

Corporation of The Town of Parry Sound

10.1.12.

Passing of By-law No: 2023 – 7350

6th Day of June 2023

Moved by Councillor

Seconded by Councillor

That By-law No: 2023 – 7350

A By-law to Establish Development Charges for the Town of Parry Sound for Provincial Offences Act, including By-law Enforcement Services.

Be considered as read a first time.

- Carried - ✓

Are all members in favour of having the second and third readings? ✓

Moved by Councillor

Seconded by Councillor

That the By-law Above Mentioned Be Considered as Read A Second, And Third Time, Passed, Signed and Sealed.

- Carried - ✓

Entered as Part of The Minutes of the Meeting Held this 6th day of June 2023.

Mayor Jamie McGarvey

Clerk Rebecca Johnson

Postponed to: _____

Amends By-law: _____

Repeals By-law: _____

By-law Amended: _____

By-law Repealed: _____

BY-LAW NO. 2023 - 7350

A By-law to Establish Development Charges for the Town of Parry Sound for Provincial Offences Act, including By-law Enforcement Services

WHEREAS section 2 (1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended (the “*Act*”) provides that the council of a municipality may pass By-laws for the imposition of Development Charges against land for increased Capital Costs required because of the need for Services arising from Development in the area to which the By-law applies;

AND WHEREAS the Council of the Corporation of the Town of Parry Sound (the “Town”) has given Notice in accordance with section 12 of the *Act* of its intention to pass a By-law under section 2 of the *Act*;

AND WHEREAS the Council of the Town has heard all persons who applied to be heard, no matter whether in objection to, or in support of, the Development Charge proposal at a public meeting held on March 7, 2023;

AND WHEREAS the Council of the Town had before it a report entitled Development Charge Background Study dated December 23, 2022, prepared by Watson & Associates Economists Ltd., wherein it is indicated that the Development of any land within the Town will increase the need for Services as defined herein;

AND WHEREAS the Council of the Town has indicated its intent that the future excess capacity identified in the Study shall be paid for by the Development Charges or other similar charges;

AND WHEREAS the Council of the Town on March 7, 2023, approved the Development Charge Background Study, dated December 23, 2022, in which certain recommendations were made relating to the establishment of a Development Charge policy for the Town pursuant to the *Act*, thereby determining that no further public meetings were required under section 12 of the *Act*.

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE
CORPORATION OF THE TOWN OF PARRY SOUND ENACTS AS FOLLOWS:**

DEFINITIONS

1. In this by-law,

- (a) **“Act”** means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;
- (b) **“Accessory”** means a building that is normally incidental, subordinate and exclusively devoted to a main building that is located on the same lot therewith and includes a private garage that is not attached to the main building in any way and does not include a fence or a sign;
- (c) **“Ancillary”** will have the same definition as “Accessory”;
- (d) **“Affordable Residential Unit”** means a residential unit that meets the criteria set out in subsection 4.1 of the Act;
- (e) **“Agricultural,”** means a Building containing more than two Dwelling Units where the units are connected by an interior corridor. Notwithstanding the foregoing, an Apartment Dwelling includes a Stacked Townhouse Dwelling;
- (f) **“Air-supported Structure”** means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (g) **“Apartment Dwelling”** means a Building containing more than two Dwelling Units where the units are connected by an interior corridor. Notwithstanding the foregoing, an Apartment Dwelling includes a Stacked Townhouse Dwelling;
- (h) **“Attainable Unit”** means a residential unit that that meets the criteria set out in subsection 4.1 of the Act.
- (i) **“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;
- (j) **“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;

- (k) **"Board of Education"** means a board defined in subsection 1 (1) of the *Education Act*, R.S.O. 1990, c. E.2, as amended;
- (l) **"Building Code Act"** means the *Building Code Act*, 1992, S.O. 1992, c. 23 as amended;
- (m) **"Building"** means a permanent enclosed structure occupying an area greater than ten square metres (10 m²) and, notwithstanding the generality of the foregoing, includes, but is not limited to:
- 1) An above-grade storage tank;
 - 2) An air-supported structure;
 - 3) An industrial tent;
 - 4) A roof-like structure over a gas-bar or service station; and
 - 5) An area attached to and ancillary to a retail Development delineated by one or more walls or part walls, a roof-like structure, or any one or more of them;
- (n) **"Cannabis"** means:
- 1) a cannabis plant;
 - 2) 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;
 - 3) any substance or mixture of substances that contains or has on it any part of such a plant; and
 - 4) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;
- (o) **"Cannabis plant"** means a plant that belongs to the genus *Cannabis*;
- (p) **"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 license, 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;

(q) “**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:

1) to acquire land or an interest in land, including a leasehold interest,

2) to improve land,

3) to acquire, lease, construct or improve Buildings and structures,

4) to acquire, lease, construct or improve facilities including (but not limited to),

(i) rolling stock with an estimated useful life of seven years or more,

(ii) furniture and equipment other than computer equipment; and

(iii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990 c. P.44, as amended; and

5) interest on money borrowed to pay for costs in (a) to (d).

(r) “**Charitable Dwelling**” means charitable dwelling” means a part of a residential building or a part of the residential portion of a mixed-use building maintained and operated by a corporation approved under the *Long-Term Care Homes Act, 2007*, S.O. 2007, c.8, as amended or successor legislation as a home or joint home, an institution, or nursing home for persons requiring residential, specialized or group care and includes a children’s residence under the *Child and Family Services Act*, R.S.O. 1990, c. C.11, as amended or successor legislation, and a home

for special care under the *Homes for Special Care Act*, R.S.O. 1990, c. H.12, as amended or successor legislation;

- (s) “**Council**” means the Council of the Corporation of the Town of Parry Sound;
- (t) “**Correctional group home**” means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit supervised on a twenty-four (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 Ministry of Correctional Services as a detention or correctional facility under any general or special act as amended or successor legislation. 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;
- (u) “**Development**” means the construction, erection or placing of one or more Buildings on land or the making of an addition or alteration to a Building that has the effect of increasing the size thereof, and includes Redevelopment;
- (v) “**Development Charge**” means a charge imposed pursuant to this by-law;
- (w) “**Dwelling Unit**” means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, except in the case of a Special Care/Special Need Dwelling, as defined in this By-law, in which case a Dwelling Unit shall mean a room or suite of rooms designated for Residential occupancy with or without exclusive sanitary and/or culinary facilities;
- (x) “**Existing Industrial**” means an Industrial building or buildings existing on a site as of the date of passage of this by-law, or the first building or buildings constructed on a vacant site pursuant to site plan approval under section 41 of the *Planning Act*, , R.S.O. 1990, Chap. P.13, as amended, or any successor thereof, subsequent to the passage of this by-law for which full development charges were paid;

- (y) **“Farm Building”** means that part of a farming operation encompassing barns, silos, and other Accessory Use to a bona fide Agricultural use or “value add” buildings of a commercial or retail nature for the farming operation or farm help quarters for the farming operation workers but excluding a Residential use;
- (z) **“Grade”** means the average level of finished ground adjoining a Building or structure at all exterior walls;
- (aa) **“Gross Floor Area”** means the Total Floor Area, measured from the outside of exterior walls, or between the outside of exterior walls and the centre line of party walls dividing the Building or structure from another Building or structure, of all floors above and below Grade, and,
- 1) includes the area of a Mezzanine; and
 - 2) includes the area of a patio to a non-residential establishment;
 - 3) excludes those areas used exclusively for parking garages or parking structures; and
 - 4) where the building has only one wall or does not have any walls, the total floor area shall be the total of the areas directly beneath any roof-like structure of the building;
- (bb) **“Group home”** means a residential building or the residential portion of a mixed-use building containing a sin/gle housekeeping unit which may or may not be supervised on a twenty-four (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 as amended or successor legislation;
- (cc) **“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 the quality of life is maintained, and family members may be active participants in care;

- (dd) “**Industrial**” when used to describe a use or Development, means a use or Development used for, or in connection with,
- 1) manufacturing, producing, processing, storing, or distributing something;
 - 2) research or development in connection with manufacturing, producing, or processing something;
 - 3) retail sales by a manufacturer, producer, or processor of something they manufactured, produced, or processed, if the retail sales are at the site where the manufacturing, production, or processing takes place;
 - 4) office or administrative purposes, if they are,
 - (i) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - (ii) in or attached to the Building or structure used for that manufacturing, producing, processing, storage, or distribution;
 - 5) does not include self-storage facilities or retail warehouses;
- (ee) “**Institutional**” means development of a building or structure intended for use:
- 1) as a long-term care home within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;
 - 2) as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010*;
 - 3) by any institution of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular, and ongoing operation 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 Institute Act, 2017*;
- 4) as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- 5) as a hospice to provide end of life care;
- (ff) **“Local Board”** means a municipal service board, public utility commission, transportation commission, public library board, board of park management, board of health, police services board, 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 of one or more municipalities or parts thereof, other than a board defined in section 1 (1) of the *Education Act* and a conservation authority;
- (gg) **“Local Services”** means hose 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 with respect to 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;
- (hh) **“Long-term care home”** means homes, nursing homes or homes for the aged where the Ministry of Health and Long-Term Care funds the care provided in such homes and application for accommodation is made through a Community Care Access Centre;
- (ii) **“Lot Coverage”** means the Total Floor Area compared with the total lot area;
- (jj) **“Mezzanine”** means an intermediate floor assembly between the floor and ceiling of any room or storey and includes an interior balcony;
- (kk) **“Mixed-Use”** means a building that is used and/or designated to be used for both residential and non-residential purposes;
- (ll) **“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 otherwise designed, as long as no building permit or

foundation permit is required. A Mobile Home is classified as a Multiple Dwelling for the purposes of this By-law;

- (mm) **“Multiple Dwelling”** includes all dwellings other than a Single Detached Dwelling, a Semi-detached Dwelling, an Apartment Dwelling, and a Special Care/Special Need Dwelling and includes a Mobile Home;
- (nn) **“Municipality”** means The Corporation of the Town of Parry Sound;
- (oo) **“Non-profit housing development”** means development of a building or structure intended for use as residential premises by:
 - 1) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary objective is to provide housing;
 - 2) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary objective is to provide housing; or
 - 3) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*;
- (pp) **“Non-profit organization”** means:
 - 1) a "registered charity" as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), as amended;
 - 2) a corporation that is a non-profit organization for the purposes of paragraph 57(1)(b) of the Corporations Tax Act, R.S.O. 1990, c. C.40;
- (qq) **“Non-Residential”** when used to describe a use or Development, means a use or Development consisting of land, Buildings or structures, or portions thereof, used, or designed or intended for a use other than as a Residential Development;
- (rr) **“Official Plan”** means the Official Plan of the Town and any amendments thereto;

- (ss) **“Owner”** means the owner of land or a person who has made application for an approval of the Development of land upon which a Development Charge is imposed;
- (tt) **“Place of Worship”** means any Building or part thereof that is exempt from taxation as a place of worship pursuant to paragraph 3 of section 3 of the *Assessment Act*, R.S.O. 1990, c. A.31, as amended or successor legislation;
- (uu) **“Planning Act”** means the *Planning Act*, R.S.O. 1990, c. P.13, as amended;
- (vv) **“Public Hospital”** means a Building or structure, or part of a Building or structure, that is defined as a hospital under the *Public Hospitals Act*, R.S.O. 1990 c. P.40, as amended; **“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 previously been 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;
- (ww) **“Regulation”** means any regulation made pursuant to the *Act*;
- (xx) **“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;
- (yy) **“Residential,”** when used to describe a use or Development, means a use or Development consisting of land, Buildings or structures, or portions thereof, used, or designed or intended for use as a home or residence for one or more individuals, and shall include a Single Detached Dwelling, a Semi-detached Dwelling, a Multiple Dwelling, an Apartment Dwelling, a Special Care/Special Need Dwelling, and the residential portion of a mixed-use Building or structure;
- (zz) **“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;

- (aaa) **“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 season;
- (bbb) **“Semi-detached Dwelling”** means a Building, or part of a Building, divided vertically or horizontally into two Dwelling Units each of which has a separate entrance and access to Grade;
- (ccc) **“Service” (or “Services”)** means a service designated in Schedule “A” to this By- law;
- (ddd) **“Single Detached Dwelling”** means a completely detached Building containing only one Dwelling Unit;
- (eee) **“Special Care/Special Need Dwelling”** means a Building, or part of a Building:
 - 1) containing two or more Dwelling Units which units have a common entrance from street level;
 - 2) where the occupants have the right to use, in common with other occupants, halls, stairs, yards, common rooms and accessory Buildings;
 - 3) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and
 - 4) where support services, such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at any one or more various levels;

and includes, but is not limited to, retirement homes or lodges, charitable dwellings, group homes (including correctional group homes) and hospices;

(fff) **“Stacked Townhouse Dwelling”** means a Building, or part of a Building, containing three or more Dwelling Units where each Dwelling Unit is separated horizontally and/or vertically from another Dwelling Unit by a common wall;

(ggg) **“Total Floor Area”:**

1) includes the sum 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

2) includes the area of a Mezzanine;

3) includes that area of a patio;

4) excludes those areas used exclusively for parking garages or structures; and

5) where a Building has only one wall or does not have any walls, the Total Floor Area shall be the total of the area directly beneath any roof-like structure of the Building;

(hhh) **“Temporary Non-Residential Unit”** means a Buildings or structure, or part of a Building or structure, that is used for Non-residential purposes for a limited period of time up to a maximum of three (3) years, and includes, but is not limited to, a sales trailer, an office trailer, and an Industrial tent, provided it meets the criteria in this definition; and

(iii) **“Temporary Residential Unit”** means a Buildings or structure, or part of a Building or structure, used for Residential purposes for a limited period of time up to a maximum of three (3) years.

SCHEDULE OF DEVELOPMENT CHARGES

2.

(a) Subject to the provisions of this By-law, the Development Charge relating to Services shall be determined in accordance with the following:

1) Council hereby determines that the Development or Redevelopment of land, Buildings, or structures for Residential and Non-residential uses will require the provision, enlargement or expansion of the Services referenced in Schedule "A"; and

2) In the case of Residential Development, or the Residential portion of a mixed-use Development, the Development Charge shall be the sum of the products of:

- (i) the number of Dwelling Units of each type, multiplied by,
- (ii) the corresponding total dollar amount for such Dwelling Unit as set out in Schedule "B",

further adjusted by section 15; and

3) In the case of Non-residential development or the Non-residential portion of a mixed-use Development, the Development Charge shall be the sum of the products of:

- (i) the Total Floor Area of the Non-residential Development or portion, multiplied by,
- (ii) the corresponding total dollar amount per square foot of Total Floor Area as set out in Schedule "B",

further adjusted by section 15.

APPLICABLE LANDS

3.

(a) Subject to the exceptions and exemptions described in the following subsections, this By-law applies to all lands in the Town, whether or not the land or use is exempt from taxation under section 3 of the *Assessment Act*, R.S.O. 1990, c.A.31 as amended.

- (b) This By-law shall not apply to land that is owned by and used for the purposes of:
- 1) a Board of Education;
 - 2) any municipality or Local Board thereof;
 - 3) a Place of Worship and land used in connection therewith, where used for worship purposes, if exempt from taxation under section 3 of the *Assessment Act*, R.S.O. 1990, c. A31, as amended;
 - 4) a Public Hospital receiving aid under the Public Hospitals Act, R.S.O. 1990, c. P.40, as amended, or any successor thereof;
 - 5) a Non-residential Building in connection with a bona fide Agricultural use including, but excluding a residential use and cannabis production facilities;
 - 6) buildings or structures owned by and used for the purposes of any conservation authority;
 - 7) seasonal structures;
 - 8) Non-profit housing.
- (c) Development Charges are not payable in respect of a Temporary Residential Unit where the Owner signs an undertaking under seal to remove the structure within three (3) years after the date of issuance of the building permit.
- (d) Development Charges are not payable in respect of a Temporary Non-Residential Unit where the Owner signs an undertaking under seal to remove the structure within three (3) years after the date of building permit issuance.
- (e) This By-law shall not be imposed with respect to:
- 1) the enlargement to an existing residential dwelling unit;
 - 2) 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;

- 3) the creation of a second residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- 4) A third residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units; or
- 5) One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.
- 6) A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit;
- 7) A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units;
- 8) One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other

building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units;

9) Notwithstanding subsection (e) (1), Development Charges shall be imposed, calculated, and collected in accordance with this By-law where the total Gross Floor Area of the additional Dwelling Units is greater than the total Gross Floor Area of the existing Single Detached Dwelling Unit;

10) Notwithstanding section (e) (2), Development Charges shall be imposed, calculated, and collected in accordance with this By-law where the additional Dwelling Unit has a Residential Gross Floor Area greater than, the Residential Gross Floor Area of the smallest existing Dwelling Unit.

(f) The exemptions and exceptions respecting Industrial Development that are described in section 4 of the *Act* also apply under this By-law, namely:

1) If the Gross Floor Area of an Existing Industrial Building is enlarged by 50 percent or less the Development Charge in respect of the enlargement is zero;

2) If the Gross Floor Area of an Existing Industrial Building is enlarged by more than 50 percent, the amount of the Development Charge in respect of the enlargement shall be 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 in (i) by the amount of the enlargement; and

(iii) multiply the Development Charge otherwise payable without reference to this section by the fraction determined in (ii).

3) 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 a parking facility.

- 4) In particular, for the purposes of applying this exemption, the industrial building is considered existing if it is built, occupied, and assessed for property taxation at the time of the application respecting the enlargement.
 - 5) Despite paragraph 4), self-service storage facilities and retail warehouses are not considered to be industrial buildings.
 - 6) The exemption for an existing industrial building provided by this section shall be applied to a maximum of fifty percent (50%) 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 municipality made pursuant to the *Act*, as amended or its predecessor legislation.
- (g) This By-law shall not apply to the enlargement of the Gross Floor Area of an existing Industrial Building located on general employment lands that has been in operation for a period of more than five (5) years immediately prior to the application respecting the enlargement.
- 1) For greater certainty in applying the exemption in section (3) (g), the existing industrial building must have been under the same ownership for a period of more than five (5) years immediately prior to the application respecting the enlargement.

(h) Discounts for Rental Housing:

The Development Charge payable for Rental Housing developments will be reduced based on the number of bedrooms in each unit as follows:

- 1) Three or more bedrooms – 25% reduction;

- 2) Two bedrooms – 20% reduction; and
 - 3) All other bedroom quantities – 15% reduction.
- (i) Other Exemptions:

Once proclaimed, the following shall be exempt from payment of the Development Charges:

- 1) Affordable residential units; or
- 2) Attainable residential units.

RULES WITH RESPECT TO TEMPORARY UNITS

4.

- (a) Notwithstanding any other provision of this By-law, a temporary unit shall be exempt at the time the building permit is issued for such building from the payment of Development Charges under this By-law provided that:
- 1) prior to the issuance of the building permit for the temporary building, the owner shall have:
 - (i) 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 Treasurer or designate agreeing to pay the Development Charges otherwise payable under this By-law in respect of the temporary building if, within three (3) years of building permit issuance or any extension permitted in writing by the Town's Treasurer or designate, the owner has not provided to the Town evidence, to the satisfaction of the Town's Treasurer or designate, that the temporary building was demolished or removed from the lands within three (3) years of building permit issuance or any extension herein provided; and
 - (ii) provided to the Town securities in the form of a certified cheque, bank draft or a letter of credit acceptable to the Town's Treasurer or designate in the full amount of the Development Charges otherwise payable under this By-law as security for the owner's obligations under the agreement described in clause (a) (1) (i) and subsection (2).

- 2) Within three (3) years of building permit issuance or any extension granted in accordance with the provisions in clause (a) (1) (i), the owner shall provide to the Town evidence, to the satisfaction of the Town's Treasurer or designate, that the temporary unit was demolished or removed from the lands within three (3) years of building permit issuance, or any extension herein provided, whereupon the Town shall return the securities provided pursuant to clause (a) (1) (ii) without interest.
- 3) If the owner does not provide satisfactory evidence of the demolition or removal of the temporary unit in accordance with subsection (a) (2), the temporary unit shall be deemed conclusively not to be a temporary unit for the purposes of this By-law and the Town shall, without prior notification to the owner, draw upon the securities provided pursuant to clause (a) 1) (ii) and transfer the amount so drawn into the appropriate Development Charges reserve funds.
- 4) The timely provision of satisfactory evidence of the demolition or removal of the temporary building in accordance with subsection (2) shall be solely the owner's responsibility.

APPROVALS FOR DEVELOPMENT

5.

- (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:
 - 1) the passing of a zoning by-law or an amendment thereto under section 34 of the *Planning Act*;
 - 2) the approval of a minor variance under section 45 of the *Planning Act*;
 - 3) a conveyance of land to which a by-law passed under section 50 (7) of the *Planning Act* applies;
 - 4) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - 5) a consent under section 53 of the *Planning Act*;

- 6) the approval of a description under section 9 of the *Condominium Act*, 1998, S.O. 1998, c. 19, as amended; or
 - 7) the issuing of a permit under the *Building Code Act*, in relation to a Building or structure.
- (b) Where a Development requires an approval described in section 5 (a) after the issuance of a building permit and no Development Charge has been paid, then the Development Charge shall be paid prior to the granting of the approval required under section 5 (a).
- (c) If a Development does not require a building permit but does require one or more of the approvals described in section 5 (a), then, notwithstanding section 9, the Development Charge shall nonetheless be payable in respect of any increased, additional, or different Development permitted by any such approval that is required for the increased, additional, or different Development.

LOCAL SERVICE INSTALLATION

6. Nothing in this By-law prevents Council from requiring, as a condition of an agreement under section 51 or 53 of the *Planning Act*, that the Owner, at his or her own expense, shall install or pay for such local Services, as Council may require.

MULTIPLE CHARGES

- 7.
- (a) Where two or more of the actions described in section 5 (a) are required before land to which a Development Charge applies can be developed, only one Development Charge shall be calculated and collected in accordance with the provisions of this By-law.
- (b) Notwithstanding section 7 (a), if two or more of the actions described in section 5 (a) occur at different times, and if the subsequent action has the effect of increasing the need for municipal Services as set out in Schedule "A", an additional Development Charge based on the number of any additional Residential units and on any increased Non-residential Total Floor Area, shall be calculated and collected in accordance with the provisions of this By-law.

SERVICES IN LIEU

8.

- (a) Council may authorize an Owner, through an agreement under section 38 of the *Act*, to substitute such part of the Development Charge applicable to the Owner's Development as may be specified in the agreement, by the provision at the sole expense of the Owner, of Services in lieu. Such agreement shall further specify that, where the Owner provides Services in lieu of accordance with the agreement, Council shall give to the Owner a credit against the Development Charge in accordance with the provisions of the agreement and the provisions of section 39 of the *Act*, equal to the reasonable cost to the Owner of providing the Services in lieu. In no case shall the agreement provide for a credit which exceeds the total Development Charge payable by an Owner to the municipality in respect of the Development to which the agreement relates.
- (b) In any agreement under section 8 (a), Council may also give a further credit to the Owner equal to the reasonable cost of providing Services in addition to, or of a greater size or capacity, than would be required under this By-law.
- (c) The credit provided for in section 8 (b) shall not be charged to any Development Charge reserve fund.

DEMOLITION CREDITS FOR REDEVELOPMENT OF LAND

9. Where, as a result of the Redevelopment of land, a Building or structure existing on the land was, or is to be, demolished, in whole or in part:

- (a) Subject to subsection (e) below, a credit shall be allowed against the Development Charge otherwise payable pursuant to this By-law, provided that where a demolition permit has been issued and has not been revoked, a building permit must be issued for the Redevelopment within five (5) years from the date the demolition permit was issued;
- (b) The credit shall be calculated:
 - 1) in the case of the demolition of a Building, or a part of a Building, used for a Residential purpose, by multiplying the number and type of Dwelling Units demolished by the relevant Development Charge in effect under this By-law on the date when the Development Charge

with respect to the Redevelopment is payable pursuant to this By-law;
or

- 2) in the case of the demolition of a Building, or part of a Building, used for a Non-residential purpose, by multiplying the Non- residential Total Floor Area demolished, by the relevant Development Charge in effect under this By-law on the date when the Development Charge with respect to the Redevelopment is payable pursuant to this By-law;
- (c) No credit shall be allowed where the demolished Building or part thereof would have been an exception under, or 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 Charge 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 Town's Director of Planning and Director of Finance or designate; and
- (e) Notwithstanding subsection 9 (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 Charge 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 may make a written request to the Town, and the Town's Director of Finance or designate, in his or her sole and absolute discretion and upon such terms and conditions as he or she considers necessary or appropriate, may extend the time in which the existing Building must be demolished, and such decision shall be made prior to the issuance of the first building permit for the new Building.

CONVERSION CREDITS FOR REDEVELOPMENT OF LAND

10. Where, as a result of the Redevelopment of land, a Building or Structure existing on the land was, or is to be, converted from one principal use to another principal use on the same land:

- (a) A credit shall be allowed against the Development Charge otherwise payable under this By-law;
- (b) The credit shall be calculated:
 - 1) In the case of the conversion of a Building or part of a Building used for a Residential purpose, by multiplying the number and type of Dwelling Units being converted by the relevant Development Charge in effect under this By-law on the date when the Development Charge with respect to the Redevelopment is payable pursuant to this By-law; or
 - 2) In the case of the conversion of a Building, or part of a Building, used for a Non-residential purpose, by multiplying the Non- residential Total Floor Area being converted by the relevant Development Charge in effect under this By-law on the date when the Development Charges with respect to the Redevelopment are payable pursuant to this By-law;
- (c) 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 Town's Director of Finance or designate; and
- (d) Notwithstanding subsections (a) to (c) above, no credit shall be allowed where the building or part thereof prior to conversion would have been exempt pursuant to this By-law.

TIMING OF CALCULATION AND PAYMENT

11.

- (a) A Development Charge shall be calculated and payable in full in money or by provision of Services as may be agreed upon, or by credit granted pursuant to the *Act* or this By-law, on the date a building permit is issued in relation to a Building or structure on land to which a Development Charge applies unless a "Conditional" Building Permit is issued in which case the

Development Charges should be calculated and payable when the conditions to the Building Permit have been satisfied.

- (b) Where a Development Charge applies to land in relation to which a building permit is required, the building permit shall not be issued until the Development Charge has been paid in full unless it is a “Conditional” Building Permit in which case the Development Charges shall be paid when the conditions are satisfied.
- (c) Notwithstanding subsections 11(a) and 11(b), Development Charges for rental housing and institutional developments are due and payable in six (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.
- (d) Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment on or after January 1, 2020, and the building permit was issued within 2 years of the approval, the Development Charges shall be calculated based on the charges in effect on the date of the Site Plan or Zoning By-law Amendment application.
- (e) Payment of a Development Charge may be deferred subject to terms and conditions of an agreement entered into with the Town under section 27 of the Act.

DEVELOPMENT NOT AS REFERENCED IN BUILDING PERMIT

12.

- (a) Where a building permit is obtained and Development Charges are paid, but the actual development or redevelopment which is completed is (a) less total floor area than what had been planned and paid for, or (b) a different type of residential use than originally planned, or (c) has fewer dwelling units than originally planned and paid for, then a refund for the excess of the Development Charges paid over the Development Charges which would have been payable for the actual development or redevelopment which was completed is only payable if:
 - 1) A new building permit is obtained reflecting the actual development or redevelopment; and

- 2) the application for such new building permit is filed within five (5) years of the issuance of the initial building permit.
- (b) Any such refund which may be payable pursuant to subsection 12 (a) above by the municipality shall be paid without interest.

RESERVE FUNDS

13.

- (a) Monies received from payment of Development Charges shall be maintained in a separate reserve fund for each service and class of service sub-categories set out in Schedule "A".
- (b) Monies received for the payment of Development Charges shall be used only in accordance with the provisions of section 35 of the *Act*.
- (c) Council directs the Town's Director of Finance to divide the reserve funds created hereunder into separate sub-accounts in accordance with the Service and class of service sub-categories set out in Schedule "A" to which the Development Charge payments, together with interest earned thereon, shall be credited.
- (d) Where any Development Charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll for the property on which the Development or Redevelopment occurred and shall be collected in the same manner as taxes.
- (e) Where any unpaid Development Charges are collected as taxes under section 13 (4), the monies so collected shall be credited to the Development Charge reserve funds referred to in section 13 (a).
- (f) The Town's Director of Finance shall, each year, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in section 12 of O. Reg. 82/98.

BY-LAW AMENDMENT OR REPEAL

14.

- (a) Where this By-law or any Development Charge prescribed hereunder is amended or repealed either by order of the Ontario Land Tribunal or by

resolution of Council, the Town Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.

(b) Refunds that are required to be paid under section 14 (a) shall be paid with interest to be calculated as follows:

- 1) Interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
- 2) The Bank of Canada interest rate in effect on the date of enactment of this By-law shall be used.

(c) Refunds that are required to be paid under section 14 (a) shall include the interest owed under this section.

BY-LAW INDEXING

15. The Development Charges set out in Schedule “B” to this By-law shall be adjusted annually on October 1, without amendment to this By-law, in accordance with the most recent twelve-month change in the Statistics Canada Quarterly, “Construction Price Statistics.”

Mandatory Phase-in

16. The amount of the Development Charges described in Schedule B to this by-law shall be reduced as follows, in accordance with section 5(6) of the Act:

- (a) the first year that the by-law is in force - no more than 80 per cent of the maximum Development Charge that could otherwise be charged;
- (b) the second year that the by-law is in force - no more than 85 per cent of the maximum Development Charge that could otherwise be charged;
- (c) the third year that the by-law is in force - no more than 90 per cent of the maximum Development Charge that could otherwise be charged; and
- (d) the fourth year that the by-law is in force - no more than 95 per cent of the maximum Development Charge that could otherwise be charged.

BY-LAW ADMINISTRATION

17. This By-law shall be administered by the Town's Treasurer.

SCHEDULES TO THE BY-LAW

18. The following Schedules to this By-law form an integral part of this By-law:

Schedule A – Schedule of Municipal Services

Schedule B – Schedule of Development Charges

CONFLICTS

19.

(a) 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.

(b) notwithstanding section 19 (a), where a development which is the subject of an agreement to which section 19 (a) applies, is subsequently the subject of one or more of the actions described in subsection 5 (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.

SEVERABILITY

20. In the event any provision or part thereof, of this By-law is found, by a court of competent jurisdiction, to be void, voidable, unenforceable, or *ultra vires*, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this By-law shall remain in full force and effect.

HEADINGS FOR REFERENCE ONLY

21. The headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this By-law.

DATE BY-LAW IN FORCE AND EFFECT

22. This By-law shall come into force and effect on June 6, 2023.

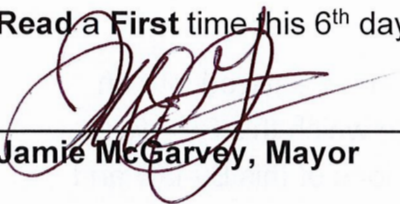
DATE BY-LAW EXPIRES

23. This By-law will expire as per Section 9 of the Act unless it is repealed by Council at an earlier date.


SHORT TITLE

24. This By-law may be cited as the "Town of Parry Sound Development Charge By-law, 2023."

Read a ~~First~~ time this 6th day of June 2023.

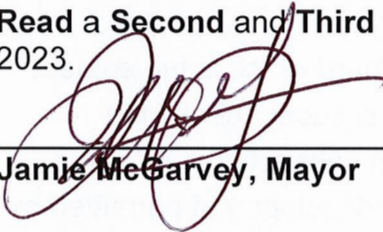


Jamie McGarvey, Mayor




Rebecca Johnson, Clerk

Read a **Second** and **Third** time, **Passed, Signed** and **Sealed** this 6th day of June 2023.



Jamie McGarvey, Mayor



Rebecca Johnson, Clerk

SCHEDULE “A”

DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

Municipal-Wide Service

1. Provincial Offences Act, including By-law Enforcement

SCHEDULE "B"
SCHEDULE OF DEVELOPMENT CHARGES

Service	RESIDENTIAL Single and Semi- Detached Dwelling	RESIDENTIAL Multiples	RESIDENTIAL Apartments – 2 Bedrooms +	RESIDENTIAL Apartments – Bachelor and 1 Bedroom	RESIDENTIAL Special Care/Special Dwelling Units	NON- RESIDENTIAL (per sq.ft. of Gross Floor Area)
Provincial Offences Act including By-law Enforcement Services	\$2	\$2	\$1	\$1	\$1	\$0.00