

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 045-2021

BEING A BY-LAW TO ESTABLISH A DEVELOPMENT CHARGES BY-LAW FOR THE TOWN OF MILTON FOR SERVICES OTHER THAN PARKING AND REPEAL BY-LAW 100- 2016

WHEREAS The Corporation of the Town of Milton has and will continue to experience growth through development;

AND WHEREAS development requires the provision of physical and other services by the Town;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth related demands for, or the burden on, Town services does not place an undue financial burden on the Town or its taxpayers;

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 Council has before it a report entitled "Town of Milton Development Charge Background Study" prepared by Watson and Associates Economists Ltd. dated March 3, 2021;

AND WHEREAS the Council of The Corporation of the Town of Milton has given notice of and held a public meeting on the 22nd day of March, 2021 in accordance with the Act and the regulations thereto;

NOW THEREFORE the Council of The Corporation of the Town of Milton hereby enacts as follows:

DEFINITIONS

1. In this By-law, including in this section:

"accessory" means where used to describe a use, building, or structure that the use, building, or structure is naturally and normally incidental, subordinate in purpose or floor area or both, and exclusively devoted to a principal use, building or structure, but is not an ancillary residential building;

"accessory dwelling" means a self-contained residential unit that is subordinate in purpose to another residential dwelling unit upon the same lot

and includes a basement apartment, garden suite and in some cases, a mobile home;

"Act" means the Development Charges Act, 1997, S.O. 1997, c. 27;

"agricultural development" means a bona fide farming operation, including greenhouses used in connection with a bona fide farming operation which are not connected to Regional water services or wastewater services, sod farms and farms for the breeding and boarding of horses, and includes, but is not limited to, barns, silos and other ancillary buildings to such agricultural development, but excluding in all circumstances any residential or commercial or retail component thereof and excludes Cannabis Production Facilities;

"air-supported structure" means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;

"ancillary residential building" means a residential building or structure that would be ancillary to a detached dwelling, semi-detached dwelling, or row dwelling and includes an accessory dwelling;

"apartment unit dwelling" means any residential unit within a building containing more than four dwelling units where the units are connected by an interior corridor, and includes an accessory dwelling but does not include a special care/ special need dwelling unit;

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

"bedroom" means a habitable room of at least seven (7) square metres, including a den, study, loft, or other similar area, but does not include a living room, dining room, kitchen, or other space;

"board of education" has the same meaning as set out in the Education Act, R.S.O. 1990, c.E.2, (the "Education Act");

"building" means a structure occupying an area greater than ten (10) square metres consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof, and includes, but is not limited to, an above-grade storage tank, an air-supported structure, a canopy, and an industrial tent, but does not include a seasonal air-supported structure;

"Building Code Act" means the Building Code Act, 1992, S.O. 1992, c.23;

"cannabis" means:

- a) a cannabis plant;
- b) any part of a cannabis plant, including the phytocannabinoids produced

by, or found in, such a plant regardless of whether that part has been processed or not;

- c) any substance or mixture of substances that contains or has on it any part of such a plant; and
- d) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;

"cannabis plant" means a plant that belongs to the genus Cannabis;

"Cannabis Production Facilities" means a building, or part thereof, designed, used, or intended to be used for one or more of the following: growing, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment, or distribution of cannabis where a licence, permit or authorization has been issued under applicable federal law and does include, but is not limited to such buildings as a greenhouse and agricultural building associated with the use. It does not include a building or part thereof solely designed, used, or intended to be used for retail sales of cannabis;

"canopy" includes, but is not limited to, a roof-like structure projecting more than 1.22 metres (four (4) feet) from the exterior face of a building and a separate roof-like structure, such as a roof-like structure for an automotive fuel station, a covered patio, or a drive-through facility;

"capital cost" means costs incurred or proposed to be incurred by the Town or a local board thereof directly or by others on behalf of and as authorized by the Town or local board to:

- a) acquire land or an interest in land, including a leasehold interest;
- b) improve land;
- c) acquire, lease, construct or improve buildings or structures;
- d) acquire (including leasing), construct or improve facilities including,
 - i. furniture and equipment other than computer equipment, and
 - ii. material acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 1990,
Chap. P.44; and
 - iii. rolling stock with an estimated useful life of seven years or more; and

- e) undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d) above, including the development charge background study required for the provision of services designated in this By-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (a) to (e) above that are growth- related;

"central business district" means that area defined as and shown as the central business district in the Town's in-force Official Plan, as may be amended from time to time;

"charitable dwelling" means a residential building, a part of a residential building or the residential portion of a mixed-use building maintained and operated by a corporation approved under the Charitable Institutions Act, R.S.O. 1990, c. C.9, for persons requiring residential, specialized or group care and charitable dwelling includes a children's residence under the Child, Youth and Family Services Act, 2017, S.O. 2017, C. 14, Sched. 1, a psychiatric facility under the Mental Health Act, R.S.O. 1990, c. M.7, long-term care home under the Long- Term Care Homes Act, 2007, S.O. 2007, c. 8, c. N.7, and a home for special care under the Homes for Special Care Act, R.S.O. 1990, c, H.12.

"class" means a grouping of services combined to create a single service for the purposes of this by-law and as provided in section 7 of the Development Charges Act;

"commercial" means land, buildings, structures, or portions thereof used, designed, or intended for non-residential use that is not retail or industrial, and includes uses which serve academic, medical/dental, and cultural needs that are not located within or part of a retail development;

"Condominium Act" means the Condominium Act, 1998, S.O. 1998, Chap. c. 19;

"correctional group home" " means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit supervised on a 24- hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof, and licensed, approved or supervised by the Province of Ontario as a detention or correctional facility under any general or special act and amendments or replacements thereto. A correctional group home may contain an office provided that the office is used only for the operation of the correctional group home in which it is located. A correctional group home shall not include any detention facility operated or supervised by the Federal Government nor any correctional institution or secure custody and detention facility operated by the Province of Ontario;

"Council" means the Council of The Corporation of the Town of Milton;

"detached dwelling" has the same meaning as a "single detached dwelling" for the purposes of this by-law;

"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 and/or changing the use thereof, and includes redevelopment;

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

"development charge interest policy" means section 4.1.4 of the Town's Policy No. 117 Financial Management - Development Finance, as may be amended from time to time;

"dwelling unit" means either (1) any part of a building or structure used, designed, or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use, or (2) in the case of a special care/special need dwelling, a room or suite of rooms used, or designed or intended for use, by one person with or without exclusive sanitary and/or culinary facilities, or more than one person if sanitary facilities are directly connected and exclusively accessible to more than one room or suite of rooms;

"existing" means the number, use and size that existed as of the date this By-law was passed;

"garden suite" means a building containing one (1) dwelling unit where the garden suite is detached from and ancillary to an existing single detached dwelling or semi-detached dwelling on the lands and such building is designed to be portable;

"grade" means the average level of finished ground adjoining a building at all exterior walls;

"gross floor area" means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls and includes the area of a mezzanine and excludes those areas used exclusively for parking garages or structures;

"group home" means a residential building or the residential portion of a mixed- use building containing a single housekeeping unit which may or may not be supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof and licensed,

approved or supervised by the Province of Ontario for the accommodation of persons under any general or special act and amendments or replacements thereto. A group home may contain an office provided that the office is used only for the operation of the group home in which it is located;

"hospice" means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care;

"industrial" means lands, buildings or structures, or portions thereof, used, designed or intended for use for production, compounding, processing, packaging, crating, bottling, or assembly ("manufacturing") of raw goods or semi-processed goods or materials, research and development relating thereto, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public (if the retail sales are at the site where the manufacturing takes place) where such uses are accessory to an industrial use, and includes cannabis production facilities, but does not include the sale of commodities to the general public through a warehouse club or retail warehouse and does not include self-storage or mini-storage facilities;

"institutional development" means development of a building or structure, or portions thereof, intended for use,

- a) as a long-term care home within the meaning of subsection 2 (1) of the Long- Term Care Homes Act, 2007;
- b) as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
- c) by any of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 - (ii) a college or university federated or affiliated with a university described in subclause (i), or
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;
- d) as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- e) as a hospice to provide end of life care.

"interest rate" means the annual rate of interest as established through the development charge interest policy, as may be revised from time to time;

"live/work unit" means a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas;

"local board" means a local board as defined in section 1 of the Municipal Affairs Act other than a board as defined in subsection 1(1) of the Education Act;

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

"lot" means a parcel of land capable of being conveyed lawfully without any approval under the Planning Act or successor thereto which meets the minimum lot area requirements under the Town's Zoning By-law;

"mixed-use" means land or buildings used or designed or intended to be used for a combination of non-residential development and residential development;

"mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer;

"multiple dwelling" means all dwellings other than single-detached dwellings, semi-detached dwellings, apartment unit dwellings, special care/special need dwellings, ancillary residential buildings, and includes but is not limited to row dwellings, back-to-back townhouse dwellings, stacked townhouse dwellings, and the residential portion of a live/work unit;

"municipality" means The Corporation of the Town of Milton;

"non-profit housing development" means development of a building or structure intended for use as residential premises by,

- a) 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;
- b) 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

c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation;

"non-residential development" means land, buildings or portions thereof used, designed, or intended for use for a non-residential purpose and "non-residential use" has the same meaning;

"non-residential purpose" means the use of land, buildings, or portions thereof for any purpose other than for a residential purpose;

"non-retail development" means any non-residential development which is not a retail development;

"Official Plan" means the Official Plan adopted for the Town, as amended, and approved;

"owner" means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;

"place of worship" means that part of a building or structure that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, Chap. A.31;

"Planning Act" means the Planning Act, R.S.O. 1990, c. P.13; "prescribed index" means the price index as prescribed in the Regulation;

"public hospital" means lands, buildings or structures used and occupied by a hospital that receives aid under the Public Hospitals Act, R.S.O. 1990, c. P.40, but excludes (i) any portion of a building occupied by a tenant of the hospital, (ii) any lands, buildings or structures, or portions thereof, owned by a hospital or hospital board that are used for purposes other than a public hospital, and (iii) any residential component of such lands, buildings or structures, or portions thereof, that is not a public hospital;

"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;

"Region" means The Regional Municipality of Halton; "Regulation" means any regulation made pursuant to the Act;

"rental housing" means development of a building or structure or portion thereof with four or more dwelling units that are intended for use as rented residential premises;

"residential development" 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 special care/special need dwelling, an ancillary residential building, and the residential portion of a mixed-use building and "residential use" and "residential purpose" has the same meaning;

"retail development" means land, buildings or portions thereof used, designed, or intended for use for the purpose of offering foods, wares, merchandise, substances, articles, or things for sale directly to the public or providing services or entertainment to the public. Retail development excludes freestanding bank kiosks and includes, but is not limited to:

- a) land, buildings, or portions thereof used, designed, or intended for use for the rental of wares, merchandise, substances, articles, or things;
- b) offices and storage in connection with, related to or ancillary to retail use; and
- c) conventional restaurants; fast food restaurants; catering establishments, bars and taverns; beer and wine-making stores; concert halls/theatres/cinemas/movie houses/drive-in theatres; dinner theatres; casinos; amusement and theme parks; amusement arcades; bowling alleys; pet boarding kennels, pet boarding kennel services, pet obedience training centres, pet care, attendance and grooming services; fitness/recreation sport centres; hotels, motels/bed and breakfast facilities/rooming and boarding houses; gas stations and service stations; specialty automotive shops/auto repairs/collision services/car or truck washes; auto dealerships; shopping centres and plazas, including more than two attached stores under one ownership; department/discount stores; banks and similar financial institutions, including credit unions; insurance brokerages; investment advisory services; warehouse clubs and retail warehouses and self-storage or mini-storage facilities;

"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;

"row dwelling" means a building containing three or more attached dwelling units in a single row, each of which dwelling unit has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

"seasonal air-supported structure" means an air-supported structure that is raised and/or erected for a maximum of six months in any given year to allow for the use of an outdoor sports field or portion thereof during the winter for sports- related activities and includes a seasonal sports bubble;

"seasonal structure" means a building placed or constructed on land and used, designed, or intended for use for a non-residential purpose during a single season of the year where such building is designed to be easily demolished or removed from the land at the end of the single season and is erected immediately before the single season and is demolished or removed from the land immediately following the end of the single season;

"semi-detached dwelling" means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;

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

"servicing agreement" means an agreement between a landowner and the Town relative to the provision of municipal services to specified land within the town;

"single detached dwelling" means a completely detached building containing only one primary dwelling unit and includes one mobile home on a lot which contains no other dwelling unit(s);

"site" means a parcel of land which can be legally conveyed pursuant to section 50 of the Planning Act and includes a development having two or more lots consolidated under one identical ownership;

"special care/special need dwelling" means:

a building containing two or more dwelling units, which units have a common entrance from street level:

- i. where the occupants have the right to use in common, halls, stairs, yards, common rooms, and accessory buildings;
- ii. which may or may not have exclusive sanitary and/or culinary facilities;
- iii. that is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
- iv. where support services such as meal preparation, grocery shopping,

laundry, housekeeping, nursing, respite care and attendant services are provided at various levels;

- v. and includes, but is not limited to, retirement homes or lodges, long-term care homes, charitable dwellings, group homes (including correctional group homes) and hospices;

"stacked townhouse dwelling" means a building containing two or more dwelling units where each dwelling unit is separated horizontally and/or vertically from another dwelling unit by a common wall or floor;

"temporary venue" means a building that is placed or constructed on land and is used, designed, or intended for use for a particular event where the event has a duration of three (3) weeks or less and the building is erected immediately before the beginning of the event and is demolished or removed from the land immediately following the end of the event;

"total floor area":

- a) includes the sum total of the total areas of the floors in a building whether at, above or below grade, measured:
 - i. between the exterior faces of the exterior walls of the building;
 - ii. from the centre line of a common wall separating two uses; or
 - iii. from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall; and
- b) includes the area of a mezzanine as defined in the Building Code Act;
- c) excludes those areas used exclusively for parking garages or structures;
- d) where a building or a portion thereof has only one wall or does not have any walls, shall be the sum of the total area of all floors in the building:
 - (1) directly beneath the roof or canopy of the building; or
 - (2) between and/or beneath a structural system serving the function of walls, roof, or canopy or any one or more of them;
- e) where the building is an above-grade storage tank, the calculation of the total floor area is determined by taking the cross-sectional area of the tank, which is πr^2 (the base area);
- f) and for the purposes of this definition, the non-residential portion of a mixed-use building is deemed to include half of any area common to

the residential and non-residential portions of such mixed-use buildings;

"Town" means The Corporation of the Town of Milton;

"town" means the area within the geographic limits of The Corporation of the Town of Milton;

"Treasurer" means the person appointed as the Town's Chief Financial Officer and Treasurer or his or her designate; and

"Zoning By-Law" means the Zoning By-Law Numbers 016-2014 for the urban areas and 144-2003 for the rural areas of the Town of Milton.

DESIGNATION OF SERVICES/CLASS OF SERVICES

2. It is hereby declared by the Council of the Town that all development and redevelopment of land within the town will increase the need for services.
3. Once this By-law is in force, the development charge applicable to a development as determined under this By-law shall apply without regard to the services required or used by any individual development.
4. The categories of services and classes of services for which development charges are imposed under this By-law are as follows:
 - (a) Services Related to a Highway;
 - (b) Public Works;
 - (c) Fire Protection Services;
 - (d) Parks and Recreation Services;
 - (e) Library Services;
 - (f) Transit Services;
 - (g) Growth Studies;
 - (h) Stormwater Drainage and Control Services – Area Specific – Boyne Secondary Plan;
 - (i) Stormwater Drainage and Control Services – Area Specific – Sherwood Secondary Plan;
 - (j) Stormwater Drainage and Control Services – Area Specific – Derry Green Secondary Plan;

- (k) Stormwater Drainage and Control Services – Area Specific – Trafalgar Secondary Plan
 - (l) Stormwater Drainage and Control Services – Area Specific - Agerton Secondary Plan;
 - (m) Stormwater Drainage and Control Services – Area Specific – Britannia Secondary Plan;
 - (n) Stormwater Drainage and Control Services – Area Specific – Milton Education Village Secondary Plan; and
 - (o) Stormwater Drainage and Control Services – Area Specific – Milton Education Village Supplemental Lands Secondary Plan.
5. The components of the services or class of services designated in section 4 are described in Schedule A.

APPLICATION OF BY-LAW RULES

6. Development charges shall be payable in the amounts set out in this By-law where:
- (a) the lands are located in the area described in section 7; and
 - (b) the development of the lands requires any of the approvals set out in section 9.

AREA TO WHICH BY-LAW APPLIES

7. Subject to section 8, this By-law applies to all lands in the Town of Milton whether or not the land or use thereof is exempt from taxation under s. 13 of the Assessment Act.
8. Notwithstanding clause 7 above, this By-law shall not apply to lands that are owned by and used for the purposes of:
- a) the Town or a local board thereof;
 - b) a board of education; or
 - c) the Region or a local board thereof;

APPROVALS FOR DEVELOPMENT

9. 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 9 of the Condominium Act; or
 - g) the issuing of a permit under the Building Code Act in relation to a building or structure.
10. No more than one development charge for each service or class of service designated in section 4 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 section 9 are required before the lands, buildings or structures can be developed.
11. Despite section 10, if two or more of the actions described in section 9 occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

EXEMPTIONS:

Rules with Respect to Exemptions for Intensification of Existing Housing or New Housing

12. Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to developments or portions of developments as follows:
- a) the enlargement to an existing residential dwelling unit;
 - b) one or two additional dwelling units in an existing single detached dwelling or prescribed ancillary structure to the existing residential building;
 - c) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units or prescribed ancillary structure to the existing residential building;

- d) the creation of one additional dwelling unit in any other existing residential building already containing at least one dwelling unit or prescribed ancillary structure to the existing residential building; or
- e) 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
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>

13. Notwithstanding section 12, 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.

14. Notwithstanding section 12, development charges shall be imposed if the additional unit has a gross floor area greater than:

- a) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
- b) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

EXEMPTION FOR INDUSTRIAL DEVELOPMENT:

15. For the purpose of sections 16 to 20 inclusive, the term “existing industrial building” shall have the same meaning as that term has in the Regulation, and shall not include self-storage or mini-storage facilities.

16. Notwithstanding any other provision of this By-law, but subject to sections 19 and 20 below, no development charge is payable with respect to the enlargement of the total floor area of an existing industrial building where the total floor area is enlarged by 50 percent or less:
17. If the total 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:
- a) determine the amount by which the enlargement exceeds 50 percent of the total floor area before the enlargement;
 - b) divide the amount determined under subsection 17a) by the amount of the enlargement.
18. For greater certainty in applying the exemption in this section, the total floor area of an existing industrial building is enlarged where there is a bona fide increase in the size of the existing industrial building, the enlarged area is attached to the existing industrial building, there is a direct means of ingress and egress from the existing industrial building to and from the enlarged area for persons, goods and equipment and the existing industrial building and the enlarged area are used for or in connection with an industrial purpose as set out in subsection 1(1) of the Regulation. Without limiting the generality of the foregoing, the exemption in this section shall not apply where the enlarged area is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor, or other passageway, or through a shared below-grade connection such as a service tunnel, foundation, footing or parking facility.
19. The exemption for an existing industrial building provided by this section shall be applied up to a maximum of 50 percent of the total floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this By-law or any previous development charges by-law of the Town made pursuant to the Act or its predecessor legislation. Development charges shall be imposed in accordance with Schedule B with respect to the amount of floor area of an enlargement that results in the total floor area of the industrial building being increased by greater than 50 percent of the total floor area of the existing industrial building.
20. For the purposes of this section, despite any new sites created which result in an existing industrial building being on a site separate from its enlargement or enlargements for which an exemption was granted under this section, further exemptions, if any, pertaining to the existing industrial building shall be calculated in accordance with section 19 on the basis of its site prior to any division.

OTHER EXEMPTIONS/REDUCTIONS:

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

- a) lands or buildings used or to be used for a place of worship or for the purposes of a cemetery or burial ground exempt from taxation under Assessment Act, R.S.O. 1990, Chap. A.31;
- b) development creating or adding an accessory use or accessory building not exceeding 10 square metres (107.64 square feet) of gross floor area;
- c) development creating or adding an accessory use or accessory building to a residential use where the accessory use or accessory building is not used for any commercial or retail use or purpose;
- d) a public hospital;
- e) buildings owned by and used for the purposes of a conservation authority unless such buildings are used primarily for or in connection with (i) recreational purposes for which the conservation authority charges admission and/or fees or (ii) any retail purposes;
- f) agricultural development, including a one-time exemption of up to 50 square metres (538.2 square feet) on any commercial or retail component therein;
- g) seasonal structures;
- h) temporary venues; and
- i) Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Development Charges Act, 1997 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

22. Notwithstanding any other provisions of this By-law, a garden suite shall be exempt at the time a building permit is issued for the garden suite from the payment of development charges under this By-law provided that:

- a) a by-law has been passed by the Town under sections 39 and 39.1 of the Planning Act authorizing the temporary use of the garden suite;
- b) prior to the issuance of the building permit for the garden suite, the owner shall have entered into an agreement with the Town under

section 27 of the Act in a form and having a content satisfactory to the Town's solicitor and having content satisfactory to the Treasurer, may be registered on title to the lands, agreeing to pay the development charges otherwise payable under this By-law in respect of the garden suite if the garden suite is not removed from the lands within sixty (60) days of the expiry of the by-law, including any extensions thereof, described in subsection (a) or if, before that date, the lands on which the garden suite is situate are sold provided the development charges shall not be payable upon such sale if the purchaser has entered into an agreement with the Town under this subsection and the by-law, including any extensions thereof, described in subsection (a) has not expired;

- c) within ninety (90) days of the expiry of the by-law, including any extensions thereof, described in subsection (a), the owner shall provide to the Town evidence, to the satisfaction of the Treasurer, that the garden suite was removed from the lands within sixty (60) days of the expiry of the by-law, including any extensions thereof, described in subsection (a), whereupon the Town shall provide to the owner a release of the agreement described in subsection (b) and apply to the land registrar to delete from title to the lands any notice of the agreement registered against title to the lands;
- d) if the owner does not provide satisfactory evidence of the removal of the garden suite in accordance with subsection (c), the garden suite shall be deemed conclusively not to be a garden suite for the purposes of this By-law and the Town may, without prior notification to the owner, add the development charges payable under this By-law to the tax roll for the lands to be collected in the same manner as taxes;
- e) for the purpose of subsection (d), the development charges payable under this By-law shall be the development charges payable under this By-law for an accessory dwelling on the date the building permit was issued for the garden suite; and
- f) the timely provision of satisfactory evidence of the removal of the garden suite in accordance with subsection (c) shall be solely the owner's responsibility.

AMOUNT OF CHARGES

Residential

23. The development charges set out in Schedule B to this By-law 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, including the residential component of a live/work unit, 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

24. The development charges described in Schedule B to this By-law shall be imposed on non-residential uses of lands, buildings, or structures, and, in the case of a mixed-use building or structure, on the non-residential uses in the mixed-use building or structure, including the non-residential component of a live/work unit, and calculated with respect to each of the services according to the total floor area of the non-residential use.

REDEVELOPMENT – DEMOLITIONS

25. In the case of a demolition of all or part of a building:

- a) a credit shall be allowed against the development charges otherwise payable pursuant to this By-law, provided that where a demolition permit has been issued and has not been revoked, a building permit for the same site has been issued for the redevelopment within five (5) years from the date the demolition permit was issued;
- b) the credit shall be calculated based on the portion of the building used for a residential purpose that has been demolished by multiplying the number and type of dwelling units demolished, or in the case of a building used for a non-residential purpose that has been demolished by multiplying the non-residential total floor area demolished, by the relevant development charges under this By-law in effect on the date when the development charges are calculated pursuant to this By-law with respect to the redevelopment;
- c) no credit shall be allowed where the demolished building or part thereof would have been exempt pursuant to this By-law;
- d) where the amount of any credit pursuant to this section exceeds, in total, the amount of the development charges otherwise payable under this By-law with respect to the redevelopment, the excess credit shall be reduced to zero and shall not be carried forward unless the carrying forward of such excess credit is expressly permitted by a phasing plan for the redevelopment that is acceptable to the Treasurer; and
- e) despite subsection 25(a) above, where the building cannot be demolished until the new building has been erected, the owner shall notify the Town in writing and pay the applicable development charges for the new building in full and if the existing building is demolished not later than twelve (12) months from the date a building permit is issued for the new building, the Town shall provide a refund calculated in

accordance with this section to the owner without interest. If more than twelve (12) months is required to demolish the existing building, the owner shall make a written request to the Town and the Treasurer may extend the time in which the existing building must be demolished in his or her sole and absolute discretion and upon such terms and conditions as he or she considers necessary or desirable and such decision shall be made prior to the issuance of the first building permit for the new building.

26. Notwithstanding any other provisions of this By-law with respect to the lands within the central business district, for any change of use from non-retail to retail by demolition and redevelopment, the retail development charges or the difference between the non-retail and retail development charges shall not apply, however, if there is a change of use plus expansion of non-retail use to retail use, the retail development charges would be imposed on the expansion.

REDEVELOPMENT – CONVERSIONS

27. In the case of a conversion of all or part of a building:

- a) a credit shall be allowed against the development charges otherwise payable under this By-law;
- b) the credit shall be calculated based on the portion of the building that is being converted by multiplying the number and type of dwelling units being converted or the non-residential total floor area being converted by the relevant development charges under this By-law in effect on the date when the development charges are calculated pursuant to this By-law with respect to the redevelopment;
- c) no credit shall be allowed where the building or part thereof prior to conversion would have been exempt pursuant to this By-law; and
- d) where the amount of any credit pursuant to this section exceeds, in total, the amount of the development charges otherwise payable under this By-law with respect to the redevelopment, the excess credit shall be reduced to zero and shall not be carried forward unless the carrying forward of such excess credit is expressly permitted by a phasing plan for the redevelopment that is acceptable to the Treasurer.

28. Notwithstanding any other provisions of this By-law with respect to the lands within the central business district, for any conversion within an existing building from a non-retail use to a retail use, the retail development charges or the difference between the non-retail and the retail development charges shall not apply, however, if there is a conversion plus expansion of a non-retail use to a retail use, the retail development charges would be imposed on the expansion.

EXEMPTIONS, RELIEF, CREDITS, ADJUSTMENTS NOT CUMULATIVE

29. Only one of the applicable exemption(s), relief, credit(s) or adjustment(s) set out above in sections 12 to 22 inclusive, and in sections 25 to 28 inclusive, shall be applicable to a development or redevelopment. Where the circumstances of a development or redevelopment are such that more than one type of exemption, relief, credit, or adjustment could apply, only one type of exemption, relief, credit, or adjustment shall apply, and it shall be the exemption, relief, credit, or adjustment that results in the lowest development charges being payable under this By-law.
30. Where under this By-law an exemption of the development charge is granted or permitted, should the development or redevelopment result in a use other than a use for which the exemption was granted, discovered through an inspection carried out by the Chief Building Official or his or her designate, pursuant to the Building Code Act, or otherwise, the Town will charge the development charges that would have been imposed at building permit issuance had the exemption not been granted, plus interest from such time to the time of the updated charge.

TIME OF CALCULATION AND PAYMENT OF DEVELOPMENT CHARGES

31. Development charges imposed under this By-law are calculated, payable, and collected in accordance with sections 26, 26.1 and 26.2 of the Act, unless the development charge is to be paid at a different time pursuant to Sections 32 to 37 herein or in accordance with the terms of an agreement entered into between the Town and the owner under subsection 27(1) of the Act.
32. For residential development that requires approval of a plan of subdivision under section 51 of the Planning Act, a consent under section 53 of the Planning Act, site plan approval under section 41 of the Planning Act or a description under section 9 of the Condominium Act (collectively referred to as the "plan of subdivision") and for which a subdivision agreement, consent agreement, site plan agreement or condominium agreement (collectively referred to as the "subdivision agreement") is entered into, the portion of the development charge attributable to the Services Related to a Highway Service Component and/or the Area Specific Stormwater Drainage and Control Charge as set out in Schedule B shall be calculated in accordance with sections 26, 26.1 and 26.2 of the Act, and payable and collected as at the date the subdivision agreement between the Town and the owner is executed (unless a separate agreement is entered into between the Town and owner under section 38 herein), on the basis of the following:
- a) the proposed number and type of dwelling units;
 - b) with respect to blocks in the plan of subdivision intended for future development, the maximum number of dwelling units permitted under

the then applicable zoning, whether or not there is a holding symbol in the zoning by-law as authorized by section 36 of the Planning Act.; and

- c) all other components of the development charge paid under this By-law shall continue to be calculated, paid, and collected in accordance with section 31.

33. If at the time of issuance of a building permit or permits related to a plan of subdivision for which payments have been made pursuant to section 32, the actual total number and type of dwelling units for which building permits have been and are being issued, is greater than that used for the calculation and payment referred to in section 32, an additional payment shall be required with respect to the amount of the Services Related to a Highway Service Component and/or the Area Specific Stormwater Drainage and Control Charge, calculated in accordance with sections 26, 26.1 and 26.2 of the Act, for the Services Related to a Highway Service Component and/or the Area Specific Stormwater Drainage and Control Charge by the difference between the number and type of dwelling units for which building permits have been and are being issued and the number and type of dwelling units for which payments have been made pursuant to section 32 and this section.
34. If following the issuance of all building permits for all development within a plan of subdivision or for all development in a block within a plan of subdivision that had been intended for future development and for which payments have been made pursuant to section 32, the actual total number and type of dwelling units is less than that used for the calculation and payment referred to in section 32, a refund shall become payable by the Town to the person who originally made the payment referred to in section 32, which refund shall be calculated by multiplying the applicable amount for the Services Related to a Highway Service Component and/or the Area Specific Stormwater Drainage and Control Charge calculated at the time such payments were made by the difference between the number and type of dwelling units for which payments were made pursuant to section 32 and the number and type of dwelling units for which building permits were issued.
35. Notwithstanding sections 32 through 34 inclusive, in the case of an apartment unit dwelling that is developed at a minimum density of one hundred dwelling units per net hectare pursuant to plans and drawings approved under section 41 of the Planning Act, the Services Related to a Highway Service Component and/or the Area Specific Stormwater Drainage and Control under this By-law shall be payable on the date a first permit is issued under the Building Code Act in relation to the apartment unit dwelling on lands to which the development charges under this By-law apply.

36. Notwithstanding sections 31 to 35, development charges for rental housing and institutional developments are due and payable in 6 equal annual payments commencing with the first installment payable on the earlier of the date the first occupancy permit is granted or the date of first occupancy, and each subsequent installment, including interest calculated in accordance with the development charge interest policy, continuing on the anniversary of that date.
37. Notwithstanding sections 31 and 35, development charges for non-profit housing developments are due and payable in 21 equal annual payments commencing with the first installment payable on the earlier of the date the first occupancy permit is granted or the date of first occupancy, and each subsequent installment, including interest calculated in accordance with the development charge interest policy, continuing on the anniversary of that date.

ALTERNATIVE PAYMENT AGREEMENTS

38. Council may enter into an agreement under section 27 of the Act, in a form and having content satisfactory to the Town's solicitor and having content satisfactory to the Treasurer, with any person who is required to pay a development charge providing for all or any part of the development charge to be paid before or after it would otherwise be payable.
39. Council directs the Chief Building Official or his or her designate to withhold the issuance of a building permit in relation to a building on land to which the development charge applies unless the development charge has been paid.

PAYMENT BY MONEY OR SERVICES

40. Payment of development charges shall be by cash, debit, bank draft or certified cheque or as otherwise approved at the sole discretion of the Treasurer.
41. In the alternative to payment by the means provided in section 40 herein, the Town may, by a written agreement entered into with the owner, accept the provision of services in full or partial satisfaction of the development charges otherwise payable.
42. If the Town and the owner cannot agree as to the reasonable cost of doing the work under section 41, the dispute shall be referred to Council whose decision shall be final and binding.
43. Nothing in this By-law prevents Council from requiring, as a condition of any approval given under the Planning Act, that the owner, at the owner's expense, install such local services as Council may require or that local connections to storm drainage facilities be installed at the owner's expense.
44. Any refund or credit required to be given by the Town to an owner shall be in

relation to a service as per subsection 39(1) of the Act. The Town may agree by agreement to provide a credit in relation to another service as per subsection 39(3) of the Act or may provide for another basis for recovery.

45. If development charges or any part thereof payable pursuant to this By-law remain unpaid after such charges are payable, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes.

INDEXING

46. Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, on April 1st of each year, commencing from by-law passage, in accordance with the prescribed index for the most recent year over year period. Council may determine not to implement indexing in any year, or to amend the effective of date of the indexing within the year, in its sole and absolute discretion without amendment to the by-law.

SCHEDULES

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

Schedule A Components of Services and Classes of Services Designated in section 4.

Schedule B Residential and Non-Residential Development Charges

Schedule C Map identifying Area Specific Stormwater Drainage and Control

Services for the areas listed in section 4.

CONFLICTS

48. Where the Town and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.
49. Notwithstanding section 48, where a development which is the subject of an agreement to which section 48 applies, is subsequently the subject of one or more of the actions described in subsection 9, 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.

SEVERABILITY

50. 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.

REFERENCES TO LEGISLATION

51. Reference in this By-law to any legislation (including but not limited to regulations and by-laws) or any provision thereof include such legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto without the need for an amendment to this By-law.

DATE BY-LAW IN FORCE

52. This By-law shall come into effect at 12:01 AM on June 26, 2021.

DATE BY-LAW EXPIRES

53. This By-law will expire at 12:01 AM on June 26, 2026 unless it is repealed by Council at an earlier date.

EXISTING BY-LAW REPEALED

54. By-law Number 100-2016 is hereby repealed effective 12:01 AM on June 26, 2021.

PASSED IN OPEN COUNCIL ON MAY 31, 2021.

_____ Mayor
Gordon A. Krantz

_____ Clerk
Meaghen Reid

SCHEDULE "A" TO BY-LAW 045-2021

COMPONENTS OF SERVICES/CLASS OF SERVICES DESIGNATED IN SECTION 4

Municipal-Wide D.C.-Eligible Services

- Services Related to a Highway:
Roads Bridges, Structures and Culverts Active Transportation,
Streetlights and Other Related Road Services

- Fire Protection Services:
Fire Facilities
Fire Vehicles
Fire Small Equipment and Gear

- Transit Services:
Transit Facilities Transit Vehicles
Transit Shelters, Pads and Other Equipment

- Parks and Recreation Services:
Recreation Facilities
Outdoor Recreation and Park Development Trails
Outdoor Recreation and Park Amenities Vehicles and Equipment

- Library Services:
Library Facilities
Library Collection Materials

SCHEDULE "A" (CONTINUED) TO BY-LAW 045-2021

COMPONENTS OF SERVICES/CLASS OF SERVICES DESIGNATED IN SECTION 4

Area-Specific D.C.-Eligible Services

- Stormwater Drainage and Control Services:
 - Sherwood Secondary Plan
 - Boyne Secondary Plan
 - Derry Green Secondary Plan
 - Trafalgar Secondary Plan
 - Agerton Secondary Plan
 - Britannia Secondary Plan
 - Milton Education Village Secondary Plan
 - Milton Education Village Supplemental Lands Secondary Plan

Municipal-Wide D.C.-Eligible Classes

- Public Works Facilities, Vehicles and Equipment:
 - Services Related to a Highway
 - Stormwater Services
 - Parks and Recreation Services
 - P.O.A. including By-law Enforcement
- Growth Studies:
 - Services Related to a Highway
 - Public Works Facilities, Vehicles and Equipment Stormwater Services
 - Fire Protection Services Transit Services
 - Parks and Recreation Services
 - Library Services
 - P.O.A. including By-law Enforcement

Schedule B By-law 045-2021
Schedule of Development Charges

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Needs Dwelling	Retail (per sq.ft. of Total Floor Area)	Non-Retail (per sq.ft. of Total Floor Area)
Municipal-Wide Services/Class of Services:							
Services Related to a Highway	6,484	4,876	2,992	2,206	1,875	4.81	2.79
Public Works Operations	723	544	334	246	209	0.26	0.15
Fire Protection Services	435	327	201	148	126	0.42	0.24
Transit Services	1,112	836	513	378	321	0.72	0.35
Parks and Recreation Services	10,490	7,889	4,841	3,569	3,034	1.00	0.58
Library Services	1,208	908	557	411	349	0.11	0.07
Growth Studies	433	326	200	147	125	0.36	0.17
Total Town-Wide Services/Class of Services	20,884	15,706	9,638	7,105	6,039	7.68	4.35
Area Specific Services:							
Stormwater Services:							
Sherwood Secondary Plan	168	126	78	57	49	0.43	0.25
Boyne Secondary Plan	60	45	28	20	17	0.09	0.06
Derry Green Secondary Plan	-	-	-	-	-	0.17	0.07
Trafalgar Secondary Plan	146	110	67	50	42	0.20	0.12
Agerton Secondary Plan	98	74	45	33	28	0.17	0.12
Britannia Secondary Plan	87	65	40	30	25	0.12	0.07
Milton Education Village Secondary Plan		259	195	120	88	75	0.39
Milton Education Village Supplemental Lands Secondary Plan		-	-	-	-	0.37	0.25
Total - Municipal-Wide	20,884	15,706	9,638	7,105	6,039	7.68	4.35
Total - Bristol Secondary Plan	20,884	15,706	9,638	7,105	6,039	7.68	4.35
Total - Sherwood Secondary Plan	21,052	15,832	9,716	7,162	6,088	8.11	4.60
Total - Boyne Secondary Plan	20,944	15,751	9,666	7,125	6,056	7.77	4.41
Total - Highway 401 Business Park and Highway 401 Extension	20,884	15,706	9,638	7,105	6,039	7.68	4.35
Total - Derry Green Secondary Plan	20,884	15,706	9,638	7,105	6,039	7.85	4.42
Total - Trafalgar Secondary Plan	21,030	15,816	9,705	7,155	6,081	7.88	4.47
Total - Agerton Secondary Plan	20,982	15,780	9,683	7,138	6,067	7.85	4.47
Total - Britannia Secondary Plan	20,971	15,771	9,678	7,135	6,064	7.80	4.42
Total - Milton Education Village Secondary Plan	21,143	15,901	9,758	7,193	6,114	8.07	4.60
Total - Milton Education Village Supplemental Lands Secondary Plan	20,884	15,706	9,638	7,105	6,039	8.05	4.60

Schedule C By-law 045-2021

Map Identifying Area Specific Stormwater Management

