

THE CORPORATION OF THE CITY OF THOROLD

BY-LAW NO. 41-2024

A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES

WHEREAS the *Development Charges Act, 1997*, S.O. 1997, c. 27 (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; and

WHEREAS a development charge background study has been completed on March 28, 2024 in accordance with the section 10 of the Act; and

WHEREAS the Council of the City of Thorold has given notice and held a public meeting on May 7, 2024 and May 28, 2024, in accordance with the Act and the regulations thereto; and

WHEREAS Council, on May 28, 2024, adopted report DF 6-2024, as revised thereby indicating that it intends to ensure that the increase in the need for services attributable to the anticipated development will be met, subject to sufficient development charge revenues being generated and other municipal affordability criteria being met; and

WHEREAS Council determined that no further public meetings were required under section 12 of the Act.

Now therefore, the Council of The Corporation of the City of Thorold enacts as follows: Definitions

1. In this By-law,

"Act" means the *Development Charges Act, 1997*, S.O. 1997, c. 27.

"Affordable Residential Unit" means a Dwelling Unit that meets the criteria set out in subsection 4.1 (2) or 4.1(3) of the Act.

"Agricultural use" means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures located on the same lot, including, but not limited to livestock facilities and manure storage; but shall not include vermiculture, and retail sales activities (such as but not limited to restaurants, banquet facilities, hospitality facilities and gift shops).

"Air-supported structure" means an air supported structure as defined in the *Building Code Act*.

"Apartment" means a building consisting of more than one dwelling unit, which includes a stacked townhouse and duplex, but does not include a back-to-back townhouse, a single detached dwelling, a semi-detached dwelling, a group home, a special care/special dwelling, or a multiple dwelling.

“Attainable Residential Unit” means a Dwelling Unit that meets the criteria set out in subsection 4.1(4) of the Act.

"Back-to-back townhouse" means a building containing four or more dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yard.

"Board of education" means a board of education as specified in the *Education Act*, namely a French-language and/or English-language, public or separate school board;

"Brownfields" means land located within the boundaries of the City, upon which there has been previous agricultural, industrial, institutional, or commercial or open lands use or other use as prescribed under the *Environmental Protection Act*, R.S.O. 1990, c.E. 19 and Ontario Regulation 153/04, thereto, each as amended from time to time, and for which site remediation is required in accordance with a Phase 2 Environmental Site Assessment, and for which a Record of Site Condition has been filed on the Province's Brownfields Environmental Site Registry pursuant to the *Environmental Protection Act*, R.S.O., 1990, c.E.19 and Ontario Regulation 153/04 thereto, each as amended from time to time.

"Building" means a structure, whether permanent or temporary, having a roof supported by columns or walls or supported directly on the foundation and used for accommodation, shelter or storage of people, animals or goods but shall not include a fence, trailer, truck camper, motor home, or tent.

"Building Code Act" means the *Building Code Act*, S.O. 1992, chapter 23, as amended by S.O. 1997, c.24 & S.O. 1997, c.30 Schedule Band any subsequent amendments thereto, to any successor legislation thereto;

"City" means The Corporation of the City of Thorold;

“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.

"Commercial" means any non-residential development that is not "industrial" or "institutional" as defined in this By-law.

"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 has the effect of increasing the total floor area, and includes redevelopment.

"Development Charge" means a charge imposed with respect to growth-related net capital costs against land under this By-law.

"Duplex" means a building that is divided horizontally into two (2) dwelling units above grade each of which has an independent entrance either directly to the exterior or through a common vestibule and neither of the units is a second dwelling unit.

"Dwelling unit" means a room or suite of rooms, occupied or capable of being occupied as a single independent and separate housekeeping establishment.

"Dwelling – semi-detached" means a building divided vertically into two (2) dwelling units by a common wall extending from the base of the foundation to the roof, a minimum height of one storey above grade and extending horizontally the entire depth of the building.

"Dwelling – single detached" means a building containing not more than one (1) dwelling unit.

"Existing industrial building" means an industrial use building that has existed on a site when the first building or buildings were constructed on a vacant site pursuant to site plan approval under section 41 of the *Planning Act*.

"Farm building" means a farm building as defined in the Building Code, being a regulation currently in force from time to time under the provisions of the *Building Code Act*.

"Floor" includes a paved, concrete, wooden, gravel, or dirt floor.

"Grade finished" means the average elevation of the surface ground adjoining a building or structure at all exterior walls.

"Group home" means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit which may or may not be supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof and licensed, approved or supervised by the Province of Ontario for the accommodation of persons under any general or special act and amendments or replacements thereto. A group home may contain an office provided that the office is used only for the operation of the group home in which it is located.

"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.

"Industrial use" means land, buildings or structures used for or in connection with manufacturing by:

- (a) manufacturing, producing, and processing goods for a commercial purpose, as well as storing and/or distribution of goods manufactured, produced or processed on site;
- (b) research or development in connection with manufacturing, producing or processing good for a commercial purpose;
- (c) retail sales by a manufacturer, producer or processor of goods 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 it is

- (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.

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

- (a) as a long-term care home within the meaning of subsection 2(1) of the Fixing Long-Term Care Act, 2021, S.O. 2021, c. 39, Sched. 1 (“Fixing Long-Term Care Act”);
- (b) as a retirement home within the meaning of subsection 2(1) of the Retirement Homes Act, 2010, S.O. 2010, c. 11
- (c) by any of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 - (ii) a college or university federated or affiliated with a university described in subclause (i), or
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017, S.O. 2017, c. 34, Sched. 20.

“Interest rate” means the annual rate of interest as set out in section 26.3 of the Act.

"Live/work unit" means a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas.

"Local board" means a public utility commission, transportation commission, public library board, board of park management, local board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of the City or the Region.

"Marijuana production facilities" means a building used, designed or intended for growth, producing, testing, destroying, storing or distribution, excluding retail sales, of medical marijuana or cannabis authorized by a license issued by the federal Minister of Health pursuant to section 25 of the Marihuana for Medical Purposes Regulations, SOR/2013-119, under the *Controlled Drugs and Substances Act*, S.C. 1996, c.19.

"Mezzanine" means a mezzanine as defined in the Building Code.

"Multiple dwellings" means a residential building consisting of three or more dwelling units attached by a vertical wall or walls and not abutting any dwelling

units along a horizontal plane, includes a back-to-back townhouse, and does not include single- detached, semi-detached, stacked townhouse, apartments, or special care/special dwellings.

“Non-profit housing development” means Development of a building or structure that meets the criteria set out in section 4.2 of the Act.

"Non-residential uses" means land, buildings or structures or portions of any kind whatsoever, used, designed or intended to be used for other than a residential use, but includes short-stay rental use.

"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*, or any successor legislation.

"Protracted" means in relation to a temporary building or structure the persistence of its construction, erection, placement on land, alteration or of an addition to it for a continuous period exceeding eight months.

"Redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure.

"Region" means The Regional Municipality of Niagara.

“Rental housing” means development of a building or structure with four (4) or more residential units all of which are intended for use as rented residential premises.

"Residential uses" means land, buildings or structures or portions thereof used, designed, or intended to be used as living accommodation for one or more individuals, but does not include such use related to short stay rental use.

"Residential" means one or more dwelling units designed, adapted or used as a home or residence of one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, and apartment, but not a short stay rental building.

"Services" means services designated in this By-law including Schedule A to this By-law or in agreement under section 44 of the Act, or both.

"Short stay rental use" means use or intended use for human habitation on a temporary basis for profit, including but not limited to hotels, motels, guest cabins, dormitory, and bed and breakfasts.

"Special care facilities" means lands, buildings or structures used or designed or intended for uses for the purpose of providing supervision, nursing care or medical treatment, which do not comprise dwelling units, that are licensed,

approved or supervised under any special or general statute, and excludes the special care/special dwelling portions of the building.

"Special care/special dwelling" means a residential portion of a special care facilities building containing two or more dwelling units, which units 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;
- (d) Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels; and
- (e) Includes, but is not limited to, retirement houses, nursing homes, group homes and hospices.

"Stacked townhouse" means a building containing four or more dwelling units where each dwelling unit is separated horizontally and vertically from another dwelling unit by a common wall or floor.

"Temporary" means for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

"Total floor area" means the sum total of the total areas of the floors in a building or structure, whether at, above, or below-grade, measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating two uses, or from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall, and:

- (a) includes the floor area of a mezzanine and air-supported structure and the space occupied by interior walls partitions; and
- (b) excludes any parts of the building or structure used for mechanical equipment related to the operation or maintenance of the building or structure, stairwells, elevators, washrooms, and the parking and loading of vehicles; and
- (c) where a building does not have any walls, the total floor area shall be the sum total of the area of land directly beneath the roof of the building and the total areas of the floors in the building or structure.

Rules

- 2. For the purpose of complying with section 6 of the Act:
 - (a) the area to which this By-law applies shall be the area described in section 3 of this By-law;

- (b) the rules developed under paragraph 9 of subsection 5 (1) of the Act for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be as set forth in sections 4 through 18, inclusive and section 23 of this By-law;
- (c) the exemptions provided for by such rules shall be the exemptions set forth in sections 19 through 26, inclusive of this By-law, the indexing of charges shall be in accordance with section 16 of this By-law;
- (d) the rules developed under paragraph 10 of subsection 5 (1) of the Act for phasing in of development charges shall be as set forth in section 17 of this By-law; and
- (e) the redevelopment of land shall be in accordance with the rules set forth in section 25 of this By-law.

Lands Affected

- 3. This By-law applies to all lands in the geographic area of the City.

Designation of Services/Class of Services

- 4. It is hereby declared by Council that all development of land within the area to which this By-law applies will increase the need for services.
- 5. Development charges shall be imposed under this By-law, and Reserve Funds established for the following categories of services to pay for the increased capital costs required because of increased needs for services arising from development:
 - (a) Library Services;
 - (b) Fire Protection Services;
 - (c) Parks and Recreation;
 - (d) Services Related to a Highway;
 - (e) Water;
 - (f) Wastewater; and
 - (g) Rolling Meadows - Wastewater.

- 6. The development charge applicable to a development as determined under this By-law shall apply without regard to the services required or used by an individual development for services noted in section 5 (a) to 5 (g).

Approvals for Development

- 7. Development charges shall be imposed against all lands, buildings or structures within the area to which this By-law applies if the development of such lands, buildings or structures requires any of the following approvals:
 - (a) the passing of a zoning By-law or of an amendment thereto under section 34 of the *Planning Act*;

- (b) the approval of a minor variance under section 45 of the *Planning Act*;
 - (c) a conveyance of land to which a By-law passed under subsection 50 (7) of the *Planning Act* applies;
 - (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (e) a consent under section 53 of the *Planning Act*;
 - (f) the approval of a description under section 50 of the *Condominium Act*; or
 - (g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.
8. No more than one development charge for each service designated in section 5 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 section 7 are required before the lands, buildings or structure can be developed.
9. Notwithstanding section 13 if two or more of the actions described in section 7 occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by that action.
10. Where a development requires an approval described in section 7 after the issuance of a building permit and no development charge has been paid, then the development charge shall be paid prior to the granting of the approval required under section 7.
11. If a development does not require a permit under the *Building Code Act, 1992*, but does require one or more of the approvals described in section 7, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such approval required for the increased or additional development being granted.
12. Nothing in this By-law prevents Council from requiring, as a condition of an agreement under sections 41, 51 or 53 of the *Planning Act*, that the owner, at his or her own expense, install such local services related to a plan of subdivision or within the area to which the plan relates, as council may require, or that the owner pay for local connections to storm drainage facilities, watermains and sewer mains, installed at the owner's expense, or administrative, processing, or inspection fees.

Calculation of Development Charges

13. The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:
- (a) in the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units; or
 - (b) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the total floor area of such development.

Amount of Charge - Residential

14. The development charges described in Schedule B to this By-law shall be imposed on a City-wide basis for all 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 component of the mixed-use building or structure, according to the type of residential use.
- (a) With respect to the Neighbourhood of the Rolling Meadows Secondary Plan area (as outlined in Schedule D), the area-specific development charges described in Schedule C to this By-law shall be imposed to all residential uses and are in addition to the City-Wide charges described in Schedule B.

Amount of Charge - Non-Residential - Commercial/Institutional/Industrial

15. The development charges described in Schedule B to this By-law shall be imposed on commercial/institutional/industrial uses of lands, buildings or structures and, in the case of a mixed-use building or structure, on the commercial/institutional/industrial components of the mixed-use building or structure and calculated with respect to each of the services according to the total floor area of the commercial/institutional/industrial use.
- (a) With respect to the Neighbourhood of the Rolling Meadows Secondary Plan area (as outlined in Schedule D), the area-specific development charges described in Schedule C to this By-law shall be imposed to all non-residential uses and are in addition to the City-Wide charges described in Schedule B.

Indexing of Development Charges

16. The development charges set out in Schedules B and C, attached hereto shall be adjusted without amendment to this By-law annually on January 1st of each year, commencing on January 1, 2025, in accordance with the Act.

Phasing, Timing of Calculation and Payment

17. (1) Except as set out in sub-paragraphs (4), (5), and (6) below, the development charges set out in this By-law are not subject to phasing in and are payable in full, subject to the exemptions and credits herein from the effective date of this By-law.
- (2) Subject to section 26 (with respect to redevelopment) and subsection (3), 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 land to which the development charge applies.
- (3) Notwithstanding subsection (2) the City may require an owner to enter into an agreement, including the provision of security for the owner's obligations under agreement, pursuant to section 26 of the Act providing for all or part of a development charge to be paid before or after it otherwise would be payable. The terms of such agreement shall then prevail over the provision of this By-law.

- (4) Development charges for rental housing and institutional developments are due and payable in six equal annual instalment 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), payable on the anniversary date each year thereafter.
- (5) 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 13, 14, and 15 shall be calculated on the rates set out in Schedule "B" on the date of the receipt of a complete planning application, including interest. Where both planning applications apply development charges under Sections 13, 14, and 15 shall be calculated on the rates payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest (calculated in accordance with section 26.3 of the Act).
- (6) The amount of the Development Charges described in Schedules "B" and "C" to this By-law shall be reduced in accordance with section 5(8) of the Act. Therefore, commencing in the year this By-law comes into force and subject to annual indexing in accordance with section 16 of this By-law, the following percentages of the charges provided in Schedule "B" will be imposed, subject to changes in legislation:
 - (a) Year 1 – 80 per cent;
 - (b) Year 2 – 85 per cent;
 - (c) Year 3 – 90 per cent;
 - (d) Year 4 – 95 per cent;
 - (e) Years 5 through 10 – 100 per cent

Payment by Money or the Provision of Services

18. (1) Payment of development charges shall be made to the City by cash or by certified cheque.
- (2) In the alternative to payment by the means provided in subsection (1), the City may, by an agreement entered into with the owner, accept the provision of services in full or partial satisfaction of the development charge otherwise payable provided that:
 - (a) if the City and the owner cannot agree as to the reasonable cost of doing the work under subsection (2), the dispute shall be referred to Council whose decision shall be final and binding;
 - (b) if the credit exceeds the amount of the charge for the service to which the work relates;

- (i) the excess amount shall not be credited against the charge for any other service, unless the City has so agreed in an agreement under section 38 of the Act; and
 - (ii) in no event shall the City be required to make a cash payment to the credit holder.
- (3) Nothing in this By-law prevents Council from requiring, as a condition of any approval given under the *Planning Act* that the owner, at the owner's expense, install such local services as Council may require in accordance with the City's local services' policies in effect at the time.

Rules with Respect to Exemptions for Intensification of Existing or New Housing

19. (a) Notwithstanding any other provision of this By-law, Development Charges shall not be imposed with respect to:
- (i) an enlargement to an existing Dwelling Unit;
 - (ii) the creation of additional Dwelling Units equal to the greater of one (1) or 1% of the existing Dwelling Units in an existing Residential rental building containing four (4) or more Dwelling Units or prescribed ancillary structure to the existing Residential building;
- (b) Notwithstanding any other provision of this By-law, Development Charges shall not be imposed with respect to the creation of any of the following within existing Single Detached Dwellings, Semi-Detached Dwellings, Back-to-back Townhouse Dwellings or Stacked Townhouse Dwellings:
- (i) A second Dwelling Unit 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 Residential structure cumulatively contain no more than one (1) Dwelling Unit.
 - (ii) A third Dwelling Unit 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 Residential structure contains any Dwelling Units.
 - (iii) One Dwelling Unit on a parcel of urban Residential land, if the existing structure contains no more than two (2) Dwelling Units and no other building or structure ancillary to the existing Residential structure contains any Dwelling Units.
- (c) Notwithstanding any other provision of this By-law, Development Charges shall not be imposed with respect to the creation of any of the following in new Single Detached Dwellings, Semi-Detached Dwellings, Back-to-back Townhouse Dwellings or Stacked Townhouse Dwellings:
- (i) A second Dwelling Unit 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 Residential structure cumulatively will contain no more than one (1) Dwelling Unit.

- (ii) A third Dwelling Unit 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 Residential structure contains any Dwelling Units.
- (iii) One (1) Dwelling Unit in a building or structure ancillary to a new Residential structure on a parcel of urban Residential land, if the new Residential structure contains no more than two (2) Dwelling Units and no other building or structure ancillary to the new Residential structure contains any Dwelling Units.

Rules with Respect to an Industrial Expansion Exemption

20. If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with the following:
- (a) Subject to subsection 20 (c), if the gross floor area is enlarged by 50 per cent or less of the lesser of:
 - (A) the gross floor area of the existing industrial building, or
 - (B) the gross floor area of the existing industrial building before the first enlargement for which:
 - (i) an exemption from the payment of development charges was granted, or
 - (ii) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,
 pursuant to Section 4 of the Act and this subsection,
 the amount of the development charge in respect of the enlargement is zero.
 - (b) Subject to subsection 20 (c), if the gross floor area is enlarged by more than 50 per cent or less of the lesser of:
 - (A) the gross floor area of the existing industrial building, or
 - (B) the gross floor area of the existing industrial building before the first enlargement for which:
 - (i) an exemption from the payment of development charges was granted, or
 - (ii) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,
 pursuant to section 4 of the Act and this subsection,
 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:

- (A) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement; and
 - (B) divide the amount determined under subsection (A) by the amount of the enlargement;
- (c) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsection 20 (a) and 20 (b), the cumulative gross floor area of any previous enlargements 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, shall be added to the calculation of the gross floor area of the proposed enlargement.

- (d) For the purposes of this subsection, the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, or parking facility.

Other Exemptions and Discounts

21. (1) The following categories of institutions are hereby designated as being exempt from the payment of development charges:
- (a) buildings or structures used as hospitals governed by the *Public Hospitals Act*, R.S.O. 1990, c. P. 40;
 - (b) buildings or structures owned by and used for the purposes of the City, the Region, or their local boards;
 - (c) buildings or structures used as a place of worship;
 - (d) buildings or structures owned by a board of education, and used for school purposes;
 - (e) buildings or structures, related to classrooms or administration space, owned by a college of applied arts and technology established pursuant to the *Ontario Colleges of Applied Arts and Technology Act, 2002*, S.O. 2002, c. 8, Sched F, and used for teaching of programs of study leading to a post secondary certificate or diploma, a graduate certificate or a bachelor's degree, but does not include student residences, commercial uses on site, or any other space not directly related for the purposes of education;
 - (f) 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;

- (g) Non-profit Residential Development;
 - (h) Affordable Residential Units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning).
 - (i) 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; and
 - (ii) Attainable Residential Units
- (2) The exemption referred to in paragraph 21 (1) (b) does not apply to the development for residential uses of lands owned by:
- (a) the Region or any local board thereof;
 - (b) any corporation owned, controlled, or operated by the Region.
- (3) Notwithstanding any other provision of this By-law, the Development Charges payable for Residential Developments, where the Dwelling Units are intended as Rental Housing, will be reduced based on the number of bedrooms in each Dwelling Unit as follows:
- (a) Three (3) or more Bedrooms – 25% reduction;
 - (b) (ii) Two (2) Bedrooms – 20% reduction; and
 - (c) (iii) Fewer than two (2) Bedrooms – 15% reduction.

Agricultural Uses

22. Agricultural uses as well as farm buildings and other ancillary development to an agricultural use excluding any residential, commercial or industrial uses, shall be exempt from the provisions of this By-law.

Whether Charge Payable

23. Despite the definition of residential use and non-residential use, and notwithstanding the other provisions of this By-law, a development charge shall be imposed in relation to agricultural, and eligible exempt uses as defined in section 21 of this By-law, unless:
- (a) such building or structure is owned in fee simple by the qualifying owner;
 - (b) and is actually used and occupied by said owner for the qualifying purposes of said owner.

For the purposes of this section, "qualifying" means possessing the attributes necessary to qualify for an exemption from the development charge otherwise collectable under the provisions of this By-law.

Temporary Buildings or Structures

24. (1) Temporary buildings or structure shall be exempt from the provisions of this By-law.
- (2) In the event that a temporary building or structure becomes protracted, 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 the temporary building or structure becomes protracted.
- (3) Prior to the City issuing a building permit for a temporary building or structure, the City 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 27 (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.

Rules with Respect to the Redevelopment of Land

25. (1) Where there is a redevelopment of land on which there is a conversion of space proposed, or on which there was formerly erected a building or structure that has been demolished, a credit shall be allowed against the development charge otherwise payable by the owner pursuant to this By-law for the portion of the previous building or structure still in existence that is being converted or for the portion of the building or structure that has been demolished, as the case may be, calculated by multiplying the number and type of dwelling units being converted or demolished or the non-residential total floor area being converted or demolished by the relevant development charge in effect on the date when the development charge is payable in accordance with this By-law. If the development includes the conversion from one use (the "first use") to another use, the credit shall be based on the development charges calculated pursuant to this By-law at the current development charge rates, that would be payable as development charges in respect of the first use.
- (2) A credit in respect of any demolition under this section shall not be given unless a building permit has been issued or a subdivision agreement has been entered into with the City for the development within 5 years from the date the demolition permit was issued.
- (3) The amount of any credit hereunder shall not exceed, in total, the amount of the development charges otherwise payable with respect to the development.

Special Situations

26. Development occurring within brownfields, as defined in this by-law, would be exempt from development charges to the extent of the percentage and criteria specified in Schedule E.

- (1) Development that qualifies for the Brownfield exemption as defined in Schedule E is eligible for an additional 25% exemption from the applicable charge where the development attains verified green building certification from at least one registered third-party program. Recognized third-party green building certification programs include LEED certification (LEED Certified, Silver, Gold or Platinum certification) confirmed by the Canada Green Building Council, Certified Passive House confirmed by the Passive House Institute, and Living Building Challenge certified by the International Living Future Institute (ILFI).
- (2) The percentage exemptions as specified in section 26 (1) are subject to the following:
 - (a) Upon application being made for a building permit for the construction of a building that is intended to attain a verified green building certification, a professional architect or engineer shall certify to the City in writing that such a building is intended to be certified.
 - (b) Upon building permit issuance, the full applicable development charge, after all other exemptions have been applied, is to be paid.
 - (c) If, within two (2) years after the occupancy of the development that is intended to be certified is completed, an independent consultant who is recognized by the Canada Green Building Council, Passive House Institute, or International Living Future Institute, as applicable, certified to the City in writing, with all of the supporting information required by the City, that such development meets the applicable certification, as the case may be, the City shall refund the applicable exemption amount.
 - (d) The amount refunded as per section 26 (2)(c) shall be the discounted amount determined at time of building permit issuance and shall not include any interest.
 - (e) If, within two (2) years after the occupancy of a development that is intended to be certified has been completed, an independent consultant who is recognized by the Canada Green Building Council, Passive House Institute, or International Living Future Institute, as applicable, has not certified to the City in writing, with all of the supporting information required by the City, that such development meets the applicable certification, as the case may be then no refund shall be paid to the owner of the building permit.
- (3) Applicants are permitted to meet the criteria identified in Section 26 of the former Development Charge By-law 02-2020 for buildings in the downtown areas and brownfields as defined in the former bylaw, provided one of the following transition policies apply:
 - (a) Applications where a Development Charge exemption for the first 25% for downtown areas and 75% for brownfields, of a development charge was granted prior to passage of this by-law

and a request for the further 25% refund is received prior to December 31, 2023;

- (b) A formal pre-consultation between the applicant and local and regional staff, if required, occurs prior to December 31, 2023 and development proceeds within one year of the formal pre-consultation date;
- (c) A letter from the City, indicating that the proposed development appears to meet the requisite criteria under s.26(1) of D.C. By-law 02-2020, has been received by the current owner of the property prior to the passage of this by-law; and
- (d) A complete development application is received prior to December 31, 2023. For complete development applications received on or after December 31, 2023, no transitional provisions will be applied.

Front-Ending Agreements

27. The City may enter into agreements under section 44 of the Act.

Schedules

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

Schedule A Designated Municipal Services under this By-law

Schedule B Residential and Non-residential City-Wide Development Charges

Schedule C Area-Specific Development Charges for Rolling Meadows

Schedule D Rolling Meadows Secondary Plan Area Boundary Map

Schedule E Brownfield Exemption Criteria

By-law Registration

29. 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 City and may be registered against title to any land to which this By-law applies.

Date By-law Effective

30. This By-law comes into force on June 3, 2024.

Date By-law Expires

31. This By-law expires 10 years after the date on which it comes into force, unless it is repealed earlier.

Repeal

32. By-law No. 46-2019, as amended by By-law 02-2020, are hereby repealed on the effective date this By-law comes into force.

Headings for Reference Only

33. 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.

Severability

34. If, for any reason, any provision, section, subsection or paragraph of this By-law is held 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 or amended, in whole or in part or dealt with in any other way.

That this by-law shall come into force and effect on the 3rd day of June, 2024.

Terry Ugolini, Mayor

Matthew Trennum, City Clerk

SCHEDULE A
BY-LAW NO. 41-2024
DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

City-Wide Services

- Services Related to a Highway;
- Fire Protection Services;
- Parks and Recreation; and
- Library Services.

Urban Area Services

- Wastewater Services; and
- Water Services.

Area-Specific Services

- Rolling Meadows – Wastewater Services

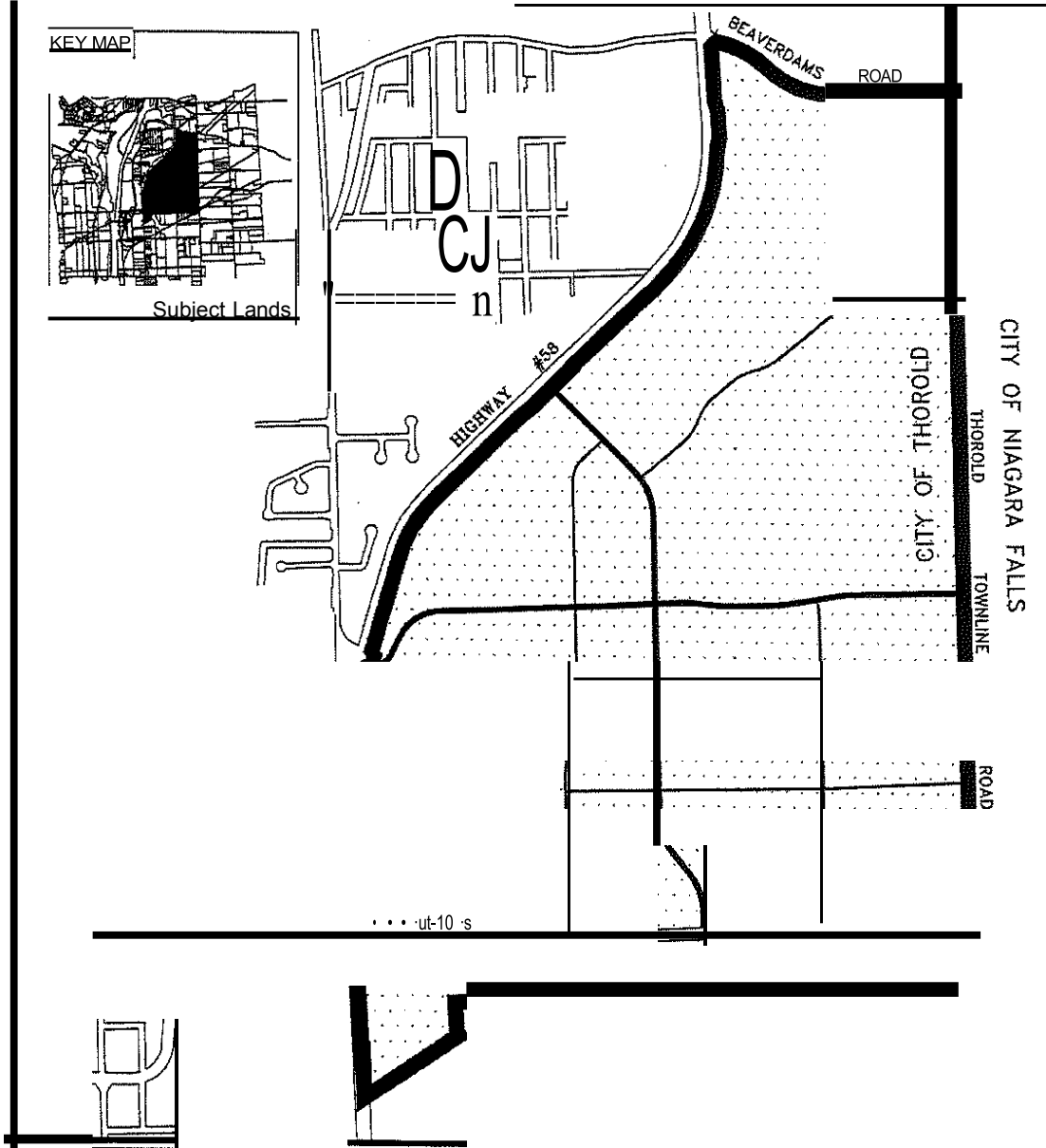
SCHEDULE B
Schedule of Development Charges – City-Wide

Services	RESIDENTIAL					NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Commercial/Institutional per sq.ft.	Industrial per sq.ft.
Municipal Wide Services							
Services Related to a Highway	10,292	7,176	6,719	4,354	3,639	6.28	2.81
Fire Protection Services	2,363	1,647	1,543	1,000	836	1.63	0.73
Parks and Recreation Services	6,370	4,441	4,159	2,695	2,252	0.77	0.34
Library Services	1,517	1,058	990	642	536	0.18	0.08
Total Municipal Wide Services	20,542	14,322	13,411	8,691	7,263	8.86	3.96
Urban Services							
Wastewater Services	2,116	1,475	1,381	895	748	1.29	0.58
Water Services	2,384	1,662	1,556	1,008	843	1.46	0.65
Total Urban Services	4,500	3,137	2,937	1,903	1,591	2.75	1.23
Grand Total Municipal Wide	20,542	14,322	13,411	8,691	7,263	8.86	3.96
Grand Total Municipal Wide + Urban Services	25,042	17,459	16,348	10,594	8,854	11.61	5.19

SCHEDULE C
Schedule of Development Charges – Rolling Meadows Are-Specific

Services	RESIDENTIAL					NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Commercial/Institutional per sq.ft.	Industrial per sq.ft.
Rolling Meadows Area Specific Services:							
Wastewater Services - Rolling Meadows	211	147	138	89	75	0.13	0.05

**SCHEDULE D
CITY OF THOROLD
DEVELOPMENT CHARGE BY-LAW 41-2024
THE NEIGHBOURHOODS OF ROLLING MEADOWS SECONDARY PLAN AREA**



**SCHEDULE E
CITY OF THOROLD
DEVELOPMENT CHARGE BY-LAW 41-2024
BROWNFIELD EXEMPTION CRITERIA**

Pursuant to Section 26 of the By-Law:

Development occurring in Brownfields as defined by this By-law would be exempt from development charges for the eligible site remediation costs, up to a maximum of 25% of the applicable charge.

Eligible site remediation costs include:

- Cost of Environmental Rehab (100%);
- Cost of placing clean fill and grading (100%);
- Cost of Phase II Environmental Site Assessment or Site-Specific Risk Assessment (100%);
- Cost of financing (interest charges) of preparing the studies and undertaking the rehab (100%); and
- Cost of the insurance premium to guarantee the remediation will be completed (100%).

To be eligible for this exemption, a property must have had a Phase II Environmental Site Assessment (E.S.A.) completed and as a result of this E.S.A., the property requires environmental remediation to permit a Record of Site Condition (R.S.C.) to be filed with the environmental site registry.