

**THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT**

**BY-LAW NUMBER 2022-057 - DRAFT**

**A BY-LAW FOR THE IMPOSITION OF DEVELOPMENT CHARGE**

**WHEREAS** the Township of South Stormont 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 South Stormont;

**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 South Stormont 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 South Stormont has given notice of and held a public meeting on the 8<sup>th</sup> day of June, 2022 in accordance with the Act and the regulations thereto;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT 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;

“accessory use” means where used to describe a use, building, or structure that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;

“apartment unit” means any residential unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor. Despite the foregoing, an apartment includes Stacked Townhouse dwellings;

“bedroom” means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a bathroom, living room, dining room or kitchen;

“benefiting area” means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

“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 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 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 Township or a local board thereof directly or by others on behalf of and as authorized by the Township or local board,

- (1) to acquire land or an interest in land, including a leasehold interest,
- (2) to improve land,
- (3) to acquire, lease, construct or improve buildings and structures,
- (4) to acquire, construct or improve facilities including,
  - (a) furniture and equipment other than computer equipment, and
  - (b) 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
  - (c) rolling stock with an estimated useful life of seven years or more, and
- (5) to undertake studies in connection with any matter under the Act and any of the matters in clauses (1) to (5) above, including the development charge background study

required for the provision of services designated in this by-law within or outside the Township, including interest on borrowing for those expenditures under clauses (1) to (5) 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;

“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 may be 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 an agricultural use, but excluding a residential use. Notwithstanding the foregoing, a farm building does not include retail sales activities including, but not limited to restaurants; banquet facilities; hospitality and accommodation facilities; gift shops; services related to grooming, boarding or breeding of household pets; and marijuana and alcohol processing or production facilities;

“gross floor area” means:

- (1) 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

- (2) 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:
  - (a) 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;
  - (b) loading facilities above or below grade; and
  - (c) a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;

“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;

“Institutional” means development of a building or structure intended for use,

- (1) as a long-term care home within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;
- (2) as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010*;
- (3) by any of the following post-secondary institutions for the objects of the institution:

- (a) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,
  - (b) a college or university federated or affiliated with a university described in subclause (a), or
  - (c) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*;
- (4) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
  - (5) 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 Township of South Stormont or any part or parts thereof;

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

“multiple dwellings” means all dwellings other than single-detached, semi-detached, apartment, and special care dwelling units;

“Non-profit housing development” means development of a building or structure intended for use as residential premises by,

- (1) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing;
- (2) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing; or

(3) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.

“Township” means the Corporation of the Township of South Stormont;

“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 United Counties of Stormont, Dundas, and Glengarry, 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 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, or mobile camper trailers;

“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 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 or class of service designated in Section 2 by-law, and “services” shall have a corresponding meaning;

“servicing agreement” means an agreement between a landowner and the Township relative to the provision of municipal services to specified land within the Township;

“single detached dwelling unit” means a residential building consisting of one dwelling unit and not attached to another structure;

“special care dwelling unit” means a building not otherwise defined herein containing more than four dwelling units: where the occupants have the right to use in common, halls, stairs, yards, common room and accessory buildings; which dwelling units may or may not have exclusive sanitary and/or culinary facilities; that is designed to accommodate individuals with specific needs, where meals are provided within the development on a regular basis and includes a bedroom, student residence, retirement home and lodge, nursing home, granny flat, accessory dwelling and group home.



“stacked Townhouse dwelling unit” means two row dwellings, one on top of each other.

## **2. DESIGNATION OF SERVICES**

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

- (1) Fire Protection Services;
- (2) Services Related to a Highway
- (3) Parks and Recreation Services;
- (4) Growth-Related Studies Services;

## **3. APPLICATION OF BY-LAW RULES**

3.1 Development charges shall be payable in the amounts set out in this By-law where:

- (1) the development of the lands requires any of the approvals set out in subsection 3.4(1).

### Area to Which By-law Applies

3.2 Subject to Section 3.3, this By-law applies to all lands in the Township of South Stormont 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:

- (1) the municipality or a local board thereof;
- (2) a board of education;
- (3) the Corporation of the United Counties of Stormont, Dundas, and Glengarry; or
- (4) 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 is intended to be occupied and used by the university.

### Approvals for Development

- 3.4 (1) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
- (a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
  - (b) the approval of a minor variance under section 45 of the *Planning Act*;
  - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
  - (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
  - (e) a consent under section 53 of the *Planning Act*;
  - (f) 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
  - (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- (2) 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(1) are required before the lands, buildings or structures can be developed.
- (3) Despite Subsection 3.4(2), if two or more of the actions described in Subsection 3.4(1) occur at different times, additional development charges

shall be imposed if the subsequent action has the effect or increasing the need for services.

### Exemptions

3.5 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:

- (1) an enlargement to an existing dwelling unit;
- (2) The creation of a maximum of two additional dwelling units in an existing single detached dwelling or structure ancillary to such dwelling. 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 existing residential building/dwelling;
- (3) 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. The additional dwelling units may be within the existing residential rental building or within a structure ancillary to such residential building;
- (4) The creation of one additional dwelling unit in any other existing residential building/dwelling or within a structure ancillary to such residential building/dwelling. 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 existing residential building/dwelling;
- (5) The creation of a second dwelling unit in a proposed new Single Detached, Semi-Detached or Row Townhouse dwelling or in a building ancillary to such dwelling, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
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.	The proposed new detached dwelling must only contain two dwelling units.  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

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
			located.
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>

3.6 For the purposes of Section 3.5 “existing residential building/dwelling”, means:

- (1) A residential building/dwelling, containing at least one dwelling unit, that existed on a parcel of land as of the date of by-law passage; or
- (2) The first residential building/dwelling, containing at least one dwelling unit, constructed on a vacant parcel of land after the date of by-law passage and for which development charges were paid.

- 3.7 In addition to the restrictions outlined in Subsection 3.5(5), for the purposes of the exemption for an additional residential unit in a building ancillary to a proposed new Single Detached, Semi-Detached or Row Townhouse Dwelling, the proposed new Single Detached, Semi-Detached or Row Townhouse Dwelling must be located on a parcel of land on which no other Single Detached, Semi-Detached or Row Townhouse dwelling is or would be located.
- 3.8 For the purposes of Subsection 3.5(5), “parcel of land” means a lot or block within a registered plan of subdivision or draft plan of subdivision or any land that may be legally conveyed under the exemption provided in clause 50 (3) (b) or clause 50 (5) (a) of the Planning Act.
- 3.9 Exemption for Industrial Development:
- 3.9.1 Notwithstanding any other provision of this by-law, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial building where the gross floor area is enlarged by 50 percent or less.
- 3.9.2 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
- 3.9.3 For the purpose of Section 3.9 herein, “existing industrial building” is used as defined in the Regulation made pursuant to the Act.
- 3.9.4 The exemption for an existing industrial building provided by this section shall be applied to a maximum of fifty percent (50%) of the gross floor area before the first

enlargement for which an exemption from the payment of development charges was granted pursuant to this By-law

### 3.10 Other Exemptions:

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

- (1) Bona-fide farm buildings;
- (2) Places of worship and cemeteries;
- (3) Non-profit housing; and
- (4) A Long-term care home within the meaning of Subsection 2 (1) of the *Long-Term Care Homes Act, 2007*

## Amount of Charges

### Residential

3.11 The development charges set out in Schedule “A” 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

3.12 The development charges described in Schedule “A” 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.

## Reduction of Development Charges for Redevelopment

3.13 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 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:

- (1) 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 3.11 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
- (2) 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 3.12, by the gross floor area that has been or will be demolished or converted to another principal use;

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

#### Time of Payment of Development Charges

3.14 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of a building permit for the development.

3.15 Notwithstanding Section 3.14, development charges for rental housing and institutional developments are due and payable in 6 equal 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.

- 3.16 Notwithstanding Section 3.14, 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.
- 3.17 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 approval of the application occurred within 2 years of building permit issuance, the Development Charges under Sections 3.14, 3.15 and 3.16 shall be calculated on the rates set out in Schedule "A" on the date the planning application was made, including interest. Where both planning applications apply, Development Charges under Sections 3.14, 3.15 and 3.16 shall be calculated on the rates, including interest, set out in Schedule "A" on the date the later planning application was made, including interest.
- 3.18 Interest for the purposes of Sections 3.15, 3.16 and 3.17 shall be calculated based on the Bank of Canada Prime Lending Rate plus 2% as follows:
- (1) The interest rate for the purpose of Sections 3.15 and 3.16 will be determined on the 1<sup>st</sup> day of January immediately prior the issuance of a building permit.
  - (2) The interest rate for the purpose of Section 3.17 will be determined on the 1<sup>st</sup> day of January immediately prior the date a Site Plan or Zoning By-law Amendment was made.
- 3.19 Notwithstanding Sections 3.14, 3.15, 3.16, and 3.17, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

#### **4. PAYMENT BY SERVICES**

- 4.1 Despite the payment required under subsections 3.11 and 3.12, 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, without amendment to this By-law, on January 1<sup>st</sup>, in accordance with the prescribed index in the Act.

#### **6. SCHEDULES**

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

Schedule "A" - Residential and Non-Residential Development Charges

#### **7. CONFLICTS**

- 7.1 Where the Township and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

- 7.2 Notwithstanding section 7.1, where a development which is the subject of an agreement to which section 7.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4(1), 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 12:01am on the 15<sup>th</sup> day of September 2022.

**10. DATE BY-LAW EXPIRES**

10.1 This By-law will expire at 12:01 AM on September 15<sup>th</sup> 2027 unless it is repealed by Council at an earlier date.

PASSED THIS 13<sup>th</sup> day of July 2022.

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Mayor

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Township Clerk

**SCHEDULE "A" TO BY-LAW 2022-057**  
**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	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
<b>Municipal Wide Services/Class of Service:</b>						
Services Related to a Highway	980	815	602	400	386	0.12
Fire Protection Services	1,042	866	640	425	410	0.13
Parks and Recreation Services	2,423	2,014	1,489	988	953	0.03
Growth-Related Studies	98	81	60	39	38	0.00
<b>Total Municipal Wide Services/Class of Services</b>	<b>4,543</b>	<b>3,776</b>	<b>2,791</b>	<b>1,852</b>	<b>1,787</b>	<b>0.28</b>