



The Corporation of the Town of Pelham

By-law No. 83-2024

**Being a By-law for the imposition of Development Charges and to repeal and replace By-law 4023(2018), and amending By-laws 4149(2019), 4314(2021), and 4431(2022).**

**WHEREAS** subsection 2(1) of the *Development Charges Act, 1997*, S.O. c. 27 (“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 Council of The Corporation of the Town of Pelham (“the Town”) has undertaken the action required by section 12 of the Act prior to passing a by-law under section 2 of the Act;

**AND WHEREAS** the Council of the Town has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on February 21, 2024;

**AND WHEREAS** the Council of the Town, had before it a report entitled Town of Pelham Development Charges Background Study dated December 20, 2023, as amended, prepared by Watson & Associates Economists Ltd., wherein it is indicated that the development of any land within the Town of Pelham will increase the need for services as defined herein;

**AND WHEREAS** the Council of the Town on December 4, 2024, approved the applicable Development Charges Background Study, dated December 20, 2023, as amended, in which certain recommendations were made relating to the establishment of a development charge policy for the Town pursuant to the Act;

**AND WHEREAS** the Council of the Town on December 4, 2024, determined that no additional public meeting was required;

**NOW THEREFORE THE COUNCIL OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:**

**DEFINITIONS**

1. In this by-law,

“Act” means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended or updated from time to time.

“Affordable Residential Unit” means a Dwelling Unit that meets the criteria set out in subsection 4.1 (2) or 4.1(3) of the Act.

“Agricultural Use” means Agricultural Use as defined in the Zoning By-law.

“Apartment Unit” means any Dwelling Unit within a building containing three (3) or more Dwelling Units where access to each Dwelling Unit is obtained through a common entrance or entrances from the street level and the Dwelling Units are connected by an interior corridor.

“Attainable Residential Unit” means a Dwelling Unit that meets the criteria set out in subsection 4.1(4) of the Act.

“Back-to-back Townhouse Dwelling” means Dwelling, Back-to-Back Townhouse as defined in the Zoning By-law.

“Bedroom” means a habitable room larger than seven (7) square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen.

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

“Building Code Act” means the Building Code Act, 1992, S.O. 1992, as amended or updated from time to time, and all Regulations thereto.

“Capital Cost” means costs incurred or proposed to be incurred by the Town or a local board thereof directly or by others on behalf of, and as authorized by, the Town 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, lease, construct or improve facilities including,
  - (i) rolling stock with an estimated useful life of seven years or more,
  - (ii) furniture and equipment, other than computer equipment, and
  - (iii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, c.P.44;
- (e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d);
- (f) to complete the development charge background study required under section 10 of the Act; and
- (g) interest on borrowing for those expenditures under clauses (a) to (d) above that are growth-related;

required for provision of services designated in this by-law within or outside the Town;

“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 Act, which may also be referred to as a Class of Service or Classes of Services.

“Commercial Use” means a Commercial Use as defined in the Zoning By-law.

“Council” means the Council of The Corporation of the Town of Pelham.

“Development” means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 7 of this By-law and includes the redevelopment of land and/or the redevelopment, expansion, extension or alteration of a use, building or structure except interior alterations to an existing building or structure which do not change or intensify the use of land, and “Developed” and “Developing” have corresponding meanings.

“Development Charge” means a charge imposed pursuant to this By-law.

“Duplex Dwelling” means a Dwelling, Duplex as defined in the Zoning By-law.

“Dwelling” means a Dwelling as defined in the Zoning By-law.

“Dwelling Unit” means a Dwelling Unit as defined in the Zoning By-law, namely a group of rooms in a building used or designed or intended to be used as a single, independent and separate housekeeping unit:

- (a) in which a food preparation area and sanitary facilities are provided for the exclusive use of such housekeeping unit; and
- (b) which has a private entrance from outside the building or from a common hallway or stairway inside the building, but does not include a tent, cabin, trailer, motor home, mobile home, or in a hotel, motel or bed and breakfast establishment.

“Farm building” means a building or structure that is integral to an Agricultural Use including barns, silos or other similar buildings or structures, but excludes Residential Uses and Marijuana Production Facilities.

“Farm help house” means a Farm Help House, Permanent or Seasonal, as defined in the Zoning By-law.

“Garden Suite” means a Garden Suite as defined in the Zoning By-law.

“Grade” means the average level of finished ground adjoining a building or structure at all exterior walls.

“Gross floor area” means Floor Area, Gross as defined in the Zoning By-law.

“Institutional Development” 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 Act, 2021*, S.O. 2021, c. 39, Sched. 1 (“*Fixing Long-Term Care Act*”);
- (b) as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*, S.O. 2010, c.11;
- (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*, S.O. 2017, c.34, Sched. 20;
- (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.

“Interest Rate” means the annual rate of interest as set out in section 26.3 of the Act.

“Live/Work Unit” means a unit which contains separate Residential and Non-Residential areas intended for concurrent Residential and Non-Residential Use, and which shares a common wall or floor with direct access between the Residential and Non-Residential areas.

“Local Board” means a public utility commission, public library board, local board of health, or any other board, commission, committee or body or local authority established or exercising any power or authority under any general or special act with respect to any of the affairs or purposes of the Town or any part or parts thereof.

"Local Services" means those services or facilities which are under the jurisdiction of the Town and are related to a plan of subdivision or within the area to which the plan relates, required as a condition of approval under section 51 of the *Planning Act*, or as a condition of approval under section 53 of the *Planning Act*.

"Marijuana production facilities" means a building used for growth, producing, processing, testing, destroying, storing or distribution, excluding retail sales, of medical marijuana or cannabis authorized by a license issued under the *Cannabis Regulations*, SOR/2018-144.

“Mixed-Use” means lands, buildings or structures used for both Residential and Non-Residential.

“Multiple Dwelling” means all Dwellings Units other than Single Detached Dwellings, Semi-Detached Dwellings, Apartment Units, and Special Care Dwellings.

“Non-Profit Housing Development” means Development of a building or structure that meets the criteria set out in section 4.2 of the Act.

“Non-Residential” means the Use or Development of lands, buildings or structures or portions thereof for a purpose other than Residential Use.

“Owner” means the registered 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, c. A.31.

“Planning Act” means the *Planning Act*, R.S.O. 1990, c.P.13, as amended or updated from time to time.

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

“Rental Housing” means Development of a building or structure with four (4) or more Dwelling Units, all of which are intended for rented Residential Use.

“Residential” means the Use of land, buildings or structures or portions thereof for human habitation and includes all types of Dwelling Units described herein.

“Semi-Detached Dwelling” means a Dwelling, Semi-Detached as defined in the Zoning By-law.

“Service” or “Services” means one (1) or more of the Services set out in Schedule "A", which is attached hereto and forms part of this By-law.

“Single Detached Dwelling” means a Dwelling, Single Detached as defined in the Zoning By-law.

“Special Care Dwelling” means a land, building or structure:

(a) containing two (2) or more Dwelling Units that have a common entrance from street level;

(b) where the occupant(s) of each Dwelling Unit have the right to use in common with other occupant(s) the halls, stairs, yards, common rooms, and accessory buildings of the Special Care Dwelling; and

(c) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living

arrangements; and where support services such as meal preparation, grocery shopping, laundry, housing, nursing, respite care, and attending services are provided at various levels; and

for greater certainty, Special Care Dwellings include but are not limited to retirement homes, lodges, group homes, dormitories, and hospices.

“Stacked Townhouse Dwelling” means a Dwelling, Stacked Townhouse as defined in the Zoning By-law.

“Town” means the Corporation of the Town of Pelham or the geographic area of the municipality, as the context requires.

“Use” means a Use as defined in the Zoning By-law.

“Zoning By-law” means the Town of Pelham Comprehensive Zoning By-law No. 4481(2022), as amended or updated from time to time.

### **CALCULATION OF DEVELOPMENT CHARGES**

2. (1) Subject to the provisions of this By-law, Development Charges shall be imposed, calculated and collected in accordance with the charges set out in Schedule "B", which is attached hereto and forms part of this By-law, and shall relate to the services set out in Schedule "A".
- (2) The Development Charge with respect to the Use(s) of any land, building or structure shall be calculated as follows:
  - (a) in the case of Residential Development or the Residential portion of a Mixed Use Development, based on the number and type of Dwelling Units, as the sum of the product of the number of Dwelling Units of each type multiplied by the corresponding total amount for such Dwelling Unit type, as set out in Schedule "B";
  - (b) in the case of Non-Residential Development, or the Non-Residential portion of a Mixed Use Development, as the sum of the product of the Gross Floor Area multiplied by the corresponding total amount for such Gross Floor Area as set out in Schedule "B".
- (3) The Development of land, buildings or structures for Residential and Non-Residential Use(s) shall require the provision, enlargement or expansion of the Services referenced in Schedule "A".

### **APPLICABLE LANDS**

3. (1) The Town-wide Development Charges indicated on Schedule "B" to this By-law shall be imposed on all lands, buildings and structures within the Town in order to defray the growth-related net capital cost of providing, enlarging, expanding or improving the Services indicated on Schedule "A" to this By-law.
- (2) Subject to subsections 3(5), 3(6) and 3(7) of this By-law, Schedule "B" to this By-law applies to all lands in the Town, whether or not the

land or use is exempt from taxation under section 3 of the *Assessment Act*, R.S.O. 1990, c. A.31 ("*Assessment Act*").

- (3) Subject to subsections 3(5), 3(6) and 3(7) of this By-law, the Water and Sanitary Sewer Development Charges indicated on Schedule "B" to this By-law apply to all lands within the Fenwick Urban Boundary as defined on the map in Schedule "C" to this By-law, whether or not the land or use is exempt from taxation under section 3 of the *Assessment Act*. Water and Sewer charges will also apply to any property that is serviced by these facilities and are outside the mapped area in Schedule "C", which is appended hereto and forms part of this By-law.
- (4) Subject to subsections 3(5), 3(6) and 3(7) of this By-law, the Water and Sanitary Sewer Development Charges indicated on Schedule "B" to this By-law apply to all lands within the Fonthill Urban Boundary as defined on the map in Schedule "D" to this By-law, whether or not the land or use is exempt from taxation under section 3 of the *Assessment Act*. Water and Sewer charges will also apply to any property that is serviced by these facilities and are outside the mapped area in Schedule "D", which is appended hereto and forms part of this By-law.
- (5) Notwithstanding subsections 3(3) and 3(4):
  - (a) the Development Charge for the water Service is applicable to Development within the designated service areas provided that municipal water service is available or expected to be made available during the term of this By-law;
  - (b) the Development Charge for the sanitary sewer Service is applicable to Development within the designated service areas provided that municipal sanitary sewage service is available or expected to be made available during the term of this By-law;
- (6) Notwithstanding subsections 3(3) and 3(4), this By-law shall not apply to land that is owned by and used for the purposes of:
  - (a) a Board of Education;
  - (b) any municipality or local board thereof;
  - (c) a hospital as defined under the *Public Hospitals Act*, R.S.O. 1990, c. P.40;
  - (d) that portion of a Place of Worship that is exempt from taxation under the *Assessment Act*;
  - (e) a Garden Suite;
  - (f) a Farm Help House;
  - (g) a Farm Building;

(h) Institutions, other than those operated for profit, that are exempt from municipal taxation under the following legislation:

- (i) *Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1;*
- (ii) *Fixing Long-Term Care Act: or*
- (iii) *Mental Health Act, R.S.O. 1990, c. M.7*

(i) land Developed for purposes where the Development is clearly exempt from taxation under provincial or federal legislation;

(j) land vested in or leased to a university that receives direct, regular and ongoing operating funding from the Government of Ontario where the Development is one in respect of which Development Charges would otherwise be payable but is intended to be occupied and used by the university;

(k) Non-Profit Residential Development; and

(l) Affordable Residential Units;

(m) Affordable Residential Units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning).

(7) Notwithstanding subsections 3(3) and 3(4), the Development Charges payable for Residential Development, where the Dwelling Units are intended for rented Residential Use, will be reduced based on the number of bedrooms in each Dwelling Unit as follows:

(a) Three (3) or more Bedrooms – 25% reduction;

(b) Two (2) Bedrooms – 20% reduction;

(c) Fewer than two (2) Bedrooms – 15% reduction.

(8) Notwithstanding subsections 3(3) and 3(4), as of the date on which section 4.1 of the Act is proclaimed into force, the following shall be exempt from Development Charges:

(a) Attainable Residential Units.

(9) Notwithstanding subsection 3(1), a 75% Development Charge exemption shall be granted for Development of the type(s) described in paragraph (a) and located within the areas defined in paragraph (b) subject to such Development meeting all of the conditions set out in paragraph (c).

(a) (i) addition of Residential Dwelling Units to existing Residential, commercial or Mixed Use buildings; and/or

(ii) conversion of existing commercial and Mixed Use buildings that creates additional Residential Dwelling Units; and/or

(iii) new Residential or commercial Development on vacant lots/ parking lots; and/or



- (iv) conversion of non-commercial space to commercial space.
- (b) the Development is in an area shown as Downtown Fenwick in Schedule "E" or the area shown as Downtown Fonthill in Schedule "F", which Schedules are appended hereto and form part of this By-law.
- (c) The Development must meet the following criteria:
  - (i) the Treasurer of the Town determines that the property taxes for the land on which the Development is located, are in good standing at the time of the application; and
  - (ii) the Director of Planning Services determines that the existing and proposed land Uses for the Development are in conformity with applicable Official Plans, Zoning By-law and other planning requirements at both the local and Regional level; and
  - (iii) the Chief Building Official determines that all improvements relating to the Development are to be made pursuant to a building permit and constructed in accordance with the Building Code Act and all applicable zoning requirements and planning approvals; and
  - (iv) the Chief Building Official determines that any outstanding work orders and/or orders or requests to comply from the Town have been satisfactorily addressed prior to the Town granting the Development Charge exemption; and
  - (v) where required by the Director of Planning Services, the applicant shall submit for approval professional design/architectural drawings in conformity with the urban design guidelines of the Town, traffic impact studies or studies of microclimatic conditions (e.g., sun, shadow, wind) and/or any other requirements must be met prior to the Town granting the Development Charge exemption.
- (10) Notwithstanding any other provision of this By-law, no Development Charge shall be payable where the Development:
  - (a) is limited to the creation of an additional Dwelling Unit as prescribed, in prescribed classes of new Residential buildings as set out in the Regulations to the Act; or
  - (b) is limited to the creation of an additional Dwelling Unit ancillary to a new Dwelling Unit for prescribed classes of new Residential buildings as set out in the Regulations Act.

**RULES WITH RESPECT TO EXEMPTIONS FOR INTENSIFICATION OF EXISTING OR NEW HOUSING**

4. (1) Notwithstanding any other provision of this By-law, Development Charges shall not be imposed with respect to:
  - (a) an enlargement to an existing Dwelling Unit;
  - (b) the creation of additional Dwelling Units equal to the greater of one (1) or 1% of the existing Dwelling Units in an existing Residential rental building containing four (4) or more Dwelling Units or prescribed ancillary structure to the existing Residential building;
- (2) Notwithstanding any other provision of this By-law, Development Charges shall not be imposed with respect to the creation of any of the following in existing Single Detached Dwellings, Semi-Detached Dwellings, Back-to-back Townhouse Dwellings or Stacked Townhouse Dwellings:
  - (a) A second Dwelling Unit 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 Residential structure cumulatively contain no more than one (1) Dwelling Unit.
  - (b) A third Dwelling Unit 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 Residential structure contains any Dwelling Units.
  - (c) One Dwelling Unit on a parcel of urban Residential land, if the existing structure contains no more than two (2) Dwelling Units and no other building or structure ancillary to the existing Residential structure contains any Dwelling Units.
- (3) Notwithstanding any other provision of this By-law, Development Charges shall not be imposed with respect to the creation of any of the following in new Single Detached Dwellings, Semi-Detached Dwellings, Back-to-back Townhouse Dwellings or Stacked Townhouse Dwellings:
  - (a) A second Dwelling Unit 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 Residential structure cumulatively will contain no more than one (1) Dwelling Unit.
  - (b) A third Dwelling Unit 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 Residential structure contains any Dwelling Units.
  - (c) One (1) Dwelling Unit in a building or structure ancillary to a new Residential structure on a parcel of urban Residential land, if the new Residential structure contains no more than two (2) Dwelling Units and no other building or structure ancillary to the new Residential structure contains any Dwelling Units.

## **RULES WITH RESPECT TO AN "INDUSTRIAL" EXPANSION EXEMPTION**

5. (1) Notwithstanding section 4 of this By-law, if a Development includes the enlargement of the gross floor area of an existing industrial building, the amount of the Development Charge that is payable is the following:
  - (a) if the gross floor area is enlarged by 50 percent or less, the amount of the Development Charge in respect of the enlargement is zero; or
  - (b) if the gross floor area is enlarged by more than 50 percent, Development Charges are payable on the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.
- (2) For the purpose of this section, the terms "gross floor area" and "existing industrial building" shall have the same meaning as those terms have in O. Reg. 82/98 made under the Act.
- (3) In this section, for greater certainty in applying the exemption herein, the gross floor area of an existing industrial building is enlarged where there is a bona fide physical and functional increase in the size of the existing industrial building and that the expansion will be used for an industrial purpose. The enlargement must be attached to, or within, the existing industrial building, but shall not be attached by means only of a tunnel, bridge, passageway, shared below grade connection, foundation, footing, shared connected roof or parking facility.

## **DEVELOPMENT CHARGES IMPOSED**

6. (1) Subject to subsection (2), Development Charges shall be calculated and collected in accordance with the provisions of this By-law and be imposed on land to be Developed for Residential and Non-Residential Uses, where the Development requires:
  - (a) the passing of a zoning by-law or an amendment thereto under section 34 of the *Planning Act*;
  - (b) the approval of a minor variance under section 45 of the *Planning Act*;
  - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
  - (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
  - (e) a consent under section 53 of the *Planning Act*;
  - (f) the approval of a description under section 50 of the *Condominium Act*, R.S.O. 1990, c.C.26; or

(g) the issuing of a permit under the *Building Code Act*, in relation to a building or structure.

(2) Subsection 7(1) shall not apply in respect to:

(a) local services installed or paid for by the Owner within a plan of subdivision or within the area to which the plan relates, as a condition of approval under section 51 of the *Planning Act*;

(b) local services installed or paid for by the owner as a condition of approval under Section 53 of the *Planning Act*.

#### **LOCAL SERVICE INSTALLATION**

7. Nothing in this By-law prevents the Town from requiring, as a condition of an agreement under section 51 or section 53 of the *Planning Act*, that the Owner install local services within the plan of subdivision or the area to which the plan relates at the expense of the Owner.

#### **MULTIPLE CHARGES**

8. (1) Where two or more of the actions described in subsection 6(1) of this By-law are required before land to which a Development Charge applies can be Developed, only one (1) Development Charge shall be calculated, imposed and collected in accordance with the provisions of this By-law.

(2) Notwithstanding subsection 8(1), if two (2) or more of the actions described in subsection 6(1) occur at different times, and if the subsequent action has the effect of increasing the need for Services as set out in Schedule "A", an additional Development Charge on the additional Dwelling Unit(s) and additional Non-Residential Gross Floor Area shall be calculated and collected in accordance with the provisions of this By-law.

#### **SERVICES IN LIEU**

9. (1) Council may authorize an Owner, through an agreement under section 38 of the Act, to substitute such part of the Development Charge applicable to the Owner's Development as may be specified in the agreement, by the provision of Services in lieu at the sole expense of the Owner. Such agreement shall further specify that where the Owner provides Services in lieu in accordance with the agreement, the Town shall provide to the Owner a credit against the Development Charge in accordance with the agreement provisions and section 39 of the Act, equal to the reasonable cost to the Owner of providing the Services in lieu. For greater certainty, in no case shall the agreement provide for a credit that exceeds the total Development Charge payable by an Owner to the Town in respect of the Development to which the agreement relates.

(2) In any agreement under subsection 9(1), Council may also give a further credit to the Owner equal to the reasonable cost of providing

Services in addition to, or of a greater size or capacity, than would be required under this By-law. However, any such credit shall not be charged to any Development Charge reserve fund.

#### **RULES WITH RESPECT TO RE-DEVELOPMENT**

10. In the case of the re-development involving the demolition and replacement of all or part of a building or structure:

- (1) a credit offsetting the Development Charges payable shall be allowed, provided that the land was improved by occupied structures (or structures capable of occupancy) within the five (5) years prior to the issuance of the demolition permit, and the building permit has been issued for the development or redevelopment within five (5) years from the date the demolition permit has been issued; and
- (2) the credit shall be calculated as follows:
  - (a) for Residential buildings or structures, the credit shall be equivalent to the number of Dwelling Units demolished multiplied by the applicable Residential Development Charge in place at the time the Development Charge is payable under this By-law; and
  - (b) for Non-Residential buildings or structures, the credit shall be equivalent to the Gross Floor Area demolished multiplied by the applicable Non-Residential Development Charge in place at the time the Development Charge is payable under this By-law.

11. Notwithstanding subsection 10 (1), the credit cannot exceed the amount of the Development Charge that would otherwise be payable, and no credit is available if the existing land use is exempt under this By-law.

12. If a Development includes the conversion of a premise from one Use to another Use, then the amount of Development Charges payable shall be reduced by the amount, calculated pursuant to this By-law at the current Development Charge rates, that would be payable as Development Charges in respect of the pre-conversion Use, provided that such reduction shall not exceed the Development Charges otherwise payable.

#### **TIMING OF CALCULATION AND PAYMENT**

13. (1) Development Charges shall be calculated and payable in full in money or by provision of Services as may be agreed upon, or by credit granted under the Act, on the date that the first building permit is issued in relation to a building or structure on land to which a Development Charge applies.
- (2) Where Development Charges apply 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) Notwithstanding subsections 13 (1) and 13 (2), Development Charges for Rental Housing and Institutional Developments (where

not otherwise exempt) are due and payable in six (6) equal annual instalment payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest (calculated in accordance with section 26.3 of the Act), payable on the anniversary date each year thereafter.

- (4) Where a Development results from the approval of a site plan or Zoning By-law amendment application received on or after January 1, 2020, and the approval of the application occurred within the timing set out in subsection 26.2 of the Act, the Development Charges under subsection 2 (2) shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply Development Charges under section 2 (2), the Development Charges shall be calculated on the rates payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest (calculated in accordance with section 26.3 of the Act).
- (5) Notwithstanding subsections 13(1) to 13(4), Council may at any time 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**

- 14.(1) Monies received for the payment of Development Charges shall be used only in accordance with section 35 of the Act.
- (2) Monies received from payment of Development Charges under this By-law shall be maintained in separate reserve funds. The Treasurer of the Town shall divide the reserve funds created hereunder into separate accounts in accordance with the designated Services set out in Schedule "A" to which the Development Charge payments shall be credited in accordance with the amounts shown, plus interest earned thereon.
- (3) 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 in like manner as taxes.
- (4) Where any unpaid Development Charges are collected as taxes under subsection 14(4), the monies so collected shall be credited to the Development Charge reserve funds referred to in subsection 14(2).
- (5) The Treasurer of the Town shall, in each year, furnish to Council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in section 12 of O. Reg. 82/98.

## **BY-LAW AMENDMENT OR APPEAL**

- 15.(1) Where this By-law or any Development Charge prescribed thereunder is amended or repealed either by order of the Ontario Land Tribunal or by resolution of Council, the Treasurer of the Town shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
- (2) Refunds that are required to be paid under subsection 15(1) shall be paid with interest to be calculated as follows:
- (a) interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
  - (b) the minimum interest rate is what the Bank of Canada rate is on the day the by-law comes into force updated on the first business day of every January, April, July and October shall be used.

## **BY-LAW INDEXING**

16. The amounts of development charges imposed pursuant to this By-law, as set out in Schedule "B", as applicable, shall be adjusted annually without amendment to this By-law, in accordance with the prescribed index in the Act. The Town will use the index rate that is being used by the Regional Municipality of Niagara.

17. For greater certainty, on January 1, 2025 and each January 1<sup>st</sup> thereafter, the annual indexation adjustment shall be applied to the development charge as set out in Schedule "B", as applicable, plus the accumulated annual indexation adjustments from previous years, if any.

## **SEVERABILITY**

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

## **HEADINGS FOR REFERENCE ONLY**

19. The headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this by-law.

## **BY-LAW REGISTRATION**

20. A certified copy of this By-law may be registered on title to any land to which this By-law applies.

## **BY-LAW ADMINISTRATION**

21. This By-law shall be administered by the Treasurer of the Town.

## **SCHEDULES TO THE BY-LAW**

22. The following Schedules to this By-law are attached hereto and form an integral part of this by-law:

- Schedule "A" - Designated Municipal Services under this By-law
- Schedule "B" - Schedule of Development Charges
- Schedule "C" - Designated Water and Sanitary Sewer Development Charge Area (Fenwick)
- Schedule "D" - Designated Water and Sanitary Sewer Development Charge Area (Fonthill)
- Schedule "E" - Area to which the Downtown Fenwick Exemption Provisions Apply
- Schedule "F" - Area to which the Downtown Fonthill Exemption Provisions Apply

**EXISTING BY-LAW REPEAL**

23. By-law 4023 (2018), and amending by-laws 4149 (2019), 4314 (2021), and 4431 (2022) are repealed effective the date this By-law is in force and effect.

**BY-LAW EFFECTIVE**

24. This By-law shall come into force and effect on January 1, 2025.

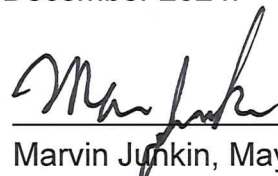
**BY-LAW EXPIRES**

25. This By-law expires December 31, 2034, unless rescinded earlier.

**SHORT TITLE**

26. The short title of this By-law is the "Development Charges By-law, 2024".

Passed by the Council this 4th day of December 2024.

  
\_\_\_\_\_  
Marvin Junkin, Mayor

  
\_\_\_\_\_  
Sarah Leach, Acting Town Clerk





**SCHEDULE "A"**

**TO BY-LAW NO 83-2024**

**DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW**

**Town-wide Services:**

- Fire Protection Services;
  - Facilities;
  - Vehicles and Equipment;
  - Small Equipment and Gear;
- Services Related to a Highway;
  - Roads;
- Public Works (Facilities and Fleet);
  - Facilities;
  - Vehicles and Equipment;
- Parks and Recreation Services;
  - Parkland Development;
  - Parkland Amenities;
  - Recreation Facilities;
- Library Services
  - Facilities;
  - Collection Materials;
- Growth Studies;

**Urban Services:**

- Water Services; and
- Wastewater Services.

## Schedule "B"

### Schedule of Development Charges

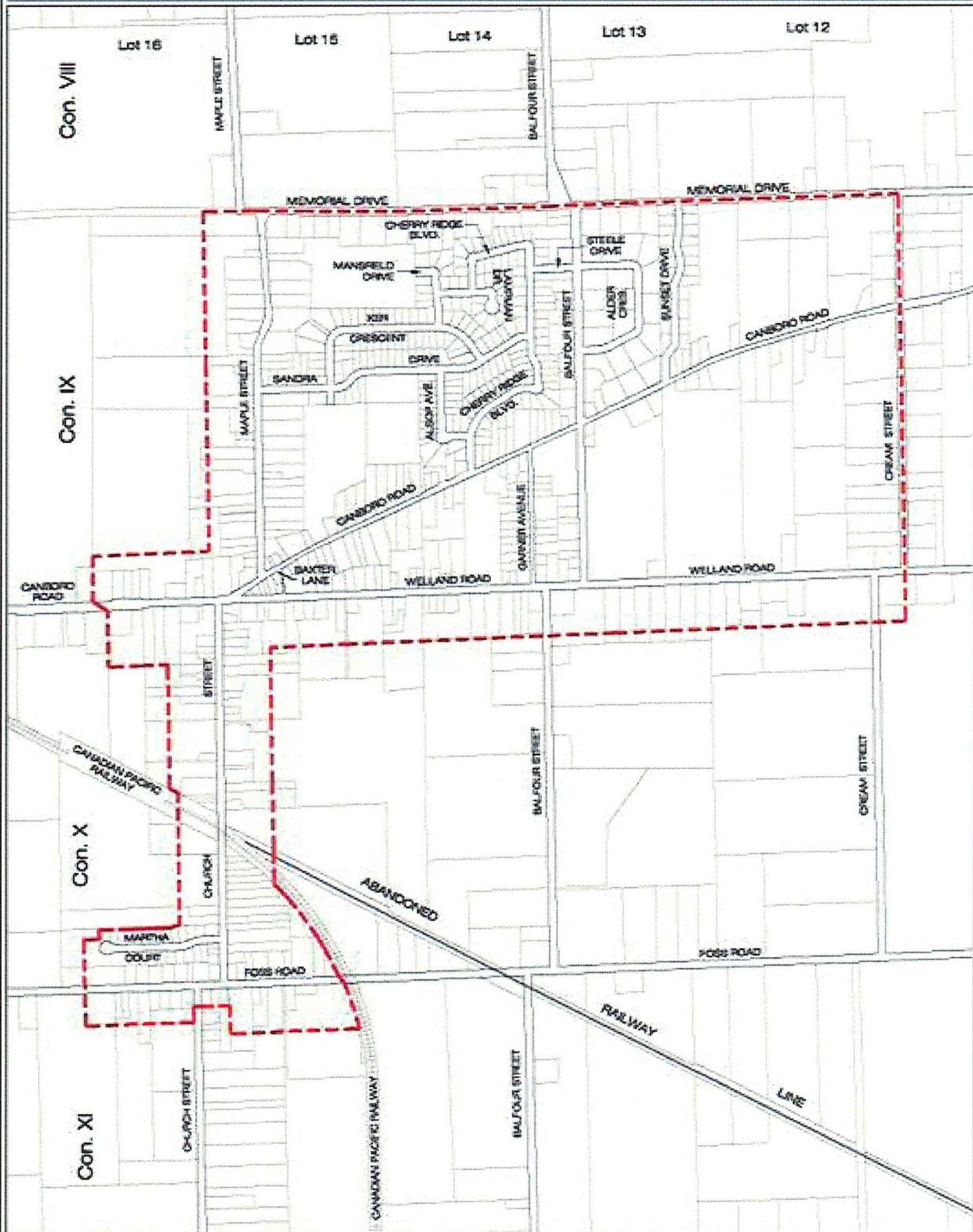
Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Studio and 1 Bedroom	Special Care Dwellings	(per sq.ft. of Gross Floor Area)
<b>Town-Wide Services/Class of Service:</b>						
Services Related to a Highway	13,667	10,244	9,628	6,239	5,215	7.32
Public Works (Facilities and Fleet)	1,611	1,208	1,135	735	615	0.88
Fire Protection Services	1,075	806	757	491	410	0.58
Parks and Recreation Services	9,901	7,421	6,975	4,519	3,778	1.79
Library Services	527	395	371	241	201	0.10
Growth Studies	315	236	222	144	120	0.18
<b>Total Town-Wide Services/Class of Service</b>	<b>27,096</b>	<b>20,310</b>	<b>19,088</b>	<b>12,369</b>	<b>10,339</b>	<b>10.85</b>
<b>Urban Services</b>						
Wastewater Services	5,760	4,318	4,058	2,629	2,198	4.01
Water Services	2,143	1,606	1,510	978	818	1.49
<b>Total Urban Services</b>	<b>7,903</b>	<b>5,924</b>	<b>5,568</b>	<b>3,607</b>	<b>3,016</b>	<b>5.50</b>
<b>Total Town-Wide</b>	<b>27,096</b>	<b>20,310</b>	<b>19,088</b>	<b>12,369</b>	<b>10,339</b>	<b>10.85</b>
<b>Total Urban Area</b>	<b>34,999</b>	<b>26,234</b>	<b>24,656</b>	<b>15,976</b>	<b>13,355</b>	<b>16.35</b>



# SCHEDULE 'C' TO BY-LAW NO.

## DESIGNATED WATER AND SANITARY SEWER DEVELOPMENT CHARGE AREA (FENWICK) UNDER THIS BY-LAW

Town of Pelham



### LEGEND

 - Fenwick Village Area Boundary

### DIGITAL MAP

DATE: February 2009	SCALE: N.T.S.
DRAWN BY: J.M.	CAD FILE: MAP 4
TERANET PARCEL MAPPING	

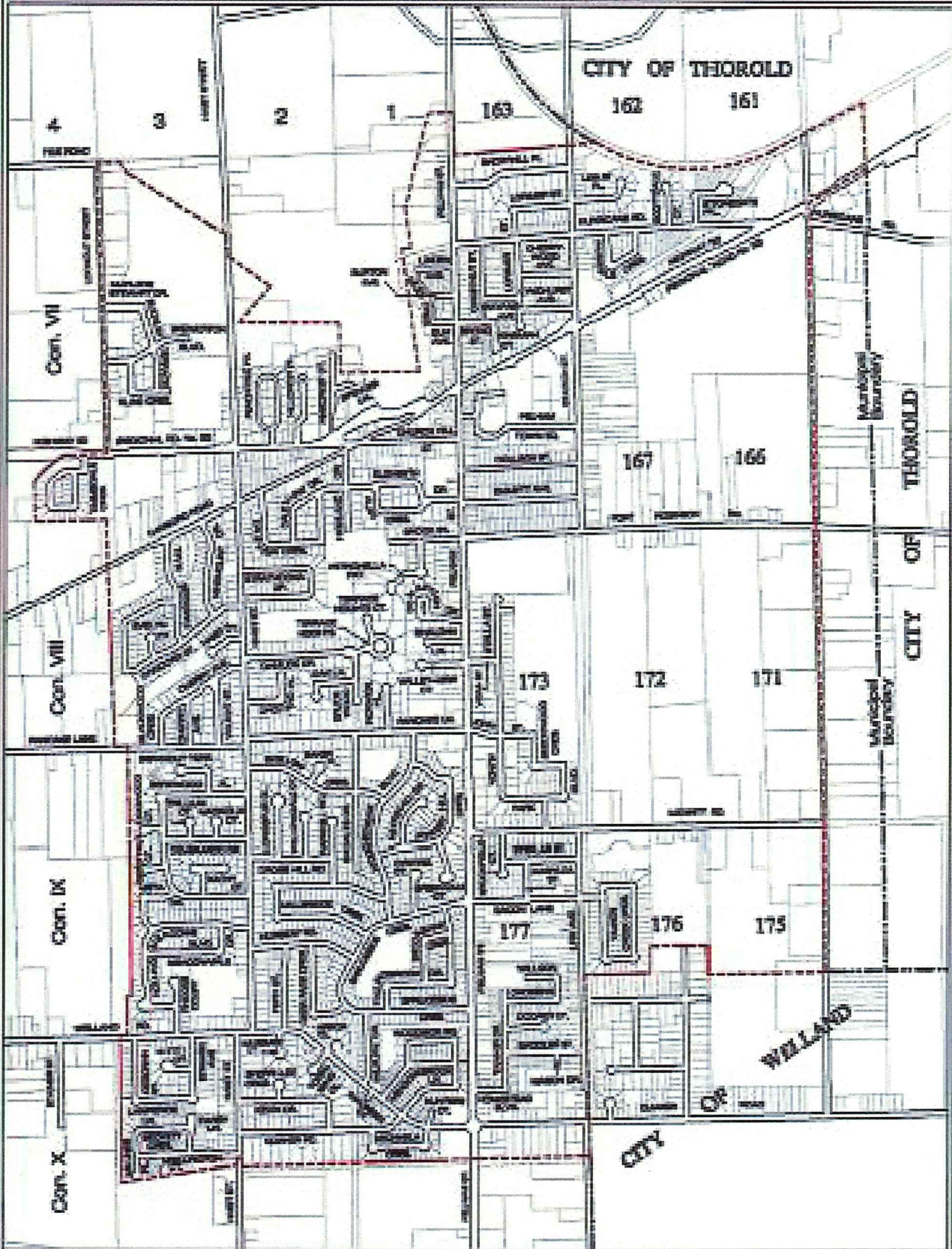


### SCHEDULE 'D' TO BY-LAW NO.

Town of Pelham



DESIGNATED WATER AND SANITARY SEWER DEVELOPMENT  
CHARGE AREA (FONTHILL) UNDER THIS BY-LAW



#### LEGEND

 - Fonthill Urban Area Boundary

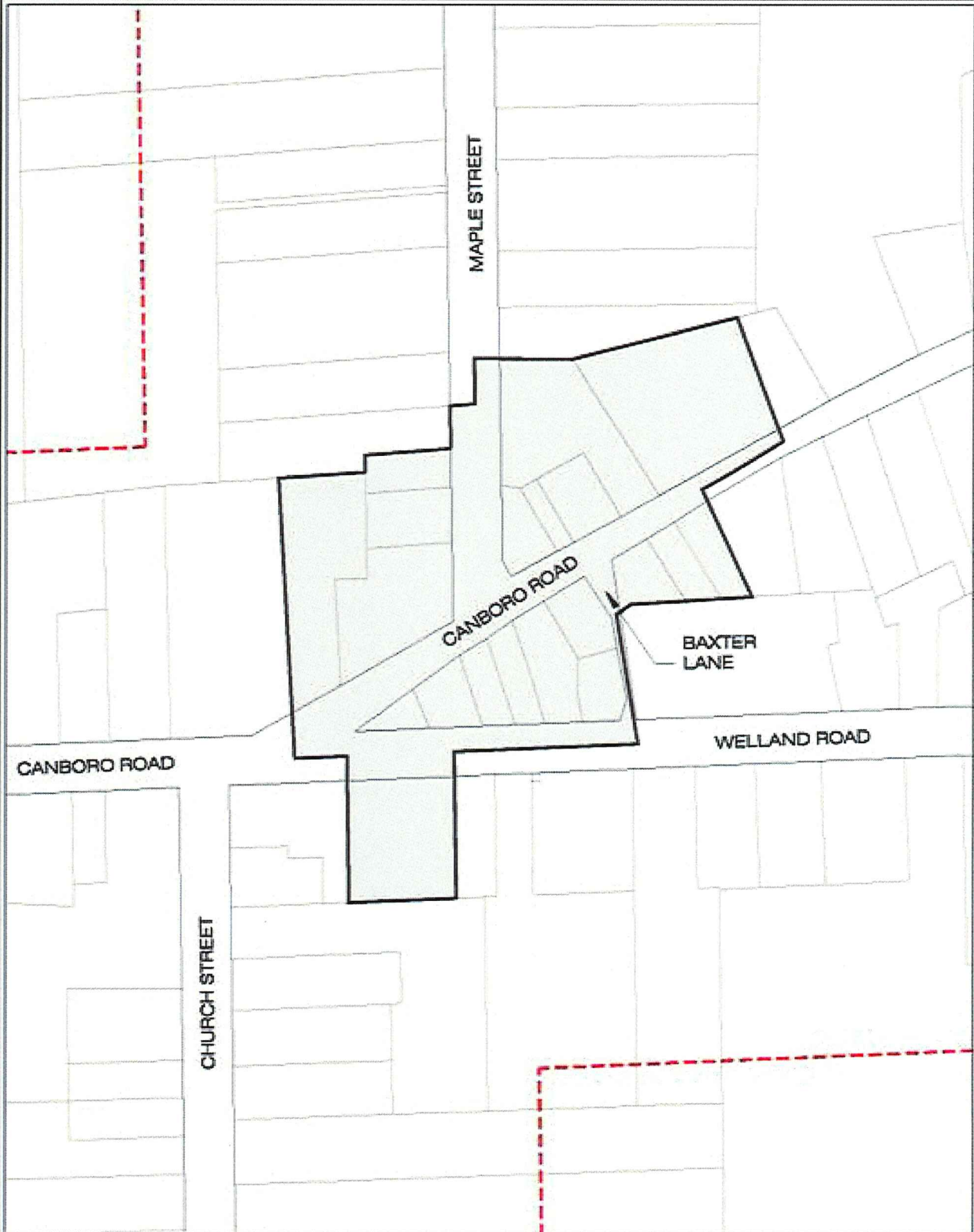
#### DIGITAL MAP

DATE: February 2008	SCALE: N.T.S.
DRAWN BY: J.L.M.	DATE: FEB. 2008
TOWN OF PELHAM	



**SCHEDULE 'E'**  
**TO BY-LAW NO.**  
**AREA TO WHICH THE DOWNTOWN FENWICK**  
**EXEMPTION PROVISIONS APPLY**

Town of Pelham



**LEGEND**

-  - Downtown Fenwick
-  - Fenwick Village Area Boundary

**DIGITAL MAP**

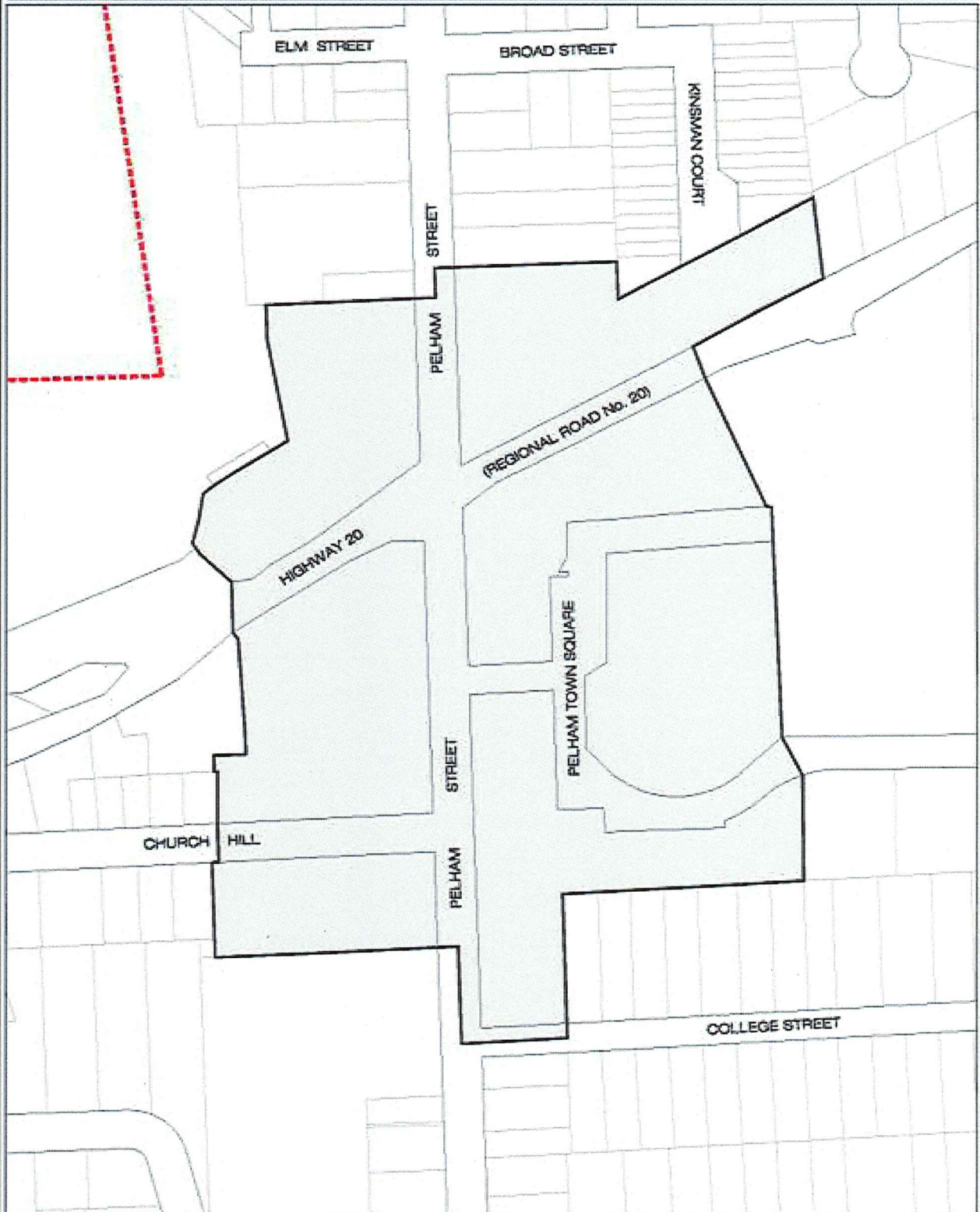
DATE: February 2009	SCALE: N.T.S.
DRAWN BY: J.M.	CAD FILE: MAP A
TERANET PARCEL MAPPING	



# SCHEDULE 'F' TO BY-LAW NO.

AREA TO WHICH THE DOWNTOWN FONTHILL  
EXEMPTION PROVISIONS APPLY

Town of Pelham



### LEGEND

- Downtown Fonthill
- Fonthill Urban Area Boundary

### DIGITAL MAP

DATE: February 2009	SCALE: N.T.S.
DRAWN BY: J.M.	CAD FILE: MAP A
TERANET PARCEL MAPPING	