

# The Corporation of the Township of Centre Wellington

## By-law 2021-11

A By-law for the Imposition of Development Charges  
and to repeal By-law 2018-40

**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 meeting on the 18<sup>th</sup> day of February, 2021 in accordance with the Act and the regulations thereto;

**Now Therefore the Council of the Corporation of the Township of Centre Wellington hereby 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, but is not an ancillary residential building;

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

"ancillary residential building" means a residential building that would be ancillary to a detached dwelling, semi-detached dwelling, or row dwelling

"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, and includes stacked townhouses;

"back-to-back townhouse dwelling" means a building containing more than two dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

"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 and includes the cultivation and propagation of cannabis plants;

“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”);

“cannabis” means:

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

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

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

“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.
- (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;

“charitable dwelling” means a residential building, a part of a residential building or the residential portion of a mixed-use building maintained and operated by a corporation approved under the Charitable Institutions Act, R.S.O. 1990, c. C.9, for persons requiring residential, specialized or group care and charitable dwelling includes a children’s residence under the Child and Family Services Act, R.S.O. 1990, c. C.11, a home, or a joint home under the Homes for the Aged and Rest Homes Act, R.S.O. 1990, c. H.13, an institution under the Mental Hospitals Act, R.S.O. 1990, c. M.8, a nursing home under the Nursing Homes Act, R.S.O., 1990, c. N.7, and a home for special care under the Homes for Special Care Act, R.S.O. 1990, c. H.12.

“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;

“correctional group home” means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof, and licensed, approved or supervised by the Province of Ontario as a detention or correctional facility under any general or special act and amendments or replacement thereto. A correction group home may contain an office provided that the office is used only for the operation of the correctional group home in which it is located. A correctional group home shall not include any detention facility operated or supervised by the Federal Government nor any correctional institution or secure custody and detention facility operated by the Province of Ontario.

"council" means the Council of the Township;

"detached dwelling unit" has the same meaning as a single detached dwelling unit" for the purposes of this By-law.

“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) loading facilities above or below grade;
  - (ii) 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
  - (iii) 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;

“group home” means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit which may or may not be supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any

government or its agency, or by public subscription or donation, or by any combination thereof and licensed, approved or supervised by the Province of Ontario for the accommodation of persons under any general or special act and amendments or replacements thereto. A group home may contain an office provided that the office is used only for the operation of the group home in which it is located.

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

“industrial” means lands, buildings or structures 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, and includes cannabis production facilities, but does not include the sale of commodities to the general public through a warehouse club and does not include self-storage or mini-self storage facilities;

“institutional development” means development of a building or structure intended for use,

- a) as a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
- b) as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
- c) by any of the following post-secondary institutions for the objects of the institution:
  - (i) a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
  - (ii) a college or university federated or affiliated with a university described in subclause (i), or
  - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;
- d) as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- e) as a hospice to provide end of life care.

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

“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 and includes but is not limited to back-to-back townhouses, and the residential portion of a live/work unit;

“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;

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

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

“nursing home” means a residential building or the residential portion of a mixed-use building licensed as a nursing home by the Province of Ontario.

“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;

“rental housing” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises.

“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;

“retirement home or lodge” means a residential building or the residential portion of a mixed-use building which provides accommodation primarily for retired persons or couples where each private bedroom or living accommodation has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided.

“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;

“special care/special dwelling” means a residence

- a) containing two or more dwelling rooms, which rooms have common entrance from street level; and
- b) where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room and accessory buildings; and
- c) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where support services, such as meal preparation, grocery shopping, laundry, housing, nursing, respite care and attending services are provided at various levels; and includes but is not limited to retirement homes or lodges, group homes, dormitories, and hospices

“stacked townhouse dwelling” means a building containing two or more dwelling units where each dwelling unit is separated horizontally and/or vertically from another dwelling unit by a common wall or floor;

“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

“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/Class of Services**

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

- (a) Services Related to a Highway;
- (b) Public Works;
- (c) Fire Protection Services;

- (d) Parks and Recreation Services;
- (e) Growth Studies;
- (f) Wastewater Services; and
- (g) 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:

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

3.5 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to developments or portions of developments as follows:

- (a) an enlargement to an existing residential dwelling unit;
- (b) one or two additional dwelling units in an existing single detached dwelling or prescribed ancillary structure to the existing residential building;
- (c) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units or prescribed ancillary structure to the existing residential building;
- (d) the creation of one additional dwelling unit in any other existing residential building already containing at least one dwelling unit or prescribed ancillary structure to the existing residential building; or
- (e) the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

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

3.5.1 Notwithstanding subsection 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.

3.5.2 Notwithstanding subsection 3.5 (d), development charges shall be imposed if the additional unit has a gross floor area greater than:

- (a) in the case of a semi-detached or row dwelling, the gross floor area of the existing 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;

### 3.6 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.

3.7 If the gross floor area of an existing industrial building is enlarged by greater than fifty 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 fifty percent of the gross floor area before the enlargement;
- 2) divide the amount determined under subsection 1 by the amount of the enlargement;

### 3.8 Other Exemptions:

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

- a) A place of worship or buildings for purposes of a churchyard or cemetery;
- b) Non-residential farm buildings constructed for bona fide farm uses;
- c) Exemption of the water and wastewater residential charges for apartment units located within commercial buildings and an exemption of the non-residential water and wastewater charges 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;
- d) Silos for used for industrial, commercial and/or institutional uses; and
- e) Shipping containers used for industrial, commercial and/or institutional uses.

## Amount of Charges

### Residential

3.9 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, including the residential component of a live/work unit, according

to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

#### Non-Residential

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

#### Reduction of Development Charges for Redevelopment

- 3.11 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 sixty 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 3.9 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 3.10 or the calculated rate within the Township of Centre Wellington Development Charges Background Study, December 23, 2020, 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 300 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 Calculation and Payment of Development Charges

- 3.12 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of the first building permit for the development.
- 3.13 Notwithstanding subsection 3.12, the timing of calculation and payment of the services related to a highway component of development charge with respect to an approval of a Plan of Subdivision under section 51 of the Planning Act, R.S.O., 1990 as amended, shall be addressed in the subdivision agreement, subject to any applicable exemptions contained in this By-law, and calculated in accordance with subsections 3.9 and 3.10 and of this By-law.
- 3.14 Notwithstanding subsections 3.12 and 3.13, development charges for rental housing and institutional developments are due and payable in six installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including

interest as provided in the Township's Council approved development charge interest policy, as may be revised from time to time.

- 3.15 Notwithstanding subsections 3.12 and 3.13, development charges for non-profit housing developments are due and payable in twenty-one installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the Township's Council approved development charge interest policy, as may be revised from time to time.
- 3.16 Where the development of land results from the approval of a Site Plan or Zoning By-law amendment 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 subsections 3.9 and 3.10 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 subsections 3.9 and 3.10 shall be calculated on the rates, including interest as provided in the Township's Council approved development charge interest policy, as may be revised from time to time., payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest.
- 3.17 Despite subsections 3.9 to 3.16, and in accordance with section 27 of the Act, 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.

#### **4. Payment by Services**

- 4.1 Despite the payment required under subsections 3.9 and 3.10, 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 and Classes of 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 March 30th, 2021.

**10. Date By-law Expires**

10.1 This By-law will expire at 12:01 AM on March 30th, 2026 unless it is repealed by Council at an earlier date.

**11. Existing By-law Repealed**

11.1 By-law Number 2018-40 is hereby repealed.

**Read a first, second and third time and finally passed** this 29<sup>th</sup> day of March, 2021.

  
\_\_\_\_\_  
Mayor – Kelly Linton

  
\_\_\_\_\_  
Clerk – Kerri O'Kane

## Schedule "A"

### By-law 2021-11

#### **Components of Services/Class of Services Designated in Subsection 2.1**

##### **D.C.-Eligible Services**

- Services Related to a Highway:
  - Roads
  - Bridges and Culverts
- Fire Protection Services:
  - Fire Facilities
  - Fire Vehicles
  - Fire Small Equipment and Gear
- Parks and Recreation Services:
  - Recreation Facilities
  - Parkland Development
  - Parkland Trails
  - Parkland Amenities
  - Parks and Recreation Vehicles and Equipment
- Wastewater Services:
  - Treatment Plants
  - Collection System
- Water Services:
  - Treatment Plants and Storage
  - Distribution System

##### **D.C.-Eligible Classes**

- Public Works Facilities, Vehicles and Equipment:
  - Services Related to a Highway
  - Water Services
  - Wastewater Services
  - Parks and Recreation Services
- Growth Studies:
  - Services Related to a Highway
  - Water Services
  - Wastewater Services
  - Fire Protection Services
  - Parks and Recreation Services

## Schedule B

### By-law 2021-11

#### Schedule of Development Charges

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
<b>Municipal Wide Services:</b>						
Services Related to a Highway	8,291	6,461	4,489	3,816	2,948	3.40
Public Works Facilities, Vehicles and Equipment	1,527	1,190	827	703	543	0.62
Fire Protection Services	656	511	355	302	233	0.27
Parks and Recreation Services	4,230	3,297	2,290	1,947	1,504	0.16
Growth Studies	440	343	238	203	156	0.17
<b>Total Municipal Wide Services</b>	<b>15,144</b>	<b>11,802</b>	<b>8,199</b>	<b>6,971</b>	<b>5,384</b>	<b>4.62</b>
<b>Urban Services</b>						
Wastewater Services	4,722	3,680	2,556	2,173	1,679	1.69
Water Services	4,909	3,825	2,658	2,259	1,745	1.76
<b>Total Urban Services</b>	<b>9,631</b>	<b>7,505</b>	<b>5,214</b>	<b>4,432</b>	<b>3,424</b>	<b>3.45</b>
<b>GRAND TOTAL RURAL AREA</b>	<b>15,144</b>	<b>11,802</b>	<b>8,199</b>	<b>6,971</b>	<b>5,384</b>	<b>4.62</b>
<b>GRAND TOTAL URBAN AREA</b>	<b>24,775</b>	<b>19,307</b>	<b>13,413</b>	<b>11,403</b>	<b>8,808</b>	<b>8.07</b>