

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 044-2021

BEING A BY-LAW TO AMEND BY-LAW 053-2016, AS AMENDED, RESPECTING DEVELOPMENT CHARGES FOR THE TOWN OF MILTON

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 the Town has undertaken a study pursuant to the Act which has provided an updated Schedule B to By-law 053-2016;

AND WHEREAS Council has before it a report entitled "Town of Milton Development Charge Background Study" prepared by Watson & Associates Economists Ltd. dated March 3, 2021;

AND WHEREAS the Council of the Corporation of the Town of Milton has given notice of and held a public meeting on the 22nd day of March, 2021 in accordance with the Act and the regulations thereto;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. By-law 053-2016 is hereby amended as follows:
 - a. Schedules "A" and "B" are deleted, and the attached Schedule "A" and "B" are substituted, therefore.
2. The following definitions are added and/or replaced in section 1 of the by-law:
 - a. The definition of "accessory" is replaced to be:

"accessory" means where used to describe a use, building, or structure that the use, building, or structure is naturally and normally incidental, subordinate in purpose or floor area or both, and exclusively devoted to a principal use, building or structure, but is not an ancillary residential building;
 - b. The definition of "accessory dwelling" is replaced to be: "accessory dwelling" means a self-contained residential unit that is

subordinate in purpose to another residential dwelling unit upon the same lot and includes a basement apartment, garden suite and in some cases, a mobile home;
 - c. The definition of "agricultural development" is replaced to be:

“agricultural development” means a bona fide farming operation, including greenhouses used in connection with a bona fide farming operation which are not connected to Regional water services or wastewater services, sod farms and farms for the breeding and boarding of horses, and includes, but is not limited to, barns, silos and other ancillary buildings to such agricultural development, but excluding in all circumstances any residential or commercial or retail component thereof and excludes cannabis production and growing facilities;

d. The following definition is added:

"ancillary residential building" means a residential building or structure that would be ancillary to a detached dwelling, semi-detached dwelling, or row dwelling and includes an accessory dwelling;

e. The definition of “apartment unit dwelling” is replaced to be: "apartment unit dwelling" means any residential unit within a building

containing more than four dwelling units where the units are connected by an interior corridor, and includes an accessory dwelling but does not include a special care/special need dwelling unit;

f. The definition of “bedroom” is replaced to be:

"bedroom" means a habitable room of at least seven (7) square metres, including a den, study, loft, or other similar area, but does not include a living room, dining room, kitchen, or other space;

g. The following definitions replace the definition of “marijuana production facilities”:

“cannabis” means:

- a) a cannabis plant;
- b) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant regardless of whether that part has been processed or not;
- c) any substance or mixture of substances that contains or has on it any part of such a plant; and
- d) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;

“cannabis plant” means a plant that belongs to the genus Cannabis;

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

- h. The definition of “canopy” is replaced to be:

"canopy" includes, but is not limited to, a roof-like structure projecting more than 1.22 metres (four (4) feet) from the exterior face of a building and a separate roof-like structure such as a roof-like structure for an automotive fuel station, a covered patio, or a drive-through facility;

- i. The definition of “charitable dwelling” is replaced to be:

"charitable dwelling" means a residential building, a part of a residential building or the residential portion of a mixed-use building maintained and operated by a corporation approved under the Charitable Institutions Act, R.S.O. 1990, c. C.9, for persons requiring residential, specialized or group care and charitable dwelling includes a children's residence under the Child, Youth and Family Services Act, 2017, S.O. 2017, C. 14, Sched. 1, a psychiatric facility under the Mental Health Act, R.S.O. 1990, c. M.7, long- term care home under the Long-Term Care Homes Act, 2007, S.O. 2007, c. 8, c. N.7, and a home for special care under the Homes for Special Care Act, R.S.O. 1990, c. H.12.

- j. The following definition is added:

“class” means a grouping of services combined to create a single service for the purposes of this by-law and as provided in section 7 of the Development Charges Act;

- k. The definition of “commercial” is replaced to be:

"commercial" means land, buildings, structures, or portions thereof used, designed, or intended for non-residential use that is not retail or industrial, and includes uses which serve academic, medical/dental, and cultural needs that are not located within or part of a retail development;

- l. The following definition is added:

"detached dwelling" has the same meaning as a “single detached dwelling” for the purposes of this by-law;

m. The definition of “development” is replaced to be:

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

n. The definition of “development” is replaced to be:

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

o. The following definition is added:

"development charge interest policy" means section 4.1.4 of the Town's Policy No. 117 Financial Management - Development Finance, as may be amended from time to time;

p. The definition of “dwelling unit” is replaced to be:

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

q. The following definitions are added:

"existing " means the number, use and size that existed as of the date this By-law was passed;

"hospice" means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care;

"industrial" means lands, buildings or structures, or portions thereof, used, designed or intended for use for production, compounding, processing, packaging, crating, bottling, or assembly ("manufacturing") of raw goods or semi-processed goods or materials, research and development relating thereto, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public (if the retail sales are at the site where the manufacturing takes

place) where such uses are accessory to an industrial use, and includes cannabis production facilities, but does not include the sale of commodities to the general public through a warehouse club or retail warehouse and does not include self-storage or mini-storage facilities;

"institutional development" means development of a building or structure, or portions thereof, 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.

"interest rate" means the annual rate of interest as established through the development charge interest policy, as may be revised from time to time;

"live/work unit" means a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas;

- r. The definition of "local board" is replaced to be:

"local board" means a local board as defined in section 1 of the Municipal Affairs Act other than a board as defined in subsection 1(1) of the Education Act;

- s. The definition of "multiple dwelling" is replaced to be:

"multiple dwelling" means all dwellings other than single-detached dwellings, semi-detached dwellings, apartment unit dwellings, special care/special need dwellings, ancillary residential buildings, and includes but is not limited to row dwellings, back-to-back townhouse dwellings, stacked townhouse dwellings, and the residential portion of a live/work unit;

t. The following definitions are added:

"non-profit housing development" means development of a building or structure intended for use as residential premises by,

- a) a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
- b) a corporation without share capital to which the Canada Not-for-Profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
- c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation.

"Official Plan" means the Official Plan adopted for the Town, as amended, and approved;

u. The definition of "place of worship" is replaced to be:

"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;

v. The following definition is added:

"rental housing" means development of a building or structure or portion thereof with four or more dwelling units that are intended for use as rented residential premises;

w. The definition of "residential development" is replaced to be:

"residential development" means land, buildings or portions thereof used, designed, or intended to be used as living accommodations for one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment unit dwelling, a special care/special need dwelling, an ancillary residential building, and the residential portion of a mixed-use building and "residential use" and "residential purpose" has the same meaning;

- x. The definition for “retail development” is replaced with:

“retail development” means land, buildings or portions thereof used, designed, or intended for use for the purpose of offering foods, wares, merchandise, substances, articles, or things for sale directly to the public or providing services or entertainment to the public. Retail development excludes freestanding bank kiosks and includes, but is not limited to:

- a) land, buildings, or portions thereof used, designed, or intended for use for the rental of wares, merchandise, substances, articles, or things;
- b) offices and storage in connection with, related to or ancillary to retail use; and
- c) conventional restaurants; fast food restaurants; catering establishments, bars and taverns; beer and wine-making stores; concert halls/theatres/cinemas/movie houses/drive-in theatres; dinner theatres; casinos; amusement and theme parks; amusement arcades; bowling alleys; pet boarding kennels, pet boarding kennel services, pet obedience training centres, pet care, attendance and grooming services; fitness/recreation sport centres; hotels, motels/bed and breakfast facilities/rooming and boarding houses; gas stations and service stations; specialty automotive shops/auto repairs/collision services/car or truck washes; auto dealerships; shopping centres and plazas, including more than two attached stores under one ownership; department/discount stores; banks and similar financial institutions, including credit unions; insurance brokerages; investment advisory services; warehouse clubs and retail warehouses and self-storage or mini-storage facilities.

- y. The definition of “retirement home or lodge” is replaced to be:

"retirement home or lodge" means a residential building or the portion of a mixed-use building which provides accommodation primarily for retired persons or couples where each private bedroom or living accommodation has a separate private bathroom and separate entrance from a common hall, but do not include private culinary facilities and instead where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;

- z. The following definition is added:

"servicing agreement" means an agreement between a landowner and the Town relative to the provision of municipal services to specified

land within the town;

aa. The definition of “single detached dwelling” is replaced to be:

"single detached dwelling" means a completely detached building containing only one primary dwelling unit and includes one mobile home on a lot which contains no other dwelling unit(s);

bb. The following definition is added:

"site" means a parcel of land which can be legally conveyed pursuant to section 50 of the Planning Act and includes a development having two or more lots consolidated under one identical ownership;

cc. The definition of “special care/special need dwelling” is replaced to be:

"special care/special need dwelling" means:

a building containing two or more dwelling units, which units have a common entrance from street level:

- i. where the occupants have the right to use in common, halls, stairs, yards, common rooms, and accessory buildings;
- ii. which may or may not have exclusive sanitary and/or culinary facilities;
- iii. that is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
- iv. where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels;
- v. and includes, but is not limited to, retirement homes or lodges, long- term care homes, charitable dwellings, group homes (including correctional group homes) and hospices;

dd. The definition for “stacked townhouse dwelling” has been modified to add the words “or floor” at the end of the definition, so that the definition now says “... by a common wall or floor”;

ee. The definition of “temporary venue” is replaced to be:

"temporary venue" means a building that is placed or constructed on land and is used, designed, or intended for use for a particular event

where the event has a duration of three (3) weeks or less and the building is erected immediately before the beginning of the event and is demolished or removed from the land immediately following the end of the event;

ff. The definition of "Treasurer" is replaced to be:

"Treasurer" means the person appointed as the Town's Chief Financial Officer and Treasurer or his or her designate;

gg. The following definition is added:

"Zoning By-Law" means the Zoning By-Law Numbers 016-2014 for the urban areas and 144-2003 for the rural areas of the Town of Milton.

3. The components of the services designated in section 4 are amended to remove all services except:
 - a. Parking Services
4. Sections 12-14 are to be replaced with the following:

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

12. Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to developments or portions of developments as follows:
 - (a) the enlargement to an existing residential dwelling unit;
 - (b) one or two additional dwelling units in an existing single detached dwelling or prescribed ancillary structure to the existing residential building;
 - (c) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units or prescribed ancillary structure to the existing residential building;
 - (d) the creation of one additional dwelling unit in any other existing residential building already containing at least one dwelling unit or prescribed ancillary structure to the existing residential building; or
 - (e) the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

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

13 Notwithstanding subsection 12 (b), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.

14 Notwithstanding subsection 12 (d), development charges shall be imposed if the additional unit has a gross floor area greater than:

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

5. Section 15 is amended to add:

“and shall not include self-storage facilities and retail warehouse.” at the end.

6. Section 21 is amended to add:

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

7. Section 23 is replaced with:

The development charges set out in Schedule B to this By-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential uses in the mixed-use building or structure, including the residential component of a live/work unit, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

8. Section 24 is replaced with:

The development charges described in Schedule B to this By-law shall be imposed on non-residential uses of lands, buildings, or structures, and, in the case of a mixed-use building or structure, on the non-residential uses in the mixed-use building or structure, including the non-residential component of a live/work unit, and calculated with respect to each of the services according to the total floor area of the non-residential use.”

9. Subsections 25b) and 27b) are amended to replace “payable” with “calculated”.

10. Sections 31 to 35 are replaced with the following section 31 to 33, and all subsequent numbering is amended:

31. Development charges imposed under this By-law are calculated, payable, and collected in accordance with sections 26, 26.1 and 26.2 of the Act, unless the development charge is to be paid at a different time pursuant to sections 32-35 herein or in accordance with the terms of an agreement entered into between the Town and the owner under subsection 27(1) of the Act.

32. Notwithstanding subsection 31, development charges for rental housing and institutional developments are due and payable in 6 equal annual payments commencing with the first installment payable on the earlier of the date the first occupancy permit is granted or the date of first occupancy, and each subsequent installment, including interest calculated in accordance with the development charge interest policy, continuing on the anniversary of that date.

33. Notwithstanding subsection 31, development charges for non-profit housing developments are due and payable in 21 equal annual payments commencing with the first installment payable on the earlier of the date the first occupancy permit is granted or the date of first occupancy, and each subsequent installment, including interest calculated in accordance with the development charge interest policy, continuing on the anniversary of that date.

11. Section 38 is amended to add “or as otherwise approved at the sole discretion of the Treasurer.”

12. Section 44 is replaced with:

Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, on April 1st of each year, commencing from by-law passage, in accordance with the prescribed index for the most recent year over year period. Council may determine not to implement indexing in any year, or to amend the effective date of the indexing within the year, in its sole and absolute discretion without amendment to the by-law.

13. This amending by-law shall come into force at 12:01 AM on June 26, 2021.

14. Except as amended by this by-law, all provisions of by-law 053-2016, are and shall remain in full force and effect.

This By-law will expire on the 18TH day of September, 2022.

PASSED IN OPEN COUNCIL ON MAY 31, 2021.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Meaghen Reid

Schedule “A” To By-law 053-2016, as amended Designated Town Service under this By-law

Town-wide Service

1. Parking Services

Parking Facility and Spaces

Schedule "B"
To By-law 053-2016, as Amended Schedule of Development Charges

Service	RESIDENTIAL					NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Retail (per sq.ft. of Total Floor Area)	Non-Retail (per sq.ft. of Total Floor Area)
Municipal-Wide Service: Parking	349	250	188	126	110	0.20	0.09
Total Municipal-Wide Service	349	250	188	126	110	0.20	0.09