

The Corporation of the Municipality of Brockton



By-Law 2024- 096

Being a By-Law to Impose Development Charges.

Whereas the *Municipal Act S.O. 2001, c 25, Section 5(3)*, as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by By-Law;

Whereas the Corporation of the Municipality of Brockton will experience growth through development and redevelopment.

And whereas development will increase the need for municipal services as designated in this by-law;

And whereas subsection 2(1) of the *Development Charges Act, 1997 c. 27*, as amended provides that the council of a municipality may pass by-laws for the imposition of development charges against land for increased capital costs required because of the need for services arising from development in the area to which the by-law applies;

Now Therefore the Council of The Corporation of the Municipality of Brockton enacts as follows:

1.0 Definitions

- 1.1 "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 but is not an ancillary residential building.
- 1.2 "Act" means the *Development Charges Act, 1997, c. 27, as amended*.
- 1.3 "affordable residential unit" means a residential unit that meets the criteria set out in subsection 4.1 of the Act.
- 1.4 "agreement" means a contract between the Corporation and an owner of land and any amendment thereto.
- 1.5 "agricultural use" means the cultivation of land, the production of crops and the selling of such products on the premises, and the breeding and care of livestock and the selling of such livestock or the product of such livestock raised on the premises, and without limiting the generality of the foregoing includes aviaries, apiaries, fish farming, animal husbandry, and the raising and harvesting of field, bush, or tree crops, market gardening, nurseries and greenhouses. However, "agricultural use" does not include facilities for the permanent or temporary housing of persons employed on the lot, a residential use, services related to the grooming, boarding, or breeding of household pets and cannabis processing or production.
- 1.6 "ancillary residential building" means a residential building or structure that would be ancillary to a detached dwelling, semi-detached dwelling, or row dwelling.

- 1.7 "apartment unit" means any dwelling 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 and is not a special care or special dwelling unit.
- 1.8 "attainable residential unit" means a residential unit that meets the criteria set out in subsection 4.1 of the Act.
- 1.9 "bedroom" means a habitable room which can be used as sleeping quarters, but does not include a bathroom, living room, dining room or kitchen.
- 1.10 "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.
- 1.11 "Board of Education" means a board defined in s.s. 1 (1) of the *Education Act as amended*.
- 1.12 "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.
- 1.13 "Building Code Act" means the *Building Code Act, 1992 S.O. 1992, c.23, as amended*.
- 1.14 "Building Permit" means a permit pursuant to the Building Code Act.
- 1.15 "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,
- 1.15.1 to acquire land or an interest in land, including a leasehold interest;
- 1.15.2 to improve land;
- 1.15.3 to acquire, lease, construct or improve buildings and structures;
- 1.15.4 to acquire, lease, construct or improve facilities including,
- 1.15.4.1 rolling stock with an estimated useful life of seven years or more,
- 1.15.4.2 furniture and equipment, other than computer equipment, and
- 1.15.4.3 materials acquired for circulation, reference or information purposes by a library board as defined by the *Public Libraries Act R. O 1990, c. 57 as amended and*;
- 1.15.5 interest on money borrowed to pay for costs in 1.14.1 to 1.14.4 required for the provision of services designated in this bylaw within or outside of the Municipality.
- 1.15.6 To undertake studies in connection with any of the matters referred to in 1.14.1 to 1.14.4
- 1.16 "class of service" means a grouping of services combined to create a single service for the purposes of this by-law and as provided in Section 7 of the Act.
- 1.17 "commercial use" 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.

- 1.18 "Condominium Act" means the *Condominium Act, 1998, S.O. 1998, Chap. c. 19 as amended*.
- 1.19 "Corporation" means the Corporation of the Municipality of Brockton;
- 1.20 "Council" means the Council of the Corporation of the Municipality of Brockton;
- 1.21 "development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment.
- 1.22 "development charges" means a charge imposed with respect to this by-law.
- 1.23 "dwelling unit" means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with bedrooms, culinary and sanitary facilities for their exclusive use.
- 1.24 "exemption" means that no development charge is payable.
- 1.25 "farm building" means that part of a bona fide farming operation that is located upon land which is assessed and used for farm purposes encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use.
- 1.26 "floor" does not include a storey.
- 1.27 "floor above ground level" means any floor, the entire area of which is located below the lowest level at which the land upon which the building or structure stands abuts any land.
- 1.28 "floor below ground level" means any floor the entire area of which is located below the lowest level at which the land upon which the building or structure stands abuts any land.
- 1.29 "grade" means the average level of finished ground adjoining a building or structure at all exterior walls.
- 1.30 "gross floor area" means
- 1.30.1 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
- 1.30.2 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:
- 1.30.2.1 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;
- 1.30.2.2 loading facilities above or below grade; and

- 1.30.2.3 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;
- 1.31 "industrial use" 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.
- 1.32 "institutional use" means any use of lands, building or structures intended for use:
 - 1.32.1 as a long-term care home within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007 as amended*;
 - 1.32.2 as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010 as amended*;
 - 1.32.3 by any of the following post-secondary institutions for the objects of the institution:
 - 1.32.3.1 a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 - 1.32.3.2 a college or university federated or affiliated with a university described in subclause (i) or
 - 1.32.3.3 an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017 as amended*.
 - 1.32.4 as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
 - 1.32.5 as a hospice to provide end of life care.
- 1.33 "lawfully existing" means a building, the number, use and size that existed as of the date this by-law was passed that:
 - 1.33.1 that is not prohibited by a by-law passed under Section 34 of the *Planning Act*, or a predecessor of that section; or
 - 1.33.2 that is a legal non-conforming use; or
 - 1.33.3 that is allowed by a minor variance authorized under Section 45 of the *Planning Act*..
- 1.34 "Local Board" means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Corporation or any part or parts thereof.
- 1.35 "local services" means those services, facilities or things which are under the jurisdiction of the Corporation 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*.
- 1.36 "mixed-use" means land, building or structures used or designed or intended for a combination of non-residential use and residential use.

- 1.37 “mobile home” means a dwelling unit that is designed to be mobile, and constructed or manufactured to provide a permanent or seasonal residence for one or more persons but does not include a trailer or tent trailer. A mobile home shall be distinguished from other forms of prefabricated transportable housing by reason of a design which permits and features ready transfer from place to place.
- 1.38 “multi-unit dwelling,” means all dwellings, other than single detached, semi-detached, apartment and special care dwellings and special dwelling units. Stacked townhouses are multi-unit dwellings.
- 1.39 “net capital costs” means the capital cost, less capital grants, subsidies and other contributions made to the Corporation or that the Council anticipates will be made, including conveyances or payments under Sections 42, 52, and 53 of the *Planning Act*, in respect of the capital costs.
- 1.40 "non-profit housing development" means development of a building or structure intended for use as residential premises by:
- 1.40.1 a corporation without share capital to which the *Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing;
- 1.40.2 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
- 1.40.3 a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, or any successor legislation.
- 1.41 “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.
- 1.42 “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.
- 1.43 “park model trailer” means a manufactured building used or intended to be used for residential occupancies designed and constructed in conformity with CAN/CSA-Z241 Series M – “Park Model Trailers”.
- 1.44 “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.
- 1.45 “Planning Act” means the *Planning Act, 1990 R.S.O. 1990, c.P.13, as amended*.
- 1.46 “prescribed index” means the price index as prescribed by regulation.
- 1.47 “redevelopment” means the construction, erection or placing of one or more buildings on land where all or part of a building on such land has been previously demolished or changing the use of all or part of a building from a residential purpose to a non-residential purpose or from a non-residential purpose to a residential purpose, or changing all or part of a building from one form of residential development to another form of residential development or from one form of non-residential development to another form of non-residential development.
- 1.48 “regulation” means any regulation made pursuant to the Act.
- 1.49 “rental housing development” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises.

- 1.50 “residential dwelling unit” – means as defined by the Planning Act.
- 1.51 “residential use” means land, buildings or portions thereof used, designed, or intended to be used as living accommodations for one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment unit dwelling, a mobile home, a park model trailer, a special care/special need dwelling, an ancillary residential building, dwelling units on land that is used for an agricultural use, and the residential portion of a mixed-use building. It does not include motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers, or boarding, lodging or rooming houses.
- 1.52 “retirement home or lodge” means a residential building or the portion of a mixed use building which provides accommodation primarily for retired persons or couples where each private bedroom or living accommodation has a separate private bathroom and separate entrance from a common hall, but do not include private culinary facilities and instead where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided.
- 1.53 “rowhouse 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.
- 1.54 “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 units are not connected by an interior corridor.
- 1.55 “service” means a service designed in Schedule “A” to this By-law and “services” shall have a corresponding meaning.
- 1.56 “servicing agreement” means an agreement between a owner and the Corporation relative to the provision of municipal services to specified land within the Corporation.
- 1.57 “single detached dwelling” means a completely detached building containing only one dwelling unit and not attached to another structure.
- 1.58 “special care and or special dwelling unit and or room” means a residence in an assisted living facility:
- 1.58.1 Containing two or more dwelling rooms, which rooms have a common entrance from street level; and
 - 1.58.2 Where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room, and accessory buildings; and
 - 1.58.3 That is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where support services, such as meal preparation, grocery shopping, laundry, housing, nursing, respite care and attending services are provided at various levels but
 - 1.58.4 Excludes group homes.
- 1.59 “Stacked townhouse dwelling” means a building containing two or more dwellings where each dwelling unit is separated horizontally and/or vertically from another dwelling unit by a common wall or floor.
- 1.60 “Zoning By-law” means the Zoning By-law of the Municipality of Brockton, or any successor thereof passed pursuant to Section 34 of the Planning Act

2.0 Designation of Services and Classes of Services

- 2.1 The categories of services and classes of services for which development charges are imposed under this by-law are as follows:
- 2.1.1 Fire Services
 - 2.1.2 Parks and Recreation
 - 2.1.3 Public Works
 - 2.1.4 Water Services
 - 2.1.5 Stormwater Services
 - 2.1.6 Administration Services
- 2.2 The components of services and classes of services designated in subsection 2.1 are described in Schedule A.

3.0 Application of By-law Rules

- 3.1 Development charges shall be payable in the amounts set out in this by-law where:
- 3.1.1 the lands are located in the area described in subsection 3.2; and
 - 3.1.2 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 subsection 3.3, this by-law applies to all lands within the Municipality of Brockton. Area specific charges apply to the Walkerton Urban Settlement Area, and Development Area 2A and 2B, as shown in Schedule B.
- 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:
- 3.3.1 the municipality or a local board thereof;
 - 3.3.2 a board of education;
 - 3.3.3 the Corporation of the County of Bruce or a local board thereof;
 - 3.3.4 land vested in or leased to a university or college that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Act if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university or college.

Approvals for Development

- 3.4 Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
- 3.4.1 the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
 - 3.4.2 the approval of a minor variance under section 45 of the *Planning Act*,
 - 3.4.3 a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;

- 3.4.4 the approval of a plan of subdivision under section 51 of the *Planning Act*,
 - 3.4.5 a consent under section 53 of the *Planning Act*;
 - 3.4.6 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
 - 3.4.7 the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- 3.5 No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this by-law applies even though two or more of the actions described in subsection 3.4 are required before the lands, buildings or structures can be developed.
- 3.6 Despite subsection 3.5, if two or more of the actions described in subsection 3.4 occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Rules with Respect to Exemptions for Intensification of Existing Housing

- 3.7 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to developments or portions of developments as follows:
- 3.7.1 the enlargement to an existing residential dwelling unit;
 - 3.7.2 a second residential dwelling unit in an existing single detached dwelling, semi-detached dwelling or rowhouse dwelling, if all buildings and structures ancillary to the existing dwelling contain no more than one residential dwelling unit;
 - 3.7.3 a third residential dwelling unit in an existing single detached dwelling, semi-detached dwelling, or rowhouse dwelling, if no buildings and structures ancillary to the existing dwelling contains any residential dwelling units;
 - 3.7.4 one residential dwelling unit in a building or structure ancillary to an existing single detached dwelling, semi-detached dwelling or rowhouse dwelling, if the existing dwelling contains no more than two residential dwelling units and no other buildings or structures ancillary to the dwelling contain any residential dwelling units;
 - 3.7.5 a second residential unit in a new single detached dwelling, semi-detached dwelling or rowhouse dwelling, if all buildings and structures ancillary to the existing dwelling contain no more than one residential dwelling unit;
 - 3.7.6 a third residential unit in a new single detached dwelling, semi-detached dwelling, or rowhouse dwelling, if no buildings and structures ancillary to the existing dwelling contains any residential dwelling units;
 - 3.7.7 one residential dwelling unit in a building or structure ancillary to a new single detached dwelling, semi-detached dwelling or rowhouse dwelling, if the existing dwelling contains no more than two residential dwelling units and no other buildings or structures ancillary to the dwelling contain any residential dwelling units;
 - 3.7.8 the creation of additional residential dwelling units equal to the greater of one or 1 % of the existing residential dwelling units in an existing residential rental building containing four or more dwelling units or prescribed ancillary structure to the existing residential building;

Rules with Respect to Industrial Expansion Exemptions

3.8 For the purpose of section 3.9, "existing industrial building" is used as defined in the Regulation made pursuant to the Act.

3.9 If an industrial development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charges that is payable in respect of the enlargement is determined in accordance with the following:

3.9.1 Subject to subsection 3.9.3; if the gross floor area is enlarged by 50 percent or less of the lesser of:

3.9.1.1 the gross floor area of the existing industrial building, or

3.9.1.2 the gross floor area of the existing industrial building before the first enlargement for which:

3.9.1.2.1 an exemption from the payment of development charges was granted, or

3.9.1.2.2 a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid,

Pursuant to Section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is zero;

3.9.2 Subject to subsection 3.9.3, if the gross floor area is enlarged by more than 50 per cent of the lesser of:

3.9.2.1 the gross floor area of the existing industrial building, or

3.9.2.2 the gross floor area of the existing industrial building before the first enlargement for which:

3.9.2.2.1 an exemption from the payment of development charges was granted, or

3.9.2.2.2 a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

3.9.2.2.3 determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and

3.9.2.2.4 divide the amount determined under subsection 3.9.2.2.3 by the amount of the enlargement;

3.9.3 For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged, the cumulative gross floor area of any previous enlargements for which:

3.9.3.1 An exemption from the payment of development charges was granted, or

3.9.3.2 A lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection, shall be added to the calculation of the gross floor area of the proposed enlargement.

- 3.9.4 For the purposes of this subsection, the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.

Other Exemptions

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

3.10.1 Lands, buildings or structures used or to be used for a place of worship or for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act.

3.10.2 The development of non-residential farm buildings constructed for bona fide farm uses.

3.10.3 Non-profit housing development.

3.10.4 Affordable housing units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning).

3.10.5 Affordable residential units and attainable residential units.

3.10.6 Uninhabited accessory structures associated with residential dwellings.

3.10.7 Non-residential development within the East Ridge Business Park where the lands were serviced and developed by the Municipality of Brockton.

3.10.8 Institutional developments as defined in this bylaw.

3.10.9 Rental housing developments as defined in this bylaw.

3.10.10 Developments with Site Plan or Plan of Subdivision or Plan of Condominium agreements that were signed prior to the date of passage of this bylaw; where building permits are obtained within 18 months of the date of the passage of this bylaw. Notwithstanding the foregoing, blocks within registered plans of subdivision that will be subject to further development agreements will not be exempt from the payment of development charges. For further clarity, any building permits associated with a development obtained beyond 18 months of the date of the passage of this bylaw are not exempt from the payment of development charges.

Rules with Respect to Rental Units Reduction

- 3.11 Notwithstanding any other provision of this By-law, the Development Charges payable for rental housing developments, as defined in the Act, will be reduced based on the number of bedrooms in each unit as follows:

3.11.1 Three or more bedrooms – 25% reduction.

3.11.2 Two bedrooms – 20% reduction.

3.11.3 All other bedroom quantities – 15% reduction.

Amount of Charges

Residential

- 3.12 The development charges set out in Schedule C 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

- 3.13 The development charges described in Schedule C 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 gross floor area of the non-residential use.

Reduction of Development Charges for Redevelopment

- 3.14 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 5 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:

3.14.1 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 3.12 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and

3.14.2 in the case of a non-residential building or structure or, in the case of a mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the greater of the applicable development charges under subsection 3.13 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.

Redevelopment of Land - Demolition

- 3.15 In the case of the demolition of all or part of a building or structure associated with a development on a singular and certain parcel of land:

3.15.1 a credit shall be allowed against the development charges otherwise payable, provided a demolition permit for a residential building or structure has been issued and not revoked, and a building permit issued for the redevelopment within 5 years from the date the demolition permit for the residential building or structure was issued. If a demolition permit is not required, the owner must provide notice to the Corporation of the demolition occurring within 5 business days of the demolition and the date of notice will be used.

3.15.2 a credit shall be allowed against the development charges otherwise payable, provided a demolition permit for a non-residential building or structure has been issued and not revoked, and a building permit issued for the redevelopment within 5 years from the date the demolition permit for the non-residential building or structure was issued.

Time of Calculation and Payment of Development Charges

- 3.16 Development charges imposed under this By-law are calculated, payable, and collected on the date a building permit is issued in respect of the building or structure for which the owner has made a building permit application, unless the development charge is to be paid at a different time under Section 26 or Section 26.1 of the Act, or is to be paid or has been paid at a different time under an agreement pursuant to Section 27 of the Act.
- 3.17 Notwithstanding subsection 3.16 development charges for rental housing and institutional developments are due and payable in 6 equal annual payments commencing with the first instalment payable on the earlier of the date the first occupancy permit is granted or the date of first occupancy, and each subsequent instalment, including interest calculated in accordance with the Act.
- 3.18 Where the development of land results from the approval of a site plan or zoning by-law amendment received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under subsections 3.16 and 3.17 shall be calculated on the rates set out in Schedule C on the date of the planning application, including interest as per the Act. Where both planning applications apply, development charges under subsections 3.16 and 3.17 shall be calculated on the rates, including interest as provided in the Act, payable on the anniversary date each year thereafter, set out in Schedule C on the date of the later planning application, including interest.
- 3.19 Despite sections 3.16 to 3.18, Council from time to time, and at any time, may enter into an agreement with an owner to provide for the payment in full of development charges before building permit issuance or later than the issuing of a building permit, in accordance with section 27 of the Act.
- 3.20 Despite sections 3.16 to 3.19 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.

4.0 Payment

- 4.1 Payment of development charges shall be by debit, bank draft or certified cheque or as otherwise approved at the sole discretion of the Chief Financial Officer of the Municipality.

5.0 Local Service Installation

- 5.1 Nothing in this by-law prevents Council from requiring, as a condition of an agreement under Section 51 or 53 of the Planning Act that the owners, at his or her own expense, shall install or pay for such local services, within the Plan of Subdivision or within the area to which the plan relates, as Council may require.

6.0 Unpaid Development Charges

- 6.1 If development charges, or any part thereof, remain unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
- 6.2 If any unpaid development charges are collected as taxes in accordance with section 6.1, the monies so collected shall be credited to the appropriate development charge reserve fund.

7.0 Indexing

- 7.1 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, commencing on January 1, 2025 and annually thereafter, in accordance with the prescribed index in the Act.

8.0 Schedules

8.1 The following schedules shall form part of this by-law:

8.1.1 Schedule A: Components of Services and Classes of Services Designated in Subsection 2.1.

8.1.2 Schedule B: Map of Walkerton and Development Areas 2A and 2B Development Charge Service Areas.

8.1.3 Schedule C: Residential and Non-Residential Development Charges.

9.0 Conflicts

9.1 Where the Corporation 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.

10.0 By-law Registration

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

11.0 By-law In Force

11.1 This by-law shall come into effect on the date of passage hereof DATE.

12.0 Date By-law Expires

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

13.0 Severability

13.1 If, for any reason, any provision, section, subsection or paragraph of this By-law is held 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 or amended, in whole or in part or dealt with in any other way.

14.0 This By-Law may be cited as the "Development Charges By-Law".

Read a First and Second Time and Provisionally Adopted this 12th day of November, 2024.

Mayor – Chris Peabody

Director of Legislative and Legal Services (Clerk)
– Fiona Hamilton

Read a Third Time and Finally Passed this _____ day of _____, 2024.

Mayor – Chris Peabody

Director of Legislative and Legal Services (Clerk)
– Fiona Hamilton

Schedule “A” to Bylaw No. 2024-XX

Designated Municipal Services under this By-law

Municipal-Wide Services:

- Fire Services
- Parks and Recreation
- Public Works
- Administration Services

Development Area 2A and 2B Services:

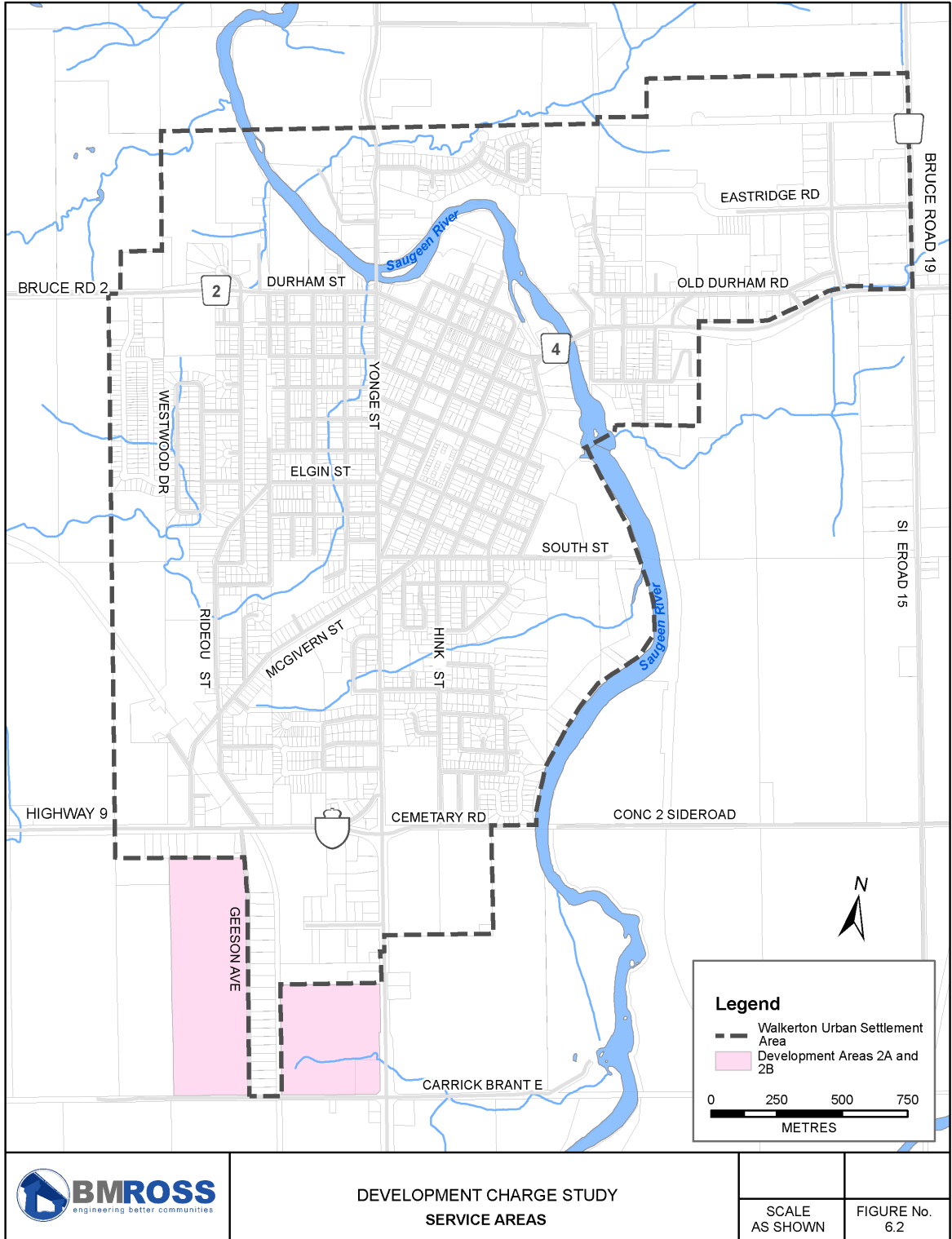
- Water Services

Walkerton Service Area Services:

- Stormwater Services

Schedule "B" to Bylaw No. 2024-XX

Map of Walkerton Urban Settlement Area and Development Area 2A and 2B Service Areas



Schedule "C" to Bylaw No. 2024-XX

Schedule of Residential and Non-Residential Development Charges

DC Area	Service Category	Single Detached & Semi-Detached Dwellings (per unit)	Multi-unit Dwellings (per unit)	Apartment Units, 2 or 2+ bedroom (per unit)	Apartment Units, 1 bedroom, bachelor, or special care or special dwelling units (per unit)	Non-Residential (per sqft.)
Municipal-Wide	Fire	973	627	574	475	0.66
Municipal-Wide	Parks and Recreation	3,671	2,366	2,165	1,793	-
Municipal-Wide	Public Works	3,205	2,066	1,891	1,565	1.49
Municipal-Wide	Admin	133	86	79	65	1.47
Municipal-Wide Total	Total	7,982	5,145	4,709	3,898	3.62
Development Areas 2A and 2B	Water	19,092	12,306	11,262	9,323	8.75
Walkerton Urban Settlement Area	Stormwater	1,093	705	645	534	0.36
Walkerton Urban Settlement Area Total	Total	9,075	5,850	5,354	4,432	4.00
Development Areas 2A and 2B	Total	28,167	18,156	16,616	13,755	12.73

