

THE CORPORATION OF THE TOWNSHIP OF BECKWITH

BY-LAW NUMBER 2024-31

**BEING A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF BECKWITH
WITH RESPECT TO DEVELOPMENT CHARGES RELATED TO SERVICES
RELATED TO A HIGHWAY**

WHEREAS Section 2(1) of the *Development Charges Act, S. O. 1997*, as amended, (hereinafter called the Act) enables the council of a municipality to pass by-laws for the imposition of development charges against land located in the municipality where the development of the land would increase the need for municipal services as designated in the by-law;

AND WHEREAS the Council of the Corporation of the Township of Beckwith has undertaken and adopted the recommendations of a Study entitled "Development Charges Study Township of Beckwith", dated April 5, 2024;

AND WHEREAS the Council of the Corporation of the Township of Beckwith has given notice of, and held public meeting for the purpose of providing both information and opportunity to the Public to understand the Development Charge Proposal;

AND WHEREAS the Council of the Corporation of the Township of Beckwith has indicated its intentions to pass a By-law under the *Development Charges Act, 1997* as amended, and to impose development charges on land subject to development or redevelopment within the geographical limits of the Township of Beckwith, as hereinafter provided;

NOW THEREFORE the Council of the Corporation of the Township of Beckwith exacts as follows;

Part 1

DEFINITIONS

1. For the purpose of the By-law, the definitions and interpretations given in this Section shall apply:
 - i. "Act", the Act or *Development Charges Act, 1997* shall have the same meaning and shall mean the Development Charges Act, S. O. 1997 as amended, and all regulations made thereunder;

- ii. "Accessory Use" means that the building or structure is naturally and normally incidental to or subordinate in purpose or both, and exclusively devoted to a principal use, building or structure;
- iii. "Ancillary Residential Use" means a Residential Dwelling that would be ancillary to a Single Detached Dwelling, Semi-Detached Dwelling, or Rowhouse;
- iv. "Affordable Residential Unit" means a Residential Unit that meets the criteria set out in subsection 4.1 of the Act;
- v. "Agricultural Use" means use or intended use for bona fide farming purposes:
 - a) including (but not limited to):
 - i. cultivation of crops, whether on open land or in greenhouses, including (but not limited to) fruit, vegetables, herbs, grains, field crops, sod, trees, shrubs, flowers, and ornamental plants;
 - ii. raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish;
 - iii. agricultural animal husbandry, dairying, equestrian activities, horticulture, fallowing, pasturing, and market gardening; and
 - iv. services related to the boarding or breeding of household pets.
 - b) but excluding:
 - i. retail sales activities; including but not limited to restaurants, banquet facilities, hospitality facilities and gift shops;
 - ii. services related to grooming of household pets;
 - iii. On-farm Diversified Uses; and
 - iv. Cannabis Production Facilities.
- vi. "apartment dwelling" means a dwelling consisting of four or more dwelling units, which units have a common entrance from street level and common halls and /or stairs, elevators, and yards;
- vii. "Attainable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1 of the Act;

- viii. "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;
- ix. "Bona Fide Farm Uses" 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 and be assessed in the Farmland Realty Tax Class by the Ontario Property Assessment Corporation and excludes Cannabis Production Facilities;
- x. "Cannabis" means:
 - a) a cannabis plant;
 - b) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant regardless of whether that part has been processed or not;
 - c) any substance or mixture of substances that contains or has on it any part of such a plant; and
 - d) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;
- xi. "Cannabis Production Facilities" means a building, or part thereof, designed, used, or intended to be used for one or more of the following: growing, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment, or distribution of cannabis where a license, permit or authorization has been issued under applicable federal law and does include, but is not limited to such buildings as a greenhouse and agricultural building associated with the use. It does not include a building or part thereof solely designed, used, or intended to be used for retail sales of cannabis;
- xii. "Capital Cost" shall mean costs incurred or proposed to be incurred by a municipality or local board thereof directly or under an agreement,
 - a) to acquire land or an interest in land;
 - b) to improve land;
 - c) to acquire, construct or improve building and structures;
 - d) to acquire, construct or improve facilities including:

- i. rolling stock with estimated useful life of seven years or more, 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*, as amended; and
- e) interest on borrowing for those expenditures under clauses a), b), c) and d) that are growth related.
- xiii. "Commercial" means any use of land, structures or buildings 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, boarding, lodging and rooming houses, and Cannabis Production Facilities;
- xiv. "Converted Dwelling" shall mean a building originally designed as a single detached dwelling which has been altered or converted so as to provide therein not more than four dwelling units, with or without separate entrances, none of which shall be located in the cellar of the dwelling but which may be located partially in the basement;
- xv. "Council" means the Council of the Township;
- xvi. "Derelict Building" means a building or structure that is vacant, neglected, poorly maintained and unsuitable for occupancy;
- xvii. "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;
- xviii. "Development Charge" shall mean a charge imposed, with respect to growth related net capital costs, against land in accordance with Part 3 of this By- law.
- xix. "Development Charge By-law" shall mean a by-law passed under Section 2 of the *Development Charges Act, S.O. 1997*, as amended.
- xx. "Dwelling Unit" shall mean one or more habitable rooms designed or intended to be used as a domestic establishment and in which separate

kitchen and sanitary facilities are provided for the exclusive use of the occupants with a private entrance from outside the building or from a common hallway or stairway inside the building.

- xxi. "Grade" shall mean the average level of finished ground adjoining the dwelling unit at all exterior walls.
- xxii. "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.
- xxiii. "Growth-related Net Capital Cost" shall mean the portion of the net capital cost of services that is reasonably attributable to the need for such net capital cost that results or will result from development in the Township.
- xxiv. "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 or self-storage facilities;
- xxv. "Institutional" means development of a building or structure intended for use:
 - a) as a long-term care home within the meaning of subsection 2 (1) of the *Fixing Long-Term Care Homes Act, 2021*;
 - 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.
- xxvi. "Mixed Use Development" means a building that is used and/or designated to be used for both residential and non-residential purposes;
- xxvii. "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 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*.
- xxviii. "Non-residential use" means land, buildings, or structures or portions thereof used, or designed or intended for a use other than a residential use;
- xxix. "Owner" shall mean the owner of land or a person who has made application for an approval for development of land upon which a development charge is imposed.
- xxx. "Place of worship" means that part of a building or structure used for worship and that is exempt from taxation as a place of worship under the *Assessment Act, R.S.O. 1990, c. A.31, as amended*;
- xxxi. "Prescribed" shall mean prescribed by regulations made under the *Development Charges Act, S.O. 1997, as amended*.
- xxxii. "Rental housing" for the purposes of Section 16, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

- xxxiii. "Residential use" means land or buildings or structures or part thereof of any kind whatsoever used, designed or intended to be used as a residence for one or more individuals but does not include a hotel or motel;
- xxxiv. "Row Dwelling" shall mean a residential building that is divided vertically into three or more dwelling units.
- xxxv. "Semi-Detached Dwelling" shall mean a residential building that is divided vertically into two dwelling units;
- xxxvi. "Service" shall mean services designated in this by-law or any agreements made under *The Development Charges Act S.O. 1997*, as amended, as applicable.
- xxxvii. "Single Detached Dwelling" shall mean a residential building consisting of one dwelling unit and not attached to another dwelling unit above grade;
- xxxviii. "Township" means the area within the geographic limits of the Township of Beckwith;
- xxxix. "Zoning By-Law" means the Zoning By-Law of the Township, or any successor thereof passed pursuant to Section 34 of the *Planning Act, S.O. 1998*.

PART 2 APPLICATION

Designated Areas

2. The designated area within which development charges are imposed by this By-law are all lands and associated buildings and structures within the geographic territorial limits of the Township.

Designated Township Services

3. The designated municipal services for which Development Charges are imposed are those services identified in Schedule A to this By-law.

Designated Uses

4. The Development Charges established by this by-law shall apply to all residential and non-residential development within the Township where the development of the land would increase the need for services and the development requires:
 - a) the passing of a zoning by-law or of an amendment thereto under section 34 of the *Planning Act, R.S.O. 1990*, as amended; or
 - b) the approval of a minor variance under section 45 of the *Planning Act, R.S.O. 1990*, as amended; or
 - c) a conveyance of land to which a by-law passed under section 50(7) of the *Planning Act, R.S.O. 1990*, as amended, applies; or
 - d) the approval of a plan of subdivision under section 51 of the *Planning Act, R.S.O. 1990*, as amended; or
 - e) a consent under section 53 of the *Planning Act, R.S.O. 1990*, as amended; or
 - f) the approval of a description under section 9 of the *Condominium Act, R.S.O. 1998*, as amended; or
 - g) the issuing of a permit under the *Building Code Act, R.S.O. 1992*, as amended in relation to a building or structure.
5. This By-law shall not apply to land, buildings or structures that are owned by and used for the purpose of:
 - a) The Township or any board thereof;
 - b) The County of Lanark or any local area municipality thereof and any boards thereof;
 - c) a board as defined in subsection (a) of the *Education Act, R.S.O. 1990*, c. E.2; and
 - d) 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.
6. Only development or redevelopment for the purpose of creating a new residential dwelling or dwellings and new non-residential Gross Floor Area shall be subject to the provision of this By-law.

7. Where two or more actions referred to by Section 4(a) - (g) of this By-law are required before land, to which the development charge applies, can be developed, only one development charge shall be calculated and collected in accordance with the provisions of this By-law.
8. No development charge may be imposed with respect to:
 - a) local services installed at the expense of the owner within a plan of subdivision as a condition of approval under Section 51 of the *Planning Act, R.S.O. 1990*, as amended;
 - b) local services installed at the expense of the owner as a condition of approval under Section 50 of the *Planning Act, R.S.O. 1990*, as amended; or
 - c) local connections to watermains, sanitary sewers and storm drainage facilities installed at the expense of the owner including amounts imposed under a By-law passed under Section 391 of the *Municipal Act, R.S.O. 2001*.
9. If an owner or a former owner has before the coming into force of this By-law, paid all or any portion of a charge related to development pursuant to an agreement under Section 50, or 51 of the *Planning Act, 1990*, or a predecessor thereof with respect to land within the area to which this By-law applies, a credit for the amount of the charge already paid shall be granted within the calculation of the development charge applied under this By-law.
10. If an owner or former owner has before the coming into force of this By-law entered into an agreement subject to Section 50, or 51 of the *Planning Act, 1990*, or a predecessor thereof, which includes provisions for payment for the development charge related to development but said charge has not been paid, the provisions of the said agreement shall prevail to the extent of any conflict with this By-law.
11. Development charges as set out in Part 3 of this by-law shall apply to residential and non-residential development but only insofar as:
 - a) the growth-related net capital costs are attributable to that use; and
 - b) the growth-related net capital cost of each service is attributable to the service or standard of service being provided at the time the development charges are being calculated.

PART 3
DEVELOPMENT CHARGES

Calculation of Development Charges

12. The development charges imposed pursuant to this By-law with respect to the designated use of any land, building or structure shall be calculated in relation to:
- a) in the case of residential development, including a dwelling unit accessory to a non-residential use or the residential portion of a mixed-use development, based upon the number and type of dwelling units; or
 - b) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the total floor area of such development.
13. Development charges as described in Schedule B, shall be imposed upon residential uses of lands, buildings or structures, including a residential dwelling unit accessory to a non-residential use, and in the case of a mixed-use building or structure upon the residential component of the mixed-use building or structure.
14. Development charges, as described in Schedule B, shall be imposed upon non-residential uses of lands, buildings or structures, and in the case of a mixed-use building, upon the non-residential uses of the mixed-use building or structure:

Exemptions and Discounts

15. A Development Charge By-law shall not impose a development charge 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 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;
- e) 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;
- f) 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;
- g) One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of 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; or
- h) In an existing rental residential Building, which contains four or more residential Dwelling Units, the creation of the greater of one residential Dwelling Unit or one percent of the existing residential Dwelling Units;

- i) Notwithstanding subsection 15(b), development charges shall be imposed in accordance with section 13 if the total floor area of the additional one or two dwelling units in the single detached dwelling exceeds the total floor area of the dwelling unit already in the building;
 - j) Notwithstanding subsection 15(d), development charges shall be imposed in accordance with subsection 13 if the additional dwelling unit has a total floor area greater than:
 - i. in the case of a semi-detached or row dwelling, the total floor area of the dwelling unit already in the building; and
 - ii. in the case of any other residential building, the total floor area of the smallest dwelling unit already in the building.
- 16. The Development Charge payable for Rental Housing developments 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.
- 17. The following shall be fully exempt from payment of the Development Charges:
 - a) Affordable residential units;
 - b) Attainable residential units;
 - c) Affordable residential units contained within an inclusionary zoning by-law; and
 - d) Non-Profit housing.
- 18. Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:
 - a) Place of Worship; and
 - b) Agricultural use for bona fide farming purposes.
- 19. That if development includes the enlargement of the total floor area of an existing industrial building, the amount of the development charges that is payable is the following:

- a) if the total floor area is enlarged by fifty percent (50%) or less, the amount of the development charges in respect of the enlargement is zero; or
- b) if the total floor area is enlarged by more than fifty percent (50%), development charges are payable on the amount by which the enlargement exceeds fifty percent (50%) of the total floor area before the enlargement.

Redevelopment Credits

20. 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 48 months prior to the date of payment of development charges in regard to such redevelopment, other than a derelict building, 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 13 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 14, 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.

PART 4
ADMINISTRATION

Timing and Calculation of Payment

21. A development charge shall be calculated and payable in full in money or by provision of services as may be agreed upon by credit granted by the Act, on the date that a Building Permit is issued in relation to a building or structure on land to which a development charge applies.
22. Where a development charge applies to land in relation to which a completed building permit has been submitted, the building permit shall not be issued until the development charge has been paid in full.
23. Notwithstanding section 21, development charges for rental housing and institutional developments are due and payable in 6 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.
24. Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment made on or after January 1, 2020 and the approval of the application occurred within the period of building permit issuance as specific in section 26.2(5) of the Act, the development charges under subsections 21 and 23 shall be calculated based on the rates set out in Schedule B on the date the planning application was made, including interest as prescribed in the *Development Charges Act*, as amended from time to time. Where both planning applications apply development charges under subsections 21, and 23 shall be calculated on the rates set out in Schedule B, including interest as prescribed in the *Development Charges Act*, as amended from time to time, on the date of the latter planning application.
25. Despite sections 21 to 24 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.

Reserve Funds

26. Monies received from payment of development charges shall be maintained in a separate Reserve Fund and shall be used only to meet the growth-related net capital costs for which the development charge provided for under this By-law, is levied.
27. Income received from investment of the development charge Reserve Funds shall be credited on a pro rata basis to the above-mentioned development charge accounts in relation to which the investment income applies.

Unpaid Development Charges

28. Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
29. Where any unpaid development charges are collected as taxes under Section 28 the monies so collected shall be credited to the development charge Reserve Fund referred to in Section 26.

Indexing of Development Charges

30. Indexing of the development charges shall be implemented on an annual basis on June 1st, in accordance with the Statistics Canada Quarterly, Construction Price Statistics for the most recent year over year period.
31. This By-law shall be administered by the Treasurer of the Township.
32. Notwithstanding any other provision of this By-law, where a completed building application has been lodged with the Township prior to the date of enactment of this By-law, the development charge in effect prior to the date of enactment of this By-law shall apply.

Schedule

33. The following schedules to this By-law form an integral part of this By-law:

Schedule A -	Designated Municipal Services Under this By-law
Schedule B -	Schedule of Development Charges for Services Related to a Highway

Effective Date

34. This By-law shall come into force and effect on the date of it passing.

Date By-law Expires

35. This By-law shall continue in force and effect for a term not exceeding 10 years from the date of passing, unless it is repealed at an earlier date by subsequent By-law.

Severability

36. It is the declared intention of the Council of the Township that any section or part thereof or any Schedule or part thereof which may be held to be void or ineffective shall not be deemed to affect the validity of any other section or Schedule to this By-law.

Short Title

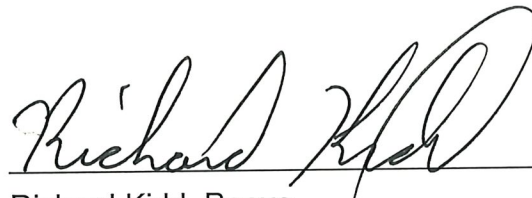
37. This By-law may be cited as the Development Charges By-law for Services Related to a Highway for the Township of Beckwith.

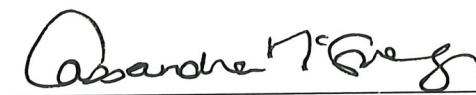
Repeal of Previous By-laws

38. By-law No. 2019-27 is hereby repealed in its entirety.

BY-LAW READ a first and a second time this 4th day of June, 2024.

BY-LAW READ a third time, signed, sealed and passed in open council this 4th day of June, 2024.


Richard Kidd, Reeve


Cassandra McGregor, CAO/Clerk



SCHEDULE "A" TO BY-LAW
DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

Township-Wide Services

1. Services Related to a Highway

SCHEDULE "B" TO BY-LAW
SCHEDULE OF DEVELOPMENT CHARGES FOR SERVICES RELATED TO A
HIGHWAY

Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	(per sq.ft. of Gross Floor Area)
Township Wide Services:					
Services Related to a Highway	4,772	3,292	2,493	1,786	2.49
Total - Full Calculated Rate	\$4,772	\$3,292	\$2,493	\$1,786	\$2.49
Total June 4, 2024 - June 3, 2025	3,818	2,634	1,994	1,429	1.00
Total June 4, 2025 - June 3, 2026	4,056	2,798	2,119	1,518	1.06
Total June 4, 2026 - June 3, 2027	4,295	2,963	2,244	1,607	1.12
Total June 4, 2027 - June 3, 2028	4,533	3,127	2,368	1,697	1.18
Total June 4, 2028 - June 3, 2034	4,772	3,292	2,493	1,786	1.25