

Township of Zorra



Development Charges By-law Office Consolidation

Amending By-law
By-law No. 18-21

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**CORPORATION OF THE
TOWNSHIP OF ZORRA**



BY-LAW NO. 32-19

**BEING A BY-LAW TO ESTABLISH DEVELOPMENT
CHARGES FOR THE TOWNSHIP OF ZORRA.**

WHEREAS subsection 2(1) of the *Development Charges Act, 1997*, S.O. 1997, c.27 (hereinafter called "the Act") provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for Services arising from the Development of the area to which the By-law applies;

AND WHEREAS Council has before it a report entitled "Development Charges Background Study", the Township of Zorra, hereinafter referred to as the "Township", dated April 18, 2019 by Watson & Associates Economists Ltd. (the "Study"), wherein it is indicated that the Development of any land within the Township will increase the need for Services as defined herein;

AND WHEREAS Council gave notice to the public and held a public meeting pursuant to section 12 of the Act on May 15, 2019 prior to and at which the Study and the proposed Development Charge By-law were made available to the public in accordance with the Act and regulations thereto and Council heard comments and representations from all persons who applied to be heard (the "Public Meeting");

AND WHEREAS Council intends to ensure that the increase in the need for services attributable to the anticipated development, including any capital costs, will be met, by updating its capital budget and forecast where appropriate;

AND WHEREAS by approval of the Development Charges Background Study, dated April 18, 2019, Council has indicated its intent that the future excess capacity identified in the Study, shall be paid for by the development charges or other similar charges.

NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF ZORRA ENACTS AS FOLLOWS:

1.0. Definitions

- (a) "**Act**" means the *Development Charges Act, 1997*, c. 27, as amended;
- (b) "**Affordable housing**" means dwelling units and incidental facilities, primarily for persons of low and moderate income, that meet the requirements of any program for such purpose as administered by any agency of the Federal or Provincial government, the County of Oxford and/or the Area Municipality and for which an agreement has been entered into with the County of Oxford with respect to the provision of such dwelling units and facilities;
- (c) "**Apartment Dwelling**" means any dwelling unit within a building containing more than four dwelling units where the units are connected by an interior corridor. Notwithstanding the foregoing, an Apartment Dwelling includes a Stacked Townhouse Dwelling;

- (d) “**Area Municipality**” means a lower-tier municipality that forms part of the County of Oxford;
- (e) “**Back-to-back Townhouse Dwelling**” means a building containing four (4) or more Dwelling Units separated vertically by a common wall, including a rear common wall, that does not have a rear yard with amenity area;
- (f) “**Bedroom**” means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
- (g) “**Board of Education**” means a board defined in s.s. 1(1) of the *Education Act*, R.S.O. 1990, c. E,2, as amended;
- (h) “**Building Code Act**” means the *Building Code Act*, R.S.O. 1992, S.O. 1992, c. 23, as amended;
- (i) “**Building**” means a permanent enclosed structure occupying an area greater than ten square metres (10 m²) and, notwithstanding the generality of the foregoing, includes, but is not limited to:
 - (i) An above-grade storage tank;
 - (ii) An air-supported structure;
 - (iii) An industrial tent;
 - (iv) A roof-like structure over a gas-bar or service station; and
 - (v) An area attached to and ancillary to a retail Development delineated by one or more walls or part walls, a roof-like structure, or any one or more of them;
- (j) “**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,
 - (i) to acquire land or an interest in land, including a leasehold interest;
 - (ii) to improve land;
 - (iii) to acquire, lease, construct or improve buildings and structures;
 - (iv) to acquire, lease, construct or improve facilities including (but not limited to),
 - a. rolling stock with an estimated useful life of seven years or more;
 - b. furniture and equipment, other than computer equipment; and
 - c. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, 1990, R.S.O. 1990, c. 44, as amended;
 - (v) to undertake studies in connection with any of the matters referred to in clauses (i) to (iv);
 - (vi) to complete the Development Charge background study under Section 10 of the Act; and
 - (vii) interest on money borrowed to pay for costs in (i) to (iv);required for provision of services designated in this by-law within or outside the Township;
- (k) “**Council**” means the Council of the Township of Zorra;

- (l) **“Development”** means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 5 of this by-law and including the redevelopment of land or the redevelopment, expansion, extension or alteration of a use, building or structure except interior alterations to an existing building or structure which do not change or intensify the use of land;
- (m) **“Development Charge”** means a charge imposed pursuant to this By-law;
- (n) **“Dwelling”** or **“Dwelling Unit”** means any part of a building or structure with a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which sanitary facilities and a separate kitchen may or may not be provided for the exclusive use of such person or persons;
- (o) **“Farm Building”** means a Building or structure associated with and located on land devoted to the practice of farming and that is used essentially for the housing of farm equipment or livestock or the production, storage or processing of agricultural and horticultural produce or feeds and as part of or in connection with a bona fide farming operation and includes barns, silos and other buildings or structures ancillary to that farming operation, but excludes:
 - (i) a Residential Use, with the exception of a bunk house for seasonal farm workers required for that farm operation; and
 - (ii) any Building or portion thereof used or intended to be used for any other Non-Residential Use, including, but not limited to: retail sales; commercial services; restaurants; banquet facilities; hospitality and accommodation facilities; gift shops; contractors shops; services related to grooming, boarding, or breeding of household pets; and alcohol and marijuana production facilities.
- (p) **“Grade”** means the average level of finished ground adjoining a building or structure at all exterior walls;
- (q) **“Gross Floor Area”** means the total floor area measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of party walls dividing the Building from another Building, of all floors above the average level of finished ground adjoining the building at its exterior walls; and
- (r) **“Industrial Building”** means a building used for or in connection with,
 - (i) manufacturing, producing, processing, storing or distributing something;
 - (ii) research or development in connection with manufacturing, producing or processing something;
 - (iii) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production, or processing takes place;
 - (iv) office or administrative purposes, if they are; carried out with respect to manufacturing, producing, processing, storage or distributing of something; and in or attached to the Building or structure used for that manufacturing, producing, processing, storage or distribution;
 - (v) shall not include self-storage facilities or retail warehouses.
- (s) **“Local Board”** means a municipal service board, public utility commission, public library board, board of health, police services board or any other board, commission, committee or 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 or any part or parts thereof, excluding a conservation authority, any municipal business

corporation not deemed to be a local board under O.Reg. 168/03 under the Municipal Act, 2001, S.O. 2001, c. 25, as amended, and any corporation enacted under the Electricity Act, 1998, S.O. 1998, c. 15, Sched. A, as amended, or successor legislation;

- (t) **“Local Services”** means those services or facilities 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, required as a condition of approval under s.51 of the *Planning Act*, or as a condition of approval under s.53 of the *Planning Act*;
- (u) **“Long-Term Care Home”** means the floor area of a facility directly related to beds that are licensed, regulated or funded by the Ministry of Health and Long-Term Care, in an approved charitable home for the aged (as defined in the Charitable Institutions Act, R.S.O. 1990, c. C.9), a home (as defined in the Homes for the Aged and Rest Homes Act, R.S.O. 1990, c. H.13), or a nursing home (as defined in the Nursing Homes Act, R.S.O. 1990, c. N.7);
- (v) **“Mezzanine”** means an intermediate floor assembly between the floor and ceiling of any room or storey and includes an interior balcony;
- (w) **“Multiple Dwelling”** means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment dwellings, and shall include Park Model Trailers;
- (x) **“Non-Residential Uses”** means a building or structure, or portions thereof, used, or designed or intended for a use other than a Residential Use;
- (y) **“Official Plan”** means the Official Plan of the County of Oxford and any amendments thereto;
- (z) **“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;
- (aa) **“Park Model Trailer”** means a trailer conforming to National Standard of Canada CAN CSA-Z241.0-92, CAN CSA-Z240 or similar standard that is up to a maximum size of 50 square metres and designed to facilitate relocation from time to time.
- (bb) **“Planning Act”** means the *Planning Act, 1990*, R.S.O. 1990, c.P.13, as amended;
- (cc) **“Private School”** means an academic education school to which all of the following apply:
 - (i) registered with the Province as a “private school” under section 16 of the Education Act;
 - (ii) non-publicly funded;
 - (iii) operated on a not-for-profit basis;
 - (iv) operated by a non-share non-profit corporation, or an established or a “religious organization” as defined by the Religious Organizations’ Land Act; and
 - (v) offering elementary or secondary academic education.
- (dd) **“Regulation”** means any regulation made pursuant to the Act;
- (ee) **“Residential Uses”** means lands, Buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include Single Detached Dwelling, Semi-Detached Dwelling, Multiple Dwelling, Apartment Dwelling, and the residential portion of a mixed-use Building or structure;

- (ff) **“Row Townhouse Dwelling”** means a building vertically divided into three or more Dwelling Units by common walls extending from the base of the foundation to the roof. Each Dwelling Unit shall have separate entrance directly to the outside
- (gg) **“Semi-Detached Dwelling”** means a building divided vertically into two Dwelling Units each of which has a separate entrance and access to grade;
- (hh) **“Services”** means services set out in Schedule “A” to this By-law;
- (ii) **“Single Detached Dwelling”** means a completely detached Building containing only one Dwelling Unit;
- (jj) **“Special Care/Special Need Dwelling” Special Care/Special Need Dwelling”** means a Building, or part of a Building:
 - (i) containing two or more Dwelling Units which units have a common entrance from street level;
 - (ii) where the occupants have the right to use in common with other occupants, halls, stairs, yards, common rooms and accessory Buildings;
 - (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 any one or more various levels;
 - (v) and includes, but is not limited to, retirement homes or lodges, charitable dwellings, group homes (including correctional group homes) and hospices; and
 - (vi) Special Care/Special Needs Dwellings will be charged the D.C. rate for Bachelor and 1 Bedroom Apartment Units.
- (kk) **“Stacked Townhouse Dwelling”** means a building, other than a Duplex, Row Townhouse, Back to Back Townhouse, containing at least 3 Dwelling Units; each Dwelling Unit separated from the other vertically and/or horizontally and each Dwelling Unit having a separate entrance to grade;
- (ll) **“Temporary Building or Structure”** means a Building or structure constructed or erected or placed on land for a continuous period not exceeding twelve months, or an addition or alteration to a Building or structure that has the effect of increasing the total floor area thereof for a continuous period not exceeding twelve months;
- (mm) **“Temporary Dwelling Unit”** means a dwelling unit, which is:
 - (i) designed to be portable (e.g. Mobile Home);
 - (ii) clearly ancillary to, and fully detached from, an existing permanent dwelling unit located on the same lot;
 - (iii) only permitted to be in place for a limited period of time; and
 - (iv) subject to an agreement with the Area Municipality specifying the maximum period of time the dwelling unit is to be permitted and any other matters that may be deemed necessary or appropriate by the Area Municipality, such as installation, maintenance and removal provisions, financial security requirements and restrictions on occupancy;
- (nn) **“Total Floor Area”** means, the sum total of the total areas of all 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;

- (i) includes the floor area of a mezzanine, atrium, or air supported structure, and the space occupied by interior wall partitions;
 - (ii) excludes those areas used exclusively for parking garages or structures; and
 - (iii) where a building or structure does not have any walls, the total floor area of the building or structure shall be the total of the area of all floors including the ground floor that are directly beneath the roof of the building or structure;
- (oo) **“Wind Turbine”** means any wind energy conversion system with a nameplate generating capacity greater than 300 kilowatts, that converts wind energy into electricity for sale to an electrical utility or intermediary.

2.0. Calculations of Development Charges

- 2.1. Subject to the provisions of this By-law, the Development Charges against land in the Township shall be imposed, calculated and collected in accordance with the rates set out in Schedule “B” relating to the services set out in Schedule “A”
- 2.2. Council hereby determines that the Development of land, Buildings or structures for Residential and Non-Residential uses will require the provision, enlargement or expansion of the Services referenced in Schedule “A”; and shall be calculated as follows:
- (a) In the case of Residential Development or redevelopment, or a Residential portion of a mixed-use Development or redevelopment, the Development Charge shall be the sum of the products of:
 - (i) the number of Dwelling Units of each type, multiplied by,
 - (ii) the corresponding total dollar amount for such Dwelling Unit as set out in Schedule “B”, further adjusted by section 13; and
 - (b) In the case of Non-Residential Development or redevelopment, or a Non-Residential portion of a mixed-use Development or redevelopment, the Development Charge shall be the sum of the products of
 - (i) the Total Floor Area of Non-Residential Development or portion multiplied by,
 - (ii) the corresponding total dollar amount per square metre of Total Floor Area, as set out in Schedule “B”, further adjusted by section 13; and
 - (c) In the case of Wind Turbines, the sum of the number of wind turbines multiplied by the corresponding amount for each wind turbine as set out in Schedule “B”, further adjusted by section 13.

3.0. Applicable Lands

- 3.1. Subject to the exceptions and exemptions described in the following subsections, this By-law applies to all lands in the County, whether or not the land or use is exempt from taxation under section 3 of the Assessment Act, R.S.O. 1990, c.A.31, as amended.
- 3.2. This By-law shall not apply to land that is owned by and used for the purposes of:

- (a) a Board of Education;
- (b) any municipality or Local Board thereof;
- (c) a Place of Worship exempt under s.3 of the Assessment Act, R.S.O. 1990, c. A31, as amended;
- (d) a Public Hospital under the Public Hospitals Act, R.S.O. 1990, c. P.40, as amended;
- (e) 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 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university. **(Amended by By-law 18-21)**

3.3. This by-law shall not apply to:

- (a) Farm Buildings as defined herein;
- (b) Industrial Buildings as defined herein;
- (c) Private Schools as defined herein;
- (d) Temporary Buildings or structures as defined herein;
- (e) Affordable Housing as defined herein;
- (f) Temporary Dwelling Units as defined herein;
- (g) Long-Term Care home, as defined herein.

**4.0. Rules with Respect to Exemptions for Intensification of Existing Housing
(Amended by By-law 18-21)**

4.1. Notwithstanding Section 3 above, no Development Charges shall be imposed with respect to Developments or portions of Developments as follows:

- (a) The enlargement of an existing dwelling unit;
- (b) the creation of a maximum of two additional dwelling units in an existing single detached dwelling or structure ancillary to such dwelling. The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the existing residential building/dwelling;
- (c) 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 within a structure ancillary to such residential building;
- (d) the creation of one additional dwelling unit in any other existing residential building/dwelling or within a structure ancillary to such residential building/dwelling. The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the existing residential building/dwelling; or
- (e) the creation of a second dwelling unit in a proposed new Single Detached, Semi-Detached or Row Townhouse dwelling or in a building ancillary to such dwelling, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units. The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
2	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units. The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit. The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.

4.2. For the purposes of Subsection 4.1. “existing residential building/dwelling”, means:

- (a) A residential building/dwelling, containing at least one dwelling unit, that existed on a parcel of land as of April 1, 2021 and which was not exempt from the payment of development charges pursuant to Section 2(3)(b) of the Act; or
- (b) The first residential building/dwelling, containing at least one dwelling unit, constructed on a vacant parcel of land after April 1, 2021, and for which development charges were paid.

4.3. In addition to the restrictions outlined in Subsection 4.1.(e), for the purposes of the exemption for an additional residential unit in a building ancillary to a proposed new Single Detached, Semi-Detached or Row Townhouse Dwelling, the proposed new Single Detached, Semi-Detached or Row Townhouse Dwelling must be located on a parcel of land on which no other Single Detached, Semi-Detached or Row Townhouse dwelling is or would be located.

4.4. For the purposes of Subsection 4.1.(e), “parcel of land” means a lot or block within a registered plan of subdivision or draft plan of subdivision or any land that may be legally conveyed under the exemption provided in clause 50 (3) (b) or clause 50 (5) (a) of the *Planning Act*.

5.0. Timing of Calculation for Development Charges

5.1. Subject to subsection 5.2., Development Charges shall be calculated and collected in accordance with the provisions of this by-law and be imposed on land to be developed for Residential and Non-Residential Use, where, the development requires,

- (a) the passing of a zoning by-law or an amendment thereto under Section 34 of the *Planning Act*, R.S.O. 1990, c.P13;
- (b) the approval of a minor variance under Section 45 of the *Planning Act*, R.S.O. 1990, c.P.13;
- (c) conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act*, R. S.O. 1990, c.P.13 applies;
- (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*, R.S.O. 1990, c.P. 13;

- (e) a consent under Section 53 of the *Planning Act*, R.S.O. 1990, c.P. 13;
 - (f) the approval of a description under Section 9 of the *Condominium Act*, S.O. 1998, c.9, as amended; or
 - (g) the issuing of a permit under the *Building Code Act*, 1992, S.O. 1992, c.23, as amended in relation to a Building or structure.
- 5.2. Subsection 5.1. shall not apply in respect to
- (a) Local Services installed or paid for by the owner within a plan of subdivision or within the area to which the plan relates, as a condition of approval under Section 51 of the *Planning Act*, R.S.O. 1990, c.P. 13;
 - (b) Local Services installed or paid for by the owner as a condition of approval under Section 53 of the *Planning Act*, R.S.O. 1990 c.P.13.
- 5.3. A Development Charge shall be calculated and payable in full in money or by provision of Services as may be agreed upon, or by credit granted pursuant to the Act or this By-law, on the date that the first building permit is issued in relation to a Building or structure on land to which a Development Charge applies.
- 5.4. Where a Development Charge applies to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full.
- 5.5. Notwithstanding Subsection 5.1., development charges for rental housing and institutional developments are due and payable in 6 equal installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter. **(Amended by By-law 18-21)**
- 5.6. Notwithstanding Subsection 5.1., development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter. **(Amended by By-law 18-21)**
- 5.7. Notwithstanding subsections 5.1. and 5.3., 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 2 years of building permit issuance, the Development Charges under Section 2 shall be calculated based on the rates set out in Schedule "B" on the date of the planning application. Where both planning applications apply, Development Charges under Section 2 shall be calculated on the rates set out in Schedule "B" on the date of the later planning application. **(Amended by By-law 18-21)**
- 5.8. Interest for the purposes of Subsections 5.5., 5.6., and 5.7. shall be determined as the Bank of Canada Prime Interest Rate plus 2% as at the April 1st immediately prior to: **(Amended by By-law 18-21)**
- (a) The date of building permit issuance for installment payments under Section 26.1 of the Act for rental housing, institutional development, and non-profit housing;
- 5.9. Notwithstanding Subsection 5.8., the interest rate shall not be less than 0%.**(Amended by By-law 18-21)**

5.10. For the purposes of Subsection 5.5. “institutional development” means development of a building or structure intended for use: **(Amended by By-law 18-21)**

(a) as a long-term care home within the meaning of Subsection 2 (1) of the *Long Term Care Homes Act, 2007*;

(b) as a retirement home within the meaning of Subsection 2(1) of the *Retirement Homes Act, 2010*.

(c) By any institution of the following post-secondary institutions for the objects of the institution:

(i) a university in Ontario that receives direct, regular and ongoing operation 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 Institute Act, 2017*;

(d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or

(e) as a hospice to provide end of life care;

5.11. For the purposes of Subsection 5.5. “Rental housing” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises; **(Amended by By-law 18-21)**

5.12. For the purposes of Subsection 5.6. “Non-profit housing development” means development of a building or structure intended for use as residential premises by: **(Amended by By-law 18-21)**

(a) a corporation without share capital to which the *Corporations Act* applies, that is in good standing under that Act and whose primary objective is to provide housing;

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

(c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*;

6.0. Local Service Installation

6.1. Nothing in this by-law prevents Council from requiring, as a condition of an agreement under Section 51 or 53 of the Planning Act that the Owner, at his or her own expense, shall install or pay for such Local Services, within the Plan of Subdivision or within the area to which the plan relates, as Council may require.

7.0. Multiple Charges

7.1. Where two or more of the actions described in subsection 5.1. are required before land to which a Development Charge applies can be developed, only one

Development Charge shall be calculated and collected in accordance with the provisions of this By-law, as prescribed in Section 5.

- 7.2. Notwithstanding subsection 7.1., if two or more of the actions described in subsection 5.1. occur at different times, and if the subsequent action has the effect of a net increase in the number of Residential Dwelling Units and/or a net increase in the amount of Non-Residential Gross Floor Area, additional Development Charges shall be calculated and collected in accordance with the provisions of this By-law.

8.0. Services in Lieu

- 8.1. Council may authorize an Owner, through an agreement under Section 38 of the Act, to substitute such part of the Development Charge applicable to the Owner's Development as may be specified in the agreement, by the provision at the sole expense of the Owner, of services in lieu. Such agreement shall further specify that where the Owner provides services in lieu in accordance with the agreement, Council shall give to the Owner a credit against the Development Charge in accordance with the agreement provisions and the provisions of Section 39 of the Act, equal to the reasonable cost to the Owner of providing the services in lieu. In no case shall the agreement provide for a credit which exceeds the total Development Charge payable by an Owner to the Township in respect of the Development to which the agreement relates.

- 8.2. In any agreement under subsection 8.1., Council may also give a further credit to the Owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this By-law.

- 8.3. The credit provided for in subsection 8.2. shall not be charged to any Development Charge reserve fund.

9.0. Front-Ending Agreements

- 9.1. Council may authorize a front-ending agreement in accordance with the provisions of Part III of the Act, upon such terms as Council may require, in respect of the Development of land.

10.0. Demolition and Conversion Credits for Redevelopment of Land

- 10.1. If a Development involves the demolition of and replacement of all or part of a building or structure, or the conversion from one principal use to another a credit shall be allowed, provided that the land was improved by occupied structures, or structures capable of being occupied without structural improvement, within the five years prior to the issuance of the building permit, and the building permit has been issued for the development within five years from the date the demolition permit has been issued; and;

- 10.2. Subject to section 10.3., the credit shall be calculated:

- (a) in the case of the demolition of a Building, or a part of a Building, used for a Residential purpose, by multiplying the number and type of Dwelling Units demolished by the relevant Development Charge in effect under this By-law on the date when the Development Charge with respect to the Redevelopment is payable pursuant to this By-law; or
- (b) in the case of the demolition of a Building, or part of a Building, used for a Non-Residential purpose, by multiplying the Non-Residential Total Floor Area demolished, by the relevant Development Charge in effect under this By-law on the date when the Development Charge with respect to the Redevelopment is payable pursuant to this By-law;

- 10.3. A credit can, in no case, exceed the amount of the development charge that would otherwise be payable. No credit is available if the use for which the demolished/converted buildings or structures was last lawfully occupied is exempt under this by-law.
- 10.4. Notwithstanding subsection 10.1. above, where the Building cannot be demolished until the new Building has been erected, the Owner shall notify the Township in writing and pay the applicable Development Charge for the new Building in full and, if the existing Building is demolished not later than twelve (12) months from the date a building permit is issued for the new Building, the Township shall provide a refund calculated in accordance with this section to the Owner without interest. If more than twelve (12) months is required to demolish the existing Building, the Owner may make a written request to the Township, and the Township's Treasurer or designate, in his or her sole and absolute discretion and upon such terms and conditions as he or she considers necessary or appropriate, may extend the time in which the existing Building must be demolished, and such decision shall be made prior to the issuance of the first building permit for the new Building.

11.0. Reserve Funds

- 11.1. Monies received from payment of Development Charges under this by-law shall be maintained in a separate reserve fund for each Service category set out in Schedule "A".
- 11.2. Monies received for the payment of Development Charges shall be used only in accordance with the provisions of Section 35 of the *Act*.
- 11.3. Council directs the Township Treasurer to divide the reserve fund created hereunder into separate accounts in accordance with the Service categories set out in Schedule "A" to which the Development Charge payments, together interest earned thereon, shall be credited.
- 11.4. Where any Development Charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll for the property on with the Development occurred and shall be collected as taxes.
- 11.5. Where any unpaid Development Charges are collected as taxes under subsection 13.4., the monies so collected shall be credited to the development charge reserve funds referred to in subsection 13.1.
- 11.6. The Township Treasurer shall in each year commencing in 2020 for the 2019 year, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in Section 12 of O.Reg. 82/98.

12.0. By-law Amendment or Appeal

- 12.1. Where this By-law or any Development Charge prescribed thereunder is amended or repealed either by order of the -Local Planning Appeal Tribunal (LPAT) or by resolution of Council, the Township Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
- 12.2. Refunds that are required to be paid under subsection 12.1. shall be paid with interest to be calculated as follows:
 - (a) Interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
 - (b) The Bank of Canada interest rate in effect on the date of enactment of this by-law shall be used.

12.3. Refunds that are required to be paid under subsection 112(1) shall include the interest owed under this section.

13.0. By-Law Indexing

13.1. The Development Charges set out in Schedule “B” to this By-law shall be adjusted annually as of April 1, without amendment to this By-law, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, “Construction Price Statistics”.

14.0. Severability

14.1. In the event any provision, or part thereof, of this By-law is found by a court of competent jurisdiction to be void, voidable, unenforceable or ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this By-law shall remain in full force and effect.

15.0. By-law Administration

15.1. This by-law shall be administered by the Township Treasurer.

16.0. Schedules to the By-law

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

Schedule A – Schedule of Municipal Services

Schedule B – Schedule of Development Charges

17.0. Date By-Law Effective

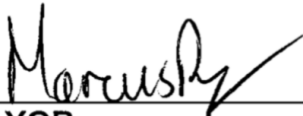
17.1. This By-law shall come into force and effect on the date of By-law passage.

18.0. Short Title

18.1. This by-law may be cited as the “2019 Township of Zorra Development Charges By-law.”

READ A FIRST AND SECOND TIME THIS 19th day of JUNE, 2019.

READ A THIRD TIME AND FINALLY PASSED TIME THIS 19th day of JUNE, 2019.



**MAYOR
MARCUS RYAN**



**CLERK
KAREN MARTIN**

Amended by By-law 18-21
SCHEDULE "A"
TOWNSHIP OF ZORRA
Township of Zorra Development Charges By-law No.32-19

DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

1. Roads and Related
2. Fire Services
3. Parks and Recreation

DESIGNATED MUNICIPAL CLASSES OF SERVICES UNDER THIS BY-LAW

1. Growth-Related Studies

Amended by By-law 18-21
SCHEDULE "B"
TOWNSHIP OF ZORRA
Township of Zorra Development Charges By-law No.32-19
SCHEDULE OF DEVELOPMENT CHARGES

Service/Class	RESIDENTIAL				NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	(per m2 of Gross Floor Area)	(per Wind Turbine)
Municipal Wide Services/Class of Service:						
Fire Services	650	347	234	408	2.23	650
Roads and Related	2,459	1,311	887	1,545	8.44	2,459
Parks & Recreation	1,435	765	518	901	3.44	-
Growth-Related Studies	227	121	82	143	0.71	227
Total Municipal Wide Services/Class of Services	4,771	2,544	1,721	2,997	14.82	3,336