town and the owner is executed (unless a separate agreement is entered into between the Town and the owner under section 3.19 herein), on the basis of the following:

(a) the proposed number and type of dwelling units;

(b) with respect to blocks in the plan of subdivision intended for future development, the maximum number of dwelling units permitted under the then applicable zoning, whether or not there is a holding symbol in the zoning by-law as authorized by section 36 of the Planning Act.; and

(c) all other components of the Development Charge paid under this By-law shall continue to be collected in accordance with section 3.12

3.14 If at the time of issuance of a building permit or permits related to a plan of subdivision for which payments have been made pursuant to section 3.13, the actual total number and type of dwelling units for which building permits have been and are being issued, is greater than that used for the calculation and payment referred to in section 3.13, an additional payment shall be required with respect to the amount of the Services Related to a Highway Component, calculated in accordance with sections 26, 26.1 and 26.2 of the Act, for the Water Services Component by the difference between the number and type of dwelling units for which building permits have been and are being issued and the number and type of dwelling units for which payments have been made pursuant to section 3.13 and this section.

3.15 If following the issuance of all building permits for all development within a plan of subdivision or for all development in a block within a plan of subdivision that had been intended for future development and for which

payments have been made pursuant to section 3.13, the actual total number and type of dwelling units is less than that used for the calculation and payment referred to in section 3.13, a refund shall become payable by the Town to the person who originally made the payment referred to in section 3.13, which refund shall be calculated by multiplying the applicable amount for the Services Related to a Highway Component at the time such payments were made by the difference between the number and type of dwelling units for which payments were made pursuant to section 3.13 and the number and type of dwelling units for which building permits were issued.

3.16 Notwithstanding sections 3.13 through 3.15 inclusive, in the case of an Apartment Unit dwelling that is developed at a minimum density of one hundred dwelling units per net hectare pursuant to plans and drawings approved under section 41 of the Planning Act, the Services Related to a Highway Components under this By-law shall be payable on the date a first permit is issued under the Building Code Act in relation to the Apartment Unit dwelling on lands to which the Development Charges under this By-law apply.

3.17 Notwithstanding subsection 3.12 through 3.16 inclusive, Development Charges for rental housing and Institutional Developments are due and payable in six (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.

3.18 Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment on or after January 1, 2020, and the building permit was issued within 2 years of the approval, the Development Charges shall be calculated based on the rate in effect on the date of the Site Plan or Zoning By-law Amendment application was deemed complete, including interest.

3.19 Notwithstanding subsections 3.12 through 3.18 inclusive, the Town may enter into an agreement with a person/owner of land who is required to pay a Development Charge for:

(a) All or any part of a development charge to be paid before or after it would otherwise be payable;

(b) The total amount of the Development Charge payable under an agreement under this section is the amount of the Development Charge that would be determine under this by-law on the day specified in the agreement or, if no such day is specified, at the earlier of.

i. the time of the Development Charge or any part of it is payable under the agreement; or

ii. the time of the Development Charge would have been payable in the absence of the agreement.

(c) In an agreement under this section, the Town may charge interest, at a rate stipulated in the agreement, on that part of the Development Charge payable after it would otherwise be payable.

4. PAYMENT BY SERVICES

4.1 Despite the payment required under subsections 3.12 through 3.15, inclusive, Council may, by agreement, give a credit towards a Development Charge in

exchange for work that relates to a service to which a Development Charge relates under this by-law.

5. INDEXING

5.1 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this By-law, on July 1st of each year, in accordance with the prescribed index in the Act.

6. MANDATORY PHASE-IN

6.1 The amount of the Development Charges described in Schedule B to this bylaw shall be reduced as follows, in accordance with section 5(6) of the Act, subject to indexing as per section 5.1 herein:

(a) the first year that the by-law is in force - no more than 80 percent of the maximum Development Charge that could otherwise be charged;

(b) the second year that the by-law is in force - no more than 85 percent of the maximum Development Charge that could otherwise be charged;

(c) the third year that the by-law is in force - no more than 90 percent of the maximum Development Charge that could otherwise be charged;

(d) the fourth year that the by-law is in force - no more than 95 percent of the maximum Development Charge that could otherwise be charged; and

(e) the fifth to tenth years that the by-law is in force - 100 percent of the maximum Development Charge will be imposed.

7. SCHEDULES

7.1 The following schedules shall form part of this By-law:

Schedule A - List of Town-Wide Services
Schedule B - Residential and Non-Residential Development Charges

8. CONFLICTS

8.1 Where the Town and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

8.2 Notwithstanding section 7.1, where a development which is the subject of an agreement to which section 7.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4(a), an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this By-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

9. SEVERABILITY

9.1 If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

10. DATE BY-LAW IN FORCE

10.1 This By-law shall come into effect at 12:01 AM on January 1, 2024.

READ a first and second time this 6th day of December, 2023.

READ a third time and passed this 6th day of December, 2023.

Iain Lovatt, Mayor

Becky Jamieson, Clerk

SCHEDULE "A" TO BY-LAW
DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

Town-Wide Services

1. Services Related to a Highway

SCHEDULE "B" TO BY-LAW
SCHEDULE OF DEVELOPMENT CHARGES

Town-Wide Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Multiple Dwellings	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Services Related to a Highway	**8,360**	**6,875**	**5,520**	**3,782**	**2,817**	**3.00**