

## The Township of Cavan Monaghan

### By-law Number 2022-43

#### Being a by-law to establish development charges for the Corporation of the Township of Cavan Monaghan

**Whereas** the Township of Cavan Monaghan will experience growth through development and re-development;

**And Whereas** development and re-development requires the provision of capital works by the Township of Cavan Monaghan;

**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 Township of Cavan Monaghan 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** the *Development Charges Act, 1997* (the "Act") provides that the council of a municipality may by By-law impose development charges against land to pay for increased capital costs required because of increased needs for services;

**And Whereas** a development charge background study has been completed in accordance with the Act;

**And Whereas** Council has provided consideration of area-rating of the development charges;

**And Whereas** the Council of The Corporation of the Township of Cavan Monaghan has given notice of and held a public meeting on the 4th of April, 2022 in accordance with the Act and the regulations thereto;

**Now Therefore**, the Council of the Corporation of the Township of Cavan Monaghan Enacts as Follows:

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## 1. DEFINITIONS

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

“accessory”, when used to describe a use, a building or a structure, means a use, a building or a structure that is incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith;

“act” means the *Development Charges Act*, as amended, or any successor thereof;

“affordable housing” means dwelling units within assisted or social housing programs including Habitat for Humanity and assisted living;

“ancillary residential building” means a residential building that would be ancillary to a detached dwelling, semi-detached dwelling, or row dwelling.

“apartment unit” means any residential unit within a building containing more than four dwelling units where the units are connected by an interior corridor;

“bedroom” means a habitable room which can be used as sleeping quarters, but does not include a bathroom, living room, dining room or kitchen;

“board of education” has the same meaning as set out in the *Education Act*, R.S.O. 1990, Chap. E.2, as amended, or any successor thereof;

“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:

(a) includes (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, cannabis, sod, trees, shrubs, flowers, and ornamental plants;
- (ii) raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish; and
- (iii) agricultural animal husbandry, dairying, equestrian activities, horticulture, fallowing, pasturing, and market gardening;

(b) but excludes:

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- (i) retail sales activities; including but not limited to restaurants, banquet facilities, hospitality facilities, and gift shops;
- (ii) services related to grooming, boarding, or breeding or household pets; and
- (iii) cannabis processing or production facilities.

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

“capital cost” means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of and as authorized by the municipality or local board,

- (a) to acquire land or an interest in land, including a leasehold interest,
- (b) to improve land,
- (c) to acquire, lease, construct or improve buildings and structures,
- (d) to acquire, construct or improve facilities including,
  - (i) furniture and equipment other than computer equipment, and
  - (ii) material acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, Chap. P.44, as amended, or any successor thereof; and
  - (iii) rolling stock with an estimated useful life of seven years or more, and;
- (e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d) above, including the development charge background study required for the provision of services designated in this By-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (a) to (e) above that are growth-related;

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

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term care home under the Long-Term Care Homes Act, 2007, S.O. 2007, c. 8, c. N.7, and a home for special care under the Homes for Special Care Act, R.S.O. 1990, c. H.12;

“class” means a grouping of services combined to create a single service for the purposes of this By-law and as provided in section 7 of the Development Charges Act;

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

“Council” means the Council of the municipality;

“development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that the effect of increasing the size of usability thereof, and includes redevelopment;

“development charge” means a charge imposed with respect to this By-law;

“dwelling unit” means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;

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

“existing industrial building” means a building or buildings existing on a site in the Township of Cavan Monaghan on July 5, 2010 or the buildings or structures constructed and occupied on a vacant site pursuant to site plan approval under section 41 of the Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) subsequent to July 5, 2010 for which full development charges were paid, and is used for or in connection with,

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

“farm building” means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;

“gross floor area” means:

- (a) in the case of a residential building or structure, the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and
  - (b) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line
  - (c) of party walls dividing a non-residential use and a residential use, except for:
    - (i) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
    - (ii) loading facilities above or below grade; and
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- (iii) a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;

"hospice" means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care;

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

"Institutional" means land, buildings, structures or any part thereof used by any organization, group or association for promotion of charitable, educational or benevolent objectives and not for profit or gain;

"institutional development" means development of a building or structure, or portions thereof, 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 of the following post-secondary institutions for the objects of the institution:
    - i. a university in Ontario that receives direct, regular, and ongoing operating 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 Institutes 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.
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“Local Board” means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Township of Cavan Monaghan or any part or parts thereof;

“local services” means those services, facilities or things which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the *Planning Act*, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;

“multiple dwellings” means all dwellings other than single-detached, semi-detached and apartment unit dwellings;

“municipality” means the Corporation of the Township of Cavan Monaghan;

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

- (a) a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
- (b) a corporation without share capital to which the Canada Not-for-Profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
- (c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation.

“non-profit organization” means:

- i) a "registered charity" as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), as amended;
- ii) a corporation that is a non-profit organization for the purposes of paragraph 57(1)(b) of the Corporations Tax Act, R.S.O. 1990, c. C.40; or

“non-residential use” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use;

“Official Plan” means the Official Plan adopted for the Township, as amended and approved;

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“Owner” means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed’

“place of worship” means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act*, R.S.O. 1990, Chap. A.31, as amended, or any successor thereof;

“public hospital” means a public hospital receiving aid under the *Public Hospitals Act*, 1990, Chap. P.40, as amended, or any successor thereof

“Rate” means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;

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

“rental housing” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

“Residential Dwelling” means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more Dwelling Units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;

“residential use” means the use of a building or structure or portion thereof for one or more Dwelling Units. This also includes a Dwelling Unit on land that is used for an Agricultural Use;

"retirement home or lodge" means a residential building or the portion of a mixed-use building which provides accommodation primarily for retired persons or couples where each private bedroom or living accommodation has a separate private bathroom and separate entrance from a common hall, but do not include private culinary facilities and instead where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;

“row dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

“semi-detached dwelling” means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;

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“service” means a service designed in Schedule “A” to this By-law, and “services” shall have a corresponding meaning;

“servicing agreement” means an agreement between a landowner and the municipality relative to the provision of municipal services to specified land within the municipality;

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

“solar farm” means any solar energy system comprised of one or more solar panels and associated control or conversion electronics that converts sunlight into electricity. A solar farm may be connected to the electricity grid in circuits at a substation to provide electricity off-site for sale to an electrical utility or other intermediary;

“special care/special dwelling” means:

- a) a building containing two or more dwelling units, which units have a common entrance from street level:
  - i) where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;
  - ii) which may or may not have exclusive sanitary and/or culinary facilities;
  - iii) that is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
  - iv) where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels;

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

- b) a building that is a student residence.

“telecommunications tower” – means any tower, apparatus, structure or other thing that is used or is capable of being used for telecommunications or for any operation directly connected with telecommunications, and includes a transmission facility, as defined in the Telecommunications Act;

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“township” means the area within the geographic limits of the Township of Cavan Monaghan;

“wind turbine” means a part of a system that converts energy into electricity, and consists of a wind turbine, a tower and associated control of conversion electronics. A wind turbine and energy system may be connected to the electricity grid in circuits at a substation to provide electricity of site for sale to an electrical utility or other intermediaries.

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

## **2. Designation of Services**

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

- (a) Water Services (Millbrook);
- (b) Wastewater Services (Millbrook);
- (c) Services Related to a Highway;
- (d) Fire Protection Services;
- (e) Policing Services;
- (f) Library Services;
- (g) Parks & Recreation Services; and
- (h) Growth Studies;

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

## **3. Application of By-law Rules**

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

- (a) the lands are located in the area described in section 3.2; and
  - (b) the development of the lands requires any of the approvals set out in subsection 3.4(a).
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## Area to Which By-law Applies

- 3.2. Subject to section 3.3, this By-law applies to all lands in the Township of Cavan Monaghan whether or not the land or use thereof is exempt from taxation under s. 13 or the Assessment Act.
- 3.2.1 Development charges for services (a) and (b) in section 2.1, shall be imposed on development and redevelopment for which water and/or wastewater services are available.
- 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; or
  - (c) the Corporation of the County of Peterborough or a local board thereof.

## 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 subsection 2.1 shall be imposed upon any lands, buildings or structures to
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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
- (d) shall be imposed if the subsequent action has the effect of increasing the need for services.

## **Exemptions**

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

- (a) the enlargement to an existing residential dwelling unit;
  - (b) one or two additional dwelling units in an existing single detached dwelling or prescribed ancillary structure to the existing residential building;
  - (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 prescribed ancillary structure to the existing residential building;
  - (d) the creation of one additional dwelling unit in any other existing residential building already containing at least one dwelling unit or prescribed ancillary structure to the existing residential building; or
  - (e) the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:
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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.

3.6 Notwithstanding section 3.5(b), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.

3.7 Notwithstanding section 3.5(d), development charges shall be imposed if the additional unit has a gross floor area greater than:

- i. in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
- ii. in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building.

3.8 Exemption for Industrial Development:

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

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

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

3.9 For the purpose of section 3.8 herein, “existing industrial building” is used as defined in the Regulation made pursuant to the Act.

3.10 Other Exemptions:

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

- a) lands, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the *Assessment Act*;
- b) a public hospital receiving aid under the *Public Hospitals Act*, R.S.O. 1990, Chap. P.40, as amended, or any successor thereof; and
- c) the development of non-residential farm buildings constructed for bona fide farm uses;
- d) Non-profit Organization; and
- e) Affordable Housing.

### **Amount of Charges Residential**

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

### **Non-Residential**

3.12 The development charges described in Schedule B to this By-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed use building or structure, on the non-residential uses in the

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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.

3.12.1 Notwithstanding subsections 3.11 and 3.12 of this By-law, the following percentages of each service for industrial uses, as provided below, shall be imposed for the period of August 3, 2022 to August 2, 2027.

**Percentage of Schedule "B" Non-residential Charges to be Imposed for Industrial Uses**

Service	August 3, 2022 to August 2, 2023	August 3, 2023 to August 2, 2024	August 3, 2024 to August 2, 2025	August 3, 2025 to August 2, 2026	August 3, 2026 to August 2, 2027
<b>Municipal Wide Services/Class of Service:</b>					
Services Related to a Highway	0%	0%	0%	0%	0%
Fire Protection Services	0%	0%	0%	0%	0%
Policing Services	0%	0%	0%	0%	0%
Parks and Recreation Services	0%	0%	0%	0%	0%
Library Services	0%	0%	0%	0%	0%
Growth Studies	0%	0%	0%	0%	0%
<b>Millbrook Area-specific Services</b>	100%	100%	100%	100%	100%
Wastewater Services	100%	100%	100%	100%	100%
Water Services	100%	100%	100%	100%	100%

### **Reduction of Development Charges for Redevelopment**

3.13 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 five 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 subsection 3.11 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
- (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 3.12, by the gross floor area that has been or will be demolished or converted to another principal use;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

## **Time of Payment of Development Charges**

- 3.14 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of the first building permit for the development for all services except water and wastewater.
  - 3.15 For water and wastewater services, the development charges imposed under this By-law, with respect to an approval of a plan of subdivision or a severance under section 51 or 53 of the Planning Act, are calculated, payable and collected immediately upon entering into the subdivision/consent agreement, based upon the number and type of residential lots created, and, in the case of subdivision blocks, based on the maximum zoned capacity of each block pursuant to the Township's Zoning By-law.
  - 3.16 Notwithstanding subsections 3.14 and 3.15 development charges for rental housing and institutional developments are due and payable in 6 equal annual payments commencing with the first instalment payable on the earlier of the date the first occupancy permit is granted or the date of first occupancy, and each subsequent instalment, including interest calculated in accordance with the Township's D.C. Interest Rate Policy.
  - 3.17 Notwithstanding subsections 3.14 and 3.15 development charges for non-profit housing developments are due and payable in 21 equal annual payments commencing with the first instalment payable on the earlier of the date the first occupancy permit is granted or the date of first occupancy, and each subsequent instalment, including interest calculated in accordance with the Township's D.C. Interest Rate Policy, continuing on the anniversary of that date.
  - 3.18 Where the development of land results from the approval of a site plan or zoning by-law amendment received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under subsections 3.11 and 3.12 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest as per the Township's D.C. Interest Rate Policy. Where both planning applications apply, development charges under subsections 3.11 and 3.12 shall be calculated on the rates, including interest as provided in the Township's D.C. Interest Rate Policy, payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest.
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3.19 Despite sections 3.14 to 3.18, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

#### **4. Payment by Services**

4.1 Despite the payment required under subsections 3.11 to 3.18, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law.

#### **5. Indexing**

5.1 Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, commencing on the 1st of January, 2023 and each year thereafter, in accordance with the prescribed index in the Act.

#### **6. Schedules**

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

Schedule A - Components of Services Designated in section 2.1

Schedule B - Residential and Non-Residential Development Charges

#### **7. Conflicts**

7.1 Where the Township and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

7.2 Notwithstanding section 7.1, where a development which is the subject of an agreement to which section 7.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4(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.

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**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 August 3, 2022.

**10. Date By-law Expires**

- 10.1 This By-law will expire at 12:01 AM on August 2, 2027 unless it is repealed by Council at an earlier date.

**11. Existing By-laws Repealed**

- 11.1 By-law number 2019-69 is hereby repealed as of the date and time of this By-law coming into effect.

Read a first, second and third time and passed this 2<sup>nd</sup> day of August, 2022.

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**Scott McFadden**  
**Mayor**

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**Cindy Page**  
**Clerk**

**Schedule A**  
**To By-law No. 2022-43**  
**Township of Cavan Monaghan Components of Services Designated in**  
**Subsection 2.1**

**Township-wide Services and Classes of Services**

Services Related to a Highway

- Roads, Sidewalks & Streetlights
- Public Works Facilities and Fleet

Fire Protection Services

- Fire Facilities
- Fire Vehicles
- Fire Small Equipment and Gear

Policing Services

- Police Facilities
- Police Small Equipment and Gear

Parks & Recreation Services

- Parkland Development, Amenities and Trails
- Recreation Rolling Stock and Equipment
- Recreation Facilities

Library Services

- Library Facilities
- Library Materials

Growth Studies

- Services Related to a Highway
- Fire Protection Services
- Policing Services
- Parks and Recreation Services
- Library Services

**Millbrook Area-Specific Services**

- Water Services
  - Wastewater Services
-

**SCHEDULE "B"**  
**BY-LAW NO. 2022-43**  
**SCHEDULE OF DEVELOPMENT CHARGES**

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL	Wind Turbines/ Telecommunications Towers (per unit)	Solar Farms (per sq.ft. of Gross Floor Area of Panels)
	Single and Semi- Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)		
<b>Municipal Wide Services/Class of Service:</b>								
Services Related to a Highway	2,990	2,026	1,890	1,161	1,125	1.16	2,990	1.16
Fire Protection Services	1,306	885	826	507	491	0.51	1,306	0.51
Policing Services	37	25	23	14	14	0.01	37	0.01
Parks and Recreation Services	2,635	1,786	1,666	1,023	992	0.11	-	-
Library Services	936	634	592	363	352	0.04	-	-
Growth Studies	201	136	127	78	76	0.07	201	0.07
<b>Total Municipal Wide Services/Class of Services</b>	<b>8,105</b>	<b>5,492</b>	<b>5,124</b>	<b>3,146</b>	<b>3,050</b>	<b>1.90</b>	<b>4,534</b>	<b>1.75</b>
<b>Millbrook Area-specific Services</b>								
Wastewater Services	14,520	9,841	9,180	5,638	5,464	2.41	-	-
Water Services	6,863	4,651	4,339	2,665	2,583	2.03	-	-
<b>Total Urban Services</b>	<b>21,383</b>	<b>14,492</b>	<b>13,519</b>	<b>8,303</b>	<b>8,047</b>	<b>4.44</b>	<b>-</b>	<b>-</b>
<b>GRAND TOTAL RURAL AREA</b>	<b>8,105</b>	<b>5,492</b>	<b>5,124</b>	<b>3,146</b>	<b>3,050</b>	<b>1.90</b>	<b>4,534</b>	<b>1.75</b>
<b>GRAND TOTAL URBAN AREA</b>	<b>29,488</b>	<b>19,984</b>	<b>18,643</b>	<b>11,449</b>	<b>11,097</b>	<b>6.34</b>	<b>4,534</b>	<b>1.75</b>