

The Corporation of the Town of Essex

By-Law Number 1850

Being a By-Law for the Imposition of Development Charges in the Town of Essex

WHEREAS the Town of Essex will experience growth through development and re-development;

AND WHEREAS development and re-development requires the provision of physical and social services by the Town of Essex;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth-related demands for or burden on municipal services does not place an excessive financial burden on the Town of Essex or its existing taxpayers while at the same time ensuring new taxpayers contribute no more than the net capital cost attributable to providing the current level of municipal services;

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

AND WHEREAS a development charge background study has been completed in accordance with the Act;

AND WHEREAS the Council of The Corporation of the Town of Essex has given notice of and held a public meeting on the 15th day of July, 2019 in accordance with the Act and the regulations thereto;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF ESSEX ENACTS AS FOLLOWS:

1. INTERPRETATION

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

"Act" means the Development Charges Act, as amended, or any successor thereof;

"Accessory Building" means a building that is subordinate in purpose to a residential dwelling unit upon the same lot, but excludes an ancillary residential building.

"affordable housing" means housing accommodations and incidental facilities primarily for persons of low and moderate income that meet the requirements of any program for such purpose as administered by any agency of the Federal or Provincial government, the County of Essex and/or the Town.

"Ancillary Residential Building" means a permanent residential building that would be ancillary to a detached dwelling, semi-detached dwelling, or row dwelling.

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

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

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

“bona fide farm uses” means the proposed development will qualify as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs and be assessed in the Farmland Realty Tax Class by the Ontario Property Assessment Corporation;

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

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

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

“charitable dwelling” means a residential building, a part of a residential building or the residential portion of a mixed-use building maintained and operated by a corporation approved under the Charitable Institutions Act, R.S.O. 1990, c. C.9, for persons requiring residential, specialized or group care and charitable dwelling includes a children’s residence under the Child and Family Services Act, R.S.O. 1990, c. C.11, a home or a joint home under the Homes for the Aged and Rest Homes Act, R.S.O. 1990, c. H.13, an institution under the Mental Hospitals Act, R.S.O. 1990, c. M.8, a nursing home under the Nursing Homes Act, R.S.O., 1990, c. N.7, and a home for special care under the Homes for Special Care Act, R.S.O. 1990, c. H.12;

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

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

“Council” means the Council of the municipality;

“Detached dwelling unit” has the same meaning as a “single detached dwelling unit” for the purposes of this by-law.

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

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

“dwelling unit” means either (1) a room or suite of rooms used, or designed or intended for use, by one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, or (2) in the case of a special care/special need dwelling, a room or suite of rooms used, or designed or intended for use, by one person with or without exclusive sanitary and/or culinary facilities, or more than one person in sanitary facilities are directly connected and exclusively accessible to more than one room or suite of rooms;

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

“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;

“Garden suite” means a building containing one (1) dwelling unit where the garden suite is detached from and ancillary to an existing single detached dwelling or semi-detached dwelling on the lands and such building is designed to be portable.

“gross floor area” means:

- (a) in the case of a residential building or structure, the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and
- (b) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:
 - (i) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating,

electrical, mechanical or telecommunications equipment that service the building;

(ii) loading facilities above or below grade; and

(iii) a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;

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

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

“Institutional Development” means development of a building or structure 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*;

“Interest Rate” means the annual rate of interest calculated as per the Town’s D.C. Interest Rate By-law 2030 as may be revised from time to time.

“Local Board” means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Town of Essex or any part or parts thereof;

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

“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.

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

“municipality” means the Corporation of the Town of Essex;

“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.

“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;

“nursing home” means a residential building or the residential portion of a mixed-use building licensed as a nursing home by the Province of Ontario;

“Official Plan” means the Official Plan adopted for the Town, 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, R.S.O. 1990, Chap. A.31, as amended, or any successor thereof;

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

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

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

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

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

“retirement home or lodge” means a residential building or the residential 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 hail but 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 wall, but not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor;

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

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

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

“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.

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

“Special care/special need dwelling” means a building containing two or more dwellings units, which units have a common entrance from street level;

- i. Where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;

- ii. Which may or may not have exclusive sanitary and/or culinary facilities;
- iii. That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
- iv. Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels,

And includes, but is not limited to, a retirement home or lodge, nursing home, charitable dwelling, group home and hospice.

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

“town” means the area within the geographic limits of the Town of Essex;

“Wind Turbine” means any wind energy system, comprising one or more turbines, that converts energy into electricity, with a combined nameplate generating capacity greater than 500 kilowatts and a height greater than 100 metres, that converts energy into electricity, and consists of a wind turbine, a tower, and associated control or conversion electronics. A wind turbine and energy system may be connected to the electricity grid in circuits at a substation to provide electricity off-site for sale to an electrical utility or other intermediary; and

“Zoning By-law” means the Zoning By-law of the Town of Essex, including the former Village of Essex, the former Township of Essex or any successor thereof passed pursuant to Section 34 of the Planning Act, S.O. 1998.

2. DESIGNATION OF SERVICES/ CLASS OF SERVICES

2.1 The categories of services / class 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) Outdoor Recreation Services
- (e) Indoor Recreation Services
- (f) Library Services
- (g) Growth Studies

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

3. APPLICATION OF BY-LAW RULES

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

- (a) the lands are located in the area described in section 3.2; and
- (b) the development of the lands requires any of the approvals set out in subsection 3.4(a).

Area to Which By-law Applies

3.2 Subject to section 3.3, this By-law applies to all lands in the Town of Essex whether or not the land or use thereof is exempt from taxation under s. 13 or the Assessment Act.

3.3. Notwithstanding clause 3.2 above, this by-law shall not apply to lands that are owned by and used for the purposes of:

- (a) the municipality or a local board thereof;
- (b) a board of education; or
- (c) the Corporation of the County of Essex or a local board thereof.

Approvals for Development

3.4 (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:

- (i) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the Planning Act;
- (ii) the approval of a minor variance under section 45 of the Planning Act;
- (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - (i) the approval of a plan of subdivision under section 51 of the Planning Act;
 - (ii) a consent under section 53 of the Planning Act;
 - (iii) the approval of a description under section 50 of the Condominium Act, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or
 - (iv) the issuing of a permit under the Building Code Act in relation to a building or structure.

(b) No more than one development charge for each service / class of services 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

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

- (a) the enlargement to an existing residential dwelling unit;
- (b) one or two additional dwelling units in an existing single detached dwelling or prescribed ancillary residential building structure to the existing residential building;
- (c) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units or prescribed ancillary residential dwelling structure to the existing residential building;
- (d) the creation of one additional dwelling unit in any other existing residential building already containing at least one dwelling unit or prescribed ancillary residential dwelling structure to the existing residential building; or
- (e) the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units. The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
2	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units. The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit. The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.

- (f) 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.
- (g) Notwithstanding (a) above, Development Charges shall be imposed if the additional Dwelling Unit(s) has a Gross Floor Area greater than:
 - (i) in the case of a Semi-detached Dwelling Unit or Townhouse Dwelling Unit, the Gross Floor Area of the existing Dwelling Unit; and
 - (ii) in the case of any other Residential Building, the Gross Floor Area of the smallest Dwelling Unit contained in the said residential Building.
- (h) The exemption to Development Charges in (a) above shall only apply to the first instance of intensification in an existing or new dwelling.
- (i) 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.

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

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

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

Rules with Respect to an Industrial Expansion Exemption

3.8.2 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 in respect of the enlargement is determined in accordance with the following:

- (i) Subject to subsection 3.8.2 (iii), if the gross floor area is enlarged by 50 per cent or less of the lesser of:
 1. the gross floor area of the existing industrial building, or
 2. the gross floor area of the existing industrial building before the first enlargement for which:
 - a. an exemption from the payment of development charges was granted, or
 - b. a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection, the amount of the development charge in respect of the enlargement is zero;

- (ii) Subject to subsection 3.8.2 (iii), if the gross floor area is enlarged by more than 50 per cent or less of the lesser of:
 - (A) the gross floor area of the existing industrial building, or
 - (B) the gross floor area of the existing industrial building before the first enlargement for which:
 - (i) an exemption from the payment of development charges was granted, or
 - (ii) a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection, the amount of the development charge 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 per cent of the gross floor area before the first enlargement, and

(B) divide the amount determined under subsection (A) by the amount of the enlargement

(iii) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsection 3.8.2 (ii), the cumulative gross floor area of any previous enlargements for which:

(A) An exemption from the payment of development charges was granted, or

(B) A lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection, shall be added to the calculation of the gross floor area of the proposed enlargement.

(iv) For the purposes of this subsection, the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.

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

3.9 Other Exemptions:

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

- a) lands, buildings or structures used or to be used for a place of worship or for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act;
- b) a public hospital receiving aid under the Public Hospitals Act, R.S.O. 1990, Chap. P.40, as amended, or any successor thereof;
- c) the development of non-residential farm buildings constructed for bona fide farm uses, which qualify as a farm business, being that which operates with a valid Farm Business Registration Number and is assessed in the Farmland Realty Tax Class;
- d) the development of affordable housing is exempt from the municipal-wide charges only;
- e) the development of apartment rental housing is exempt from the municipal-wide charges only; and
- f) non-residential industrial, commercial and institutional development.

Amount of Charges

Residential

3.11.1 The development charges set out in Schedules B-1 and B-2 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.

3.11.2 Notwithstanding Section 3.11.1, the following percentage of each service for residential uses within the Harrow Primary Settlement Area, outlined in Schedule C, as provided in Schedules B-1 and B-2, shall be imposed:

Service	August 28, 2019- August 27, 2020	August 28, 2020- August 27, 2021	August 28, 2021- December 31, 2021	January 1, 2022-December 21, 2022	January 1, 2023-December 31, 2023	January 1, 2024- August 27, 2024
Municipal Wide Services:						
Services Related to a Highway	0%	0%	0%	25%	50%	75%
Fire Protection Services	0%	0%	0%	25%	50%	75%
Policing Services	0%	0%	0%	25%	50%	75%
Outdoor Recreation Services	0%	0%	0%	25%	50%	75%
Indoor Recreation Services	0%	0%	0%	25%	50%	75%
Library Services	0%	0%	0%	25%	50%	75%
Administration	0%	0%	0%	25%	50%	75%
Area Specific Charges (Wastewater)						
Ward 4-Harrow Service Area	0%	0%	0%	25%	50%	75%

3.11.3 Notwithstanding Section 3.11.1, the following percentage of each service for residential uses for all areas of the Town except those within the Harrow Primary Settlement Area, outlined in Schedule C, as provided in Schedules B-1 and B-2, shall be imposed:

All Areas of Town except those within Harrow Primary Settlement Area					
Service	August 20, 2019 - August 19, 2020	August 20, 2020 - August 19, 2021	August 20, 2021 - August 19, 2022	August 20, 2022 - August 19, 2023	August 20, 2023 - August 19, 2024
Municipal Wide Services:					
Services Related to a Highway	100%	100%	100%	100%	100%
Fire Protection Services	100%	100%	100%	100%	100%
Policing Services	100%	100%	100%	100%	100%
Outdoor Recreation Services	100%	100%	100%	100%	100%
Indoor Recreation Services	100%	100%	100%	100%	100%
Library Services	100%	100%	100%	100%	100%
Administration	100%	100%	100%	100%	100%
Area Specific Charges (Wastewater)					
Ward 1 - Essex Service Area	100%	100%	100%	100%	100%
Ward 2 - Colchester North Service Area	100%	100%	100%	100%	100%
Ward 3 - Colchester South Service Area	100%	100%	100%	100%	100%
Ward 4 - Harrow Service Area	100%	100%	100%	100%	100%

Non-Residential

3.12.1 The development charges described in Schedules B-1 and B-2 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 total floor area of the non-residential use.

Wind Turbines and Telecommunication Towers

3.13 The development charges described in Schedules B-1 and B-2 to this by-law shall be imposed on wind turbines and telecommunication towers with respect to services related to a highway, fire protection services, policing services and administration on a per unit basis.

Solar Farm

3.14 The development charges described in Schedules B-1 and B-2 to this by-law shall be imposed on solar farms with respect to services related to a highway, fire protection services, policing services and administration on a per square foot of the panel surface.

Reduction of Development Charges for Redevelopment

3.15 Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 48 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

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

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

Time of Payment of Development Charges

3.16 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of a building permit for the development.

3.17 Despite section 3.16, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

3.18 **Notwithstanding Section 3.16, Development Charges for Rental Housing and Institutional Developments are due and payable in six equal annual instalment payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest as per the Town's D.C. Interest Rate By-law 2030 as may be revised from time to time.**

- 3.19 Notwithstanding Section 3.16, Development Charges for Non-profit Housing Developments are due and payable in 21 equal annual instalment payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest as per the Town's Interest Rate By-law 2030, as may be revised from time to time.
- 3.20 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 subsections 3.11.1, 3.11.2, 3.11.3, 3.12.1, 3.13, and 3.14 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 subsections 3.11.1, 3.11.2, 3.11.3, 3.12.1, 3.13, and 3.14 shall be calculated on the rates, including interest as provided in the Town's Council approved D.C. Interest Rate By-law 2030, as may be revised from time to time., payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest.

4. PAYMENT BY SERVICES

- 4.1 Despite the payment required under subsections 3.11 and 3.12, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law.

5. INDEXING

- 5.1 Development charges imposed pursuant to this By-law shall be adjusted annually, on the first day of each year commencing on January 1, 2010, in accordance with the prescribed index in the Act.

6. SCHEDULES

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

Schedule A - Components of Services / Classes of Services Designated in section 2.1

Schedule B - Residential and Non-Residential Development Charges for all Services/Classes of Services.

Schedule C - Map of Harrow Primary Settlement Area

7. CONFLICTS

- 7.1 Where the Town 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. SEVERABILITY

8.1 If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

9. DATE BY-LAW IN FORCE

9.1 This By-law shall come into effect at 12:01 AM on August 28, 2019.

10. DATE BY-LAW EXPIRES

10.1 This By-law will expire at 12:01 AM on August 28, 2024 unless it is repealed by Council at an earlier date.

11. EXISTING BY-LAW REPEALED

11.1 By-law Number 1344 is hereby repealed as of the date and time of this By-law coming into effect.

Read a first, second and third time and finally passed this 27th day of August, 2019.

Mayor

Clerk

SCHEDULE "A"

TO BY-LAW NO. 1850, AS AMENDED BY BY-LAW 2043

COMPONENTS OF SERVICES/CLASSES OF SERVICES DESIGNATED IN

SUBSECTION 2.1

D.C.-Eligible Services

Wastewater Works

Wastewater Treatment, Pumping and
Collection System

Services Related to a Highway

Roads and Related

Fire Protection Services

Fire Facilities

Fire Vehicles

Fire Small Equipment & Gear

Policing Services

Policing Facilities

Policing Vehicles, Small Equipment and
Gear

Library Services

Library Facilities

Parks and Recreation Services

Outdoor Recreation and Park
Development, Amenities & Trails
Parks and Recreation Vehicles and
Equipment
Indoor Recreation Facilities

D.C.-Eligible Classes

Growth Studies

Services Related to a Highway

Public Works

Water Services

Wastewater Services

Stormwater Services

Fire Protection Services

Policing Services

Parks and Recreation Services

Library Services

Public Works (Facilities, Vehicles &
Equipment)

Services Related to a Highway

Water Services

Wastewater Services

Stormwater Service

SCHEDULE "B"
TO BY-LAW NO. 1850 AS AMENDED BY BY-LAW 2043
MUNICIPAL WIDE DEVELOPMENT CHARGES – EFFECTIVE JULY 5 2021 (2019\$)

Service/Class of Service	RESIDENTIAL						NON-RESIDENTIAL		Wind Turbines and Telecommunication Towers	Solar Farms (per sq.ft)
	Single and Semi-Detached Dwelling (per dwelling unit) ¹	Apartments - 2 Bedrooms + (per dwelling unit) ¹	Apartments - Bachelor and 1 Bedroom (per dwelling unit) ¹	Other Multiples (per dwelling unit) ¹	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)				
Municipal Wide Services:										
Services Related to a Highway	1,125	568	473	681	402	0.53	1,125	0.53		
Public Works*	427	216	180	259	152	0.20	427	0.20		
Fire Protection Services	979	494	412	593	349	0.46	979	0.46		
Policing Services	427	215	180	259	152	0.19	427	0.19		
Parks and Recreation Services**	4,940	2,492	2,077	2,992	1,762	0.19	-	-		
Library Services	250	126	105	151	89	0.01	-	-		
Growth Studies***	160	81	67	97	57	0.06	160	0.06		
Total Municipal Wide Services/Classes	8,308	4,192	3,494	5,032	2,963	1.64	3,118	1.44		
Area Specific Services:										
Ward 1 - Essex Service Area	3,351	1,690	1,409	2,029	1,195	2.03	-	-		
Ward 2 - Colchester North Service Area	872	440	367	528	311	0.00	-	-		
Ward 3 - Colchester South Service Area	2,067	1,043	869	1,252	737	1.18	-	-		
Ward 4 - Harrow Service Area	2,484	1,253	1,045	1,505	886	1.43	-	-		
Grand Total Ward 1	11,658	5,882	4,903	7,061	4,158	3.67	3,118	1.44		
Grand Total Ward 2	9,180	4,632	3,861	5,560	3,274	1.64	3,118	1.44		
Grand Total Ward 3	10,375	5,235	4,363	6,284	3,700	2.82	3,118	1.44		
Grand Total Ward 4	10,792	5,445	4,539	6,537	3,849	3.07	3,118	1.44		

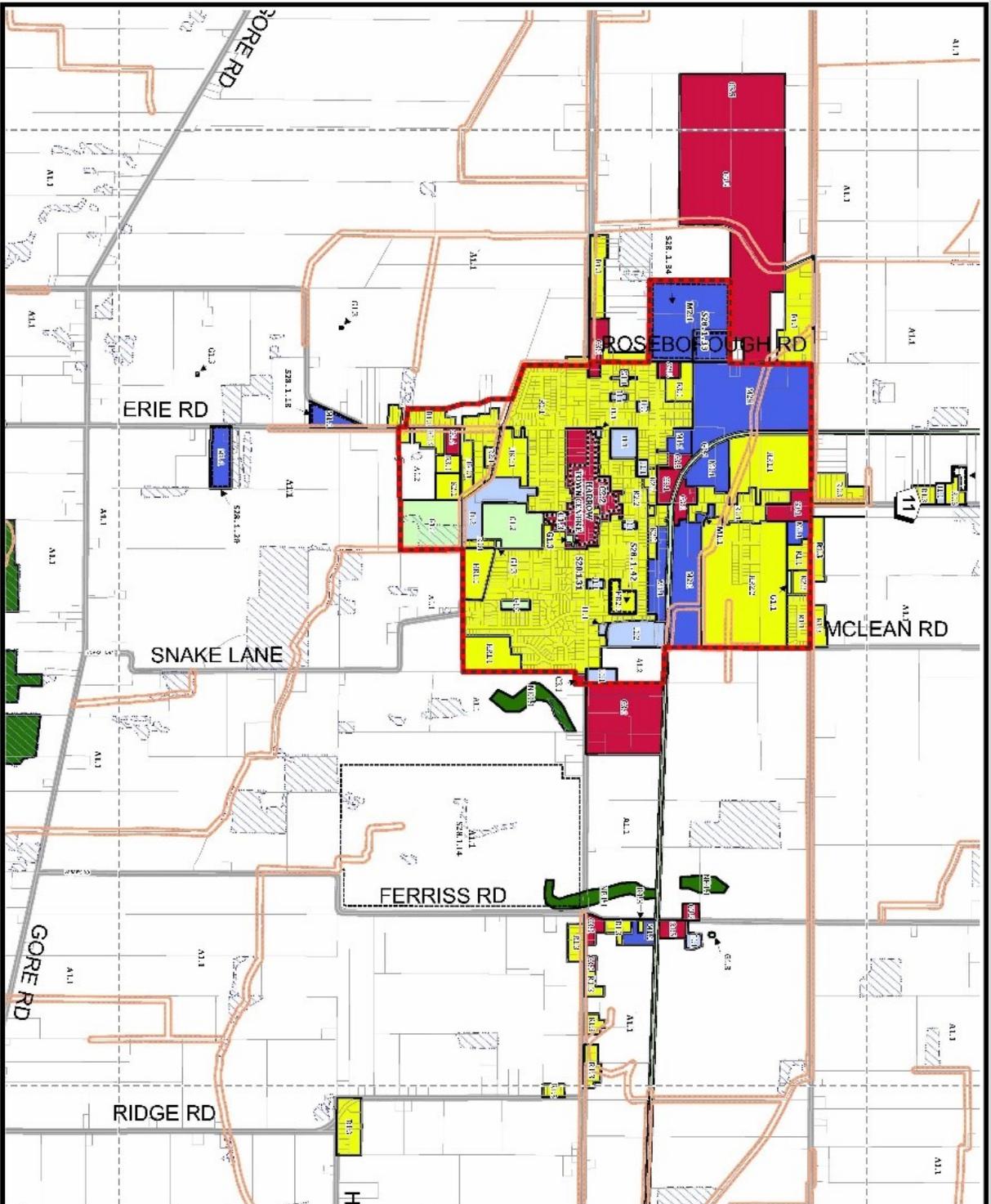
¹ Charges are based on a per dwelling unit basis (e.g. a semi-detached dwelling would be required to pay a charge for each of the two dwelling units)

* Previously included in the charge for Services Related to a Highway.

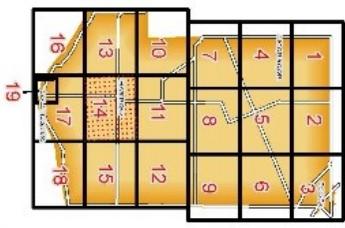
** Previously presented as two separate charges for Indoor and Outdoor Recreation Services

*** Previously presented as two separate charges for Administration-Essential Services & Administration-Community Based Services, some studies have been removed as they no longer are eligible due to the changes in the legislation

**SCHEDULE "C"
TO BY-LAW NO. 1850
MAP OF HARROW PRIMARY SETTLEMENT AREA**



**PART OF SCHEDULE 'A'
TOWN OF ESSEX
ZONING BY-LAW
Zoning District Maps**



MAP 14

- SPECIAL PROVISION REFER TO SECTION 28 OF THE ZONING BY-LAW
- PARKING EXCEPTION AREA
- DIMENSIONAL EXCEPTION AREA
- PARCEL LINE
- MAP EXTENT
- ERCA LIMIT OF REGULATED AREA
- SETTLEMENT AREA BOUNDARY
- NATURAL HERITAGE OVERLAY

ZONING DISCREPANCIES
 *Secondary Zone: "Z" zone units subject to restrictive zoning requirements - see applicable provisions of the Zoning By-Law.
 *Provisional Zone: "P" zone units subject to restrictive zoning requirements - see applicable provisions of the Zoning By-Law.

ZONING DISCREPANCIES	DESCRIPTION	REFERENCE
A1	Agricultural District	-See Section 3
R1	Residential District 1	-See Section 4
R2	Residential District 2	-See Section 5
R3	Residential District 3	-See Section 6
IL	Institutional District	-See Section 7
C	Commercial District 1	-See Section 8
C2	Commercial District 2	-See Section 9
C3	Commercial District 3	-See Section 10
M1	Manufacturing District 1	-See Section 21
M2	Manufacturing District 2	-See Section 22
GD	Green District	-See Section 23
KE	Kennel Environment District	-See Section 24
W	Wetland District	-See Section 25
L1	Landfill District	-See Section 26
DR	Development Review District	-See Section 27

PLEASE NOTE
 The information provided on this map is for informational purposes only. It is not intended to be used as a legal document. The information is subject to change without notice. The information is provided as a service to the public and is not intended to be used as a legal document. The information is provided as a service to the public and is not intended to be used as a legal document.

essex
 May 2019
 SCALE 1:16,000
 May 2019
 GIS Department

The Corporation of the Town of Essex

By-Law Number 2030

Being a by-law to establish interest rates and impose interest charges on instalment payments of development charges pursuant to Section 26.1 of the *Development Charges Act, 1997* and on development charges determined under the Town development charge by-law at the date of a site plan or rezoning application pursuant to Section 26.2 of the *Development Charges Act, 1997*.

WHEREAS pursuant to subsection 26.1(7) of the *Development Charges Act, 1997*, S.O. 1997, c. 27 (the "Act"), The Corporation of the Town of Essex (the "Town") may charge interest on the instalments for development charges required by subsection 26.1(3) of the Act for rental housing, institutional, and non-profit housing from the date the development charge otherwise would have been payable under Section 26 of the Act to the date an instalment is paid;

AND WHEREAS, pursuant to Section 26.2(3) of the Act, the Town may charge interest on a development charge determined under its development charge by-law on the date of an application for a site plan approval or for a zoning by-law amendment stipulated in clause 26.2(1)(a) or (b) of the Act, from the date stipulated to the date the development charge is payable; and

Now therefore be it resolved that the Council of the Corporation of the Town of Essex enacts as follows:

Development Charge Interest Rates Imposed

1. That an interest rate, which may be referred to as the DC Deferral Interest Rate, such rate being the applicable Infrastructure Ontario rate plus two percent (2%) per annum, be hereby imposed pursuant to subsection 26.1(7) of the Act on instalments required by subsection 26.1(3) of the Act, to be applied from the date the subject development charges would, but for subsection 26.1(3) of the Act, have been payable under Section 26 of the Act to the date each instalment is paid.
2. That an interest rate, such rate being the applicable Infrastructure Ontario rate plus two percent (2%) per annum be hereby imposed on the development charges determined under section 26.2 of the Act pursuant to subsection 26.2(3) of the Act, to be applied from the date referred to in clause 26.2(1)(a) or (b) of the Act, as applicable, to the date the development charge is payable.



3. Despite Section 2 of this by-law where a building permit for a development has been issued prior to August 1, 2020 by a local municipality for the development in respect of which a development charge is levied, the Interest Rate provided for by Section 2 of this by-law shall be zero percent (0%) per annum.
4. Interest shall be compounded annually on any unpaid amounts of interest accrued when due. Any arrears of interest or compound interest shall be added to the principle amounts on the payment due date and interest at the rate provided for in this by-law shall be charged on such increased principle amounts.
5. Pursuant to Section 27(1) of the Act, the Town may (by way of early payment agreement) accept one or more payments of development charges at an earlier date than would have been permitted under Section 26.1 of the Act, with interest at the DC Deferral Interest Rate provided for in this by-law accrued from the date that a building permit has been issued for the development which is subject to the payment of development charges.
6. In accordance with Section 398(2) of the Municipal Act, the Town may add any unpaid amounts or charges under this By-Law to the tax roll and collect them in the same manner as property taxes.
7. The Treasurer and/or Deputy Treasurer is authorized to execute development charges payment agreements, to execute agreements under Section 27 of the Act for payment before or after payments would otherwise be payable, and to require any security which he or she deems necessary to the proper implementation or administration of the collection of development charges, upon legal terms satisfactory to the Town Solicitor and upon business terms satisfactory to the Treasurer and/or Deputy Treasurer.
8. This by-law shall come into full force and effect upon the final passing thereof.



Read a first, a second and a third time and finally passed on June 7, 2021



Mayor



Clerk

