

THE CORPORATION OF THE TOWNSHIP OF CENTRE WELLINGTON

BY-LAW NUMBER 2013-076

**BEING A BY-LAW FOR THE IMPOSITION OF
DEVELOPMENT CHARGES AND TO REPEAL BY-LAW 2010-002**

WHEREAS the Township of Centre Wellington will experience growth through development and re-development;

AND WHEREAS development and re-development requires the provision of physical and social services by the Township of Centre Wellington;

AND WHEREAS Council desires to ensure that the capital cost of meeting growth-related demands for or burden on municipal services does not place an excessive financial burden on the Township of Centre Wellington or its existing taxpayers while at the same time ensuring new taxpayers contribute no more than the net capital cost attributable to providing the current level of municipal services;

AND WHEREAS the *Development Charges Act, 1997, S.O. 1997, c.27, as amended* (the "Act") provides that the council of a Township may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services;

AND WHEREAS a development charge background study has been completed in accordance with the Act;

AND WHEREAS the Council of The Corporation of the Township of Centre Wellington has given notice of and held public meetings on the 23rd day of September, 2013 in accordance with the Act and the regulations thereto;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CENTRE WELLINGTON ENACTS AS FOLLOWS:

1. INTERPRETATION

1.1 In this By-law the following items shall have the corresponding meanings:

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

Act" means the *Development Charges Act*, as amended, or any successor thereof;

"apartment unit" 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;

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

“benefiting area” means an area defined by map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

“board of education” has the same meaning as set out in the *Education Act*, R.S.O. 1990, c.E.2, as amended, or any successor thereof (the “Education Act”);

“bona fide farm uses” means the proposed development will qualify as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs and be assessed in the Farmland Realty Tax Class by the Ontario Property Assessment Corporation;

“brownfield site” means an undeveloped or previously developed site with potential for redevelopment, but that may be contaminated by previous activities occurring on or adjacent to the site. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant. Without limiting the generality of the foregoing a Brownfield Site may include former gasoline/service stations, former landfill sites, former industrial sites, or former commercial sites.

“Building Code Act” means the *Building Code Act*, 1992, S.O. 1992, c.23 as amended, or any successor thereof (the “Building Code Act”);

“capital cost” means costs incurred or proposed to be incurred by the Township or a local board thereof directly or by others on behalf of and as authorized by the Township 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, construct or improve facilities including,
 - (i) furniture and equipment other than computer equipment, and
 - (ii) material acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, Chap. P.44, as amended, or any successor thereof; and

- (iii) rolling stock with an estimated useful life of seven years or more, and
- (e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d) above, including the development charge background study

required for the provision of services designated in this By-law within or outside the Township, including interest on borrowing for those expenditures under clauses (a) to (e) above that are growth-related;

“commercial” means any use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include industrial or agricultural uses, but does include hotels, motels, motor inns and boarding, lodging and rooming houses;

“Council” means the Council of the Township;

“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 the effect of increasing the size of usability thereof, and includes redevelopment;

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

“dwelling unit” means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;

“existing” means the number, use and size that existed as of the date this by-law was passed;

“existing industrial building” means a building or buildings existing on a site in the Township of Centre Wellington on October 16th, 2006 or the buildings or structures constructed and occupied on a vacant site pursuant to site plan approval under section 41 of the Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) subsequent to October 16, 2006 for which full development charges were paid, and is used for or in connection with,

- a) the production, compounding, processing, packaging, crating, bottling, packaging or assembling of raw or semi-processed goods or materials (“manufacturing”) in not less than seventy-five per cent of the total gross floor area of the building or buildings on a site (“manufacturing”) or warehousing related to the manufacturing use carried on in the building or buildings,
- b) research or development in connection with manufacturing in not less than seventy-five per cent of the total gross floor area of the building or buildings on a site,
- c) retail sales by a manufacturer, if the retail sales are at the site where the manufacturing is carried out, such retail sales are restricted to goods manufactured at the site, and the building or part of a building where such retail

sales are carried out does not constitute greater than twenty-five per cent of the total gross floor area of the building or buildings on the site, or

- d) office or administrative purposes, if they are,
 - 1. carried out with respect to the manufacturing or warehousing; and,
 - 2. in or attached to the building or structure used for such manufacturing or warehousing;

“farm building” means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;

“gross floor area” means:

- (a) in the case of a residential building or structure, the total area of all floors 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 any other dwelling unit or other portion of a building; and
- (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 total area of all building floors 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, except for:
 - (i) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
 - (ii) loading facilities above or below grade;
 - (iii) a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use; and
 - (iv) wind turbines, which are defined in (c).
- (c) in the case of a non-residential wind turbine, the total area of the concrete base of the structure;

“industrial” means lands, buildings or structures used or designed or intended for use for production, compounding, processing, packaging, crating, bottling, or assembly (“manufacturing”) of raw goods or semi-processed goods or materials, research and development relating thereto, warehousing or bulk storage of goods, and includes office

uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;

“institutional” means land, buildings, structures or any part thereof used by any organization, group or association for promotion of charitable, educational or benevolent objectives and not for profit or gain;

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

“local services” means those services, facilities or things which are under the jurisdiction of the Township and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the *Planning Act*, R.S.O. 1990, Chap. P.13, as amended, or any successor thereof;

“multiple dwellings” means all dwellings other than single-detached, semi-detached and apartment unit dwellings;

“non-residential use” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use and includes wind turbines;

“Official Plan” means the Official Plan adopted for the Township, as amended and approved;

“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’

“place of worship” means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act*, R.S.O. 1990, Chap. A.31, as amended, or any successor thereof;

“rate” means the interest rate established weekly by the Bank of Canada based on Treasury Bills having a term of 91 days;

“regulation” means any regulation made pursuant to the Act;

“residential dwelling” means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;

“residential use” means the use of a building or structure or portion thereof for one or more dwelling units. This also includes a dwelling unit on land that is used for an agricultural use;

“row dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

“school, private” means a private school defined under the *Education Act* or any successor thereto, being “an institution at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any school day for five or more pupils who are of, or over compulsory school age in any of the subjects of the elementary or secondary school courses of study”.

“semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor;

“service” means a service designed in Schedule “A” to this By-law, and “services” shall have a corresponding meaning;

“servicing agreement” means an agreement between a landowner and the Township relative to the provision of municipal services to specified land within the Township;

“single detached dwelling unit” means a residential building consisting of one dwelling unit and not attached to another structure;

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

“Township” means the Corporation of the Township of Centre Wellington;

“township” means the area within the geographic limits of the Township of Centre Wellington; and

“Wind Turbine” means a part of a wind energy system used for commercial purposes that converts energy into electricity, and consists of one or more wind turbines on a lot with a total name plate capacity of 100 kW or more, a tower and associated control or conversion electronics. A wind turbine and energy system may be connected to the electricity grid in circuits at a substation to provide electricity off-site for sale to an electrical utility or other intermediaries; and

“Zoning By-Law” means the Zoning By-Law of the Township of Centre Wellington or any successor thereof passed pursuant to Section 34 of the Planning Act, S.O. 1998.

2. DESIGNATION OF SERVICES

2.1 The categories of services for which development charges are imposed under this By-law are as follows:

- (a) Roads;
- (b) Public Works;
- (c) Fire Protection Services;
- (d) Outdoor Recreation Services;
- (e) Indoor Recreation Services;
- (f) Administration;
- (g) Wastewater Services; and
- (h) Water Services

2.2 The components of the services designated in section 2.1 are described in Schedule A.

3. APPLICATION OF BY-LAW RULES

3.1 Development charges shall be payable in the amounts set out in this By-law where:

- (a) the lands are located in the area described in section 3.2; and
- (b) the development of the lands requires any of the approvals set out in subsection 3.4(a).

Area to Which By-law Applies

3.2 Subject to section 3.3, this By-law applies to all lands in the Township of Centre Wellington whether or not the land or use thereof is exempt from taxation under s. 13 or the Assessment Act.

3.3. Notwithstanding clause 3.2 above, this by-law shall not apply to lands that are owned by and used for the purposes of:

- (a) the Township or a local board thereof;
- (b) a board of education; or
- (c) the Corporation of the County of Wellington or a local board thereof;

Approvals for Development

3.4 (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:

- (i) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
 - (ii) the approval of a minor variance under section 45 of the *Planning Act*;
 - (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (v) a consent under section 53 of the *Planning Act*;
 - (vi) the approval of a description under section 50 of the *Condominium Act*, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or
 - (vii) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- (b) No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in subsection 3.4(a) are required before the lands, buildings or structures can be developed.
- (c) Despite subsection 3.4(b), if two or more of the actions described in subsection 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions

- 3.5 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:
- (a) an enlargement to an existing dwelling unit;
 - (b) one or two additional dwelling units in an existing single detached dwelling; or
 - (c) one additional dwelling unit in any other existing residential building;
- 3.6 Notwithstanding section 3.5(b), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.
- 3.7 Notwithstanding section 3.5, development charges shall be imposed if the additional unit has a gross floor area greater than
- i. in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
 - ii. in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building.

3.8 Exemption for Industrial Development:

Notwithstanding any other provision of this by-law, there shall be an exemption from the payment of development charges for one or more enlargements of an existing industrial building on its site, whether attached or separate from the existing industrial building, up to a maximum of fifty per cent of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Development Charges Act or this section. Development charges shall be imposed in accordance with this by-law with respect to the amount of the floor area of an enlargement that results in the gross floor area of the industrial building being increased by greater than fifty per cent of the gross floor area of the existing industrial building.

3.9 If the gross floor area of an existing industrial building is enlarged by greater than 50 percent, 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:

- 1) determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
- 2) divide the amount determined under subsection 1) by the amount of the enlargement

3.10 Other Exemptions:

Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:

- a) a Temporary Use By-law Amendment in accordance with section 39 of the *Planning Act*;
- b) A place of worship or buildings for purposes of a churchyard or cemetery;
- c) Non-residential farm buildings constructed for bona fide farm uses;
- d) A building permit issued against a development to which the full lot levy, under the *Planning Act*, was paid prior to the *Development Charges Act*, 1989 coming into force; and
- e) Partial exemption of 59% of the urban area residential charge for apartment units located within commercial buildings and a 72% partial exemption of the urban area non-residential charge for non-residential development, located within the Fergus and Elora Downtown Cores, as defined by the Central Business District designation in the County and/or Municipal Official Plan.

Amount of Charges

Residential

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

Non-Residential

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

Reduction of Development Charges for Redevelopment

- 3.13 Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 60 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
- (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.11 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
 - (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the greater of the applicable development charges under subsection 3.12 or the calculated rate within the Township of Centre Wellington Development Charges Background Study, August 27, 2013, by the gross floor area that has been or will be demolished or converted to another principal use;
 - (c) notwithstanding the above, for brownfield redevelopment, the period in which the reduction of development charges applies for redevelopment

shall be extended to not more than 180 months prior to the date of payment of development charges in regard to such redevelopment;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

Time of Payment of Development Charges

3.14 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of a building permit for the development.

3.15 Despite section 3.14, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

4. PAYMENT BY SERVICES

4.1 Despite the payment required under subsections 3.11 and 3.12, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law.

5. INDEXING

5.1 Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, on January 1st of each year, in accordance with the prescribed index in the Act.

6. SCHEDULES

6.1 The following schedules shall form part of this By-law:

- Schedule A - Components of Services Designated in section 2.1
- Schedule B - Residential and Non-Residential Development Charges

7. CONFLICTS

7.1 Where the Township and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies, and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.

7.2 Notwithstanding section 7.1, where a development which is the subject of an agreement to which section 7.1 applies, is subsequently the subject of one or more of the actions described in subsection 3.4(a), an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in

accordance with the provisions of this By-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

8. SEVERABILITY

8.1 If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

9. DATE BY-LAW IN FORCE

9.1 This By-law shall come into effect at 12:01 AM on November 1st, 2013.

10. DATE BY-LAW EXPIRES

10.1 This By-law will expire at 12:01 AM on November 1st, 2018 unless it is repealed by Council at an earlier date.

11. EXISTING BY-LAW REPEALED

11.1 By-law Number 2010-002 is hereby repealed.

READ A FIRST AND SECOND TIME this 28th day of October, 2013.

Mayor - Joanne Ross-Zuj

Deputy Clerk – Kerri O’Kane

READ A THIRD TIME AND FINALLY PASSED this 28th day of October, 2013.

Mayor - Joanne Ross-Zuj

Deputy Clerk – Kerri O’Kane

SCHEDULE "A" TO BY-LAW 2013-076

COMPONENTS OF SERVICES DESIGNATED IN SUBSECTION 2.1

90% Eligible Services

Administration
Growth Related Studies

Indoor Recreation Services
Recreation Facilities

Outdoor Recreation Services
Parkland Development
Parks and Recreation Vehicles and Equipment

100% Eligible Services

Road Services

Public Works Services
Public Works Facilities
Rolling Stock

Fire Protection Services
Fire Facilities
Fire Vehicles
Fire Fighter Equipment

Urban Serviced Areas (including Elora and Fergus Areas)

Wastewater Services
Treatment and Collection

Water Services
Treatment, Storage and Distribution

SCHEDULE "B"
 BY-LAW NO. 2013 - _____
 SCHEDULE OF DEVELOPMENT CHARGES

Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	(per ft ² of Gross Floor Area)
Municipal Wide Services:					
Roads	3,990	2,487	1,684	3,200	1.73
Public Works	728	454	307	584	0.31
Fire Protection Services	616	384	260	494	0.33
Outdoor Recreation Services	1,434	894	605	1,150	0.13
Indoor Recreation Services	2,153	1,342	909	1,727	0.18
Administration	1,155	720	488	926	0.51
Total Municipal Wide Services	10,076	6,281	4,253	8,081	3.19
Urban Services					
Wastewater Services	5,279	3,291	2,228	4,233	2.27
Water Services	2,893	1,803	1,221	2,320	1.24
Total Urban Services	8,172	5,094	3,449	6,553	3.51
GRAND TOTAL RURAL AREA	10,076	6,281	4,253	8,081	3.19
GRAND TOTAL URBAN AREA	18,248	11,375	7,702	14,634	6.70