

# THE CORPORATION OF THE TOWNSHIP OF WILMOT

## BY-LAW NUMBER 2019-42

### A BY-LAW FOR THE IMPOSITION OF DEVELOPMENT CHARGES

**WHEREAS** the Township of Wilmot 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 Wilmot;

**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 Wilmot 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* (the "Act") provides that the council of a municipality 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 Wilmot has given notice of and held a public meeting on the 24<sup>th</sup> day of June, 2019 in accordance with the Act and the regulations thereto;

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

#### 1. **INTERPRETATION**

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

"Accessory building" means a building or structure, or part of a building or structure, that is:

- (a) a parking garage that is exclusively devoted to providing vehicle parking to the main use situated on the same Site;
- (b) a mechanical room that is exclusively devoted to providing heating, cooling, ventilating, electrical, mechanical or telecommunications equipment for a

building or buildings that contain one or more Dwelling Units or Lodging Units situated on the same Site;

- (c) an entrance way, elevator, stairwell or hallway that provides access to a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site;
- (d) a pool area, change room, restroom, fitness facility, kitchen, laundry room, lounge or meeting room that is for the exclusive use of the residents of a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site;
- (e) a storage room that provides storage exclusively to a resident or residents of a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site; or
- (f) an exterior deck, porch, canopy, gazebo, storage shed or stairway that is exclusively devoted to the use of the residents of a Dwelling Unit or Lodging Unit, or Dwelling Units or Lodging Units, on the same Site;

And for the purposes of this definition, "Site" shall include common elements of the same condominium as the applicable main use, buildings, Dwelling Units or Lodging Units;

"Accessory Use" means a use that is normally subordinate or incidental to and exclusively devoted to a principal use, building or structure on a Site that does not through any manner or design share the same gross floor area of the principal use or occupy more than the percentage of gross floor area of the Site permitted as an accessory use by the applicable zoning by-laws;

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

"Apartment" means a Dwelling Unit located in a Residential Building which is not a Single Detached Dwelling, a Semi-Detached Dwelling, or a Townhouse Dwelling within the respective meanings ascribed thereto under this By-law;

"Bedroom" means a habitable room which can be used as sleeping quarters, 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, Chap. E.2, as amended, or any successor thereof;

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

“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 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 one or more rooms occupied or designed for human habitation which include a separate, private entrance together with cooking and sanitary facilities for the exclusive use of the occupants thereof. A unit or room in a hotel, motel, nursing or retirement home, independent living facility on the same Site as a nursing or retirement home, hospice, rehabilitation facility, student residence where meals and supervision are available, group home or hostel designed for human habitation shall not constitute a Dwelling Unit;

“Existing” means the number, use and size that existed as of August 1, 2014;

“Farm” means a parcel of land on which the predominant activity is Farming. A Farm shall not include a Greenhouse;

“Farm Occupation” means a vocational use permitted by the applicable zoning by-law and carried on in a building or as an Accessory Use in a portion of a building on a Farm where Farming also occurs;

“Farming” means the production of crops or the breeding, raising or maintaining of livestock, or both, and includes but is not limited to:

- (a) fur farming;
- (b) fruit and vegetable growing;
- (c) the keeping of bees;
- (d) fish farming; and
- (e) sod farming,

and includes such buildings and structures located on a Farm that are designed and intended to be used solely for or in connection with:

- (i) storage or repair of farm equipment;
- (ii) storage of materials used in the production or maintenance of crops or livestock on the Farm; or
- (iii) storage of the products derived from the Farm’s production of crops or livestock.

Farm and Farming shall not include a Dwelling Unit located on a Farm or such buildings or structures located on a Farm that are designed and intended to be used solely for or in connection with the processing of the crops or livestock through mechanical, chemical or other means to create an altered product;

“Grade” with respect to a Dwelling Unit or Single Detached Dwelling means the average level of finished ground adjoining same at all exterior walls;

“Greenhouse” means any nursery building where any form or quantity of flowers, household plants, landscaping plants, horticultural products or manufactured household or gardening products not produced on the Site is offered for sale;

“Gross Floor Area” means the total floor area of a building or structure or part thereof measured from the outside faces of exterior walls or between the outside faces of exterior walls and the centre line of any partition walls and, in the case of a Dwelling Unit, includes only those areas above Grade. The gross floor area shall include any area which is being used for the repair or for the public sale of vehicles but shall exclude any area which is specifically designed for the parking of passenger motor vehicles;

“Home Occupation” means a vocational use, which is not a Farm Occupation, carried on in conjunction with a Dwelling Unit on the same property as permitted by the Township zoning by-law;

“Industrial” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, 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 school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Township of Wilmot or any part or parts thereof;;

“Local Services” means those services, facilities or things which are under the jurisdiction of the Township of Wilmot 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;

“Lodging House” means a means a building designed or intended to contain, or containing Lodging Units where the residents share access to common areas of the building, other than the Lodging Units;

“Lodging Unit” means a room a room located within a Lodging House which:

- (a) is designed to be occupied for human habitation by one resident;
- (b) is not normally accessible to persons other than the resident without the permission of the resident; and
- (c) may contain either cooking or sanitary facilities, but not both, for the exclusive use of the resident of the unit.

A unit or room in a hotel, motel, nursing or retirement home, independent living facility on the same Site as a nursing or retirement home, hospice, rehabilitation facility, student residence where meals and supervision are available, group home, or hostel designed for human habitation shall not constitute a Lodging 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;

“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 Building” means a building containing one or more Dwelling Units with or without any Non-Residential component and in the case of a single or semi-detached dwelling or townhouse dwelling means the individual Dwelling Unit;

“Residential Use” means the use of land, buildings or structures or a portion thereof for one or more Dwelling Units or Lodging Units, including a Farm dwelling.

“Semi-Detached Dwelling” means a Dwelling Unit within a building containing only two Dwelling Units, which is divided from the other Dwelling Unit by a vertical solid wall or partition extending from foundation to roof;

“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” means a residential building consisting of one Dwelling unit and not attached to another structure and shall include a modular or mobile home connected to any of water, sanitary or electrical utility service;

“Site” means a parcel of land situated in the Township which can be legally conveyed pursuant to Section 50 of the Planning Act and includes a Development having two or more lots consolidated under identical ownership;

“Townhouse Dwelling” means one Dwelling Unit within a building containing three or more Dwelling Units which is divided from the other Dwelling Units by one or more vertical solid walls or partitions extending from foundation to roof;

“Township” means the area within the geographic limits of the Township of Wilmot; and

## **2. DESIGNATION OF SERVICES**

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

- (a) Transportation Services;
- (b) Fire Protection Services;

- (c) Parks and Recreation Services;
- (d) Library Services;
- (e) Administration Services;
- (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 Wilmot 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 Region of Waterloo 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) the enlargement of an existing Dwelling Unit;
- (b) the creation of the first two additional Dwelling Units in an existing Single Detached Dwelling; or
- (c) the creation of the first additional Dwelling Unit in an existing Semi-Detached, Townhouse or Apartment 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(c), 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 Townhouse dwelling, the gross floor area of the existing Dwelling Unit; and

- (b) 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:

- 3.8.1 Notwithstanding any other provision of this by-law, no development charge is payable with respect to an enlargement of the gross floor area of an existing industrial building where the gross floor area is enlarged by 50 percent or less.
- 3.8.2 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:
  - (a) determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
  - (b) divide the amount determined under subsection 1) by the amount of the enlargement.

### 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) Temporary use permitted under a zoning by-law under Section 39 of the Planning Act;
- (e) Farming, excluding a Farm Occupation.

### Amount of Charges

#### Residential

- 3.10 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

3.11 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

3.12 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 3.10 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 applicable development charges under subsection 3.11, by the gross floor area that has been or will be demolished or converted to another principal use;

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

- 3.13 Development charges imposed under this by-law are calculated, payable, and collected upon issuance of a building permit for the development.
- 3.14 Despite section 3.13, 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 December 1<sup>st</sup> 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 subsection 2.1

Schedule B – Residential and Non-Residential Schedule of 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 August 31, 2019.

**10. DATE BY-LAW EXPIRES**

10.1 This By-law will expire at 12:01 AM on August 31, 2024 unless it is repealed by Council at an earlier date.

PASSED THIS 26<sup>th</sup> day of August, 2019

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Mayor

\_\_\_\_\_  
Township Clerk

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

100% Eligible Services

Transportation Services

Roads

Bridges and Culverts

Public Works Facilities

Public Works Rolling Stock

Fire Protection Services

Fire Stations

Fire Vehicles

Fire Small Equipment and Gear

90% Eligible Services

Parks and Recreation Services

Parkland Development

Vehicles and Equipment

Indoor Recreation Facilities

Library Services

Library Facilities

Administrative Services

Growth-related Studies

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

Wastewater Services

Wastewater Systems

Water Services

Water Systems

**SCHEDULE "B"**  
**TO BY-LAW 2019-42**  
**SCHEDULE OF DEVELOPMENT CHARGES**

Service	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)
<b>Municipal Wide Services:</b>							
Roads and Related	2,070	1,409	871	1,576	734	0.56	1.17
Fire Protection Services	343	233	144	261	122	0.33	0.20
Parks and Recreation	4,427	3,013	1,864	3,372	1,571	0.38	0.38
Library Services	185	126	78	141	65	0.02	0.02
Administration	479	326	202	365	170	0.13	0.27
<b>Total Municipal Wide Services</b>	<b>7,503</b>	<b>5,107</b>	<b>3,159</b>	<b>5,715</b>	<b>2,662</b>	<b>1.41</b>	<b>2.03</b>
<b>Urban Services</b>							
Wastewater Services	3,300	2,246	1,389	2,513	1,171	0.88	1.85
Water Services	662	451	279	504	235	0.18	0.37
<b>Total Urban Services</b>	<b>3,962</b>	<b>2,697</b>	<b>1,668</b>	<b>3,017</b>	<b>1,406</b>	<b>1.06</b>	<b>2.23</b>
<b>GRAND TOTAL RURAL AREA</b>	<b>7,503</b>	<b>5,107</b>	<b>3,159</b>	<b>5,715</b>	<b>2,662</b>	<b>1.41</b>	<b>2.03</b>
<b>GRAND TOTAL URBAN AREA</b>	<b>11,465</b>	<b>7,804</b>	<b>4,827</b>	<b>8,732</b>	<b>4,068</b>	<b>2.47</b>	<b>4.26</b>