

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NUMBER 059-18

(including amendment in By-law No. 118-19)

A BY-LAW FOR THE IMPOSITION OF DEVELOPMENT CHARGES

WHEREAS the Township of Wellington North 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 Wellington North;

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 Wellington North 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 Wellington North has given notice of and held a public meeting on Thursday the 14th of June, 2018 in accordance with the Act and the regulations thereto;

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

1. INTERPRETATION

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

“Act” means the *Development Charges Act, 1997*, as amended, or any successor thereof;

"Accessory" when used to describe a building or structure, means a use, building or structure which is incidental, subordinate, and exclusively devoted to the main use, building, or structure located on the same lot;

"Agricultural Use" means use or intended use for a bona fide farming operation;

"Apartment Unit" means any residential unit within a building containing more than four dwelling units where the units are connected by an interior corridor;

"Bedroom" means a habitable room which can be used as sleeping quarters, but does not include a bathroom, living room, dining room or kitchen;

"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;

"Bona Fide Farming Operation" means the proposed development will qualify as a farm business, and shall include new farming operations and farm operations associated with the Mennonite community;

"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 municipality or a local board thereof directly or by others on behalf of and as authorized by the municipality 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 municipality, 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 municipality;

“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 Industrial Building” means a building or buildings existing on a site as of June 17, 2013, or the first building or buildings constructed on a vacant site pursuant to site plan approval, under Section 41 of the Planning Act, subsequent June 17, 2013, that is used for or in conjunction with:

- a) the production, compounding, processing, packaging, crating, bottling, packing or assembly of raw or semi-processed goods or materials in not less than seventy five percent 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 activities in connection with manufacturing in not less than seventy five percent of the total gross floor area of the building or building on the site;
- c) retail sales by a manufacturer, if retail sales are at the site where 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 percent of the total gross floor area of the building or buildings on the site; or
- d) office or administration purposes if they are:
 - i. carried out as an accessory use to the manufacturing or warehousing, and
 - ii. in or attached to the building or structure used for such manufacturing or warehousing.

“Existing” means the number, use and size that existed as of June 17, 2013, or the date of the first building or buildings constructed on a vacant site pursuant to

site plan approval, under Section 41 of the Planning Act, subsequent June 17, 2013.

“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; and
 - (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;

"Industrial" means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw 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 warehousing or bulk storage of goods;

“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 Wellington North or any part or parts thereof;

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

"Mini-storage Facility" means a building containing separate, individual self-storage units divided from floor to ceiling by a wall with an independent entrance from the exterior or public corridor of the building; designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment;

"Multiple Dwellings" means all dwellings other than single-detached, semi-detached and apartment unit dwellings;

"Municipality" means the Corporation of the Township of Wellington North;

"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;

"Purpose-Built Rental Housing" means a residential use building or structure that consists of four (4) or more dwelling units that will remain as rental housing for a period of at least 20 years from the date of issuance of a building permit.

"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;

“Semi-detached Dwelling” means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;

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

“Single Detached Dwelling Unit” means a residential building consisting of one dwelling unit and not attached to another structure;

“Township” means the area within the geographic limits of the Township of Wellington North;

"Transport Establishment" means the use of land, buildings, structures or parts thereof, where commercially licensed transport trucks, tractor trailers and buses are rented, leased, loaded or unloaded, serviced or repaired, kept for hire, stored or parked for dispatching as common carriers or where goods are temporarily stored for further shipment;

"Warehouse" means a building or part thereof used for packaging, storage and distribution of goods, wares, merchandise, foodstuff, substances or articles and may include off-season storage but does not include a mini-storage establishment, transport establishment or the sale of commodities to the general public through a warehouse club;

“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 Wellington North, or any successor thereof passed pursuant to Section 34 of the Planning Act, S.O. 1990.

2. DESIGNATION OF SERVICES

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

- (a) Water, if water service is available

- (b) Wastewater, if wastewater service is available
- (c) Roads and Related;
- (d) Fire Protection Services;
- (e) Parks;
- (f) Recreation; and
- (g) Administration;

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 Wellington North 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 municipality or a local board thereof;
- (b) a board of education;
- (c) the Corporation of the County of Wellington or a local board thereof; and
- (d) North Wellington Healthcare Corporation.

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 Expansion:

3.8.1 Notwithstanding any other provision of this by-law, if a development includes the enlargement of the gross floor area of an existing industrial building.

1. made pursuant to the Act. 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 subsection. Development charges shall be imposed in accordance with Schedule "B" with respect to the amount of 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; or
2. if the gross floor area is enlarged by more than 50 percent, development charges are payable on the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.

3.9 Other Exemptions:

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

- a) Bona fide farm uses used for farming purposes and includes ancillary agricultural uses such as non-residential accessory buildings or structures, storage buildings or structures and driving sheds, but does not include buildings or structures used for residential purposes;
- b) A place of worship;
- c) A hospital under the *Public Hospitals Act*; and
- d) Buildings and structures ancillary to a residential use.

Amount of Charges

3.10 Residential

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.

3.11 Non-Residential

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.

3.12 Built Boundary

Development charges described in Schedule B to this by-law shall be reduced by 10% on all development occurring on lands within the Built Boundary as highlighted in Schedule C-1 and Schedule C-2.

3.13 Central Intensification Corridor

Development charges described in Schedule B to this by-law shall be reduced by 25% on all development occurring on lands within the Central Intensification Corridor as highlighted in Schedule D-1 and Schedule D-2.

3.14 Purpose-Built Rental Housing

Development that meets the definition of Purpose-Built Rental Housing may be eligible for an additional 25% reduction in development charges as described in Schedule B to this by-law.

3.15 Reduction of Development Charges for Redevelopment

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 5 years 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

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

3.17 Despite section 3.16, 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 may be adjusted annually, without amendment to this By-law, commencing on January 1, 2019 and annually thereafter, in accordance with the Statistics Canada Quarterly, *Construction Price Statistics*, catalogue number 62-007

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
Effective June 17, 2018 – June 16, 2023

Schedule C-1 - Map of Built Boundary – Arthur

Schedule C-2 - Map of Built Boundary – Mount Forest

Schedule D-1 - Map of Central Intensification Corridor – Arthur

Schedule D-2 - Map of Central Intensification Corridor – Mount Forest

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 June 17, 2018.

10. DATE BY-LAW EXPIRES

- 10.1 This By-law will expire five years from the date of passage unless it is repealed by Council at an earlier date.

11. EXISTING BY-LAW REPEALED

- 11.1 By-law Number 51-13 and any amending by-laws are hereby repealed as of the date and time of this By-law coming into effect.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 14TH DAY OF JUNE, 2018.**

ANDREW LENNOX, MAYOR

KAREN WALLACE, CLERK

SCHEDULE “A” TO BY-LAW NUMBER 059-18

COMPONENTS OF SERVICES DESIGNATED IN SUBSECTION 2.1

100% Eligible Services

- Water
 - Treatment, Storage and Distribution
- Wastewater
 - Treatment and Collection
- Roads and Related
 - Roads, Bridges, Culverts, Sidewalks and Streetlights
 - Vehicles and Equipment
 - Facilities
 - Stormwater Study (Drainage)
- Fire Protection
 - Fire Facilities
 - Fire Vehicles
 - Fire Equipment

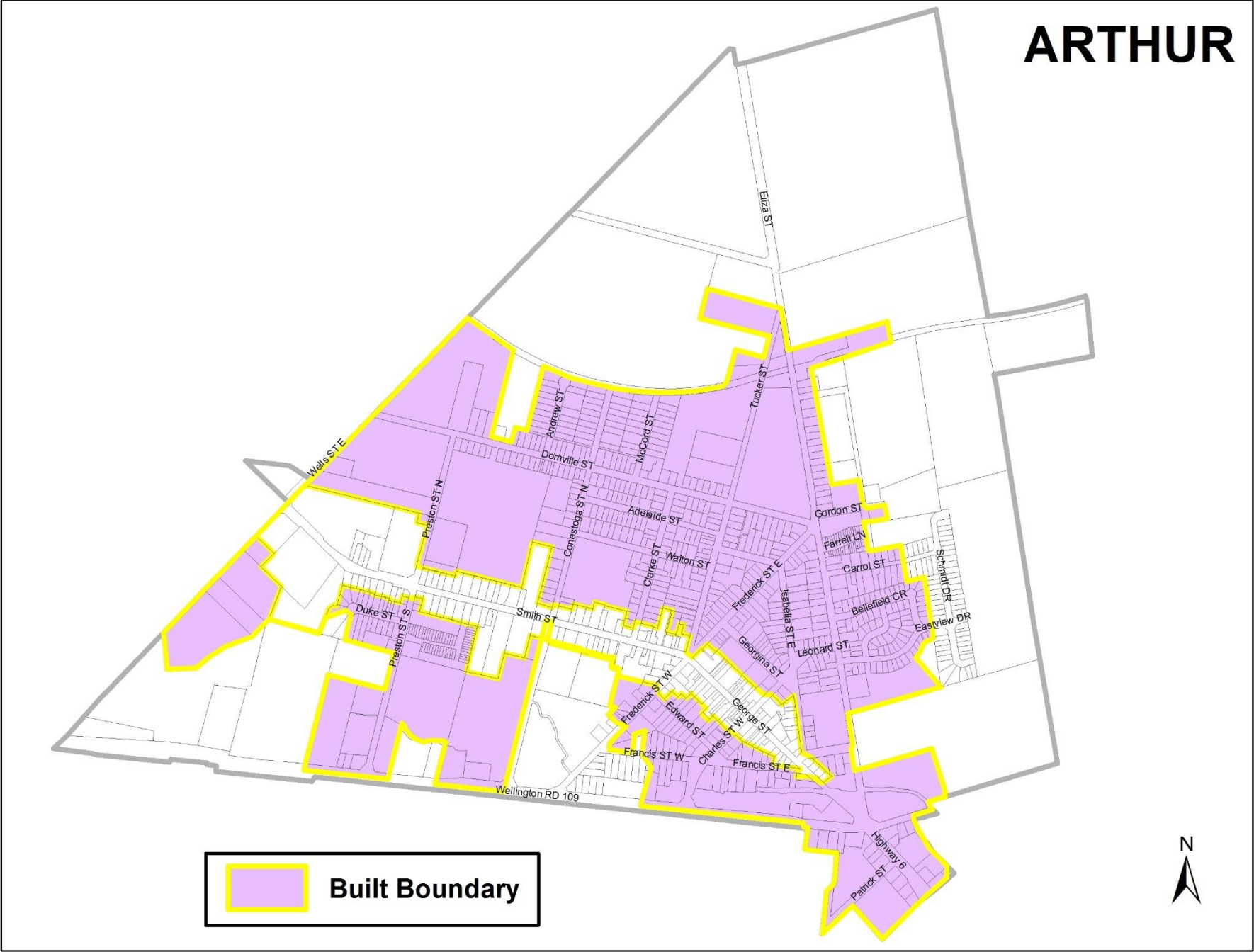
90% Eligible Services

- Administration
 - Growth Related Studies
- Recreation
 - Recreation Facilities
- Parks
 - Parkland Development, Amenities
 - Trails
 - Vehicles and Equipment

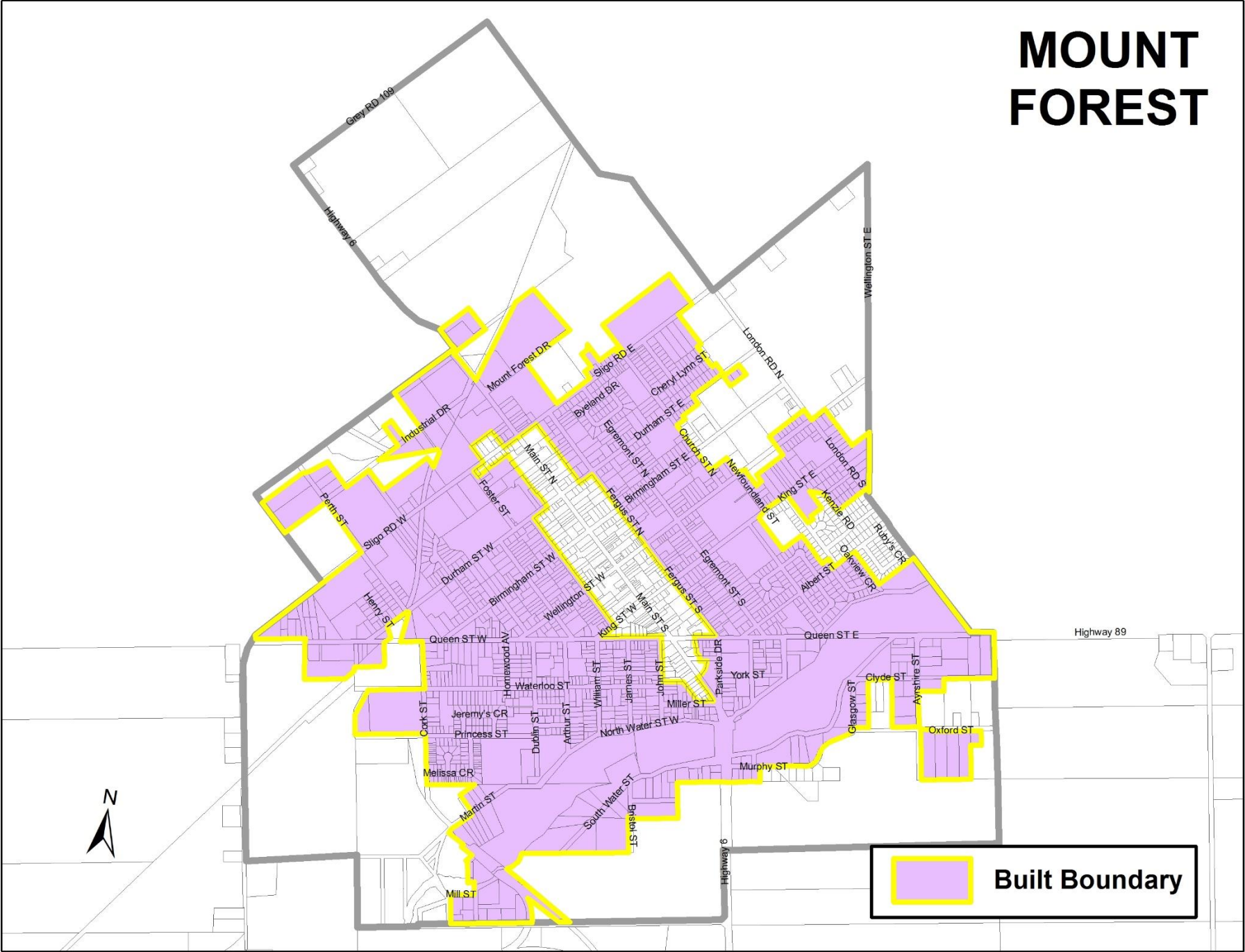
Service	RESIDENTIAL				NON-RESIDENTIAL			
	Single/Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments-Bachelor and 1 bedroom	Other Multiples	Commercial/Institutional (per ft ² of Gross Floor Area)	Industrial		
						Industrial (per ft ² of Gross Floor Area)	Warehouse (per ft ² of Gross Floor Area)	Wind Turbine
Municipal Wide Services								
Administration - Studies	\$ 63	\$ 41	\$ 30	\$ 50	\$ 0.02	\$ 0.01	\$ 0.01	\$ 63
Parks Services	\$ 204	\$ 132	\$ 96	\$ 161	\$ 0.01	\$ 0.01	\$ -	\$ 204
Recreation Services	\$ 1,035	\$ 672	\$ 490	\$ 818	\$ 0.06	\$ 0.03	\$ 0.01	\$ 1,035
Fire Protection Services	\$ 201	\$ 130	\$ 95	\$ 159	\$ 0.08	\$ 0.04	\$ 0.02	\$ 201
Roads and Related	\$ 1,570	\$ 1,019	\$ 743	\$ 743	\$ 0.61	\$ 0.31	\$ 0.16	\$ 1,570
Total Municipal Wide Services	\$ 3,073	\$ 1,994	\$ 1,454	\$ 1,931	\$ 0.78	\$ 0.40	\$ 0.20	\$ 3,073
Urban Services								
Wastewater Services	\$ 11,624	\$ 7,543	\$ 5,502	\$ 9,182	\$ 4.90	\$ 2.44	\$ 1.23	\$ -
Water Services	\$ 4,313	\$ 2,799	\$ 2,042	\$ 3,407	\$ 1.82	\$ 0.90	\$ 0.46	\$ -
Total Urban Services	\$ 15,937	\$ 10,342	\$ 7,544	\$ 12,589	\$ 6.72	\$ 3.34	\$ 1.69	\$ -
GRAND TOTAL RURAL AREA	\$ 3,073	\$ 1,994	\$ 1,455	\$ 1,931	\$ 0.78	\$ 0.40	\$ 0.20	\$ 3,073
GRAND TOTAL URBAN AREA	\$ 19,010	\$ 12,336	\$ 8,998	\$ 14,520	\$ 7.50	\$ 3.74	\$ 1.89	\$ 3,073

rounded revision for use January 1, 2020

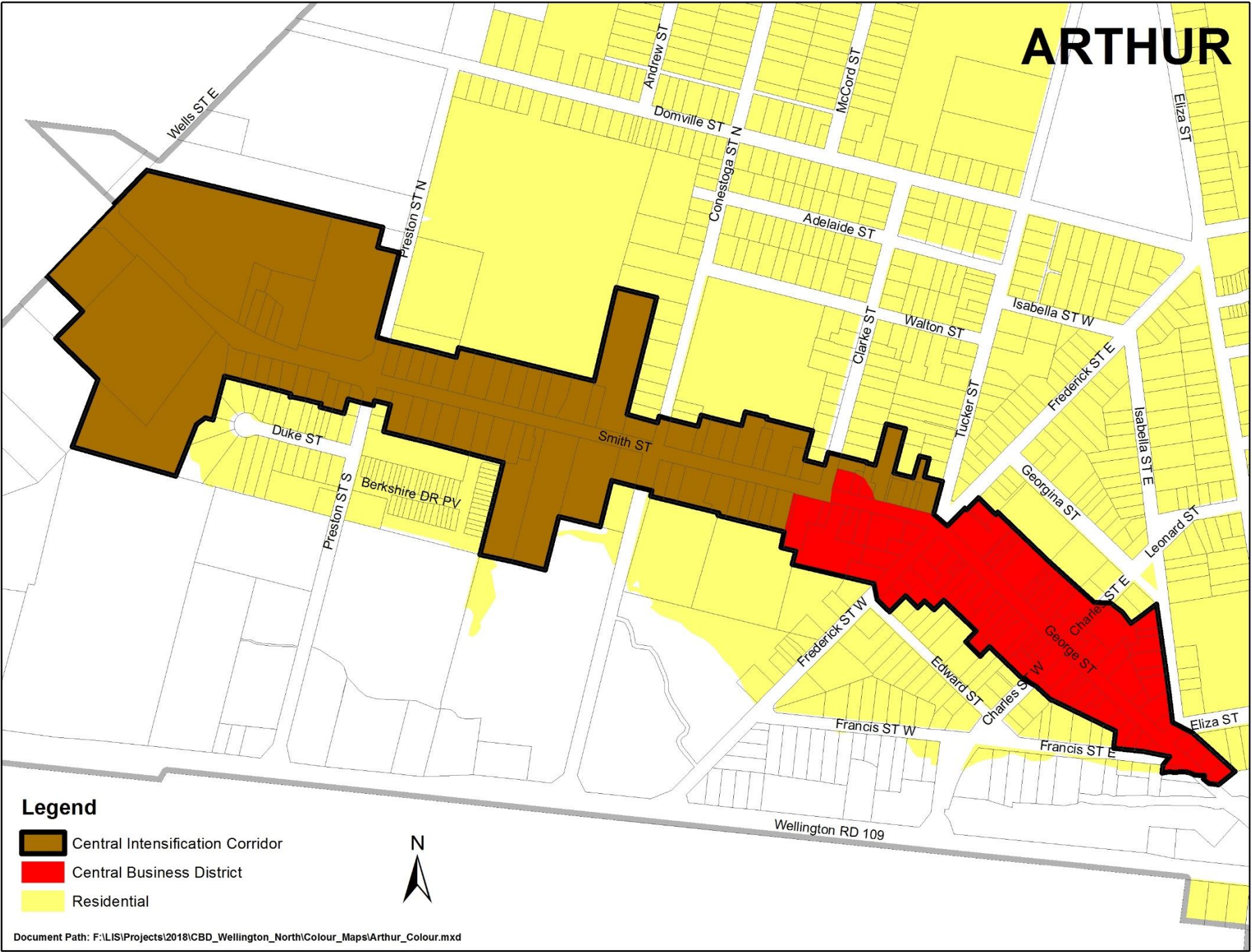
SCHEDULE “C-1” TO BY-LAW NUMBER 059-18
MAP OF BUILT BOUNDARY – ARTHUR



SCHEDULE “C-2” TO BY-LAW NUMBER 059-18
MAP OF BUILT BOUNDARY - MOUNT FOREST



SCHEDULE “D-1” TO BY-LAW NUMBER 059-18
MAP OF CENTRAL INTENSIFICATION CORRIDOR - ARTHUR



SCHEDULE “D-2” TO BY-LAW NUMBER 059-18

MAP OF CENTRAL INTENSIFICATION CORRIDOR - MOUNT FOREST

