

THE MUNICIPALITY OF NORTH PERTH

BY-LAW NO. 53-2024

BEING A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES FOR THE NORTH EAST MASTER PLAN AREA

WHEREAS subsection 2(1) of the *Development Charges Act* (the “Act”) provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from the development of the area to which the by-law applies;

AND WHEREAS Council has before it a report entitled “Development Charges Background Study for the Northeast Master Plan Area”, dated May 24, 2024 (the “Study”) prepared by Hemson Consulting Ltd., wherein it is indicated that the development of land within the Municipality of North Perth’s Northeast Master Plan Area will increase the need for services as defined herein;

AND WHEREAS the study was made available to the public and Council gave notice to the public and held a public meeting pursuant to section 12 of the Act on July 8, 2024, prior to which the Study and the proposed development charge by-law were made available to the public and Council, heard comments and representations from all persons who applied to be heard (the “Public Meeting”);

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

AND WHEREAS by Resolution No. 298.08.24 adopted by Council on the 26th day of August, 2024, Council has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development will be met;

AND WHEREAS by Resolution No. 298.08.24 adopted by Council on the 26th day of August, 2024, Council determined that no further public meetings were required under section 12 of the Act;

AND WHEREAS by resolution adopted by Council of the Municipality of North Perth on 26th day of August, 2024, Council determined that the future excess capacity identified in the Development Charges Background Study dated May 24, 2024, shall be paid for by the development charges contemplated in the said Development Charges Background Study, or other similar charges;

AND WHEREAS the Council of the Municipality of North Perth has given consideration of the use of more than one development charge by-law to reflect different needs for services in different areas, also known as area rating or area specific development charges, and has determined that for the services, and associated infrastructure proposed to be funded by development charges under this by-law, that it is fair and reasonable that charges be calculated on a specific area rating as identified in Schedule A.

AND WHEREAS the Development Charges Background Study dated May 24, 2024 includes an Asset Management Plan that deals with all assets whose capital costs are intended to be funded under the development charge by-law and that such assets are considered to be financially sustainable over their full life-cycle;

AND WHEREAS the Council of the Municipality of North Perth will give consideration to incorporate the asset management plan outlined in the Development Charges Background Study within the Municipality of North Perth’s ongoing practices and corporate asset management strategy.

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF NORTH PERTH ENACTS AS FOLLOWS:

1. INTERPRETATION

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

“accessory” means a use or a detached building or structure that is naturally and normally incidental, subordinate and exclusively devoted to supporting the principle use, building or structure and located on the same lot therewith, but does not include a dwelling unless otherwise specified.

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

“apartment unit” means any residential unit within a building containing more than four dwelling units where the units are connected by an interior corridor, but does not include a special care/special need dwelling unit;

“bedroom” means a habitable room which can be used as sleeping quarters, but does not include a bathroom, living room, dining room or kitchen;

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

“bona fide farm 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 but excludes cannabis production facility;

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

“Cannabis Production Facility” means a building used, designed or intended for growing, cultivation, producing, testing, destroying, storing or distribution, excluding retail sales, of marijuana or cannabis and for the purposes of this by-law is defined as a non-residential industrial use;

“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, construct or improve facilities including,
 - (i) furniture and equipment other than computer equipment, and
 - (ii) material acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, Chap. P.44, as amended, or any successor thereof; and
 - (iii) rolling stock with an estimated useful life of seven years or more, and

- (e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d) above, including the development charge background study required for the provision of services designated in this By-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (a) to (e) above that are growth-related;

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

“Council” means the Council of the municipality;

“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;

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

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

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

“Existing Industrial Building” means a building used for or in connection with:

- (a) manufacturing, producing, processing, storing or distributing something,
- (b) research or development in connection with manufacturing or processing something,
- (c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,
- (d) office or administrative purposes, if they are,
 - (i) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

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

“garden suite” means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable;

“gross floor area” means:

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

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

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

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

“mobile home” means a prefabricated dwelling unit designed and intended to be transported or portable for movement from site to site, and includes enclosed additions thereto not exceeding 9.2 sq. metres (100 sq. feet) and for the purposes of the calculation of the development charge are considered single detached dwelling units;

“multiple dwelling” means all dwellings other than single-detached, semi-detached, apartment unit dwellings and special care/special dwelling units;

“municipality” means The Municipality of North Perth;

“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;

“nursing home” means a residential building or the residential portion of a mixed-use building licensed as a nursing home by the Province of Ontario;

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

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

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

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

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

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

“residential use” means the use of a building or structure or portion thereof for one or more Dwelling Units. This also includes a Dwelling Unit on land that is used for an Agricultural Use;

“retirement home or lodge” means a residential building or the residential portion of a mixed-use building which provides accommodation primarily for retired persons or couples where each private bedroom or living accommodation has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;

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

“special care/special need dwelling” means:

- (a) a building containing two or more dwelling units, which units have a common entrance from street level:
 - (i) where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;
 - (ii) which may or may not have exclusive sanitary and/or culinary facilities;
 - (iii) that is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements;
 - (iv) where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels; and
 - (v) includes, but is not limited to, retirement homes or lodges, nursing homes, and hospices;

“semi-detached dwelling” means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;

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

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

“single detached dwelling unit” means a residential building consisting of one dwelling unit and not attached to another structure and includes supplementary farm dwelling units, mobile homes and garden suites;

“supplementary farm dwelling unit” means an additional farm residence in the form of a non-permanent dwelling unit that can be easily removed once the need for the additional farm residence has been fulfilled. This type of unit accommodates the farm family, farm retirees, or farm labourers working on the farm operation;

“Wind Turbine” means any wind energy system, comprising one or more turbines, that converts energy into electricity, with a combined nameplate generating capacity greater than 500 kilowatts and a height greater than 100 metres, that converts energy into electricity, and consists of a wind turbine, a tower, and associated control or conversion electronics. A wind turbine and energy system may be connected to the electricity grid in circuits at a substation to provide electricity off-site for sale to an electrical utility or other intermediary; and

“Zoning By-Law” means the Zoning By-Law of the Municipality of North Perth, or any successor thereof passed pursuant to Section 34 of the *Planning Act, S.O. 1990*.

2. DESIGNATION OF SERVICES

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

Area-Specific Services

- Northeast Master Plan Area (includes: water services, wastewater services, storm water drainage and control and Services Related to a Highway)

- 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 Northeast Master Plan area land in the Municipality of North Perth whether or not the land or use thereof is exempt from taxation under s. 13 or 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 municipality or a local board thereof;
 - (b) a board of education; or
 - (c) the Corporation of the County of Perth or a local board thereof.

Approvals for Development

- 3.4 (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
- (i) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
 - (ii) the approval of a minor variance under section 45 of the *Planning Act*;
 - (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (v) a consent under section 53 of the *Planning Act*;
 - (vi) the approval of a description under section 9 of the *Condominium Act, R.S.O. 1998, Chap. C.19*, 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.

RULES WITH RESPECT TO EXEMPTIONS FOR INTENSIFICATION OF EXISTING HOUSING AND DISCOUNTS FOR RENTAL HOUSING DEVELOPMENT

- 3.5 (a) This by-law does not apply with respect to approvals related to the residential development of land, buildings or structures that would have the effect only,
- (i) of permitting the enlargement of an existing dwelling unit; or
 - (ii) of creating additional dwelling units in existing rental

residential buildings, existing houses, or new residential buildings pursuant to subsections 2 (3.1), 2 (3.2) and 2 (3.3) of the Act.

- (b) Development charges payable for rental housing developments, where all of the dwelling units are intended to be used as rented residential premises, shall be reduced, in accordance with s.26.2(1.1) of the Act, based on the number of bedrooms in each dwelling unit as follows
- (i) 3 or more bedrooms – 25% reduction
 - (ii) 2 bedrooms - 20% reduction; and
 - (iii) all other quantities of bedrooms – 15% reduction

RULES WITH RESPECT TO AN "INDUSTRIAL" EXPANSION EXEMPTION

- 3.6 (a) Notwithstanding Section 3.1 to 3.4, if a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with the following:
- (i) Subject to subsection 3.6(a)(iii), if the gross floor area is enlarged by 50 percent or less of the lesser of:
 - (1) the gross floor area of the existing industrial building, or
 - (2) the gross floor area of the existing industrial building before the first enlargement for which:
 - (A) an exemption from the payment of development charges was granted; or
 - (B) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

the amount of the development charge in respect of the enlargement is zero;
 - (ii) Subject to subsection 3.6(a)(iii), if the gross floor area is enlarged by more than 50 per cent of the lesser of:
 - (1) the gross floor area of the existing industrial building, or
 - (2) the gross floor area of the existing industrial building before the first enlargement for which:
 - (A) an exemption from the payment of development charges was granted, or
 - (B) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

- (3) determine the amount by which the enlargement exceeds

50 per cent of the gross floor area before the first enlargement, and

- (4) divide the amount determined under subsection (a) by the amount of the enlargement.
- (iii) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsections 3.6(a)(i) and 3.6(a)(ii), the cumulative gross floor area of any previous enlargements for which:
 - (1) an exemption from the payment of development charges was granted, or
 - (2) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

shall be added to the calculation of the gross floor area of the proposed enlargement
 - (iv) For the purposes of this subsection (a), the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.

Other Exemptions/Discounts:

3.7 The following exemptions and/or discounts are applicable:

- (a) Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:
 - (i) lands, buildings or structures used or to be used for a place of worship or for the purposes of a cemetery or burial ground exempt from taxation under the *Assessment Act*;
 - (ii) a public hospital receiving aid under *the Public Hospitals Act, R.S.O. 1990, Chap. P.40*, as amended, or any successor thereof;
 - (iii) the erection of a temporary building without a foundation defined in the Building Code for a period not exceeding nine consecutive months;
 - (iv) Agricultural uses as well as farm buildings and other ancillary development to an agricultural use excluding any residential, commercial or cannabis production facilities uses shall be exempt from the provisions of this By-law.
 - (v) Affordable Housing as defined by subsection 4.1 (1) of the Act;
 - (vi) non-profit housing as defined by subsection 4.2 (1) of the Act.

Amount of Charges

Residential

- 3.8 The development charges set out in Schedule B-1 shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential

- 3.9 The development charges described in Schedule B-2 of this by-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed use building or structure, on the non-residential uses in the mixed use building or structure, and calculated with respect to each of the services according to the total floor area of the non-residential use.

Wind Turbines

- 3.10 None of the services outlined in Schedule 2 of this by-law shall be imposed on wind turbines. .

Reduction of Development Charges for Redevelopment

- 3.11 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 5 years prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
- (a) in the case of a residential building or structure, or in the case of a mixed- use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.8 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 applicable development charges under subsection 3.9, 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

- 3.12 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of a building permit for the development.
- 3.13 Subject to sections 3.11 of this by-law (with respect to redevelopment), subsection 3.14 below, and sections 26.1 and 26.2 of the Act, the development charge shall be calculated as of, and shall be payable, on the date the first building permit is issued in relation to a building or structure on the land to

which the development charge applies.

- 3.14 Despite section 3.12 and 3.13, 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 3.8, 3.9 and 3.10 Council may by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law.

5. INDEXING

- 5.1 Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, commencing on the 1st of January 2025 and each year thereafter, in accordance with the prescribed index in the Act.

6. SCHEDULES

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

Schedule A - Components of Services Designated in subsection 2.1

Development Charge Schedules

Schedule B-1 - Schedule of Residential Development Charges

Schedule B-2 - Schedule of Non-Residential Development Charges

Maps

Schedule C-1 - Map of North East Master Plan Service Area

7. CONFLICTS

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

8. SEVERABILITY

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

modified.

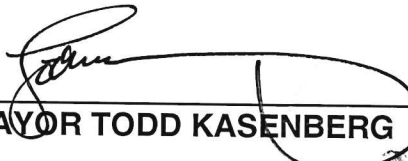
9. **DATE BY-LAW IN FORCE**

9.1 This By-law shall come into effect on August 26, 2024.

10. **DATE BY-LAW EXPIRES**

10.1 This By-law will expire on August 26, 2034 unless it is repealed by Council at an earlier date.

PASSED this 26th day of August 2024.


MAYOR TODD KASENBERG


ACTING CLERK SARAH CARTER

SCHEDULE A
COMPONENTS OF SERVICES DESIGNATED IN SUBSECTION 2.1

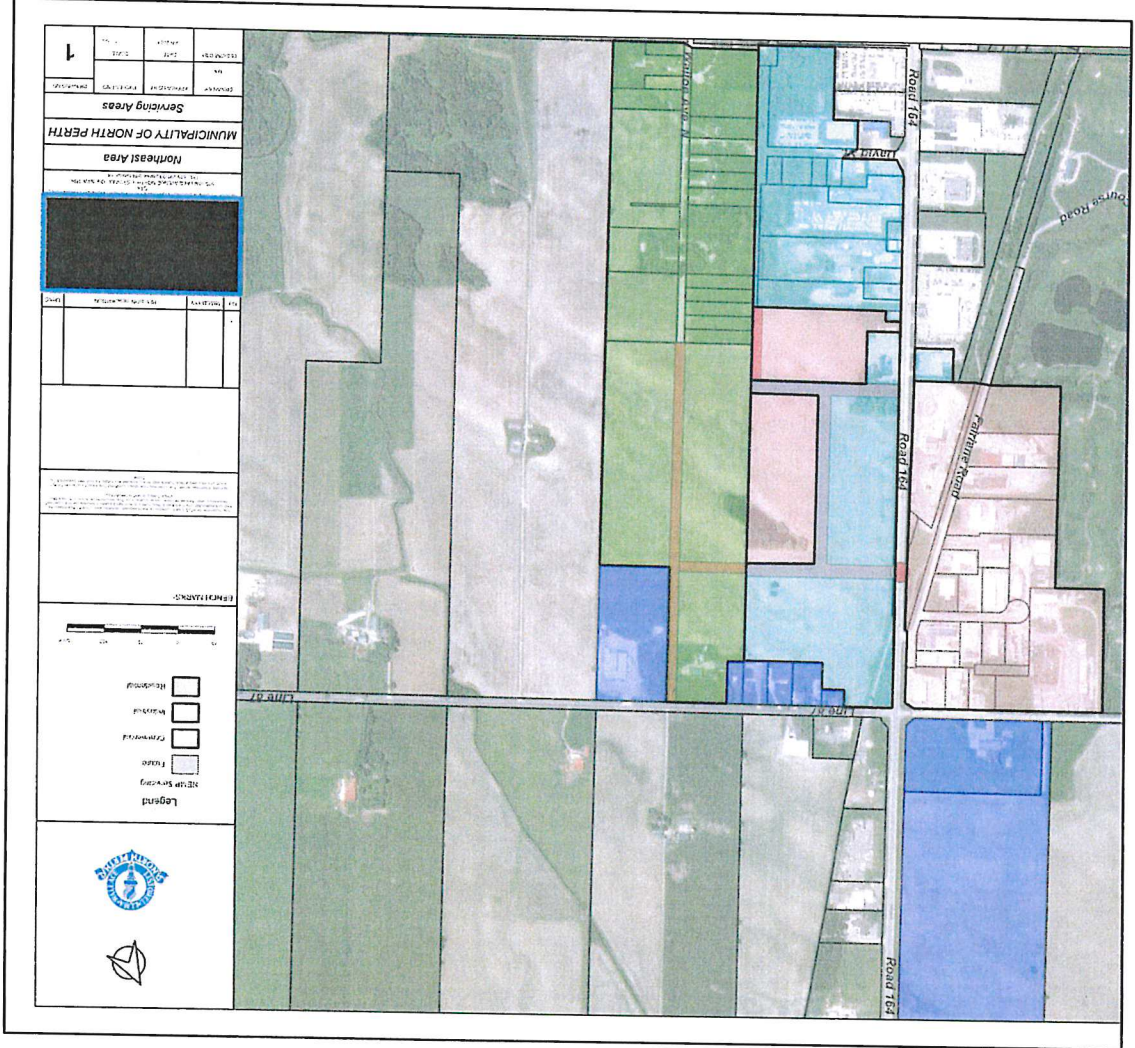
Service
<i>North East Master Plan Services</i>
Water
Wastewater
Storm water Drainage and Control
Services related to a Highway

**SCHEDULE B-1
SCHEDULE OF RESIDENTIAL DEVELOPMENT CHARGES**

	Charge By Unit Type				
	Single & Semi-Detached	Rows & Other Multiples	Apartments 2 Bedrooms +	Apartments Bachelor & 1 Bedroom	Special Care
Northeast Master Plan Area	\$ 24,757	\$ 16,212	\$ 14,295	\$ 9,583	\$ 7,986

**SCHEDULE B-2
SCHEDULE OF NON-RESIDENTIAL DEVELOPMENT CHARGES**

	Non-residential Development Charge (\$/sq.m)
North East Master Plan Area	\$ 148.12



SCHEDULE C-1
MAP OF NORTH EAST MASTER PLAN SERVICE AREA