

TOWN OF ST. MARYS

NOTICE OF THE PASSING OF A DEVELOPMENT CHARGES BY-LAW



NOTICE OF THE PASSING OF A DEVELOPMENT CHARGES BY-LAW BY THE CORPORATION OF THE TOWN OF ST. MARYS

TAKE NOTICE that the Council of The Corporation of the Town of St. Marys passed Development Charge By-law 106-2022 on the 13th day of December 2022, under Section 2 of the Development Charges Act, 1997, S.O., 1997, c. 27, as amended.

AND TAKE NOTICE that any person or organization may appeal to the Ontario Land Tribunal under Section 14 of the Act, in respect of the Development Charges By-law, by filing with the Clerk of the Town of St. Marys no later than Sunday, January 22, 2023, a notice of appeal setting out the objection to the By-law and the reasons supporting the objection.

SCHEDULE OF DEVELOPMENT CHARGES

The schedule of development charges imposed by the by-law, which comes into effect on the 1st day of January, 2023, is as follows:

Service/Class of Service	RESIDENTIAL				Special Care Special Dwelling Units	NON-RESIDENTIAL (per ft ² of Gross Floor Area)
	Single and Semi-Detached Dwelling	Other Multiples	Apartments 2 Bedrooms +	Apartments Bachelor & 1 Bedroom		
Services related to a Highway	1,576	1,266	1,009	736	672	0.96
Public Works	154	124	99	72	65	0.09
Fire Protection Services	410	330	263	192	175	0.25
Police Services	115	92	74	54	49	0.07
Parks and Recreation Services	2,082	1,673	1,334	974	888	0.15
Library Services	1,235	992	791	577	527	0.08
Growth Studies	-	-	-	-	-	0.00
Child Care	70	56	44	33	30	0.00
Waste Diversion	21	16	14	9	9	0.00
Water Services - Treatment	538	432	345	251	229	0.33
Water Services - Distribution	478	383	306	223	203	0.29
Wastewater - Sewers	18	14	12	8	7	0.01
Wastewater - Treatment	4,545	3,651	2,911	2,126	1,939	2.77
TOTAL	11,242	9,029	7,202	5,255	4,793	5.00
YEAR One Phase-In (20%)	8,994	7,223	5,762	4,204	3,834	4.00

No key map has been provided as the by-law applies to all lands located within the Town of St. Marys.

ADDITIONAL INFORMATION

For more information, a copy of the complete by-law is available for examination at Town Hall, 175 Queen Street East, St. Marys, ON during regular business hours, excluding December 26 to 30, 2022. A copy of the by-law is also available on the website at www.townofstmarys.ca/DevelopmentCharges

For further information, please contact the Clerk's Office at:
175 Queen Street East, St. Marys, ON 519-284-2340 x 212.

P.O. Box 998, St. Marys, ON N4X 1B6

Telephone: 519-284-2340, ext. 212

Email: clerksoffice@town.stmarys.on.ca

DATED AT THE TOWN OF ST. MARYS THIS 16th DAY OF DECEMBER, 2022.

Jenna McCartney, Clerk, Town of St. Marys

175 Queen St. E., PO Box 998, St. Marys, ON N4X 1B6

Telephone: 519-284-2340, ext. 212

Email: clerksoffice@town.stmarys.on.ca

BY-LAW 106-2022

THE CORPORATION OF THE TOWN OF ST. MARYS

Being a by-law for the imposition of development charges.

WHEREAS the Town of St. Marys has and will continue to experience growth through development;

AND WHEREAS development requires the provision of physical and other services by the Town;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth related demands for, or the burden on, Town services does not place an undue financial burden on the Town or its taxpayers;

AND WHEREAS the Development Charges Act, 1997, as amended (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 in accordance with the Act;

AND WHEREAS Council has before it a report entitled "Town of St. Marys Development Charge Background Study" prepared by Watson and Associates Economists Ltd. dated October 11, 2022, as amended December 6, 2022;

AND WHEREAS the Council of The Town of St. Marys has given notice of and held a public meeting on the 22nd day of November 2022 in accordance with the Act and the regulations thereto;

AND WHEREAS the Council of The Town of St. Marys 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 November 22, 2022;

AND WHEREAS the Council of The Corporation of the Town of St. Marys on November 22, 2022 determined that no additional public meeting was required to be held as part of the approval process;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF ST. MARYS HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS

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

"Accessory use" means where used to describe a use, building, or structure that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;

"Act" means the Development Charges Act, 1997, S.O. 1997, c.27, as amended, or any successor thereof;

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

"Agricultural use" means a bona fide farming operation;

"Apartment Dwelling" means a Residential Dwelling within a building containing five or more Dwelling Units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor;

"Attainable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1(4) of the Act;

"Bedroom" means a habitable room larger than seven square meters, including a den, study, or other similar area, which can be used as sleeping quarters, but does not include a bathroom, living room, dining room or kitchen;

"Benefiting area" means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

"Board of Education" has the same meaning as set out in the Education Act, R.S.O. 1990, c. E.2, as amended, or any successor thereof;

"Bona Fide Farm Use" 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 on lands assessed in the Farmland Realty Tax Class by the Municipal Property Assessment Corporation pursuant to the Assessment Act, R.S.O. 1990, c.A.31, as amended;

"Building Code Act" means the Building Code Act, 1992, S.O. 1992, c.23, as amended, or any successor thereof;

"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, as required for provision of services designate in this by-law within or outside the Town,

(a) to acquire land or an interest in land, including a leasehold interest,

- (b) to improve land,
- (c) to acquire, lease, construct or improve buildings and structures,
- (d) to acquire, lease, construct or improve facilities including,
 - (i) rolling stock with an estimated life of seven years or more,
 - (ii) 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, c. P.44, as amended, or any successor thereof; and
- (e) interest on borrowing for those expenditures under clauses (a) to (d) above that are growth-related;

"Charitable dwelling" means a residential building, a part of a residential building or the residential portion of a mixed-use building maintained and operated by a corporation approved under the Charitable Institutions Act, R.S.O. 1990, c. C.9, for persons requiring residential, specialized or group care and charitable dwelling includes a children's residence under the Child, Youth and Family Services Act, 2017, S.O. 2017, C. 14, Sched. 1, a psychiatric facility under the Mental Health Act, R.S.O. 1990, c. M.7, long-term care home under the Long-Term Care Homes Act, 2007, S.O. 2007, c. 8, c. N.7, and a home for special care under the Homes for Special Care Act, R.S.O. 1990, c. H.12;

"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 use of land, structures or buildings or portions thereof used, designed or intended for use 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 Town of St. Marys;

"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;

“Dwelling, senior citizens” means a dwelling unit used for the purpose of providing accommodation and related facilities for persons of retirement age, and which is owned and operating by a private or government authority, but does not include a nursing home or a home for the aged as defined by the Town of St. Marys Comprehensive Zoning By-law;

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

“Existing industrial building” means a building or buildings existing on a site in the Town of St. Marys on January 1st, 2012 or the buildings or structures constructed and occupied on a vacant site pursuant to site plan approval under section 41 of the Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) subsequent to January 1, 2012 for which full development charges were paid, and is used for or in connection with,

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

“Farm building” means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but does not include a residential use;

“Grade” means the average level of finished ground adjoining a building or structure at all exterior walls;

"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;

"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" 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 warehouse 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 municipality or any part or

parts thereof or any local board as defined in the Development Charges Act, 1997, S.O. 1997, c.27, as amended;

"Local services" means those services, facilities or things which are under the jurisdiction of the Town and are related to a plan under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, c. P.13, as amended, or any successor thereof, or are within the area to which the plan relates in respect of the lands;

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

"Municipality" means the Corporation of the Town of St. Marys;

"Non-profit housing development" means development of a building or structure intended for use as residential premises by:

(a) a corporation without share capital to which the Corporations Act 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, or any successor legislation.

"Non-profit organization" means:

i) a "registered charity" as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), as amended;

ii) a corporation that is a non-profit organization for the purposes of paragraph 57(1)(b) of the Corporations Tax Act, R.S.O. 1990, c. C.40;

"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 any premises maintained and operated for persons requiring nursing care or in which such care is provided to two or more unrelated persons, but does not include any premises falling under the jurisdiction of Acts as provided for in the Town Comprehensive Zoning By-law;

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

"Planning Act" means the Planning Act, 1990, R.S.O. 1990, c.P.13, as amended;

"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;

"Rental housing development" means development of a building or structure with four or more residential units all of which are intended for use as rented residential premises

"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 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 do not include private culinary facilities and instead 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;

"Semi-detached dwelling" means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts attached or another dwelling units where the residential units are not connected by an interior corridor;

"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 Town relative to the provision of municipal services to specified land within the jurisdiction of the Town;

“Single detached dwelling unit” means a residential building consisting of one dwelling unit and is not attached to another structure;

“Special care/special 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; and
 - iv) where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels;

and includes but is not limited to, retirement homes or lodges, nursing homes, charitable dwellings, group homes (including correctional group homes) and hospices;

- b) a building that is a student residence.

“Town” means the area within the geographic limits of the Town of St. Marys; and

“Zoning By-Law” means the Zoning By-Law of the Town of St. Marys, or any successor thereof passed pursuant to Section 34 of the Planning Act, S.O. 1998.

2. DESIGNATION OF SERVICES AND CLASSES OF SERVICES

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

- a) Services Related to a Highway
- b) Public Works
- c) Fire Protection Services
- d) Policing Services

- e) Parks and Recreation Services
- f) Library Services
- g) Child Care and Early Years Programs
- h) Waste Diversion
- i) Water Services - Treatment plants and storage
- j) Water Services - Distribution systems
- k) Wastewater Services – Sewers; and
- l) Wastewater Services – Treatment.

2.2 The components of the services designated in section 2.1 are described in Schedule A.

3. APPLICATION OF BY-LAW RULES

3.1 Development charges shall be payable in the amounts set out in this By-law where:

- (a) the lands are located in the area described in section 3.2; and
- (b) the development of the lands requires any of the approvals set out in subsection 3.4(a).

Area to Which By-law Applies

3.2 Subject to section 3.3, this By-law applies to all lands in the Town of St. Marys whether or not the land or use thereof is exempt from Development Charges under section 3 of this by-law or from taxation under the Assessment Act, R.S.O. 1990, c.A.31, as amended.

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) a municipality or a local board thereof;
- (b) a board of education as defined by the Education Act;
- (c) the Corporation of the County of Perth or a local board thereof;
- (d) the Crown in right of Ontario or the Crown in right of Canada;

- (e) a dwelling unit used exclusively for the purposes of non-profit assisted rental housing which is 100% funded by the County of Perth or the Crown in the right of Ontario or Canada;
- (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.

3.4(a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:

- (i) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the Planning Act;
 - (ii) the approval of a minor variance under section 45 of the Planning Act;
 - (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - (iv) the approval of a plan of subdivision under section 51 of the Planning Act;
 - (v) a consent under section 53 of the Planning Act;
 - (vi) the approval of a description under section 50 of the Condominium Act, R.S.O. 1990, 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 subsection 2.1 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in subsection 3.4(a) are required before the lands, buildings or structures can be developed.
 - (c) Despite subsection 3.4(b), if two or more of the actions described in subsection 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions

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

- (a) an enlargement to an existing dwelling unit;
- (b) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units or prescribed ancillary structure to the existing residential building;

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

- (a) A second residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit.
- (b) A third residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.
- (c) One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.

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

- (a) A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit
- (b) A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units

- (c) One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units

3.8 Exemption for Industrial Development:

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

3.8.2 If the gross floor area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

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

3.9 For the purpose of section 3.8 herein, "existing industrial building" is used as defined in section 1 herein.

3.10 Other Exemptions:

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

- a) 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;
- b) non-residential farm buildings constructed for bona fide farm uses;

- c) an accessory building;
- d) a Home Occupation;
- e) a temporary use permitted under municipal zoning by-law enacted in accordance with section 39 of the Planning Act;
- f) a temporary building without foundation defined in the Building Code for a period not exceeding six consecutive months and not more than six months in any one calendar year on a site for which development charges have been previously paid; or
- g) non-profit housing; or
- h) Affordable units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the Planning Act to give effect to the policies described in subsection 16 (4) of that Act.

3.10.1 Discounts for Rental Housing (for profit)

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

- (a) Three or more bedrooms – 25% reduction;
- (b) Two bedrooms – 20% reduction; and
- (c) All other bedroom quantities – 15% reduction.

3.10.2 Other Exemptions (upon proclamation):

Once proclamation for required amendments to the Act to allow the following exemptions is received by the Lieutenant Governor, the following shall be exempt from development charges:

- a) Affordable residential units; or
- b) Attainable residential units.

Amount of Charges

Residential

3.11 The development charges set out in Schedules B shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, according to the type of

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

Non-Residential

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

Mandatory Phase-in

3.13 The amount of the development charges described in Schedule B to this by-law shall be reduced in accordance with section 5(8) of the Act. Therefore the following percentages of the charges provided in Schedule B will be imposed (subject to annual indexing as per section 5 of this by-law):

- (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) Year 5 through 10 – 100 per cent.

Reduction of Development Charges for Redevelopment

3.14 Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 60 months 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 3.11 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 3.12, 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

- 3.15 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of the first building permit for the development.
- 3.16 Notwithstanding subsection 3.15 development charges for rental housing and institutional developments are due and payable in 6 equal annual payments commencing with the first instalment payable on the earlier of the date the first occupancy permit is granted or the date of first occupancy, and each subsequent instalment, including interest calculated in accordance with section 26.3 of the Act.
- 3.17 Where the development of land results from the approval of a site plan or zoning by-law amendment 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 subsections 3.11 and 3.12 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest in accordance with section 26.3 of the Act. Where both planning applications apply, development charges under subsections 3.11 and 3.12 shall be calculated on the rates, including interest in accordance with section 26.3 of the Act, payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest.
- 3.18 Despite sections 3.15 to 3.17, 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 3.11 and 3.12, 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, 2023 and each year thereafter, in accordance with the prescribed index in the Act.

6. SCHEDULES

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

Schedule A - Components of Services Designated in section 2.1

Schedule B - Residential and Non-Residential Development Charges

7. CONFLICTS

7.1 Where the Town of St. Marys 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 by a court of competent jurisdiction, it is hereby declared to be the intention of Council that such provision be severable and 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 at 12:01 AM on January 1, 2023 and will be indexed as per section 5.1.


10. DATE BY-LAW EXPIRES

10.1 This By-law will expire at 11:59 PM on December 31, 2023 unless it is repealed by Council at an earlier date.

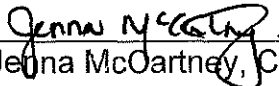
11. **EXISTING BY-LAW REPEALED**

11.1 By-law 99-2017 is hereby repealed as of the date and time of this By-law coming into force.

Read a first, second and third time and finally passed this 13th day of December, 2022.



Mayor Al Stratthdee



Jenna McCartney, Clerk

SCHEDULE "A" TO BY-LAW 106-2022

COMPONENTS OF SERVICES AND CLASSES OF SERVICES DESIGNATED IN SUBSECTION 2.1

- Services Related to a Highway (Roads, Sidewalks, Traffic Signals and Streetlights)
- Public Works Facilities and Vehicles
- Fire Protection Services (Fire Facilities, vehicles, and equipment)
- Policing Services (Police Facilities)
- Parks and Recreation Services (Parkland Development, Amenities, Trails, Vehicles, and Recreation Facilities).
- Library (Facilities and Collection Materials)
- Child Care and Early Years (Facilities)
- Waste Diversion (Contract and Land)
- Water Services (Treatment and Storage)
- Water Services (Distribution)
- Wastewater Services (Sewers)
- Wastewater Services (Treatment)

SCHEDULE "B"

BY-LAW NUMBER 106-2022

SCHEDULE OF DEVELOPMENT CHARGES

Service/Class of Service	Single and Semi-Detached Dwelling	Other Multiples	Apartments 2+ Bedrooms	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Non-Residential (per sq.ft. of Gross Floor Area)
Services Related to a Highway	1,348	1,083	863	630	575	0.82
Public Works	132	106	85	62	56	0.08
Fire Protection Services	351	282	225	164	150	0.21
Policing Services	98	79	63	46	42	0.06
Parks and Recreation Services	1,781	1,431	1,141	833	760	0.13
Library Services	1,057	849	677	494	451	0.07
Child Care and Early Years Programs	60	48	38	28	26	0.00
Waste Diversion	18	14	12	8	8	0.00
Water Services - Treatment plants and storage	460	370	295	215	196	0.28
Water Services - Distribution systems	409	328	262	191	174	0.25
Wastewater Services - Sewers	15	12	10	7	6	0.01
Wastewater Services - Treatment	3,889	3,124	2,491	1,819	1,659	2.37
Total Town-Wide Services	9,618	7,726	6,162	4,497	4,103	4.28