

The Corporation of the Township of Springwater

By-Law Number 2023-070 as amended by By-law 2024-061

A By-law to establish Development Charges for The Township of Springwater, and to repeal By-law 2018-045 and amending By-law 2021-117.

(Development Charges By-law)

Whereas Subsection 2(1) of the Development Charges Act, S.O. 1997, herein referred to as 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 arising from the development of the area to which the by-law applies; and

Whereas Council at its meeting on June 21, 2023 received the Township of Springwater Development Charges Background Study, dated April 21, 2023 (the “Study”), as amended May 23, 2023, and June 15, 2023; and

Whereas Notice of Public Meeting was given pursuant to Section 12 of the Act on or before May 11, 2023 and copies of the Development Charges Background Study and the proposed development charge by-law were made available to the public on April 21, 2023; and

Whereas a Public Meeting was held on May 31, 2023 to receive comments and representations from all persons who applied to be heard (the “Public Meeting”); and

Whereas Council has indicated at its meeting on June 21, 2023 that intends to ensure that the increase in the need for services attributable to the anticipated development will be met, subject to sufficient development charge revenues being generated and other Township affordability criteria being met; and

Whereas Council has indicated at this meeting on June 21, 2023 its intent that the future excess capacity identified in the Study shall be paid for by the development charges or other similar charges; and

Whereas Council determined at its meeting on June 21, 2023 that no further Public Meetings were required under Section 12 of the Act.

Now Therefore the Council of the Corporation of the Township of Springwater enacts as follows:

1. Definitions

In this By-law,

- 1.1. **Act:** means the Development Charges Act, 1997, as amended, S.O. 1997,c.27;
- 1.2. **Accessory:** means a use, building, or structure that is normally incidental and/or subordinate, and is exclusively devoted to a main use and/or a building and/or structure, and is located on the same lot therewith. Accessory has the same meaning as ancillary;
- 1.3. **Affordable Residential Unit:** means a residential unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the Act;
- 1.4. **Agricultural Use:** means a use of land, buildings, or structures for the purpose of beekeeping, dairying, fallow, field crops, forestry, fruit farming, horticulture, market gardening, pasturage, raising of livestock, or any other farming use;
- 1.5. **Apartment Unit:** means any residential dwelling unit within a building containing three 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;
 - 1.5.1. **Apartment, large:** means a dwelling unit contained within an apartment building that is two bedrooms or more or an ancillary unit with two or more bedrooms;
 - 1.5.2. **Apartment, small:** means a dwelling unit contained within an apartment building that is a one bedroom or bachelor suite or an ancillary unit with one or less bedrooms;
- 1.6. **Attainable Residential Unit:** means a residential unit that meets the criteria set out in subsection 4.1(4) of the Act;
- 1.7. **Bedroom:** means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a living room, dining room or kitchen;
- 1.8. **Benefiting area:** means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
- 1.9. **Board of Education:** means a board of education, French and English, public school boards, and separate school boards;
- 1.10. **Building:** means a structure having a roof supported by columns or walls and used for the shelter, accommodation or enclosure of persons, goods, animals, or chattels;
- 1.11. **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 or any successor legislation thereof;

- 1.12. **Capital Cost:** means costs incurred or proposed to be incurred by the Township or a local board thereof directly or under an agreement,
 - 1.12.1. To acquire land or an interest in land, including a leasehold interest,
 - 1.12.2. To improve land,
 - 1.12.3. To acquire, lease, construct or improve buildings and structures,
 - 1.12.4. To acquire, construct or improve facilities including,
 - 1.12.4.1. Furniture and equipment other than computer equipment,
 - 1.12.4.2. Materials acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 1990, c.P.44, and
 - 1.12.4.3. Rolling stock with an estimated useful life of seven years or more; and
 - 1.12.5. Interest on borrowing for those expenditures under clauses 1.12.1 to 1.12.4 above that are growth related;
- 1.13. **Class:** means a grouping of services combined to create a single service for the purposes of this by-law and as provided in Section 7 of the Development Charges Act. Also referred to as class of service or classes of services;
- 1.14. **Council:** means the Council of The Corporation of the Township of Springwater;
- 1.15. **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 gross floor area, or the making of an addition or alteration of a building or structure which has the effect of creating a new dwelling unit by the addition of sleeping, culinary and/or sanitary facilities where all such facilities did not exist at the time of the passage of this By-law, and includes re-development;
- 1.16. **Development Charge:** means a charge imposed with respect to growth- related net capital costs against land in the Township under this By-law pursuant to the Act;
- 1.17. **Dwelling, apartment building:** means a building containing more than four (4) dwelling units, each unit having access only from an internal corridor system, and may include administrative, maintenance, storage, laundry, garage and other similar accessory facilities provided for the convenience of the occupants;
- 1.18. **Dwelling, attached accessory:** means a dwelling unit, accessory to the main use of the property and contained within or attached to a main building;
- 1.19. **Dwelling unit, bachelor:** means a dwelling unit consisting of one bathroom and not more than two (2) habitable rooms and providing therein living, dining, sleeping and cooking facilities;

- 1.20. **Dwelling, detached accessory:** means a dwelling unit, accessory to the main use of the property and in the form of a Dwelling, Single Detached;
- 1.21. **Dwelling, duplex:** means a building of more than one (1) storey containing not more than two (2) dwelling units separated horizontally and each of which has an independent entrance;
- 1.22. **Dwelling, fourplex:** means a building which is divided horizontally and vertically so as to create four (4) dwelling units each of which has an independent entrance;
- 1.23. **Dwelling, semi-detached:** means one of a pair of two (2) dwelling units attached vertically along a common wall, each of which has an independent entrance;
- 1.24. **Dwelling, single detached:** means a building occupied or capable of being occupied as a dwelling unit;
- 1.25. **Dwelling, street townhouse:** means a townhouse building, as described in Section 28.58 of Zoning By-law 5000 in which each dwelling unit abuts a public street and where each unit is located on a separate lot;
- 1.26. **Dwelling, townhouse:** means a separate building divided vertically into three (3) or more dwelling units, each of which has direct access from the outside ground level and shares above ground party walls with abutting dwelling units;
- 1.27. **Dwelling unit:** means one or more rooms in a building, designed as, or intended as, or capable of being used or occupied by one persons or persons living together, in which living, sleeping, sanitary and food preparation facilities or facilities for the installation of kitchen equipment are provided for the exclusive use of such person or persons and has an independent entrance;
- 1.28. **Farm building:** means a farm building as defined in the Building Code Act;
- 1.29. **Floor:** includes a paved, concrete, wooden, gravel, or dirt floor;
- 1.30. **Front-ending Agreement:** means an agreement made under Section 44 of the Act between the Township and any or all owners within the benefiting area providing for front-end payments by an owner or owners or any combination thereof;
- 1.31. **Front-end Payment:** means a payment made by an owner pursuant to a front-ending agreement, which may be in addition to a development charge that the owner is required to pay under this By-law, to cover the net capital costs of the services designated in the agreement that are required to enable the land to be developed;
- 1.32. **Gross Floor Area:** means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls. O.Reg. 82/98, s. 1 (1);

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 any of the following:

- 1.32.1. A room or enclosed area within the building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that services the building;
 - 1.32.2. Loading facilities above or below grade;
 - 1.32.3. A part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;
- 1.33. **Growth-related Net Capital Cost:** means the portion of the net capital cost of services that is reasonably attributable to the need for such net capital cost that results or will result from development in all or a defined part of the Township;
- 1.34. **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.
- 1.35. **Institutional Development:** means development of a building or structure intended for use:
- 1.35.1. As a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
 - 1.35.2. As a retirement home within the meaning of Subsection 2 (1) of the Retirement Homes Act, 2010;
 - 1.35.3. By any one of the following post-secondary institutions for the objects of the institution:
 - 1.35.3.1. A university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 - 1.35.3.2. A college or university federated or affiliated with a university described in subclause (1), or
 - 1.35.3.3. An Indigenous Institute prescribed for the purposes of Section 6 of the Indigenous Institutes Act, 2017;
 - 1.35.4. As a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
 - 1.35.5. As a hospice to provide end of life care.
- 1.36. **Local Board:** means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other

board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority;

- 1.37. **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, as amended or any successor thereto;
- 1.38. **Mezzanine:** means a mezzanine as defined in the Building Code Act;
- 1.39. **Mixed-Use:** means lands, buildings or structures used, designed or intended to be used for both residential and non-residential uses;
- 1.40. **Mobile Home or Park Model Trailer:** means a dwelling unit that is designed to be made mobile and meets the following criteria:
- a) built on a single chassis, mounted on wheels;
 - b) designed to facilitate relocation from time to time;
 - c) designed to provide a permanent or seasonal residence for one or more persons, but not include a trailer;
 - d) designed as living quarters and may be connected to those utilities necessary for operation of installed fixtures and appliances; and
 - e) has a gross floor area, including lofts, not exceeding 50 sq.m (538.21 sq.ft.) when in the setup mode and having a width greater than 2.6 m (8.53 ft.) in the transit mode. 28.153

For the purposes of this by-law a mobile home or park model trailer which meets the definition of a dwelling unit in section 1.27 will be charged as an Apartment Unit, Small as defined by this by-law, otherwise the non-residential rate shall apply;

- 1.41. **Municipality:** means The Corporation of the Township of Springwater;
- 1.42. **Non-Profit Housing Development:** means development of a building or structure intended for use as residential premises by,
- 1.42.1. a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
 - 1.42.2. a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
 - 1.42.3. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation;
- 1.43. **Non-residential:** means land, buildings or structures or portions thereof used, or designed or intended to be used for a use other than for a dwelling unit;

- 1.44. **Other Multiple:** means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use and includes all commercial, industrial and institutional uses;
- 1.45. **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;
- 1.46. **Place of Worship:** means that part of a building or structure that is exempt from taxation as a place of worship under the Assessment Act, as amended or any successor thereto;
- 1.47. **Protracted:** means in relation to a temporary building or structure the persistence of its construction, erection, placement on land, alteration or, of an addition to it, for a continuous period exceeding the time provided in the Temporary Use Agreement or By-law;
- 1.48. **Rate:** means the interest rate established weekly by the Bank of Canada for treasury bills having a term of 30 days;
- 1.49. **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, or changing the use of all or part of a building from a residential purpose to a non-residential purpose or from a non-residential purpose to a residential purpose, or changing all or part of a building from one form of residential development to another form of residential development or from one form of non-residential development to another form of non-residential development;
- 1.50. **Regulation:** means any regulation made pursuant to the Act;
- 1.51. **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;
- 1.52. **Residential:** means the use of lands, buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one or more individuals;
- 1.53. **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;
- 1.54. **Site:** means a parcel of land which can be legally conveyed pursuant to Section 50 of the Planning Act and includes a development having two or more lots consolidated under one identical ownership;
- 1.55. **Special Care/Special Dwelling:** means a residence
- a) containing two or more dwelling rooms, which rooms have common entrance from street level; and
 - b) where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room and accessory buildings; and

- c) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where support services, such as meal preparation, grocery shopping, laundry, housing, nursing, respite care and attending services are provided at various levels; and includes but is not limited to retirement homes or lodges, group homes, dormitories, and hospices.
- 1.56. **Structure:** means anything constructed or erected, the use of which requires location on the ground, or which is attached to something having location on or in the ground;
- 1.57. **Temporary Building or Structure:** means a building or structure constructed or erected or placed on land for a continuous period not exceeding the time period provided in the Temporary Use Agreement, 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 the time provided in the Temporary Use Agreement of By-law;
- 1.58. **Township:** means The Corporation of the Township of Springwater;
- 1.59. **Trailer:** means any vehicle constructed to be attached and propelled by a motor vehicle and that is capable of being used by persons for living, sleeping or eating, even if the vehicle is jacked-up or its running gear is removed. Trailers include tent trailers or similar transportable accommodation, except a mobile home or park model trailer;
- 1.60. **Zoning By-Law:** means the Zoning By-law or By-laws passed under Section 34 of the Planning Act and in force and effect in the Township, or part thereof;

2. Rules

For the purpose of complying with Section 6 of the Act:

- 2.1. The area to which this By-law applies shall be the area described in Section 3 of this By-law;
- 2.1.1. The rules developed under paragraph 9 of subsection 5(1) of the Act for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be as set forth in Sections 4 through 11, inclusive and Section 17 of this By-law;
- 2.1.2. The exemptions provided for by such rules shall be the exemptions set forth in Sections 12 through 16, inclusive of this By-law, the indexing of charges shall be in accordance with Section 9 of this By-law and the phasing in of charges shall be in accordance with Section 10 of this By-law.
- 2.1.3. The redevelopment of land shall be in accordance with the rules set forth in Section 17 of this By-law.

3. Lands Affected

- 1.1. This By-law applies to all lands in the geographic area of the Township.

4. Designation of Services/Classes of Services

- 4.1. The categories of services/classes of services for which development charges are imposed under this by-law are as follows:
 - 4.1.1. Services related to a highway;
 - 4.1.2. Fire protection services;
 - 4.1.3. Parks and recreation services;
 - 4.1.4. Library services;
 - 4.1.5. Water services; and
 - 4.1.6. Wastewater services.
- 4.2. Components of the services designated in subsection 4.1 are described in Schedule A.

5. Approvals for Development

- 5.1. Development charges shall be imposed against all lands, buildings or structures within the area to which this By-law applies if the development of such lands, buildings or structures requires any of the following approvals:
 - 5.1.1. The passing of a zoning by-law or of an amendment thereto under section 34 of the Planning Act;
 - 5.1.2. The approval of a minor variance under section 45 of the Planning Act;
 - 5.1.3. A conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - 5.1.4. The approval of a plan of subdivision under section 51 of the Planning Act;
 - 5.1.5. A consent under section 53 of the Planning Act;
 - 5.1.6. The approval of a description under section 50 of the Condominium Act, or;
 - 5.1.7. The issuing of a permit under the Building Code Act, 1992 in relation to a building or structure.
- 5.2. No more than one development charge for each service designated in Subsection 4.1 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 5.1 are required before the lands, buildings or structure can be developed.

- 5.3. Notwithstanding Subsection 5.2, if two or more of the actions described in Subsection 5.1 occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by that action.
- 5.4. Where a development requires an approval described in Subsection 5.1 after the issuance of a building permit and no development charge has been paid, then the development charge shall be paid prior to the granting of the approval required under Subsection 5.1.
- 5.5. If a development does not require a building permit but does require one or more of the approvals described in Subsection 5.1, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such approval required for the increased or additional development being granted.
- 5.6. Nothing in this By-law prevents Council from requiring, as a condition of an agreement under sections 51 or 53 of the Planning Act, that the owner, at his or her own expense, install such local services related to a plan of subdivision or within the area to which the plan or consent relates, as Council may require.

6. Calculation of Development Charges

- 6.1. The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:
 - 6.1.1. In the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units; or
 - 6.1.2. In the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the gross floor area of such development.

7. Amount of Charge – Residential

- 7.1. The development charges described in Schedule B to this By-law 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 component of the mixed-use building or structure, according to the type of residential use.

8. Amount of Charge – Non-Residential

- 8.1 The development charges described in Schedule B to this By-law shall be imposed on non-residential uses of lands, buildings or structures, including a non-residential use accessory to a dwelling unit and, in the case of a mixed-use building or structure, on the non-residential component of the mixed-use building or structure, according to the type of non-residential use.

9. Indexing of Development Charges

- 9.1. The development charges set out in Schedule B shall be adjusted without amendment to this By-law annually on January 1st in each year, commencing January 1, 2024, in accordance with the most recent twelve month change in Statistics Canada Quarterly, Non-residential Building Construction Price Index.

10. Phasing, Timing of Calculation and Payment

~~10.1. The amount of the development charges described in Schedule B to this by-law shall be reduced in accordance with section 5(8) of the Act. Therefore, the following percentages of the charges provided in Schedule B will be imposed (subject to annual indexing as per Section 9 of this by-law):~~

- ~~a) Year 1 - 80 per cent;~~
- ~~b) Year 2 - 85 per cent;~~
- ~~c) Year 3 - 90 per cent;~~
- ~~d) Year 4 - 95 per cent;~~
- ~~e) Year 5 through 10 - 100 per cent.~~

Note: Section 10.1 has been repealed.

- 10.2. Subject to Section 17 (with respect to redevelopment) and Subsections 10.3 to 10.5 below, the development charges set out in Schedule B shall be calculated as of, and shall be payable as follows:
- 10.2.1. For fire protection services, parks and recreation services, and library services; on the date the first building permit is issued in relation to a building or structure on land to which the development charge applies.
- 10.2.2. For services related to a highway, water, and wastewater services; the development charges are payable, with respect to an approval of a plan of subdivision or a severance under section 51 or 53 of the Planning Act, immediately upon entering into the subdivision/consent agreement, based upon the number and type of residential lots created, and in the case of subdivision blocks, based on the maximum zoned capacity of each block pursuant to the Township's Zoning By-law.
- 10.3. Notwithstanding Subsection 10.2 above, the Township may require an owner to enter into an agreement, including the provision of security for the owner's obligations under agreement, pursuant to Section 27 of the Act providing for all or part of a development charge to be paid before or after it otherwise would be payable. The terms of such agreement shall then prevail over the provision of this By-law.
- 10.4. Notwithstanding Section 10.2, development charges for rental housing and institutional developments are due and payable in 6 equal annual payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest at the interest rate as provided in accordance with Section 26.3 of the Act.

- 10.5. Where the development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under Sections 7 and 8 shall be calculated on the rates set out in Schedule B on the date of the planning application, including interest in accordance with Section 26.3 of the Act. Where both planning applications apply development charges under Sections 7 and 8 shall be calculated on the rates, including interest at the interest rate as provided in accordance with Section 26.3 of the Act, as may be revised from time to time, as set out in Schedules B on the date of the later planning application, including interest.

11. Payment by Money or the Provision of Services

- 11.1. Payment of development charges shall be by cash or by cheque.
- 11.2. In the alternative to payment by the means provided in Subsection 11.1 above, the Township may, by an agreement entered into with the owner, accept the provision of services in full or partial satisfaction of the development charge otherwise payable provided that:
- 11.2.1. If the credit exceeds the amount of the charge for the service to which the work relates,
- 11.2.1.1. The excess amount shall not be credited against the charge for any other service, unless the Township has so agreed in an agreement under Section 38 of the Act; and
- 11.2.1.2. In no event shall the Township be required to make a cash payment to the credit holder.
- 11.3. If a development charge or any part of it remains unpaid after it is payable, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes pursuant to Section 32 of the Act.

12. Rules with Respect to Exemptions for Intensification of Existing Housing

- 12.1. No Development Charge shall be imposed where the only effect of an action referred to in Section 5 of this By-law is to:
- 12.1.1. permit an enlargement to an existing residential Dwelling Unit;
- 12.1.2. permit the creation of additional dwelling units equal to the greater of one Dwelling Unit or one percent of the existing Dwelling Units is existing Rental Housing or a prescribed ancillary residential dwelling structure to the existing residential building;
- 12.1.3. Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in existing houses:

- 12.1.3.1. 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.
- 12.1.3.2. 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.
- 12.1.3.3. One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.
- 12.1.4. Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in new residential buildings:
 - 12.1.4.1. 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.
 - 12.1.4.2. 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.
 - 12.1.4.3. One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units
- 12.2. Notwithstanding 12.1 above, Development Charges shall be imposed if the additional Dwelling Unit(s) has a Gross Floor Area greater than:
 - 12.2.1. in the case of a Semi-detached Dwelling Unit or Townhouse Dwelling Unit, the Gross Floor Area of the existing Dwelling Unit; and
 - 12.2.2. in the case of any other Residential Building, the Gross Floor Area of the smallest Dwelling Unit contained in the said residential Building.

- 12.3. The exemption to Development Charges in 12.1 above shall only apply to the first instance of intensification in an existing or new dwelling.
- 12.4. Subject to 12.2, 12.3, and 12.4 above, any exemption under 12.1 above shall apply to the smallest Dwelling Unit, as determined by applicable rates under this By-law.

13. Rules with Respect to Credits for Services or Lot Levies

- 13.1. Section 17 of Ontario Regulation 82/98 as amended under the Development Charges Act applies only to those owners who applied for and received credits from the Township in 1999.
- 13.2. If an owner or a former owner has, before the coming into force of a development charge by-law passed prior to the enactment of the Act, paid all or any portion of a charge related to development pursuant to an agreement under Section 51 or 53 of the Planning Act, or a predecessor thereof with respect to land within which this By-law applies, the Treasurer may give credit in the amount of a development-related levy if and when the owner provides written proof of payment prior to the payment of a development charge under this By-law.
- 13.3. In the event that the charge or levy related to the development in respect of which a credit is available pursuant to the provisions of Subsection 13.1 or 13.2 was paid in connection with a particular service, the credit available shall not exceed the amount of the component of the development charge for the particular service payable under this By-law and no refunds shall apply.
- 13.4. A credit given under Subsection 13.1 or 13.2 shall not exceed the total development charge payable by the owner.
- 13.5. The provisions of Section 40 of the Act shall apply to any credit given under Subsection 13.1 of this By-law.

14. Categories of Exempt Development

- 14.1. The following categories of development are hereby designated as being exempt from the payment of development charges:
 - 14.1.1. buildings or structures owned by and used for the purposes of the Township or other municipality, or their local boards;
 - 14.1.2. buildings or structures owned by a board of education and used for school purposes pursuant to the Education Act, R.S.O. 1990, as amended;
 - 14.1.3. buildings or structures owned by and used for the purposes of a college of applied arts and technology established pursuant to the Ministry of Colleges and Universities Act, R.S.O. 1990, c. M.19;
 - 14.1.4. buildings or structures owned by a religious organization and used for the purposes of a place of worship;

- 14.1.5. buildings or structures owned by and used for the purposes of a public hospital; and
- 14.1.6. buildings or structures used for and devoted solely for accommodation of temporary or seasonal agricultural labourers which may contain their own culinary facilities and sanitary facilities, and which do not receive municipal sanitary sewer or water supply services.
- 14.1.7. 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 is exempt from development charges imposed under the Development Charges Act, 1997 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.
- 14.1.8. Non-profit Housing development.
- 14.1.9. Affordable housing units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning).

14.1.10. Discounts for Rental Housing (for profit)

14.1.10.1. The D.C. payable for rental housing developments, where the residential units are intended to be used as a rented residential premises will be reduced based on the number of bedrooms in each unit as follows:

- 14.1.10.1.1. Three or more bedrooms – 25% reduction
- 14.1.10.1.2. Two bedrooms – 20% reduction
- 14.1.10.1.3. All other bedroom quantities – 15% reduction

14.1.10.2. Other Exemptions (upon proclamation)

14.1.10.2.1. Once proclamation is received by the Lieutenant Governor, the following shall be exempt from development charges:

- 14.1.10.2.1.1. Affordable residential units; and
- 14.1.10.2.1.2. Attainable residential units.

14.1.11. Exemption for Industrial Expansion

14.1.11.1. If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with the following:

- (a) Subject to Section 8, if the gross floor area is enlarged by 50 per cent or less of the lesser of:
 - i. the gross floor area of the existing industrial building, or

- ii. the gross floor area of the existing industrial building before the first enlargement for which:
 - a) an exemption from the payment of development charges was granted, or
 - b) a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is zero;
- (b) Subject to Section 8, if the gross floor area is enlarged by more than 50 per cent or less of the lesser of:
- i. the gross floor area of the existing industrial building, or
 - ii. the gross floor area of the existing industrial building before the first enlargement for which:
 - a) an exemption from the payment of development charges was granted, or
 - b) a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
 - i. determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and
 - ii. divide the amount determined under subsection (i) by the amount of the enlargement.
- c) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsection 14.1.11 (b), the cumulative gross floor area of any previous enlargements for which:
- i. An exemption from the payment of development charges was granted, or
 - ii. A lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection, shall be added to the calculation of the gross floor area of the proposed enlargement.

14.1.12. For the purpose of section 14.1.11, "existing industrial building" is used as defined in the Regulation made pursuant to the Act.

15. Agricultural Uses

- 15.1. Agricultural uses as well as farm buildings and other ancillary development to an agricultural use, excluding any residential uses, shall be exempt from the provisions of this By-law.

16. Temporary Buildings or Structures

- 16.1. Temporary buildings or structures shall be exempt from the provisions of this By-law.
- 16.2. In the event that a temporary building or structure becomes protracted, it shall be deemed not to be, nor ever to have been, a temporary building or structure, and the development charges required to be paid under this By-law shall become payable on the date the temporary building or structure becomes protracted.
- 16.3. Prior to the Township issuing a building permit for a temporary building or structure, the Township shall require an owner to enter into an agreement, including the provision of security for the owner's obligation under the agreement, pursuant to Section 27 of the Act providing for all or part of the development charge required by Subsection 16.2 to be paid after it would otherwise be payable. The terms of such agreement shall then prevail over the provisions of this By-law.

17. Rules with Respect to the Redevelopment of Land

- 17.1. Where there is a redevelopment of land on which there is a conversion of space proposed, or on which there was formerly erected a building or structure that has been demolished or removed, a credit shall be allowed against the development charge otherwise payable by the owner pursuant to this By-law for the portion of the building or structure still in existence that is being converted or for the portion of the building or structure that has been demolished or removed, as the case may be, calculated by multiplying the number and type of dwelling units being converted or demolished or removed, or the non-residential gross floor area being converted or demolished or removed, by the relevant development charge in effect on the date when the development charge is payable in accordance with this By-law. In the case of the conversion, demolition or removal of non-residential space and redevelopment as a residential or mixed use, the credit shall be calculated based on the non-residential development charges in Schedule B of this By-law.
- 17.2. A credit in respect of any demolition or removal under this Section shall not be given unless a building permit has been issued or a subdivision agreement has been entered into with the Township for the development within 5 years from the date the demolition permit was issued.
- 17.3. The amount of any credit hereunder shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

18. Interest

18.1. The Township shall pay interest on a refund under Subsection 18(3) and 25(2) of the Development Charges Act, 1997 at a rate equal to the Bank of Canada rate on the date this By-law comes into force.

19. Front Ending Agreements

19.1. The Township may enter into agreement under Section 44 of the Act.

20. Schedules

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

Schedule 'A' Designated Services

Schedule 'B' Schedule of Residential and Non-residential Development Charges

Schedule 'C' Elmvale Water and Wastewater Service Area Charges Map

21. By-law Registration

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

22. Date By-law Effective

22.1. This By-law comes into force and takes effect on June 22, 2023.

23. Date By-law Expires

23.1. This By-law expires December 31, 2031, unless rescinded earlier.

24. Repeal

24.1. That Development Charge By-law 2018-045 and amending By-law 2021-117 are hereby repealed on the date this by-law comes into force.

25. Headings for Reference Only

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

26. Severability

26.1. If, for any reason, any provision, section, subsection or paragraph of this By-law is held 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 or amended, in whole or in part or dealt with in any other way.

Read a First, Second and Third time and finally passed this 21st day of June, 2023.

Jennifer Coughlin, Mayor

Renée Ainsworth, Clerk

Schedule “A” to By-Law 2023-070 Designated Services

General Services:

- Services Related to a Highway
 - Services Related to a Highway – Roads (complete streets)
 - Services Related to a Highway – Traffic Signals and Streetlights
 - Services Related to a Highway – Public Works
- Fire Protection Services
 - Facilities
 - Vehicles
 - Small Equipment and Gear
- Parks and Recreation Services
 - Parkland Development, Amenities, and Trails
 - Recreation Facilities
- Library Services
 - Facilities and Materials

Urban Services:

- Elmvale
 - Water Services
 - Wastewater Services

Schedule “B” to By-Law 2023-070

Schedule of Residential and Non-residential Development Charges

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)	(per sq.m. of Gross Floor Area)
Township Wide Services/Class of Service:							
Services Related to a Highway	7,610	5,508	4,237	2,762	2,527	3.43	36.92
Fire Protection Services	2,016	1,459	1,122	732	670	0.90	9.69
Parks and Recreation Services	10,078	7,294	5,611	3,658	3,347	1.59	17.11
Library Services	1,484	1,074	826	539	493	0.23	2.48
Total Township Wide Services/Class of Services	21,188	15,335	11,796	7,691	7,037	6.15	66.20
Urban Services							
Elmvale							
Water Services	1,245	901	693	452	413	0.60	6.46
Wastewater Services	12,125	8,775	6,751	4,400	4,027	5.80	62.43
Total Urban Services Elmvale	13,370	9,676	7,444	4,852	4,440	6.40	68.89
Total Township-wide	21,188	15,335	11,796	7,691	7,037	6.15	66.20
Total Elmvale	34,558	25,011	19,240	12,543	11,477	12.55	135.09

Schedule "C" To By-Law 2023-070

Elmvale Water and Wastewater Service Area Charges Map

