

By-law Number 21-104
The Corporation of the Township of Clearview
Being a By-law to amend By-law 19-36
respecting Development Charges

(Development Charges Amendments to By-law 19-36)

Whereas the Township of Clearview (the "Township") enacted By-law 19-36 pursuant to the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended (the "Act"), which Act authorizes Council to pass By-laws for the imposition of development charges against land;

And Whereas the Township has undertaken a study pursuant to the Act which has provided updated Schedules B-1 and B-2 to By-law 19-36;

And Whereas Council has before it a report entitled "Township of Clearview 2021 Development Charge Update Study" prepared by Watson & Associates Economists Ltd., dated August 4, 2021 (the "update study");

And Whereas Council has before it a report entitled "Addendum #1 to the August 4, 2021, Development Charges Update Background Study" prepared by Watson & Associates Economists Ltd., dated October 1, 2021;

And Whereas the update study was made available to the public on August 4, 2021 and Council gave notice to the public pursuant to Section 12 of the Act.

And Whereas the proposed amending By-law was made available to the public on October 1, 2021 and Council gave notice to the public pursuant to Section 12 of the Act.

And Whereas the amended update study and proposed amending By-law were made available to the public on October 1, 2021.

And Whereas Council, on October 18, 2021, held a meeting open to the public, pursuant to Section 12 of the Act, at which Council considered the study, and written and oral submissions from the public;

NOW THEREFORE Council hereby enacts as follows:

1. By-law 19-36 is hereby amended as follows:

A. Addition of Ancillary Residential Building to the definitions in Section 1 as follows:

"Ancillary Residential Building" means a residential building that would provide necessary support to the primary activities/use of a detached dwelling, semidetached dwelling, or row dwelling. Types of ancillary residential buildings include; coach houses, farm help accommodations, garages, and garden suites and do not include tiny homes or other stand-alone residential buildings.

B. Addition of Ancillary Structure definition in Section 1 as follows:

"Ancillary Structure" means a structure providing necessary support to the primary activities or use of the principal structure and includes, coach houses, farm help accommodations, garages, and garden suites and does not include tiny homes or other stand-alone residential buildings.

C. Refine definition of apartment unit in Section 1 to include tiny homes.
The refined definition would read as follows:

"apartment unit" means any residential unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor and shall include dwelling units contained above or as part of commercial buildings.
Apartment units include Tiny Homes.;

D. Addition of Class to the definitions in Section 1 as follows:

"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.

E. Addition of Coach House to the definitions in Section 1 as follows:

"Coach House" means separate structure which contains parking/storage for a vehicle and would include a dwelling unit.

F. Addition of Farm Help Accommodation to the definitions in Section 1 as follows:

"Farm Help Accommodation" means a building or structure on an agricultural parcel that is used seasonally or temporarily by a person(s) for accommodations as a farm labourer(s) consisting of a kitchen, washroom facilities, and living room, dining room, or bedroom.

G. Addition of Garage to the definitions in Section 1 as follows:

"Garage" means a building or structure for housing a motor vehicle or vehicles.

H. Addition of Garden Suite to the definitions in Section 1 as follows:

"Garden Suite" means a detached residential structure containing bathroom and kitchen facilities that is an accessory use to an existing dwelling unit and is designed to be portable or removable in accordance with an agreement required for construction and use.

I. Addition of Hospice to the definitions in Section 1 as follows:

"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.

J. Addition of Institutional Development to definitions in Section 1 as follows:

"Institutional Development" means development of a building or structure intended for use:

- (i) as a long-term care home within the meaning of Subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;
- (ii) as a retirement home within the meaning of Subsection 2 (1) of the *Retirement Homes Act, 2010*;
- (iii) by any of the following post-secondary institutions for the objects of the institution:
 - 1. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,

2. a college or university federated or affiliated with a university described in subclause (1), or
3. an Indigenous Institute prescribed for the purposes of Section 6 of the *Indigenous Institutes Act, 2017*;
 - iv) as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
 - v) as a hospice to provide end of life care.

K. Addition of Interest Rate to the definitions in Section 1 as follows:

"Interest Rate" means the annual rate of interest calculated as per the Township's D.C. Interest Rate Policy, as may be revised from time to time.

L. Addition of Non-profit Housing Development to the definitions in Section 1 as follows:

"Non-profit Housing Development" means development of a building or structure intended for use as residential premises by,

- (i) 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;
- (ii) 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
- (iii) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation.

M. Addition of Tiny Home to the definitions in Section 1 as follows:

"Tiny Home" means a standalone residential structure that has all of the amenities of a home (i.e. kitchen facilities, washroom facilities, bedroom space, etc.) that is less than 500 square feet in size.

N. Addition of Rental Housing to the definitions in Section 1 as follows:

"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;

O. Addition of Site to the definitions in Section 1 as follows:

"Site" means a parcel of land which can be legally conveyed pursuant to Section 50 of the Planning Act and includes a development having two or more lots consolidated under on identical ownership.

P. Replace Section 2 titled "Designation of Services," inclusive of and Sections 2.1 and 2.2, with the following:

Designation of Services/Class of Services

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

- (a) Services Related to a Highway;
- (b) Fire Protection Services;
- (c) Policing Services;
- (d) Municipal Parking Services;
- (e) Parks and Recreation Services;
- (f) Library Services;
- (g) Growth Studies;
- (h) Water Facilities and Distribution Systems;
- (i) Wastewater Facilities and Collection Systems; and
- (j) Stormwater Services.

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

Q. Replace Sections 3.5 with the following:

3.5.

- (a) No Development Charge shall be imposed where the only effect of an action referred to in Section 3.4 of this By-law is to:
 - (i) permit an enlargement to an existing residential Dwelling Unit;
 - (ii) permit the creation of one or two additional Dwelling Units in an existing single detached dwelling or a prescribed ancillary residential dwelling structure to the existing residential building;
 - (iii) permit the creation of additional dwelling units equal to the greater of one Dwelling Unit or one percent of the existing Dwelling Units in existing Rental Housing or a prescribed ancillary residential dwelling structure to the existing residential building;

- (iv) permit the creation of one additional dwelling unit in any other existing residential building already containing at least one Dwelling Unit or prescribed ancillary residential dwelling structure to the existing residential building; or
- (v) permit the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including residential dwelling 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.	<p>The proposed new detached dwelling must only contain two dwelling units.</p> <p>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.</p>
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.	<p>The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.</p> <p>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.</p>
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.	<p>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.</p> <p>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.</p>

- (b) Notwithstanding (a) above, 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.
- (c) Notwithstanding (a) above, Development Charges shall be imposed if the additional Dwelling Unit(s) has a Gross Floor Area greater than:
 - (vi) in the case of a Semi-detached Dwelling Unit or Townhouse Dwelling Unit, the Gross Floor Area of the existing Dwelling Unit; and
 - (vii) in the case of any other Residential Building, the Gross Floor Area of the smallest Dwelling Unit contained in the said residential Building.

- (d) The exemption to Development Charges in (a) above shall only apply to the first instance of intensification in an existing or new dwelling.
- (e) Subject to (b), (c) and (d) above, any exemption under (a) above shall apply to the smallest Dwelling Unit, as determined by applicable rates under this By-law.

R. Replace section 3.6 with the following:

- 3.6 Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Development Charges Act, 1997 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

S. Repeal section 3.7

T. Addition of policies related to the timing of development charges payments. Replace section 3.15 with the following:

- 3.15 Development Charges are payable at the time the first building permit is issued with respect to a development.
 - 3.15.1 Notwithstanding Section 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 date of occupancy, and each subsequent instalment, including interest at the interest rate as provided in the Township's D.C. Interest Rate Policy, as may be revised from time to time.
 - 3.15.2 Notwithstanding Section 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 date of occupancy, and each subsequent instalment, including interest at the interest rate as provided in the Township's D.C. Interest Rate Policy, as may be revised from time to time.
 - 3.15.3 Where the development of land 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 two years of building permit issuance, the development charges

under Sections 3.12 and 3.13 shall be calculated on the rates set out in Schedules "B-1" and "B-2" on the date of the planning application, including interest. Where both planning applications apply development charges under Sections 3.12 and 3.13 shall be calculated on the rates, including interest at the interest rate as provided in the Township's D.C. Interest Rate Policy, as may be revised from time to time, set out in Schedule "B" on the date of the later planning application.

U. Schedule "A" is deleted, and the attached Schedule "A" is substituted, therefore.

V. Schedule "B-1" and Schedule "B-2" are deleted, and the attached Schedule "B-1" and Schedule "B-2" are substituted, therefore.

2. This By-law shall come into force and effect at 12:01AM on October 26, 2021.
3. Except as amended by this By-law, all provisions of By-law 19-36, as amended, are and shall remain in full force and effect.

By- law 21-104 read a first, second and third time and finally passed this 25th day of October 2021.

Doug Measures, Mayor

Sasha HelmKay, Clerk

Schedule "A" To By-law No. 19-36
Township of Clearview
Components of Services Designated in Subsection 2.1

Urban-area services (100% Eligible)

Stayner Water Supply
Stayner Water Distribution System
Stayner Wastewater Facilities
Stayner Wastewater Collection Systems

Creemore Water Facilities and Distribution System
Creemore Wastewater Facilities and Collection Systems
Creemore Drainage

New Lowell Water Facilities and Distribution System

Township-wide Services

Services Related to a Highway & Related (Facility & Vehicle/Equipment) Services

- Services Related to a Highway
- Facilities, Vehicles, and Equipment

Fire Protection Services

- Fire Stations
- Fire Vehicles
- Small Equipment and Gear

Policing Services

Library Services

- Library Space
- Library Materials

Growth Studies

- Stormwater Drainage and Control Services
- Wastewater Services

Water Services

Services Related to a Highway

Policing Services

Fire Protection Services

Library Services

Parks and Recreation

Parks and Recreation Services

Parkland Development, Amenities, Amenity Buildings,
Trails

Parks Vehicles and Equipment

Municipal Parking

**Schedule B-1
To By-law No. 19-36
Township of Clearview
Schedule of Development Charges – Effective October 26, 2021
(2019 \$)**

Service/Class of Service	RESIDENTIAL					NON- (per sq.ft. of Gross Floor Area)
	Single and Semi- Detached Dwellings	Other Multiples	Apartments - 2 Bedrooms	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	
Municipal Wide Services/Classes:						
Services Related to a Highway	4,613	3,684	2,652	1,853	1,664	2.06
Fire Protection Services	1,062	848	611	427	383	0.47
Police Services	121	97	70	49	44	0.05
Parks and Recreation Services*	980	783	563	394	354	0.58
Library Services*	1,555	1,242	894	625	561	0.93
Growth Studies	424	339	244	170	153	0.19
Total Municipal Wide	8,755	6,993	5,034	3,518	3,159	4.28
Urban Services						
Stayner						
Water Supply	16,546	13,214	9,513	6,648	5,969	5.27
Water Distribution	2,108	1,683	1,212	847	761	0.67
Wastewater Treatment	3,308	2,642	1,902	1,329	1,193	1.64
Wastewater Collection	3,259	2,603	1,874	1,309	1,176	1.62
Wastewater (Pre-payment units)	2,970	2,430	1,620	1,080	1,070	1.45
Total Urban Services - Stayner	25,221	20,142	14,501	10,133	9,099	9.20
Total Urban Services - Stayner	21,624	17,327	12,345	8,575	7,800	7.39
Creemore						
Water	9,220	7,363	5,301	3,704	3,326	4.29
Wastewater	11,873	9,482	6,826	4,770	4,283	5.52
Stormwater	2,343	1,871	1,347	941	845	1.09
Total Urban Services - Creemore	23,436	18,716	13,474	9,415	8,454	10.90
New Lowell						
Water Services	10,276	8,207	5,908	4,129	3,707	4.26
Total Urban Services - New Lowell	10,276	8,207	5,908	4,129	3,707	4.26
GRAND TOTAL RURAL AREA	8,755	6,993	5,034	3,518	3,159	4.28
GRAND TOTAL STAYNER	33,976	27,135	19,535	13,651	12,258	13.48
GRAND TOTAL STAYNER (Prepaid)	30,379	24,320	17,379	12,093	10,959	11.67
GRAND TOTAL CREEMORE AREA	32,191	25,709	18,508	12,933	11,613	15.18
GRAND TOTAL NEW LOWELL AREA	19,031	15,200	10,942	7,647	6,866	8.54

*Non-residential D.C.s exempt as per Section 3.10(n) of the by-law

**Schedule B-2
To By-law 19-36
Township of Clearview
Schedule of Development Charges – Effective October 26, 2021 to
September 18, 2022
(2019 \$)**

Service/Class of Service	RESIDENTIAL					NON- (per sq.ft. of Gross Floor Area)
	Single and Semi- Detached Dwellings	Other Multiples	Apartments - 2 Bedrooms	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	
Municipal Parking	62	50	36	25	22	0.03

*Non-residential D.C.s exempt as per Section 3.10(n) of the by-law

By-law Number 21-106

The Corporation of the Township of Clearview

Being a By-law to stop up, close, declare surplus and sell part of Elm Street legally described as Part of Huron Street (aka Elm Street), Plan 214, Geographic Township of Nottawasaga, being Part 1 on Plan 51R-43100, Township of Clearview

(Stop up, Close, Declare Surplus and Sell Part of Elm Street)

Whereas section 34 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that Council may pass by-laws for stopping up and closing a part of a highway;

And Whereas Council of the Corporation of the Township of Clearview at its meeting held on September 27, 2021 directed staff to present a by-law to stop up, close, declare surplus, and sell part of Elm Street legally described as Part of Huron Street (aka Elm Street), Plan 214, Geographic Township of Nottawasaga, being Part 1 on Plan 51R-43100, Township of Clearview to the abutting property owner;

And Whereas Notice of the proposed land sale was provided to the public in accordance with the Township's Sale of Land By-law 04-64;

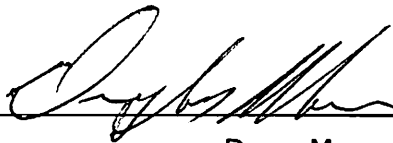
And Whereas Council of the Corporation of the Township of Clearview has determined that the portion of the street described in this by-law is not required for municipal purposes and deems it necessary and expedient to stop up, close, declare surplus and sell the portion of the street described herein;

Now Therefore Council of the Corporation of the Township of Clearview hereby enacts as follows:

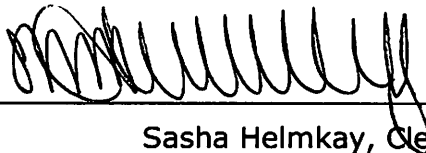
1. That Part of Huron Street (aka Elm Street), Plan 214, Geographic Township of Nottawasaga, being Part 1 on Plan 51R-43100, Township of Clearview be stopped up and closed.
2. That Part of Huron Street (aka Elm Street), Plan 214, Geographic Township of Nottawasaga, being Part 1 on Plan 51R-43100, Township of Clearview is hereby declared surplus.
3. That Council authorizes the sale and transfer of Part of Huron Street (aka Elm Street), Plan 214, Geographic Township of Nottawasaga, being Part 1 on Plan 51R-43100, Township of Clearview to Joanne Barbour for the purchase price of \$15,000.00 plus HST, plus all associated costs including appraisal, surveying, legal fees and applicable taxes and Land Transfer Tax.

4. That the Mayor and Clerk are hereby authorized and directed to execute all documentation necessary to carry out the intent of this by-law.
5. That this by-law shall take force and effect upon registration in the Land Registry Office for the County of Simcoe.

By-law Number 21-106 read a first, second and third time and finally passed this 25th day of October, 2021.



Doug Measures, Mayor



Sasha Helmkey, Clerk