

CORPORATION OF THE TOWNSHIP OF WARWICK

BY-LAW NUMBER 23 of 2023

Being a By-law to Establish Development Charges for the Corporation of the Township of Warwick

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 Charges Background Study has been completed in accordance with the Act;

AND WHEREAS Council has before it a report entitled "Township of Warwick Development Charge Background Study" prepared by Watson & Associates Economists Ltd. dated December 22, 2022;

AND WHEREAS the Council of the Corporation of the Township of Warwick has given notice of and held a public meeting on the 13 day of February, 2023 in accordance with the Act and the regulations thereto;

AND WHEREAS the Council of the Corporation of the Township of Warwick 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 13, 2023;

AND WHEREAS the Council of The Corporation of the Township of Warwick on February 13, 2023 determined that no additional public meeting was required to be held as part of the approval process;

NOW THEREFORE the Council of the Corporation of the Township of Warwick hereby enacts as follows:

1.0 Definitions

In this by-law, "Act" means the *Development Charges Act, 1997*, as amended, or any successor thereto;

"Accessory use" means where used to describe a use, building or structure, that the use, building, or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;

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

“Agricultural Use” means use or intended use for bona fide farming purpose:

(a) including (but not limited to):

- i. cultivation of crops, whether on open land or in greenhouses, including (but not limited to) fruit, vegetables, herbs, grains, field crops, marijuana, sod, trees, shrubs, flowers, and ornamental plants;
- ii. (ii) raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish; and
- iii. (iii) agricultural animal husbandry, dairying, equestrian activities, horticulture, fallowing, pasturing, and market gardening;

(b) but excluding:

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

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

“Apartment unit” means any residential dwelling 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;

“Attainable residential unit” means a residential unit that meets the criteria set out in subsection 4.1(4) of the Act;

“Back-to-back townhouse dwelling” means a building containing more than two dwelling units separated vertically by a common wall, including a rear common wall, which do not have rear yards;

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

“Board of Education” has the same meaning as that specified in the Education Act or any successor thereto;

"Building permit" means a permit pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

“Building Code Act” means the *Building Code Act, 1992*, as mended; or any successor thereto;

“Cannabis plant” means a plant that belongs to the genus Cannabis.

“Cannabis Production Facilities” means a building, or part thereof, designed, used, or intended to be used for one or more of the following: cultivation, propagation, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment or distribution of cannabis where a license, permit or authorization has been issued under applicable federal law and does include, but is not limited to such buildings as a greenhouse and agricultural building associated with the use. It does not include a building or part thereof solely designed, used, or intended to be used for retail sales of cannabis.

“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,

- i. to acquire land or an interest in land, including a leasehold interest,
- ii. to improve land,
- iii. to acquire, lease, construct or improve buildings and structures,
- iv. to acquire, construct or improve facilities including:
 - a. furniture and equipment other than computer equipment, and
 - b. materials acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, and
 - c. rolling stock with an estimated useful life of seven years or more, and

- v. interest on borrowing for those expenditures under clauses (a) to (d) 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-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. Also referred to as class of service or classes of services.

"Commercial purpose" means used, designed, or intended for use for or in connection with the purchase and/or sale and/or rental of commodities; the provision of services for a fee; or the operation of a business office, and includes hotels and motels;

"Council" means the Council of the Township of Warwick;

"County" means the County of Lambton;

"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 has the effect of increasing the size or usability thereof, and includes redevelopment; notwithstanding the foregoing, development does not include tents, or produce sales stands;

"Development charge" means a charge imposed with respect to this by-law.

"Dwelling room" means either:

- a) each bedroom used, designed, or intended for use by one or more persons living together in a lodging home, dormitories, or
- b) in the case of a special care/special dwelling unit/room, each individual room or suite of rooms used, designed, or intended for use by one or two persons with or without exclusive sanitary and/or culinary facilities.

“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 industrial building" means a building or buildings existing on site in the Township of Warwick on January 1, 2023 or the first building constructed and occupied on a vacant site pursuant to site plan approval under Section 41 of the Planning Act, R.S.O. c.P.13 of the Planning Act subsequent to this by-law coming to effect for which full development charges were paid, and is being used for or in conjunction with:

- i. the production, compounding, processing, packaging, crating, bottling, packing, or assembling of raw or semi-processed goods or materials in not less than seventy-five percent 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;
- ii. research or development in connection with manufacturing in not less than seventy-five percent of the total gross floor area of the building or buildings on a site;
- iii. 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 percent of the total gross floor area of the building or buildings on the site;
or
- iv. Office or administrative purposes, if they are,
 - a. carried out with respect to manufacturing or warehousing; and
 - b. 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 and would include wholesale greenhouse facilities and structures;

“Greenhouse” means a structure that is used for growing plants in regulated temperatures, humidity, and ventilation. A greenhouse can range from a small

room carrying a few plants over the winter, to an immense heated building called a hothouse or conservatory, covering acres of ground and used for growing fruits, vegetables, or flowers;

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

“Gross floor area” means 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 other dwelling unit or other portion of a building;

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 of party walls dividing a non-residential use and a residential use, except for:

- a room or enclosed area within the building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
- loading facilities above or below grade; and
- 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;

“Group home” means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit which may or may not be supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof and licensed, approved or supervised by the Province of Ontario for the accommodation of persons under any general or special act and amendments or replacements thereto. A group home may contain an office provided that the office is used only for the operation of the group home in which it is located;

“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 use” means land, buildings or structures used for or in connection with manufacturing by:

- (a) manufacturing, producing, and processing goods for a commercial purpose, as well as storing and/or distribution of goods manufactured, produced, or processed on site;
- (b) research or development in connection with manufacturing, producing, or processing good for a commercial purpose;
- (c) retail sales by a manufacturer, producer, or processor of goods they manufactured, produced, or processed, if the retail sales are at the site where the manufacturing, production or processing takes place;
- (d) office or administrative purposes if it is:
 - i. carried out with respect to manufacturing, producing, processing, storage or distributing of something; and
 - ii. in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;

“Institutional” means lands, buildings or structures used or designed or intended for use by an organized body, society, or religious group for promoting a public or non-profit purpose and shall include, but without limiting the generality of the foregoing, places of worship, and special care facilities;

“Local board” means a municipal service board, transportation commission, public library board, board of health, police services board, 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 of one or more local municipalities or the County, but excluding a board of education, a conservation authority, any municipal services corporation that is not deemed to be a local board under O. Reg. 599/06 made under the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

“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* as amended or any successor thereto;

“Lodging home” means a boarding, lodging, or rooming house in which lodging is provided for more than four persons in return for remuneration or for the provision of services, or for both, and in which the lodging rooms do not have

both bathrooms and kitchen facilities for the exclusive use of individual occupants;

“Long term care home” means homes, nursing homes or homes for the aged where the Ministry of Health and Long-Term Care funds the care provided in such homes and application for accommodation is made through a Community Care Access Centre;

“Mezzanine” means an intermediate floor assembly between the floor and ceiling of any room or storey and includes an interior balcony;

“Mixed-use building” means a building or structure used for both residential and non-residential use;

“Mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer;

“Municipality” means The Corporation of the Township of Warwick;

“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:

- a) a "registered charity" as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), as amended;
- b) 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;

“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 and includes all commercial, industrial, and institutional uses;

“Other multiple” means all residential units other than a single detached dwelling, semi-detached dwelling, apartment dwelling or a special care/special dwelling unit, including, but not limited to, row dwellings, back-to-back townhouse dwelling, and stacked townhouse dwelling;

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

“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, as amended or any successor thereto;

“Planning Act” means the Planning Act, 1990, R.S.O. 1990, c.P.13, as amended;

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

"Redevelopment" means the construction, erection or placing of one or more buildings on land where all or part of a building on such land has been previously demolished, or changing the use of all or part of a building from a residential purpose to a non-residential purpose or from a non-residential purpose to a residential purpose, or changing all or part of a building from one form of residential development to another form of residential development or from one form of non-residential development to another form of non-residential development;

“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, or mobile camper trailers;

“Residential use” means land or buildings, or structures of any kind whatsoever used, designed, or intended to be used as living accommodations for one or more individuals;

"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 dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal walls, but no other parts, attached or another dwelling unit where the residential units are not connected by an interior corridor;

"Service" (or "service") means those services designated in Schedule "A" to this by- law;

"Servicing agreement" means an agreement between a landowner and the municipality relative to the provision of municipal services to specified lands within the municipality;

"Single detached dwelling unit" means a residential building consisting of one dwelling unit and not attached to another structure.

"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 one identical ownership.

"Special care/special dwelling" means a residence:

- a) containing two or more dwelling rooms, which rooms have common entrance from street level; and
- b) where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room, and accessory buildings; 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 includes but is not limited to retirement homes or lodges, group homes, dormitories, and hospices;

“Stacked townhouse dwelling” means a building containing two or more dwelling units where each dwelling unit is separated horizontally and/or vertically from another dwelling unit by a common wall or floor; and

“Township” means the Township of Warwick.

2.0 Designation of Services and Classes

2.1 The categories 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) Parks and Recreation Services;
- (d) Wastewater Services; and
- (e) Water Services.

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

3.0 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).

Area to Which By-law Applies

3.2 Subject to subsection 3.3, this by-law applies to all lands in the geographic area of the Township of Warwick.

3.2.1 With respect to water and wastewater services, this by-law applies to development and redevelopment where the service is available.

3.3 This by-law shall not apply to lands that are owned by and used for the purposes of:

- (a) The Township of Warwick or a local board thereof;
- (b) A board as defined in section 1(1) of the Education Act;

- (c) The Corporation of the County of Lambton or a local board thereof;
- (d) the Crown in right of Ontario or the Crown in right of Canada;
- (e) 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.

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*; or
 - (vii) the issuing of a permit under the *Building Code Act, 1992* 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 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 shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions

Rules with Respect to Exemptions for Intensification of Existing Housing or New Housing

- 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) 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.
- 3.6 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in existing houses:
- a) A second residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit.
 - b) A third residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.
 - c) One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.

3.7 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in new residential buildings:

- a) A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit.
- b) A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units.
- c) One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units.

3.8 **Exemption for Industrial Development:**

3.8.1 For the purpose of sections 3.8.2 to 3.9.3 inclusive, the term “existing industrial building” shall have the same meaning as set out in this by-law and shall not include self-storage or mini-storage facilities.

3.8.2 Notwithstanding any other provision of this By-law, but subject to section 3.9 below, no development charge is payable with respect to the enlargement of the total floor area of an existing industrial building where the total floor area is enlarged by 50 percent or less:

3.9 If the total 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:

- a) determine the amount by which the enlargement exceeds 50 percent of the total floor area before the enlargement;

b) divide the amount determined under subsection 3.9(a) by the amount of the enlargement.

3.9.1 For greater certainty in applying the exemption in this section, the total floor area of an existing industrial building is enlarged where there is a bona fide increase in the size of the existing industrial building, the enlarged area is attached to the existing industrial building, there is a direct means of ingress and egress from the existing industrial building to and from the enlarged area for persons, goods and equipment and the existing industrial building and the enlarged area are used for or in connection with an industrial purpose as set out in subsection 1(1) of the Regulation.

3.9.2 The exemption for an existing industrial building provided by this section shall be applied up to a maximum of 50 percent of the total floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this By-law or any previous development charges by-law of the Municipality made pursuant to the Act or its predecessor legislation. Development charges shall be imposed in accordance with Schedule B with respect to the amount of floor area of an enlargement that results in the total floor area of the industrial building being increased by greater than 50 percent of the total floor area of the existing industrial building.

3.9.3 For the purposes of this section, despite any new sites created which result in an existing industrial building being on a site separate from its enlargement or enlargements for which an exemption was granted under this section, further exemptions, if any, pertaining to the existing industrial building shall be calculated in accordance with section 3.9.2 on the basis of its site prior to any division.

3.10 **Other Exemptions/Reductions**

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

- Places of worship;
- Cemeteries;
- Hospitals;
- Temporary buildings (under 1 year);
- Non-profit housing development; and
- Non-residential farm buildings.

3.10.1 **Discounts for Rental Housing (for profit)**

The D.C. payable for rental housing developments, where the residential units are intended to be used as a rented residential premises will be reduced based on the number of bedrooms in each unit as follows:

- a) Three or more bedrooms – 25% reduction;
- b) Two bedrooms – 20% reduction; and
- c) All other bedroom quantities – 15% reduction.

3.10.2 **Other Exemptions (upon proclamation):**

Once proclamation for required amendments to the Act to allow the following exemptions is received by the Lieutenant Governor, the following shall be exempt from development charges:

- a) Affordable residential units; or
- b) Attainable residential units.

Reduction of Development Charges with Respect to Redevelopment and Conversion

3.11 Despite any other provision of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 5 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 3.12 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

- 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 3.13 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.
- c) Where an existing building is converted in whole or in part from one use (hereinafter referred to in this Section as the “First Use”) to another use,
 - (i) the amount of Development Charges payable shall be reduced by the amount, calculated pursuant to this By-law at the current Development Charges rates in respect of the First Use;
 - (ii) the First Use shall be the use as confirmed through the Township’s Building Division and related permit records;
 - (iii) for greater certainty, and without limiting the generality of the foregoing, no credit shall be allowed where the converted Building or part thereof would have been exempt pursuant to this By-law; and
 - (iv) the amount of any credit pursuant to this Section shall not exceed, in total, the amount of the Development Charges otherwise payable pursuant to this By-law with respect to the Redevelopment.

Amount of Charges

Residential

3.12 The development charges set out in Schedule B to this By-law 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

- 3.13 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 mixed-use building or structure, and calculated with respect to each of the services according to the gross floor area of the non-residential use.

Phase-in

- 3.14 The amount of the development charges described in Schedule B to this by-law shall be reduced in accordance with section 5(8) of the Act.

3.14.1 Therefore, the following percentages of the charges provided in Schedule B will be imposed for all services except water (subject to annual indexing as per section 5 of this by-law):

- a) Year 1 – 80 per cent;
- b) Year 2 – 85 per cent;
- c) Year 3 – 90 per cent;
- d) Year 4 – 95 per cent; and
- e) Year 5 through 10 – 100 per cent.

3.14.2 Therefore, the following percentages of the charges provided in Schedule B will be imposed for water services (subject to annual indexing as per section 5 of this by-law):

- a) Year 1 – 62 per cent;
- b) Year 2 – 66 per cent;
- c) Year 3 – 70 per cent;
- d) Year 4 – 77 per cent; and
- e) Year 5 through 10 – 77 per cent.

Time of Calculation and Payment of Development Charges

- 3.15 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of the first building permit for the development.
- 3.16 Notwithstanding subsection 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 section 26.3 of the Act.

- 3.17 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 3.12 and 3.13 shall be calculated on the rates set out in Schedule “B” on the date of the planning application, including interest in accordance with section 26.3 of the Act. Where both planning applications apply, development charges under subsections 3.12 and 3.13 shall be calculated on the rates, including interest in accordance with section 26.3 of the Act, payable on the anniversary date each year thereafter, set out in Schedule “B” on the date of the later planning application, including interest.
- 3.18 Despite sections 3.15 to 3.17, 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.

4.0 **Payment by Services**

- 4.1 Despite the payment required under subsections 3.12 and 3.13, 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.

5.0 **Indexing**

- 5.1 Development charges imposed pursuant to this by-law shall be adjusted annually on January 1st of each year, without amendment to this by-law in accordance with the Act, beginning on January 1, 2024.

6.0 **Schedules**

- 6.1 The following schedules to this by-law form an integral part thereof:

Schedule A - Components of Services Designated in subsection 2.1

Schedule B - Residential and Non-Residential Development Charges

7.0 **Conflicts**

- 7.1 Where the Township of Warwick 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

8.0 **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.

9.0 **Date By-law in Force**

- 9.1 This By-law shall come into force on the 11th day of April, 2023.

READ a first and second time this 11th day of April, 2023.

READ a third time and finally passed this 11th day of April, 2023.

Mayor – Todd Case

CAO/Clerk – Amanda Gubbels

**Schedule “A”
To By-law 23 of 2023
Components of Services and Classes of Services
Designated in Subsection 2.1**

- Services Related to a Highway (Roads, Sidewalks and Bridges & Culverts)
- Public Works Facilities, Vehicles and Equipment
- Fire Protection Services (Fire Facilities, vehicles, and equipment)
- Parks and Recreation Services (Parkland Development, Amenities, Trails, Vehicles, and Recreation Facilities)
- Wastewater Services (Sewers)
- Wastewater Services (Treatment)
- Water Services (Distribution)
- Water Services (Treatment and Storage)

Schedule "B"
To By-law 23 of 2023
Schedule of Development Charges

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	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)
Municipal Wide Services/Class of Service:						
Services Related to a Highway	5,451	4,111	3,484	2,300	2,204	0.45
Fire Protection Services	772	582	493	326	312	0.07
Parks and Recreation Services	7,099	5,354	4,537	2,995	2,870	0.05
Total Municipal Wide Services/Class of Services	13,322	10,047	8,514	5,621	5,386	0.57
Urban Services						
Wastewater Services	7,786	5,872	4,976	3,285	3,148	3.43
Water Services	2,577	1,943	1,647	1,087	1,042	1.13
Total Urban Services	10,363	7,815	6,623	4,372	4,190	4.56
GRAND TOTAL RURAL AREA	13,322	10,047	8,514	5,621	5,386	0.57
GRAND TOTAL URBAN AREA	23,685	17,862	15,137	9,993	9,576	5.13

Schedule "B"
To By-law 23 of 2023
Schedule of Development Charges

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
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