

The Corporation Of The Township Of Amaranth

By-Law Number 2024- 40

A By-Law For The Imposition Of Development Charges

Whereas the Township of Amaranth 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 Amaranth;

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 Township of Amaranth 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 Amaranth has given notice of and held a public meeting on the 10<sup>th</sup> day of July, 2024 in accordance with the Act and the regulations thereto;

Now Therefore The Council Of The Corporation Of The Township Of Amaranth 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*, as amended, or any successor thereof;

"affordable residential unit" means a dwelling unit that meets the criteria set out in subsection 4.1 (2) or 4.1 (3) of the Act;

"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;

"attainable residential unit" means a dwelling 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 (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;

“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;

“building” means a permanent enclosed structure occupying an area greater than fifteen square metres (15 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.

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

“capital cost” means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of and as authorized by the municipality or local board,

- (a) to acquire land or an interest in land, including a leasehold interest,
- (b) to improve land,
- (c) to acquire, lease, construct or improve buildings and structures,
- (d) to acquire, construct or improve facilities including,
  - (i) 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;

“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;

“Council” means the Council of the Township of Amaranth;

“development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that the effect of increasing the size of usability thereof, and includes redevelopment;

“development charge” means a charge imposed with respect to this By-law;

“duplex” means a building comprising, by horizontal division, two dwelling units;

“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;

“existing industrial building” means an industrial building or structure existing on a site as of the date this by-laws comes into effect, or the first building or structures constructed on a vacant site pursuant to site plan approval under section 41 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, or any successor thereof, subsequent to this by-law, for which full development charges were paid;

“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 cannabis production facilities;

“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
  - (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, but does not include showrooms;

“industrial” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club or self-storage facilities;

“institutional” means 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;

“institutional” means development of a building or structure intended for use:

- (a) as a long-term care home within the meaning of Subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;
- (b) as a retirement home within the meaning of Subsection 2 (1) of the *Retirement Homes Act, 2010*.
- (c) By any 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 (a); 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;

“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;

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

“municipality” means the Corporation of the Township of Amaranth;

“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;

“Official Plan” means the Official Plan adopted for the Township, as amended and approved;

“other multiple dwellings” means all dwellings other than single-detached, semi-detached and apartment unit dwellings;

“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 dwelling 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;

“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, 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 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;

“stacked townhouse” means a building, other than a duplex, row townhouse, or back to back townhouse, containing at least 3 dwelling units; each dwelling unit separated from the other vertically and/or horizontally and each dwelling unit having a separate entrance to grade;

“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

“Township” means the area within the geographic limits of the Township of Amaranth;

“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

“Zoning By-Law” means the Zoning By-Law of the Township of Amaranth or any successor thereof passed pursuant to section 34 of the *Planning Act*, S.O. 1998.

## 2. Designation Of Services

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

- (a) Fire Protection Services
- (b) Services Related to a Highway;

- (c) Parks and Recreation Services;
- (d) Library Services; and
- (e) Growth-Related Studies

### 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 of Amaranth whether or not the land or use thereof is exempt from taxation under section 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 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

- 3.5 Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
- (a) The enlargement of an existing dwelling unit;
  - (b) a second residential dwelling unit in an existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling 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 or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling cumulatively contain no more than one residential dwelling unit;
  - (c) a third residential dwelling unit in an existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling 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 or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling contains any residential dwelling units;
  - (d) one residential dwelling unit in a building or structure ancillary to an existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling on a parcel of land, if the existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling contains no more than two residential dwelling units and no other building or structure ancillary to the existing or new single detached dwelling, semi-detached dwelling, or row-townhouse dwelling contains any residential dwelling units; or
  - (e) 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 per cent of the existing residential dwelling units.
- 3.6 Exemption for Industrial Development:
- (a) 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.



- (b) 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:
  - (i) determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
  - (ii) divide the amount determined under subsection (i) by the amount of the enlargement.
- (c) That for greater certainty in applying the exemption in this section, the gross floor area of an existing industrial building is enlarged where there is a bona fide increase in the size of the existing industrial building, the enlarged area is attached to the existing industrial building, there is a direct means of ingress and egress from the existing industrial building to and from the enlarged areas for persons, goods, and equipment, and the existing industrial building and the enlarged area are used for or in connection with an industrial purpose as set out in subsection 1.1 of this by-law. Without limiting the generality of the foregoing, the exemption in this section shall not apply where the enlarged area is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor, or other passageway, or through a shared below-grade connection such as a service tunnel, foundation, footing, or a parking facility;

### 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; and
  - (ii) land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university;
  - (iii) Affordable residential units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning);
  - (iv) Affordable and attainable residential units as follows:
    - a. As of the date on which section 4.1 of the Act is proclaimed into force, affordable residential units that meet the criteria set out in subsection 4.1 (2) or 4.1 (3) of the Act shall be exempt from Development Charges:
    - b. As of the date on which subsection 4.1 (4) of the Act is proclaimed into force, attainable residential units that meet the

criteria set out in subsection 4.1 (4) of the Act shall be exempt from Development Charges:

### 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, 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 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 3.8 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
- (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under section 3.9, by the gross floor area that has been or will be demolished or converted to another principal use;

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

No credit shall be given with respect to the redevelopment, conversions, demolition, or change of use of a building or structure or part thereof where the

existing building or structure or part thereof would have been exempt from D.C.s in accordance with the by-law.

#### Time of Payment of Development Charges

- 3.12 Development charges shall be calculated and payable in money or by provision of service as may be agreed upon, or by credit granted under the Act, on the date that the building permit is issued in relation to a building or structure on land to which the development charge applies.
- 3.13 Where development charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full.
- 3.14 Notwithstanding subsection 3.12, Development Charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- 3.15 Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment made on or after January 1, 2020, and the issuance of the building permit occurred within the prescribed amount of time since the application was approved, the Development Charges under subsections 3.12 and 3.14 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 3.12 and 3.14 shall be calculated on the rates set out in Schedule "B2" on the date of the later planning application.
- 3.16 Interest for the purposes of subsections 3.14 and 3.15 shall be determined as the base rate plus 1 %, where:
- (a) The base rate shall be equal to the average prime rate on:
    - (i) October 15 of the previous year, if the adjustment date is January 1,
    - (ii) January 15 of the same year, if the adjustment date is April 1,
    - (iii) April 15 of the same year, if the adjustment date is July 1, and
    - (iv) July 15 of the same year, if the adjustment date is October 1.
  - (b) The average prime rate, on a particular date means, the mean, rounded to the nearest hundredth of a percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest in effect on that date for determining interest rates on Canadian dollar commercial loans by that bank in Canada.

- 3.17 For the purposes of subsection 3.15, interest calculated under subsection 3.16 shall not apply where the calculated charges calculated under subsection 3.15 are the same as the charges that would be calculated under subsection 3.12.
- 3.18 Despite subsections 3.12, 3.14, and 3.15, 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.

#### Discounts for Rental Housing

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

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

#### 4. Payment By Services

4.1 Despite the payment required under sections 3.12, 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 the January 1<sup>st</sup> 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" - Services Designated in section 2.1

Schedule "B" - Residential and Non-Residential Schedule of 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, 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. Date By-Law In Force


9.1 This By-law shall come into effect at 12:01 AM on August 8, 2024.

10. Date By-Law Expires

10.1 This By-law will expire at 12:01 AM on August 8, 2034 unless it is repealed by Council at an earlier date.

By-Law Read A First And Second Time This 7 Day Of Aug 2024.

By-Law Read A Third Time And Passed This 7 Day Of Aug 2024.

  
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Head of Council

  
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CAO/Clerk

Schedule "A" To By-Law XX-2024  
Components Of Services Designated In Subsection 2.1

Township-wide Services

Services Related to a Highway

Fire Protection Services

Parks and Recreation Services

Library Services

Growth-Related Studies

Schedule "B" To By-Law XX-2024

Schedule Of Development Charges

Service/Class of Service	RESIDENTIAL				NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	(per sq.ft. of Gross Floor Area)	Wind Turbines
<b>Municipal Wide Services/Class of Service:</b>						
Services Related to a Highway	6,186	5,388	4,041	2,008	2.01	6,186
Fire Protection Services	1,941	1,691	1,268	630	0.63	1,941
Parks and Recreation Services	5,162	4,496	3,372	1,676	0.43	
Library Services	1,429	1,245	933	464	0.12	
Growth-Related Studies	129	112	84	42	0.03	129
<b>Total Municipal Wide Services/Class of Services</b>	<b>14,847</b>	<b>12,932</b>	<b>9,698</b>	<b>4,820</b>	<b>3.22</b>	<b>8,256</b>