

**The Corporation of the Township of Clearview**  
**By-Law No. XXXX**  
**A By-Law to Establish Development Charges**  
**For the Corporation of the Township of Clearview**

WHEREAS subsection 2(1) of the *Development Charges Act, 1997 c. 27* (hereinafter called “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 Township of Clearview has given Notice on April 8, 2024 according to section 12 of the *Development Charges Act, 1997*, of its intention to pass a by-law under Section 2 of the said Act;

AND WHEREAS the Council of the Township of Clearview 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 April 29, 2024;

AND WHEREAS following the public meeting, the Council afforded the public an additional period of time for the submission of further written representations;

AND WHEREAS the Council has before it a report entitled Development Charge Background Study dated March 26, 2024 prepared by Watson & Associates Economists Ltd., wherein it is indicated that the development of any land within the Township of Clearview will increase the need for services as defined herein;

AND WHEREAS by resolution the Council on May 27, 2024 has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development identified in the Study will be met;

AND WHEREAS by resolution the Council on May 27, 2024 has indicated that its intent that the future excess capacity identified in the Study shall be paid for by development charges or other similar charges;

AND WHEREAS by resolution the Council on May 27, 2024 approved, in principle, subject to the budget process, the applicable Development Charge Background Study, inclusive of the capital forecast and eligible costs therein, in which certain



recommendations were made relating to the establishment of a development charge policy for the Township of Clearview pursuant to the *Development Charges Act, 1997*;

AND WHEREAS by resolution the Council on May 27, 2024 determined that no further public meeting was necessary to be held under section 12 of the Act.

**Now therefore The Council of The Corporation of the Township of Clearview Enacts as Follows:**

In this by-law,

1. “Act” means the Development Charges Act, 1997, c. 27;
2. “administration service” means any and all development-related studies carried out by the municipality which are with respect to eligible services for which a development charge by-law may be imposed under the *Development Charges Act, 1997*;
3. “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;
4. “affordable residential unit” means a residential unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the Act;
5. “agricultural use” means the bona fide use of lands and buildings for apiaries, fish farming, dairy farming, fur farming, the raising or exhibiting of livestock, or the cultivation of trees, shrubs, flowers, grains, sod, fruits, vegetables and any other crops or ornamental plants and includes the operation of a farming business and the erection of a farm help house on agricultural land but excludes a commercial greenhouse. Agricultural use does not include the development of a single detached dwelling on agricultural land;
6. “ancillary residential building” means a residential building that would provide necessary support to the primary activities/use of a detached dwelling, semi-detached dwelling, or row dwelling. Types of ancillary residential buildings include; coach houses, farm help accommodations, garages, and garden suites and do not include tiny homes or other stand-alone residential buildings;



7. “ancillary structure” means a structure providing necessary support to the primary activities or use of the principal structure and includes, coach houses, farm help accommodations, garages, and garden suites and does not include tiny homes or other stand-alone residential buildings;
8. “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 and shall include dwelling units contained above or as part of commercial buildings. Apartment units include Tiny Homes.;
9. “attainable residential unit” means a residential unit that meets the criteria set out in subsection 4.1(4) of the Act;
10. “bedroom” means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
11. “benefiting area” means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
12. “board of education” means a board defined in s.s. 1(1) of the *Education Act*;
13. “bona fide farm uses” means the proposed development 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;
14. “Building Code Act” means the *Building Code Act*, 1992, S.O. 1992, c.23, as amended;
15. “capital cost” means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by, the municipality 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, lease, construct or improve facilities including,
  - 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.. O. 1990, c. 57, and
- e. interest on money borrowed to pay for costs in (a) to (d) above that are growth related;

required for provision of services designated in this by-law within or outside the Municipality.

- 16. “charitable organization” shall follow the definition set out by Canada Revenue Agency which generally defines it as a corporation, a trust or an organization under a constitution that has exclusively charitable purposes. The municipality shall make the final determination of a qualifying facility;
- 17. “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;
- 18. “coach house” means separate structure which contains parking/storage for a vehicle and would include a dwelling unit;
- 19. “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;
- 20. “Council” means the Council of the Township of Clearview;
- 21. “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that the effect of increasing the size of usability thereof, and includes redevelopment;



22. “development charge” means a charge imposed pursuant to this By-law;
23. “dwelling unit” means one or more habitable rooms designed or intended to be used together as a single and separate house-keeping unit by one person or jointly by two or more persons containing its own kitchen and sanitary facilities;
24. “existing” means the number, use and size that existed as of the date this by-law was passed;
25. “farm building” means a building or structure located on a bona fide farm which is necessary and ancillary to a bona fide farm operation including barns, tool sheds, silos, other farm related structures for such purposes as sheltering of livestock or poultry, storage of farm produce, feed and farm related machinery and equipment and other ancillary development to a planning designated agricultural use, but excluding a residential use;
26. “farm help accommodation” means a building or structure on an agricultural parcel that is used seasonally or temporarily by a person(s) for accommodations as a farm labourer(s) consisting of a kitchen, washroom facilities, and living room, dining room, or bedroom;
27. “garage” means a building or structure for housing a motor vehicle or vehicles;
28. “garden suite” means a detached residential structure containing bathroom and kitchen facilities that is an accessory use to an existing dwelling unit and is designed to be portable or removable in accordance with an agreement required for construction and use;
29. “grade” means the average level of finished ground adjoining a building or structure at all exterior walls;
30. “green roof” shall mean the roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. For the purposes of this by-law, a green roof must comprise a minimum of 60% of the total roof area. The municipality shall make the final determination of a qualifying facility;
31. “grey-water recycling” shall mean a private sewage collection, treatment and re-distribution system which utilizes wastewater from baths, showers and



washbasins (or similar facilities) for re-use in toilets, landscape watering, cleaning or other non-potable purposes as may be governed by applicable health legislation and regulation. For the purposes of this by-law, all new construction must utilize grey-water to qualify for the exemption. The municipality shall make the final determination of a qualifying facility;

32. “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, including an air supported 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;
  - iv. a mezzanine as defined by the building code.

33. “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;



34. "industrial" means lands, buildings or structures used or designed or intended for or in conjunction with:

- a. the production, compounding, processing, packaging, crating, bottling, packing, or assembling of raw or semi-processed goods or materials in not less than seventy-five percent of the total gross floor area of the building or buildings on a site ("manufacturing") or warehousing related to the manufacturing use carried on in the building or buildings;
- b. research or development in connection with manufacturing in not less than seventy-five percent of the total gross floor area of the building or buildings on a site;
- c. retail sales by a manufacturer, if the retail sales are at the site where the manufacturing is carried out, such retail sales are restricted to goods manufactured at the site, and the building or part of a building where such retail sales are carried out does not constitute greater than twenty-five percent of the total gross floor area of the building or buildings on the site; or
- d. Office or administrative purposes, if they are,
  - i. carried out with respect to manufacturing or warehousing; and
  - ii. In or attached to the building or structure used for such manufacturing or warehousing;

35. "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;

36. "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.
37. “linked dwelling unit” means a dwelling unit of a group of two or more residential dwelling units linked only below grade by a common foundation;
38. “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 municipality or any part or parts thereof;
39. “local services” means those services, facilities or things which are under the jurisdiction of the Township of Clearview and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 51 or 53 of the *Planning Act*, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;
40. “multiple dwelling unit” means all dwellings other than single-detached, semi-detached and apartment unit dwellings and may include a row dwelling unit or a linked dwelling unit;
41. “municipality” means The Corporation of the Township of Clearview;





42. “non-profit housing development” means Development of a building or structure that meets the criteria set out in section 4.2 of the Act;
43. “non-profit organization” shall follow the definition set out by Canada Revenue Agency which generally defines it as an association, club, or society that is operated exclusively for social welfare, civic improvement, pleasure, recreation, or any other purposes except profit;
44. “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;
45. “Official Plan” means the Official Plan adopted for the municipality, as amended and approved;
46. “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;
47. “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, c. A.31, as amended, or any successor thereof;
48. “Planning Act” means the *Planning Act, 1990*, R.S.O. 1990, c.P.13, as amended;
49. “rainwater capture and re-use” shall mean a municipally approved private facility which provides for the capture and re-use of rainwater for non-potable purposes. For the purposes of this by-law, in order to qualify for an exemption such a facility shall be the predominant stormwater management facility and shall utilize all roof drainage and a minimum of 60% of all impervious surfaces. This shall not include traditional stormwater management facilities which retain or detain stormwater flows in ponds/ditches etc. The municipality shall make the final determination of a qualifying facility;
50. “regulation” means any regulation made pursuant to the Act;
51. “rental housing” means development of a building or structure with four or more residential units all of which are intended for use as rented residential premises;



52. “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;
53. “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;
54. “row dwelling unit” 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 and may include a linked dwelling unit;
55. “semi-detached dwelling unit” 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 unit are not connected by an interior corridor and may include a linked dwelling unit;
56. “service” means a service designated in section 2.1 to this By-law, and “services” shall have a corresponding meaning;
57. “servicing agreement” means an agreement between a landowner and the Municipality relative to the provision of municipal services to specified land within the Municipality;
58. “single detached dwelling unit” means a completely detached building containing only one dwelling unit;
59. “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 on identical ownership;
60. “special care/special dwelling” means a Residential Use Building containing two or more rooms or suites of rooms designed or intended to be used for sleeping and living accommodation that have a common entrance from street level:
- a. Where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;



- b. Which may or may not have exclusive sanitary and/or culinary facilities;
- c. That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
- d. Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services may be provided at various levels,
- e. And includes, but is not limited to, retirement houses, nursing homes, group homes (including correctional group homes) and hospices;

61. “tiny home” means a standalone residential structure that has all of the amenities of a home (i.e. kitchen facilities, washroom facilities, bedroom space, etc.) that is less than 500 square feet in size;

62. “wastewater pre-treatment facility” shall mean a municipally approved private facility which provides for the reduction of the amount of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a municipal wastewater collection or treatment facility. The municipality shall make the final determination of a qualifying facility;

63. “zoning by-law” means the Zoning By-Law of the Municipality or any successor thereof passed pursuant to Section 34 of the Planning Act, S.O. 1990, R.S.O. 1990, c P.13, as amended.

## **2. Designation of Services**

2.1 The categories of services/classes of services for which development charges are imposed under this By-law are as follows:

- (a) Services Related to a Highway;
- (b) Public Works (Facilities and Fleet);
- (c) Fire Protection Services;
- (d) Police Services;
- (e) Parks and Recreation Services; and



(f) Library Services.

2.2 The components of the services/class of 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 Clearview whether or not the land or use thereof is exempt from taxation under 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 of Clearview or a local board thereof;
- (b) a board of education;
- (c) the Corporation of the County of Simcoe or a local board thereof; or
- (d) 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.

#### 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, c. 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 subsection 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) 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;

3.6 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in existing houses:



- a) 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.
- b) 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.
- c) 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.

3.7 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in new residential buildings:

- a) 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
- b) 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
- c) 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

3.8 Non-profit Residential Development;



3.9 Affordable Residential Units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning);

3.10 Notwithstanding subsections 3.2 and 3.4, as of the date on which section 4.1 of the Act is proclaimed into force, the following shall be exempt from Development Chares:

- i. Affordable Residential Units:
  - i. Affordable Residential Owned Units;
  - ii. Affordable Residential Rental Units;
- ii. Attainable Residential Units.

3.11 Rules with Respect to an Industrial Expansion Exemption

3.11.1 Notwithstanding any other provision of this by-law, there shall be an exemption from the payment of development charges for one or more enlargements of an existing industrial building on its site, whether attached or separate from the existing industrial building, up to a maximum of fifty percent of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Development Charges Act or this subsection. Development charges shall be imposed in accordance with this by-law with respect to the amount of the floor area of an enlargement that results in the gross floor area of the industrial building being increase by greater than fifty percent of the gross floor area of the existing industrial building.

3.11.2 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:

1. determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
2. divide the amount determined under subsection 1) by the amount of the enlargement.

3.12 Other Exemptions/Reductions:

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



- (a) buildings or structures owned by and used for the purposes of a municipality and exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31, as amended;
- (b) buildings or structures owned by and used for the purposes of a board as defined in Subsection 1(1) of the Education Act, R.S.O. 1990, c.E.2, as amended, and exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31, as amended;
- (c) buildings or structures used as public hospitals governed by the Public Hospitals Act, R.S.O. 1990, c.P.40, as amended;
- (d) land, buildings or structures used for a place of worship or for the purpose of a cemetery or burial ground and exempt from taxation under the Assessment Act, R.S.O. 1990, c.A.31, as amended;
- (e) land, buildings or structures for agricultural use which do not receive municipal water or wastewater services;
- (f) non-residential buildings used accessory to an agricultural operation shall be exempt from the development charge if no rezoning is required;
- (g) Development charges for municipal water and wastewater services will not be applied to existing lots of record that, had paid a charge or fee to ensure allocation of said services within the existing capacity of the system as of the date of passing of this by-law; onus of proof of payment rests with the owner;
- (h) Land, buildings, structures or additions constructed by a charitable or a non-profit organization for a purpose that benefits the community as determined by Council may have up to a 100% exemption to DCs.  
eg: Non-profit housing, youth centres, and community centres.;
- (i) Land, buildings, structures or additions constructed for industrial or commercial uses utilizing green technologies as defined by the Planning Act may be eligible for a grant for a portion of the D.C. through a Township grant program.
- (j) Land, buildings, structures or additions constructed for industrial use creating jobs shall have a reduction in total DCs of 0.5% per new full time equivalent direct jobs created to a maximum reduction of 30%. The determination of what constitutes a new full-time equivalent job and how to measure and verify the total eligible discount to DCs shall be determined by policy.;
- (k) Unless this By-law specifically provides for an exemption of 100% of DC charges, the total cumulative exemption or reduction in DC charges shall not exceed 66% of the DC charges which would apply in the absence of such exemptions or reductions.; and,





- (l) Buildings, structures or additions for non-residential uses shall be exempt from paying the portion of the charges related to recreation and library services.

### 3.13 Temporary Use Buildings

- (a) Subject to Subsection (b), temporary buildings or structures shall be exempt from the payment of development charges;
- (b) In the event that a temporary building or structure continues beyond a period of nine months, it shall be deemed not to be nor ever to have been a temporary building or structure, and the development charges required to be paid under this by-law shall become payable on the date nine months after the temporary building or structure was first constructed or put in use; and,
- (c) Prior to the Township issuing a building permit for a temporary building or structure, the Township may 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 (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.

### 3.14 Discounts for Rental Housing (for profit)

The D.C. payable for rental housing developments, where the residential units are intended to be used as a rented residential premises will be reduced based on the number of bedrooms in each unit as follows:

- Three (3) or more bedrooms – 25% reduction;
- Two (2) bedrooms – 20% reduction; and
- Fewer than two (2) bedrooms – 15% reduction.

### Amount of Charges

#### Residential

- 3.15 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 use and settlement area in which the development occurs, and



calculated with respect to each of the services according to the type of residential use.

### Non-Residential

3.16 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 and settlement area in which the development occurs.

### Mandatory Phase-in

3.17 The amount of the development charges described in Schedule B to this by-law shall be reduced in accordance with the Act.

### Reduction of Development Charges for Redevelopment

3.18 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 60 months of the date of the demolition permit issuance 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 3.15 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 mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the greater of the applicable development charges under subsection 3.16 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

- 3.19 Development Charges are payable at the time the first building permit is issued with respect to a development.
- 3.20 Notwithstanding Section 3.19, 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 calculated in accordance with section 26.3 of the Act.
- 3.21 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 3.15 and 3.16 shall be calculated 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 Sections 3.15 and 3.16 shall be calculated on the rates, including interest calculated in accordance with section 26.3 of the Act, payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest.
- 3.22 Despite sections 3.19 to 3.21, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

### **4. Payment by Services**

- 4.1 Despite the payment required under subsections 3.15 and 3.16, Council may, by agreement under section 38 of the Act, 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.
- 4.2 Council may enter into agreements under Section 44 of the Act.

### **5. Indexing**



5.1 Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, on January 1<sup>st</sup> of each year, commencing January 1, 2025, in accordance with the prescribed index in the Act, based on the twelve-month period ending September 30<sup>th</sup>.

## **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 - Residential and Non-Residential Development  
Charges.

## **7. Conflicts**

7.1 Where the Township of Clearview 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, section, sub-section, or paragraph 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, in whole or in part or dealt with in any other way.

## **9. By-Law Registration**



9.1 A certified copy of this By-law may be registered in the by-law register in the Land Registry Office against all land in the Township and may be registered against title to any land to which this By-law applies.

### **10. Headings for Reference Only**

10.1 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.

### **11. Date By-Law in Force**

11.1 This By-law shall come into effect at 12:01 AM on July 1, 2024.

### **12. Date By-Law Expires**

12.1 This By-law will expire at ten (10) years after the date the By-law comes into effect unless it is repealed by Council at an earlier date.

### **13. Existing By-Law Repealed**

13.1 By-law Number 19-63, as amended is hereby repealed as of July 1, 2024 at which date and time this By-law comes into effect.

By-law No 24-\_\_\_\_ read a first, second and third time and finally passed this 27 day of May, 2024.

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Mayor

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Clerk



Schedule A  
To By-Law No. 24-\_\_\_\_  
Township of Clearview  
Components of Services Designated in Subsection 2.1

**Township-Wide Services/Class of Service**

**Services Related to a Highway**

Roads and Related

**Public Works (Facilities and Fleet)**

Public Works Facilities

Public works Vehicles

**Fire Protection Services**

Fire Stations

Fire Vehicles

Small Equipment and Gear

**Police Services**

Police Facilities

Small Equipment and Gear

**Library Services**

Library Facilities

Library Materials

**Parks and Recreation Services**

Parkland Development

Parkland Amenities

Parkland Trails



Recreation Facilities

Parks and Recreation Vehicles and Equipment





**Schedule B**  
**To By-law No. 24-\_\_\_\_\_**  
**Township of Clearview**  
**Schedule of Development Charges**

| Service/Class of Service                              | Residential                       |               |                           |                                   |                                     | Non-Residential                  |
|---|-----------------------------------|---------------|---------------------------|-----------------------------------|-------------------------------------|----------------------------------|
|   | Single and Semi-Detached Dwelling | Multiples     | Apartments - 2 Bedrooms + | Apartments - Studio and 1 Bedroom | Special Care/Special Dwelling Units | (per sq.ft. of Gross Floor Area) |
| <b>Township-wide Services/Class of Service:</b>       |                                   |               |                           |                                   |                                     |                                  |
| Services Related to a Highway                         | 8,933                             | 7,240         | 5,471                     | 3,612                             | 3,320                               | 3.64                             |
| Public Works (Facilities and Fleet)                   | 1,337                             | 1,084         | 819                       | 541                               | 497                                 | 0.60                             |
| Fire Protection Services                              | 1,684                             | 1,365         | 1,031                     | 681                               | 626                                 | 0.76                             |
| Policing Services                                     | 156                               | 126           | 96                        | 63                                | 58                                  | 0.07                             |
| Parks and Recreation Services                         | 3,853                             | 3,123         | 2,360                     | 1,558                             | 1,432                               | 1.44                             |
| Library Services                                      | 1,175                             | 952           | 720                       | 475                               | 437                                 | 0.44                             |
| <b>Total Township-wide Services/Class of Services</b> | <b>17,138</b>                     | <b>13,890</b> | <b>10,497</b>             | <b>6,930</b>                      | <b>6,370</b>                        | <b>6.95</b>                      |

**The Corporation of the Township of Clearview**  
**By-Law No. XXXX**  
**A By-Law to Establish Development Charges**  
**For the Corporation of the Township of Clearview**

WHEREAS subsection 2(1) of the *Development Charges Act, 1997 c. 27* (hereinafter called “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 Township of Clearview has given Notice on April 8, 2024 according to section 12 of the *Development Charges Act, 1997*, of its intention to pass a by-law under Section 2 of the said Act;

AND WHEREAS the Council of the Township of Clearview 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 April 29, 2024;

AND WHEREAS following the public meeting, the Council afforded the public an additional period of time for the submission of further written representations;

AND WHEREAS the Council has before it a report entitled Development Charge Background Study dated March 26, 2024 prepared by Watson & Associates Economists Ltd., wherein it is indicated that the development of any land within the Township of Clearview will increase the need for services as defined herein;

AND WHEREAS by resolution the Council on May 27, 2024 has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development identified in the Study will be met;

AND WHEREAS by resolution the Council on May 27, 2024 has indicated that its intent that the future excess capacity identified in the Study shall be paid for by development charges or other similar charges;

AND WHEREAS by resolution the Council on May 27, 2024 approved, in principle, subject to the budget process, the applicable Development Charge Background Study, inclusive of the capital forecast and eligible costs therein, in which certain



recommendations were made relating to the establishment of a development charge policy for the Township of Clearview pursuant to the *Development Charges Act, 1997*;

AND WHEREAS by resolution the Council on May 27, 2024 determined that no further public meeting was necessary to be held under section 12 of the Act.

**Now therefore The Council of The Corporation of the Township of Clearview Enacts as Follows:**

In this by-law,

1. “Act” means the Development Charges Act, 1997, c. 27;
2. “administration service” means any and all development-related studies carried out by the municipality which are with respect to eligible services for which a development charge by-law may be imposed under the *Development Charges Act, 1997*;
3. “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;
4. “affordable residential unit” means a residential unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the Act;
5. “agricultural use” means the bona fide use of lands and buildings for apiaries, fish farming, dairy farming, fur farming, the raising or exhibiting of livestock, or the cultivation of trees, shrubs, flowers, grains, sod, fruits, vegetables and any other crops or ornamental plants and includes the operation of a farming business and the erection of a farm help house on agricultural land but excludes a commercial greenhouse. Agricultural use does not include the development of a single detached dwelling on agricultural land;
6. “ancillary residential building” means a residential building that would provide necessary support to the primary activities/use of a detached dwelling, semi-detached dwelling, or row dwelling. Types of ancillary residential buildings include; coach houses, farm help accommodations, garages, and garden suites and do not include tiny homes or other stand-alone residential buildings;



7. “ancillary structure” means a structure providing necessary support to the primary activities or use of the principal structure and includes, coach houses, farm help accommodations, garages, and garden suites and does not include tiny homes or other stand-alone residential buildings;
8. “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 and shall include dwelling units contained above or as part of commercial buildings. Apartment units include Tiny Homes.;
9. “attainable residential unit” means a residential unit that meets the criteria set out in subsection 4.1(4) of the Act;
10. “bedroom” means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
11. “benefiting area” means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
12. “board of education” means a board defined in s.s. 1(1) of the *Education Act*;
13. “bona fide farm uses” means the proposed development 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;
14. “Building Code Act” means the *Building Code Act*, 1992, S.O. 1992, c.23, as amended;
15. “capital cost” means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by, the municipality 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, lease, construct or improve facilities including,
  - 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.. O. 1990, c. 57, and
- e. interest on money borrowed to pay for costs in (a) to (d) above that are growth related;

required for provision of services designated in this by-law within or outside the Municipality.

- 16. “charitable organization” shall follow the definition set out by Canada Revenue Agency which generally defines it as a corporation, a trust or an organization under a constitution that has exclusively charitable purposes. The municipality shall make the final determination of a qualifying facility;
- 17. “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;
- 18. “coach house” means separate structure which contains parking/storage for a vehicle and would include a dwelling unit;
- 19. “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;
- 20. “Council” means the Council of the Township of Clearview;
- 21. “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that the effect of increasing the size of usability thereof, and includes redevelopment;



22. “development charge” means a charge imposed pursuant to this By-law;
23. “dwelling unit” means one or more habitable rooms designed or intended to be used together as a single and separate house-keeping unit by one person or jointly by two or more persons containing its own kitchen and sanitary facilities;
24. “existing” means the number, use and size that existed as of the date this by-law was passed;
25. “farm building” means a building or structure located on a bona fide farm which is necessary and ancillary to a bona fide farm operation including barns, tool sheds, silos, other farm related structures for such purposes as sheltering of livestock or poultry, storage of farm produce, feed and farm related machinery and equipment and other ancillary development to a planning designated agricultural use, but excluding a residential use;
26. “farm help accommodation” means a building or structure on an agricultural parcel that is used seasonally or temporarily by a person(s) for accommodations as a farm labourer(s) consisting of a kitchen, washroom facilities, and living room, dining room, or bedroom;
27. “garage” means a building or structure for housing a motor vehicle or vehicles;
28. “garden suite” means a detached residential structure containing bathroom and kitchen facilities that is an accessory use to an existing dwelling unit and is designed to be portable or removable in accordance with an agreement required for construction and use;
29. “grade” means the average level of finished ground adjoining a building or structure at all exterior walls;
30. “green roof” shall mean the roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. For the purposes of this by-law, a green roof must comprise a minimum of 60% of the total roof area. The municipality shall make the final determination of a qualifying facility;
31. “grey-water recycling” shall mean a private sewage collection, treatment and re-distribution system which utilizes wastewater from baths, showers and



washbasins (or similar facilities) for re-use in toilets, landscape watering, cleaning or other non-potable purposes as may be governed by applicable health legislation and regulation. For the purposes of this by-law, all new construction must utilize grey-water to qualify for the exemption. The municipality shall make the final determination of a qualifying facility;

32. “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, including an air supported 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;
  - iv. a mezzanine as defined by the building code.

33. “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;



34. "industrial" means lands, buildings or structures used or designed or intended for or in conjunction with:

- a. the production, compounding, processing, packaging, crating, bottling, packing, or assembling of raw or semi-processed goods or materials in not less than seventy-five percent of the total gross floor area of the building or buildings on a site ("manufacturing") or warehousing related to the manufacturing use carried on in the building or buildings;
- b. research or development in connection with manufacturing in not less than seventy-five percent of the total gross floor area of the building or buildings on a site;
- c. retail sales by a manufacturer, if the retail sales are at the site where the manufacturing is carried out, such retail sales are restricted to goods manufactured at the site, and the building or part of a building where such retail sales are carried out does not constitute greater than twenty-five percent of the total gross floor area of the building or buildings on the site; or
- d. Office or administrative purposes, if they are,
  - i. carried out with respect to manufacturing or warehousing; and
  - ii. In or attached to the building or structure used for such manufacturing or warehousing;

35. "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;

36. "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.
37. “linked dwelling unit” means a dwelling unit of a group of two or more residential dwelling units linked only below grade by a common foundation;
38. “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 municipality or any part or parts thereof;
39. “local services” means those services, facilities or things which are under the jurisdiction of the Township of Clearview and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 51 or 53 of the *Planning Act*, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;
40. “multiple dwelling unit” means all dwellings other than single-detached, semi-detached and apartment unit dwellings and may include a row dwelling unit or a linked dwelling unit;
41. “municipality” means The Corporation of the Township of Clearview;



42. “non-profit housing development” means Development of a building or structure that meets the criteria set out in section 4.2 of the Act;
43. “non-profit organization” shall follow the definition set out by Canada Revenue Agency which generally defines it as an association, club, or society that is operated exclusively for social welfare, civic improvement, pleasure, recreation, or any other purposes except profit;
44. “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;
45. “Official Plan” means the Official Plan adopted for the municipality, as amended and approved;
46. “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;
47. “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, c. A.31, as amended, or any successor thereof;
48. “Planning Act” means the *Planning Act, 1990*, R.S.O. 1990, c.P.13, as amended;
49. “rainwater capture and re-use” shall mean a municipally approved private facility which provides for the capture and re-use of rainwater for non-potable purposes. For the purposes of this by-law, in order to qualify for an exemption such a facility shall be the predominant stormwater management facility and shall utilize all roof drainage and a minimum of 60% of all impervious surfaces. This shall not include traditional stormwater management facilities which retain or detain stormwater flows in ponds/ditches etc. The municipality shall make the final determination of a qualifying facility;
50. “regulation” means any regulation made pursuant to the Act;
51. “rental housing” means development of a building or structure with four or more residential units all of which are intended for use as rented residential premises;



52. “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;
53. “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;
54. “row dwelling unit” 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 and may include a linked dwelling unit;
55. “semi-detached dwelling unit” 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 unit are not connected by an interior corridor and may include a linked dwelling unit;
56. “service” means a service designated in section 2.1 to this By-law, and “services” shall have a corresponding meaning;
57. “servicing agreement” means an agreement between a landowner and the Municipality relative to the provision of municipal services to specified land within the Municipality;
58. “single detached dwelling unit” means a completely detached building containing only one dwelling unit;
59. “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 on identical ownership;
60. “special care/special dwelling” means a Residential Use Building containing two or more rooms or suites of rooms designed or intended to be used for sleeping and living accommodation that have a common entrance from street level:
- a. Where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;



- b. Which may or may not have exclusive sanitary and/or culinary facilities;
- c. That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
- d. Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services may be provided at various levels,
- e. And includes, but is not limited to, retirement houses, nursing homes, group homes (including correctional group homes) and hospices;

61. “tiny home” means a standalone residential structure that has all of the amenities of a home (i.e. kitchen facilities, washroom facilities, bedroom space, etc.) that is less than 500 square feet in size;

62. “wastewater pre-treatment facility” shall mean a municipally approved private facility which provides for the reduction of the amount of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a municipal wastewater collection or treatment facility. The municipality shall make the final determination of a qualifying facility;

63. “zoning by-law” means the Zoning By-Law of the Municipality or any successor thereof passed pursuant to Section 34 of the Planning Act, S.O. 1990, R.S.O. 1990, c P.13, as amended.

## **2. Designation of Services**

2.1 The categories of services for which development charges are imposed under this By-law are as follows:

- (a) Water Facilities and Distribution System; and
- (b) Wastewater Facilities and Collection Systems.

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 within the Stayner Development Charges By-Law boundary area in the Township of Clearview as defined on the map in Schedule C to this By-law, whether or not the land or use thereof is exempt from taxation under 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 of Clearview or a local board thereof;
- (b) a board of education;
- (c) the Corporation of the County of Simcoe or a local board thereof; or
- (d) 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.

#### 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, c. 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 subsection 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) 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;

3.6 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in existing houses:

- a) 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.
- b) 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.

- c) 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.

3.7 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in new residential buildings:

- a) 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
- b) 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
- c) 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

3.8 Non-profit Residential Development;

3.9 Affordable Residential Units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning);

3.10 Notwithstanding subsections 3.2 and 3.4, as of the date on which section 4.1 of the Act is proclaimed into force, the following shall be exempt from Development Charges:

- i. Affordable Residential Units:



- i. Affordable Residential Owned Units;
- ii. Affordable Residential Rental Units;
- ii. Attainable Residential Units.

### 3.11 Rules with Respect to an Industrial Expansion Exemption

3.11.1 Notwithstanding any other provision of this by-law, there shall be an exemption from the payment of development charges for one or more enlargements of an existing industrial building on its site, whether attached or separate from the existing industrial building, up to a maximum of fifty percent of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Development Charges Act or this subsection. Development charges shall be imposed in accordance with this by-law with respect to the amount of the floor area of an enlargement that results in the gross floor area of the industrial building being increase by greater than fifty percent of the gross floor area of the existing industrial building.

3.11.2 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:

1. determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
2. divide the amount determined under subsection 1) by the amount of the enlargement.

### 3.12 Other Exemptions/Reductions:

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

- (a) buildings or structures owned by and used for the purposes of a municipality and exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31, as amended;
- (b) buildings or structures owned by and used for the purposes of a board as defined in Subsection 1(1) of the Education Act, R.S.O. 1990, c.E.2, as amended, and exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31, as amended;





- (c) buildings or structures used as public hospitals governed by the Public Hospitals Act, R.S.O. 1990, c.P.40, as amended;
- (d) land, buildings or structures used for a place of worship or for the purpose of a cemetery or burial ground and exempt from taxation under the Assessment Act, R.S.O. 1990, c.A.31, as amended;
- (e) land, buildings or structures for agricultural use which do not receive municipal water or wastewater services;
- (f) non-residential buildings used accessory to an agricultural operation shall be exempt from the development charge if no rezoning is required;
- (g) Development charges for municipal water and wastewater services will not be applied to existing lots of record that, had paid a charge or fee to ensure allocation of said services within the existing capacity of the system as of the date of passing of this by-law; onus of proof of payment rests with the owner;
- (h) Land, buildings, structures or additions constructed by a charitable or a non-profit organization for a purpose that benefits the community as determined by Council may have up to a 100% exemption to DCs.  
eg: Non-profit housing, youth centres, and community centres.;
- (i) Land, buildings, structures or additions constructed for industrial or commercial uses utilizing green technologies as defined by the Planning Act may be eligible for a grant for a portion of the D.C. through a Township grant program.
- (j) Land, buildings, structures or additions constructed for industrial use creating jobs shall have a reduction in total DCs of 0.5% per new full time equivalent direct jobs created to a maximum reduction of 30%. The determination of what constitutes a new full-time equivalent job and how to measure and verify the total eligible discount to DCs shall be determined by policy.;
- (k) Unless this By-law specifically provides for an exemption of 100% of DC charges, the total cumulative exemption or reduction in DC charges shall not exceed 66% of the DC charges which would apply in the absence of such exemptions or reductions.; and,
- (l) Buildings, structures or additions for non-residential uses shall be exempt from paying the portion of the charges related to recreation and library services.

### 3.13 Temporary Use Buildings

- (a) Subject to Subsection (b), temporary buildings or structures shall be exempt from the payment of development charges;



- (b) In the event that a temporary building or structure continues beyond a period of nine months, it shall be deemed not to be nor ever to have been a temporary building or structure, and the development charges required to be paid under this by-law shall become payable on the date nine months after the temporary building or structure was first constructed or put in use; and,
- (c) Prior to the Township issuing a building permit for a temporary building or structure, the Township may 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 (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.

### 3.14 Discounts for Rental Housing (for profit)

The D.C. payable for rental housing developments, where the residential units are intended to be used as a rented residential premises will be reduced based on the number of bedrooms in each unit as follows:

- Three (3) or more bedrooms – 25% reduction;
- Two (2) bedrooms – 20% reduction; and
- Fewer than two (2) bedrooms – 15% reduction.

### Amount of Charges

#### Residential

3.15 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 use and settlement area in which the development occurs, and calculated with respect to each of the services according to the type of residential use.

#### Non-Residential

3.16 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 and settlement area in which the development occurs.

### Mandatory Phase-in

3.17 The amount of the development charges described in Schedule B to this by-law shall be reduced in accordance with the Act.

### Reduction of Development Charges for Redevelopment

3.18 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 60 months of the date of the demolition permit issuance 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 3.15 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 mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the greater of the applicable development charges under subsection 3.16 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

3.19 Development Charges are payable at the time the first building permit is issued with respect to a development.

3.20 Notwithstanding Section 3.19, 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 calculated in accordance with section 26.3 of the Act.

3.21 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 3.15 and 3.16 shall be calculated 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 Sections 3.15 and 3.16 shall be calculated on the rates, including interest calculated in accordance with section 26.3 of the Act, payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest.

3.22 Despite sections 3.19 to 3.21, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

#### **4. Payment by Services**

4.1 Despite the payment required under subsections 3.15 and 3.16, Council may, by agreement under section 38 of the Act, 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.

4.2 Council may enter into agreements under Section 44 of the Act.

#### **5. Indexing**

5.1 Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, on January 1<sup>st</sup> of each year, commencing January 1, 2025, in accordance with the prescribed index in the Act, based on the twelve-month period ending September 30<sup>th</sup>.

#### **6. Schedules**

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



- Schedule A - Components of Services Designated in section 2.1;
- Schedule B - Residential and Non-Residential Development Charges; and
- Schedule C - Map designating Water and Wastewater Development Charge Area for Stayner.

## **7. Conflicts**

- 7.1 Where the Township of Clearview 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, section, sub-section, or paragraph 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, in whole or in part or dealt with in any other way.

## **9. By-Law Registration**

- 9.1 A certified copy of this By-law may be registered in the by-law register in the Land Registry Office against all land in the Township and may be registered against title to any land to which this By-law applies.

## **10. Headings for Reference Only**



10.1 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.

**11. Date By-Law in Force**

11.1 This By-law shall come into effect at 12:01 AM on July 1, 2024.

**12. Date By-Law Expires**

12.1 This By-law will expire at ten (10) years after the date the By-law comes into effect unless it is repealed by Council at an earlier date.

**13. Existing By-Law Repealed**

13.1 By-law Number 19-63, as amended is hereby repealed as of July 1, 2024 at which date and time this By-law comes into effect.

By-law No 24-\_\_\_\_\_ read a first, second and third time and finally passed this 27 day of May, 2024.

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Mayor

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Clerk



Schedule A  
To By-Law No. 24-\_\_\_\_  
Township of Clearview  
Components of Services Designated in Subsection 2.1

**Area-Specific Services**

**Stayner Area-Specific Services**

Stayner Water Supply

Stayner Water Distribution

Stayner Wastewater Facilities

Stayner Wastewater Collection



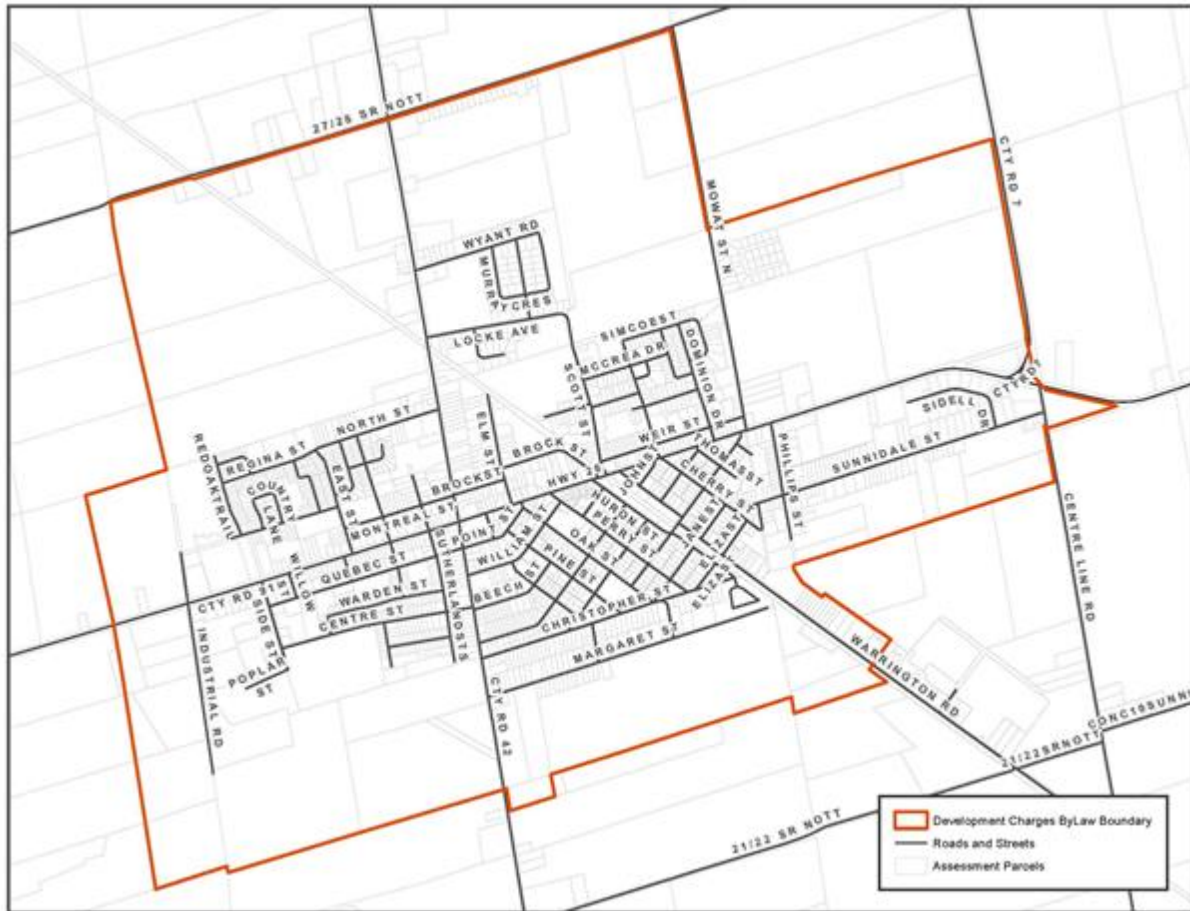
**Schedule B**  
**To By-law No. 24-\_\_\_\_\_**  
**Township of Clearview**  
**Schedule of Development Charges**

| Service/Class of Service                        | Residential                       |               |                           |                                   |                                     | Non-Residential                  |
|---|-----------------------------------|---------------|---------------------------|-----------------------------------|-------------------------------------|----------------------------------|
|   | Single and Semi-Detached Dwelling | Multiples     | Apartments - 2 Bedrooms + | Apartments - Studio and 1 Bedroom | Special Care/Special Dwelling Units | (per sq.ft. of Gross Floor Area) |
| <b>Urban Services</b>                           |                                   |               |                           |                                   |                                     |                                  |
| <u>Stayner</u>                                  |                                   |               |                           |                                   |                                     |                                  |
| Water   | 17,859                            | 14,474        | 10,939                    | 7,222                             | 6,637                               | 9.74                             |
| Wastewater                                      | 10,974                            | 8,894         | 6,722                     | 4,438                             | 4,078                               | 5.99                             |
| Wastewater (Pre-payment units only)             | 4,290                             | 3,477         | 2,628                     | 1,735                             | 1,594                               | 2.09                             |
| <b>Total Urban Services - Stayner</b>           | <b>28,833</b>                     | <b>23,368</b> | <b>17,661</b>             | <b>11,660</b>                     | <b>10,715</b>                       | <b>15.73</b>                     |
| <b>Total Urban Services - Stayner (Prepaid)</b> | <b>22,149</b>                     | <b>17,951</b> | <b>13,567</b>             | <b>8,957</b>                      | <b>8,231</b>                        | <b>11.83</b>                     |





Schedule C  
To By-law No. 24-\_\_\_\_\_  
Township of Clearview  
Map Designating Water and Wastewater Development Charge Area for Stayner



**The Corporation of the Township of Clearview**  
**By-Law No. XXXX**  
**A By-Law to Establish Development Charges**  
**For the Corporation of the Township of Clearview**

WHEREAS subsection 2(1) of the *Development Charges Act, 1997 c. 27* (hereinafter called “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 Township of Clearview has given Notice on April 8, 2024 according to section 12 of the *Development Charges Act, 1997*, of its intention to pass a by-law under Section 2 of the said Act;

AND WHEREAS the Council of the Township of Clearview 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 April 29, 2024;

AND WHEREAS following the public meeting, the Council afforded the public an additional period of time for the submission of further written representations;

AND WHEREAS the Council has before it a report entitled Development Charge Background Study dated March 26, 2024 prepared by Watson & Associates Economists Ltd., wherein it is indicated that the development of any land within the Township of Clearview will increase the need for services as defined herein;

AND WHEREAS by resolution the Council on May 27, 2024 has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development identified in the Study will be met;

AND WHEREAS by resolution the Council on May 27, 2024 has indicated that its intent that the future excess capacity identified in the Study shall be paid for by development charges or other similar charges;

AND WHEREAS by resolution the Council on May 27, 2024 approved, in principle, subject to the budget process, the applicable Development Charge Background Study, inclusive of the capital forecast and eligible costs therein, in which certain



recommendations were made relating to the establishment of a development charge policy for the Township of Clearview pursuant to the *Development Charges Act, 1997*;

AND WHEREAS by resolution the Council on May 27, 2024 determined that no further public meeting was necessary to be held under section 12 of the Act.

**Now therefore The Council of The Corporation of the Township of Clearview Enacts as Follows:**

In this by-law,

1. “Act” means the Development Charges Act, 1997, c. 27;
2. “administration service” means any and all development-related studies carried out by the municipality which are with respect to eligible services for which a development charge by-law may be imposed under the *Development Charges Act, 1997*;
3. “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;
4. “affordable residential unit” means a residential unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the Act;
5. “agricultural use” means the bona fide use of lands and buildings for apiaries, fish farming, dairy farming, fur farming, the raising or exhibiting of livestock, or the cultivation of trees, shrubs, flowers, grains, sod, fruits, vegetables and any other crops or ornamental plants and includes the operation of a farming business and the erection of a farm help house on agricultural land but excludes a commercial greenhouse. Agricultural use does not include the development of a single detached dwelling on agricultural land;
6. “ancillary residential building” means a residential building that would provide necessary support to the primary activities/use of a detached dwelling, semi-detached dwelling, or row dwelling. Types of ancillary residential buildings include; coach houses, farm help accommodations, garages, and garden suites and do not include tiny homes or other stand-alone residential buildings;



7. “ancillary structure” means a structure providing necessary support to the primary activities or use of the principal structure and includes, coach houses, farm help accommodations, garages, and garden suites and does not include tiny homes or other stand-alone residential buildings;
8. “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 and shall include dwelling units contained above or as part of commercial buildings. Apartment units include Tiny Homes.;
9. “attainable residential unit” means a residential unit that meets the criteria set out in subsection 4.1(4) of the Act;
10. “bedroom” means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
11. “benefiting area” means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
12. “board of education” means a board defined in s.s. 1(1) of the *Education Act*;
13. “bona fide farm uses” means the proposed development 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;
14. “Building Code Act” means the *Building Code Act*, 1992, S.O. 1992, c.23, as amended;
15. “capital cost” means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by, the municipality 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, lease, construct or improve facilities including,
  - 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.. O. 1990, c. 57, and
- e. interest on money borrowed to pay for costs in (a) to (d) above that are growth related;

required for provision of services designated in this by-law within or outside the Municipality.

16. “charitable organization” shall follow the definition set out by Canada Revenue Agency which generally defines it as a corporation, a trust or an organization under a constitution that has exclusively charitable purposes. The municipality shall make the final determination of a qualifying facility;
17. “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;
18. “coach house” means separate structure which contains parking/storage for a vehicle and would include a dwelling unit;
19. “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;
20. “Council” means the Council of the Township of Clearview;
21. “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that the effect of increasing the size of usability thereof, and includes redevelopment;



22. “development charge” means a charge imposed pursuant to this By-law;
23. “dwelling unit” means one or more habitable rooms designed or intended to be used together as a single and separate house-keeping unit by one person or jointly by two or more persons containing its own kitchen and sanitary facilities;
24. “existing” means the number, use and size that existed as of the date this by-law was passed;
25. “farm building” means a building or structure located on a bona fide farm which is necessary and ancillary to a bona fide farm operation including barns, tool sheds, silos, other farm related structures for such purposes as sheltering of livestock or poultry, storage of farm produce, feed and farm related machinery and equipment and other ancillary development to a planning designated agricultural use, but excluding a residential use;
26. “farm help accommodation” means a building or structure on an agricultural parcel that is used seasonally or temporarily by a person(s) for accommodations as a farm labourer(s) consisting of a kitchen, washroom facilities, and living room, dining room, or bedroom;
27. “garage” means a building or structure for housing a motor vehicle or vehicles;
28. “garden suite” means a detached residential structure containing bathroom and kitchen facilities that is an accessory use to an existing dwelling unit and is designed to be portable or removable in accordance with an agreement required for construction and use;
29. “grade” means the average level of finished ground adjoining a building or structure at all exterior walls;
30. “green roof” shall mean the roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. For the purposes of this by-law, a green roof must comprise a minimum of 60% of the total roof area. The municipality shall make the final determination of a qualifying facility;
31. “grey-water recycling” shall mean a private sewage collection, treatment and re-distribution system which utilizes wastewater from baths, showers and



washbasins (or similar facilities) for re-use in toilets, landscape watering, cleaning or other non-potable purposes as may be governed by applicable health legislation and regulation. For the purposes of this by-law, all new construction must utilize grey-water to qualify for the exemption. The municipality shall make the final determination of a qualifying facility;

32. “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, including an air supported 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;
  - iv. a mezzanine as defined by the building code.

33. “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;



34. "industrial" means lands, buildings or structures used or designed or intended for or in conjunction with:
- a. the production, compounding, processing, packaging, crating, bottling, packing, or assembling of raw or semi-processed goods or materials in not less than seventy-five percent of the total gross floor area of the building or buildings on a site ("manufacturing") or warehousing related to the manufacturing use carried on in the building or buildings;
  - b. research or development in connection with manufacturing in not less than seventy-five percent of the total gross floor area of the building or buildings on a site;
  - c. retail sales by a manufacturer, if the retail sales are at the site where the manufacturing is carried out, such retail sales are restricted to goods manufactured at the site, and the building or part of a building where such retail sales are carried out does not constitute greater than twenty-five percent of the total gross floor area of the building or buildings on the site; or
  - d. Office or administrative purposes, if they are,
    - i. carried out with respect to manufacturing or warehousing; and
    - ii. In or attached to the building or structure used for such manufacturing or warehousing;
35. "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;
36. "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.
37. “linked dwelling unit” means a dwelling unit of a group of two or more residential dwelling units linked only below grade by a common foundation;
38. “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 municipality or any part or parts thereof;
39. “local services” means those services, facilities or things which are under the jurisdiction of the Township of Clearview and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 51 or 53 of the *Planning Act*, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;
40. “multiple dwelling unit” means all dwellings other than single-detached, semi-detached and apartment unit dwellings and may include a row dwelling unit or a linked dwelling unit;
41. “municipality” means The Corporation of the Township of Clearview;



42. “non-profit housing development” means Development of a building or structure that meets the criteria set out in section 4.2 of the Act;
43. “non-profit organization” shall follow the definition set out by Canada Revenue Agency which generally defines it as an association, club, or society that is operated exclusively for social welfare, civic improvement, pleasure, recreation, or any other purposes except profit;
44. “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;
45. “Official Plan” means the Official Plan adopted for the municipality, as amended and approved;
46. “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;
47. “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, c. A.31, as amended, or any successor thereof;
48. “Planning Act” means the *Planning Act, 1990*, R.S.O. 1990, c.P.13, as amended;
49. “rainwater capture and re-use” shall mean a municipally approved private facility which provides for the capture and re-use of rainwater for non-potable purposes. For the purposes of this by-law, in order to qualify for an exemption such a facility shall be the predominant stormwater management facility and shall utilize all roof drainage and a minimum of 60% of all impervious surfaces. This shall not include traditional stormwater management facilities which retain or detain stormwater flows in ponds/ditches etc. The municipality shall make the final determination of a qualifying facility;
50. “regulation” means any regulation made pursuant to the Act;
51. “rental housing” means development of a building or structure with four or more residential units all of which are intended for use as rented residential premises;



52. “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;
53. “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;
54. “row dwelling unit” 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 and may include a linked dwelling unit;
55. “semi-detached dwelling unit” 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 unit are not connected by an interior corridor and may include a linked dwelling unit;
56. “service” means a service designated in section 2.1 to this By-law, and “services” shall have a corresponding meaning;
57. “servicing agreement” means an agreement between a landowner and the Municipality relative to the provision of municipal services to specified land within the Municipality;
58. “single detached dwelling unit” means a completely detached building containing only one dwelling unit;
59. “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 on identical ownership;
60. “special care/special dwelling” means a Residential Use Building containing two or more rooms or suites of rooms designed or intended to be used for sleeping and living accommodation that have a common entrance from street level:
- a. Where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;



- b. Which may or may not have exclusive sanitary and/or culinary facilities;
- c. That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
- d. Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services may be provided at various levels,
- e. And includes, but is not limited to, retirement houses, nursing homes, group homes (including correctional group homes) and hospices;

61. “tiny home” means a standalone residential structure that has all of the amenities of a home (i.e. kitchen facilities, washroom facilities, bedroom space, etc.) that is less than 500 square feet in size;

62. “wastewater pre-treatment facility” shall mean a municipally approved private facility which provides for the reduction of the amount of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a municipal wastewater collection or treatment facility. The municipality shall make the final determination of a qualifying facility;

63. “zoning by-law” means the Zoning By-Law of the Municipality or any successor thereof passed pursuant to Section 34 of the Planning Act, S.O. 1990, R.S.O. 1990, c P.13, as amended.

## **2. Designation of Services**

2.1 The categories of services for which development charges are imposed under this By-law are as follows:

- (a) Water Facilities and Distribution System;
- (b) Wastewater Facilities and Collection Systems; and
- (c) Stormwater 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 within the Creemore Development Charges By-Law boundary area in the Township of Clearview as defined on the map in Schedule C to this By-law, whether or not the land or use thereof is exempt from taxation under 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 of Clearview or a local board thereof;
- (b) a board of education;
- (c) the Corporation of the County of Simcoe or a local board thereof; or
- (d) 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.

#### 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, c. 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 subsection 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) 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;

3.6 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in existing houses:

- a) 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.



- b) 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.
- c) 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.

3.7 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in new residential buildings:

- a) 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
- b) 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
- c) 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

3.8 Non-profit Residential Development;

3.9 Affordable Residential Units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning);

3.10 Notwithstanding subsections 3.2 and 3.4, as of the date on which section 4.1 of the Act is proclaimed into force, the following shall be exempt from Development Charges:



- i. Affordable Residential Units:
  - i. Affordable Residential Owned Units;
  - ii. Affordable Residential Rental Units;
- ii. Attainable Residential Units.

### 3.11 Rules with Respect to an Industrial Expansion Exemption

3.11.1 Notwithstanding any other provision of this by-law, there shall be an exemption from the payment of development charges for one or more enlargements of an existing industrial building on its site, whether attached or separate from the existing industrial building, up to a maximum of fifty percent of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Development Charges Act or this subsection. Development charges shall be imposed in accordance with this by-law with respect to the amount of the floor area of an enlargement that results in the gross floor area of the industrial building being increase by greater than fifty percent of the gross floor area of the existing industrial building.

3.11.2 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:

1. determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
2. divide the amount determined under subsection 1) by the amount of the enlargement.

### 3.12 Other Exemptions/Reductions:

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

- (a) buildings or structures owned by and used for the purposes of a municipality and exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31, as amended;
- (b) buildings or structures owned by and used for the purposes of a board as defined in Subsection 1(1) of the Education Act, R.S.O. 1990, c.E.2, as





- amended, and exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31, as amended;
- (c) buildings or structures used as public hospitals governed by the Public Hospitals Act, R.S.O. 1990, c.P.40, as amended;
  - (d) land, buildings or structures used for a place of worship or for the purpose of a cemetery or burial ground and exempt from taxation under the Assessment Act, R.S.O. 1990, c.A.31, as amended;
  - (e) land, buildings or structures for agricultural use which do not receive municipal water or wastewater services;
  - (f) non-residential buildings used accessory to an agricultural operation shall be exempt from the development charge if no rezoning is required;
  - (g) Development charges for municipal water and wastewater services will not be applied to existing lots of record that, had paid a charge or fee to ensure allocation of said services within the existing capacity of the system as of the date of passing of this by-law; onus of proof of payment rests with the owner;
  - (h) Land, buildings, structures or additions constructed by a charitable or a non-profit organization for a purpose that benefits the community as determined by Council may have up to a 100% exemption to DCs.  
eg: Non-profit housing, youth centres, and community centres.;
  - (i) Land, buildings, structures or additions constructed for industrial or commercial uses utilizing green technologies as defined by the Planning Act may be eligible for a grant for a portion of the D.C. through a Township grant program.
  - (j) Land, buildings, structures or additions constructed for industrial use creating jobs shall have a reduction in total DCs of 0.5% per new full time equivalent direct jobs created to a maximum reduction of 30%. The determination of what constitutes a new full-time equivalent job and how to measure and verify the total eligible discount to DCs shall be determined by policy.;
  - (k) Unless this By-law specifically provides for an exemption of 100% of DC charges, the total cumulative exemption or reduction in DC charges shall not exceed 66% of the DC charges which would apply in the absence of such exemptions or reductions.; and,
  - (l) Buildings, structures or additions for non-residential uses shall be exempt from paying the portion of the charges related to recreation and library services.



### 3.13 Temporary Use Buildings

- (a) Subject to Subsection (b), temporary buildings or structures shall be exempt from the payment of development charges;
- (b) In the event that a temporary building or structure continues beyond a period of nine months, it shall be deemed not to be nor ever to have been a temporary building or structure, and the development charges required to be paid under this by-law shall become payable on the date nine months after the temporary building or structure was first constructed or put in use; and,
- (c) Prior to the Township issuing a building permit for a temporary building or structure, the Township may 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 (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.

### 3.14 Discounts for Rental Housing (for profit)

The D.C. payable for rental housing developments, where the residential units are intended to be used as a rented residential premises will be reduced based on the number of bedrooms in each unit as follows:

- Three (3) or more bedrooms – 25% reduction;
- Two (2) bedrooms – 20% reduction; and
- Fewer than two (2) bedrooms – 15% reduction.

### Amount of Charges

#### Residential

- 3.15 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 use and settlement area in which the development occurs, and calculated with respect to each of the services according to the type of residential use.



### Non-Residential

3.16 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 and settlement area in which the development occurs.

### Mandatory Phase-in

3.17 The amount of the development charges described in Schedule B to this by-law shall be reduced in accordance with the Act.

### Reduction of Development Charges for Redevelopment

3.18 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 60 months of the date of the demolition permit issuance 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 3.15 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 mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the greater of the applicable development charges under subsection 3.16 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

- 3.19 Development Charges are payable at the time the first building permit is issued with respect to a development.
- 3.20 Notwithstanding Section 3.19, 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 calculated in accordance with section 26.3 of the Act.
- 3.21 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 3.15 and 3.16 shall be calculated 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 Sections 3.15 and 3.16 shall be calculated on the rates, including interest calculated in accordance with section 26.3 of the Act, payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest.
- 3.22 Despite sections 3.19 to 3.21, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

### **4. Payment by Services**

- 4.1 Despite the payment required under subsections 3.15 and 3.16, Council may, by agreement under section 38 of the Act, 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.
- 4.2 Council may enter into agreements under Section 44 of the Act.

### **5. Indexing**



5.1 Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, on January 1<sup>st</sup> of each year, commencing January 1, 2025, in accordance with the prescribed index in the Act, based on the twelve-month period ending September 30<sup>th</sup>.

## **6. Schedules**

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

Schedule A - Components of Services Designated in section 2.1;

Schedule B - Residential and Non-Residential Development Charges; and

Schedule C - Map designating Water, Wastewater, and Stormwater Development Charge Area for Creemore.

## **7. Conflicts**

7.1 Where the Township of Clearview 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, section, sub-section, or paragraph 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, in whole or in part or dealt with in any other way.



## **9. By-Law Registration**

9.1 A certified copy of this By-law may be registered in the by-law register in the Land Registry Office against all land in the Township and may be registered against title to any land to which this By-law applies.

## **10. Headings for Reference Only**

10.1 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.

## **11. Date By-Law in Force**

11.1 This By-law shall come into effect at 12:01 AM on July 1, 2024.

## **12. Date By-Law Expires**

12.1 This By-law will expire at ten (10) years after the date the By-law comes into effect unless it is repealed by Council at an earlier date.

## **13. Existing By-Law Repealed**

13.1 By-law Number 19-63, as amended is hereby repealed as of July 1, 2024 at which date and time this By-law comes into effect.

By-law No 24-\_\_\_\_\_ read a first, second and third time and finally passed this 27 day of May, 2024.

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Mayor

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Clerk



Schedule A  
To By-Law No. 24-\_\_\_\_  
Township of Clearview  
Components of Services Designated in Subsection 2.1

**Area-Specific Services**

**Creemore Area-Specific Services**

Creemore Water Supply

Creemore Water Distribution

Creemore Wastewater Facilities

Creemore Wastewater Collection

Creemore Stormwater Drainage and Control System





Schedule B  
 To By-law No. 24-\_\_\_\_\_  
 Township of Clearview  
 Schedule of Development Charges

| Service/Class of Service               | Residential                       |               |                           |                                   |                                     | Non-Residential                  |
|--|-----------------------------------|---------------|---------------------------|-----------------------------------|-------------------------------------|----------------------------------|
|  | Single and Semi-Detached Dwelling | Multiples     | Apartments - 2 Bedrooms + | Apartments - Studio and 1 Bedroom | Special Care/Special Dwelling Units | (per sq.ft. of Gross Floor Area) |
| <b>Urban Services</b>                  |                                   |               |                           |                                   |                                     |                                  |
| <u>Creemore</u>                        |                                   |               |                           |                                   |                                     |                                  |
| Water                                  | 9,765                             | 7,914         | 5,981                     | 3,949                             | 3,629                               | 4.97                             |
| Wastewater                             | 31,087                            | 25,195        | 19,041                    | 12,571                            | 11,553                              | 15.83                            |
| Stormwater                             | 2,158                             | 1,749         | 1,322                     | 873                               | 802                                 | 1.10                             |
| <b>Total Urban Services - Creemore</b> | <b>43,010</b>                     | <b>34,858</b> | <b>26,344</b>             | <b>17,393</b>                     | <b>15,984</b>                       | <b>21.90</b>                     |



Schedule C  
To By-law No. 24-\_\_\_\_  
Township of Clearview  
Map Designating Water, Wastewater, and Stormwater  
Development Charge Area for Creemore



**The Corporation of the Township of Clearview**  
**By-Law No. XXXX**  
**A By-Law to Establish Development Charges**  
**For the Corporation of the Township of Clearview**

WHEREAS subsection 2(1) of the *Development Charges Act, 1997 c. 27* (hereinafter called “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 Township of Clearview has given Notice on April 8, 2024 according to section 12 of the *Development Charges Act, 1997*, of its intention to pass a by-law under Section 2 of the said Act;

AND WHEREAS the Council of the Township of Clearview 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 April 29, 2024;

AND WHEREAS following the public meeting, the Council afforded the public an additional period of time for the submission of further written representations;

AND WHEREAS the Council has before it a report entitled Development Charge Background Study dated March 26, 2024 prepared by Watson & Associates Economists Ltd., wherein it is indicated that the development of any land within the Township of Clearview will increase the need for services as defined herein;

AND WHEREAS by resolution the Council on May 27, 2024 has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development identified in the Study will be met;

AND WHEREAS by resolution the Council on May 27, 2024 has indicated that its intent that the future excess capacity identified in the Study shall be paid for by development charges or other similar charges;

AND WHEREAS by resolution the Council on May 27, 2024 approved, in principle, subject to the budget process, the applicable Development Charge Background Study, inclusive of the capital forecast and eligible costs therein, in which certain



recommendations were made relating to the establishment of a development charge policy for the Township of Clearview pursuant to the *Development Charges Act, 1997*;

AND WHEREAS by resolution the Council on May 27, 2024 determined that no further public meeting was necessary to be held under section 12 of the Act.

**Now therefore The Council of The Corporation of the Township of Clearview Enacts as Follows:**

In this by-law,

1. “Act” means the Development Charges Act, 1997, c. 27;
2. “administration service” means any and all development-related studies carried out by the municipality which are with respect to eligible services for which a development charge by-law may be imposed under the *Development Charges Act, 1997*;
3. “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;
4. “affordable residential unit” means a residential unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the Act;
5. “agricultural use” means the bona fide use of lands and buildings for apiaries, fish farming, dairy farming, fur farming, the raising or exhibiting of livestock, or the cultivation of trees, shrubs, flowers, grains, sod, fruits, vegetables and any other crops or ornamental plants and includes the operation of a farming business and the erection of a farm help house on agricultural land but excludes a commercial greenhouse. Agricultural use does not include the development of a single detached dwelling on agricultural land;
6. “ancillary residential building” means a residential building that would provide necessary support to the primary activities/use of a detached dwelling, semi-detached dwelling, or row dwelling. Types of ancillary residential buildings include; coach houses, farm help accommodations, garages, and garden suites and do not include tiny homes or other stand-alone residential buildings;



7. “ancillary structure” means a structure providing necessary support to the primary activities or use of the principal structure and includes, coach houses, farm help accommodations, garages, and garden suites and does not include tiny homes or other stand-alone residential buildings;
8. “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 and shall include dwelling units contained above or as part of commercial buildings. Apartment units include Tiny Homes.;
9. “attainable residential unit” means a residential unit that meets the criteria set out in subsection 4.1(4) of the Act;
10. “bedroom” means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
11. “benefiting area” means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
12. “board of education” means a board defined in s.s. 1(1) of the *Education Act*;
13. “bona fide farm uses” means the proposed development 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;
14. “Building Code Act” means the *Building Code Act*, 1992, S.O. 1992, c.23, as amended;
15. “capital cost” means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by, the municipality 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, lease, construct or improve facilities including,
  - 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.. O. 1990, c. 57, and
- e. interest on money borrowed to pay for costs in (a) to (d) above that are growth related;

required for provision of services designated in this by-law within or outside the Municipality.

- 16. “charitable organization” shall follow the definition set out by Canada Revenue Agency which generally defines it as a corporation, a trust or an organization under a constitution that has exclusively charitable purposes. The municipality shall make the final determination of a qualifying facility;
- 17. “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;
- 18. “coach house” means separate structure which contains parking/storage for a vehicle and would include a dwelling unit;
- 19. “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;
- 20. “Council” means the Council of the Township of Clearview;
- 21. “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that the effect of increasing the size of usability thereof, and includes redevelopment;



22. “development charge” means a charge imposed pursuant to this By-law;
23. “dwelling unit” means one or more habitable rooms designed or intended to be used together as a single and separate house-keeping unit by one person or jointly by two or more persons containing its own kitchen and sanitary facilities;
24. “existing” means the number, use and size that existed as of the date this by-law was passed;
25. “farm building” means a building or structure located on a bona fide farm which is necessary and ancillary to a bona fide farm operation including barns, tool sheds, silos, other farm related structures for such purposes as sheltering of livestock or poultry, storage of farm produce, feed and farm related machinery and equipment and other ancillary development to a planning designated agricultural use, but excluding a residential use;
26. “farm help accommodation” means a building or structure on an agricultural parcel that is used seasonally or temporarily by a person(s) for accommodations as a farm labourer(s) consisting of a kitchen, washroom facilities, and living room, dining room, or bedroom;
27. “garage” means a building or structure for housing a motor vehicle or vehicles;
28. “garden suite” means a detached residential structure containing bathroom and kitchen facilities that is an accessory use to an existing dwelling unit and is designed to be portable or removable in accordance with an agreement required for construction and use;
29. “grade” means the average level of finished ground adjoining a building or structure at all exterior walls;
30. “green roof” shall mean the roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. For the purposes of this by-law, a green roof must comprise a minimum of 60% of the total roof area. The municipality shall make the final determination of a qualifying facility;
31. “grey-water recycling” shall mean a private sewage collection, treatment and re-distribution system which utilizes wastewater from baths, showers and



washbasins (or similar facilities) for re-use in toilets, landscape watering, cleaning or other non-potable purposes as may be governed by applicable health legislation and regulation. For the purposes of this by-law, all new construction must utilize grey-water to qualify for the exemption. The municipality shall make the final determination of a qualifying facility;

32. “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, including an air supported 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;
  - iv. a mezzanine as defined by the building code.

33. “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;





34. “industrial” means lands, buildings or structures used or designed or intended for or in conjunction with:

- a. the production, compounding, processing, packaging, crating, bottling, packing, or assembling of raw or semi-processed goods or materials in not less than seventy-five percent of the total gross floor area of the building or buildings on a site ("manufacturing") or warehousing related to the manufacturing use carried on in the building or buildings;
- b. research or development in connection with manufacturing in not less than seventy-five percent of the total gross floor area of the building or buildings on a site;
- c. retail sales by a manufacturer, if the retail sales are at the site where the manufacturing is carried out, such retail sales are restricted to goods manufactured at the site, and the building or part of a building where such retail sales are carried out does not constitute greater than twenty-five percent of the total gross floor area of the building or buildings on the site; or
- d. Office or administrative purposes, if they are,
  - i. carried out with respect to manufacturing or warehousing; and
  - ii. In or attached to the building or structure used for such manufacturing or warehousing;

35. “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;

36. “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.
37. “linked dwelling unit” means a dwelling unit of a group of two or more residential dwelling units linked only below grade by a common foundation;
38. “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 municipality or any part or parts thereof;
39. “local services” means those services, facilities or things which are under the jurisdiction of the Township of Clearview and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 51 or 53 of the *Planning Act*, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;
40. “multiple dwelling unit” means all dwellings other than single-detached, semi-detached and apartment unit dwellings and may include a row dwelling unit or a linked dwelling unit;
41. “municipality” means The Corporation of the Township of Clearview;



42. “non-profit housing development” means Development of a building or structure that meets the criteria set out in section 4.2 of the Act;
43. “non-profit organization” shall follow the definition set out by Canada Revenue Agency which generally defines it as an association, club, or society that is operated exclusively for social welfare, civic improvement, pleasure, recreation, or any other purposes except profit;
44. “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;
45. “Official Plan” means the Official Plan adopted for the municipality, as amended and approved;
46. “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;
47. “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, c. A.31, as amended, or any successor thereof;
48. “Planning Act” means the *Planning Act, 1990*, R.S.O. 1990, c.P.13, as amended;
49. “rainwater capture and re-use” shall mean a municipally approved private facility which provides for the capture and re-use of rainwater for non-potable purposes. For the purposes of this by-law, in order to qualify for an exemption such a facility shall be the predominant stormwater management facility and shall utilize all roof drainage and a minimum of 60% of all impervious surfaces. This shall not include traditional stormwater management facilities which retain or detain stormwater flows in ponds/ditches etc. The municipality shall make the final determination of a qualifying facility;
50. “regulation” means any regulation made pursuant to the Act;
51. “rental housing” means development of a building or structure with four or more residential units all of which are intended for use as rented residential premises;



52. “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;
53. “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;
54. “row dwelling unit” 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 and may include a linked dwelling unit;
55. “semi-detached dwelling unit” 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 unit are not connected by an interior corridor and may include a linked dwelling unit;
56. “service” means a service designated in section 2.1 to this By-law, and “services” shall have a corresponding meaning;
57. “servicing agreement” means an agreement between a landowner and the Municipality relative to the provision of municipal services to specified land within the Municipality;
58. “single detached dwelling unit” means a completely detached building containing only one dwelling unit;
59. “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 on identical ownership;
60. “special care/special dwelling” means a Residential Use Building containing two or more rooms or suites of rooms designed or intended to be used for sleeping and living accommodation that have a common entrance from street level:
- a. Where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;



- b. Which may or may not have exclusive sanitary and/or culinary facilities;
- c. That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
- d. Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services may be provided at various levels,
- e. And includes, but is not limited to, retirement houses, nursing homes, group homes (including correctional group homes) and hospices;

61. “tiny home” means a standalone residential structure that has all of the amenities of a home (i.e. kitchen facilities, washroom facilities, bedroom space, etc.) that is less than 500 square feet in size;

62. “wastewater pre-treatment facility” shall mean a municipally approved private facility which provides for the reduction of the amount of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a municipal wastewater collection or treatment facility. The municipality shall make the final determination of a qualifying facility;

63. “zoning by-law” means the Zoning By-Law of the Municipality or any successor thereof passed pursuant to Section 34 of the Planning Act, S.O. 1990, R.S.O. 1990, c P.13, as amended.

## **2. Designation of Services**

2.1 The category of service for which development charges are imposed under this By-law is as follows:

(a) Water Facilities.

2.2 The components of the service 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 within the New Lowell Development Charges By-Law boundary area in the Township of Clearview as defined on the map in Schedule C to this By-law, whether or not the land or use thereof is exempt from taxation under 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 of Clearview or a local board thereof;
- (b) a board of education;
- (c) the Corporation of the County of Simcoe or a local board thereof; or
- (d) 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.

#### 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, c. 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 subsection 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) 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;

3.6 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in existing houses:

- a) 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.
- b) 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.



- c) 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.

3.7 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in new residential buildings:

- a) 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
- b) 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
- c) 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

3.8 Non-profit Residential Development;

3.9 Affordable Residential Units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning);

3.10 Notwithstanding subsections 3.2 and 3.4, as of the date on which section 4.1 of the Act is proclaimed into force, the following shall be exempt from Development Charges:

- i. Affordable Residential Units:
  - i. Affordable Residential Owned Units;
  - ii. Affordable Residential Rental Units;
- ii. Attainable Residential Units.





### 3.11 Rules with Respect to an Industrial Expansion Exemption

3.11.1 Notwithstanding any other provision of this by-law, there shall be an exemption from the payment of development charges for one or more enlargements of an existing industrial building on its site, whether attached or separate from the existing industrial building, up to a maximum of fifty percent of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Development Charges Act or this subsection. Development charges shall be imposed in accordance with this by-law with respect to the amount of the floor area of an enlargement that results in the gross floor area of the industrial building being increase by greater than fifty percent of the gross floor area of the existing industrial building.

3.11.2 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:

1. determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
2. divide the amount determined under subsection 1) by the amount of the enlargement.

### 3.12 Other Exemptions/Reductions:

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

- (a) buildings or structures owned by and used for the purposes of a municipality and exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31, as amended;
- (b) buildings or structures owned by and used for the purposes of a board as defined in Subsection 1(1) of the Education Act, R.S.O. 1990, c.E.2, as amended, and exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31, as amended;
- (c) buildings or structures used as public hospitals governed by the Public Hospitals Act, R.S.O. 1990, c.P.40, as amended;



- (d) land, buildings or structures used for a place of worship or for the purpose of a cemetery or burial ground and exempt from taxation under the Assessment Act, R.S.O. 1990, c.A.31, as amended;
- (e) land, buildings or structures for agricultural use which do not receive municipal water or wastewater services;
- (f) non-residential buildings used accessory to an agricultural operation shall be exempt from the development charge if no rezoning is required;
- (g) Development charges for municipal water and wastewater services will not be applied to existing lots of record that, had paid a charge or fee to ensure allocation of said services within the existing capacity of the system as of the date of passing of this by-law; onus of proof of payment rests with the owner;
- (h) Land, buildings, structures or additions constructed by a charitable or a non-profit organization for a purpose that benefits the community as determined by Council may have up to a 100% exemption to DCs.  
eg: Non-profit housing, youth centres, and community centres.;
- (i) Land, buildings, structures or additions constructed for industrial or commercial uses utilizing green technologies as defined by the Planning Act may be eligible for a grant for a portion of the D.C. through a Township grant program.
- (j) Land, buildings, structures or additions constructed for industrial use creating jobs shall have a reduction in total DCs of 0.5% per new full time equivalent direct jobs created to a maximum reduction of 30%. The determination of what constitutes a new full-time equivalent job and how to measure and verify the total eligible discount to DCs shall be determined by policy.;
- (k) Unless this By-law specifically provides for an exemption of 100% of DC charges, the total cumulative exemption or reduction in DC charges shall not exceed 66% of the DC charges which would apply in the absence of such exemptions or reductions.;
- (l) Buildings, structures or additions for non-residential uses shall be exempt from paying the portion of the charges related to recreation and library services.

### 3.13 Temporary Use Buildings

- (a) Subject to Subsection (b), temporary buildings or structures shall be exempt from the payment of development charges;
- (b) In the event that a temporary building or structure continues beyond a period of nine months, it shall be deemed not to be nor ever to have been a



temporary building or structure, and the development charges required to be paid under this by-law shall become payable on the date nine months after the temporary building or structure was first constructed or put in use; and,

(c) Prior to the Township issuing a building permit for a temporary building or structure, the Township may 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 (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.

### 3.14 Discounts for Rental Housing (for profit)

The D.C. payable for rental housing developments, where the residential units are intended to be used as a rented residential premises will be reduced based on the number of bedrooms in each unit as follows:

- Three (3) or more bedrooms – 25% reduction;
- Two (2) bedrooms – 20% reduction; and
- Fewer than two (2) bedrooms – 15% reduction.

#### Amount of Charges

##### Residential

3.15 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 use and settlement area in which the development occurs, and calculated with respect to each of the services according to the type of residential use.

##### Non-Residential

3.16 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 and settlement area in which the development occurs.

### Mandatory Phase-in

3.17 The amount of the development charges described in Schedule B to this by-law shall be reduced in accordance with the Act.

### Reduction of Development Charges for Redevelopment

3.18 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 60 months of the date of the demolition permit issuance 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 3.15 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 mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the greater of the applicable development charges under subsection 3.16 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

3.19 Development Charges are payable at the time the first building permit is issued with respect to a development.

3.20 Notwithstanding Section 3.19, 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 calculated in accordance with section 26.3 of the Act.

3.21 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 3.15 and 3.16 shall be calculated 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 Sections 3.15 and 3.16 shall be calculated on the rates, including interest calculated in accordance with section 26.3 of the Act, payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest.

3.22 Despite sections 3.19 to 3.21, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

#### **4. Payment by Services**

4.1 Despite the payment required under subsections 3.15 and 3.16, Council may, by agreement under section 38 of the Act, 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.

4.2 Council may enter into agreements under Section 44 of the Act.

#### **5. Indexing**

5.1 Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, on January 1<sup>st</sup> of each year, commencing January 1, 2025, in accordance with the prescribed index in the Act, based on the twelve-month period ending September 30<sup>th</sup>.

#### **6. Schedules**

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



- Schedule A - Components of Services Designated in section 2.1;
- Schedule B - Residential and Non-Residential Development Charges; and
- Schedule C - Map designating Water Development Charge Area for New Lowell.

## **7. Conflicts**

- 7.1 Where the Township of Clearview 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, section, sub-section, or paragraph 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, in whole or in part or dealt with in any other way.

## **9. By-Law Registration**

- 9.1 A certified copy of this By-law may be registered in the by-law register in the Land Registry Office against all land in the Township and may be registered against title to any land to which this By-law applies.

## **10. Headings for Reference Only**



10.1 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.

**11. Date By-Law in Force**

11.1 This By-law shall come into effect at 12:01 AM on July 1, 2024.

**12. Date By-Law Expires**

12.1 This By-law will expire at ten (10) years after the date the By-law comes into effect unless it is repealed by Council at an earlier date.

**13. Existing By-Law Repealed**

13.1 By-law Number 19-63, as amended is hereby repealed as of July 1, 2024 at which date and time this By-law comes into effect.

By-law No 24-\_\_\_\_\_ read a first, second and third time and finally passed this 27 day of May, 2024.

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Mayor

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Clerk



Schedule A  
To By-Law No. 24-\_\_\_\_  
Township of Clearview  
Components of Services Designated in Subsection 2.1

**Area-Specific Services**

**New Lowell Area-Specific Services**

New Lowell Water Supply





Schedule B  
To By-law No. 24-\_\_\_\_\_  
Township of Clearview  
Schedule of Development Charges

| Service/Class of Service                 | Residential                       |              |                           |                                   |                                     | Non-Residential                  |
|--|-----------------------------------|--------------|---------------------------|-----------------------------------|-------------------------------------|----------------------------------|
|  | Single and Semi-Detached Dwelling | Multiples    | Apartments - 2 Bedrooms + | Apartments - Studio and 1 Bedroom | Special Care/Special Dwelling Units | (per sq.ft. of Gross Floor Area) |
| <b>Urban Services</b>                    |                                   |              |                           |                                   |                                     |                                  |
| <u>New Lowell</u>                        |                                   |              |                           |                                   |                                     |                                  |
| Water                                    | 9,337                             | 7,567        | 5,719                     | 3,776                             | 3,470                               | 5.05                             |
| <b>Total Urban Services - New Lowell</b> | <b>9,337</b>                      | <b>7,567</b> | <b>5,719</b>              | <b>3,776</b>                      | <b>3,470</b>                        | <b>5.05</b>                      |



Schedule C  
To By-law No. 24-\_\_\_\_  
Township of Clearview  
Map Designating Water Development Charge Area for New Lowell

