

**THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS
BYLAW No. 2026-11**

***Being a Bylaw to Establish a Growth Management and Development
Allocation Process for the Water Distribution and Sewage Treatment
Systems of The Corporation of the Township of North Dundas.***

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended (hereinafter referred to as the "*Act*") authorizes The Corporation of The Township of North Dundas (hereinafter the "*Township*") to pass bylaws respecting the production, treatment, storage and distribution of water throughout the *Township*;

AND WHEREAS Section 11 of the *Act* authorizes the *Township* to pass bylaws respecting the collection and treatment of sanitary sewage throughout the *Township*;

AND WHEREAS the *Township* desires to establish a Growth Management Development Allocation System in the *Township* to direct the allocation of *Water Capacity* and *Sanitary Sewer Capacity* in accordance with the purpose and intent of the Official Plan of the United Counties of Stormont, Dundas and Glengarry;

AND WHEREAS the availability of *Water Capacity* and *Sanitary Sewer Capacity* may vary from year to year, it is in the best interests of the residents of the *Township* that *Water Capacity* and *Sanitary Sewer Capacity* be allocated in a manner which is consistent with the *Township's* development priorities as set out herein;

AND WHEREAS the *Township* deems it appropriate that the issuance of all building permits in the Villages of Chesterville and Winchester shall be subject to the provisions of this Bylaw.

NOW THEREFORE the *Council* of The Corporation of the Township of North Dundas enacts as follows:

1.0 SHORT TITLE

- 1.1 That this Bylaw shall be known as the "Water and Sanitary Sewer Capacity Allocation Bylaw".

2.0 DEFINITIONS

- 2.1 For the purposes of this Bylaw, the following definitions shall apply:

Act means the *Municipal Act, 2001*, S.O. 2001, c.25., as amended.

Annual Development Allocation shall mean the total number of units of *Water Capacity* and the total number of units of *Sanitary Sewer Capacity* which may be allocated for development.

Applicant means the *Owner* of *Land* or the authorized agent of the *Owner*.

Capacity Allocation means the granting of *Water Capacity* *Sanitary Sewer Capacity* or both.

Capacity Allocation Date means the date which is sixty (60) days after any *Application Date* or such other date to which the *Capacity Allocation Date* may be extended in accordance with this Bylaw.

Council means the Municipal Council of The Corporation of the Township of North Dundas;

Development Application means an application for the development of *Land* or building(s) which shall include but not be limited to:

- a) an application for a connection to the *Water Distribution System* or *Sewage Treatment System* for an existing building or structure;
- b) the approval of a condominium under Section 50 of the *Condominium Act* or draft approval of a plan of subdivision under Section 50 of the *Planning Act*;
- c) any change in use that requires an occupancy permit under Section 34(6) of the *Planning Act* and which increases the demand for *Water Capacity* and/or *Sanitary Sewer Capacity*;
- d) approval of a Site Plan Agreement under Section 41(7) of the *Planning Act* which increases the demand for *Water Capacity* and/or *Sanitary Sewer Capacity*; or
- e) any other development of a property which requires connection to the *Water Distribution System* or the *Sewage Treatment System* or an increase in the demand for *Water Capacity* or *Sanitary Sewer Capacity* which has not already been provided for in this Bylaw;

Land shall mean any existing lot of record and any new lot of record created by Transfer/Deed of Land, Plan of Subdivision or Condominium Plan;

Owner or Owners means the person(s) who is/are the registered Owner(s) of *Land*;

Project means a development Project which requires *Water Capacity*, *Sanitary Sewer Capacity* or both;

Sanitary Sewer Capacity means a unit of capacity within the *Sewage Treatment System* as defined as 2.1 m³ per day;

Sewage Treatment System means the sanitary sewage collection and treatment system of the *Township*;

Single Detached Dwelling means a residential building consisting of only one dwelling unit

Township shall mean the Corporation of The Township of North Dundas;

Water Capacity means a unit of capacity within the *Water Distribution System* as defined as 2.1 m³ per day;

Water Distribution System means the water distribution system of the *Township*;

Water and Sewer Servicing Agreement means an agreement executed separately from this bylaw between the Township of North Dundas and a Customer

3.0 BACKGROUND STATEMENTS

- 3.1 It is the intent of this Bylaw that the *Township* attain a sustained steady rate of development and associated population growth in the *Township* within the available capacity of the water and sanitary sewer systems.
- 3.2 The water and sanitary sewer infrastructure are designed based on specific system capacities and as such a development allocation system must be

maintained.

3.3 All future development in the *Township* shall be required to satisfy the requirements of this Bylaw to ensure proper use of the available *Water Capacity* and *Sanitary Sewer Capacity* as determined from time to time.

3.4 The Township shall encourage development that can provide the necessary infrastructure and services to accommodate new residential development and attract commercial, industrial, and institutional development. The Township shall make use of available infrastructure and minimize the need for public funds to assist with new development whenever possible.

4.0 WATER DISTRIBUTION SYSTEM AND SEWAGE TREATMENT SYSTEM CAPACITY

4.1 The *Township* shall, annually, determine the available units of *Water Capacity* and *Sanitary Sewer Capacity*. The available *Water Capacity* and *Sanitary Sewer Capacity* shall represent the *Annual Development Allocation*.

4.2 After the effective date of this Bylaw, no application for a building permit which requires *Water* or *Sanitary Sewer Capacity* shall be accepted by the *Township* until such *Applicant* receives a *Capacity Allocation* in accordance with the provisions of this Bylaw.

4.3 After the effective date of this Bylaw, no approval or draft approval (as applicable) for a *Development Application* which requires *Water Capacity* or *Sanitary Sewer Capacity* shall be granted by the *Township* until such *Applicant* receives a *Capacity Allocation* in accordance with the provisions of this Bylaw.

5.0 DETERMINATION OF THE DEVELOPMENT ALLOCATION

5.1 The determination of the number of units shall be based on daily peak flows provided to the Township by the applicant.

5.2 The number of commercial sewer units will be determined as follows: Estimated sanitary sewage flow on Table 8.2.1.3.B of the Ontario Building Code (OBC).

6.0 APPLICATION PROCEDURES

6.1 Where the development of land or building(s) is proposed as defined in the *Development Application*, it shall obtain approval in accordance with this Bylaw prior to the issuance of the building permit.

6.2 For applicants with peak flows over 500 m³ per day, a *water and sewer services agreement* must be executed prior to the applicant receiving or adding additional allocation to the property.

6.3 Application for *Capacity Allocation* - The application for *Capacity Allocation* shall be completed by using the designated form available from the *Township*.

6.4 Determination of Completeness or Request for Additional Information - The Environmental Services Department shall review for completeness all applications for *Capacity Allocation*. Within ten (10) days after the Application Date, the Environmental Services Department shall advise the *Applicant* if the application is deemed complete or incomplete. Should the application be deemed incomplete, the Environmental Services Department shall indicate on the notice what additional information is required to properly

evaluate the application. Failure to submit the requested additional information within thirty (30) days from the date the notice is mailed shall disqualify the application.

6.4.1 If any question arises as to the nature of any Ownership interest for any property, the Applicant shall provide all requested information to determine the nature of such Ownership interest.

6.5 Changes in *Capacity Allocation* Application - Once submitted, an *Applicant* may not alter its application to request an increased number of *Capacity Allocations* but may reduce the number of *Capacity Allocations* being sought.

6.6 Fee for Review of Application - Each *Capacity Allocation* application shall be accompanied by a processing fee of \$250.00. The application fee shall be in addition to all other municipal development processing and permit fees.

6.7 *Capacity Allocations* Recommendations and Decision

6.7.1 Within sixty (60) days of receipt of the completed Application, the Environmental Services Department shall provide notification of approval or denial of the application.

6.7.2 Where additional time is needed to fully evaluate the applications, the date described in 6.7.1 above may be extended for up to thirty (30) days.

6.7.3 Staff shall determine the available *Capacity Allocations* on requests for under 10.5 m³/day of peak flow. Should staff determine the application is incomplete or that the allocation is not appropriate staff shall reach out to the applicant to advise on the application or gather more information as to why an allocation is required.

6.7.4 Council shall review applications for requests made for over 10.5 m³/day of peak flow and make a recommendation to staff. Allocation decisions in this regard shall be final.

6.8 Withdrawal of Application - An *Applicant* may elect to withdraw an application for *Capacity Allocation* at any time and 50% of the application fee paid by the *Applicant* shall be refunded. Where an application is withdrawn after the *Capacity Allocation* has been made, the application fee shall not be refunded.

6.9 Allocation to *Land* and *Project* - As of the date of adoption of this Bylaw, a *Capacity Allocation* can only be allocated to the *Land* and the *Project* which is the subject of the application and not to an *Applicant* or to another *Project* on the same *Land*. A *Capacity Allocation* is not allocated to the *Owner* of *Land* and as such is not transferable.

7.0 EVALUATION OF APPLICATIONS FOR CAPACITY ALLOCATIONS

7.1 When evaluating the *Projects* which should receive *Capacity Allocation*, the Planning and Environmental Services Department and for larger requests *Council* shall evaluate the applications for *Capacity Allocation* taking into consideration the following factors which are set out in no particular order:

7.1.1 priorities as set out in the Official Plan of the United Counties of Stormont, Dundas and Glengarry;

- 7.1.2 the availability of existing infrastructure;
- 7.1.3 the availability of services (schools, churches, emergency services etc.);
- 7.1.4 the availability of existing commercial development;
- 7.1.5 Projects which do not require any financial contribution from the Township;
- 7.1.6 the reduction of the Township's financial obligations in Projects;
- 7.1.7 the Township's economic priorities;
- 7.1.8 affordable housing as defined by Provincial Policy Statement;
- 7.1.9 significant new employment opportunities other than construction or "spin off" jobs;
- 7.1.10 any other factor which is deemed relevant by Council.

8.0 TIMING FOR USE OF THE ALLOCATION

- 8.1 No *Owner* shall receive additional *Water Capacity* and *Sanitary Sewer Capacity* until such time as building permits have been issued for 80% of the previous allocations to the *Land* or *Project*. At that time the *Owner* shall be entitled to request additional units of water and wastewater subject to this policy.
- 8.2 For existing large IC&I consumers, agreements are required to be updated prior to further allocation approval.

9.0 PRIOR ALLOCATIONS OF WATER CAPACITY AND SANITARY SEWER CAPACITY

- 9.1 Where a building permit has been issued, the allocation shall expire in conjunction with the expiration of the building permit.
- 9.2 *Council* may, in its sole discretion, grant a temporary exemption to the provisions of sections 9.1 of this Bylaw.
- 9.3 No person shall exceed the allocated capacity that was granted.
- 9.4 In the event that the allocations to the *Land* or *Project* is being altered due to a change in the type of building, an application with accompanied fees shall be submitted to the Department of Environmental Services for review prior to the issuance of the building permit. The Director of Environmental Services may redistribute the current allocation but cannot increase the allocation to that phase without approval from Council.

10.0 REVIEW AND MONITORING

- 10.1 An annual review report shall be presented by the Environmental Services Department at the end of each calendar year. The report will provide the number of *Capacity Allocations* (detailing residential, commercial, industrial and institutional).

11.0 EXEMPTIONS

11.1 This Bylaw shall not apply to:

11.1.1 The construction of accessory buildings which may include but not be limited to detached garages, barns, garden sheds and similar buildings provided that there is no increase in the demand for water or sewage capacity from the amount existing at the time of the application for a building permit.

11.1.2 Any change in use or renovation, alteration, addition, intensification or enlargement of a building where there is no increase in the demand for water or sewage capacity from the amount existing at the time of the application for a building permit.

11.2 Redevelopment - An *Owner* or *Applicant* who has secured the necessary approvals, may demolish and replace an existing building or restore, reconstruct or replace an established structure in accordance with applicable bylaws and resolutions and not be subject to the provisions of this Bylaw provided that upon redevelopment of the said building, there shall be no increase in the demand for water or sewage capacity.

11.2.1 The exemptions set out in Subsection 12.1 of this Bylaw shall only be available for a period not exceeding three (3) years from the date of issuance of a demolition permit failing which it shall be deemed to be a new construction and a new *Capacity Allocation* shall be required in order for such redevelopment to proceed.

11.2.2 If there is a redevelopment, or change in use results in unused capacity from that which was used prior to the redevelopment or change in use, the unused capacity shall remain available to the Land for a period of three (3) years.

11.3 Any dispute as to whether a use or building is entitled to an exemption or part-exemption shall be determined by *Council* in its sole discretion.

12.0 OTHER BYLAWS AND REGULATIONS

12.1 Nothing in this Bylaw shall exempt any person from complying with the requirements of any other applicable bylaw, agreement or legislation.

13.0 APPLICATION

13.1 This Bylaw shall be applicable to all *Land* within the Urban Service Limits of Winchester and Chesterville as contained in the Official Plan of the United Counties of Stormont, Dundas and Glengarry.

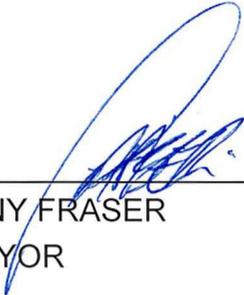
13.2 The Clerk of the Township of North Dundas is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatical, semantic or descriptive nature or kind to this Bylaw and schedule(s) as may be deemed necessary after the passage of this Bylaw, where such modifications or corrections do not alter the intent of this Bylaw.

14.0 EFFECTIVE DATE

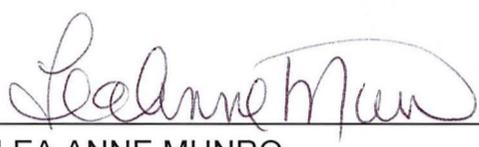
14.1 This Bylaw shall come into force and effect on the date of its passing.

14.2 Bylaw 2022-86 is hereby rescinded as of the date of passing of this Bylaw.

PASSED AND ENACTED
THIS 25TH DAY OF FEBRUARY, 2026



TONY FRASER
MAYOR



LEA ANNE MUNRO
DEPUTY CLERK