

**THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI
MILLS**

**BY-LAW NO. 23-081
A BY-LAW FOR THE IMPOSITION OF DEVELOPMENT CHARGES
FOR SERVICES RELATED TO A HIGHWAY**

BEING a by-law for the imposition of Development Charges

WHEREAS section 2 (1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended (the “Act”) provides that the council of a municipality may pass By-laws for the imposition of Development Charges against land to pay for increased Capital Costs required because of the need for Services arising from Development in the area to which the By-law applies;

AND WHEREAS the Municipality of Mississippi Mills will experience growth through development and re-development;

AND WHEREAS development and re-development requires the provision of physical and social services by the Municipality of Mississippi Mills;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth-related demands for or burden on municipal services does not place an excessive financial burden on the Municipality of Mississippi 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 a development charge background study has been completed in accordance with the Act;

AND WHEREAS the Council of The Corporation of the Municipality of Mississippi Mills has given notice of and held a public meeting on the 7th day of November, 2023 in accordance with the Act and the regulations thereto;

NOW THEREFORE the Council of The Corporation of the Municipality of Mississippi Mills enacts as follows:

1. Interpretation

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

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

“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;

“Additional dwelling unit” means a dwelling unit, whether contained within a proposed single detached dwelling, semi-detached dwelling or row dwelling, or ancillary to a single detached dwelling, a semi-detached dwelling, or a row dwelling including but not limited to a coach house, laneway suite or structure constructed above an existing garage or other structure separate from the primary dwelling unit, and which is not capable of being legally conveyed as a separate parcel of land from the primary dwelling unit;

“Agricultural” means any use of land, structures or buildings used for the growing of crops (including nursery, market gardens and horticultural crops), the raising of livestock and other animals for food or fur, (including dairy or beef cattle, poultry, swine, sheep, fish and non-traditional livestock, such as deer, bison, emu, pheasant, etc.), equine related activities, aquaculture, apiaries, forestry, maple syrup production, and orchards;

“Apartment dwelling unit” means any dwelling unit within a building containing three 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;

“Bedroom” means any room used or designed or intended for use as sleeping quarters including but not limited to, a den, a study, a family room or other similar use;

“Board of Education” means a board defined in subsection 1 (1) of the *Education Act, R.S.O. 1990*, c. E.2, as amended, or any successor thereof;

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

“Capital cost” means capital costs as defined in subsection 5 (3) of the Act, as amended;

"Commercial" means any use of land, structures or buildings for the purposes of offices or retail buying or selling of commodities, hotels, motels, motor inns and boarding, lodging and rooming houses, but does not include uses for warehousing, wholesaling, manufacturing or assembling of goods;

“Council” means the Council of the Corporation of the Municipality of Mississippi Mills;

“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 with 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 a suite operated as a housekeeping unit, used or intended to be used by one or more persons and containing cooking, eating, living, sleeping and sanitary facilities, but not including units in long-term care facilities, retirement homes, motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;

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

“Farm building” means that part of a farming operation encompassing barns, silos, and other accessory use to a bona fide agricultural use or “value add” buildings of a commercial or retail nature for the farming operation or farm help quarters for the farming operation workers but excluding a Residential use;

“Gross floor area” means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits, vertical service spaces and their enclosing assemblies;

“Inclusionary zoning residential unit” means residential units that are affordable housing 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.

“Industrial” means any use of lands, buildings, or structures used or designed or intended for use for the assembling, fabricating, manufacturing, processing, repairing or storing of goods or materials;

“Institutional” means any use of 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; For the purposes of Section 3.19, means development of a building or structure intended for use:

- (a) as a long-term care home within the meaning of subsection 2 (1) of the *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;

“Local Board” means local board as defined in the Act, as amended;

“Local services” means those services, facilities or things which are under the jurisdiction of the [Subject] and are related to a plan of subdivision or within the

area to which the plan relates with respect to 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;

“Mixed-Use” means any use of lands, buildings, or structures that are used and/or designated to be used for both residential and non-residential purposes;

“Multiple dwelling” includes all dwellings other than a single detached dwelling, a semi-detached dwelling, or apartment dwelling unit;

“Municipal water and sewer serviced area” means all lands within the settlement area of Almonte as identified in the Municipality’s Official Plan, as amended, or other developments connecting to the municipal water and/or sewer system;

“Municipality” means The Corporation of the Municipality of Mississippi Mills;

“Non-profit housing” means development of a building or structure intended for use as residential premises 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 objective 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 objective is to provide housing; or
- (c) a non-profit housing co-operative that is in good standing under the Co-operative *Corporations Act*;

“Non-residential” 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 [Subject] and any amendments thereto;

“Owner” means the owner of land or a person who has made application for an approval of 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, R.S.O. 1990, c. P.13*, as amended;

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

“Rental housing” means rental housing development as defined in the Act, as amended;

“Residential unit” means the same as dwelling unit as defined in this by-law;

"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;

“Row dwelling” means one of a series of three or more attached dwelling units with each dwelling unit divided vertically from another by a party wall; and each dwelling unit located on a lot. For the purposes of this definition, a row dwelling with up to two additional dwelling units as defined in this by-law is deemed to be a row dwelling;

“Semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall, but not other parts, attached to another dwelling unit where the dwelling units are not connected by an interior corridor. For the purposes of this definition, a semi-detached dwelling with up to two additional dwelling units as defined in this by-law is deemed to be a semi-detached dwelling;

“Service” (or “Services”) means a service designated in section 2.1 to this By-law;

"Servicing agreement" means an agreement between a landowner and the [Subject] relative to the provision of municipal services to specified land within the [Subject];

“Single detached dwelling” means a residential building consisting of one dwelling unit and not attached to another structure. For the purposes of this

definition, a single detached dwelling with up to two additional dwelling units as defined in this by-law is deemed to be a single detached dwelling;

“Suite” means a single room or series of rooms of complementary use, operated under a single tenancy.

2. Designation 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

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 [Subject] whether or not the land or use thereof is exempt from taxation under s.13 of the *Assessment Act*.

3.3 Notwithstanding clause 3.2 above, this by-law shall not apply to lands that are owned by and used for the purposes of:

(a) the municipality or a local board thereof;

(b) a board of education;

(c) the Corporation of the County of Lanark or a local board thereof; or

(d) 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.

Approvals for Development

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

Exemptions for Residential Units

- 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) 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;
 - (c) 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;
 - (d) One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of 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; or
 - (e) In an existing rental residential building, which contains four or more residential units, the creation of the greater of one residential unit or one per cent of the existing residential units.
- 3.6 Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to the creation of additional dwelling units in proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:
- (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; or
- (c) One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of 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.

Exemption for Industrial Development

- 3.7 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 building where the gross floor area is enlarged by 50 percent or less.
- 3.8 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:
 - (a) determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
 - (b) divide the amount determined under subsection (a) by the amount of the enlargement.
- 3.9 For the purpose of section 3.7 herein, “existing industrial building” is used as defined in the Regulation made pursuant to the Act.
- 3.10 The exemption for an existing industrial building provided by this section shall be applied to a maximum of fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this by-law or predecessor.

Other Statutory Exemptions

- 3.11 Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to non-profit housing development.
- 3.12 Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to inclusionary zoning residential unit development.

Other Exemptions

- 3.13 Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:
- (a) Industrial development;
 - (b) Hospitals under the *Public Hospitals Act*; and
 - (c) Non-residential farm building used for a bona fide agricultural use.

Amount of Charges

Residential

- 3.14 The development charges set out in Schedule A 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

- 3.15 The development charges described in Schedule A 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.

Reduction of Development Charges

For Redevelopment

3.16 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 2 years prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under section 3.14 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 section 3.15, 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.

- (c) the credits provided under this section do not apply based upon an existing or previously existing development, which is exempt under the provisions of this by-law.

Time of Payment of Development Charges

3.17 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 a building permit is issued in relation to a building or structure on land to which a development charge applies.

3.18 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.

- 3.19 Notwithstanding sections 3.17 and 3.18, development charges for rental housing and institutional developments are due and payable in six (6) installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the [Subject]'s Council approved Development Charges Interest Rate Policy, payable on the anniversary date each year thereafter.
- 3.20 Notwithstanding sections 3.17 and 3.18, where the development of land results from the approval of a Site Plan application or Zoning By-law Amendment on or after January 1, 2020, and the building permit was issued within 2 years of the approval, the development charges shall be calculated based on the charges in effect on the date the Site Plan or Zoning By-law Amendment application was made, including interest as provided in the [Subject]'s Council approved Development Charges Interest Rate Policy.
- 3.21 Despite sections 3.17 to 3.20, Council from time to time, and at anytime, 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 sections 3.14 and 3.15, 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 on January 1, without amendment to this by-law, in accordance with the most recent twelve-month change in the prescribed index in the Act.

6. Schedules

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

Schedule A - Residential and Non-Residential Development Charges

7. Conflicts

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

8. Severability

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

9. Date By-law in Force

- 9.1 This by-law shall come into effect at 12:01 AM on January 1, 2024.

10. Date By-law Expires

- 10.1 This by-law will expire as per Section 9 of the Act unless it is repealed by Council at an earlier date.

BY-LAW READ, passed, signed, and sealed in Open Council this the 05th day of December 2023.

Christa Lowry, Mayor

Jeanne Harfield, Clerk

SCHEDULE "A" TO BY-LAW 23-081

SCHEDULE OF DEVELOPMENT CHARGES FOR SERVICES RELATED TO A HIGHWAY

Service	RESIDENTIAL (per Dwelling Unit)				NON-RESIDENTIAL (per sq.ft. of Gross Floor Area)
	Single and Semi-Detached Dwelling	Other Multiple Dwelling	Apartment Dwelling Unit – 2 Bedrooms +	Apartment Dwelling Unit – Bachelor and 1 Bedroom	
Services Related to a Highway	\$ 4,945	\$ 4,400	\$ 2,913	\$ 2,103	\$ 3.26