

Corporation of the Town of Petawawa

By-Law Number 1675/24

Being A By-Law for the Imposition of Development Charges

WHEREAS the Town of Petawawa 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 Petawawa;

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 Petawawa 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 Petawawa has given notice of and held a public meeting on the 17th day of June, 2024 in accordance with the Act and the regulations thereto;

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

DEFINITIONS

1. In this by-law,

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

"Additional dwelling unit" means a dwelling unit, whether contained within a proposed single detached dwelling, semi-detached dwelling or row dwelling, or

ancillary to a single detached dwelling, a semi-detached dwelling, or a row dwelling including but not limited to a coach house, laneway suite or structure constructed above an existing garage or other structure separate from the primary dwelling unit, and which is not capable of being legally conveyed as a separate parcel of land from the primary dwelling unit;

“Affordable Residential Unit” means a Residential Unit that meets the criteria set out in subsection 4.1 of the Act;

“Agricultural use” means a farming business as defined by the Farmland Property Tax Program of the *Farm Registration and Farm Organizations Funding Act, 1993*;

“Apartment dwelling” means any dwelling unit within a building containing more than four dwelling units where the units are connected by an interior corridor;

“Attainable Residential Unit” means a residential unit that meets the criteria set out in subsection 4.1 of the Act;

“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 that 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 capital costs as defined in subsection 5 (3) of the 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 Town of Petawawa;

“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 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” 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;

“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;

“Inclusionary zoning residential unit” means residential units that are affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the *Planning Act* to give effect to the policies described in subsection 16(4) of that Act.

“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 development of a building or structure intended for use:

- (a) as a long-term care home within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;
- (b) as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*.
- (c) By any institution of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular and ongoing operation funding from the Government of Ontario;
 - (ii) a college or university federated or affiliated with a university described in subclause (i); or
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institute Act, 2017*;
- (d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- (e) as a hospice to provide end of life care;

“Local Board” means a school board, 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, including school purposes, of a municipality or of two or more municipalities or parts thereof;

“Local services” means those services, facilities or things which are under the jurisdiction of the Town of Petawawa 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 dwelling” means any dwelling unit 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 dwelling” means all dwellings other than single-detached, semi-detached, and apartment dwellings;

“Municipality” means the Corporation of the Town of Petawawa;

“Non-profit housing”, means a 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 objective is to provide housing;
- (b) a corporation without share capital to which the *Canada Not-for-profit Corporation Act* applies, that is in good standing under that Act and whose primary objective is to provide housing; or
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*;

“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;

“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;

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

“Residential unit” means the same as dwelling unit as defined in this by-law;

“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;

“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;

“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. For the purposes of this definition, a row dwelling with up to two additional dwelling units as defined in this by-law is deemed to be a row dwelling;

“Semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall, but not other parts, attached to another dwelling unit where the dwelling units are not connected by an interior corridor. For the purposes of this definition, a semi-detached dwelling with up to two additional dwelling units as defined in this by-law is deemed to be a semi-detached dwelling;

“Service” means a service set out in section 2.1 to this by-law, and “services” shall have a corresponding meaning;

“Single detached dwelling” means a residential building consisting of one dwelling unit and not attached to another structure. For the purposes of this

definition, a single detached dwelling with up to two additional dwelling units as defined in this by-law is deemed to be a single detached dwelling;

“Town” means the area within the geographic limits of the Town of Petawawa;
and

“Zoning By-Law” means the Zoning By-Law of the Town of Petawawa or any successor thereof passed pursuant to section 34 of the *Planning Act*, S.O. 1998.

2. DESIGNATION OF SERVICES

2.1 The categories of services and classes of service 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) Library Services;
- (e) Growth-related Studies;
- (f) Wastewater Services (within the wastewater serviced area only); and
- (g) Water Services (within the water serviced area only).

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 Petawawa whether or not the land or use thereof is exempt from taxation under s.13 of the *Assessment Act*.

3.3. Notwithstanding section 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; or
- (b) the County of Renfrew or any local board thereof;
- (c) a board of education;
- (d) Garrison Petawawa; or
- (e) a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education.

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*, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or
 - (vii) 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 designated in section 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 This by-law shall not apply to that category of exempt development described in subsections 2(3), 2(3.1), and 2(3.2) of the Act, namely:

- (a) An enlargement to an existing dwelling unit;
- (b) 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;
- (c) 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;
- (d) One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of 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; or
- (e) In an existing rental residential building, which contains four or more residential units, the creation of the greater of one residential unit or one per cent of the existing residential units.

3.6 This by-law shall not apply to that category of exempt development described in subsection 2(3.3) of the Act, namely:

- (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; or
- (c) One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of 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.

3.7 This by-law does not apply to that category of exempt development described in section 4 of the Act, namely:

- (a) the enlargement of the gross floor area of an existing industrial building, if the gross floor area is enlarged by 50 percent or less;
- (b) for the purpose of paragraph (a) the terms “gross floor area” and “existing industrial building” shall have the same meaning as those terms have in O. Reg. 82/98 made under the Act.
- (c) Notwithstanding paragraph (a), if the gross floor area of an existing industrial building is enlarged by more than 50 percent, development charges shall be calculated and collected in accordance with Schedule “A” on the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.
- (d) For the purpose of the application of section 4 of the Act to the operation of this by-law:
 - (i) the gross floor area of an existing industrial building shall be calculated as it existed prior to the first enlargement in respect of

that building for which an exemption under section 4 of the Act is sought; and

- (ii) the enlargement of the gross floor area of the existing building must:
 - (1) be attached to the existing industrial building;
 - (2) not be attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor or other passageway, shared below-grade connection, foundation, footing, parking facility, service tunnel or service pipe;
 - (3) be for use or in connection with an industrial purpose as set out in this by-law; and
 - (4) constitute a bona fide increase in the size of the existing building.

3.8 This by-law shall not apply to that category of exempt development described in section 4.2 of the Act, namely that development charges shall not be imposed with respect to non-profit housing development.

3.9 This by-law shall not apply to that category of exempt development described in section 4.3 of the Act, namely that development charges shall not be imposed with respect to inclusionary zoning residential unit development.

3.10 This by-law shall not apply to that category of exempt development described in section 4.1 of the Act, namely that development charges shall not be imposed with respect to affordable residential units and attainable residential units.

3.11 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 churchyard or cemetery exempt from taxation under the *Assessment Act*; and
- (b) The development of non-residential farm buildings constructed for bona-fide farm uses.

Amount of Charges

Residential

- 3.12 The development charges set out in Schedule "A" 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 "A" 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.

Reduction of Development Charges for Redevelopment

- 3.14 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 24 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 section 3.12 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 section 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.

Time of Payment of Development Charges

- 3.15 Development charges shall be calculated and payable in money or by provision of service as may be agreed upon, or by credit granted under the Act, on the date that the building permit is issued in relation to a building or structure on land to which the development charge applies.
- 3.16 Where development charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full.
- 3.17 Notwithstanding sections 3.15 and 3.16, Development Charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the Town's Council approved Development Charge Interest Policy, payable on the anniversary date each year thereafter.
- 3.18 Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment made on or after January 1, 2020, and the approval of the application occurred within the prescribed amount of time from the building permit issuance, the Development Charges under sections 3.15 and 3.17 shall be calculated based on the rates set out in Schedule "A" on the date the planning application was made, including interest as provided in the Town's Council approved Development Charge Interest Policy. Where both planning applications apply, Development Charges under sections 3.15 and 3.17 shall be calculated based on the rates, including interest as provided in the Town's Council approved Development Charge Interest Policy, set out in Schedule "A" on the date of the later planning application.
- 3.19 Despite sections 3.15, 3.17, and 3.18, 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.

Development Charge Reductions

3.20 Notwithstanding the provisions of this by-law, development charges for rental housing developments 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.

4. PAYMENT BY SERVICES

4.1 Despite the payment required under sections 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. INDEXING

5.1 Development charges imposed pursuant to this by-law shall be adjusted annually on January 1st, without amendment to this by-law, in accordance with the most recent available twelve month change in the Ottawa series of the prescribed index in the Act (currently Statistics Canada Table 18-10-0276-02).

6. SCHEDULES

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

Schedule A – Schedule of Development Charges

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. BY-LAW AMENDMENT OR APPEAL

9.1 Where this by-law or any development charge prescribed thereunder is amended or repealed either by order of the Ontario Land Tribunal or by resolution of Council, the Treasurer of the Town shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.

9.2 Refunds that are required to be paid under section 9.1 shall be paid with interest to be calculated as follows:

- (a) Interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
- (b) The Bank of Canada interest rate in effect on the date of enactment of this by-law shall be used.

9.3 Refunds that are required to be paid under section 9.1 shall include the interest owed under this section.

10. HEADINGS FOR REFERENCE ONLY

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

11. EXISTING BY-LAW REPEAL

11.1 The Town of Petawawa By-laws 1280/19 and 1473/22 are hereby repealed.

12. DATE BY-LAW IN FORCE

12.1 This by-law shall come into effect at 12:01 AM on July 9, 2024.

13. DATE BY-LAW EXPIRES

13.1 This by-law will expire at 12:01 AM on July 9, 2034 unless it is repealed by Council at an earlier date.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED on this 8th day of July, 2024.

Mayor

Clerk

[Handwritten signature] SS
[Handwritten signature: Col Howard]
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SCHEDULE "A" TO BY-LAW 1675/24

SCHEDULE OF DEVELOPMENT CHARGES

Service/Class of Service	RESIDENTIAL				NON-RESIDENTIAL (per sq.ft. of Gross Floor Area)
	Single and Semi- Detached Dwelling	Other Multiples and Mobile Homes	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	
Municipal-wide Services/Class of Service:					
Services Related to a Highway	\$ 2,305	\$ 1,637	\$ 1,239	\$ 910	\$ 1.67
Fire Protection Services	\$ 652	\$ 463	\$ 350	\$ 257	\$ 0.47
Parks and Recreation Services	\$ 753	\$ 535	\$ 405	\$ 297	\$ 0.05
Library Services	\$ 1,152	\$ 818	\$ 619	\$ 455	\$ 0.08
Growth-related Studies	\$ 374	\$ 266	\$ 201	\$ 148	\$ 0.19
Total Municipal Wide Services/Class of Services	\$ 5,236	\$ 3,719	\$ 2,814	\$ 2,067	\$ 2.46
Urban Services					
Wastewater Services	\$ 3,727	\$ 2,647	\$ 2,003	\$ 1,471	\$ 2.18
Water Services	\$ 1,895	\$ 1,346	\$ 1,018	\$ 748	\$ 1.27
Total Urban Services	\$ 5,622	\$ 3,993	\$ 3,021	\$ 2,219	\$ 3.45
GRAND TOTAL RURAL AREA	\$ 5,236	\$ 3,719	\$ 2,814	\$ 2,067	\$ 2.46
GRAND TOTAL URBAN AREA - WATER ONLY	\$ 7,131	\$ 5,065	\$ 3,832	\$ 2,815	\$ 3.73
GRAND TOTAL URBAN AREA	\$ 10,858	\$ 7,712	\$ 5,835	\$ 4,286	\$ 5.91