

THE TOWNSHIP OF STONE MILLS

BY-LAW NUMBER 2024-1276

BEING A BY-LAW FOR THE IMPOSITION OF DEVELOPMENT CHARGES

WHEREAS the Township of Stone Mills will experience growth through development and re-development;

AND WHEREAS development and re-development require the provision of physical and social services by the Township of Stone Mills;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth-related demands for, or burdens on, municipal services does not place an excessive financial burden on the Township of Stone Mills or its existing taxpayers, while at the same time ensuring new taxpayers contribute no more than the net capital cost attributable to providing the current level of municipal services;

AND WHEREAS subsection 2(1) of the *Development Charges Act, 1997 c. 27* (hereinafter called "the Act") provides that the Council of the Township of Stone Mills may impose development charges against land to pay for increased capital costs required because of increased needs for services;

AND WHEREAS the Council of the Township of Stone Mills has given Notice on September 17, 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 Stone Mills 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 October 7, 2024 and November 4, 2024;

AND WHEREAS the Council of the Township of Stone Mills had before it a report entitled 2024 Development Charges Background Study and By-law dated September 16, 2024 prepared by DFA Infrastructure International Inc. wherein it is indicated that the development of any land within the Township will increase the need for services as defined herein;

AND WHEREAS the Council of the Township of Stone Mills on September 16, 2024 received the applicable Development Charge Background Study, inclusive of the capital forecast therein, in which certain recommendations were made relating to the establishment of a development charge policy for the Township of Stone Mills pursuant to the *Development Charges Act, 1997*;

AND WHEREAS the Council of the Township of Stone Mills on November 4, 2024, determined that no additional public meeting was required to be held as part of the approval process;

NOW THEREFORE, the Council of the Township of Stone Mills enacts as follows:

1. INTERPRETATION

1.1. In this by-law, the following items shall have corresponding meanings:

"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;

"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;

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

"Capital cost" means costs incurred or proposed to be incurred by the Township or a local board thereof directly or by others on behalf of and as authorized by the Township 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.
- (e) interest on borrowing for those expenditures under clauses (a) to (d) above.

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

"Council" means the Council of the Township;

"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 pursuant to this By-law;

" Dwelling unit" means any part of a building or structure used, designated 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;

"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 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.

"Industrial" means lands, buildings or structures used or designed or intended for

use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehousing club;

"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 Township of Stone Mills or any part or parts thereof;

"Local services" means those services, facilities or things which are under the jurisdiction of the Township 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;

"Multiple dwellings" means all dwellings other than single-detached, semi-detached and apartment unit dwellings;

"Municipality" means the area within the geographic limits of the Township of Stone Mills

"Non-profit housing development" means the development of a building or structure intended for use as a residential premises and developed by,

(a) a corporation to which the Not-for-Profit Corporations Act, 2010 applies, that is in good standing under that Act and whose primary object is to provide housing,

(b) a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing, or

(c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, 2022, c. 21, Sched. 3, s. 4.

"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;

"Official Plan" means the Official Plan adopted for the Township, 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;

"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;

"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 designated in Schedule "A" to this By-law, and "services" shall have a corresponding meaning;

"Servicing agreement" means an agreement between a landowner and the Township 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;

"Township" means the Township of Stone Mills; and

"Zoning By-Law" means the Zoning By-Law of the Township of Stone Mills, or any successor thereof passed pursuant to *Section 34 of the Planning Act, S.O. 1998*.

2. DESIGNATION OF SERVICES

2.1. The categories of services for which development charges are imposed under this By-law are described in Schedule "A".

3. APPLICATION OF BY-LAW RULES

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 sections 3.1; and
- (b) the development of the lands requires any of the approvals set out in subsection 3.2(a).

Area to Which By-law Applies

3.1. This By-law shall apply to all lands in the Township of Stone Mills whether or not the land or use thereof is exempt from taxation under s. 13 of the *Assessment Act*.

Approvals for Development

- 3.2.(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, Chap. 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 Appendix A 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 3.3(a) are required before the lands, buildings or structures can be developed.

- (c) Despite subsection 3.3(b), if two or more of the actions described in subsection 3.2(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

3.3. This by-law shall not apply to lands that are owned by and used for the purposes of:

- (a) the Township or a local board thereof, unless such buildings or parts thereof are used, designed or intended for use primarily for or in connection with any commercial purpose;
- (b) a Board of Education as defined by Subsection 1(1) of the Education Act, unless such buildings or parts thereof are used, designed or intended for use primarily for or in connection with any commercial purpose; and
- (c) the County of Lennox and Addington, unless such buildings or parts thereof are used, designed or intended for use primarily for or in connection with any commercial purpose.

3.4. Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:

- a) Places of Worship: Properties classified as tax-exempt under Section 3 of the Assessment Act;
- b) Public Hospitals: Facilities exempt from taxation under Section 3 of the Assessment Act;
- c) Agricultural Uses: Non-residential farm buildings constructed and used exclusively for bona fide agricultural purposes operating with a valid Farm Business Registration Number and assessed in Farmland Reality Tax Class;
- d) The Township may exempt land from this By-law where the lands are designated in the Township of Stone Mills Official Plan as part of the Community Improvement Area and the Township implements a Community Improvement Plan by By-law which includes said lands;
- e) A temporary building or structure;
- f) Educational Institutions: Properties owned by colleges or universities and used exclusively for educational purposes;
- g) Affordable Housing: Developments designated and operated as non-profit housing.
- h) Secondary Dwelling Units: Attached and detached secondary dwelling units located on the same property as the principal dwelling;

3.5. Notwithstanding the provisions of this By-law, statutory exemptions for intensification of existing and new housing shall be provided in accordance with the Act.

3.6. Notwithstanding any other provision of this by-Law, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial where the gross floor area is enlarged by 50 percent or less.

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 as determined as follows:

- a) determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement; and
- b) divide the amount determined under Subsection (1) by the amount of the enlargement.

3.7. For the purpose of Subsection 3.6 herein, "existing industrial building" is used as defined in the Regulations made pursuant to the Act.

3.8. Notwithstanding the provisions of this By-law, other statutory exemptions and discounts shall be provided in accordance with the requirements of the Act and any amendments thereof.

3.9. Rules with respect to Redevelopment

- a) If Application is made for a Building Permit in respect of a parcel of land upon which a residential use building existed within five (5) years prior to the date of such Application, but which premise has been demolished or destroyed before the date of such Application, then the amount of Development Charges payable upon issuance of the said Building Permit shall be reduced by the net amount, calculated pursuant to this By-law at the current Development Charge rates, that would be payable as Development Charges in respect of the demolished or destroyed premise, provided that such reduction shall not exceed the Development Charges otherwise payable. For purposes of this subsection, "net" means the excess of the Development Charges for premises constructed, over the Development Charges for premises demolished or destroyed.
- b) If Application is made for a Building Permit in respect of a parcel of land upon which a non-residential use building or mixed-use building existed within ten (10) years prior to the date of such Application, but which premise has been demolished or destroyed before the date of such Application, then the amount of Development Charges payable upon issuance of the said Building Permit shall be reduced by the net amount, calculated pursuant to this By-law at the current Development Charge rates, that would be payable as Development Charges in respect of the demolished or destroyed premise, provided that such reduction shall not exceed the Development Charges otherwise payable. For purposes of this subsection, "net" means the excess of the Development Charges for premises constructed, over the Development Charges for premises demolished or destroyed.
- c) If a development includes the conversion of a premise from one use (the "first use") to another use, then the amount of Development Charges payable shall be reduced by the amount, 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, provided that such reduction shall not exceed the Development Charges otherwise payable.

Amount of Charges – Residential

3.10. The development charges set out in Schedule "B", Schedule "C" and Schedule "D" to this By-law shall:

- (a) 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.

Amount of Charges - Non-Residential

3.11. The development charges set out in Schedule "B", Schedule "C" and Schedule "D" to this By-law shall:

- (a) 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.

Time of Payment of Development Charge

- 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. Despite Subsection 3.12, 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.
- 3.14. Where a Development Charge applies pursuant to this By-law, no Building Permit shall be issued until the applicable Development Charge has been paid.
- 3.15. Where any refund of a Development Charge collected pursuant to this By-law is made in accordance with a Local Planning Appeal Tribunal order or a resolution of the Council of the Township of Stone Mills or pursuant to an Order of the Local Planning Appeal Tribunal, the said refund shall be made in accordance with the Development Charges Act, 1997, and shall include interest at the Bank of Canada rate as of the day this By-law came into force, updated on the first business day of every January, April, July and October.

4. PAYMENT BY SERVICES

- 4.1. Despite the payment required under Subsections 3.10 and 3.11, 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. REFUND OF PAYMENTS

- 5.1. Refunds of development charges shall be paid in accordance with section 18(3) of the Act and section 11(2) of O.Reg. 82/98, and any amendments thereof.

6. INDEXING

- 6.1. Development charges imposed pursuant to this By-law may be adjusted annually, without amendment to this By-law, commencing on the 1st of January 2026 and each year thereafter, in accordance with the prescribed index in the Act.

7. CONFLICTS

- 7.1. Where the Township 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 3.2 (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. SCHEDULES

- 8.1. 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 (January 1, 2025 to December 31, 2025)

Schedule "C" - Residential and Non-Residential Development Charges (January 1, 2026 to December 31, 2026)

Schedule "D" - Residential and Non-Residential Development Charges (January 1, 2027 to December 31, 2034)

9. SEVERABILITY

9.1. 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.

10. DATE BY-LAW IN FORCE

10.1. This By-Law shall come into effect at January 1, 2025

11. DATE BY-LAW EXPIRES

11.1. This By-Law will expire at 11:59 PM on January 1, 2035 unless it is repealed by Council at an earlier date.

READ A FIRST, SECOND AND THIRD TIME, AND PASSED this 18th day of November, 2024.

Original Signed By

John Wise, Reeve

Original Signed By

Brandi Teeple, Clerk

**SCHEDULE "A" TO BY-LAW 2024-1276
SERVICES DESIGNATED IN SUBSECTION 2.1**

Growth Studies

Outdoor Recreation

Indoor Recreation

Fire Services

Waste Diversion

Transportation

Storm Sewer

SCHEDULE "B" TO BY-LAW 2024-1276

**RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT CHARGES
(Effective January 1, 2025 to December 31, 2025)**

Service	Residential Charge (By Dwelling Type)			Non-Residential Charge	
	Single Detached / Semi-Detached	Apartment Units	Other Multiples	Commercial/ Institutional (per metre 2 of GFA)	Industrial (per metre 2 of GFA)
Municipal Wide Services					
Growth Studies	\$ 133.45	\$ 96.22	\$ 99.39	\$ 0.65	\$ 0.65
Outdoor Recreation	\$ 28.97	\$ 20.89	\$ 28.29	\$ 0.03	\$ 0.03
Indoor Recreation	\$ 28.97	\$ 20.89	\$ 28.29	\$ 0.03	\$ 0.03
Fire Services	\$ 1,907.36	\$ 1,375.28	\$ 1,862.36	\$ 9.29	\$ 9.29
Waste Diversion	\$ 20.99	\$ 15.14	\$ 20.50	\$ 0.10	\$ 0.10
Transportation Services	\$ 120.16	\$ 86.64	\$ 117.33	\$ 0.59	\$ 0.59
Storm Sewer	\$ 34.46	\$ 24.84	\$ 33.64	\$ 0.17	\$ 0.17
TOTAL MUNICIPAL WIDE CHARGE	\$ 2,274.36	\$ 1,639.90	\$ 2,189.80	\$ 10.86	\$ 10.86

SCHEDULE "C" TO BY-LAW 2024-1276

**RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT CHARGES
(Effective January 1, 2026 to December 31, 2026)**

Service	Residential Charge (By Dwelling Type)			Non-Residential Charge	
	Single Detached / Semi-Detached	Apartment Units	Other Multiples	Commercial/ Institutional (per metre 2 of GFA)	Industrial (per metre 2 of GFA)
Municipal Wide Services					
Growth Studies	\$ 200.17	\$ 144.33	\$ 149.09	\$ 0.98	\$ 0.98
Outdoor Recreation	\$ 43.46	\$ 31.33	\$ 42.43	\$ 0.05	\$ 0.05
Indoor Recreation	\$ 43.46	\$ 31.33	\$ 42.43	\$ 0.05	\$ 0.05
Fire Services	\$ 2,861.04	\$ 2,062.92	\$ 2,793.54	\$ 13.94	\$ 13.94
Waste Diversion	\$ 31.49	\$ 22.70	\$ 30.75	\$ 0.15	\$ 0.15
Transportation Services	\$ 180.24	\$ 129.96	\$ 175.99	\$ 0.88	\$ 0.88
Storm Sewer	\$ 51.68	\$ 37.27	\$ 50.46	\$ 0.25	\$ 0.25
TOTAL MUNICIPAL WIDE CHARGE	\$ 3,411.54	\$ 2,459.84	\$ 3,284.69	\$ 16.30	\$ 16.30

SCHEDULE "D" TO BY-LAW 2024-1276

**RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT CHARGES
(Effective January 1, 2027 to December 31, 2034)**

Service	Residential Charge (By Dwelling Type)			Non-Residential Charge	
	Single Detached / Semi-Detached	Apartment Units	Other Multiples	Commercial/ Institutional (per metre 2 of GFA)	Industrial (per metre 2 of GFA)
Municipal Wide Services					
Growth Studies	\$ 266.90	\$ 192.44	\$ 198.78	\$ 1.30	\$ 1.30
Outdoor Recreation	\$ 57.94	\$ 41.78	\$ 56.58	\$ 0.07	\$ 0.07
Indoor Recreation	\$ 57.94	\$ 41.78	\$ 56.58	\$ 0.07	\$ 0.07
Fire Services	\$ 3,814.72	\$ 2,750.57	\$ 3,724.73	\$ 18.58	\$ 18.58
Waste Diversion	\$ 41.99	\$ 30.27	\$ 41.00	\$ 0.20	\$ 0.20
Transportation Services	\$ 240.32	\$ 173.28	\$ 234.66	\$ 1.17	\$ 1.17
Storm Sewer	\$ 68.91	\$ 49.69	\$ 67.29	\$ 0.34	\$ 0.34
TOTAL MUNICIPAL WIDE CHARGE	\$ 4,548.72	\$ 3,279.81	\$ 4,379.59	\$ 21.73	\$ 21.73