



## THE CORPORATION OF THE TOWN OF HUNTSVILLE

### BY-LAW NUMBER 2024-XXX

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#### Being a By-law with Respect to Development Charges for the Corporation of the Town of Huntsville

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**WHEREAS** subsection 2(1) of the *Development Charges Act, 1997*, c. 27 (hereinafter called “the Act”) provides that the council of a municipality may pass By-laws for the imposition of development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies;

**AND WHEREAS** the Council of The Corporation of the Town of Huntsville has given Notice in accordance with Section 12 of the *Development Charges Act, 1997*, of its intention to pass a by-law under Section 2 of the said Act;

**AND WHEREAS** the Council of the Town of Huntsville has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on October 28, 2024;

**AND WHEREAS** the Council of the Town of Huntsville had before it a report entitled Development Charges Background Study dated September 26, 2024 (the “Study”) prepared by Hemson Consulting Ltd., pursuant to Section 10 of the Act, wherein it is indicated that the development of any land within the Town of Huntsville will increase the need for services as defined herein;

**AND WHEREAS** copies of the Study were made available to the public on September 26, 2024 and copies of the proposed development charges by-law were made available to the public on October 11, 2024 to the public in accordance with Section 12 of the Act;

**AND WHEREAS** the Council of the Town of Huntsville on November 25, 2024 approved the applicable Study in which certain recommendations were made relating to the establishment of a development charge policy for the Town of Huntsville pursuant to the *Development Charges Act, 1997*;

**AND WHEREAS** Council has given consideration of the use of more than one development charge by-law to reflect different needs for services in different areas, also known as area rating or area specific DCs, and has determined that for the services, and associated infrastructure proposed to be funded by DCs under this by-law, that it is fair and reasonable that the charges be calculated on a municipal-wide uniform basis;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF HUNTSVILLE HEREBY ENACTS AS FOLLOWS:**

- 1) In this By-law, the capitalized terms have the following meanings:
  - a) "**Act**" means the Development Charges Act, 1997, c. 27;
  - b) "**Agricultural Use**" means a use of land, buildings or structures for the purpose of field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping and such uses, structures and buildings as are customarily related to a farming operations, but does not include a Dwelling Unit;
  - c) "**Apartment Unit**" (Apt) means a Dwelling Unit in a Residential Building containing three or more Dwelling Units, where the Dwelling Units are connected by an internal corridor;
  - d) "**Bedroom**" (BR) includes any room which can be used as sleeping quarters but does not include a kitchen, bathroom, living room, den, or dining room;
  - e) "**Board of Education**" has the same meaning as that specified in section 1 of the Education Act, R.S.O. 1990, c.E.2,
  - f) "**Capital Cost**" means costs incurred or proposed to be incurred by a municipality or a local board or commission thereof directly or under an agreement;
    - (i) to acquire land or an interest in land,
    - (ii) to improve lands and infrastructure,
    - (iii) to acquire, construct or improve buildings and structures,
    - (iv) to acquire, construct or improve facilities including,
      - (1) rolling stock, furniture and equipment, and
      - (2) materials acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 1990 c.P.44, and
    - (v) to undertake studies in connection with any of the matters in clause (f) (i) through (iv), required for the provision of services designated.

- g) "**Commercial Use**" means the use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include Industrial Use or Agricultural Use, but does include greenhouses, hotels, motels, motor inns and boarding, lodging and rooming houses;
- h) "**Council**" means the Council of the Corporation of the Town of Huntsville
- i) "**Development**" includes redevelopment;
- j) "**Development Charge**" means a charge imposed with respect to Growth-Related Net Capital Costs against land pursuant to the provisions of the within by-law;
- k) "**Dwelling Unit**" means one or more habitable rooms designed or intended for use as an independent and separate unit in which separate kitchen and sanitary facilities are provided for the exclusive use of the household with a private entrance from outside the building or from a common hallway or stairway inside the building. This does not include the Dwelling Unit commonly referred to as garden suite or a woodland retreat as defined in the current Town of Huntsville Community Planning Permit By-law;
- l) "**Existing**" means the number, use and size that existed as of the date this By-law was passed;
- m) "**Existing Industrial Building or Structure**" means a building or structures used for or in connection with:
  - (i) manufacturing, producing, processing, storing or distributing something,
  - (ii) research or development in connection with manufacturing, producing or processing something,
  - (iii) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed a material portion of, if the retail sales are at the site where the manufacturing, production or processing takes place,
  - (iv) storage by a manufacturer, producer or processor of something they manufactured, produced or processed a material portion of, if the storage is at the site where the manufacturing, production or processing takes place,
  - (v) office or administrative purposes, if they are,
    - (1) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and

- (2) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution, provided that such industrial building or buildings existed on a lot in the Town of Huntsville on the day this By-law comes into effect or the first industrial building or buildings constructed and occupied on a vacant lot pursuant to Community Planning Permit approval under the Planning Act subsequent to this By-law coming into effect for which full Development Charges were paid;
- n) **"Growth-Related Net Capital Cost"** means the portion of the Net Capital Cost of services that is reasonably attributable to the need for such Net Capital Cost that results or will result from new Development in all or a defined part of the Town;
- o) **"Industrial Use"** means the use of land, buildings or structures designed for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services. This definition does not include Agriculture Use;
- p) **"Institutional Use"** means the use of land, buildings, structures or part thereof used by any organization, group or association for promotion of charitable, educational or benevolent objectives and not for profit or gain;
- q) **"Local Board"** means a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Town or any part or parts thereof;
- r) **"Local Services"** means those services, facilities or things which are within the boundaries of, about or are necessary to connect lands to Services and where an application has been made in respect of the lands under sections 51 and 53 of the Planning Act, R.S.O. 1990, c.P.13;
- s) **"Medical Marijuana Facility"** means a building used, designed or intended for growing, producing, testing, destroying, storing or distribution of medical marijuana or cannabis authorized by a license issued by the federal Minister of Health pursuant to section 25 of the Marihuana for Medical Purposes Regulations, SOR/2013- 119, under the Controlled Drugs and Substances Act, S. C. 1996, c. 19;
- t) **"Multiple Dwellings"** means all dwellings other than single-detached, semi-

- detached and apartment unit dwellings;
- u) "**Net Capital Cost**" means the Capital Cost less capital grants, subsidies and other contributions made to the Town or that the Council of the municipality anticipates will be made, including conveyances or payments under sections 41, 51, 51.1 and 53 of the Planning Act, R.S.O. 1990, c.P.13 in respect of the Capital Cost;
  - v) "**Non-Residential Use**" includes Commercial, Industrial and Institutional Use;
  - w) "**Owner**" means the owner of land or a person who has made application for an approval for the development of land for which a Development Charge is imposed;
  - x) "**Rate**" means the interest, rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;
  - y) "**Regulation**" means Ontario Regulation (O. Reg.) 82/98 as at February 20, 1998;
  - z) "**Rental Housing Development**" means development of a building or structure with four or more Dwelling Units all of which are intended for use as rented residential premises;
  - aa) "**Residential Building**" means a building, occupied or capable of being occupied as a home, residence or sleeping area by one or more persons, containing one or more Dwelling Units but not including motels, hotels, tents, truck campers, trailers, mobile camper trailers or boarding, lodging or rooming houses, but shall include Units in a resort setting;
  - bb) "**Residential Use**" means the use of a building or structure or portion thereof for one or more Dwelling Units;
  - cc) "**Rural Development Charges**" are imposed on lands located outside of the urban boundary as identified by the Official Plan of the Town of Huntsville.
  - dd) "**Services**" means those services, facilities, accommodations and things shown on Schedule "A" to this By-law;
  - ee) "**Servicing Agreement**" means an agreement to provide municipal services by the Town to specified lands within the municipality;
  - ff) "**Services in Lieu**" means those Services specified in a Servicing Agreement made under clause 7. of this By-law;
  - gg) "**Seniors Housing/Student Housing**" means:

- (i) A building containing two or more accommodation units which have a common entrance from the exterior;
    - (1) Where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;
    - (2) Which may or may not have exclusive sanitary and/or culinary facilities;
    - (3) That is designed to accommodate persons with specific needs, including, but not limited to independent living arrangements; and
    - (4) Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels. And including retirement homes, nursing homes, group homes and hospice;
  - (ii) A building that is a student residence with similar common facilities and services to (a) above.
- hh) **"Single Residential Dwelling Unit"** means a Dwelling Unit in a Residential Building;
- ii) **"Semi detached dwelling unit"** means two Dwelling Units in a Residential Building’;
- jj) **"Sleeping Area"** means a habitable room or other definable space within a building or structure that is:
  - (i) capable of being used as a sleeping area for one or more individuals which includes a den, study or other similar space; but
  - (ii) does not include a living room, dining room or kitchen.
- kk) **"Town"** means the Corporation of the Town of Huntsville;
- ll) **"Unit"** includes a Dwelling Unit and Apartment Unit.
- mm) **"Urban Development Charges"** are imposed on lands located inside the urban boundary as identified by the Official Plan of the Town of Huntsville.
- nn) **"Woodland Retreat"** means a building used for recreational activities such as hunting, which provides seasonal or temporary accommodation in a remote location where municipal or community services are usually not available. A woodland retreat does not include a dwelling or a commercial use. This use is sometimes referred to as a hunt camp.
- oo) **"Community Planning Permit By-law"** means the Community Planning Permit By-law or Zoning By-Law of the Town as amended or any successor

thereof passed pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P.13.

- 2) a) This By-law applies to all lands in the Town whether or not the land or use thereof is exempt from taxation under section 3 of the Assessment Act, R.S.O. 1990, c.A.31;
- b) Notwithstanding clause 2. (a) above, this By-law does not apply to the development of land that is owned by and used for the purposes of:
  - i) A Board of Education;
  - ii) The Town, or any local board or commission thereof;
  - iii) The District Municipality of Muskoka or any local board thereof;
  - iv) Affordable housing as defined by subsection 4.1 (1) of the Act;
  - v) Attainable housing as defined by subsection 4.1 (1) of the Act; and  
Non-profit housing as defined by subsection 4.2 (1) of the Act.
- 3) Council hereby determines that the development of land, buildings or structures for residential and non-residential uses has required or will require the provision, enlargement, expansion or improvement of the Services shown on Schedule "A" hereto.
  - a) Council hereby imposes the Development Charges shown on Schedules "B" hereto to those categories of Residential Uses and Non-Residential Uses of land, buildings, and structures shown on said Schedules "B" to defray the Growth-Related Net Capital Cost of providing, enlarging, expanding or improving the Services shown on Schedule "A".
  - b) In the case of Development containing more than one use or category of use shown on Schedules "B" hereto, each such use shall bear its applicable Development Charge in the proportion that the gross floor area of such use or category of use bears to the total gross floor area of the Development, or that the total acres of such use or category of use bears to the total acres of the Development.
  - c) Any Dwelling Unit constructed as an accessory use to a Non-Residential Use which is not a Tourist Establishment as defined by the Zoning or CPP By-Law, shall be subject to Development Charges as if it were a Single-Detached Dwelling.
  - d) Development Charges payable with respect to individual buildings within Woodland Retreats shall be calculated as follows:

1. number of individual buildings multiplied by the rates set forth in Schedules “B” – “Apartments - Bachelor and 1 Bedroom” and “Apartments – 2 Bedrooms +”;
- e) No Development Charge shall be imposed when an existing Dwelling Unit is enlarged.
- f) Notwithstanding the provisions of this By-law, no development charge shall be imposed for the intensification of existing rental residential buildings, or the creation of additional dwelling units in new or existing residential buildings pursuant to sections 2(3), 2(3.1), 2(3.2) and 2(3.2) of the Act.
- g) Development charges payable for Rental Housing Developments, where all of the Dwelling Units are intended to be used as rented residential premises, shall be reduced based on the number of bedrooms in each Dwelling Unit as follows:
1. 3 or more bedrooms – 25% reduction;
  2. 2 bedrooms – 20% reduction; and
  3. All other quantities of bedrooms – 15% reduction.
- h) No Development Charge shall be imposed when additional dwelling units are being added to an existing Dwelling Unit unless the total gross floor area of the additional one or two dwellings exceeds the gross floor area of the existing dwelling, as follows:
1. Single Detached Dwelling Unit – maximum two additional Dwelling Units.
  2. Semi-Detached Dwelling Unit or Row Dwelling Unit – maximum one additional Dwelling Unit.
  3. Other Residential Building – maximum one additional Dwelling Unit of which the gross floor area is less than or equal to the gross floor area of the smallest Dwelling Unit contained in the building.
- i) No Development Charge shall be imposed for the replacement of an existing building or Dwelling Units which have been demolished or destroyed provided that they existed on or after January 1, 1990. Any additional Dwelling Units created in excess of those demolished or destroyed shall be subject to 3.(e).
- j) No Development Charge shall be imposed where development is a result of the restoration of an unsafe building to a safe condition.
- k) No Development Charge shall be imposed where the Town has previously imposed by agreement or by by-law, an impost fee or lot levy or similar amount relating to matters which may be the subject of a Development Charge, and the



full amount so imposed is paid prior to the issuance of a building permit.

- l) No Development Charge shall be imposed solely by virtue of an addition being made to a lot.
  - m) No Development Charge shall be imposed where land is subdivided or severed, upon any Existing Residential Building which is not the subject of development.
  - n) No Development Charge shall be imposed as a result of a change in the form of land ownership (such as from an apartment unit to a condominium dwelling unit), where there is no change in the intensity of use as a result of no change in the number of Dwelling units.
  - o) The Fire Protection Services portion of the Development Charge is not imposed if a sprinkler system is provided in the residential or non-residential buildings where sprinklers are not required to comply with the Ontario Building Code.
  - p) No Development Charges shall be imposed for projects that conform to the Districts **Muskoka Affordable Housing Initiatives Program** and have been approved by the District of Muskoka.
  - q) No Development Charge shall be imposed for buildings in the Community Improvement Plan Area, as shown on the map on Schedule “D”.
- 4) Exemption for Industrial Development
- a) Notwithstanding any other provision of this By-law but subject to subsection 4(b), no development charge is payable with respect to the enlargement of the total floor area of an existing industrial building or structure where the gross floor area of the original building is enlarged by 50% or less;
  - b) If the gross floor area of an existing industrial building or structure is enlarged by greater than 50% of the gross floor area of the original building, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
    - (i) Determine the amount by which the enlargement exceeds 50% of the total floor area before the enlargement;
    - (ii) Divide the amount determined under subsection 4(b)(i) by the amount of the enlargement
  - c) For the purpose of subsections 4(a) and 4(b) herein, the term “existing industrial building or structure” shall have the same meaning as defined in 1.(m).

- d) The exemption for an existing industrial building or structure provided by this section shall be applied up to a maximum of 50% of the total floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this By-law or any previous development charge by-law of the Town made pursuant to the Development Charges Act, 1997, as amended or its predecessor legislation. Development charges shall be imposed in accordance with “Schedule B” with respect to the amount of floor area of an enlargement that results in the total floor area of the industrial building or structure being increased by greater than 50% of the total floor area of the existing industrial building or structure;
- 5) a) The whole of the Development Charge imposed hereunder shall be calculated and paid in full on the date a building permit under the Building Code Act, R.S.O. 1992, c.23 is issued in respect of the building or structure for the use to which the Development Charge hereunder applies.
    - b) Despite subsection 5(a), a development charge in respect of any part of a development that consists of a type of development set out in subsection 26.1 (2) of the Act is payable in accordance with subsection 26.1 of the Act.
    - c) No building permit shall be issued for any building or structure in respect of which the development Charge applicable remains unpaid.
    - d) Notwithstanding clauses 5. (a) and 5. (b) above, the Council may enter into a written agreement providing for payment of all or part of the Development Charges on any date that Council decides is appropriate.
  - 6) The Development Charges established hereunder shall be adjusted without amendment to this by-law annually, on the January 1st in each year commencing on January 1, 2026, in accordance with the regulated inflation index.
  - 7) Nothing in this By-law prevents Council from requiring, as a condition of approval under section 51, or section 53 of the Planning Act R.S.O. 1990, c.P.13, that the Owner, at their own expense, install such local services as Council may require or that the Owner install local connections to municipal services at the Owner’s expense.
  - 8) a) Council, by written agreement, may permit an Owner to commute the whole or such part of the development Charge applicable to the Owner’s development, as may be specified in the agreement, by the provision of the Owner’s sole expense of Services in Lieu. Such agreement may further specify that where the Owner provides Services in Lieu in accordance with the agreement, Council shall give to the Owner a credit against the Development Charge otherwise applicable to the development equal to the reasonable cost of providing the Services in Lieu.
    - b) In any agreement made under clause 8. (a) above, Council may also give a further credit equal to the owner’s reasonable cost of providing Services in addition to or of a greater size or capacity than would be required under this By-

law, but may not give the credit against the Development Charge payable.

- c) Any dispute as to the reasonable cost of providing the Services in Lieu or the Services mention in clause 8. (a) above, shall be referred to the Town's Director of Operations who then shall make a recommendation to Council. The Town's Council decision shall be final and binding.
- 9) The Treasurer of the Town shall administer this By-law.
  - 10) A copy of this By-law may be registered against such lands in the Town as Council, by resolution, from time to time, may direct.
  - 11) Any amount of the Development Charges, which remains unpaid after the date specified in clause 5. shall be added to the tax roll and collected as unpaid taxes.
  - 12) a) Any Agreement made under Section 51 or 53 of the Planning Act, R.S.O. 1990, c.P.13 before the date of this By-law comes into force which provides for the payment of a lot levy, capital contribution or other charge shall remain in full force and effect and be enforceable according to its terms.  
  
b) The Treasurer, in calculating the Development Charge payable under clause 5. above, shall deduct from the Development Charge otherwise payable any amount paid pursuant any amount pursuant to an agreement mentioned in clause 12. (a) above, where there is not conflict or the amount specified in the agreement if there is a conflict.  
  
c) Where an impost fee, lot creation fee or development charge was collected or is to be collected as a condition for a lot created by consent pursuant to Section 53 of the Planning Act. R.S.O. 1990, c. P. 13 then no development charge shall be imposed.
  - 13) a) Council directs the Treasurer to create an individual reserve fund, separate from the other reserve funds of the municipality, including reserve funds created or administered under section 417 of the Municipal Act, 2001, c.25, and record each of the services listed in Schedule "A" to this By-law. The Treasurer shall deposit the Development Charges received under this By-law into the appropriate reserve fund thus created and shall pay from the appropriate reserve fund any amounts necessary to defray the Net Capital Cost of the Service.  
  
b) The amounts contained in the reserve funds established under clause 13. (a) above, shall be invested in accordance with section 417 of the Municipal Act, 2001, c.25, and any income received from such investment shall be credited to the said reserve fund listed in Schedule "A" to this By- law as of December 31 of the previous year.
  - 14) Where any unpaid Development Charges are collected as taxes under clause 11. above, the money so collected shall be credited to the said reserve funds

provided for in Schedule “A”.

- 15) The Treasurer of the Town shall, in each year on or before May 31, furnish to Council a statement in respect of the reserve funds for the prior year, containing the information required under the Regulations.
- 16) a) If this By-law is amended or repealed by Council or the Ontario Land Tribunal, the Treasurer shall determine within 30 days of the amendment or repeal whether any owner has overpaid in respect of the Development Charge payable immediately prior to the repeal or amendment of this By-law and if such an overpayment has been made, the Treasury shall calculate the amount of such overpayment.
  - b) Any overpayment determined under clause 16. (a) above shall be paid to the person who made the payment by his or her last known address within 30 days of the date of the repeal or amendment of this By-law.
  - c) The refund payment under clause 16. (b) above shall be paid with interest calculated from the date upon which the overpayment was collected to the date on which the refund is made. Such interest shall be paid at the Bank of Canada Rate in effect from time to time from the date of enactment of this By-law as adjusted in clause 16. (d) below.
  - d) The Bank of Canada Rate in effect on the date of enactment of this By-law shall be adjusted on the first business date of July, 2025 to the Rate established by the Bank of Canada on that day and shall be adjusted four times each year thereafter on the first business day of January, April, July and October to the rate established by the Bank of Canada on the day of adjustment.
- 17) This By-law shall continue in force and effect for a term of ten (10) years from the date of its coming into force.
- 18) This By-law comes into force on the 31<sup>st</sup> day of December, 2024.
- 19) That By-law Number 2019-133 be repealed at 11:59 p.m. on the 30<sup>th</sup> day of December, 2024.
- 20) If any provisions of this By-law conflicts with the Act and its regulations as a result of amendments pursuant to new legislation, then the Act and its regulations shall prevail as necessary.
- 21) For greater certainty, a conflict shall not apply pursuant to section 21 where a provision in this By-law is allowed to remain in effect for a prescribed period of time pursuant to the Act or its regulations as amended by new legislation.

**READ a first, second and third time and finally passed this 25<sup>th</sup> day of November, 2024.**

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**Mayor** (Nancy Alcock)

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**Clerk** (Tanya Calleja)

**SCHEDULE “A”**

**By-law No. 2024-XXX**

**COMPONENTS OF SERVICES DESIGNATED IN SECTION 3**

- 1) Fire Services
- 2) Library Services
- 3) Parks & Recreation
- 4) Development-Related Studies
- 5) Services Related to a Highway

**Schedule “B”**

**By-law No. 2024-XXX  
Town of Huntsville Development Charges**

### SCHEDULE "C"

### By-law 2024-XXX Map of Community Improvement Plan Area

