Appendix E
Proposed Municipal-wide D.C. By-law

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

BY-LAW NO. 2020-0XX

to impose development charges against land in the Municipality of Clarington pursuant to the Development Charges Act, 1997

WHEREAS subsection 2(1) of the Development Charges Act, 1997, S.O. 1997, c.27 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 arising from the development of the area to which the by-law applies.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON ENACTS AS FOLLOWS:

Part 1 — Interpretation

Definitions

1. In this by-law,

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

"Act" means the *Development Charges Act*, 1997, S.O. 1997, c.27;

"air-supported structure" has the same meaning as in the *Building Code Act*, 1992;

"apartment building" means (a) a residential building (other than a fourplex or sixplex) containing 4 or more dwelling units that have a common entrance to grade, common corridors, stairs and/or yards; and (b) the residential portion of a mixed-use building containing 4 or more dwelling units that are located behind or above a non-residential use and may have a separate entrance to grade, and includes stacked townhouse;

“bedroom ”means a habitable room, including a den, study, loft, or other similar area, but does not include a living room, a dining room, a bathroom, or kitchen;

"building" means a building or structure that occupies an area greater than 10 square metres consisting of a wall, roof and floor or a structural system serving the function thereof, and includes an air-supported structure;

"Building Code Act, 1992" means the *Building Code Act*, 1992, S.O. 1992, c.23 and all Regulations thereunder including the Ontario Building Code, 2012;

"Council" means Council of the Municipality;

"development" means any activity or proposed activity in respect of land that requires one or more of the actions or decisions referred to in section 12 and includes redevelopment;

"development charge" means a development charge imposed by this by-law;

"duplex" means a residential building containing 2 dwelling units divided horizontally from each other;

"dwelling unit" means one or more habitable rooms designed or intended to be used together as a single and separate housekeeping unit by one or more persons, containing its own full kitchen and sanitary facilities, with a private entrance from outside the unit itself;

“existing” means the number, use and size that existed at least 2 years before the date of building permit application;

"fourplex" means a pair of duplexes divided vertically from the other by a common wall;

"floor" includes a paved, concrete, wooden, gravel or dirt floor;

"grade" means the average level of the proposed finished surface of the ground immediately abutting each building or mixed-use building at all exterior walls;

"gross floor area" means the total area of all floors, whether above or below grade, measured between the outside surfaces of exterior walls, or between the outside surfaces of exterior walls and the centre line of a party wall or a demising wall as the case may be, including mezzanines, air-supported structures, interior corridors, lobbies, basements, cellars, half-stories, common areas, and the space occupied by interior walls or partitions, but excluding any areas used for,

(a) loading bays, parking of motor vehicles, retail gas pump canopies; and

(b) enclosed garbage storage in an accessory building;

"heritage building" means a building designated under section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18 and, for purpose of subsection 36(7), includes any building identified as "primary resource" in the registry maintained by the Municipality pursuant to section 28 of such Act;

"industrial", in reference to use, means any land, building or structure or portions thereof used, designed or intended for or in connection with manufacturing, producing, processing, fabricating, assembling, refining, research and development, storage of materials and products, truck terminals, warehousing, but does not include,

(a) retail service sales or rental areas, storage or warehousing areas used, designed or intended to be used in connection with retail sales, service or rental areas, warehouse clubs or similar uses, self-storage mini warehouses, and secure document storage; and

(b) office areas that are not accessory to any of the foregoing areas or uses or accessory office uses that are greater than 25% of the gross floor area of the building;

“institutional”, in reference to use, 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 of the following post-secondary institutions for the objects of the institution:

(i) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,

(ii) a college or university federated or affiliated with a university described in subclause (i), or

(iii) an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;

(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.

"linked building" means a residential building that is divided vertically so as to contain only two separate dwelling units, connected underground by footing and foundation, each of which has an independent entrance directly from the outside of the building and is located on a separate lot;

"lot" means a parcel of land within a registered plan of subdivision or any land that may be legally conveyed under the exemptions provided in clause 50(3)(b) or 50(5)(a) of the *Planning Act*;

"mezzanine" has the same meaning as in the *Building Code Act*, 1992;

"mixed-use building" means a building used, designed or intended to be used either for a combination of non-residential and residential areas and uses, or for a combination of different classes or types of non-residential areas and uses;

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

"multiple unit building" means a residential building or the portion of a mixed-use building that contains multiple dwelling units (other than dwelling units contained in an apartment building, linked building, semi-detached building or single detached dwelling) and includes plexes and townhouses;

"Municipality" means The Corporation of the Municipality of Clarington or the geographic area of the Municipality of Clarington, as the context requires;

“non-industrial” in reference to use, means lands, buildings or structures used or designed or intended for use for a purpose which is not residential or industrial;

“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 Ontario Corporations Act (or its successor legislation) 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;

"non-residential", in reference to use, means a building or portions of a mixed-use building containing floors or portions of floors which are used, designed or intended to be used for a purpose which is not residential, and includes a hotel, motel and a retirement residence;

"owner" means the owner of land or a person who has made application for an approval for the development of land against which a development charge is imposed;

"party wall" means a wall jointly owned and jointly used by 2 parties under an easement agreement or by right in law and erected on a line separating 2 parcels of land each of which is, or is capable of being, a separate lot;

"*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P.13;

"plex" means a duplex, triplex, fourplex or sixplex;

“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", in reference to use, means a building or a portion of a mixed-use building and floors or portions of floors contained therein that are used, designed or intended to be used as living accommodation for one or more individuals provided in dwelling units and any building accessory to such dwelling units;

"retirement residence" means a residential building or the residential portion of a mixed-use building that provides living accommodation, where common facilities for the preparation and consumption of food are provided for the residents of the building, and where each unit or living accommodation has separate sanitary facilities, less than full kitchen facilities and a separate entrance from a common corridor;

“retirement residence unit” means a unit within a retirement residence;

"semi-detached building" means a residential building that is divided vertically so as to contain only two separate dwelling units, each of which has an independent entrance directly from outside of the building;

"service" means a service designated by section 10;

"single-detached dwelling" means a residential building containing only one dwelling unit which is not attached to any other building or structure except its own garage or shed and has no dwelling units either above it or below it, and includes a mobile home;

"sixplex" means a pair of triplexes divided vertically one from the other by a common wall;

"stacked townhouse" means a building, other than a plex, townhouse or apartment building, that contains at least 3 attached dwelling units that (a) are joined by common side walls with dwelling units entirely or partially above another; and (b) have a separate entrance to grade;

"townhouse" means a building, other than a plex, stacked townhouse or apartment building, that contains at least 3 attached dwelling units, each of which (a) is separated from the others vertically; and (b) has a separate entrance to grade;

"triplex" means a residential building containing 3 dwelling units; and

"Zoning By-laws" means the Municipality's By-law No. 84-63 and By-law No. 2005-109.

References

2. In this by-law, reference to any Act, Regulation, Plan or By-Law is reference to the Act, Regulation, Plan or By-Law as it is amended or re-enacted from time to time.

3. Unless otherwise specified, references in this by-law to Schedules, Parts, sections, subsections, clauses and paragraphs are to Schedules, Parts, sections, subsections, clauses and paragraphs in this by-law.

Word Usage

4. This by-law shall be read with all changes in gender or number as the context may require.

5. In this by-law, a grammatical variation of a defined word or expression has a corresponding meaning.

Schedules

6. The following Schedules are attached to and form part of this by-law:

Schedule 1 —Municipal-Wide Development Charges
Schedule 2A — Clarington Energy Business Park
Schedule 2B — Clarington Science Park
Schedule 3A — Revitalization Area — Newcastle Village
Schedule 3B — Revitalization Area — Orono
Schedule 3C — Revitalization Area — Bowmanville
Schedule 3D — Revitalization Area — Courtice

Severability

7. If, for any reason, any section or subsection of this by-law is held 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 or amended, in whole or in part or dealt with in any other way.

Part 2 — Development Charges

Designated Services and Classes

8. It is hereby declared by Council that all development in the Municipality will increase the need for services.

9. Development charges shall apply without regard to the services which in fact are required or are used by any individual development.

10. Development charges shall be imposed for the following categories of service and class to pay for increased capital costs required because of increased needs for services arising from development:

    (a) Fire Protection Services;
    (b) Growth Studies;
    (c) Library Services;
    (d) Parks and Recreation Services; and
    (e) Services Related to a Highway.

Rules

11. For the purpose of complying with section 6 of the Act, the following rules have been developed:

    (a) The rules for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be in accordance with sections 12 through 20.

    (b) The rules for determining the indexing of development charges shall be in accordance with section 21.

    (c) The rules for determining exemptions shall be in accordance with Part 3 (sections 22 through 33).

    (d) The rules respecting redevelopment of land shall be in accordance with Part 4 (sections 34 through 38).

    (e) This by-law does not provide for any phasing in of development charges.

    (f) This by-law applies to all lands in the Municipality.

Imposition of Development Charges

12. Development charges shall be imposed on all land, buildings or structures that are developed if the development requires,

    (a) the passing of a zoning by-law or of an amendment thereto under section 34 of the Planning Act;

    (b) the approval of a minor variance under section 45 of the Planning Act;

    (c) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;

    (d) the approval of a plan of subdivision under section 51 of the Planning Act;

    (e) a consent under section 53 of the Planning Act;

    (f) the approval of a description under section 50 of the *Condominium Act*, 1998, S.O. 1998, c.19; or

    (g) the issuing of a permit under the *Building Code Act*, 1992 in relation to a building or structure.

13. Not more than one development charge for each service shall be imposed upon any land, building or structure whether or not two or more of the actions or decisions referred to in section 12 are required before the land, building or structure can be developed.

14. Notwithstanding section 13, if two or more of the actions or decisions referred to in section 12 occur at different times, additional development charges shall be imposed in respect of any increase in or additional development permitted by the subsequent action or decision.

Basis of Calculation

15. Development charges for all services shall be calculated,

    (a) in the case of residential buildings and the residential portions of mixed-use buildings, on the basis of the number and type of dwelling units contained in them; and

(b) in the case of non-residential buildings and the non-residential portion of mixed-use buildings, on the basis of the gross floor area contained in the non-residential building or in the non-residential portion of the mixed-use building.

Amount

16. (1) The amount of the development charges payable in respect of residential development shall be determined in accordance with clause 15(1) (a) and Schedule 1.

(2) The amount of the development charges payable in respect of non-residential development shall be determined in accordance with clause 15(1)(b) and Schedule 1.

Timing of Calculation

17. (1) The total amount of a development charge is the amount of the development charge that would be determined under the by-law on,

(a) the day an application for an approval of development in a site plan control area under subsection 41(4) of the *Planning Act* was made in respect of the development that is subject of the development charge;

(b) if clause (a) does not apply, the day an application for an amendment to a by-law passed under section 34 of the *Planning Act* was made in respect of the development that is the subject of the development charge; or

(c) if neither clause (a) or clause (b) applies, the day the first building permit is issued for the development that is the subject of the development charge.

(2) Subsection (1) applies even if this by-law is no longer in effect.

(3) Where clause (1)(a) or (b) applies, interest shall be payable on the development charge, at the rate established by the Municipality's Interest

Rate Policy, from the date of the application referred to in the applicable clause to the date the development charge is payable.

(4) If a development was the subject or more than one application referred to in clause (1)(a) or (b), the later one is deemed to be the applicable application for the purposes of this section.

(5) Clauses (1)(a) and (b) do not apply if, on the date the first building permit is issued for the development, more than two years has elapsed since the application referred to in clause (1)(a) or (b) was approved.

(6) Clauses (1)(a) and (b) do not apply in the case of an application made before January 1, 2020.

Timing of Payment

18. (1) Subject to subsections 18(2) and 18(3), development charges shall be payable in full on the date the first building permit is issued for the development of the land against which the development charges apply.

(2) Notwithstanding Subsection 18(1), development charges for rental housing and institutional developments are payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

(3) Notwithstanding Subsection 18(1), development charges for non-profit housing developments are payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

(4) If the development of land is such that it does not require that a building permit be issued before the development is commenced, but the development requires one or more of the other actions or decisions referred to in section 12 be taken or made before the development is commenced, development charges shall be payable in respect of any increase in or additional development permitted by such action or decision

prior to the action or decision required for the increased or additional development being taken or made.

(5) In accordance with section 27 of the Act, where ~~temporary buildings or~~ apartment buildings having a minimum of 3 stories are being developed, the Municipality may enter into an agreement with a person who is required to pay a development charge providing for all or any part of a development charge to be paid after it would otherwise be payable.

(6) For the purpose of subsections 18(2) and 18(3) herein, "interest" means the interest rate outlined in the Municipality's Interest Rate Policy.

Commented [MR1]: I have deleted the reference to "temporary buildings" because that category is defined and exempted from DCs in s. 28. My broader concern with this section is that it provides for only a very narrow application of s. 27 of the DC Act. Council actually has an unlimited discretion to enter into deferral arrangements under the DC Act, and I question why we would include a section in our by-law that would seemingly place restrictions on that discretion. Alternatively, if this section of the by-law is intended to delegate authority to staff to enter into deferral arrangements for developers of multi-story apartment buildings, that delegated authority should be set out in more detail.

Method of Payment

19. Payment of development charges shall be in a form acceptable to the Municipality.

Unpaid Charges

20. Where a development charge or any part of it remains unpaid at any time after it is payable, the amount shall be added to the tax roll and collected in the same manner as taxes.

Indexing

21. The development charges set out in Schedule 1 shall be adjusted without amendment to this by-law annually on July 1st in each year, commencing on July 1, 2021, at the rate identified by the Statistics Canada Non-Residential Construction Price Index for Toronto based on the 12 month period most recently available.

Part 3 - Exemptions

Specific Users

22. Development charges shall not be imposed with respect to land, buildings or structures that are owned by,

(a) a hospital as defined in section 1 of the *Public Hospitals Act*, R.S.O. 1990, c. P.40 and used, designed or intended for the purposes set out in such Act;

(b) the Municipality, the Corporation of the Regional Municipality of Durham, or their local boards as defined in section 1 of the Act and used, designed or intended for municipal purposes;

(c) a board of education as defined in subsection 1(1) of the *Education Act*, 1990, S.O. 1990, c.27 and used, designed or intended for school purposes including the administration or the servicing of schools; and

(d) a college or a university as defined in section 171.1 of the *Education Act*, R.S.O. 1990, c. E.2 and used, designed or intended for purposes set out in such Act.

Specific Properties

23. Buildings that are or will be located either in the Clarington Science Park or the Clarington Energy Park (as shown in Schedule 2) are exempt from development charges if the owner can provide evidence satisfactory to the Director of Finance that the building will be used for research purposes including laboratories, offices, amenity areas and service areas for staff who conduct research.

Existing Residential

24. Development charges shall not be imposed with respect to residential development if the only effect of such development is,

(a) an interior alteration to an existing residential building which does not change or intensify the use of the building;

(b) the enlargement of an existing dwelling unit;

(c) the creation of ~~one or two additional~~a second or third dwelling unit~~s~~ in an existing single detached dwelling, or ancillary structure thereto, where the total gross floor area of the additional unit(s) does not exceed the original gross floor area of the existing dwelling unit; or

(d) the creation of ~~one additional~~a second dwelling unit in a semi-detached building or townhouse dwelling, or ancillary structure thereto, where the total gross floor area of the additional unit does not exceed the original gross floor area of the existing dwelling unit.

New Residential

24. Development charges shall not be imposed with respect to new residential development if the only effect of such development is 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	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.

	dwelling or row dwelling		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.

Agricultural Development

25. (1) In this section,

"agricultural", in reference to use, means land, buildings or structures used, designed or intended to be used solely for an "agricultural operation" as defined in section 1 of the Farm and Food Production Protection Act, 1998, S.O. 1998, c.1 but does not include any facilities located within urban areas as defined in the Municipality's Official Plan;

"agri-tourism" has the same meaning as in Zoning By-law 2005-109; and

"farm bunkhouse" means a building or buildings that are constructed on land zoned agricultural ("A") in a Zoning By-law and is used, designed or intended to be used exclusively to provide seasonal, interim or occasional living accommodation to farm labourers.

(2) Land, buildings or structures used, designed or intended for agricultural purposes or for agri-tourism are exempt from development charges.

(3) Farm bunkhouses are exempt from development charges provided there is an existing dwelling unit on the same lot.

Places of Worship

26. (1) In this section, "place of worship" means a building or structure or part thereof that is used primarily for worship and is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31.

(2) Places of worship are exempt from non-residential development charges.

Garden Suites

27. (1) In this section, "garden suite" means a one unit detached residential structure containing bathroom and full kitchen facilities that is (a) ancillary to an existing residential structure; (b) designed to be portable; and (c) for purposes of section 16, considered to be a dwelling unit in an apartment building.

(2) The development charges paid in regard to a garden suite shall be refunded in full, without interest, to the then current owner of the garden suite, upon request, if the garden suite is demolished or removed within the period of time that Council has authorized its temporary use.

Temporary Buildings

28. (1) In this section,

"temporary building" means a building or structure constructed, erected or placed on land for a continuous period not exceeding twelve months and includes an addition or alteration to a building or structure that has the effect of increasing the gross floor area thereof for a continuous period not exceeding 12 months; and

"sales office" means a building or structure constructed, erected or placed on land to be used exclusively by a realtor, builder, developer or contractor on a temporary basis for the sale, display and marketing of residential lots and dwellings within a draft approved subdivision or condominium plan.

(2) Temporary buildings and sales offices are exempt from development charges.

(3) If a temporary building remains for a continuous period exceeding 12 months, it shall be deemed not to be, or ever to have been, a temporary building, and the development charges thereby become payable.

Existing Industrial Development

29. (1) In this section, "existing industrial building" has the same meaning as in subsection 1(1) of O.Reg. 82/98. For ease of reference, the current definition in the Regulation reads as follows:

"existing industrial building" means a building used for or in connection with:

(a) manufacturing, producing, processing, storing or distributing something,

(b) research or development in connection with manufacturing, producing or processing something,

(c) retail sales by a manufacturer, producer or processor of something 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 they are,

(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;

(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 this section.

(3) If the gross floor area is enlarged by 100 per cent or less, the amount of the development charge in respect of the enlargement is zero.

(4) If the gross floor area is enlarged by more than 100 per cent, 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:

1. Determine the amount by which the enlargement exceeds 100 per cent of the gross floor area before the enlargement.

2. Divide the amount determined under paragraph 1 by the amount of the enlargement.

(5) The exemption provided in this section shall apply equally to a separate (non-contiguous) industrial building constructed on the same lot as an existing industrial building.

(6) The exemption provided in subsections (1) though (5) above shall not apply to existing industrial buildings located on land that is in the "large industrial property class" as defined in subsection 14(1) of O. Reg. 282/98 passed under the *Assessment Act*, R.S.O. 1990, c. A.31, however the exemption provided in section 4 of the Act shall apply to such buildings.

New Industrial Development

30. The amount of the development charge payable in respect of a new industrial building constructed on a vacant lot is 50% of the amount that would otherwise be payable.

Purpose Built Rental Housing Development

31. (1) This section only applies to Purpose Built Rental Housing Developments on lands within the Regional Urban Centres and Regional Corridors designated in the Clarington Official Plan.

(2) In order to incent development, the amount of the residential development charge payable in respect of development that is eligible pursuant to this section is 50% of the residential amount that would otherwise be payable.

(3) To be eligible under this section , ~~B~~buildings must conform to the Land Use and Urban Design Policies and Guidelines of the Clarington Official Plan and Zoning By-law and this conformity will be established by the Director of Planning and Development.

Affordable Housing Development

32. (1) This section only applies to Affordable Housing defined as new housing developments qualifying under the Ontario Community Housing Renewal Strategy and/or the National Housing Strategy Co-Investment Fund.

(2) In order to incent development, the amount of the residential development charge payable in respect of development that is eligible pursuant to this section is zero.

(3) To be eligible under this section , ~~B~~buildings must conform to the Land Use and Urban Design Policies and Guidelines of the Clarington Official Plan and Zoning By-law and this conformity will be established by the Director of Planning and Development.

Small Business Expansion

33. (1) This section only applies to specific areas in Newcastle Village (Schedule 3A), Orono (Schedule 3B), Bowmanville (Schedule 4C) and Courtice (Schedule 3D) as Revitalization Areas.

(2) In this section, "existing commercial building" means an existing non-residential building that,

(a) is not used, designed or intended for any industrial use;

(b) has a gross floor area of less than 250 square metres; and

(c) is located on land that is zoned commercial ("C") in a Zoning By-law.

(d) Building expansions must conform to the Land Use and Urban Design Policies and Guidelines of the Clarington Official Plan and Zoning By-law and this conformity will be established by the Director of Planning and Development

(3) If a development includes the enlargement of the gross floor area of an existing commercial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with this section.

(4) If the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero.

(5) If the gross floor area is enlarged by more than 50 per cent, 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:

1. Determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement.

2. Divide the amount determined under paragraph 1 by the amount of the enlargement.

Part 4 - Redevelopment

Demolition and Conversion Credits

34. (1) In this section, "conversion" means the change in use of all or a portion of a building as permitted under the provisions of a Zoning By-law.

(2) Where an existing building or structure is to be converted to another use, in whole or in part, or converted from one principal use to another principal use on the same land, the amount of the development charge payable shall be determined in accordance with this section.

(3) Where a building or structure ~~if~~ is destroyed in whole or in part by fire, explosion or Act of God or is demolished and ~~reconstructed~~the property redeveloped, the amount of the development charge payable in respect of the redevelopment shall be determined in accordance with this section.

(4) The development charges otherwise payable in respect of redevelopment described in subsections (2) and (3) shall be reduced by the following amounts:

(a) in the case of a residential building or the residential portion of a mixed-use building or structure, an amount calculated by multiplying the applicable development charges under Schedule 1 by the number, according to type of dwelling units that have been

demolished or converted to another principal use or demolished and reconstructed as the case may be; and

(b) in the case of a non-residential building or the non-residential portion of a mixed-use building or structure, an amount calculated by multiplying the applicable development charges under Schedule 2 by the non-residential gross floor area that has been demolished or converted to another principal use or demolished and reconstructed as the case may be.

(5) ~~A credit in respect of an event referred to in subsection (3) shall not be given unless a building permit has been issued within five years~~Unless a building permit for the redevelopment has been issued, and not revoked, prior to the fifth anniversary of the date on which a demolition permit was issued for the demolished building or structure, or the date on which the building or structure was destroyed in whole or in part by fire, explosion or Act of God, ~~as the case may be~~whichever is applicable, the credit provided under subsection (3) shall expire.

(6) The amount of any credit under subsection (4) shall not exceed the total development charges otherwise payable.

(7) ~~Notwithstanding subsection (4),~~No development charge is payable for the conversion of a heritage building located in any Revitalization Area described in section 33 ~~is exempt from development charges~~.

(8) Notwithstanding subsection (4), no credit shall be provided if,

(a) the demolished building or structure or part thereof would have been exempt under this by-law;

(b) the building or structure or part thereof would have been exempt under this by-law prior to the conversion, redevelopment or reconstruction as the case may be; or

(c) the development is exempt in whole or in part or eligible for any other relief under this by-law.

Brownfield Credit

35. (1) The amount of development charges otherwise payable for the redevelopment of contaminated property shall be reduced by an amount equal to the actual costs directly attributable to the environmental assessment and ~~cleanup~~ rehabilitation of the property, as approved by the Municipality, and provided a Record of Site Condition ~~is provided~~has been filed for the intended future use.

(2) The amount of any credit under subsection (2) shall not exceed the total development charge otherwise payable.

~~(3) Subsection (2) shall not apply to any redevelopment for a gas service station or uses developed in conjunction with a gas service station.~~

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Commented [MR2]: Deletion to be discussed.

~~Expropriated Land~~ Credit for Relocation of Building

36. ~~Where, as a result of the expropriation or acquisition of land by any government authority, a building or structure must be relocated or reconstructed, n~~No development charge shall be payable ~~provided the~~for any building or structure that is relocated or reconstructed ~~within the boundary of the original lot~~at a different location on the same lot.

Relocation of Heritage Buildings

37. (1) Where a heritage building is relocated to a different lot, an amount equal to the development charge shall be refunded to the owner upon the building being redesignated as a heritage building on the new lot.

(2) Notwithstanding subsection 34(3), no credit shall be provided in relation to the property on which the heritage building was originally located.

Occupancy During Construction

38. A full development charge refund shall be given if an existing dwelling unit on the same lot is demolished within 6 months or such longer period as may be permitted by Council following the date of issuance of the building permit for a new dwelling unit that is intended to replace the existing dwelling unit.

Part 5 - General

Cancelled Permits

39. A full development charge refund shall be given if a building permit is cancelled prior to the commencement of construction.

Onus

40. The onus is on the owner to produce evidence to the satisfaction of the Municipality which establishes that the owner is entitled to any exemption, credit or refund claimed under this by-law.

Interest

41. The Municipality shall pay interest on a refund under sections 18 and 25 of the Act at a rate equal to the Bank of Canada rate on the date this By-law comes into force updated on the first business day of every January, April, July and October until the date of the repeal or the expiry of this by-law.

42. Except as required under section 39, there shall be no interest paid on any refunds given under this by-law.

Front-Ending Agreements

43. The Municipality may enter into front-ending agreements under section 44 of the Act.

Effective Date

44. This by-law comes into force and is effective on December 15, 2020.

Expiry

45. This by-law expires five years after the day on which it comes into force.

Repeal

46. By-law No. 2015-035 is repealed effective December 15, 2020.

PASSED this 14th day of December 2020.

_____
Adrian Foster, Mayor

_____
C. Anne Greentree, Municipal Clerk

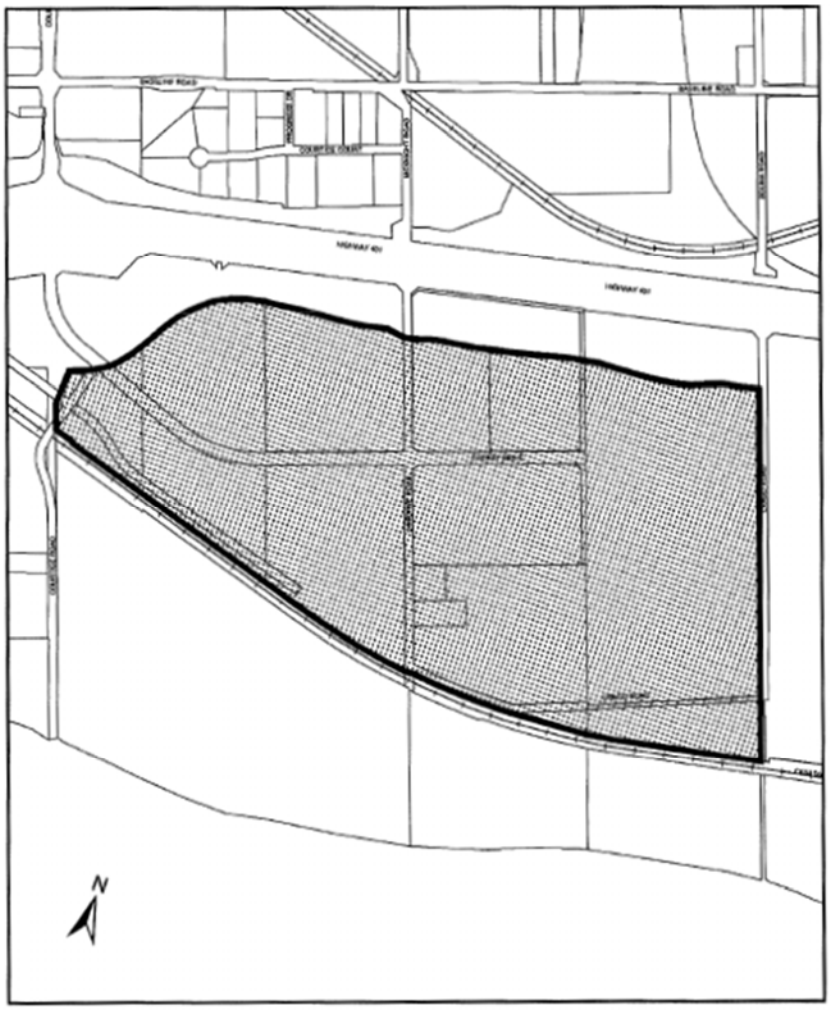
SCHEDULE 1

SCHEDULE OF MUNICIPAL-WIDE DEVELOPMENT CHARGES

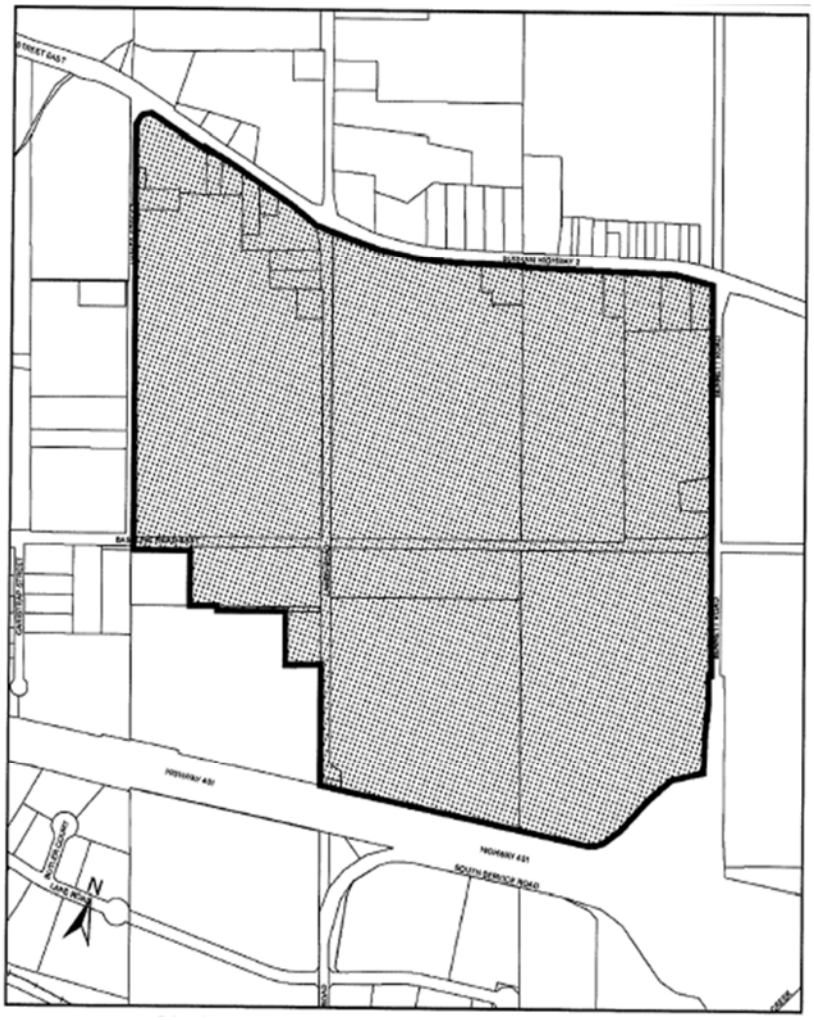
Service	RESIDENTIAL				NON-RESIDENTIAL (per sq.m. of Gross Floor Area)	
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Industrial	Non-Industrial
Services Related to a Highway	12,006	6,392	3,924	9,841	34.02	103.86
Fire Protection Services	454	242	148	372	2.47	2.47
Parks and Recreation Services	7,678	4,088	2,510	6,293	-	-
Library Services	1,007	536	329	825	-	-
Growth Studies	316	168	103	259	0.97	0.97
Total Municipal Wide Services	**21,461**	**11,426**	**7,014**	**17,590**	**37.46**	**107.30**

NOTE: Charges are subject to indexing in accordance with section 21

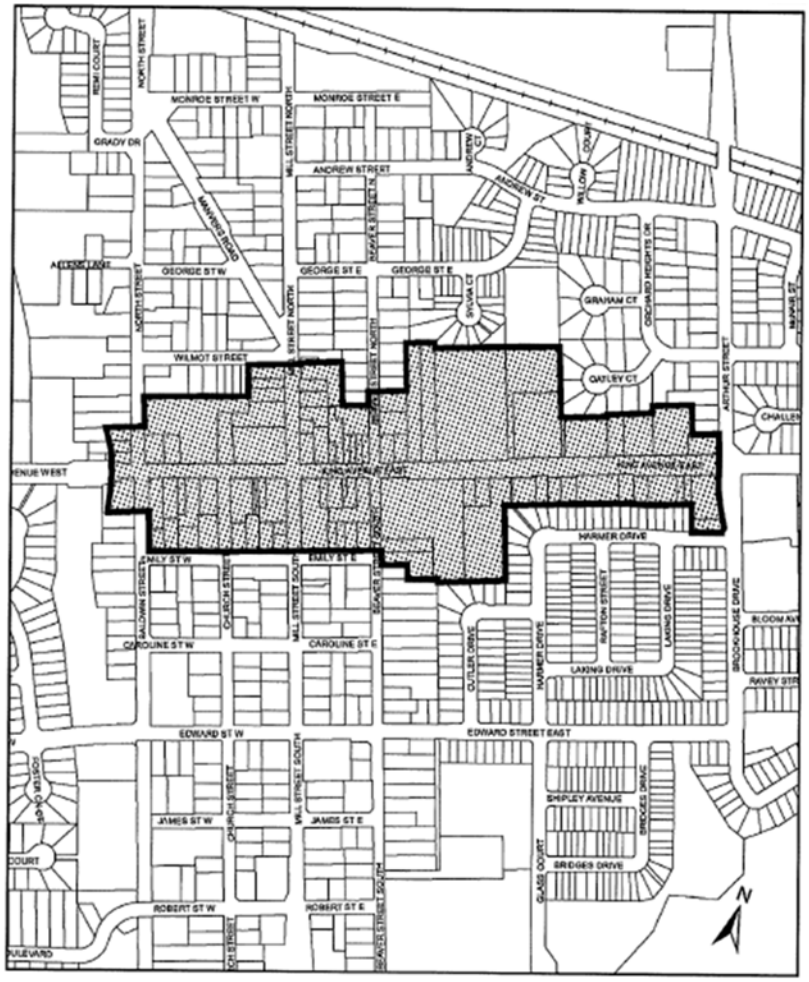
Schedule 2A — Clarington Energy Business Park



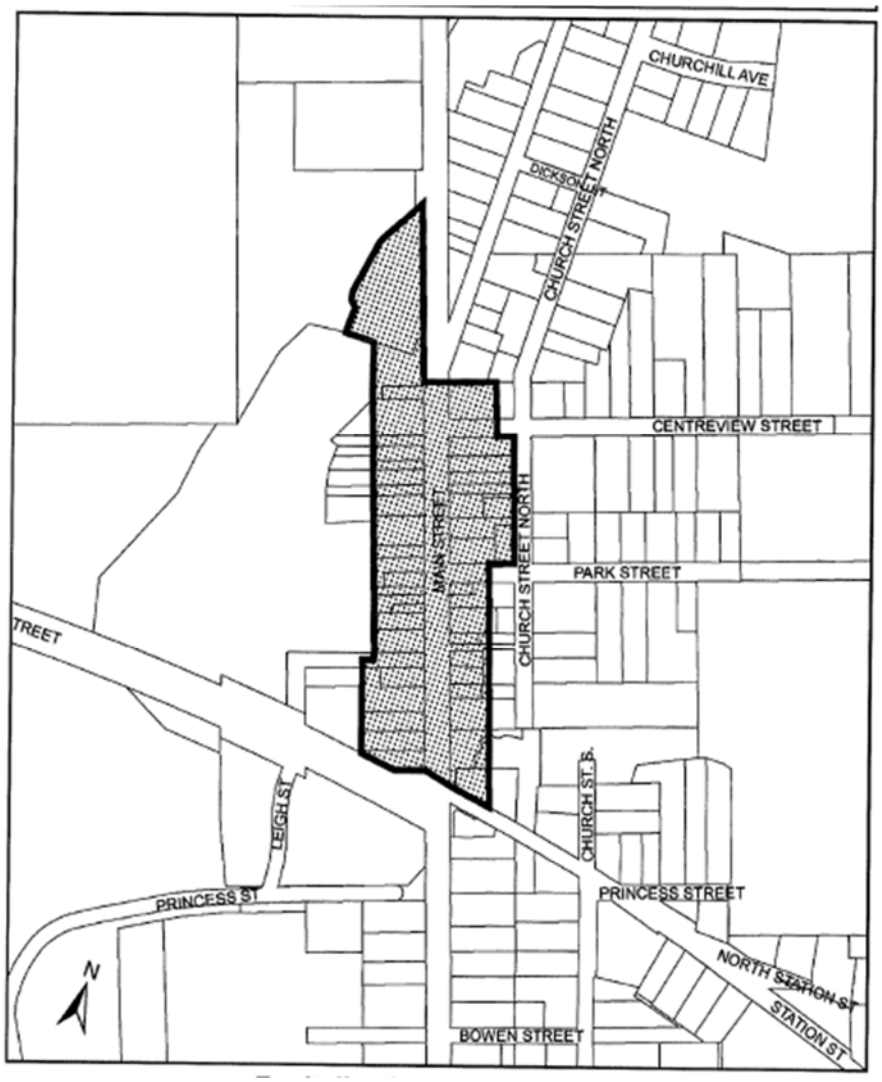
Schedule 2B — Clarington Science Park



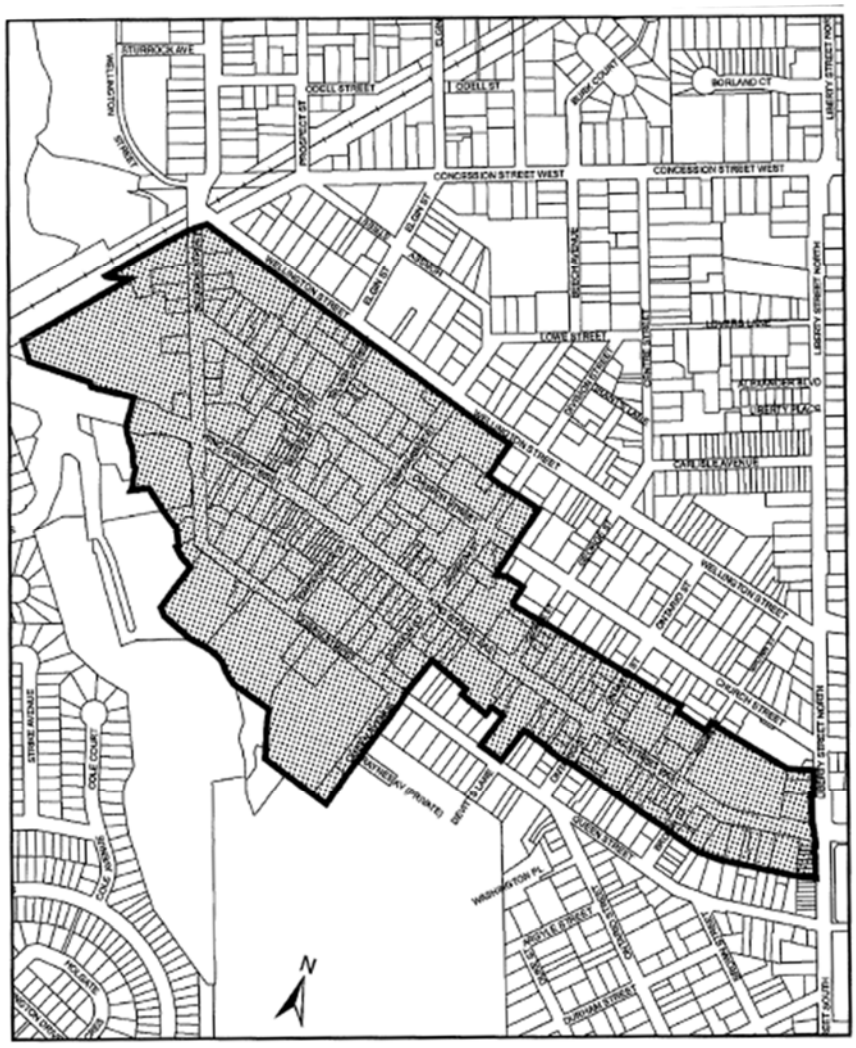
Schedule 3A — Revitalization Area — Newcastle Village



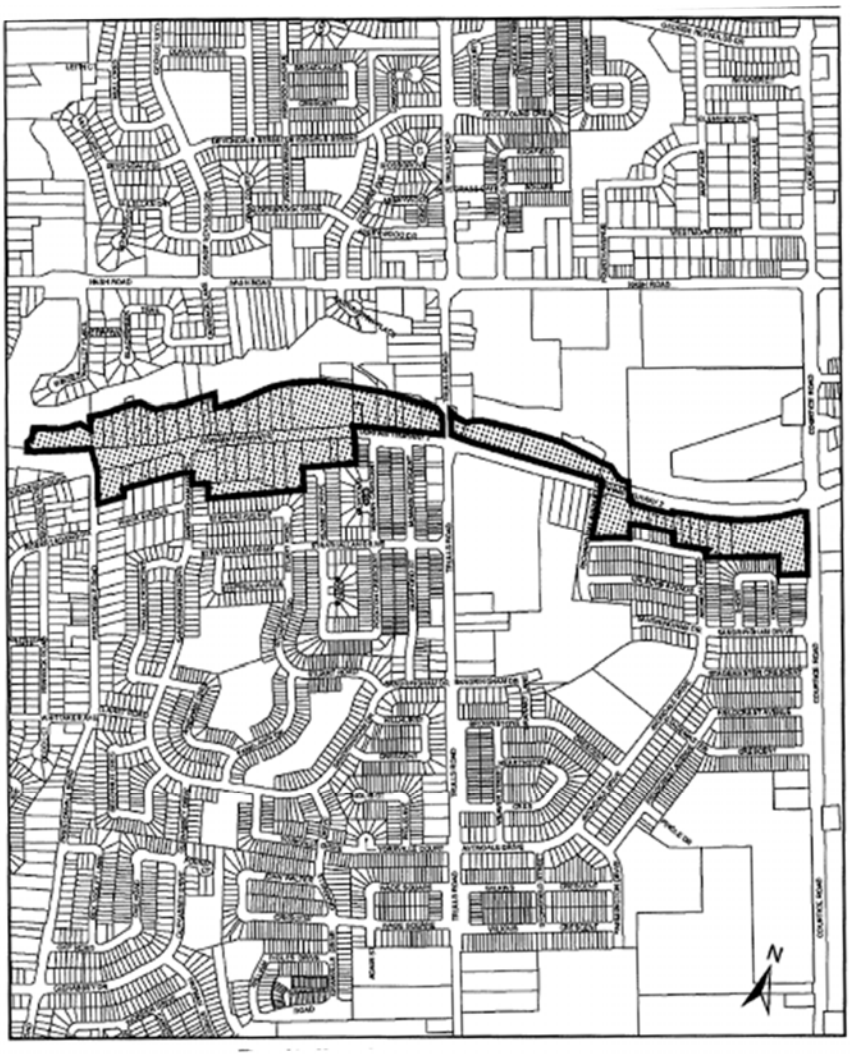
Schedule 3B — Revitalization Area — Orono



Schedule 3C — Revitalization Area — Bowmanville



Schedule 3D — Revitalization Area — Courtice



Appendix F
Proposed Area-Specific D.C. By-law

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

BY-LAW NO. 2020-0XX

to impose area-specific development charges against land in the Municipality of Clarington pursuant to the Development Charges Act, 1997

WHEREAS subsection 2(1) of the Development Charges Act, 1997, S.O. 1997, c.27 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 arising from the development of the area to which the by-law applies.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON ENACTS AS FOLLOWS:

Part 1 — Interpretation

Definitions

1. In this by-law,

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

"Act" means the *Development Charges Act*, 1997, S.O. 1997, c.27;

"air-supported structure" has the same meaning as in the *Building Code Act*, 1992;

"apartment building" means (a) a residential building (other than a fourplex or sixplex) containing 4 or more dwelling units that have a common entrance to grade, common corridors, stairs and/or yards; and (b) the residential portion of a mixed-use building containing 4 or more dwelling units that are located behind or above a non-residential use and may have a separate entrance to grade, and includes stacked townhouse;

“bedroom” means a habitable room, including a den, study, loft, or other similar area, but does not include a living room, a dining room, a bathroom, or kitchen;

"building" means a building or structure that occupies an area greater than 10 square metres consisting of a wall, roof and floor or a structural system serving the function thereof, and includes an air-supported structure;

"Building Code Act, 1992" means the *Building Code Act*, 1992, S.O. 1992, c.23 and all Regulations thereunder including the Ontario Building Code, 2012;

"Council" means Council of the Municipality;

"development" means any activity or proposed activity in respect of land that requires one or more of the actions or decisions referred to in section 12 and includes redevelopment;

"development charge" means a development charge imposed by this by-law;

"duplex" means a residential building containing 2 dwelling units divided horizontally from each other;

"dwelling unit" means one or more habitable rooms designed or intended to be used together as a single and separate housekeeping unit by one or more persons, containing its own full kitchen and sanitary facilities, with a private entrance from outside the unit itself;

“existing” means the number, use and size that existed at least 2 years before the date of building permit application;

"fourplex" means a pair of duplexes divided vertically from the other by a common wall;

"floor" includes a paved, concrete, wooden, gravel or dirt floor;

"grade" means the average level of the proposed finished surface of the ground immediately abutting each building or mixed-use building at all exterior walls;

"gross floor area" means the total area of all floors, whether above or below grade, measured between the outside surfaces of exterior walls, or between the outside surfaces of exterior walls and the centre line of a party wall or a demising wall as the case may be, including mezzanines, air-supported structures, interior

corridors, lobbies, basements, cellars, half-stories, common areas, and the space occupied by interior walls or partitions, but excluding any areas used for,

(a) loading bays, parking of motor vehicles, retail gas pump canopies; and

(b) enclosed garbage storage in an accessory building;

"heritage building" means a building designated under section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18 and, for purpose of subsection 36(7), includes any building identified as "primary resource" in the registry maintained by the Municipality pursuant to section 28 of such Act;

"industrial", in reference to use, means any land, building or structure or portions thereof used, designed or intended for or in connection with manufacturing, producing, processing, fabricating, assembling, refining, research and development, storage of materials and products, truck terminals, warehousing, but does not include,

(a) retail service sales or rental areas, storage or warehousing areas used, designed or intended to be used in connection with retail sales, service or rental areas, warehouse clubs or similar uses, self-storage mini warehouses, and secure document storage; and

(b) office areas that are not accessory to any of the foregoing areas or uses or accessory office uses that are greater than 25% of the gross floor area of the building;

“institutional”, in reference to use, 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 of the following post-secondary institutions for the objects of the institution:

(i) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,

(ii) a college or university federated or affiliated with a university described in subclause (i), or

(iii) an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;

(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.

"linked building" means a residential building that is divided vertically so as to contain only two separate dwelling units, connected underground by footing and foundation, each of which has an independent entrance directly from the outside of the building and is located on a separate lot;

"lot" means a parcel of land within a registered plan of subdivision or any land that may be legally conveyed under the exemptions provided in clause 50(3)(b) or 50(5)(a) of the *Planning Act*;

"mezzanine" has the same meaning as in the *Building Code Act*, 1992;

"mixed-use building" means a building used, designed or intended to be used either for a combination of non-residential and residential areas and uses, or for a combination of different classes or types of non-residential areas and uses;

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

"multiple unit building" means a residential building or the portion of a mixed-use building that contains multiple dwelling units (other than dwelling units contained in an apartment building, linked building, semi-detached building or single detached dwelling) and includes plexes and townhouses;

"Municipality" means The Corporation of the Municipality of Clarington or the geographic area of the Municipality of Clarington, as the context requires;

"net hectare" means the area in hectares of a parcel of land exclusive of the following:

(a) lands conveyed or to be conveyed to the Municipality of Clarington or the Region of Durham or a local board thereof;

(b) lands conveyed or to be conveyed to the Ministry of Transportation for the construction of provincial highways;

(c) hazard lands conveyed or to be conveyed to a conservation authority as a condition of development; and

(d) lands for centralized storm water management facilities and naturalized channel areas;

“non-industrial” in reference to use, means lands, buildings or structures used or designed or intended for use for a purpose which is not residential or industrial;

“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 *Ontario Corporations Act* (or its successor legislation) 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;

"non-residential", in reference to use, means a building or portions of a mixed-use building containing floors or portions of floors which are used, designed or intended to be used for a purpose which is not residential, and includes a hotel, motel and a retirement residence;

"owner" means the owner of land or a person who has made application for an approval for the development of land against which a development charge is imposed;

"party wall" means a wall jointly owned and jointly used by 2 parties under an easement agreement or by right in law and erected on a line separating 2 parcels of land each of which is, or is capable of being, a separate lot;

"*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P.13;

"plex" means a duplex, triplex, fourplex or sixplex;

“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", in reference to use, means a building or a portion of a mixed-use building and floors or portions of floors contained therein that are used, designed or intended to be used as living accommodation for one or more individuals provided in dwelling units and any building accessory to such dwelling units;

"retirement residence" means a residential building or the residential portion of a mixed-use building that provides living accommodation, where common facilities for the preparation and consumption of food are provided for the residents of the building, and where each unit or living accommodation has separate sanitary facilities, less than full kitchen facilities and a separate entrance from a common corridor;

“retirement residence unit” means a unit within a retirement residence;

"semi-detached building" means a residential building that is divided vertically so as to contain only two separate dwelling units, each of which has an independent entrance directly from outside of the building;

"service" means a service designated by section 10;

"single-detached dwelling" means a residential building containing only one dwelling unit which is not attached to any other building or structure except its own garage or shed and has no dwelling units either above it or below it, and includes a mobile home;

"sixplex" means a pair of triplexes divided vertically one from the other by a common wall;

"stacked townhouse" means a building, other than a plex, townhouse or apartment building, that contains at least 3 attached dwelling units that (a) are joined by common side walls with dwelling units entirely or partially above another; and (b) have a separate entrance to grade;

"townhouse" means a building, other than a plex, stacked townhouse or apartment building, that contains at least 3 attached dwelling units, each of which (a) is separated from the others vertically; and (b) has a separate entrance to grade;

"triplex" means a residential building containing 3 dwelling units; and

"Zoning By-laws" means the Municipality's By-law No. 84-63 and By-law No. 2005-109.

References

2. In this by-law, reference to any Act, Regulation, Plan or By-Law is reference to the Act, Regulation, Plan or By-Law as it is amended or re-enacted from time to time.

3. Unless otherwise specified, references in this by-law to Schedules, Parts, sections, subsections, clauses and paragraphs are to Schedules, Parts, sections, subsections, clauses and paragraphs in this by-law.

Word Usage

4. This by-law shall be read with all changes in gender or number as the context may require.

5. In this by-law, a grammatical variation of a defined word or expression has a corresponding meaning.

Schedules

6. The following Schedules are attached to and form part of this by-law:

Schedule 1 — Clarington Technology Park Area-Specific Development Charge
Schedule 2 – Clarington Technology Park Development Charge Area Classification and Benefitting Properties

Severability

7. If, for any reason, any section or subsection of this by-law is held 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 or amended, in whole or in part or dealt with in any other way.

Part 2 — Development Charges

Designated Services

8. It is hereby declared by Council that development within the Clarington Technology Park in the Municipality will increase the need for Stormwater Management Services.

9. Development charges shall apply without regard to the services which in fact are required or are used by any individual development.

10. Development charge shall be imposed for the following categories of service to pay for increased capital costs required because of increased needs for services arising from development:

    (a) Storm Water Management Services.

Rules

11. For the purpose of complying with section 6 of the Act, the following rules have been developed:

    (a) The rules for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be in accordance with sections 12 through 20.
    (b) The rules for determining the indexing of development charges shall be in accordance with section 21.

(c) The rules for determining exemptions shall be in accordance with Part 3 (sections 22 through 25).
(d) The rules respecting redevelopment of land shall be in accordance with Part 4 (section 26).
(e) This by-law does not provide for any phasing in of development charges.
(f) This by-law applies to all lands within the Clarington Technology Park, as defined in Schedule 2, in the Municipality.

Imposition of Development Charges

12. Development charges shall be imposed on all land, buildings or structures that are developed if the development requires,

(a) the passing of a zoning by-law or of an amendment thereto under section 34 of the Planning Act;
(b) the approval of a minor variance under section 45 of the Planning Act;
(c) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
(d) the approval of a plan of subdivision under section 51 of the Planning Act;
(e) a consent under section 53 of the Planning Act;
(f) the approval of a description under section 50 of the Condominium Act, 1998, S.O. 1998, c.19; or
(g) the issuing of a permit under the Building Code Act, 1992 in relation to a building or structure.

13. Not more than one development charge for each service shall be imposed upon any land, building or structure whether or not two or more of the actions or decisions referred to in section 12 are required before the land, building or structure can be developed.

14. Notwithstanding section 13, if two or more of the actions or decisions referred to in section 12 occur at different times, additional development charges shall be imposed in respect of any increase in or additional development permitted by the subsequent action or decision.

Basis of Calculation

15. Development charges for all services shall be calculated based on the number of net hectares of the entire parcel of land on which development will occur in accordance with benefits accrued per Schedule 2.

Amount

16. The amount of the development charges payable in respect of development shall be determined in accordance with clause 15 and Schedule 1.

Timing of Calculation

17. (1) The total amount of a development charge is the amount of the development charge that would be determined under the by-law on,

(a) the day an application for an approval of development in a site plan control area under subsection 41(4) of the Planning Act was made in respect of the development that is subject of the development charge;
(b) if clause (a) does not apply, the day an application for an amendment to a by-law passed under section 34 of the Planning Act was made in respect of the development that is the subject of the development charge; or
(c) if neither clause (a) or clause (b) applies, the day the first building permit is issued for the development that is the subject of the development charge.

(2) Subsection (1) applies even if this by-law is no longer in effect.

(3) Where clause (1)(a) or (b) applies, interest shall be payable on the development charge, at the rate established by the Municipality's Interest Rate Policy, from the date of the application referred to in the applicable clause to the date the development charge is payable.

(4) If a development was the subject or more than one application referred to in clause (1)(a) or (b), the later one is deemed to be the applicable application for the purposes of this section.

(5) Clauses (1)(a) and (b) do not apply if, on the date the first building permit is issued for the development, more than two years has elapsed since the application referred to in clause (1)(a) or (b) was approved.

(6) Clauses (1)(a) and (b) do not apply in the case of an application made before January 1, 2020.

Timing of Payment

18. (1) Subject to subsections 18(2) and 18(3), development charges shall be payable in full on the date the first building permit is issued for the development of the land against which the development charges apply.

(2) Notwithstanding Subsection 18(1), development charges for rental housing and institutional developments are payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

(3) Notwithstanding Subsection 18(1), development charges for non-profit housing developments are payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

(4) If the development of land is such that it does not require that a building permit be issued before the development is commenced, but the development requires one or more of the other actions or decisions referred to in section 12 be taken or made before the development is commenced, development charges shall be payable in respect of any increase in or additional development permitted by such action or decision prior to the action or decision required for the increased or additional development being taken or made.

(5) In accordance with section 27 of the Act, where temporary buildings are being developed, the Municipality may enter into an agreement with a person who is required to pay a development charge providing for all or

any part of a development charge to be paid after it would otherwise be payable.

Commented [MR3]: Temporary building has not been defined in this by-law. Also please see my comments on s. 18(5) of the municipal wide by-law as it is also applicable here.

(6) For the purpose of subsections 18(2) and 18(3) herein, "interest" means the interest rate outlined in the Municipality's Interest Rate Policy.

Method of Payment

19. Payment of development charges shall be in a form acceptable to the Municipality.

Unpaid Charges

20. Where a development charge or any part of it remains unpaid at any time after it is payable, the amount shall be added to the tax roll and collected in the same manner as taxes.

Indexing

21. The development charges set out in Schedule 1 shall be adjusted without amendment to this by-law annually on July 1st in each year, commencing on July 1, 2021, at the rate identified by the Statistics Canada Non-Residential Construction Price Index for Toronto based on the 12-month period most recently available.

Part 3 - Exemptions

Specific Users

22. Development charges shall not be imposed with respect to land, buildings or structures that are owned by,

    (a) the Municipality, the Corporation of the Regional Municipality of Durham, or their local boards as defined in section 1 of the Act and used, designed or intended for municipal purposes; and
    (b) a board of education as defined in subsection 1(1) of the Education Act, 1990, S.O. 1990, c.27 and used, designed or intended for school purposes including the administration or the servicing of schools.

Existing Residential

23. Development charges shall not be imposed with respect to residential development if the only effect of such development is,

    (a) an interior alteration to an existing residential building which does not change or intensify the use of the building;
    (b) the enlargement of an existing dwelling unit;
    (c) the creation of ~~one or two additional~~a second or third dwelling units in an existing single detached dwelling, or ancillary structure thereto, where the total gross floor area of the additional unit(s) does not exceed the original gross floor area of the existing dwelling unit; or
    (d) the creation of ~~one additional~~a second dwelling unit in a semi-detached building or townhouse dwelling, or ancillary structure thereto, where the total gross floor area of the additional unit does not exceed the original gross floor area of the existing dwelling unit.

New Residential

24. Development charges shall not be imposed with respect to new residential development if the only effect of such development is 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.

Existing Industrial Development

25. (1) In this section, "existing industrial building" has the same meaning as in subsection 1(1) of O.Reg. 82/98. For ease of reference, the current definition in the Regulation reads as follows:

"existing industrial building" means a building used for or in connection with:

(a) manufacturing, producing, processing, storing or distributing something,
(b) research or development in connection with manufacturing, producing or processing something,
(c) retail sales by a manufacturer, producer or processor of something 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 they are,
    (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;

(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 this section.

(3) If the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero.

(4) If the gross floor area is enlarged by more than 50 per cent, 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:

1. Determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement.

2. Divide the amount determined under paragraph 1 by the amount of the enlargement.

(5) The exemption provided in this section shall apply equally to a separate (non-contiguous) industrial building constructed on the same lot as an existing industrial building.

Part 4 - Redevelopment

Demolition and Conversion Credits

26. (1) In this section, "conversion" means the change in use of all or a portion of a building as permitted under the provisions of a Zoning By-law.

(2) Where an existing building or structure is to be converted to another use, in whole or in part, or converted from one principal use to another principal use on the same land, the amount of the development charge payable shall be determined in accordance with this section.

(3) Where a building or structure ~~if~~ is destroyed in whole or in part by fire, explosion or Act of God or is demolished and ~~reconstructed~~the property redeveloped, the amount of the development charge payable in respect of the redevelopment shall be determined in accordance with this section.

(4) The development charges otherwise payable in respect of redevelopment described in subsections (2) and (3) shall be reduced by the amount calculated by multiplying the applicable development charges under Schedule 1 by the net hectares ~~under~~of the redeveloped property as enumerated in Schedule 2.

(5) The amount of any credit under subsection (4) shall not exceed the total development charges otherwise payable.

(6) Notwithstanding subsection (4), no credit shall be provided if,

(a) the demolished building or structure or part thereof would have been exempt under this by-law;

(b) the building or structure or part thereof would have been exempt under this by-law prior to the conversion, redevelopment or reconstruction as the case may be;
(c) the development is exempt in whole or in part or eligible for any other relief under this by-law; or
(d) development charges on the property were not paid under this by-law.

Part 5 - General

Cancelled Permits

27. A full development charge refund shall be given if a building permit is cancelled prior to the commencement of construction.

Onus

28. The onus is on the owner to produce evidence to the satisfaction of the Municipality which establishes that the owner is entitled to any exemption, credit or refund claimed under this by-law.

Interest

29. The Municipality shall pay interest on a refund under sections 18 and 25 of the Act at a rate equal to the Bank of Canada rate on the date this By-law comes into force updated on the first business day of every January, April, July and October until the date of the repeal or the expiry of this by-law.

30. Except as required under section 39, there shall be no interest paid on any refunds given under this by-law.

Front-Ending Agreements

31. The Municipality may enter into front-ending agreements under section 44 of the Act.

Effective Date

32. This by-law comes into force and is effective on December 15, 2020.

Expiry

33. This by-law expires five years after the day on which it comes into force.

PASSED this 14th day of December 2020.

_____
Adrian Foster, Mayor

_____
C. Anne Greentree, Municipal Clerk

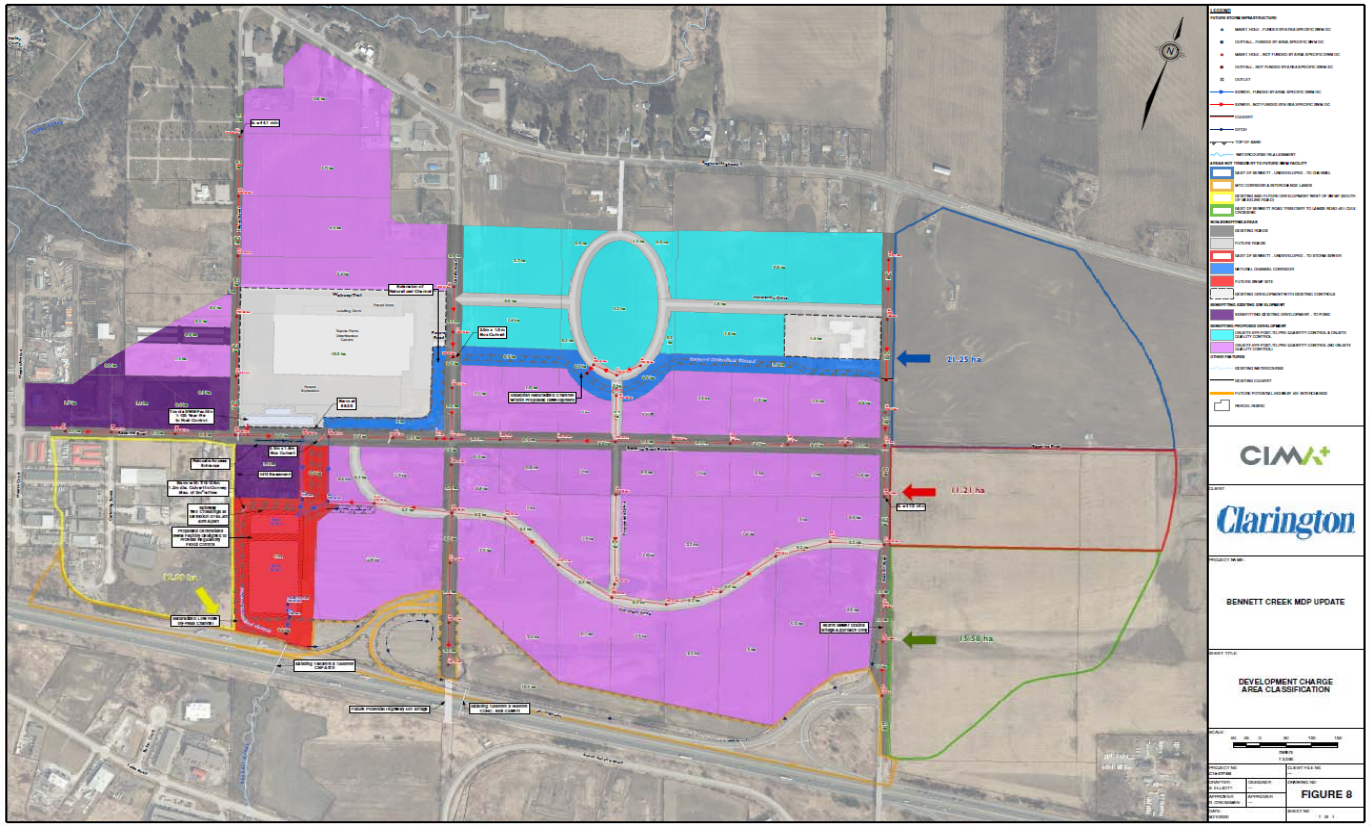
SCHEDULE 1

CLARINGTON TECHNOLOGY PARK AREA-SPECIFIC DEVELOPMENT CHARGES

Service	$ Per Net Hectare
Stormwater Management Services - Quality Control	38,840
Stormwater Management Services - Quantity Control	29,268
Total - Lands Benefitting Only from Quality Control	**38,840**
Total - Lands Benefitting Only from Quantity Control	**29,268**
Total - Lands Benefitting from Quality and Quantity Control	**68,107**

NOTE: Charges are subject to indexing in accordance with section 21

SCHEDULE 2
CLARINGTON TECHNOLOGY PARK DEVELOPMENT CHARGE AREA CLASSIFICATION



CLARINGTON TECHNOLOGY PARK DEVELOPMENT CHARGE AREA
BENEFITTING PROPERTIES

Lands Benefitting Only from Quantity Control		
Assessment Roll No.	**Civic Address/Location**	**Area* (Hectares)**
181701001006000	2911 HIGHWAY 2	5.06
181701001006320	1100 BENNETT RD	2.72
181701001006400	2885 HIGHWAY 2	8.64
Total		**16.41**

Lands Benefitting from Both Quality and Quantity Control		
Assessment Roll No.	**Civic Address/Location**	**Area* (Hectares)**
181701001001310	CON BF PT LOT 5 NOW RP 10R3357 PART 2	19.99
181701001001700	585 LAMBS RD	13.03
181701001001800	641 LAMBS RD	3.55
181701001001900	295 BASELINE RD	2.19
181701001002100	582 LAMBS RD	0.61
181701001002200	542 LAMBS RD	4.29
181701001006000	2911 HIGHWAY 2	2.93
181701001006300	1078 BENNETT RD	0.44
181701001006320	1100 BENNETT RD	1.96
181701001006400	2885 HIGHWAY 2	4.43
181701001008800	2805 HIGHWAY 2	0.67
181701001008900	2821-2825 KING ST E	0.27
181701001009100	2831 HWY 2	0.27
181701001009200	2839 HIGHWAY 2	0.42
181701001009300	2845 HIGHWAY 2	0.11
181701001009305	2849 HIGHWAY 2	0.25
181701001009400	1200 LAMBS RD	12.18
181702012019840	250 BASELINE RD	1.50
181702012019845	1122 HAINES ST	0.48
Total		**69.59**

Lands Benefitting Only from Quality Control		
Assessment Roll No.	**Civic Address/Location**	**Area* (Hectares)**
181701001001930	271 BASELINE RD E	1.45
181702012019830	210 BASELINE RD E	0.81
181702012019835	222 BASELINE RD E	1.29
181702012019840	250 BASELINE RD	2.13
181702012019844	1084 HAINES ST	0.57
Total		**6.26**

* Areas shown are net of (exclude) land for future right-of-ways, channels, etc.