

THE CORPORATION OF THE TOWNSHIP OF MAPLETON

BY-LAW NUMBER 2020-026

A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES FOR THE CORPORATION OF THE TOWNSHIP OF MAPLETON

WHEREAS the Township of Mapleton will experience growth through development and re-development;

AND WHEREAS development and re-development requires the provision of physical and social services by the Township of Mapleton;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth-related demands for or burden on municipal services does not place an excessive financial burden on the Township of Mapleton or its existing taxpayers while at the same time ensuring new taxpayers contribute no more than the net capital cost attributable to providing the current level of municipal services;

AND WHEREAS the *Development Charges Act, 1997 S.O. 1997, c.27*, as amended authorizes by-laws of the council of a municipality to impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies.

AND WHEREAS a development charges background study has been completed in accordance with the Act;

AND WHEREAS the Council of The Corporation of the Township of Mapleton provided notice as required by the Act and held a public meeting on April 7, 2020 in accordance with the Act and the regulations thereto;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MAPLETON ENACTS AS FOLLOWS:

1. Interpretation

1.1 In this By-law the following items shall have the corresponding meanings:

“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;

“Act” means the Development Charges Act, as amended, or any successor thereof;

“agricultural use” means the use of land and buildings for apiaries, fish farming, animal husbandry or the cultivation of trees, shrubs, flowers, grains, sod, fruits, vegetables and other crops or ornamental plants;

“apartment unit” means any residential unit within a building containing three or more dwelling units where access to each residential unit is obtained through a

common entrance or entrances from the street level and the residential units are connected by an interior corridor;

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

“board of education” has the same meaning as set out in the Education Act, R.S.O. 1990, Chap. E.2, as amended, or any successor thereof;

“bona fide farm use” means the proposed development that will qualify as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs and be assessed in the Farmland Realty Tax Class by the Ontario Property Assessment Corporation;

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

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

- (a) to acquire land or an interest in land, including a leasehold interest,
- (b) to improve land,
- (c) to acquire, lease, construct or improve buildings and structures,
- (d) to acquire, construct or improve facilities including,
 - (i) furniture and equipment other than computer equipment; and
 - (ii) material acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 1990, Chap. P.44, as amended, or any successor thereof; and
 - (iii) rolling stock with an estimated useful life of seven years or more; and
- (e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d) above, including the development charge background study required for the provision of services designated in this By-law within or outside the Township, including interest on borrowing for those expenditures under clauses (a) to (e) above that are growth-related;

“commercial” means any use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include industrial or agricultural uses, but does include hotels, motels, motor inns and boarding, lodging and rooming houses;

“Council” means the Council of the Township;

“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 with the effect of increasing the size of usability thereof, and includes redevelopment;

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

“dwelling unit” means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;

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

“farm building” means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;

“gross floor area” means:

- (a) in the case of a residential building or structure, the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and
- (b) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:
 - (i) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
 - (ii) loading facilities above or below grade; and
 - (iii) a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;

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

“institutional” means land, buildings, structures or any part thereof used by any organization, group or association for promotion of charitable, educational or benevolent objectives and not for profit or gain;

“Local Board” means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Township of Mapleton or any part or parts thereof;

“local services” means those services, facilities or things which are under the jurisdiction of the Township and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;

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

“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;

“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;

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

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

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

“rate” means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;

“regulation” means any regulation made pursuant to the Act;

“rental housing” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

“residential dwelling” means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;

“residential use” means the use of a building or structure or portion thereof for one or more dwelling units. This also includes a dwelling unit on land that is used for an agricultural use;

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

“school, private” means a private school defined under the Education Act or any successor thereto, being “an institution at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any school day for five or more pupils who are of, or over compulsory school age in any of the subjects of the elementary or secondary school courses of study;

“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;

“service” means a service designated in Schedule “A” to this By-law, and “services” shall have a corresponding meaning;

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

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

“telecommunications tower” means any tower, apparatus, structure or other thing that is used or is capable of being used for telecommunications or for any operation directly connected with telecommunications, and includes a transmission facility as defined in the Telecommunications Act;

“Township” means the area within the geographic limits of the Township of Mapleton; and

“wind turbine” means any wind energy system, comprising one or more turbines, that converts energy into electricity and consists of a wind turbine, a tower, and associated control or conversion electronics. A wind turbine and energy system may be connected to the electricity grid in circuits at a substation to provide electricity off-site for sale to an electrical utility or other intermediary; and

“zoning by-law” means the Zoning By-law of the Township of Mapleton or any successor thereof passed pursuant to Section 34 of the Planning Act, S.O. 1998.

2. Designation of Services

- 2.1 The categories of services for which development charges are imposed under this By-law are as follows:
- (a) Roads and Related Services;
 - (b) Fire Protection Services;
 - (c) Parks and Recreation Services;
 - (d) Administration Services;
 - (e) Water Services; and
 - (f) Wastewater Services.
- 2.2 The components of the services designated in Section 2.1 are described in Schedule A.

3. Application of By-law Rules

- 3.1 Development charges shall be payable in the amounts set out in this By-law where:
- (a) the lands are located in the area described in Section 3.2; and
 - (b) the development of the lands requires any of the approvals set out in subsection 3.4(a).

Area to Which By-law Applies

- 3.2 Subject to Section 3.3, this By-law applies to all lands in the Township of Mapleton whether or not the land or use thereof is exempt from taxation under s.13 of the Assessment Act.
- 3.3 Notwithstanding clause 3.2 above, this By-law shall not apply to lands that are owned by and used for the purposes of:
- (a) the Township or a local board thereof;
 - (b) a board of education as defined in Section 1(1) of the Education Act; or
 - (c) the Corporation of the County of Wellington or any local board thereof;

Approvals for Development

- 3.4 (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
- (i) the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the Planning Act;
 - (ii) the approval of a minor variance under Section 45 of the Planning Act;
 - (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - (iv) the approval of a plan of subdivision under Section 51 of the Planning Act;
 - (v) a consent under Section 53 of the Planning Act;
 - (vi) the approval of a description under Section 50 of the Condominium Act, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or

- (vii) the issuing of a permit under the Building Code Act in relation to a building or structure.
- (b) No more than one development charge for each service designated in Section 2.1 shall be imposed upon any lands, buildings or structures to which this By-law applies, even though two or more of the actions described in subsection 3.4(a) are required before the lands, buildings or structures can be developed.
- (c) Despite subsection 3.4(b), if two or more of the actions described in subsection 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions

- 3.5 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:
- (a) an enlargement to an existing dwelling unit;
 - (b) one or two additional dwelling units in an existing, or ancillary to, a single detached dwelling; or
 - (c) one additional dwelling unit in, or ancillary to, any other existing residential building.
- 3.6 Notwithstanding subsection 3.5(b), 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.
- 3.7 Notwithstanding Section 3.5, 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 contained in the residential building.
- 3.8 Exemption for Industrial Development:
- (a) Notwithstanding any other provision of this By-law, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial building where the gross floor area is enlarged by 50 percent or less.
 - (b) If the gross floor area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable, multiplied by the fraction determined as follows:
 - (i) determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
 - (ii) divide the amount determined under subsection 3.8(a)(i) by the amount of the enlargement.
- 3.9 For the purpose of Section 3.8 herein, "existing industrial building" is used as defined in the Regulation made pursuant to the Act.

3.10 Other Exemptions:

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

- (a) An accessory use;
- (b) A bona-fide farm use;
- (c) A place of worship;
- (d) Temporary erection of a building without foundation as defined in the Building Code for a period not exceeding six consecutive months and not more than six months in any one calendar year on a site which development charges or lot levies have previously been paid;
- (e) Redevelopment of a property, meeting the requirements of section 3.14 with a current use that is exempt from development charges, to a use subject to development charges, receives a redevelopment credit equal to the product of the non-residential rate, for all applicable services, and the square footage of the building, or portion of building, being redeveloped; and
- (f) 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. | The proposed new detached dwelling must only contain two dwelling units. The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located. |
| 2. | Proposed new semi-detached dwellings or row dwellings | Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units. | The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units. 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. |
| 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. | 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. 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. |

Amount of Charges

Residential

- 3.11 The development charges set out in Schedule B shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential uses in the mixed-use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential

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

Wind Turbines and Telecommunication Towers

- 3.13 The development charges described in Schedule B to this By-law shall be imposed on wind turbines and telecommunications towers with respect to roads and related services, fire protection services and administration studies on a per unit basis.

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 3 years prior to the date of payment of development charges in regard to such redevelopment was or is to be demolished in whole or in part, or converted from one principal use to another principal use on the same land in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
- (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.11 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
 - (b) 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 applicable development charges under Section 3.12, by the gross floor area that has been or will be demolished or converted to another principal use;
- provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

Time of Payment of Development Charges

- 3.15 Development Charges are due and payable in full to the Township on the date the first building permit is issued for any land, buildings, or structures affected by the applicable development charge and a building permit with respect to a

building or structure shall be withheld where the applicable development charge has not been paid pursuant to Section 28 of the Act.

- 3.16 Notwithstanding Subsection 3.15, Development Charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- 3.17 Notwithstanding Subsection 3.15, Development Charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.
- 3.18 Where the development of land results from the approval of a Site Plan or Zoning Bylaw Amendment application received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Subsections 3.15, 3.16 and 3.17 shall be calculated based on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply, Development Charges under Subsections 3.15, 3.16 and 3.17 shall be calculated based on the rates, including interest, set out in Schedule "B" on the date of the later planning application, including interest.
- 3.19 For the purpose of Subsections 3.16, 3.17 and 3.18 herein, "interest" means the weighted average interest rate on the Township's outstanding debt plus one percentage point. The weighted average interest rate will be updated on an annual basis using the following formula:

$$\frac{\text{Total interest payments made during the year}}{\text{Total debt principal outstanding at the beginning of the year}}$$

In cases where no interest payments were made by the Township during the preceding year, the Township's 10-year borrowing rate will be used instead.

- 3.20 This shall not be deemed to limit the authority of the Council to enter into an agreement for payment of the development charges before or after the date of building permit issuance subject to Section 27 of the *Development Charges Act, 1997*.
- 4. Payment of Services**
- 4.1 Despite the payment required under Sections 3.10 to 3.13, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law.
- 5. Indexing**
- 5.1 Development charges imposed pursuant to this By-law shall be adjusted annually on the first day of January, without amendment to this By-law and in accordance with the most recent twelve month change in the Statistics Canada Non-

residential Building Construction Price Index for Toronto (i.e. Statistics Canada. Table 18-10-0135-01 Building construction price indexes, by type of building.)

6. Schedules

- 6.1 The following schedules shall form part of this By-law:
Schedule A – Components of Services Designated in Section 2.1; and
Schedule B – Schedule of Development Charges.

7. Conflicts

- 7.1 Where the Township and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.
- 7.2 Notwithstanding Section 7.1, where a development which is the subject of an agreement to which Section 7.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4(a), an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this By-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

8. Severability

- 8.1 If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

9. Date By-law In Force

- 9.1 This By-law shall come into effect at 12:01 a.m. on April 15, 2020.


10. Date By-law Expires

- 10.1 This By-law will expire at 12:01 a.m. on April 15, 2025 unless it is repealed by Council at an earlier date.

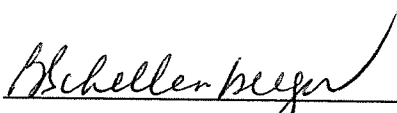
11. Existing By-law Repealed

- 11.1 By-laws No. 2015-034 and 2017-022 are hereby repealed upon the enforcement of this By-law.

READ a first, second and third time on Tuesday, April 14, 2020.



Mayor Gregg Davidson



Clerk Barb Schellenberger

**Schedule "A" To
By-law Number 2020-026
Components of Services Designated in Section 2.1**

100% Eligible Services

- Water Services
- Wastewater Services
- Roads and Related Services
 - Roads
 - Public Works Facilities
 - Roads and Related Vehicles
- Fire Protection Services
 - Fire Facilities
 - Fire Vehicles
 - Fire Small Equipment and Gear

90% Eligible Services

- Parks and Recreation Services
 - Parkland Amenities
 - Recreation Facilities
 - Parks and Recreation Vehicles and Equipment
- Administration Services
 - Growth-related Studies

Schedule "B" To By-law Number 2020-026
Schedule of Development Charges

| Service | Residential | | | | Wind Turbines and Telecommunication Towers | Non-residential (per sq.ft. of Gross Floor Area) |
|-------------------------------------|-----------------------------------|---------------------------|-------------------------------------|-----------------|--|---|
| | Single and Semi-Detached Dwelling | Apartments - 2 Bedrooms + | Apartments - Bachelor and 1 Bedroom | Other Multiples | | |
| Township Wide Services: | | | | | | |
| Roads and Related | \$ 3,997 | \$ 1,819 | \$ 1,546 | \$ 2,602 | \$ 3,997 | \$ 1.29 |
| Fire Protection | \$ 461 | \$ 210 | \$ 178 | \$ 300 | \$ 461 | \$ 0.15 |
| Parks and Recreation | \$ 131 | \$ 60 | \$ 51 | \$ 85 | \$ - | \$ - |
| Administration | \$ 213 | \$ 97 | \$ 82 | \$ 139 | \$ 213 | \$ 0.07 |
| Total Township Wide Services | \$ 4,802 | \$ 2,186 | \$ 1,857 | \$ 3,126 | \$ 4,671 | \$ 1.51 |
| Urban Services | | | | | | |
| Wastewater Services | \$ 6,064 | \$ 2,760 | \$ 2,345 | \$ 3,947 | \$ - | \$ 1.87 |
| Water Services | \$ 2,239 | \$ 1,019 | \$ 866 | \$ 1,457 | \$ - | \$ 0.69 |
| Total Urban Services | \$ 8,303 | \$ 3,779 | \$ 3,211 | \$ 5,404 | \$ - | \$ 2.56 |
| GRAND TOTAL RURAL AREA | \$ 4,802 | \$ 2,186 | \$ 1,857 | \$ 3,126 | \$ 4,671 | \$ 1.51 |
| GRAND TOTAL URBAN AREA | \$ 13,105 | \$ 5,965 | \$ 5,068 | \$ 8,530 | \$ 4,671 | \$ 4.07 |