

THE CORPORATION OF THE TOWNSHIP OF WILMOT

BY-LAW NO. 2021-38

A BY-LAW TO AMEND DEVELOPMENT CHARGES BY-LAW 2019-42

WHEREAS section 19 of the *Development Charges Act, 1997* S.O. 1997, c.27, as amended (“the Act”) provides for amendments to be made to development charges by-laws;

AND WHEREAS the Council of the Corporation of the Township of Wilmot (hereinafter called “the Council”) has determined that certain amendments should be made to the Development Charge By-law of the Corporation of the Township of Wilmot, being By-law 2019-42;

AND WHEREAS, in accordance with the Act, a development charges background study has been completed in respect of the proposed amendment;

AND WHEREAS the Council of the Corporation of the Township of Wilmot has given notice and held a public meeting in accordance with the Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

1. **By-law 2019-42 is hereby amended as follows:**

a. The following definitions are added to subsection 1.1 of the By-law:

“institutional,” for the purposes of subsection 3.15, 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 institution of the following post-secondary institutions for the objects of the institution:

- (i) a university in Ontario that receives direct, regular and ongoing operation 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 Institute 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;

“non-profit housing development,” for the purposes of subsection 3.16, 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 objective is to provide housing;
- (b) a corporation without share capital to which the *Canada Not-for-profit Corporation Act* applies, that is in good standing under that Act and whose primary objective is to provide housing; or
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*;

“rental housing,” for the purposes of subsection 3.15, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

b. Section 2 is deleted and replaced with the following:

2. **DESIGNATION OF SERVICES**

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

Services

- (a) Road and Related Services;
- (b) Fire Protection Services;
- (c) Parks and Recreation Services;
- (d) Library Services;
- (e) Wastewater Services; and
- (f) Water Services.

c. The following paragraph is added subsection 3.3 of the by-law:

3.3 (b) land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

d. Subsections 3.5 is deleted and replaced with the following:

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) the enlargement to an existing residential dwelling unit;
- (b) the creation of the first two additional Dwelling Units in, or ancillary to, and existing Single Detached Dwelling; or
- (c) the creation of the first additional Dwelling Unit in, or ancillary to, an existing Semi-Detached, Townhouse or Apartment building.

- (d) 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.

- e. Subsections 3.9 is deleted and replaced with the following:

3.9 Other Exemptions:

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

- (a) Lands, buildings or structures used or to be used for a place of worship or for the purposes of a churchyard or cemetery exempt from taxation under the Assessment Act;
- (b) A Home Occupation;

- (c) An accessory building, provided that the total Gross Floor Area of the Accessory Building or Buildings on the site does not exceed the total Gross Floor Area of the applicable main use, buildings, Dwelling Units or Lodging Units;
 - (d) Farming, excluding a Farm Occupation.
- f. The following subsections be added to the by-law:
 - 3.15 Notwithstanding subsection 3.13, development charges for rental housing and institutional developments are due and payable in 6 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, payable on the anniversary date each year thereafter.
 - 3.16 Notwithstanding subsection 3.13, development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of first occupancy, and each subsequent installment, including interest as provided in the Township's Council approved Development Charge Interest Policy, payable on the anniversary date each year thereafter.
 - 3.17 Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment made on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the development charges under subsections 3.13, 3.15 and 3.16 shall be calculated based on the rates set out in Schedule "B" on the date the planning application was made, including interest as provided in the Township's Council approved Development Charge Interest Policy. Where both planning applications apply development charges under subsections 3.13, 3.15 and 3.16 shall be calculated on the rates, including interest as provided in the Township's Council approved Development Charge Interest Policy, set out in Schedule "B" on the date of the later planning application.

g. Schedules A and B are deleted and replaced with the attached.

2. **This By-law shall come into effect on the date of passage.**

PASSED this 12th day of July, 2021.

Mayor

Township Clerk

SCHEDULE "A" TO
BY-LAW 2019-42
COMPONENTS OF SERVICES DESIGNATED IN SECTION 2.1

100% Eligible Services

Transportation Services

- Roads
- Bridges and Culverts
- Public Works Facilities
- Public Works Rolling Stock
- Growth-Related Studies

Fire Protection Services

- Fire Stations
- Fire Vehicles
- Fire Small Equipment and Gear
- Growth-Related Studies

Parks and Recreation Services

- Parkland Development
- Vehicles and Equipment
- Indoor Recreation Facilities
- Growth-Related Studies

Library Services

- Library Facilities
- Growth-Related Studies

Municipal Water and Wastewater Urban Service Area (New Hamburg and Baden)

Wastewater Services

- Wastewater Systems
- Growth-Related Studies

Water Services

- Water Systems
- Growth-Related Studies

Schedule "B"
To By-law 2019-42
Schedule of Development Charges

Service	Residential:	Residential:	Residential:	Residential:	Residential:	Non-Residential:	Non-Residential:
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms+	Apartments - Bachelor and 1 Bedroom	Townhouse Dwelling	Lodging Units	Industrial (per sq.ft. of Gross Floor Area)	Commercial/ Institutional (per sq.ft. of Gross Floor Area)
Municipal Wide Services:							
Roads and Related Services	\$7,864	\$5,353	\$3,311	\$5,990	\$2,791	\$2.11	\$4.43
Fire Protection Services	\$2,028	\$1,380	\$854	\$1,544	\$719	\$1.96	\$1.19
Parks and Recreation Services	\$5,577	\$3,796	\$2,348	\$4,248	\$1,979	\$0.48	\$0.48
Library Services	\$207	\$141	\$87	\$157	\$73	\$0.02	\$0.02
Total Municipal Wide Services	\$15,676	\$10,670	\$6,600	\$11,939	\$5,562	\$4.57	\$6.11
Urban Services							
Wastewater Services	\$6,093	\$4,147	\$2,565	\$4,640	\$2,162	\$1.63	\$3.42
Water Services	\$1,391	\$947	\$585	\$1,059	\$493	\$0.37	\$0.78
Total Urban Services	\$7,483	\$5,094	\$3,150	\$5,699	\$2,655	\$2.01	\$4.20
Grand Total Rural Area	\$15,676	\$10,670	\$6,600	\$11,939	\$5,562	\$4.57	\$6.11
Grand Total Urban Area	\$23,159	\$15,764	\$9,750	\$17,638	\$8,217	\$6.58	\$10.31