

The Corporation of the Town of Parry Sound

By-law 2023 -

A By-law to update water and sewage servicing fees using the definition of dwelling and non-residential development types that are consistent with the definitions in the draft Development Charges By-law

Whereas the Municipal Act, S.O. 2001, c. 25, as amended, allows municipalities to pass by-laws governing public utilities and permitting the setting of fees and charges related to the supply of water and wastewater services to the public; and

Whereas the Municipal Act, S.O. 2001, c. 25, sections 79 and 80, as amended, allows a municipality to have reasonable access to buildings and land supplied with water and to maintain the system; and

Whereas the Municipal Act, S.O. 2001, c. 25, section 83, as amended, allows for a municipality to require security be given for payment of the proper fees and charges for the supply of the public utility or the extending of the public utility to the land; and

Whereas the Council of the Town of Parry Sound wishes to set the fees and charges to be paid by owners and occupiers and to ensure an acceptable level of service meeting or exceeding Ontario Provincial Standards, Ministry of the Environment Guidelines and special Conditions and Requirements of the Town of Parry Sound

Now Therefore the Council of the Corporation of the Town of Parry Sound Enacts as Follows:

1. That By-law 2015-6551 (as amended) be revised as follows:
 - a. The following definitions be added to Section 2 numbered accordingly and pertain to the application of Water and Sewage Servicing Fees for further clarification:
 - i. **“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;

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- ii. **“Ancillary”** will have the same definition as “Accessory”;
- iii. **“Apartment Dwelling”** means a Building containing more than one Dwelling Unit where the units are connected by an interior corridor. Notwithstanding the foregoing, an Apartment Dwelling includes a Stacked Townhouse Dwelling.
- iv. **“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;
- v. **“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;
- vi. **“Building Code Act”** means the Building Code Act, 1992, S.O. 1992, c. 23 as amended;
- vii. **“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;
- viii. **“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

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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;

- ix. **“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. **“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;
- xi. **“Group home”** means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit which may or may not be supervised on a twenty-four (24) hour basis on site by agency staff on a shift rotation basis, and funded

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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;

- xii. **“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;
- xiii. **“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,
 - a. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - b. 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;
- xiv. **“Institutional”** means development of a building or structure intended for use:

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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:
 - a. a university in Ontario that receives direct, regular, and ongoing operation funding from the Government of Ontario;
 - b. a college or university federated or affiliated with a university described in subclause (i); or
 - c. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institute Act, 2017;
 - d. as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
 - e. as a hospice to provide end of life care;
- xv. **“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;
- xvi. **“Mezzanine”** means an intermediate floor assembly between the floor and ceiling of any room or storey and includes an interior balcony;
- xvii. **“Mixed-Use”** means a building that is used and/or designated to be used for both residential and non-residential purposes;
- xviii. **“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

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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;

- xix. **“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;
- xx. **“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;
- xxi. **“Planning Act”** means the Planning Act, R.S.O. 1990, c. P.13, as amended;
- xxii. **“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;
- xxiii. **“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;
- xxiv. **“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;

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- xxv. **“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;
- xxvi. **“Single Detached Dwelling”** means a completely detached Building containing only one Dwelling Unit;
- xxvii. **“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;
- xxviii. **“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;
- xxix. **“Total Floor Area”**:
1. includes the sum of the total areas of the floors in a Building whether at, above or below grade, measured:

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- a. between the exterior faces of the exterior walls of the Building;
 - b. from the centre line of a common wall separating two uses; or
 - c. 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;
- xxx. **“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
- xxxi. **“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.
- b. Subsection title “Frontage and Connection Charges” in Section 22 be replaced with subsection title “Servicing Fees and Connection Charges”, and any reference within the subsection to “frontage charges” be replaced with “servicing fees”.
 - c. New point #9 be added under revised section “Servicing Fees and Connection Charges”, “Servicing fees will not be applicable for ancillary

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and accessory units, but connection fees remain.”, and the following points are renumbered accordingly.

- d. “Table 6 - Frontage Charges”, be replaced with “Table 6 – Water and Sewage Servicing Fees” per Residential Unit and Commercial/Industrial Space, attached as Schedule A hereto.
2. That any Commercial / Industrial application processed between the passage of By-law 2022-7251 on May 17, 2022 and December 6, 2022, be assessed retroactively at \$6.04 per square foot or \$65 per square metre.
 3. By-laws 2022-7251 and 2022-7295 are hereby revoked;
 4. By-laws 1992-3561, 1996-3856, 1998-3964, 1999-4113, 2000-4186 and 2019-6901 pertaining to heavy load charges are hereby revoked;
 5. By-law 2002-4496 pertaining to construction of service drains and water supply lines from a main to a property line remains in force;
 6. That “Table 6 – Water and Sewage Servicing Fees” continue to be adjusted annually on January 1st of each year by the Ontario Consumer Price Index, as set in October of the prior year per By-law 2015-6551;
 7. That funds raised through the Servicing Fees in Table 6 be transferred to a Water and Sewer Capacity Reserve;
 8. That Water and Sewage Servicing Fees not be imposed with respect to:
 - a. the enlargement to an existing residential dwelling unit;
 - b. the creation of residential ancillary or accessory units;
 - c. the change of use of existing residential or non-residential units provided there is no enlargement.
 - d. Temporary residential and non-residential units where the owner signs an undertaking under seal to remove the structure within three (3) years after the date of building permit issuance.
 - e. Redevelopment within five (5) years from the date of a demolition permit being issued.
 - i. Any change in the number of residential units or total floor area for non-residential will result in the imposition of a charge.

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9. That this by-law take effect upon the final passing thereof.

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

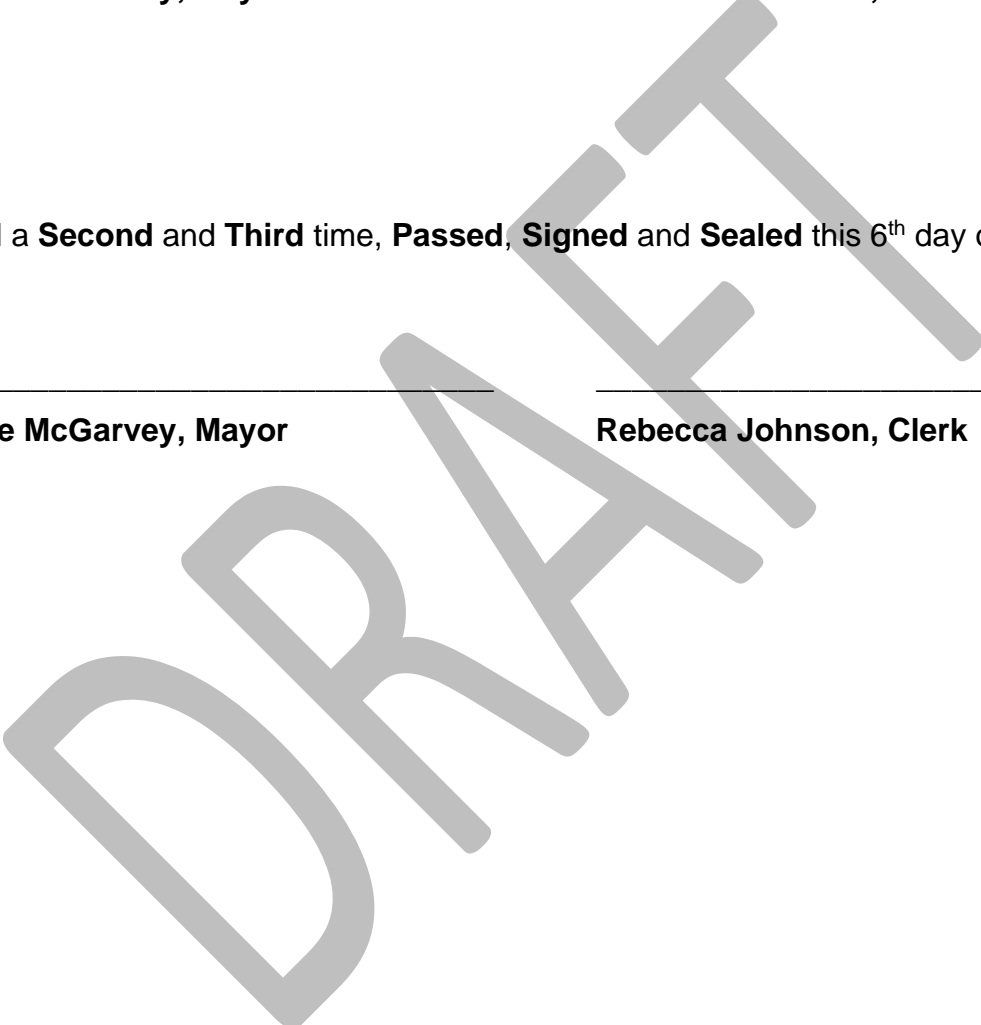
Jamie McGarvey, Mayor

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



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Schedule A

Table 6 - Water and Sewage Servicing Fees

Development Type	Fee (Water + Sewage)
<u>Residential</u>	Per Residential Unit
Single and Semi-Detached Dwelling	\$14,465
Other Multiples	\$11,203
Apartments – 2 Bedrooms +	\$10,788
Apartments – Bachelor and 1 Bedroom	\$6,412
Special Care/Special Dwelling Units	\$6,513
<u>Commercial / Industrial</u>	Per Non-Residential Unit
	\$6.04 per square foot