

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2024-085

A BY-LAW FOR THE IMPOSITION OF DEVELOPMENT CHARGES

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**WHEREAS** the Town of Amherstburg will experience growth through development and re-development;

**AND WHEREAS** development and re-development requires the provision of physical and social services by the Town of Amherstburg;

**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 Amherstburg 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 Town of Amherstburg has given notice of and held a public meeting on the 15th day of October, 2024 in accordance with the Act and the regulations thereto;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG ENACTS AS FOLLOWS:**

**1. INTERPRETATION**

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

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

“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;

“apartment dwelling” means a building containing more than four dwelling units where the units are connected by an interior corridor, including stacked dwellings, but excluding a special care/special dwelling unit;

“apartment dwelling unit” means a dwelling unit within an apartment dwelling;

“attainable residential unit” means a residential unit that meets the criteria set out in subsection 4.1(4) of the Act;

“back-to-back townhouse dwelling” means a building containing four or more dwelling units vertically by a common wall, including a rear common wall, that do not have rear yards.

“back-to-back townhouse dwelling unit” means a dwelling unit within a back-to-back townhouse dwelling.

“bedroom” means a habitable room which can be used as sleeping quarters, but does not include a bathroom, living room, dining room or kitchen;

“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;

“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, However, “bona fide farm uses” does not include marijuana production facilities and commercial greenhouses;

“building” means any structure or building as defined in the Building Code Act but does not include a vehicle.

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

“cannabis” means:

- i. A cannabis plant;
- ii. 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;
- iii. Any substance or mixture of substances that contains or has on it any part of such a plant; and
- iv. 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: cultivation, propagation, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment or distribution of cannabis or marijuana 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 or marijuana.

“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, lease, construct or improve facilities including,
  - i. rolling stock with an estimated useful life of seven years or more,
  - ii. furniture and equipment, other than computer equipment, and

- iii. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.. O. 1990, c. 57, and
- e. to undertake studies in connection with any of the matters referred to in clauses (a) to (d);
- f. to complete the development charge background study required under section 10 of the Act;
- g. interest on money borrowed to pay for costs in (a) to (d) above that are growth related;

“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;

“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.

“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 bona fide farm uses, but does include commercial greenhouses, hotels, motels, and motor inns;

“commercial greenhouse” means a building used, designed, or intended to be used for the sale, display, storage, and/or growing of plant products, flowers, fruits, vegetables, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from the lot either at wholesale or retail.

“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 Town of Amherstburg;

“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;

“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;

“existing” means the number, use and size that existed as of the date this by-law was passed;

“farm building” means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to bona fide farm uses, 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 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; and
  - (iii) 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;

“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, and includes cannabis production facilities, but does not include the sale of commodities to the general public through a warehouse club;

“institutional” means land, buildings, structures or any part thereof used by any organization, group or association for promotion of charitable, educational or benevolent objectives and not for profit or gain;

“interest rate” means the annual rate of interest as set out in section 26.3 of the Act;

“live/work unit” means a building, or part thereof, which contains, or is intended to contain, both a dwelling unit and non-residential areas 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 areas;

“local board” means a school board, 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 or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof;

“local services” means those services, facilities or things which are under the jurisdiction of the Town of Amherstburg 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;

“mixed-use development” means a building used, designed or intended for use for both residential and non-residential uses;

“multiple dwellings” means all dwellings other than single-detached, semi-detached, apartment unit dwellings and special care/special dwelling units. Multiple dwellings include, but is not limited to, townhouse dwelling, back-to-back townhouse dwelling, 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 Amherstburg;

“non-profit” means a corporation without share capital that has objects of a charitable nature;

“non-profit housing development” means Development of a building or structure that meets the criteria set out in section 4.2 of the Act;

“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 and includes the non-residential portion of a live/work unit and/or mixed-use development;

“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;

“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*, R.S.O. 1990, Chap. A.31, as amended, or any successor thereof;

“rate” means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;

“regulation” means any regulation made pursuant to the Act;

“rental housing” means development of a building or structure with four or more residential units all of which are intended for use as rented residential premises;

“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;

“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;

“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;

“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;

“service” means a service designed in Schedule “A” to this By-law, and “services” shall have a corresponding meaning;

“Servicing Area” means an area within the Town of Amherstburg and identified on Schedule C to this by-law where development shall proceed only on the basis of full municipal wastewater and water services;

“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 dwelling unit and not attached to another structure;

“solar farm” means any solar energy system comprised of one or more solar panels and associated control or conversion electronics that converts sunlight into electricity. A solar farm 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;

“special care/special need dwelling” means a building:

- (i) containing two or more dwelling units which units have a common entrance from street level;
- (ii) where the occupants have the right to use in common with other occupants, halls, stairs, yards, common rooms and accessory buildings;
- (iii) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and
- (iv) where support services, such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels;

and includes, but is not limited to, retirement homes or lodges, charitable dwellings, group homes (including correctional group homes) and hospices;

“stacked townhouse dwelling” means a building containing four or more dwelling units which are horizontally and vertically separated in a split level or stacked manner, where each dwelling unit egresses directly outside to grade (no egress to a common corridor);

“telecommunications tower” means any tower, apparatus, structure or other thing that is used or is capable of being used for telecommunications or for any operation directly connected with telecommunications, and includes a transmission facility as defined in the Telecommunications Act;

“Town” means the area within the geographic limits of the Town of Amherstburg;

“townhouse dwelling” means a building divided vertically into three or more dwelling units, by common walls which prevent internal access between units where each dwelling unit egresses directly outside to grade.

“wind turbine” means any wind energy system, comprising one or more turbines, that converts energy into electricity, with a combined nameplate generating capacity greater than 500 kilowatts and a height greater than 100 metres 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

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

## **2. DESIGNATION OF SERVICES/CLASSES OF SERVICES**

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

- (a) Services Related to a Highway – Roads and Related;
- (b) Public Works (Facilities and Fleet);
- (c) Fire Protection Services;
- (d) Policing Services;
- (e) Parks and Recreation Services;
- (f) Growth Studies;
- (g) Water Services; and
- (h) Wastewater Services

2.2 The components of the services/classes of services designated in section 2.1 are described in Schedule A.

## **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 of Amherstburg whether or not the land or use thereof is exempt from taxation under s.13 or 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 Town of Amherstburg or a local board thereof;
- (b) the County of Essex or any local board thereof;
- (c) a board of education; or

- (d) 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.

#### 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 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 of 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) 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;

3.6 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:

- (a) 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.
- (b) 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.
- (c) 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.

3.7 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:

- (a) 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
- (b) 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
- (c) 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

3.8 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to Non-profit Residential Development;

3.9 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to Affordable Residential Units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning);

3.10 Notwithstanding subsections 3.2 and 3.4, as of the date on which section 4.1 of the Act is proclaimed into force, the following shall be exempt from Development Charges:

- i. Affordable Residential Units:
  - i. Affordable Residential Owned Units;
  - ii. Affordable Residential Rental Units;
- ii. Attainable Residential Units.

3.11 Rules with Respect to an Industrial Expansion Exemption

3.11.1 Notwithstanding any other provision of this by-law, there shall be an exemption from the payment of development charges for one or more enlargements of an existing industrial building on its site, whether attached or separate from the existing industrial building, up to a maximum of fifty percent of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Development Charges Act or this subsection. Development charges shall be imposed in accordance with this by-law with respect to the amount of the floor area of an enlargement that results in the gross floor area of the industrial building being increase by greater than fifty percent of the gross floor area of the existing industrial building.

3.11.2 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.

3.12 Other Exemptions:

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

- (a) Lands, buildings or structures used or to be used for a place of worship or for the purposes of a churchyard or cemetery exempt from taxation under the *Assessment Act*;
- (b) The development of non-residential farm buildings constructed for bona-fide farm uses, excluding cannabis production facilities and commercial greenhouses; and
- (c) A building or structure used for a community use owned by a non-profit corporation.

3.13 Discounts for Rental Housing (for profit):

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:

- Three (3) or more bedrooms – 25% reduction;
- Two (2) bedrooms – 20% reduction; and
- Fewer than two (2) bedrooms – 15% reduction.

#### Amount of Charges

##### Residential

3.14 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, including the residential portion of a live/work unit, on the residential uses in the mixed-use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use. Refer to subsequent schedules for exceptions.

##### Non-Residential

3.15 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, including the non-residential portion of a live/work unit, on the non-residential uses in the mixed-use building or structure, and calculated with respect to each of the services according to the total floor area of the non-residential use. Refer to subsequent schedules for exceptions.

##### Wind Turbines and Telecommunication Towers

3.16 The development charges described in Schedule “B” to this by-law shall be imposed on wind turbines and telecommunication towers with respect to services related to a highway – roads and related, public works (facilities and fleet), police services, fire protection services and growth studies on a per unit basis.

##### Solar Farms

3.17 The development charges described in Schedule “B” to this by-law shall be imposed on solar farms with respect to services related to a highway – roads and related, police services, fire protection services and growth studies based on a per square foot of the panel surface.

##### Reduction of Development Charges for Redevelopment

3.18 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 outside the downtown area and within 36 months inside the downtown area, 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 3.14 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 3.15, 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. Refer to Schedule D for the downtown area definition map.

#### Time of Payment of Development Charges

- 3.19 Development Charges are payable at the time the first building permit is issued with respect to a development.
- 3.20 Notwithstanding Section 3.19, 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 calculated in accordance with section 26.3 of the Act.
- 3.21 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 the timing set out in the Act, the development charges under Sections 3.14 and 3.15 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply development charges under Sections 3.15 and 3.16 shall be calculated on the rates, including interest calculated in accordance with section 26.3 of the Act, payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest.
- 3.22 Despite sections 3.19 to 3.21, 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 subsections 3.14 and 3.15, 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 1, without amendment to this By-law, in accordance with the prescribed index in the Act, based on the twelve-month period ending September 30<sup>th</sup>.

## **6. SCHEDULES**

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

Schedule A - Components of Services/Classes of Services Designated in subsection 2.1

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

Schedule C - Wastewater Servicing Area Map

Schedule D - Downtown Area Map

## **7. CONFLICTS**

- 7.1 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.
- 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. HEADINGS FOR REFERENCE ONLY**

- 9.1 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.

10. **BY-LAW REGISTRATION**

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

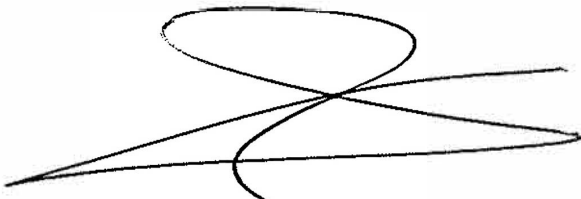
11. **DATE BY-LAW IN FORCE**


11.1 This By-law shall come into effect at 12:01 AM on January 1, 2025.

12. **DATE BY-LAW EXPIRES**

12.1 This By-law will expire at 12:01 AM on December 31, 2034 unless it is repealed by Council at an earlier date.

PASSED THIS 25<sup>th</sup> day of November, 2024

  
\_\_\_\_\_  
Deputy Mayor Chris Gibb

  
\_\_\_\_\_  
Municipal Clerk Kevin Fox.

**SCHEDULE “A” TO BY-LAW 2024-085**

**COMPONENTS OF SERVICES/CLASSES OF SERVICES DESIGNATED IN  
SUBSECTION 2.1**

**Town-Wide Services/Class of Service**

Services Related to a Highway

Roads & Related

Public Works (Facilities and Fleet)

Public Works Facilities

Public Works Vehicles and Equipment

Fire Protection Services

Fire Facilities

Fire Vehicles

Fire Small Equipment and Gear

Police Services

Police Facilities

Police Vehicles

Police Small Equipment and Gear

Parks and Recreation Services

Parkland Development

Parkland Trails

Parkland Amenities

Recreation Facilities

Parks and Recreation Vehicles and Equipment

Water Services

Growth Studies

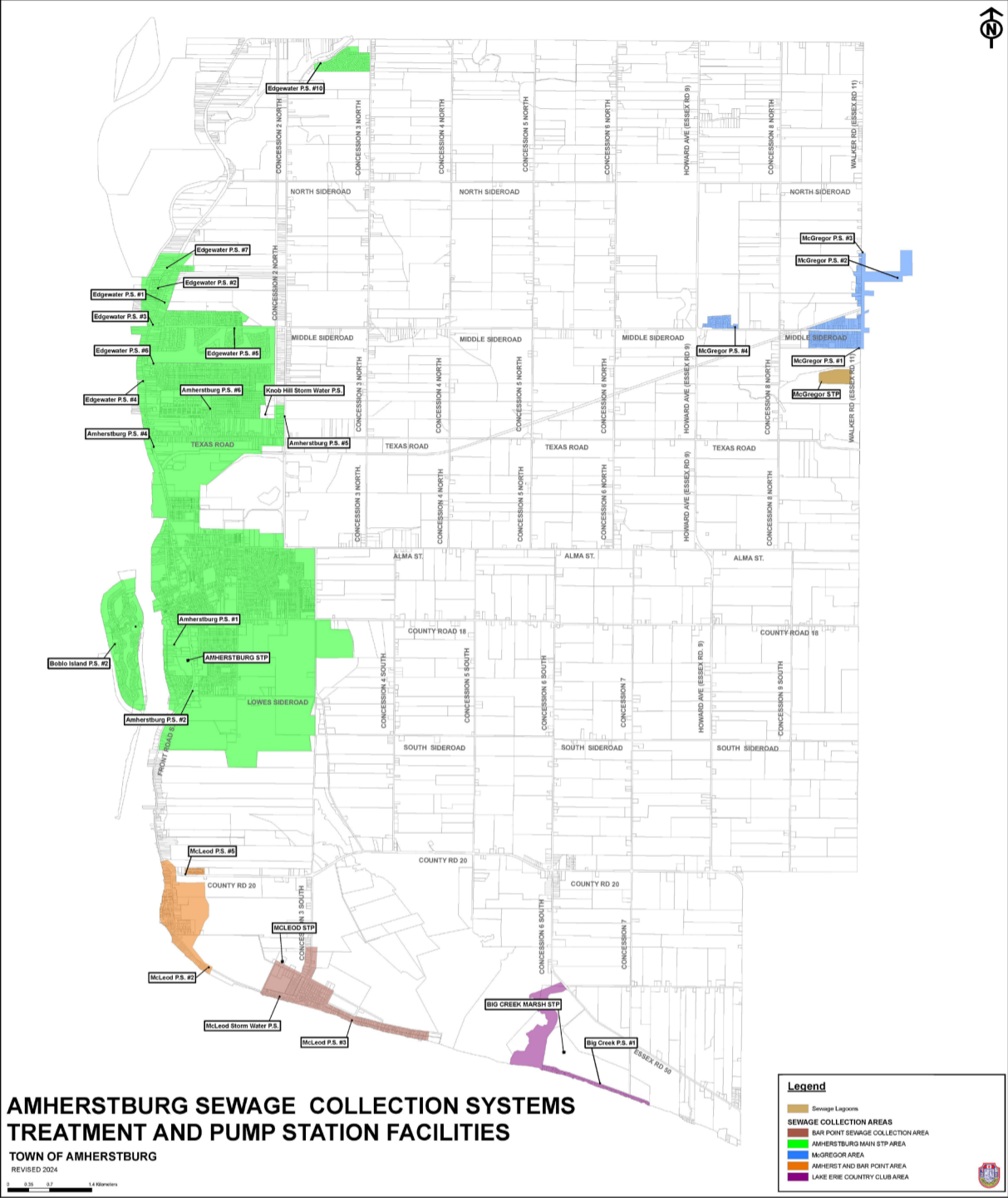
**Area-Specific Services**

Wastewater Services

**Schedule “B”**  
**By-Law No. 2024-085**  
**Schedule of Development Charges**

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL	Wind Turbines & Telecommunication Towers	Solar Farms (per sq.ft.)
	Single and Semi- Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Studio and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)		
<b>Town-Wide Services/Class of Service:</b>								
Services Related to a Highway	4,356	3,044	2,945	2,069	1,620	1.16	4,356	1.16
Public Works (Facilities and Fleet)	2,095	1,464	1,416	995	779	0.55	2,095	0.55
Fire Protection Services	2,950	2,061	1,995	1,401	1,097	0.78	2,950	0.78
Policing Services	832	581	563	395	309	0.22	832	0.22
Parks and Recreation Services	5,157	3,604	3,487	2,449	1,918	0.22	-	-
Growth Studies	533	372	360	253	198	0.12	533	0.12
Water Services	6,470	4,521	4,375	3,073	2,406	1.72	-	-
<b>Total Town-Wide Services/Class of Service</b>	<b>22,393</b>	<b>15,647</b>	<b>15,141</b>	<b>10,635</b>	<b>8,327</b>	<b>4.77</b>	<b>10,766</b>	<b>2.83</b>
<b>Wastewater Serviced Area Services:</b>								
Wastewater Services	12,351	8,631	8,351	5,867	4,593	6.52	-	-
<b>Total Wastewater Serviced Area Services</b>	<b>12,351</b>	<b>8,631</b>	<b>8,351</b>	<b>5,867</b>	<b>4,593</b>	<b>6.52</b>	<b>-</b>	<b>-</b>
<b>TOTAL TOWN-WIDE</b>	<b>22,393</b>	<b>15,647</b>	<b>15,141</b>	<b>10,635</b>	<b>8,327</b>	<b>4.77</b>	<b>10,766</b>	<b>2.83</b>
<b>TOTAL WASTEWATER SERVICED AREAS</b>	<b>34,744</b>	<b>24,278</b>	<b>23,492</b>	<b>16,502</b>	<b>12,920</b>	<b>11.29</b>	<b>10,766</b>	<b>2.83</b>

Schedule “C” to By-law No. 2024-05  
Wastewater Servicing Map Area



Schedule “D” to By-law No. 2024-085  
Downtown Area Map

