

BY-LAW NUMBER 3208-20

OF THE

CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES

Being a By-law to impose certain Development Charges in The Township of North Dumfries pursuant to the Development Charges Act, S.O., 1997, c. 27, as amended (the "Act") with respect to services provided by the Township of North Dumfries.

WHEREAS subsection 2(1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended (the "Act") provides that the Council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies;

AND WHEREAS a development charge background study has been completed in accordance with section 10 of the *Act*;

AND WHEREAS the Council of the Township of North Dumfries has given notice and held a public meeting on the 9th day of November, 2020 in accordance with section 12 of the *Act* and the Regulations made under the *Act*:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES ENACTS AS FOLLOWS:

1. Definitions:

In this by-law:

- 1.1 "Accessory building" means a building or structure, or part of a building or structure, that is:
- 1.1.1 a parking garage that is exclusively devoted to providing vehicle parking to the main use situated on the same Site;
 - 1.1.2 a mechanical room that is exclusively devoted to providing heating, cooling, ventilating, electrical, mechanical or telecommunications equipment for a building or buildings that contain one or more Dwelling Units or Lodging Units situated on the same Site;
 - 1.1.3 an entrance way, elevator, stairwell or hallway that provides access to a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site;
 - 1.1.4 a pool area, change room, restroom, fitness facility, kitchen, laundry room, lounge or meeting room that is for the exclusive use of the residents of a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site;

- 1.1.5 a storage room that provides storage exclusively to a resident or residents of a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site; or
 - 1.1.6 an exterior deck, porch, canopy, gazebo, storage shed or stairway that is exclusively devoted to the use of the residents of a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site;
 - 1.1.7 And for the purposes of this definition, "Site" shall include common elements of the same condominium as the applicable main use, buildings, Dwelling Units or Lodging Units;
- 1.2 "*accessory use*" means a use, including a building or structure, that is naturally and normally incidental, subordinate in purpose or floor area or both, and exclusively devoted to a principal use, building or structure situate on the same lot;
- 1.3 "*Act*" means the Development Charges Act, 1997 S.O. 1997, c.27, as amended;
- 1.4 "*bedroom*" means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a living room, dining room or kitchen;
- 1.5 "*capital costs*" means costs incurred or proposed to be incurred by the *Township* directly or by others on behalf of, and as authorized by, the *Township*;
- 1.5.1 to acquire land or an interest in land, including a leasehold interest;
 - 1.5.2 to improve land;
 - 1.5.3 to acquire, lease, construct or improve buildings and structures;
 - 1.5.4 to acquire, lease, construct or improve facilities including:
 - 1.5.4.1 rolling stock with an estimated useful life of seven years or more;
 - 1.5.4.2 furniture and equipment, other than computer equipment;
 - 1.5.5 to undertake studies in connection with any of the matters in clauses 1.2.1 to 1.2.4;
 - 1.5.6 to undertake the development charge background study required under s. 10 of the Development Charges Act; and
 - 1.5.7 interest on money borrowed to pay for costs described in paragraphs 1.2.1 to 1.2.4.
- 1.6 "*Council*" means the Council of The Corporation of the Township of North Dumfries;
- 1.7 "*development*" includes re-development;
- 1.8 "*development charge*" means a charge imposed against land under this By-law;

- 1.9 *"dwelling unit"* means one or more rooms occupied or designed for human habitation which include a separate, private entrance together with cooking and sanitary facilities for the exclusive use of the occupants thereof. A unit or room in a hotel, motel, nursing or retirement home, independent living facility on the same Site as a nursing or retirement home, hospice, rehabilitation facility, student residence where meals and supervision are available, group home or hostel designed for human habitation shall not constitute a Dwelling Unit;
- 1.10 *"existing industrial building"* means a building or buildings existing on a site on the day this By-law is passed or the first building or buildings constructed on a vacant site pursuant to site plan approval under section 41 of the Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act") subsequent to the passing of this By-law for which full development charges were paid, and is used for or in connection with,
- 1.10.1 the production, compounding, processing, packaging, crating, bottling, packing or assembling of raw or semi-processed goods or materials ("manufacturing") or warehousing;
 - 1.10.2 research or development in connection with manufacturing;
 - 1.10.3 retail sales by a manufacturer, if the retail sales are at the site where the manufacturing is carried out and such retail sales are restricted to goods manufactured at the site; or
 - 1.10.4 office or administrative purposes, if they are,
 - 1.10.4.1 carried out with respect to manufacturing or warehousing; and
 - 1.10.4.2 in or attached to the building or structure used for such manufacturing or warehousing;
- 1.11 *"farm"* means a parcel of land on which the predominant activity is farming. A farm shall not include a greenhouse;
- 1.12 *"farm occupation"* means a vocational use permitted by the applicable zoning by-law and carried on in a building or as an accessory use in a portion of a building on a farm where farming occurs;
- 1.13 *"farming"* means the production of crops or the breeding, raising or maintaining of livestock, or both, and includes but is not limited to:
- 1.13.1 fur farming;
 - 1.13.2 fruit and vegetable growing;
 - 1.13.3 the keeping of bees;
 - 1.13.4 fish farming; and
 - 1.13.5 sod farming,
- and includes such buildings and structures located on a Farm that are designed and intended to be used solely for or in connection with:

- i) storage or repair of farm equipment;
- ii) storage of materials used in the production or maintenance of crops or livestock on the Farm; or
- iii) storage of the products derived from the Farm's production of crops or livestock.

Farm and Farming shall not include a Dwelling Unit located on a Farm or such buildings or structures located on a Farm that are designed and intended to be used solely for or in connection with the processing of the crops or livestock through mechanical, chemical or other means to create an altered product;

- 1.14 "*grade*" means with respect to a Dwelling Unit or Single Detached Dwelling means the average level of finished ground adjoining same at all exterior walls;
- 1.15 "*greenhouse*" means any nursery building where any form or quantity of flowers, household plants, landscaping plants, horticultural products or manufactured household or gardening products not produced on the Site is offered for sale;
- 1.16 "*gross floor area*" means the total floor area of a building or structure or part thereof measured between the outside faces of exterior walls or between the outside faces of exterior walls and the centre line of an partition walls and, in the case of a dwelling unit, included only those areas above grade. The gross floor area shall include any area which is being used for the repair or for the public sale of vehicles but shall exclude any area which is specifically designed for the parking of passenger motor;
- 1.17 "*home occupation*" means a vocational use, which is not a farm occupation, carried on in conjunction with a dwelling unit on the same property as permitted by the applicable Township Zoning By-law
- 1.18 "*industrial building*" means a building that is used for:
- 1.18.1 the production, compounding, processing, packaging, crating, bottling, packing or assembling of raw or semi-processed goods or materials ("*manufacturing*") or warehousing;
 - 1.18.2 research or development in connection with manufacturing;
 - 1.18.3 retail sales by a manufacturer, if the retail sales are an accessory use at the site where manufacturing is carried out; or
 - 1.18.4 office or administrative purposes, if they are,
 - 1.18.4.1 carried out as an accessory use to the manufacturing and warehousing; and
 - 1.18.4.2 in or attached to the building or structure used for such manufacturing or warehousing;
- 1.19 "Institutional development" means development of a building or structure intended for use,

- 1.19.1 as a long-term care home within the meaning of subsection 2(1) of the *Long-Term Care Homes Act, 2007*;
- 1.19.2 as a retirement home within the meaning of subsection 2(2) of the *Retirement Homes Act, 2010*;
- 1.19.3 by any of the following post-secondary institutions for the objects of the institutions:
 - 1.19.3.1 a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario
 - 1.19.3.2 A college or university federated or affiliated with a university described in subclause 1.19.3.2; or
 - 1.19.3.3 An Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*
- 1.19.4 as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- 1.19.5 as a hospice to provide end of life care
- 1.20 "*local board*" has the same meaning as in section 1 of the Act;
- 1.21 "*local services*" means services related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the owner as a condition of approval under s. 51 of the Planning Act or under s. 53 of the Planning Act;
- 1.22 "*lodging house*" means a building designed or intended to contain, or containing Lodging Units where the residents share access to common areas of the building, other than the Lodging Units;
- 1.23 "*lodging unit*" means a room located in a lodging house which:
 - 1.23.1 is designed to be occupied for human habitation by one resident;
 - 1.23.2 is not normally accessible to persons other than the resident without the permission of the resident; and
 - 1.23.3 may contain either cooking or sanitary facilities, but not both, for the exclusive use of the resident.

A unit or room in a hotel, motel, nursing or retirement home, independent living facility on the same Site as a nursing or retirement home, hospice, rehabilitation facility, student residence where meals and supervision are available, group home, or hostel designed for human habitation shall not constitute a Lodging Unit;
- 1.24 "*mixed use development*" means development containing both residential and non-residential uses;
- 1.25 "Non-profit housing development" means development of a building or structure intended for use as residential premises by,

- 1.25.1 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;
 - 1.25.2 a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary objective is to provide housing; or
 - 1.25.3 a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.
- 1.26 "*non-residential uses*" means all commercial, industrial, institutional or other use, except farming, not included in the definition of residential uses;
- 1.27 "*owner*" means the owner of land or a person authorized by the owner who has made application for an approval for the *development* of land upon which a *development charge* is imposed;
- 1.28 "*pre-existing development*" means a use of land existing on the land at the time a development charge is payable or existing at any time in the five years prior thereto;
- 1.29 "Rental housing" means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises.
- 1.30 "*residential building*" includes the following:
- 1.30.1 "*Residential Building – Apartment*" means a Residential Building containing three (3) or more dwelling units which share common hall or halls and common entry at grade. Despite the foregoing, an apartment dwelling includes stacked townhouse dwellings;
 - 1.30.2 "*Residential Building – Other Multiple*" means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment dwellings within the respective meanings ascribed hereto under this By-law;
 - 1.30.3 "*Residential Building – Single Detached*" means a Residential Building containing one (1) only dwelling unit;
 - 1.30.4 "*Residential Building – Semi-Detached*" means a Residential Building divided vertically into two (2) dwelling units by a solid common wall extending from the base of the foundation to the roof line and said common wall shall have a horizontal distance of not less than fifty percent (50%) of the horizontal depth of the building;
 - 1.30.5 "*Residential Building – Stacked Townhouse*" means a building, other than a duplex, 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;

1.30.6 "*Residential Building – Townhouse dwelling*" means one Dwelling Unit within a building containing three or more Dwelling Units which is divided from the other Dwelling Units by one or more vertical solid walls or partitions extending from foundation to roof;

1.31 "*residential use*" means the use of land, buildings or structures for one or more dwelling units;

1.32 "*services*" means services or classes of service designated in Schedule B of this By-law;

1.33 "*Township*" means The Corporation of the Township of North Dumfries.

Application and Administration of Development Charges:

2. It is hereby declared by the Council of the Township that all development of land within the Township, unless otherwise specified in this by-law, will increase the need for services.

3 (1) Subject to subsection (2) to (6) inclusive, development charges shall apply, and shall be calculated and collected in accordance with the provisions of this By-law, on land to be developed or redeveloped for residential and non-residential use, where:

a) the development or redevelopment of the land will increase the need for services; and

b) the development or redevelopment requires one or more of the approvals which follow:

(i) the passing of a zoning By-law or of an amendment thereto 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, c.C.26; or

(vii) the issuing of a permit under the Building Code Act, 1992, S.O. 1992, c.23 (the "Building Code"), in relation to a building or structure.

3 (2) Where two or more of the actions described in subsection (1) are required before the land to which a development charge applies can be developed or

redeveloped, only one development charge shall be imposed, calculated and collected in accordance with the provisions of this By-law;

- 3 (3) Despite subsection (2), if two or more of the actions described in subsection (1) occur at different times and if the subsequent action or actions has the effect of increasing the need for services as designated in this By-law, additional development charges shall be imposed, calculated and collected in accordance with the provisions of this By-law.
- 3 (4) Subject to subsection (4), this by-law applies to all lands within the Township whether or not the land or the use thereof is exempt from taxation under section 3 of the *Assessment Act*, RSO 1990, c. A-31;
- 3 (5) Council hereby imposes the development charges shown in Schedule "A" upon the development of land to which this by-law applies calculated in the manner set out in section 4 and Schedule "A";
- 3 (6) This by-law does not apply to:
- (a) The development of land that is owned by and used exclusively for the purpose of a municipality, a Local Board or a School Board as defined by subsection 1 (1) of the Education Act,
 - (b) industrial building additions of up to and including 50% of the existing gross floor area (defined in O.Reg. 82/98, section 1) of the building; for industrial building additions which exceed 50% of the existing gross floor area, only the portion of the addition in excess of 50% is subject to D.C.s (subsection 4 (3) of the D.C.A.);
 - (c) Land developed for any municipal use by the:
 - (i) Regional Municipality of Waterloo
 - (ii) Township of North Dumfries
 - (iii) Grand River Conservation Authoritybeing institutions within the category of institution
 - (d) the Crown in right of Ontario or the Crown in right of Canada,
 - (e) a dwelling unit used exclusively for the purposes of non-profit assisted rental housing which is 100% funded by the Regional Municipality of Waterloo or the crown in right of Ontario or Canada;
 - (f) the development of land that constitutes only:
 - (i) the enlargement of an existing dwelling unit,
 - (ii) one or two additional dwelling units in an existing single detached dwelling or ancillary structure to the existing single detached dwelling;

- (iii) one additional dwelling unit in any other existing residential building or ancillary structure to the existing dwelling unit;
- (iv) greater of one additional dwelling unit or 1% of the existing dwelling units in the building for existing rental residential buildings

subject to the following restrictions:

Item	Name of Class of Existing Residential Building	Description of Class of Existing Residential Buildings	Maximum Number of Additional Dwelling Units	Restrictions
1.	Existing single detached dwellings	Existing residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
2.	Existing semi-detached dwellings or row dwellings	Existing residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.
3.	Existing rental residential buildings	Existing residential rental buildings, each of which contains four or more dwelling units.	Greater of one and 1% of the existing units in the building	None
4.	Other existing residential buildings	An existing residential building not in another class of residential building described in this table.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.

- (g) Notwithstanding section 3 (6) (f) (ii), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.
- (h) Notwithstanding section 3 (6) (f) (iii), development charges shall be imposed if the additional unit has a gross floor area greater than:
 - (i) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
 - (ii) in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building
- (i) Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
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1.	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new detached dwelling must only contain two dwelling units.</p> <p>The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
2.	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.</p> <p>The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.</p>
3.	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	<p>The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.</p> <p>The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.</p>

(j) Development for any one or more of the following land uses:

- (i) a temporary use permitted under a municipal zoning by-law enacted in accordance with section 39 of the Planning Act;
- (ii) a Home Occupation
- (iii) a farm building
- (iv) temporary erection of a building without a foundation defined in the Building Code for a period not exceeding six consecutive months and not more than six months in any one calendar year on a site for which development charges have been previously paid
- (v) an accessory use

3 (7) The services and classes of service to which the development charges imposed by subsection (2) relate to are those listed in Schedule "B" to this by-law

Calculation of Development Charges:

4 (1) Subject to the provisions of this By-law, the charges applicable to residential development shall be the sum of the amounts calculated by multiplying the number of units of each type referred to in Schedule "A" by the rates listed thereunder in the relevant services.

- 4 (2) Subject to the provisions of this By-law, the charges applicable to non-residential development shall be the sum of the amounts calculated by multiplying the square feet of non-residential gross floor area by the rates listed in Schedule "A" for the relevant services.
- 4 (3) Subject to the provisions of this By-law, development charges against land to be developed or redeveloped for mixed residential and non-residential use shall be the aggregate of the amount applicable to the residential component and the amount applicable to the gross floor area of the non-residential component.

Redevelopment Allowances

- 4 (4) Where there is a redevelopment, conversion, demolition, or change of use of a building or structure or part thereof, the Development Charges payable by the new or proposed development shall be credited by the amount to which the previous use of the building or structure was subject to Development Charges at the time this By-law was passed
- 4 (5) With respect to a residential building or structure or the residential portion of a mixed-use building or structure that has been demolished or converted, the credit shall be calculated by multiplying the number of dwelling units demolished or converted within five years of the date of building permit application by the Development Charge for the relevant demolished units in accordance with Schedule "A" of this By-law.
- 4 (6) With respect to a non-residential building or structure or the non-residential portion of a mixed-use building or structure that has been demolished or converted, the credit shall be calculated by multiplying the Gross Floor Area of that portion of the building demolished or converted within five years of the date of building permit application by the Development Charge for the relevant demolished units in accordance with Schedule "A" of this By-law.
- 4 (7) The credit with respect to a redevelopment, conversion, demolition, or change of use of a building or structure or part thereof shall not exceed the amount of the Development Charges payable with respect to new or proposed development.
- 4 (8) 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 Development Charges in accordance with this By-law.
- 4 (9) In determining whether subsections (1) through (5) inclusive apply, demolition or alteration shall be deemed to have occurred as of the date of the permit issued thereof and destruction due to natural or criminal acts shall be deemed to have occurred on the date such acts first occurred.

Administration

- 5 (1) Subject to any agreement made pursuant to subsection 27 (1) of the Development Charges Act, 1997, the whole of the development charge imposed under this by-law shall be calculated at the rate in effect at the time of issuance of the building permit and paid in full to the Treasurer of the Township prior to the

issuance of a building permit under the Building Code Act for any building or structure in connection with the development in respect of which the development charge hereunder is payable.

- 5 (2) Notwithstanding Subsection 5 (1), 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.
- 5 (3) Notwithstanding Subsection 5 (1), Development Charges for non-profit housing developments are due and payable in 21 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.
- 5 (4) Where the development of land results from the approval of a Site Plan or Zoning Bylaw Amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Subsections 4 (1), 4 (2) and 4 (3) shall be calculated on the rates set out in Schedule "A" on the date of the planning application, including interest. Where both planning applications apply Development Charges under Subsections 4 (1), 4 (2) and 4 (3) shall be calculated on the rates, including interest, set out in Schedules "A" on the date of the later planning application.
- 5 (5) Despite sections 5 (1) to 5 (4), 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.
- 5 (6) Interest for the purposes of sections 5 (2) to 5 (3) shall be determined as the bank of Canada prime interest rate plus 2% on the date of building permit issuance. Notwithstanding the foregoing, the interest rate shall not be less than 0%.
- 5 (7) Interest for the purposes of section 5 (4) shall be determined as the bank of Canada prime interest rate plus 2% on the date of the planning application was received. Notwithstanding the foregoing, the interest rate shall not be less than 0%.
- 6 (1) The charges set out in Schedule "A" on which a development charge is based shall be adjusted without amendment to this by-law on December 1 each year, commencing on December 1, 2021 in accordance with section 7 of O. Reg. 82-98 as may be amended from time to time.

Prior Agreements and Payments:

- 7 (1) Where, in any servicing agreement entered into prior to By-law ____-20 coming into force, provision is made for payment in the future of a development charge in respect of a development of land to which this by-law applies at the applicable rate upon issuance of a building permit or other event and where such payment is made after the coming in force of this by-law, such payment shall be calculated in accordance with the development charges provided for in this by-

law and shall be deemed to be a development charge payment made pursuant to this by-law and the Development Charges Act, 1997.

- 7 (2) Notwithstanding any provisions in this by-law quantifying a development charge for the development of a site, where a servicing agreement entered into prior to By-law ____-20 coming into force provides for the payment of a development charge in respect of a site to which this by-law applies at a fixed rate, or at a minimum rate which is greater than the development charge provided for herein, the charge set out in the agreement shall apply in respect of the development of the site to which the agreement relates. Where the development to which the agreement relates has not been specified, the first development for which a building permit is issued shall be deemed to be that to which the agreement relates and any subsequent development, whether or not requiring any further approvals other than a building permit, shall be subject to the provisions of this by-law.
- 7 (3) Where a charge has been paid pursuant to a condition imposed on a consent given prior to By-law ____-20 coming into force be the Committee of Adjustment, such payment shall be deemed to be payment in full under this by-law.

Credits:

8. Credits may be given as required under sections 38 - 41 inclusive of the Development Charges Act, 1997, and shall be applied against the development charge payable under this by-law on a site to the maximum of the development charge otherwise payable for the services to which the work relates and in a manner set forth in such an agreement as Council may determine. When an agreement is entered into the credit assigned to a site shall not exceed the maximum density permitted by a draft plan of subdivision or the Township Zoning By-law which pertains to the site on that date, whichever is greater.

Reserve Funds:

9. The Treasurer shall establish and retain reserve funds for the services and classes of service set out in Schedule "B" in accordance with the provisions of the Development Charges Act, 1997 and shall on or before July 1 of each year prepare and provide to Council a financial statement with respect to each reserve fund or funds so established.

General Provisions:

10. Nothing in this by-law limits the right of Council to require or request an owner to install such services as the Council requires at the owner's expense. Nothing in this by-law relieves an owner of any obligation to install, at the owner's expense, such services as are requested or required by Council as a condition of any approval under the Planning Act.
11. Any servicing agreements made under the Planning Act, prior to the coming into force of By-law ____-20 shall remain in full force and effect and, to the extent of conflict with this by-law, shall prevail.

12. Where a development charge is payable hereunder, but any matter as to calculation, manner or timing of payment is not expressly provided for herein, such matters shall be determined in accordance with the Development Charges Act, 1997 and Regulations, where applicable by analogy to similar provisions hereof in accordance with the general principles underlying the Development Charges Act, 1997 and this by-law.
13. Nothing in this by-law shall be construed so as to commit or require the Township or its Council to authorize or proceed with any specific capital project or to enter into a servicing agreement or to provide any credit for the construction of Township works at any time and Council shall retain discretion not to proceed with any of the capital projects forecasted if it deems appropriate or advisable for any reason including, but not limited to, the lack of funding from development charges or otherwise.
14. By-law 3122-19 is hereby repealed on the date this by-law comes into effect.
15. This by-law shall come into effect on the 1st day of January 2021.
16. This By-law shall continue in force and effect for a term not to exceed five years from the date it comes into force, unless it is repealed or replaced at an earlier date by a subsequent By-law

Read a first and second time this 14th day of December, 2020.

Mayor 

CAO/Clerk 

Read a third time and finally passed this 14TH day of December, 2020.

Mayor 

CAO/Clerk 

Schedule "A"

Schedule of Development Charges

Service/Class of Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	(per sq.ft. of Gross Floor Area)
Municipal Wide Services/Class of Service:					
Services Related to a Highway	4,596	3,048	1,885	3,487	1.84
Fire Protection Services	143	95	59	108	0.08
Parks and Recreation	6,660	4,416	2,731	5,053	0.04
Growth-Related Studies	71	47	29	54	0.01
Total Municipal Wide Services/Class of Services	11,470	7,606	4,704	8,702	1.97

Schedule "B"

Services and Classes of Service:

Services Related to a Highway;

Fire Protection;

Parks and Recreation; and

Growth-Related Studies.