

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 62/2022

Being a By-law to Amend Development Charges By-law 63/2019

WHEREAS Section 19 of the *Development Charges Act, 1997 S.O. 1997, c.27*, as amended ("the Act") provides for amendments to be made to development charges by-laws;

AND WHEREAS the Council of the Corporation of the Municipality of Port Hope (hereinafter called "the Council") has determined that certain amendments should be made to the Development Charge By-law of the Corporation of the Municipality of Port Hope, being By-law 63/2019;

AND WHEREAS, in accordance with the Act, a development charges background study has been completed in respect of the proposed amendment;

AND WHEREAS the Council of the Corporation of the Municipality of Port Hope has given notice and held a public meeting in accordance with the Act; and

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE ENACTS AS FOLLOWS:

1. By-law 63/2019 is hereby amended as follows:
 - a. Subsections 1.2(9) and 1.2(23) be deleted and replaced with the following:
 - (9) "bona fide farm operation" 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 Municipal Property Assessment Corporation.
 - (23) "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. For the purposes of section 3.15, 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 *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;

b. The following definitions are added to Section 1.2 of the By-law:

“non-profit housing development”, for the purposes of section 3.16, 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* 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 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*;

“rental housing”, for the purposes of section 3.15, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

c. Subsection 2.1(6) is deleted and replaced with the following:

2.1(6) Growth-related Studies

d. Section 3.5 is deleted and replaced with the following:

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

- 1. an enlargement to an existing residential dwelling unit;

2. the creation of a maximum of two additional dwelling units in an existing single detached dwelling or structure ancillary to such dwelling, provided the total gross floor area of the additional one or two units does not exceed the gross floor area of the existing dwelling unit;
3. the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units or within a structure ancillary to such residential building;
4. the creation of one additional dwelling unit in any other existing residential building/dwelling or within a structure ancillary to such residential building/dwelling. The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the existing residential building/dwelling;
5. a garden suite; or
6. 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:

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.

7. In addition to the restrictions outlined in Subsection (6), for the purposes of the exemption for an additional residential unit in a building ancillary to a proposed new Single Detached, Semi-Detached or Row Townhouse Dwelling, the proposed new Single Detached, Semi-Detached or Row Townhouse Dwelling must be located on a parcel of land on which no other Single Detached, Semi-Detached or Row Townhouse dwelling is or would be located.

e. The following subsection is added to section 3.8:

5. a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education.

f. Section 3.11 be deleted and replaced with the following:

3.11 Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 60 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal

use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

1. 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 3.9 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
2. 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 3.10, by the gross floor area that has been or will be demolished or converted to another principal use;

provided that:

1. no credit or reduction shall be given for the components pertaining to the Wastewater Treatment Plants and the Water Treatment Plants, and;
2. such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

g. Sections 3.14 and 3.15 are deleted and replaced with the following:

- 3.14 Development charges imposed under this By-law are calculated, payable, and collected on the date a building permit is issued in relation to the development; except for advance services (i.e. roads and related, sanitary sewer and water services) where at the discretion of Council shall be payable immediately upon the owner entering into subdivision agreement or in instances where a plan of subdivision has not been pursued development charges are payable prior to the release of holding provisions on the implementing zoning by-law amendment.
- 3.15 Notwithstanding Section 3.14, 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 as provided in the

Municipality’s Council approved Development Charge Interest Policy, payable on the anniversary date each year thereafter.

h. The following sections are added:

- 3.16 Notwithstanding Section 3.14, development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the Municipality’s Council approved Development Charge Interest Policy, payable on the anniversary date each year thereafter.
- 3.17 Where the development of land results from the approval of a Site Plan or Zoning Bylaw Amendment made on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the development charges under sections 3.14 to 3.16 shall be calculated based on the rates set out in Schedule "B" on the date the planning application was made, including interest as provided in the Municipality’s Council approved Development Charge Interest Policy. Where both planning applications apply Development Charges under sections 3.14 to 3.16 shall be calculated based on the rates, including interest as provided in the Municipality’s Council approved Development Charge Interest Policy, set out in Schedule "B" on the date of the later planning application.
- 3.18 Despite sections 3.14 to 3.16, 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.

i. Schedules “A” and “B” are deleted and replaced with the attached.

2. This By-law shall come into effect on the date of passage.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED IN OPEN COUNCIL this 20th day of September, 2022.

Bob Sanderson, Mayor

Brian Gilmer, Clerk

SCHEDULE “A”

To By-law 63/2019

Designated Municipal Services Under This By-law

Municipal-Wide Services

- Roads and Related
- Fire Protection
- Parks and Recreation
- Library

Area-Specific Services – Urban Serviced Area

- Water (excluding Water Treatment Plant)
- Water Treatment Plants
- Wastewater (excluding Wastewater Treatment Plant)
- Wastewater Treatment Plants

Area-Specific Services – Urban Area

- Port Hope Police

Classes of Service

- Growth-Relates Studies
 - Roads
 - Public Works
 - Fire Protection
 - Parks and Recreation
 - Library
 - Port Hope Police
 - Water
 - Water Treatment Plants
 - Wastewater
 - Wastewater Treatment Plants

SCHEDULE “B”
To BY-LAW 63/2019
SCHEDULE OF DEVELOPMENT CHARGES

Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services						
Roads and Related	\$ 6,293	\$ 4,360	\$ 3,203	\$ 5,066	\$ 2,744	\$ 2.88
Fire Protection Services	\$ 493	\$ 342	\$ 251	\$ 397	\$ 215	\$ 0.14
Parks and Recreation Services	\$ 1,750	\$ 1,212	\$ 891	\$ 1,409	\$ 763	\$ 0.14
Library Services	\$ 269	\$ 186	\$ 137	\$ 217	\$ 117	\$ 0.02
Growth-related Studies	\$ 166	\$ 115	\$ 84	\$ 134	\$ 72	\$ 0.07
Parking Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Municipal Wide Services	\$ 8,971	\$ 6,215	\$ 4,566	\$ 7,223	\$ 3,911	\$ 3.25
Area Specific Services (Urban Area)						
Police Services (PHPS)	\$ 354	\$ 245	\$ 180	\$ 285	\$ 154	\$ 0.14
Transit Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Area Specific Services (Urban Area)	\$ 354	\$ 245	\$ 180	\$ 285	\$ 154	\$ 0.14
Area Specific Services (Rural Area)						
Police Services (OPP)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Area Specific Services (Rural Area)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Urban Services						
Wastewater Treatment Plants	\$ 4,846	\$ 3,357	\$ 2,466	\$ 3,901	\$ 2,113	\$ 4.96
Wastewater	\$ 3,554	\$ 2,462	\$ 1,809	\$ 2,861	\$ 1,550	\$ 0.58
Water Treatment Plants	\$ 1,193	\$ 827	\$ 607	\$ 960	\$ 520	\$ 1.22
Water	\$ 1,226	\$ 849	\$ 624	\$ 987	\$ 535	\$ 1.26
Total Urban Services	\$ 10,819	\$ 7,495	\$ 5,506	\$ 8,709	\$ 4,718	\$ 8.02
GRAND TOTAL RURAL AREA	\$ 8,971	\$ 6,215	\$ 4,566	\$ 7,223	\$ 3,911	\$ 3.25
GRAND TOTAL URBAN AREA	\$ 20,144	\$ 13,955	\$ 10,252	\$ 16,217	\$ 8,783	\$ 11.41