

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW 044-2019

A by-law to establish development charges for the Corporation of the Township of Puslinch

WHEREAS the Township of Puslinch 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 Puslinch; 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 Puslinch 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 Puslinch has given notice of and held a public meeting on the 19th day of June, 2019 in accordance with the Act and the regulations thereto;

NOW THEREFORE the Council of the Corporation of the Township of Puslinch 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*, as amended, or any successor thereof;

"accessory use" means where used to describe a use naturally and normally incidental to, subordinate to or exclusively devoted to a principal use and located on the same lot;

"agricultural use" means the use of land and **buildings** for the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including: horses (including the accessory training and/or riding of boarded horses) to a maximum of 20 horses; poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated **on-farm buildings** and structures and **accessory uses, buildings, and structures**, including an accessory outdoor storage area;

"apartment unit" means any residential unit within a **building** containing three or more **dwelling units** where access to each residential unit is obtained through a

common entrance or entrances from the street level and the residential units are connected by an interior corridor;

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

"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" means a permanent enclosed structure occupying an area greater than ten square metres (10 m²) and, notwithstanding the generality of the foregoing, includes, but is not limited to:

- (a) An above-grade storage tank;
- (b) An air-supported structure or canopy;
- (c) An industrial tent;
- (d) A roof-like structure over a gas-bar or service station; and
- (e) An area attached to and ancillary to a retail **development** delineated by one or more walls or part walls, a roof-like structure, or any one or more of them.

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

"canopy" means a canopy as defined O.Reg. 332/12 under the **Building Code Act** and includes a roof-like structure over a gas bar or service station;

"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 a building, structure, lot, use or activity pertaining to the buying or selling of commodities or the supplying of services for remuneration, but does not include industrial or agricultural uses, but does include hotels, motels, motor inns and boarding, lodging and rooming houses;

"Council" means the Council of the **Township**;

"development" means the construction, erection or placing of one or more **buildings** or structures on land or the making of an addition or alteration to a **building** or structure that has the effect of increasing the size or 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 housekeeping unit, used, or capable of being used by one or more persons, and containing cooking, living, sleeping and sanitary facilities;

"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** with a valid building permit existing on a site on the day this by-law is passed, or the first **building** or **buildings** constructed on a vacant site pursuant to site plan approval, under Section 41 of the *Planning Act*, subsequent to the passage of this by-law for which full **development charges** were paid, 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 **buildings** 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.

"farm Building" means a **building** or structure associated with and located on land devoted to the practice of farming and that is used essentially for the housing of farm equipment or livestock or the growing, harvesting, or storage of agricultural and horticultural produce or feeds and as part of or in connection with a bona fide farming operation and includes barns, silos and other **buildings** or structures ancillary to that farming operation, including greenhouses, but excludes:

- (a) a **residential use**, with the exception of a secondary modular dwelling for seasonal farm workers required for that farm operation; and
- (b) any **building** or portion thereof used or intended to be used for any other **non-residential use**, including **commercial** and **industrial**.

"gross floor area" means: the sum total of the total areas of the floors in a **building** or structure, whether at, above, or below grade, measured between the exterior faces of the exterior walls of the **building** or structure or from the centre line of a common wall separating two uses, or from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall, and:

- (a) includes the floor area of a mezzanine and air -supported structure and the space occupied by interior walls partitions; and
- (b) in the case of **non-residential uses**, excludes any parts of the **building** or structure used for mechanical equipment related to the operation or maintenance of the **building** or structure, stairwells, elevators, washrooms, and the parking and loading of vehicles, and;
- (c) where a **building** does not have any walls, the **gross floor area** shall be the sum total of the area of land directly beneath the roof of the **building** and the total areas of the floors in the **building** or structure.

"industrial" means lands, **buildings** or structures used or designed or intended for use for the processing of goods and materials; the assembly of manufactured goods; the manufacturing of goods; the repair and servicing of goods and similar uses; including any permanent storage facilities or accessory equipment that is in conjunction with the use 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 a motor vehicle service establishment, motor vehicle body shop, or 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 religious, charitable, educational, welfare purposes, and includes churches, places of worship, public or private schools and nursery schools, or benevolent objectives and not for profit or gain;

"local board" means a local board as defined in section 1 of the Municipal Affairs Act other than a board as defined in subsection 1 (1) of the Education Act.

"multiple dwellings" means all dwellings other than single-detached, **semi-detached** and **apartment unit** dwellings;

"non-residential use" means a **building** or structure of any kind whatsoever used, designed or intended to be used for other than a **residential use**;

"Official Plan" means the Official Plan adopted by the County of Wellington 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'

"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** including modular homes 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 **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;

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

"Township" means the corporation of the Township of Puslinch and/or the land within the geographic limits of the Township of Puslinch; and

"Zoning by-law" means the Zoning By-Law of the **Township** or any successor thereof passed pursuant to Section 34 of the Planning Act, S.O. 1998.

2. DESIGNATION OF SERVICES

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

- (a) Roads and Related;
- (b) Fire Protection Services;

(c) Parks and Recreation Services; and

(d) Administration 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** whether or not the land or use thereof is exempt from taxation under s. 13 of 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 County of Wellington or any **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 uses** or **non-residential uses** if the **development** requires one or more of the following:

(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 building 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. shall be imposed if the subsequent action has the effect of increasing the need for **services**.

(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 **dwelling 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 **dwelling unit** has a **gross floor area** greater than

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

(ii) in the case of any other residential **building**, the **gross floor area** of the smallest **dwelling unit** contained in the residential **building**.

3.8 Exemption for Industrial Development:

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:

1) determine the amount by which the enlargement exceeds 50 percent of the **gross floor area** before the enlargement;

2) divide the amount determined under subsection 1) by the amount of the enlargement

3.9 For the purpose of section 3.8 herein, "**existing industrial building**" is used as defined in the **regulation** made pursuant to the **Act**.

3.10 Other Exemptions:

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

- (a) Temporary use permitted under a **zoning by-law** under Section 39 of the Planning Act;
- (b) **Accessory use**;
- (c) A home occupation;
- (d) Non-residential **farm buildings** used for agricultural purposes; and
- (e) **Institutional** use.

Amount of Charges

Residential

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

Non-Residential

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

Reduction of **Development Charges** for Redevelopment

3.13 Despite any other provisions of this by-law, where, as a result of the redevelopment of land, a **building** or structure **existing** on the same land within 60 months prior to the date of payment of **development charges** in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the **development charges** otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (a) in the case of a residential **building** or structure, or in the case of a mixed-use **building** or structure, the **residential uses** in the mixed-use **building** or structure, an amount calculated by multiplying the applicable **development charge** under subsection 3.11 by the number, according to

type, of **dwelling units** that have been or will be demolished or converted to another principal use; and

- (b) in the case of a non-residential **building** or structure or, in the case of mixed-use **building** or structure, the **non-residential uses** in the mixed-use **building** or structure, an amount calculated by multiplying the applicable **development charges** under subsection 3.12, 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**

3.14 **Development charges** imposed under this by-law are calculated, payable, and collected upon issuance of a building permit for the **development**, except for roads and related **services** where at the discretion of **Council** shall be payable immediately upon the **owner** entering into subdivision agreement or consent agreement.

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

4. **PAYMENT BY SERVICES**

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

5. **INDEXING**

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

6. **SCHEDULES**

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

Schedule A - Components of **Services** Designated in 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 of 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 September 3, 2019.

10. DATE BY-LAW EXPIRES

10.1 This by-law will expire at 12:01 AM on September 3, 2024 unless it is repealed by **Council** at an earlier date.

10. EXISTING BY-LAW REPEALED

11.1 By-law 054/14 is 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 17th DAY OF JULY, 2019.

James Seeley, Mayor

Nina Lecic, Deputy Clerk

SCHEDULE "A" TO BY-LAW No. 044-2019

COMPONENTS OF SERVICES DESIGNATED IN SUBSECTION 2.1

100% Eligible Services

Roads and Related

Roads

Bridges and Culverts

Public Works Facilities

Vehicles and Equipment

Fire Protection Services

Fire Facilities

Fire Vehicles

Fire Fighter Equipment

90% Eligible Services

Administration Services

Growth Related Studies

Parks and Recreation

Parkland Development

Recreation Facilities

Parks and Recreation Vehicles and Equipment

SCHEDULE "B"

BY-LAW NO. 044-19

SCHEDULE OF DEVELOPMENT CHARGES

Service	RESIDENTIAL				NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	(per sq.ft. of Gross Floor Area)
Municipal Wide Services:					
Roads and Related	\$ 2,834	\$ 1,541	\$ 1,310	\$ 2,120	\$ 0.98
Fire Protection Services	\$ 1,378	\$ 749	\$ 637	\$ 1,031	\$ 0.47
Parks and Recreation Services	\$ 667	\$ 363	\$ 308	\$ 499	\$ 0.04
Administration - Studies	\$ 329	\$ 179	\$ 152	\$ 246	\$ 0.11
Total Municipal Wide Services	\$ 5,208	\$ 2,832	\$ 2,407	\$ 3,896	\$ 1.60