

**THE CORPORATION OF THE TOWNSHIP OF ESSA  
REGULAR COUNCIL MEETING  
WEDNESDAY, JUNE 21, 2023  
(To follow Committee of the Whole)**

**AGENDA**

Members of the public wishing to attend can do so by attending in person to the Council Chambers located in the Administration Centre at 5786 County Road 21, Utopia.

1. **OPENING OF MEETING BY THE MAYOR**
2. **DISCLOSURE OF PECUNIARY INTEREST**
3. **ADOPTION OF PREVIOUS MINUTES AND MOTIONS**
- p. 1 Recommendation: *Be it resolved that the motions duly passed and approved at the Committee of the Whole meeting of this date be approved; and That the minutes of the Committee of the Whole, Closed Session and Regular Council meetings held on the 7<sup>th</sup> day of June, 2023 be adopted as circulated.*

4. **CONSENT AGENDA**

Recommendation: *Be it resolved that the items listed in the Consent Agenda dated June 21, 2023 be received for information, and that the necessary actions be taken.*

5. **COMMITTEE REPORTS**

6. **PETITIONS**

7. **MOTIONS AND NOTICES OF MOTIONS**

- a. **Canada Legislative Amendments to Improve Municipal Codes of Conduct and Enforcement**

Recommendation: **WHEREAS**, *all Ontarians deserve and expect a safe and respectful workplace; and*

**WHEREAS**, *municipal governments, as the democratic institutions most directly engaged with Ontarians need respectful discourse; and*

**WHEREAS**, *several incidents in recent years of disrespectful behaviour and workplace harassment have occurred amongst members of municipal councils; and*

**WHEREAS**, *these incidents seriously and negatively affect the people involved and lower public perceptions of local governments; and*

**WHEREAS**, *municipal Codes of Conduct are helpful tools to set expectations of council member behaviour; and*

**WHEREAS**, *municipal governments do not have the necessary tools to adequately enforce compliance with municipal Codes of Conduct; and*

**NOW, THEREFORE BE IT RESOLVED** *that Township of Essa supports the call of the Association of Municipalities of Ontario for the Government of Ontario to introduce legislation to strengthen municipal Codes of Conduct and compliance with them in consultation with municipal governments; and*

**THAT** the legislation encompass the Association of Municipalities of Ontario's recommendations for:

- Updating municipal Codes of Conduct to account for workplace safety and harassment
- Creating a flexible administrative penalty regime, adapted to the local economic and financial circumstances of municipalities across Ontario
- Increasing training of municipal Integrity Commissioners to enhance consistency of investigations and recommendations across the province
- Allowing municipalities to apply to a member of the judiciary to remove a sitting member if recommended through the report of a municipal Integrity Commissioner
- Prohibit a member so removed from sitting for election in the term of removal and the subsequent term of office.

**8. UNFINISHED BUSINESS**

**9. BY-LAWS**

p. 11 a. **By-law 2023-31 ATV By-law Amendment (2021-16)**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2023-31, that being a By-law to amend the Township of Essa's ATV By-law; and, that said By-law be read a first, and taken as read a second and third time, and finally passed.*

p. 13 b. **By-law 2023-32 Development Charges By-law**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2023-32, that being a By-law to provide for the adoption of Development Charges for the Township of Essa and that said By-law be read a first, and taken as read a second and third time and finally passed.*

p. 30 c. **By-law 2023-33 Designate Community Safety Zones**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2023-33, that being a By-law to provide for the designation of Community Safety Zones; and that said By-law be read a first, and taken as read a second and third time and finally passed.*

p. 34 d. **By-law 2023-34 Zoning By-law Amendment (56 River Drive)**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2023-34, that being a By-law to amend Essa's Zoning By-law 2003-50 to rezone lands known municipally as 56 River Drive from Residential, Low Density, Detached (R1) Zone to Residential, High Density Apartments (R5-1) Zone; and that said By-law be read a first, and taken as read a second and third time and finally passed.*

p. 36 e. **By-law 2023-35 Zoning By-law Amendment (125 Sydenham Street)**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2023-35, that being a By-law to amend Essa's Zoning By-law 2003-50 to rezone lands known municipally as 125 Sydenham Street from Residential, Low Density, Detached (R1) Zone' to 'Residential, Low Density, Semi-Detached (R2-13) Zone; and that said By-law be read a first, and taken as read a second and third time and finally passed.*

p. 38 f. **By-law 2023-36 Zoning By-law Amendment (96 King Street)**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2023-36, that being a By-law to amend Essa's Zoning By-law 2003-50 to rezone lands known municipally as 96 King Street from 'Residential, High Density, Apartments (R5) Zone' to Density, Semi-Detached (R2-12)'; and that said By-law be read a first, and taken as read a second and third time and finally passed.*

**10. QUESTIONS**

**11. CLOSED SESSION**

Recommendation: *Be it resolved that Council proceed to a Closed Session in order to address matters pertaining to:*

- a) Confidential Staff Report C013-23 – Appointment of Committee Member  
[Personal matters about an identifiable individual [s.239(2)(b)]
- b) Confidential Staff Report CAO013-23 – Administrative Staffing for ASE  
[Plans and Instructions for Negotiations [s.239(2)(k)]
- c) Confidential Staff Report CAO014-23 – Staffing Matters  
[Personal matters about an identifiable individual [s.239(2)(b)]

**Motion to Rise and Report from Closed Session Meeting of June 21, 2023.**

Recommendation: *Be it resolved that Council rise and report from the Closed Session Meeting at \_\_\_\_\_ p.m.*

**12. CONFIRMATION BY-LAW**

p. 41 a. **By-law 2023-37**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2023-36, that being a By-law to confirm the proceedings of the Council and Committee of the Whole meetings held on this 21<sup>st</sup> day of June, 2023; and that said By-law be read a first, and taken as read a second and third time and finally passed.*

**13. ADJOURNMENT**

Recommendation: *Be it resolved that this meeting of Council of the Township of Essa adjourn at \_\_\_\_\_ p.m. to meet again on the 5<sup>th</sup> day of July, 2023 at 6:00 p.m.*

**THE CORPORATION OF THE TOWNSHIP OF ESSA  
COMMITTEE OF THE WHOLE MEETING  
WEDNESDAY, JUNE 7, 2023**

**MINUTES**

A Committee of the Whole meeting was held in person on Wednesday June 7, 2023 in the Council Chambers of the Administration Centre, Township of Essa.

In attendance: Mayor Sandie Macdonald  
Deputy Mayor Michael Smith  
Councillor Pieter Kiezebrink  
Councillor Henry Sander  
Councillor Liana Maltby

Staff in attendance: C. Healey-Dowdall, Chief Administrative Officer  
M. Mikael, Manager of Public Works  
J. Coleman, Manager of Parks and Recreation  
S. Haniff, Manager of Planning  
S. Corbett, Deputy Clerk  
L. Lehr, Manager of Legislative Services

**1. OPENING OF MEETING BY THE MAYOR**

Mayor Macdonald opened the meeting at 6:00 p.m.

The Township of Essa acknowledges that we are situated on the traditional land of the Anishinaabeg, Huron-Wendat and the Tiononati people. We are dedicated to honouring Indigenous history and culture and committed to moving forward in the spirit of reconciliation and respect with all First Nation, Métis and Inuit people.

**2. DISCLOSURE OF PECUNIARY INTEREST**

None.

**DELEGATIONS / PRESENTATIONS / PUBLIC MEETINGS**

None.

**3. STAFF REPORTS**

**4. PLANNING AND DEVELOPMENT**

- a. Staff Report PD014-23 submitted by the Manager of Planning, re: 5983  
County Road 10 – Site Plan Control Agreement FS Partners/Growmark Inc.

Resolution No: CW058-2023 Moved by: Sander Seconded by: Kiezebrink

*BE IT RESOLVED THAT Staff Report PD014-23 be received for information purposes.*

----Carried-----

- b. **Staff Report PD015-23 submitted by the Manager of Planning, re: Official Plan Review Status.**

**Resolution No: CW059-2023 Moved by: Maltby Seconded by: Sander**

*BE IT RESOLVED THAT Staff Report PD015-23 be received; and THAT Council direct Staff to revisit the Official Plan (OP) Review in Q4-2023 due to ongoing Provincial legislative changes which are expected to take effect in Fall 2023, and to request a revised workplan and estimated fees from the Consultant at that time.*

**----Carried----**

- c. **Staff Report PD016-23 submitted by the Policy Planner, re: 56 River Drive – Public Meeting – Zoning By-law Amendment (Z9-22).**

**Resolution No: CW060-2023 Moved by: Kiezebrink Seconded by: Maltby**

*BE IT RESOLVED THAT Staff Report PD016-23 be received; and THAT Council approve an amendment to the Township's Zoning By-law 2003-50, for lands legally known as Plan 1333 Lot 22, municipally known as 56 River Drive from the Residential, Low Density, Detached (R1) Zone to Residential, High Density, Apartments (R5) Zone.*

**----Carried----**

- d. **Staff Report PD017-23 submitted by the Policy Planner, re: 125 Sydenham Street – Zoning By-law Amendment (Z3-22).**

**Resolution No: CW061-2023 Moved by: Kiezebrink Seconded by: Smith**

*BE IT RESOLVED THAT Staff Report PD017-23 be received; and THAT Council approve an amendment to the Township's Zoning By-law 2003-50, for lands legally known as PLAN 160A LOT 232, municipally known as 125 Sydenham Street from the Residential, Low Density, Detached R1 Zone to Residential, Low Density, Semi-Detached (R2-site specific) Zone.*

**----Carried----**

- e. **Staff Report PD018-23 submitted by the Planning Technician, re: 96 King Street – Zoning By-law Amendment (Z3-23).**

**Resolution No: CW062-2023 Moved by: Sander Seconded by: Smith**

*BE IT RESOLVED THAT Staff Report PD018-23 be received; and THAT Council approve an amendment to the Township's Zoning By-law 2003-50, for lands legally known as PT LT 30 CON 3 ESSA AS IN RO394415, municipally known as 96 King Street from the "Residential, High Density, Apartments (R5) Zone" to "Residential, Low Density, Semi-Detached (R2) Zone" with R2 site-specific provisions.*

**----Carried----**

- f. **Staff Report PD019-23 submitted by MHBC Planning, Township Planning Consultant, re: Brookfield Subdivision (Part of Lot 16, Con., 4) E-T-0602 – Subdivision Agreement and WWTP Servicing Agreement.**

**Resolution No: CW063-2023 Moved by: Kiezebrink Seconded by: Sander**

*BE IT RESOLVED THAT Staff Report PD019-23 be received; and  
THAT Council adopt a by-law to authorize the Mayor and Clerk to enter into a Subdivision Agreement and Wastewater Treatment Plant (WWTP) Servicing Agreement to govern the development of the 253 lot residential plan of subdivision (Brookfield - Heartland Subdivision) and the associated external servicing requirements; and  
THAT Council endorse the conveyance of lands external to the Brookfield draft plan of subdivision to the Municipality for the purposes of the wastewater treatment plant, the north/south paved maintenance driveway and the outfall to the Nottawasaga River; and  
THAT Council endorse the granting of an easement over lands associated with the wastewater treatment plant in favour of the Municipality for the east/west gravel maintenance access road; and  
THAT Legal Counsel for the Township be directed to accept signed Transfers/Authorization and Directions for these lands based upon the draft reference plan (R-Plan) pursuant to the Subdivision Agreement to be held In Trust by Township Legal Counsel pending execution of the Subdivision Agreement by the Township.*

**----Carried-----**

**5. PARKS AND RECREATION / COMMUNITY SERVICES**

- a. **Staff Report PR012-23 submitted by the Manager of Parks and Recreation, re: Trails Connecting Communities Program 2023 Installation of Pavilion/Gazebo at Bob Geddes Park, Angus.**

**Resolution No: CW064-2023 Moved by: Maltby Seconded by: Smith**

*BE IT RESOLVED THAT Staff Report PR012-23 be received; and  
THAT Council authorize the Manager of Parks and Recreation to proceed with an application for the 2023 Trails Connecting Communities Program for the manufacturing and installation of a Pavilion/Gazebo at a cost of approximately \$70,000 at Bob Geddes Park; and  
That Council approve the additional funds required to offset this grant program to come from Parks Reserves.*

**----Carried-----**

- b. **Staff Report PR013-23 submitted by the Manager of Parks and Recreation, re: Award of RFP – Vending Machines RFP-PR-23-04.**

**Resolution No: CW065-2023 Moved by: Smith Seconded by: Sander**

*BE IT RESOLVED THAT Staff Report PR013-23 be received; and  
THAT the proposal received from **Naccarato Enterprises Ltd.** be accepted for supply, installation, stocking, and maintenance of vending machines at the Angus Recreation*

*Centre and Thornton Community Centre, contingent upon WSIB Clearance Certificate and a copy of Insurance being provided to the Municipality.*

----Carried-----

- c. **Staff Report PR014-23 submitted by the Manager of Parks and Recreation, re: Hydro One Account – Peacekeepers Park.**

**Resolution No: CW066-2023 Moved by: Kiezebrink Seconded by: Maltby**

*BE IT RESOLVED THAT Staff Report PR014-23 be received; and THAT Council direct Staff to proceed with creating and opening a Hydro One account and Meter for the Peacekeepers Park for the Peacekeepers Association Project to be considered successful and operate.*

----Carried-----

- d. **Staff Report PR015-23 submitted by the Manager of Parks and Recreation, re: Concession Stands Operator RFP-PR-23-03.**

**Resolution No: CW067-2023 Moved by: Sander Seconded by: Smith**

*BE IT RESOLVED THAT Staff Report PR015-23 be received; and THAT Council direct Staff to issue another RFP for the Concession Stands for Angus Recreation Centre and Thornton Community Centre, with the possibility of separate contracts to be entered into; and THAT local vendors be personally invited to submit proposals.*

----Carried-----

**6. FIRE AND EMERGENCY SERVICES**

**7. PUBLIC WORKS**

- a. **Staff Report PW009-23 submitted by the Manager of Public Works, re: Timetable for Automated Speed Enforcement Implementation.**

**Resolution No: CW068-2023 Moved by: Smith Seconded by: Sander**

*BE IT RESOLVED THAT Staff Report PW009-23 be received; and THAT Council authorize Staff to continue to phase-in Community Safety Zones throughout the municipality, based on criteria developed and accepted by the Manager of Public Works, in order to ensure that Automated Speed Enforcement is prioritized in locations requiring it the most, where vulnerable road users are at risk; and, THAT mobile Automated Speed Enforcement be implemented throughout 20 locations for the one-year pilot project as the initial rollout of the program operating at key times of the day, and that additional Automated Speed Enforcement locations may be added; and, THAT signs be installed at all access points to the Township to advise motorists that Automated Speed Enforcement is in effect in our municipality, once the required MTO agreement is executed.*

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----Carried-----

- b. **Staff Report PW010-23 submitted by the Manager of Public Works, re: Suggested amendments to By-law No.2000-15 - Being a By-law to designate parts of highways as “Community Safety Zones”.**

**Resolution No: CW069-2023 Moved by: Kiezebrink Seconded by: Maltby**

*BE IT RESOLVED THAT Staff Report PW010-23 be received; and That Council approve the proposed amendments to By-law 2000-15, that being a By-law to designate Community Safety Zones in the Township of Essa.*

**----Carried-----**

- c. **Staff Report PW011-23 submitted by the Manager of Public Works, Re: Off Road Vehicle (ATV/ORV) Access on Municipal Roads.**

**Resolution No: CW070-2023 Moved by: Sander Seconded by: Kiezebrink**

*BE IT RESOLVED THAT Staff Report PW011-23 be received; and THAT Council support the decision by Staff to approve the allowance of ATVs / ORVs on the paved or unpaved municipal road network during the designated season of April 1st to November 1st each calendar year, on a permanent basis as per C010-23.*

**----Carried-----**

- d. **Staff Report PW012-23 submitted by the Manager of Public Works, re: Angus Class EA Addendum – Water Supply & Storage Expansion.**

**Resolution No: CW071-2023 Moved by: Sander Seconded by: Smith**

*BE IT RESOLVED THAT Staff Report PW010-23 be received; and THAT the RFQ as received from **Greenland International Consulting Ltd.** be accepted in the amount of **\$278,416.00 (excluding applicable tax)** to implement and finalize the Angus Class EA Addendum for Water Supply and Storage Expansion.*

**----Carried-----**

**8. FINANCE**

**9. CLERKS / BY-LAW ENFORCEMENT / IT**

- a. **Staff Report C011-23 submitted by the Deputy Clerk, re: Council Invited Events.**

**Resolution No: CW072-2023 Moved by: Maltby Seconded by: Sander**

*BE IT RESOLVED THAT Staff Report C011-23 be received.*

**----Carried-----**

**10. CHIEF ADMINISTRATIVE OFFICER (C.A.O.)**



11. OTHER BUSINESS

12. ADJOURNMENT

Resolution No: CW073-2023 Moved by: Smith      Seconded by: Sander

*BE IT RESOLVED THAT this meeting of Committee of the Whole of the Township of Essa adjourn at 6:27 p.m., to meet again on the 21<sup>st</sup> day of June, 2023 at 6:00 p.m.*

**----Carried-----**

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Sandie Macdonald  
Mayor

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Lisa Lehr  
Manager of Legislative Services

**THE CORPORATION OF THE TOWNSHIP OF ESSA  
REGULAR COUNCIL MEETING  
WEDNESDAY, JUNE 7, 2023**

**MINUTES**

The Regular Meeting of Council was held in person on Wednesday June 7, 2023, following the Committee of the Whole in the Council Chambers of the Administration Centre, Township of Essa.

In attendance: Mayor Sandie Macdonald  
Deputy Mayor Michael Smith  
Councillor Pieter Kiezebrink  
Councillor Henry Sander  
Councillor Liana Maltby

Staff in attendance: C. Healey-Dowdall, Chief Administrative Officer  
M. Mikael, Manager of Public Works  
J. Coleman, Manager of Parks and Recreation  
S. Haniff, Manager of Planning  
S. Corbett, Deputy Clerk  
L. Lehr, Manager of Legislative Services

**1. OPENING OF MEETING BY THE MAYOR**

Mayor Macdonald opened the meeting at 6:27 p.m.

**2. DISCLOSURE OF PECUNIARY INTEREST**

Councillor Sander declared a direct interest on Closed Session Item 11(a) as he lives adjacent to property identified in the Report.

**3. ADOPTION OF PREVIOUS MINUTES AND MOTIONS**

**Resolution No: CR098-2023 Moved by: Kiezebrink Seconded by: Sander**

*Be it resolved that the motions duly passed and approved at the Committee of the Whole meeting of this date be approved; and  
That the minutes of the Special Council Meeting held on the 10<sup>th</sup> day of May, 2023 be adopted as circulated; and  
That the minutes of the Public, Committee of the Whole, and Regular Council meetings held on the 17<sup>th</sup> day of May, 2023 be adopted as circulated.*

**----Carried-----**

**4. CONSENT AGENDA**

**Resolution No: CR099-2023 Moved by: Smith Seconded by: Sander**

*Be it resolved that the items listed in the Consent Agenda dated June 7, 2023 be received for information, and  
That items 1b and 2a be referred to section B of the Consent Agenda for a letter of support to be drafted; and*

*That Item 11 be referred to section C of the Consent Agenda for a Report to come forward regarding the effects of Aggregate on Municipal roads.*

----Carried-----

**5. COMMITTEE REPORTS**

- a. **Nottawasaga Police Services Board – Minutes of their March 20, 2023 Meeting and Report for March and April 2023**

**Resolution No: CR100-2023 Moved by: Kiezebrink Seconded by: Maltby**

*Be it resolved that the minutes from the Nottawasaga Police Services Board from their meeting of March 20, 2023, including their March and April 2023 Reports, be received.*

----Carried-----

**6. PETITIONS**

**7. MOTIONS AND NOTICES OF MOTIONS**

**Resolution No: CR101-2023 Moved by: Kiezebrink Seconded by: Smith**

- a. **Canada Day at Township of Essa's Community Park - Request from the Edward Macdonald Branch 499 - Royal Canadian Legion to host a Beer Garden**

**WHEREAS** the Edward Macdonald Branch 499 - Royal Canadian Legion has requested to operate a Beer Garden at Community Park in Angus on July 1, 2023 between the hours of 11:00 a.m. to 6:00 p.m.; and

**WHEREAS** the Edward Macdonald Branch 499 – Royal Canadian Legion will be selling and serving alcohol to the public; and

**WHEREAS** the Edward Macdonald Branch 499 – Royal Canadian Legion will ensure that all servers will be in possession of a Smart Serve Certification and will ensure that alcohol is kept within the designated beer tent perimeters; and

**WHEREAS** the Edward Macdonald Branch 499 – Royal Canadian Legion will provide Essa with a copy of their Certificate of Insurance naming Essa Township as an “additional insured” in the amount of \$5,000,000.00; and

**WHEREAS** Council of the Township of Essa proclaims Canada Day to be an event of municipal significance;

**NOW THEREFORE BE IT RESOLVED THAT** Council direct staff to issue a letter of non-objection to the Edward Macdonald Branch 499 – Royal Canadian Legion to accompany their application for a Special Occasion Permit through the AGCO.

----Carried-----

- b. **Proclamation – World Elder Abuse Awareness Day – June 15, 2023**

**Resolution No: CR102-2023 Moved by: Smith Seconded by: Maltby**

**WHEREAS** the Township of Essa’s older adults deserve to be treated with respect and dignity and valued as contributing members of society, imparting a wealth of experience and wisdom in our communities; and

**WHEREAS** the International Network for the Prevention of Elder Abuse, in support of

*the United Nations International Plan of Action, proclaimed this day to recognize the significance of elder abuse as a public health and human rights issue; and*  
**WHEREAS** *the Township of Essa recognizes the importance of taking action to invest in creating social change, to prioritize the prevention of elder abuse and raise awareness to foster a better understanding of abuse and neglect of older adults and their rights; and*  
**WHEREAS** *elder abuse has a significant impact on the lives of older adults and families and is not limited to race, gender, culture, or circumstance, regardless of whether the abuse is physical, emotional, sexual, financial or neglect; and*  
**WHEREAS** *ageism and social isolation are major causes of elder abuse in Ontario; and*  
**WHEREAS** *it is recognized that it is up to all of us, as citizens, organizations, communities, and governments, to work collectively to prevent violence and abuse of older adults in their homes and communities; and*  
**WHEREAS** *preventing abuse of older adults through improving and maintaining social and health services and systems such as housing, income security, and safety will improve their quality of life and allow them to live independently and contribute to the vibrancy of Ontario; and*  
**WHEREAS** *there can be no abuse where there is respect for human rights, equality, and justice, and all Essa residents are urged to join this global movement to promote the Rights of Older Adults and Stop Abuse and Restore Respect;*  
**NOW THEREFORE BE IT RESOLVED THAT** *Council of the Corporation of the Township of Essa hereby proclaims June 15, 2023, as World Elder Abuse Awareness Day, and encourages all residents to recognize and celebrate seniors and their ongoing contributions to the success and vitality of our province.*

----Carried-----

**8. UNFINISHED BUSINESS**

**9. BY-LAWS**

**10. QUESTIONS**

**11. CLOSED SESSION**

**Resolution No: CR103-2023 Moved by: Kiezebrink Seconded by: Sander**

*Be it resolved that Council proceed to a Closed Session in order to address matters pertaining to:*

- *Litigation or Potential Litigation [s.239(E)]*
- *Plans and Instructions for Negotiations [s.239(2)(k)]*

----Carried-----

Councillor Sander recused himself from the Council Chambers and did not participate in any discussion or vote on this matter.

**Motion to Rise and Report from Closed Session Meeting of June 7, 2023.**

**Resolution No: CR104-2023 Moved by: Smith Seconded by: Maltby**

*Be it resolved that Council rise and report from the Closed Session Meeting at 6:56 p.m.*

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----Carried-----

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- a. **LITIGATION OR POTENTIAL LITIGATION [s.239(E)]  
PLANS AND INSTRUCTIONS FOR NEGOTIATIONS. [s.239(K)]  
Confidential Staff Report CAO011-23 submitted by the Manager of  
Public Works, re: Essa Active Pits – Plans for Instructions for  
Negotiation.**

**Resolution No: CR105-2023 Moved by: Kiezebrink Seconded by: Maltby**

*Be it resolved that the Confidential Staff Report PW013-23 be received; and  
That Council authorize Staff to proceed with Option No. 2 as contained within this  
Report.*

**----Carried-----**

Councillor Sander returned to the Council Chambers at 6:57 p.m.

**12. CONFIRMATION BY-LAW**

**By-law 2023-30**

**Resolution No: CR106-2023 Moved by: Maltby Seconded by: Smith**

*Be it resolved that leave be granted to introduce By-law 2023-30, that being a By-law to  
confirm the proceedings of the Council and Committee of the Whole meetings held on  
this 7<sup>th</sup> day of June, 2023; and that said By-law be read a first, and taken as read a  
second and third time and finally passed.*

**----Carried-----**

**13. ADJOURNMENT**

**Resolution No: CR107-2023 Moved by: Smith Seconded by: Maltby**

*Be it resolved that this meeting of Council of the Township of Essa adjourn at 6:58 p.m.  
to meet again on the 21<sup>st</sup> day of June, 2023 at 6:00 p.m.*

**----Carried-----**

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Sandie Macdonald  
Mayor

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Lisa Lehr  
Manager of Legislative Services

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2023 – 31

Being a By-law to amend Essa's ATV/ORV By-law 2021-16.

WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Section 191.8(1), provides that no person shall drive an off-road vehicle on a highway except in accordance with the *Highway Traffic Act* regulations and any applicable Municipal By-law; and

WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Section 191.8(3), provides that a municipality may pass by-laws permitting certain off-road vehicles on highways under the jurisdiction of the municipality and providing speed limits for such vehicles; and

WHEREAS the operation of off-road vehicles on highways is a privilege and not a right; and

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 11.(3), provides that a municipality may pass by-laws with respect to municipally owned roads, including parking and traffic on such highways; and

WHEREAS at its meeting of May 5, 2021, Council of the Township of Essa commenced a Pilot Program to allow ATVs / ORVS to drive on the paved or unpaved vehicular driving surface of roads under the municipal jurisdiction of Essa Township, with the Pilot Program being extended into 2022 via the passage of Resolution CW127-21; and

WHEREAS Council of the Corporation of the Township of Essa is desirous of permitting ATVs and ORVs access to roads under its municipal jurisdiction on a permanent basis during the designated season of April 1<sup>st</sup> to November 1<sup>st</sup> each calendar year;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESSA HEREBY ENACTS as follows:

1. That By-law 2021-16 be and is hereby amended as follows:

Preface of By-law

- strike "*on the shoulder of all municipal roads*" and replace with "*on the paved and unpaved vehicular driving surface of roads under the municipal jurisdiction of Essa Township*".

Pretext of By-law – para 6

- Strike para 6 and replace with:

***"WHEREAS Council of the Corporation of the Township of Essa is desirous of permitting ATVs and ORVs access to the paved and***

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***unpaved driving surface of roads under its municipal jurisdiction during the designated season of April 1<sup>st</sup> to November 1<sup>st</sup> each calendar year"***

*Section 8*

- Strike "**April 30**" and replace with "**March 31<sup>st</sup>**"

Short-form Wording – Item 7

- Strike "**April 30<sup>th</sup>**" and replace with "**March 31<sup>st</sup>**".

2. That this By-law shall come into force and take effect on the date of final passing thereof.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED 21<sup>st</sup> day of June, 2023.

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Sandie Macdonald  
Mayor

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Lisa Lehr  
Manager of Legislative Services

**THE CORPORATION OF THE TOWNSHIP OF ESSA**

**BY-LAW NO. 2023 - 32**

**A By-law to establish municipal-wide and area-specific  
development charges for the Corporation of the  
Township of Essa**

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 for increased capital costs required because of the need for services arising from development in the area to which the By-law applies; and

WHEREAS the Council of the Corporation of the Township of Essa ("Township of Essa") 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 Township of Essa received a report entitled Development Charge Background Study, Township of Essa dated April 21, 2023 prepared by Hemson Consulting, wherein it is indicated that the development of any land within the Township of Essa will increase the need for services as defined herein; and

WHEREAS the Council of the Township of Essa 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 May 17, 2023 and provided a subsequent period for written communications to be made; and

WHEREAS the Council has given said communications due consideration, has made any necessary revisions to the Township of Essa Development Charges Background Study as a result of those communications, and has determined that no further public meetings are required in respect of the Background Study and the Development Charges By-Law; and

WHEREAS Council has given consideration to 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 development charges, and has determined that for the services and associated infrastructure proposed to be funded by development charges under this by-law that it is fair and reasonable that the charges be calculated on both a municipal-wide and area-specific basis; and

WHEREAS the Council of the Township of Essa on June 21, 2023 approved the Development Charge Background Study dated April 21, 2023, in which certain recommendations were made relating to the establishment of a development charge policy for the Township of Essa pursuant to the *Development Charges Act, 1997*.



NOW THEREFORE the Council of the Township of Essa enacts as follows:

**DEFINITIONS**

1. In this By-law,
  - (1) "Act" means the *Development Charges Act, 1997, c. 27*;
  - (2) "Accessory use" means a use of land, buildings or structures which is incidental and subordinate to the principal use of the lands and buildings;
  - (3) "Agricultural use" means the bona fide use of lands and buildings for apiaries, fish farming, dairy farming, fur farming, the raising or exhibiting of livestock, or the cultivation of trees, shrubs, flowers, grains, sod, fruits, vegetables and any other crops or ornamental plants and includes the operation of a farming business and the erection of a farm help house on agricultural land but excludes a commercial greenhouse. Agricultural use does not include the development of a single detached dwelling on agricultural land;
  - (4) "Apartment dwelling" means any residential unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor and shall include dwelling units contained above or as part of commercial buildings;
  - (5) "Bedroom" means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
  - (6) "Board of Education" means a board defined in s.s. 1(1) of the *Education Act*;
  - (7) "Building Code Act" means the *Building Code Act, 1992, S.O. 1992, c.23*, as amended;
  - (8) "Building or Structure" means an enclosed area, including, but is not limited to, above grade storage tanks, air supported structures and industrial tents;
  - (9) "Capital cost" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by, the municipality or local board,
    - (a) to acquire land or an interest in land, including a leasehold interest;
    - (b) to improve land;

- (c) to acquire, lease, construct or improve buildings and structures;
- (d) to acquire, lease, construct or improve facilities including (but not limited to),
  - (i) rolling stock with an estimated useful life of seven years or more,
  - (ii) furniture and equipment, other than computer equipment, and
  - (iii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, c.P44, and
- (e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d);
- (f) to complete the development charge background study under Section 10 of the Act;
- (g) interest on money borrowed to pay for costs in (a) to (d);

required for provision of services designated in this By-law within or outside the municipality.

- (10) "Council" means the Council of The Corporation of the Township of Essa;
- (11) "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 thereof, and includes redevelopment;
- (12) "Development charge" means a charge imposed pursuant to this By-law;
- (13) "Dwelling unit" means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- (14) "Farm building" means that part of a bona fide farm operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;
- (15) "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;

- (16) "Local board" means a public utility commission, public library board, local board of health, or any other board, commission, committee or 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 municipality or any part or parts thereof;
- (17) "Local services" means those services or facilities which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates, and are required as a condition of approval under s.51 of the *Planning Act*, or as a condition of approval under s.53 of the *Planning Act*;
- (18) "Multiple dwelling" means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment dwellings;
- (19) "Municipality" means the Corporation of the Township of Essa;
- (20) "Non-residential uses" means a building or structure used for other than a residential use;
- (21) "Official plan" means the Official Plan of the Township of Essa and any amendments thereto;
- (22) "Owner" means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;
- (23) "Planning Act" means the *Planning Act*, R.S.O. 1990, c.P13, as amended;
- (24) "Primary Dwelling Unit" means a dwelling contained in the main building on a lot;
- (25) "Redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has been previously demolished on such land, or changing the use of a building or structure from a residential use to a non-residential use or from a non-residential use to a residential use, or changing a building or structure from one form of residential use to another form of residential use or from one form of non-residential use to another form of non-residential use;
- (26) "Regulation" means any regulation made pursuant to the Act;
- (27) "Residential uses" means lands, buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or

more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, and the residential portion of a mixed-use building or structure;

- (28) "Semi-detached dwelling" means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;
- (29) "Services" means services set out in Schedule "A" to this By-law;
- (30) "Single detached dwelling" means a completely detached building containing only one dwelling unit.
- (31) "Total floor area" means,
  - (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure with respect to the residential portion thereof, the aggregate of the total areas of all floors in the building or structure above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from another dwelling unit or other portion of a building;
  - (b) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the aggregate of the total areas of all floors in the building or structure above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use separating a non-residential use from a residential use.

## **SCHEDULE OF DEVELOPMENT CHARGES**

- 2. (1) Subject to the provisions of this By-law, development charges against land shall be imposed, calculated and collected in accordance with the base rates set out in Schedule "B" (Township Services), which relate to the services set out in Schedule "A".
- (2) Notwithstanding subsection 2(1), where there is development or redevelopment of land in Angus, as described in Schedule "C" of this By-law, the land shall also be subject to further development charges for sanitary sewer and water services that are specific to the lands in Angus, as set out in Schedule "B".
- (3) The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:

- (a) in the case of residential development or redevelopment, or the residential portion of a mixed-use development or redevelopment, based upon the number and type of dwelling units; and
  - (b) in the case of non-residential development or redevelopment, or the non-residential portion of a mixed-use development or redevelopment, based upon the total floor area of such development.
- (4) Council hereby determines that the development or redevelopment of land, buildings or structures for residential and non-residential uses will require the provision, enlargement or expansion of the services referenced in Schedule "A".

### **PHASE-IN OF DEVELOPMENT CHARGES**

3. (1) Development charges shall be phased in accordance with the requirements of the Act.

### **APPLICABLE LANDS**

4. (1) Where permitted pursuant to the provisions of the *Development Charges Act, 1997*, and not otherwise prohibited by such Act, or otherwise exempted by the provisions of this By-law, this By-law applies to all land, buildings and structures within the Township of Essa.

### **EXEMPTIONS AND DISCOUNTS**

5. (1) This By-law shall not apply to land that is owned by and used for the purposes of:
- (a) a Board of Education;
  - (b) any municipality or local board thereof; and
  - (c) a non-residential farm building;
- (2) This By-law shall not apply to that category of exempt development described in Section 2(3)(3.1)(3.2)(3.3) of the Act and section 2 of O.Reg. 82/98, namely:
- (a) the enlargement of an existing dwelling unit;
  - (b) One or two additional dwelling units in an existing or to be constructed 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 or to be constructed residential building, such as a semi-detached or row dwelling or prescribed ancillary structure to the existing residential building;
  - (e) Notwithstanding subsection (b) above, development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.
  - (f) Notwithstanding subsection (d) above, development charges shall be imposed if the additional unit has a gross floor area greater than:
    - a. In the case of a semi-detached or row dwelling, the gross floor area of the existing smallest dwelling unit; and
    - b. In the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.
- (3) This By-law does not apply to that category of exempt development described in Section 4(2) of the Act and Section 1 of O.Reg. 82/98, namely:
- (a) the enlargement of the gross floor area of an existing industrial building, if the gross floor area is enlarged by 50 percent or less;
  - (b) for the purpose of (a) the terms “gross floor area” and “existing industrial building” shall have the same meaning as those terms have in O.Reg. 82/98 made under the Act.
- (4) Notwithstanding subsection (3)(a), if the total floor area of an existing industrial building is enlarged by more than 50 percent, development charges shall be calculated and collected in accordance with Schedule “B” on the amount by which the enlargement exceeds 50 percent of the total floor area before the enlargement.
- (5) In accordance with Section 26.2(1.1) of the Act, the amount of a development charge determined for rental housing development shall be reduced in accordance with the following rules:
- (a) a development charge for a residential unit intended for use as a rented residential premises with three or more bedrooms shall be reduced by 25 per cent;

- (b) a development charge for a residential unit intended for use as a rented residential premises with two bedrooms shall be reduced by 20 per cent;
  - (c) a development charge for a residential unit intended for use as a rented residential premises not referred to in subsection 5(a) and 5(b) of this by-law shall be reduced by 15 per cent.
- (6) This By-law does not apply to non-profit housing development as per Section 4.2 of the Act.

### **APPROVALS FOR DEVELOPMENT**

6. (1) Subject to subsection (2), development charges shall be calculated and collected in accordance with the provisions of this By-law and be imposed on land to be developed or redeveloped for residential and non-residential use, where the development or redevelopment requires:
- (i) the passing of a Zoning By-law or an amendment thereto under Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13;
  - (ii) the approval of a minor variance under Section 45 of the *Planning Act*, R.S.O. 1990, c.P.13;
  - (iii) a conveyance of land to which a By-law passed under subsection 50(7) of the *Planning Act*, R.S.O. 1990, c.P.13 applies;
  - (iv) the approval of a plan of subdivision under Section 51 of the *Planning Act*, R.S.O. 1990, c.P. 13;
  - (v) a consent under Section 53 of the *Planning Act*, R.S.O. 1990, c.P.13;
  - (vi) the approval of a description under Section 50 of the *Condominium Act*, R.S.O. 1980, c.84; or
  - (vii) the issuing of a permit under the *Building Code Act*, R.S.O. 1990, c.B.13, in relation to a building or structure.
- (2) Subsection (1) shall not apply in respect to
- (a) local services installed or paid for by the owner within a plan of subdivision or within the area to which the plan relates, as a condition of approval under Section 51 of the *Planning Act*, R.S.O. 1990, c.P. 13;

- (b) local services installed or paid for by the owner as a condition of approval under Section 53 of the *Planning Act*, R.S.O. 1990, c.P. 13.

### **LOCAL SERVICE INSTALLATION**

7. Nothing in this By-law prevents Council from requiring, as a condition of an agreement under Section 51 or 53 of the *Planning Act*, that the owner, at his or her own expense, shall install or pay for such local services, as Council may require.

### **MULTIPLE CHARGES**

8. (1) Where two or more of the actions described in subsection 6(1) are required before land to which a development charge applies can be developed, only one development charge shall be calculated and collected in accordance with the provisions of this By-law.
- (2) Notwithstanding subsection (1), if two or more of the actions described in subsection 6(1) occur at different times, or a second or subsequent building permit is issued, resulting in increased, additional or different development, and if the subsequent action has the effect of increasing the need for municipal services as set out in Schedule "A", an additional development charge on the additional residential units and non-residential total floor area, shall be calculated and collected in accordance with the provisions of this By-law.

### **SERVICES IN LIEU**

9. (1) Council may authorize an owner, through an agreement under Section 38 of the Act, to substitute such part of the development charge applicable to the owner's development as may be specified in the agreement, by the provision at the sole expense of the owner, of services in lieu. Such agreement shall 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 in accordance with the agreement provisions and the provisions of Section 39 of the Act, equal to the reasonable cost to the owner of providing the services in lieu. In no case shall the agreement provide for a credit which exceeds the total development charge payable by an owner to the municipality in respect of the development to which the agreement relates.
- (2) In any agreement under subsection 9(1), Council may also give a further credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this By-law.



- (3) The credit provided for in subsection (2) shall not be charged to any development charge reserve fund.

### **DEVELOPMENT CHARGE CREDITS**

10. If development or redevelopment involves the demolition of and replacement of a building or structure, or the conversion of one principal use to another:
  - (1) A credit shall be allowed against the development charges otherwise payable, provided that a building permit has been issued for the development or redevelopment within five years from the date the demolition permit or other planning approval related to the demolition of a building or structure on the site has been issued, whichever date is earlier;
  - (2) The credit shall be calculated:
    - (a) for any portion of a building or structure used for residential uses, based on the number of dwelling units demolished and/or converted, multiplied by the applicable residential development charge in place at the time the development charge is payable; and/or
    - (b) for any portion of a building or structure used for non-residential uses, based on the total floor area of the building demolished and/or converted, multiplied by the current non-residential charge in place at the time the development charge is payable.
  - (3) The credit, can in no case, exceed the amount of the development charge that would otherwise be payable.

### **TIMING OF CALCULATION AND PAYMENT**

11.
  - (1) Subject to subsection 11(3) of this By-law, development charges shall be payable in full in money or by provision of services as may be agreed upon, or by credit granted under the Act, on the date that the first building permit is issued in relation to a building or structure on land to which a development charge applies;
  - (2) Subject to subsection 11(3) of this By-law, if development or redevelopment does not require a building permit but does require one or more of the actions described in subsection 6(1) above, development charges shall be paid prior to the granting of approval for any action required under subsection 6(1) of this By-law;
  - (3) Where development or redevelopment requires approval of a plan of subdivision under section 51 of the *Planning Act* or a consent under section 53 of the *Planning Act*, the development charges for services set out in

paragraphs 1, 2, 3, 4 or 5 of Subsection 2(4) of the Act shall be paid immediately upon the parties entering into the subdivision agreement or consent agreement, as the case may be;

- (4) Council may enter into an agreement with an owner to make any development charges payable earlier or later than the date provided for in subsection 11(1);
- (5) The amount of development charge will be determined in accordance with Section 26, 26.1 and 26.2 of the Act, prior to issuance of the building permit or revision to building permit;
- (6) If construction has not begun after 24 months from the date of issuance of a building permit (conditional or full), a top-up to the rate in effect at that time will apply;
- (7) Notwithstanding section 11(1), development charges for rental housing and institutional developments in accordance with Section 26.1 of the Act, are due inclusive of interest established from the date the development charge would have been payable in accordance with Section 26 of the *Development Charges Act, 1997*, in 6 equal annual payments beginning on the date that is the earlier of:

- (a) the date of the issuance of a permit under the *Building Code Act, 1992* authorizing occupation of the building; and

- (b) the date the building is first occupied.

and continuing on the following five anniversaries of that date.

- (8) Where the development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply, development charges under section 11 shall be calculated on the rates in effect on the day of the later planning application, including interest.

## **RESERVE FUNDS**

12. (1) Monies received from payment of development charges shall be maintained in separate reserve funds for each service to which the development charge relates.

- (2) Monies received for the payment of development charges shall be used only in accordance with the provisions of Section 35 of the Act.
- (3) Council directs the Municipal Treasurer to divide the reserve fund created hereunder into separate subaccounts in accordance with the service sub-categories set out in Schedule "A" to which the development charge payments shall be credited in accordance with the amounts shown, plus interest earned thereon.
- (4) Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
- (5) Where any unpaid development charges are collected as taxes under subsection (4), the monies so collected shall be credited to the development charge reserve fund referred to in subsection (1).
- (6) The Treasurer of the Municipality shall, in each year commencing in 2023 for the 2022 year, furnish to Council a statement in respect of the reserve fund established hereunder for the prior year, containing the information set out in Section 12 of O.Reg. 82/98.

#### **BY-LAW AMENDMENT OR APPEAL**

13. (1) Where this By-law or any development charge prescribed thereunder is amended or repealed either by order of the Ontario Land Tribunal or by resolution of the Municipal Council, the Municipal Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
  - (2) Refunds that are required to be paid under subsection (1) shall be paid with interest to be calculated as follows:
    - (a) Interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
    - (b) The Bank of Canada interest rate in effect on the date of enactment of this By-law shall be used.
  - (3) Refunds that are required to be paid under subsection (1) shall include the interest owed under this section.

#### **BY-LAW INDEXING**

14. The development charges set out in Schedule "B" to this By-law shall be adjusted, without amendment to this By-law, commencing on January 1, 2024 and annually

thereafter in each January while this By-Law is in force in accordance with the most recent twelve month change in the Statistics Canada Quarterly Construction Price Statistics.

### **BY-LAW REGISTRATION**

15. A certified copy of this By-law may be registered on title to any land to which this By-law applies.

### **BY-LAW ADMINISTRATION**

16. This By-law shall be administered by the Municipal Treasurer.

### **SEVERABILITY**

17. In the event any provision, or part thereof, of this By-law is found, by a court of competent jurisdiction, to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of the By-law shall remain in full force and effect.

### **HEADINGS FOR REFERENCE ONLY**

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

### **SCHEDULES TO THE BY-LAW**

19. The following Schedules to this By-law form an integral part of this By-law:
- |            |   |
|------------|---|
| Schedule A | Schedule of Municipal Services  |
| Schedule B | Schedule of Development Charges: Township-wide and Area-Specific Services |
| Schedule C | Schedule of Lands on which Angus sewer and water charges are imposed      |

### **DATE BY-LAW EFFECTIVE**

20. This By-law shall come into force and effect on date of passage.

### **SHORT TITLE**

21. This By-law may be cited as the "Township of Essa Uniform Development Charge By-law, 2023."

22. By-law No. 2018-54 and any amendments made thereto are hereby repealed as of the date this by-law comes into force and effect.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 21st day of June 2023.

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Sandie MacDonald, Mayor

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Lisa Lehr, Clerk

**SCHEDULE "A"**  
**TO BY-LAW NO. 2023 - 32**  
**DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW**

1. Library Services
2. Fire Services
3. Police Services
4. Parks and Recreation
5. Services Related to a Highway: Public Works and Fleet
6. Services Related to a Highway: Roads and Related
7. Angus Sewer Services
8. Angus Water Services

**SCHEDULE "B"**  
**TO BY-LAW NO. 2023 – 32**  
**SCHEDULE OF DEVELOPMENT CHARGES: TOWNSHIP-WIDE AND**  
**AREA-SPECIFIC CHARGES**

Service	Residential Charge By Unit Type (\$/unit)				Non-Residential Charge per Square Metre
	Singles & Semis	Rows & Other Multiples	Apartments 2+ Bedrooms	Apartments Bachelor or 1 Bedroom	
Library Services	\$167	\$147	\$98	\$72	\$0.00
Fire Services	\$1,701	\$1,504	\$1,002	\$739	\$10.73
Police Services	\$55	\$48	\$32	\$24	\$0.34
Parks And Recreation	\$5,674	\$5,016	\$3,344	\$2,464	\$0.00
Services Related To A Highway: Public Works And Fleet	\$2,143	\$1,895	\$1,263	\$931	\$13.53
<b>Subtotal General Services</b>	<b>\$9,740</b>	<b>\$8,610</b>	<b>\$5,739</b>	<b>\$4,230</b>	<b>\$24.61</b>
Services Related To A Highway: Roads And Related	\$19,279	\$17,046	\$11,364	\$8,373	\$121.87
<b>Total Township-wide Charge</b>	<b>\$29,019</b>	<b>\$25,656</b>	<b>\$17,103</b>	<b>\$12,603</b>	<b>\$146.48</b>
<b>Angus (1)</b>					
Township-wide Charge	\$29,019	\$25,656	\$17,103	\$12,603	\$146.48
Angus Sewer	\$3,776	\$3,339	\$2,226	\$1,640	\$20.39
Angus Water	\$4,542	\$4,016	\$2,677	\$1,973	\$24.53
<b>TOTAL CHARGE IN ANGUS</b>	<b>\$37,337</b>	<b>\$33,011</b>	<b>\$22,006</b>	<b>\$16,216</b>	<b>\$191.40</b>

(1) Applicable in the area shown on Schedule "C".

**SCHEDULE "C"**  
**TO BY-LAW NO. 2023 - 32**  
**LANDS TO WHICH THE ANGUS SPECIFIC AREA CHARGES APPLY**

**ANGUS DEVELOPMENT BOUNDARY**

**Ultimate Development Boundary**

29





# THE CORPORATION OF THE TOWNSHIP OF ESSA

## BY-LAW NO. 2023 – 33

### A By-law to designate parts of highways as “Community Safety Zones”.

WHEREAS Section 214.1(1) of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended by Bill 26, Chapter 6, Statutes of Ontario 1998 provides the Council of a municipality to designate community safety zones on parts of highways under its jurisdiction; and

WHEREAS the Council of The Corporation of the Township of Essa deems it expedient and necessary to establish community safety zones on Township streets;

NOW THEREFORE the Council of The Corporation of the Township of Essa enacts as follows:

#### 1. INTERPRETATION

1.1 Unless otherwise stated in this By-law, subsection 1 of Section 1 of the *Highway Traffic Act of Ontario*, R.S.O. 1990, Chapter H.8, as amended from time to time is hereby adopted in this by-law for the purpose of definition and interpretation.

#### 2. DEFINITIONS

For the purpose of this By-law the following words shall have the meaning given herein:

2.1 “**Council**” means the Council of The Corporation of the Township of Essa.

2.2 “**Highway**” means a highway as defined in the *Highway Traffic Act of Ontario*, R.S.O. 1990, Chapter H.8, as amended from time to time.

2.3 “**Motor Vehicle**” means a motor vehicle as defined in the *Highway Traffic Act of Ontario*, R.S.O. 1990, Chapter H.8, as amended from time to time.

2.4 “**Official Signs**” means a sign approved by the Ministry and placed or erected on a highway or elsewhere pursuant to the provisions of this By-law.

#### 3. GENERAL REGULATIONS

3.1 Highways as set out in columns 1, 2, and 3 of Schedule “A”, attached hereto, are hereby designated as Community Safety Zones during the time periods as set out in Column 4 of said Schedule “A”.

3.2 Official signs shall be erected or placed in accordance with the Regulations of the *Highway Traffic Act of Ontario*, R.S.O. 1990, Chapter H.8, as amended from time to time, in the areas designated as Community Safety Zones.

4. **PENALTY**

4.1 Every person who commits an offence under specified sections of the *Highway Traffic Act* on part of a highway designated as a Community Safety Zone when it is in effect is liable on conviction to the fines set out in Section 214.1 of the *Highway Traffic Act*.

5. **SEVERABILITY**

5.1 Should any section, subsection, clause, paragraph or provision of this By-law including any part of Schedule "A" be declared by a court of competent jurisdiction to be ultra vires, invalid or illegal for any reason, the same shall not affect the validity of the By-law as a whole.

6. **CITING**

6.1 This By-law shall be cited as the "Community Safety Zones By-law".

6.2 That By-law 2000-15 is hereby repealed.

7. **ENACTMENT**

7.1 That this By-law shall come into force and take effect from the final passing thereof.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED this 21<sup>st</sup> day of June, 2023.

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Sandie Macdonald  
Mayor

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Lisa Lehr  
Manager of Legislative Services

## SCHEDULE "A"

### BY-LAW NO. 2023-33

#### "Community Safety Zones"

<b>SCHEDULE "A" TO BY-LAW 2023-33</b>				
	<b>Column 1 Highway</b>	<b>Column 2 From</b>	<b>Column 3 To</b>	<b>Column 4 Effective Hours and Dates</b>
1.	Simcoe St.	Auburn St.	Raglan St.	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>
2.	Sydenham St.	Auburn St.	Raglan St.	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>
3.	Auburn St.	Simcoe St.	Sydenham St.	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>
4.	Brian Ave.	Bushey Ave.	Tarbush Ave.	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>
5.	Bushey Ave.	Brian Ave.	a point 160m north of Brian Ave.	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>
6.	Tarbush Ave.	Brian Ave.	a point 160m north of Brian Ave.	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>
7.	Roth St.	North St.	a point 125m west of North St.	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>
8.	Denney Dr.	Murphy Rd.	a point 500m south of County Rd 21.	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>
9.	Centre St.	5 <sup>th</sup> Line.	Stringer Ave.	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>

	<b>Column 1 Highway</b>	<b>Column 2 From</b>	<b>Column 3 To</b>	<b>Column 4 Effective Hours and Dates</b>
10.	Willoughby Rd.	Greenwood Dr.	4 <sup>th</sup> Line	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>
11.	10 <sup>th</sup> Line	8490 10 <sup>th</sup> Line	8364 10 <sup>th</sup> Line	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>
12.	25 <sup>th</sup> Side Rd.	a point 250m east of Algonquin Heights Court.	10 <sup>th</sup> Line	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>
13.	5 <sup>th</sup> Line	a point 300m south Willoughby Rd.	a point 200m north of Mike Hart Dr.	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>
14.	20 <sup>th</sup> Side Rd.	a point 450m west of 9 <sup>th</sup> Line	a point 300m east 9 <sup>th</sup> Line	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>
15.	5 <sup>th</sup> Line	30 <sup>th</sup> Side Rd.	a point 50m south of County Rd. 90.	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>
16.	Greenwood Dr.	Centre St.	Gold Park Gate	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>
17.	King St.	Water St.	Vernon St.	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>
18.	Cecil St.	Coulson Ave.	Mansonic Way	At any time January 1 <sup>st</sup> to December 31 <sup>st</sup>

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2023 – 34

A By-law of the Township of Essa to amend Zoning By-law 2003-50 by rezoning the lands legally described as PLAN 1333 LOT 22 in the Township of Essa, municipally known as 56 River Drive, from 'Residential, Low Density, Detached (R1) Zone' to 'Residential, High Density, Apartments (R5-1) Zone'.

WHEREAS the *Planning Act*, R.S.O 1990, Chapter P.13, as amended, Section 34, provides for adoption of Zoning By-laws and amendments thereto; and

WHEREAS the Council of the Corporation of the Township of Essa has determined a need to rezone the lands described above; and

WHEREAS the Council of the Corporation of the Township of Essa deems the said application to be in conformity with the Official Plan of the Township of Essa, as amended, and deems it advisable to amend By-law 2003-50;

NOW THEREFORE the Council of the Corporation of the Township of Essa hereby enacts as follows:

1. THAT the Zoning By-Law Map, known as Schedule B, is hereby further amended by rezoning those lands described as PLAN 1333 LOT 22, in the Township of Essa, Simcoe County, municipally known as 56 River Drive, from 'Residential, Low Density, Detached (R1) Zone' to 'Residential, High Density, Apartments (R5-1) Zone', as shown in Schedule "1" attached hereto, and Schedule "1" attached hereto forms part of By-Law 2003-50 as amended;
2. Notwithstanding the provisions as set out in the Zoning By-law 2003-50, Section 13: Residential, High Density, Apartments (R5) Zone, the following provisions shall be permitted on lands zoned as R5-1:
  - Exterior Side Yard Setback – 6.1 m.
  - Minimum Lot Frontage – 24.2 m.

The above site-specific standards shall be added to section 13.4, Special Provisions.

3. THAT all other provisions of Zoning By-law 2003-50, as amended, shall apply.
4. THAT Schedule "1", attached, does, and shall form part of this By-law.
5. THAT this By-law shall take effect as of the date of passing, subject to the provisions of the *Planning Act*, R.S.O. 1990, Chap. P.13 as amended.

READ A FIRST AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 21<sup>st</sup> day of June 2023.

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Sandie Macdonald, Mayor


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Lisa Lehr, Manager of Legislative Services

THE CORPORATION OF THE TOWNSHIP OF ESSA

Schedule 1 to By-Law 2023 – 34  
Zoning By-law Amendment to the Township of Essa  
Zoning By-law 2003-50



 Lands to be rezoned from "Residential, Low Density, Detached (R1) Zone" to "Residential, High Density, Apartments (R5-1) Zone"

**THE CORPORATION OF THE TOWNSHIP OF ESSA**

**BY-LAW 2023 – 35**

**A By-law of the Township of Essa to amend Zoning By-law 2003-50 by rezoning the lands legally described as PLAN 160A LOT 232 in the Township of Essa, municipally known as 125 Sydenham Street, from ‘Residential, Low Density, Detached (R1) Zone’ to ‘Residential, Low Density, Semi-Detached (R2-13) Zone’.**

WHEREAS the *Planning Act*, R.S.O 1990, Chapter P.13, as amended, Section 34, provides for adoption of Zoning By-laws and amendments thereto; and

WHEREAS the Council of the Corporation of the Township of Essa has determined a need to rezone the lands described above; and

WHEREAS the Council of the Corporation of the Township of Essa deems the said application to be in conformity with the Official Plan of the Township of Essa, as amended, and deems it advisable to amend By-law 2003-50;

NOW THEREFORE the Council of the Corporation of the Township of Essa hereby enacts as follows:

1. THAT the Zoning By-Law Map, known as Schedule B, is hereby further amended by rezoning those lands described as PLAN 160A LOT 232, in the Township of Essa, Simcoe County, municipally known as 125 Sydenham Street, from ‘Residential, Low Density, Detached (R1) Zone’ to ‘Residential, Low Density, Semi-Detached (R2-13) Zone’, as shown in Schedule “1” attached hereto, and Schedule “1” attached hereto forms part of By-Law 2003-50 as amended;
2. Notwithstanding the provisions as set out in the Zoning By-law 2003-50, Section 10: Residential, Low Density, Semi-Detached (R2) Zone, the following provisions shall be permitted on lands zoned as R2-13:
  - Minimum Lot Frontage – 10.0m.

The above site-specific standards shall be added to section 10.4, Special Provisions.

3. THAT all other provisions of Zoning By-law 2003-50, as amended, shall apply.
4. THAT Schedule “1”, attached, does, and shall form part of this By-law.
5. THAT this By-law shall take effect as of the date of passing, subject to the provisions of the *Planning Act*, R.S.O. 1990, Chap. P.13 as amended.

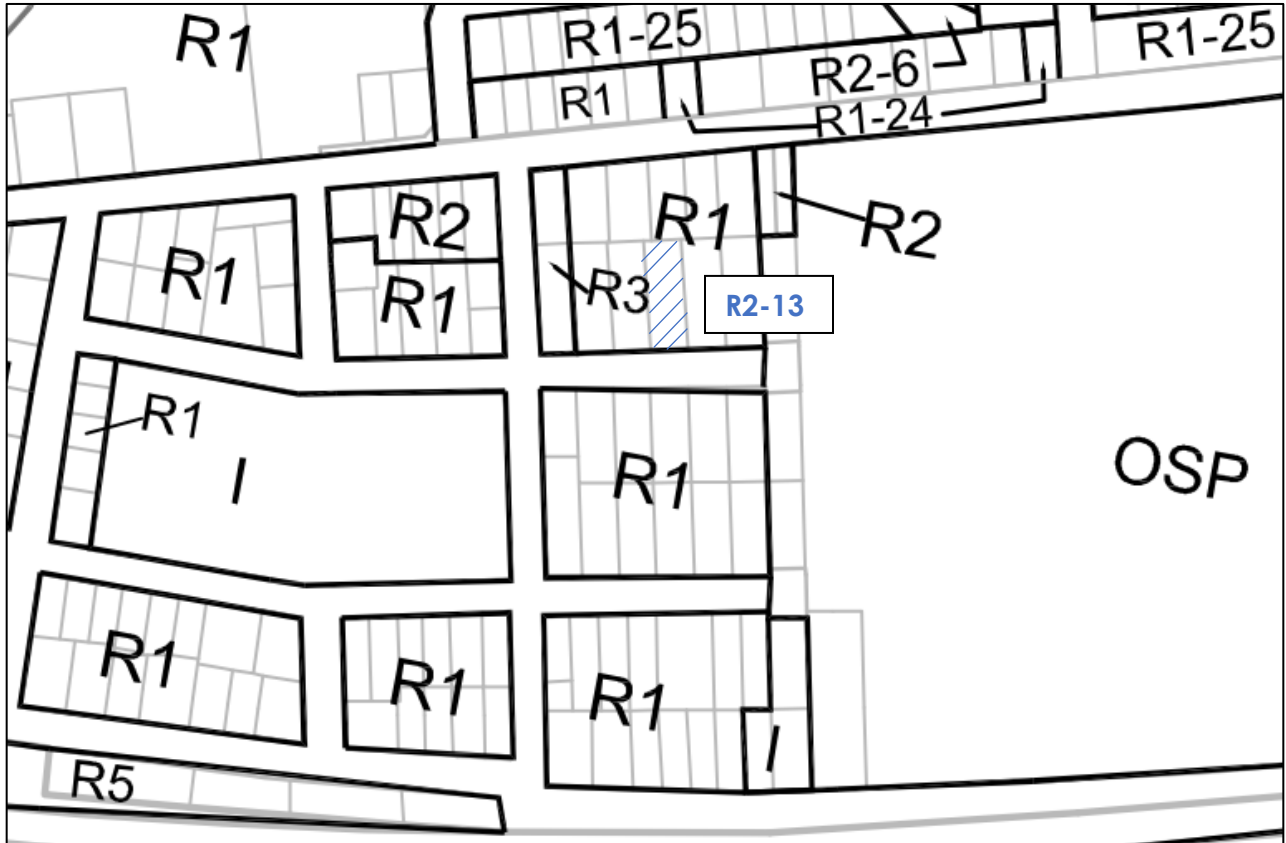
READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 21<sup>st</sup> day of June 2023.

\_\_\_\_\_  
Sandie Macdonald, Mayor

\_\_\_\_\_  
Lisa Lehr, Manager of Legislative Services

THE CORPORATION OF THE TOWNSHIP OF ESSA

Schedule 1 to By-Law 2023 – 35  
Zoning By-law Amendment to the Township of Essa  
Zoning By-law 2003-50



 Lands to be rezoned from “Residential, Low Density, Detached (R1) Zone” to “Residential, Low Density, Semi-Detached (R2-13) Zone”



THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2023 – 36

**A By-law of the Township of Essa to amend Zoning By-law 2003-50 by rezoning the lands legally described as PT LT 30 CON 3 ESSA AS IN RO394415; ESSA in the Township of Essa, municipally known as 96 King Street, from 'Residential, High Density, Apartments (R5) Zone' to 'Residential, Low Density, Semi-Detached (R2-11)' and 'Residential, Low Density, Semi-Detached (R2-12)'.**

WHEREAS the *Planning Act*, R.S.O 1990, Chapter P.13, as amended, Section 34, provides for adoption of Zoning By-laws and amendments thereto; and

WHEREAS the Council of the Corporation of the Township of Essa has determined a need to rezone the lands described above; and

WHEREAS the Council of the Corporation of the Township of Essa deems the said application to be in conformity with the Official Plan of the Township of Essa, as amended, and deems it advisable to amend By-law 2003-50;

NOW THEREFORE the Council of the Corporation of the Township of Essa hereby enacts as follows:

1. THAT the Zoning By-Law Map, known as Schedule B, is hereby further amended by rezoning a part of those lands described as PT LT 30 CON 3 ESSA AS IN RO394415; ESSA, in the Township of Essa, Simcoe County, municipally known as 96 King Street, from 'Residential, High-Density, Apartments (R5) Zone' to 'Residential, Low Density, Semi-Detached (R2-11) Zone' as shown in Schedule "1" attached hereto, and Schedule "1" attached hereto forms part of By-Law 2003-50 as amended;
2. THAT the Zoning By-Law Map, known as Schedule B, is hereby further amended by rezoning a part of those lands described as PT LT 30 CON 3 ESSA AS IN RO394415; ESSA, in the Township of Essa, Simcoe County, municipally known as 96 King Street, from 'Residential, High-Density, Apartments (R5) Zone' to 'Residential, Low Density, Semi-Detached (R2-12) Zone' as shown in Schedule "1" attached hereto, and Schedule "1" attached hereto forms part of By-Law 2003-50 as amended;
3. Notwithstanding the provisions as set out in the Zoning By-law 2003-50, Section 10: Residential, Low Density, Semi-Detached (R2) Zone the following provisions shall be permitted on the lands zoned as R2-11:
  - Exterior Side Yard Setback – 0 m
  - Minimum Rear Yard Setback – 0.5 m

The above site-specific standards shall be added to Section 10.4 Special Provisions.

4. Notwithstanding the provisions as set out in the Zoning By-law 2003-50, Section 10: Residential, Low Density, Semi-Detached (R2) Zone the following provisions shall be permitted on the lands zoned as R2-12:
  - Minimum Gross Floor Area – 75 m<sup>2</sup>
  - Minimum Rear Yard Setback – 7 m

The above site-specific standards shall be added to Section 10.4 Zone Regulations.

5. THAT all other provisions of Zoning By-law 2003-50, as amended, shall apply.
6. THAT Schedule "1", attached, does, and shall form part of this By-law.
7. THAT this By-law shall take effect as of the date of passing, subject to the provisions of the *Planning Act*, R.S.O. 1990, Chap. P.13 as amended.

READ A FIRST AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 21<sup>st</sup> day of June 2023.



\_\_\_\_\_  
Sandie Macdonald, Mayor

\_\_\_\_\_  
Lisa Lehr, Manager of Legislative Services

THE CORPORATION OF THE TOWNSHIP OF ESSA

Schedule 1 to By-Law 2023 – 36  
Zoning By-law Amendment to the Township of Essa  
Zoning By-law 2003-50



-  Lands to be rezoned from “Residential, High Density, Apartments (R5) Zone” to “Residential, Low Density, Semi-Detached (R2-11) Zone”
-  Lands to be rezoned from “Residential, High Density, Apartments (R5) Zone” to “Residential, Low Density, Semi-Detached (R2-12) Zone”

**THE CORPORATION OF THE TOWNSHIP OF ESSA**

**BY-LAW 2023-37**

**Being a By-law to confirm the proceedings of the Council meeting held on the 21<sup>st</sup> day of June, 2023.**

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESSA  
HEREBY ENACTS AS FOLLOWS:

THAT the action of the Council at its meeting held on the 21<sup>st</sup> day of June, 2023 and, in respect of each recommendation contained the Regular Council meeting held on the 7<sup>th</sup> day of June, 2023, the Committee of the Whole meeting held on the 7<sup>th</sup> day of June, 2023, and, in respect of each motion, resolution and other action passed and taken by Council at the said meetings, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

THAT the Mayor and the proper officials of the Township of Essa are hereby authorized and directed to do all things necessary to give effect to the said actions or to obtain approvals where required, and to execute all documents as may be necessary in that behalf and the Clerk is hereby authorized and directed to affix the Corporate Seal to all such documents.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND  
FINALLY PASSED on this the 21<sup>st</sup> day of June, 2023.

\_\_\_\_\_  
Sandie Macdonald, Mayor

\_\_\_\_\_  
Lisa Lehr, Manager of Legislative Services