

**THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA  
BY-LAW NUMBER 39-2024**

**BEING A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF EAST  
GARAFRAXA WITH RESPECT TO DEVELOPMENT CHARGES**

**WHEREAS** the Township of East Garafraxa will experience growth through development and re-development;

**AND WHEREAS** development and re-development requires the provision of physical and social services by the Township of East Garafraxa;

**AND WHEREAS** Council desires to ensure that the capital cost of meeting growth-related demands on municipal services does not place an excessive financial burden on the Township of East Garafraxa 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 WHEREAS** the Council of the Corporation of the Township of East Garafraxa has given notice of and held a public meeting on the 23rd day of July, 2024 in accordance with the Act and the regulations thereto;

**AND WHEREAS** any person who attended the public meeting was afforded an opportunity to make representations and the public generally were afforded an opportunity to make written submissions relating to this proposed By-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA ENACTS AS FOLLOWS:**

**1. Interpretation**

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

- 1) "Act" means the *Development Charges Act, 1997*, S.O. 1997, c. 27;
- 2) "Affordable Residential Unit" means a Residential Unit that meets the criteria set out in subsection 4.1 of the Act;
- 3) "Agricultural Use" means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur, or fibre, including poultry and fish; aquaculture; apiaries; agro- forestry, maple syrup projection; and associated on-farm buildings and structures, including but not limited to livestock facilities and manure storages, excluding:
  - a) Residential uses;
  - b) On-farm diversified uses;
  - c) Cannabis Production Facilities;

- d) Greenhouse.
- 4) "Ancillary Residential Use" means a Residential Dwelling that would be ancillary to a Single Detached Dwelling, Semi-Detached Dwelling, or Row dwelling;
  - 5) "Apartment Unit" means any residential unit within a building containing more than four dwelling units where the units are connected by an interior corridor. Despite the foregoing, an apartment dwelling includes Stacked Townhouse Dwellings;
  - 6) "Assessment Act" means the Assessment Act, R.S.O. 1990, c. A.31, as amended or any successor thereto;
  - 7) "Attainable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1 of the Act;
  - 8) "Back-to-Back Townhouse Dwelling" means a building containing four (4) or more dwelling units separated vertically by a common wall, including a rear common wall, that does not have a rear yard with amenity area;
  - 9) "Bedroom" means a habitable room which can be used as sleeping quarters, but does not include a bathroom, living room, dining room or kitchen;
  - 10) "Board of Education" has the same meaning as set out in the Education Act, R.S.O. 1990, Chap. E.2, as amended, or any successor thereof;
  - 11) "Bona Fide Farm Uses" means the proposed development that 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;
  - 12) "Building" means a permanent enclosed structure occupying an area greater than ten square metres (10 m<sup>2</sup>) and, notwithstanding the generality of the foregoing, includes, but is not limited to:
    - a) An above-grade storage tank;
    - b) An air-supported structure;
    - c) An industrial tent;
    - d) A roof-like structure over a gas-bar or service station; and
    - e) An area attached to and ancillary to a retail development delineated by one or more walls or part walls, a roof-like structure, or any one or more of them.
  - 13) "Building Code Act" means the Building Code Act, S.O. 1992, as amended, or any successor thereof;
  - 14) "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.
- 15) "Cannabis Plant" means a plant that belongs to the genus "Cannabis";
- 16) "Cannabis Facilities" means a Building, or part thereof, designed, used, or intended to be used for one or more of the following: cultivation, growing propagation, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment or distribution of cannabis where a licence, permit or authorization has been issued under applicable federal law but does not include a Building or part thereof solely designed, used, or intended to be used for retail sales of cannabis.
- 17) "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. furniture and equipment other than computer equipment, and
    - ii. material acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 1990, Chap. P.44, as amended, or any successor thereof; and
    - iii. rolling stock with an estimated useful life of seven years or more, and
  - e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d) above, including the development charge background study required for the provision of services designated in this By-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (a) to (e) above that are growth-related;
- 18) "Commercial" means any use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include industrial or agricultural uses, but does include hotels, motels, motor inns and boarding, lodging and rooming houses;
- 19) "Council" means the Council of the Township of East Garafraxa;
- 20) "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 size of usability thereof, and includes redevelopment;
- 21) "Development Charge" means a charge imposed with respect to this By-law;
- 22) "Duplex" means a building comprising, by horizontal division, two dwelling units;
- 23) "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 sanitary facilities for their exclusive use;

- 24) "Education Act" means the Education Act, R.S.O. 1990, c. E.2, as amended or any successor thereto;
- 25) "Existing" means the number, use and size that existed as of the date this by-law was passed;
- 26) "Farm Building" means a building or structure associated with and located on land devoted to the practice of farming and that is used essentially for the housing of farm equipment or livestock or the production, storage or processing of agricultural and horticultural produce or feeds and as part of or in connection with a bona fide farming operation and includes barns, silos and other buildings or structures ancillary to that farming operation, including greenhouses, but excludes:
  - a) a residential use, with the exception of a bunk house for seasonal farm workers required for that farm operation; and
  - b) any building or portion thereof used or intended to be used for any other Non- Residential Use, including, but not limited to: retail sales; commercial services; restaurants; banquet facilities; hospitality and accommodation facilities; gift shops; contractors' shops; services related to grooming, boarding, or breeding of household pets; and alcohol and marijuana production facilities.
- 27) "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- 28) "Greenhouse" means the use of a building or structure for the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, vegetables, and other types of nursery stock for wholesale or retail purposes. Such use may also include the retail sale of greenhouse products customarily, incidental, subordinate and exclusively, devoted to the principal use, located on the same lot therein. A retail space accessory to a greenhouse shall have a maximum retail floor area of 75 square metres.
- 29) "Gross Floor Area" means:
  - a) in the case of a residential building or structure, the total area of all floors above 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. outdoor loading facilities above grade; and
  - c) 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, but does not include showrooms;
- 30) "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;
- 31) "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, self-storage facilities, or any land, buildings or structures used for an agricultural use;
- 32) "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 *Fixing Long-Term Care Homes Act, 2021*;
  - 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;
- 33) "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;
- 34) "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 municipality or any part or parts thereof;
- 35) "Local Services" means those services, facilities or things which are under the jurisdiction of the Township of East Garafraxa 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, Chap. P.13, as amended, or any successor thereof;
  - 36) "Long-term Care Home" means a residential building or the residential portion of a mixed-use building within the meaning of subsection 2 (1) of the *Fixing Long-Term Care Homes Act, 2021*
  - 37) "Mixed Use Development" means a building that is used, designed, and/or designated to be used for both residential and non-residential purposes, including, but not limited to a Live-work Unit;
  - 38) "Municipality" means the Corporation of the Township of East Garafraxa;
  - 39) "Non-profit Housing Development" means development of a building or structure intended for use as residential premises by:
    - a) 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;
    - b) 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
    - c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.
  - 40) "Non-Residential Use" means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use;
  - 41) "Official Plan" means the Official Plan adopted for the Township, as amended and approved;
  - 42) "On-Farm Diversified Use" means a use, occurring entirely and exclusively within a detached building that is secondary and subordinate to the active and principle agricultural use occurring on a property. Such uses shall be integrated within a farm cluster of buildings which must include a dwelling, and may include, but are not limited to, uses that produce value added agricultural products or provide a service that is supportive of regional agri-business.
  - 43) "Other Multiple Dwellings" means all dwellings other than Single-Detached, Semi- Detached and Apartment Unit dwellings;
  - 44) "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;
  - 45) "Planning Act" means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or any successor thereto;

- 46) "Rate" means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;
- 47) "Redevelopment" means the construction, erection or placing of one (1) 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;
- 48) "Regulation" means any regulation made pursuant to the Act;
- 49) "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.
- 50) "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, mobile camper trailers or boarding, lodging or rooming houses;
- 51) "Residential Use" means the use of a building or 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;
- 52) "Retirement Home" means a residential building or the residential portion of a mixed-use building which provides accommodation primarily for retired persons or couples where each private bedroom or living accommodation has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;
- 53) "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;
- 54) "Row Townhouse" has the same meaning as a Row Dwelling;
- 55) "Semi-Detached Dwelling" means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor;
- 56) "Service" means a service designed in Schedule "A" to this By-law, and "services" shall have a corresponding meaning;
- 57) "Servicing Agreement" means an agreement between a landowner and the municipality relative to the provision of municipal services to specified land within the municipality;
- 58) "Single Detached Dwelling Unit" means a residential building consisting of one dwelling unit and not attached to another structure;
- 59) "Stacked Townhouse" means a building, other than a Duplex, Row Dwelling, or Back-to-Back Townhouse, containing at least two or more dwelling units; each

dwelling unit separated from the other vertically and/or horizontally and each dwelling unit having a separate entrance to grade

- 60) "Temporary 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 gross floor area thereof for a continuous period not exceeding eight months
- 61) "Township" means the area within the geographic limits of the Township of East Garafraxa;
- 62) "Wind Turbine" means a part of a system that converts energy into electricity, and consists of a wind turbine, a tower and associated control or conversion electronics. A wind turbine and energy system may be connected to the electricity grid in circuits at a substation to provide electricity off-site for sale to an electrical utility or other intermediary; and
- 63) "Zoning By-Law" means the Zoning By-Law of the Township of East Garafraxa or any successor thereof passed pursuant to section 34 of the Planning Act, S.O. 1998.

## **2. Designation of Services and Class of Services**

2.1 The categories of services and class of services for which development charges are imposed under this By-law are as follows:

- a) Services Related to a Highway
- b) Fire Protection Services
- c) Parks and Recreation Services
- d) Library Services
- e) Growth-related Studies (Class of Services)

## **3. 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 Township whether or not the land or use thereof is exempt from taxation under section 13 of the Assessment Act.

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; or
- b) a Board of Education.

### 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*;
  - 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* 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*;
  - 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 section 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 of increasing the need for services.

#### Exemptions

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) 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;
- c) 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;
- d) One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other

- building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units;
- e) 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;
  - f) 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;
  - g) One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units; or
  - h) In an existing rental residential Building, which contains four or more residential Dwelling Units, the creation of the greater of one residential Dwelling Unit or one percent of the existing residential Dwelling Units.

### 3.5. Exemption for Industrial Development

3.5.1. 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, of the original Gross Floor Area.

3.5.2. 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:

- 1) determine the amount by which the enlargement exceeds 50 percent of the Gross Floor Area before the enlargement;
- 2) divide the amount determined under subsection 1) by the amount of the enlargement

3.6. For the purpose of section 3.5 herein, "Existing Industrial Building" is used as defined in the Regulation made pursuant to the Act.

### 3.7. Other Exemptions

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

- i. Non-residential farm buildings constructed for Bona Fide Farm Uses
- b) The Development Charge payable for Rental Housing developments will be reduced based on the number of bedrooms in each unit as follows:
  - i. Three or more bedrooms - 25% reduction;
  - ii. Two bedrooms - 20% reduction; and
  - iii. All other bedroom quantities - 15% reduction.
- c) The following shall be exempt from payment of the Development Charges:
  - i. Affordable Residential Unit;
  - ii. Attainable Residential unit;
  - iii. Affordable inclusionary zoning Residential Units; and
  - iv. Non-Profit Housing units.

### Amount of Charges

#### Residential

- 3.8. 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 each of the services according to the type of residential use.

#### Non-residential

- 3.9. 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 each of the services according to the total floor area of the non-residential use.
- 3.10. In the case of wind turbines, the sum of the number of wind turbines multiplied by the corresponding amount of each wind turbine as set out in Schedule "B",

### Reduction of Development Charges for Redevelopment

- 3.11. 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 three (3) years 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 section 3.11 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 section 3.12, 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.

#### Time of Payment of Development Charges

- 3.12. Subject to the provisions of this by-law, Development Charges shall be calculated, paid and collected at the rates as set out in Schedule "B" to this by-law.
- 3.13. Except as otherwise provided in this By-law, Development Charges shall be determined 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.
- 3.14. Except as otherwise provided in this By-law, a building permit shall not be issued until the development charge has been paid in full.
- 3.15. Notwithstanding subsections 3.13, Development Charges for rental housing and institutional developments are due and payable in 6 equal instalments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest at the prescribed rate, as per the Act, payable on the anniversary date each year thereafter.
- 3.16. Notwithstanding subsections 3.12 through 3.15, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received and approved between January 1, 2020, and June 5, 2024, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under subsections 3.8 through 3.10 shall be calculated based on the rates set out in Schedule "B" on the date the planning application was made. Where both planning applications apply, development charges under subsections 3.8 through 3.10 shall be calculated on the rates set out in Schedule "B", on the date of the latter planning application, including interest at the prescribed rate.

- 3.17. Notwithstanding subsections 3.12 through 3.16, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received on or after January 1, 2020, where the approval of the application occurred on or after June 6, 2024, and the approval of the application occurred within 18 months of building permit issuance, the Development Charges under subsection 3.8 through 3.10 shall be calculated based on the rates set out in Schedule "B" on the date of the planning application, including interest at the prescribed rate. Where both planning applications apply, development charges under subsections 3.8 through 3.10 shall be calculated on the rates set out in Schedule "B", on the date of the latter planning application, including interest, including interest at the prescribed rate.
- 3.18. Interest for the purposes of rules 3.15 and 3.16 shall be determined as prescribed in the Development Charges Act, as amended from time to time.
- 3.19. Despite sections 3.13 and 3.15 through 3.17, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

#### **4. Payment by Services**

- 4.1 Despite the payment required under sections 3.8, 3.9, and 3.10, 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 on January 1st of each year without amendment to this By-law, in accordance with the second quarter of the prescribed index in the Act.

#### **6. Schedules**

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

Schedule "A" – Designated Township Services and Class of Services Under This By-law (as per section 2.1)

Schedule "B" – Schedule of Residential and Non-Residential Development Charges

#### **7. Conflicts**

- 7.1 Where the Township 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.

7.2 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.

## **8. Severability**

8.1 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.

## **9. By-law to be Repealed**

9.1 That By-law 32-2019 as amended by By-law 34-2024, and all previous By-laws passed under the Act or its predecessor with respect to Development Charges are hereby repealed.


## **10. Date By-law in Force**


10.1. This By-law shall come into effect on October 31, 2024.

## **11. Date By-law Expires**

10.1. This By-law will expire on October 31, 2034 unless it is repealed by Council at an earlier date.

**PASSED THIS 22<sup>nd</sup> DAY OF OCTOBER 2024**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

**SCHEDULE "A" TO BY-LAW 39-2024  
DESIGNATED TOWNSHIP SERVICES AND CLASS OF SERVICES  
UNDER THIS BY-LAW**

Township-wide Services

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

Township-wide Class of Services

1. Growth-Related Studies

**SCHEDULE "B" TO BY-LAW 39-2024**  
**SCHEDULE OF RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT CHARGES**

Services/Class of Services	RESIDENTIAL				NON-RESIDENTIAL	
	Single/Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	(per sq.ft. of Gross Floor Area)	Wind Turbines
<b>Township-Wide Services:</b>						
Services Related to a Highway	21,490	15,811	11,857	5,894	8.30	21,490
Fire Protection Services	1,091	803	602	299	0.42	1,091
Parks and Recreation Services	3,275	2,410	1,807	898	0.25	-
Library Services	805	592	444	221	0.06	-
<b>Township-Wide Class of Services:</b>						
Growth-Related Studies	3,621	2,664	1,998	993	1.14	3,621
<b>Total Township-Wide Services/Class of Services</b>	<b>\$30,282</b>	<b>\$22,280</b>	<b>\$16,708</b>	<b>\$8,305</b>	<b>\$10.17</b>	<b>\$26,202</b>