

**The Corporation of the Township of Springwater
By-law 2021-117**

Being a By-Law to Amend By-Law 2018-045, Respecting Development Charges

(Development Charges)

Whereas the Township of Springwater (the “Township”) enacted By-law 2018-045 pursuant to the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended (the “Act”), which Act authorizes Council to pass By-laws for the imposition of development charges against land; and

Whereas the Township has undertaken a study pursuant to the Act which has provided updated Schedules B-1 and B-2 to By-law 2018-045; and

Whereas Council has before it a report entitled “Township of Springwater 2021 Development Charge Update Study” prepared by Watson & Associates Economists Ltd., dated October 15, 2021 (the “update study”); and

Whereas the update study was made available to the public on October 15, 2021 and Council gave notice to the public pursuant to Section 12 of the Act; and

Whereas the proposed amending By-law was made available to the public on October 15, 2021 and Council gave notice to the public pursuant to Section 12 of the Act; and

Whereas Council, on November 3, 2021, held a meeting open to the public, pursuant to Section 12 of the Act, at which Council considered the study, and written and oral submissions from the public.

NOW THEREFORE the Council of the Corporation of the Township of Springwater hereby enacts as follows:

1. By-law 2018-045 is hereby amended as follows:
 - A. Revise the definition of Accessory in Section 1 to include the same meaning as ancillary. The revised definition is as follows:

Accessory: means a use, building, or structure that is normally incidental and/or subordinate, and is exclusively devoted to a main use and/or a building and/or structure, and is located on the same lot therewith. Accessory has the same meaning as ancillary.

- B. Revise the definition of apartment, large in Section 1 to include ancillary units with two or more bedrooms. The refined definition would read as follows:

“apartment, large” means a dwelling unit contained within an apartment building that is two bedrooms or more or an ancillary unit with two or more bedrooms;

- C. Revise the definition of apartment, small in Section 1 to include ancillary units with one or less bedrooms. The refined definition would read as follows:

“apartment, small” means a dwelling unit contained within an apartment building that is a one bedroom or bachelor suite or an ancillary unit with one or less bedrooms;

- D. Addition of Class to the definitions in Section 1 as follows:

“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. Also referred to as class of service or classes of services.

- E. Addition of Hospice to the definitions in Section 1 as follows:

“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.

- F. Addition of Institutional Development to definitions in Section 1 as follows:

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

- (i) as a long-term care home within the meaning of Subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;
- (ii) as a retirement home within the meaning of Subsection 2 (1) of the *Retirement Homes Act, 2010*;
- (iii) by any of the following post-secondary institutions for the objects of the institution:
 - 1. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,

2. a college or university federated or affiliated with a university described in subclause (1), or
 3. an Indigenous Institute prescribed for the purposes of Section 6 of the *Indigenous Institutes Act, 2017*;
- (iv) as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- (v) as a hospice to provide end of life care.

G. Addition of Interest Rate to the definitions in Section 1 as follows:

“Interest Rate” means the annual rate of interest calculated as per the Township’s D.C. Interest Rate Policy, as may be revised from time to time.

H. Addition of Non-profit Housing Development to the definitions in Section 1 as follows:

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

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

I. Revised definition of Protracted in Section 1 as follows:

“Protracted” means in relation to a temporary building or structure the persistence of its construction, erection, placement on land, alteration or, of an addition to it, for a continuous period exceeding the time provided in the Temporary Use Agreement or By-law;

J. Addition of Rental Housing to the definitions in Section 1 as follows:

“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;

K. Addition of Site to the definitions in Section 1 as follows:

“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.

L. Revision of definition of Temporary Building or Structure to the definitions in Section 1 as follows:

“Temporary Building or Structure” means a building or structure constructed or erected or placed on land for a continuous period not exceeding the time period provided in the Temporary Use Agreement, or an addition or alteration to a building or structure that has the effect of increasing the total floor area thereof for a continuous period not exceeding the time provided in the Temporary Use Agreement or By-law.

M. Revise the title of Section 4 to include classes of services. The title would be amended as follows

Designation of Services/Classes of Services

N. Revise sections 4.3 and 4.4 to include classes of services. The sections would be amended as follows

4.3 Development charges shall be imposed and Reserve Funds established for the categories of services and classes of services designated on Schedule 'A' for the increased capital costs required because of increased needs for services arising from development.

4.4 Development charges shall be imposed and Reserve Funds established for the following Area-specific categories of services and classes of services to pay for the increased capital costs required because of increased needs for services arising from development:

O. Replace Section 10.3 with the following:

10.3 Subject to Section 17 (with respect to redevelopment) and Subsection 10.4 below, the development charges set out in Schedules B-1, B-2, and B-3 shall be calculated as of, and shall be payable as follows:

10.3.1 For Fire protection services, parks and recreation services, library services, and growth studies; on the date the first building permit is issued in relation to a building or structure on land to which the development charge applies.

10.3.2 For Services related to a highway, water, and wastewater services; the development charges are payable, with respect to an approval of a plan of subdivision or a severance under section 51 or 53 of the Planning Act, immediately upon entering into the subdivision/consent agreement, based upon the number and type of residential lots created, and, in the case of subdivision blocks, based on the maximum zoned capacity of each block pursuant to the Township's Zoning By-law.

P. Addition of policies related to the timing of development charges payments. Add Sections 10.5, 10.6, and 10.7 as follows:

10.5 Notwithstanding Section 10.3, development charges for rental housing and institutional developments are due and payable in 6 equal annual payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest at the interest rate as provided in the Township's D.C. Interest Rate Policy, as may be revised from time to time.

10.6 Notwithstanding Section 10.3, development charges for non-profit housing developments are due and payable in 21 equal annual payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest at the interest rate as provided in the Township's D.C. Interest Rate Policy, as may be revised from time to time.

10.7 Where the development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under Sections 7 and

8 shall be calculated on the rates set out in Schedules "B-1", "B-2", and "B-3" on the date of the planning application, including interest. Where both planning applications apply development charges under Sections 7 and 8 shall be calculated on the rates, including interest at the interest rate as provided in the Township's D.C. Interest Rate Policy, as may be revised from time to time, as set out in Schedules "B-1", "B-2", and "B-3" on the date of the later planning application.

Q. Replace Section 12 with the following:

12. Rules with Respect to Exemptions for Intensification of Existing Housing

12.1 No Development Charge shall be imposed where the only effect of an action referred to in Section 5 of this By-law is to:

12.1.1 permit an enlargement to an existing residential Dwelling Unit;

12.1.2 permit the creation of one or two additional Dwelling Units in an existing single detached dwelling or a prescribed ancillary residential dwelling structure to the existing residential building;

12.1.3 permit the creation of additional dwelling units equal to the greater of one Dwelling Unit or one percent of the existing Dwelling Units in existing Rental Housing or a prescribed ancillary residential dwelling structure to the existing residential building;

12.1.4 permit the creation of one additional dwelling unit in any other existing residential building already containing at least one Dwelling Unit or prescribed ancillary residential dwelling structure to the existing residential building; or

12.1.5 permit the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including residential dwelling 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.

12.2 Notwithstanding 12.1 above, 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.

12.3 Notwithstanding 12.1 above, Development Charges shall be imposed if the additional Dwelling Unit(s) has a Gross Floor Area greater than:

12.3.1 in the case of a Semi-detached Dwelling Unit or Townhouse Dwelling Unit, the Gross Floor Area of the existing Dwelling Unit; and

12.3.2 in the case of any other Residential Building, the Gross Floor Area of the smallest Dwelling Unit contained in the said residential Building.

12.4 The exemption to Development Charges in 12.1 above shall only apply to the first instance of intensification in an existing or new dwelling.

12.5 Subject to 12.2, 12.3, and 12.4 above, any exemption under 12.1 above shall apply to the smallest Dwelling Unit, as determined by applicable rates under this By-law.

R. Add Section 14.1.7 as follows:

14.1.7 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.

S. Add Section 14.1.8 and 14.1.9 as follows:

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

(a) Subject to Section 8, if the gross floor area is enlarged by 50 per cent or less of the lesser of:

- i. the gross floor area of the existing industrial building, or
- ii. the gross floor area of the existing industrial building before the first enlargement for which:

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

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

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

(b) Subject to Section 8, if the gross floor area is enlarged by more than 50 per cent or less of the lesser of:

- i. the gross floor area of the existing industrial building, or
- ii. the gross floor area of the existing industrial building before the first enlargement for which:

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

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

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

- i. determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and
 - ii. divide the amount determined under subsection (i) by the amount of the enlargement.
- c) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsection 14.1.8 (b), the cumulative gross floor area of any previous enlargements for which:
- i. An exemption from the payment of development charges was granted, or
 - ii. A lesser development charge than would otherwise be payable under this by- law, or predecessor thereof, was paid,

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

- 14.1.9. For the purpose of section 14.1.8, "existing industrial building" is used as defined in the Regulation made pursuant to the Act.

T. Revise Section 16.3 as follows:

- 16.3 Prior to the Township issuing a building permit for a temporary building or structure, the Township shall require an owner to enter into an agreement, including the provision of security for the owner's obligation under the agreement, pursuant to Section 27 of the Act providing for all or part of the development charge required by Subsection 16.2 to be paid after it would otherwise be payable. The terms of such agreement shall then prevail over the provisions of this By-law.

U. Schedule "A" is deleted, and the attached Schedule "A" is substituted, therefore.

V. Schedule "B-1" and Schedule "B-2" are deleted, and the attached Schedule "B-1" and Schedule "B-2" are substituted, therefore.

2. This By-law shall come into force and effect at 12:01AM on December 15, 2021.
3. Except as amended by this By-law, all provisions of By-law 2018-045, as amended, are and shall remain in full force and effect.

Read a First, Second and Third Time and Finally Passed this 15th day of December, 2021.



Don Allen, Mayor



Renée Ainsworth, Clerk

Schedule “A” to By-law 2018-045

Designated Services

General Services/ Classes of Services:

- Services Related to a Highway
 - Services Related to a Highway – Roads (complete streets)
 - Services Related to a Highway – Traffic Signals and Streetlights
 - Services Related to a Highway – Public Works
- Fire Protection Services
 - Facilities
 - Vehicles
 - Small equipment and Gear
- Parks and Recreation Services
 - Parkland Development, Amenities, and Trails
 - Recreation Facilities
- Library Services
 - Facilities and Materials
- Growth Studies
 - Growth-related Studies

Urban Services:

- Elmvale
 - Water Services
 - Wastewater Services
- Hillsdale
 - Water Services
- Anten Mills
 - Water Services
- Midhurst
 - Water Services
- Centre Vespra
 - Water Services
 - Wastewater Services

Schedule “B-1” to By-law 2018-045
Residential Development Charges
(2018 \$)

Service	RESIDENTIAL				
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units
Municipal-wide Services:					
Services Related to a Highway	4,192	2,374	1,659	3,233	1,457
Fire Protection Services	2,231	1,264	883	1,720	776
Indoor and Outdoor Recreation Services	5,580	3,160	2,208	4,303	1,940
Library Services	895	507	354	690	311
Growth Studies	201	114	80	155	70
Total Municipal-wide Services	13,099	7,419	5,184	10,101	4,554

Schedule “B-2” to By-law 2018-045
Non-residential Development Charges
(2018 \$)

Service	NON-RESIDENTIAL	
	(per sq.ft. of Gross Floor Area)	(per sq.m. of Gross Floor Area)
Municipal-wide Services:		
Services Related to a Highway	1.78	19.16
Fire Protection Services	0.95	10.23
Indoor and Outdoor Recreation Services	0.80	8.61
Library Services	0.13	1.40
Growth Studies	0.09	0.97
Total Municipal-wide Services	3.75	40.36