

The Corporation of the Township of Woolwich

By-law No. 39-2024

A By-law for the Imposition of Development Charges

WHEREAS the Township of Woolwich will experience growth through development and re-development; and

AND WHEREAS development and re-development requires the provision of physical and social services by the Township of Woolwich; and

AND WHEREAS The Township of Woolwich has determined that the development of lands within the Township will increase the need for municipal services and Council has confirmed its intent to provide the said services; and

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 Woolwich 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

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 the background study and draft proposed bylaw be made available to the public and such documents were made available to the public 60 days prior to the passage of the bylaw and at least two (2) weeks prior to the public meeting required pursuant to Section 12 of the Act; and;

AND WHEREAS the Council of The Corporation of the Township of Woolwich has given notice of and held a public meeting on the 28th day of May, 2024 in accordance with the Act and the regulations thereto; and

WHEREAS any person who attended the public meeting was afforded an opportunity to make representations and the public generally were afforded an opportunity to make written submissions relating to the proposed by-law; and

WHEREAS the Corporation of the Township of Woolwich Council resolved on May 28, 2024, that it is the intention of Council to ensure that the increase in need for services identified in connection with the enactment of the by-law will be met; and

WHEREAS the Corporation of the Township of Woolwich Council resolved on May 28, 2024, that no further public meeting be required, and that this by-law be brought forward for enactment; and

WHEREAS Section 2(1) of the Development Charges Act, 1997 ("Act") enables the Council of a municipality to pass By-laws to impose development charges against lands located in the Township to pay for increased capital costs where the development of the land would increase the need for municipal services as designated in the By-law and the development requires one or more of the actions set out in Section 2(2) of the Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WOOLWICH 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 from time to time and includes the Regulations passed under the Act, as amended from time to time;

"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;

"Affordable Housing" means dwelling units and incidental facilities, primarily for persons of low and moderate income, that meets the requirements of any program for such purpose as administered by any agency of the Federal or Provincial government, and/or the Region of Waterloo and for which an agreement has been entered into with the Region of Waterloo with respect to the provisions of such dwelling units and facilities;

"Affordable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1 of the Act

"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;

"Attainable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1 of the Act;

"Back-to-Back Townhouse Dwelling" means a building containing three or more 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*, Chap. E.2, as amended, or any successor thereof;

"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;

"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 require for the provision of services and class of services designated in this by-law within or outside the municipality, including interest on borrowing for those expenditures under clauses a) to d) 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;

"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: cultivation, growing, propagation, 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 but does not include a building or part thereof solely designed, used, or intended to be used for retail sales of Cannabis;

"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 subsection 2 (1) of the Long-Term Care Homes Act, 2007;

"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 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" means the number, use and size that existed as of the date the date of the first building;

"Farm Building" means all or part of a building; that does not contain any area used for residential occupancy, that is associated with and located on

land devoted to the practice of farming and that is used essentially for the housing of equipment or livestock or the production, storage or processing of agricultural and horticultural produce or feeds. Examples include encompassing barns, silos, and other ancillary development to an agricultural 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. 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

"Existing Industrial" means an Industrial Building or structure existing on a site as of the date this by-law comes into effect, or the first building or structures constructed on a vacant site pursuant to site plan approval under section 41 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, or any successor thereof, subsequent to this by-law, for which full development charges were paid;

“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 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 development of a building or structure intended for use:

- i. as a long-term care home within the meaning of subsection 2 (1) of the Fixing Long-Term Care Homes Act, 2021;
- ii. as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
- iii. by any institution of the following post-secondary institutions for the objects of the institution:
 - a) a university in Ontario that receives direct, regular, and ongoing operation funding from the Government of Ontario;

- b) a college or university federated or affiliated with a university described in subclause a); or
 - c) an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institute Act, 2017;
- iv. as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
 - v. as a hospice to provide end of life care.

"Live-Work" means a Building, or part of thereof, which contains, or is intended to contain, both a Dwelling Unit and non-residential unit and which is intended for both Residential Use and Non-residential Use concurrently, and shares a common wall or floor with or without direct access between the residential and non-residential uses;

"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 Woolwich 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;

"Long-term Care Home" means a residential building or the residential portion of a mixed-use building within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;

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

"Municipality" means the Corporation of the Township of Woolwich

"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;

"On Farm Diversified Use" means a use, occurring entirely and exclusively within a detached building that is secondary and subordinate to the active and principle agricultural use occurring on a property. Such uses shall be integrated within a farm cluster of buildings which must include a residential dwelling, and may include, but not be limited to, uses that produce value added agricultural products or provide a service that is supportive of regional agri-business;

"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;

"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;

"Redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential or from non-residential to residential;

"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;

"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 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;

"Rowhouse 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;

"Servicing Agreement" means an agreement between a landowner and the municipality relative to the provision of municipal services to specified land within the municipality;

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

"Special Care/Special Need Dwelling" means a Building, or part of a Building:

- i. containing two or more Dwelling Units which units have a common entrance from street level;

- ii. where the occupants have the right to use, in common with other occupants, halls, stairs, yards, common rooms and accessory Buildings;
- iii. that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements;
- iv. where support services, such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at any one or more various levels; and
- v. the residential building or the residential portion of a mixed-use building maintained and operated as a Long-term Care Home under subsection 2 (1) of the Long-Term Care Homes Act, 2007.

and includes, but is not limited to, Retirement Home or Lodge, Charitable Dwelling, Group Home (including a Correctional Group Home), Hospice, and Long-term Care Home;

“Stacked Townhouse Dwelling” means a Building, or part of 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 and having direct separate access to an exterior ground level main entrance/exit;

“Temporary Building” Or “Structure” means a building or structure constructed or erected or placed on land for a continuous period not exceeding eight months, or an addition or alteration to a building or structure that has the effect of increasing the total floor area thereof for a continuous period not exceeding eight month;

“Townhouse Dwelling” means a dwelling unit in a building divided vertically into no less than three nor more than eight dwelling units attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade, and includes a Back-to-Back Townhouse;

"Zoning By-Law" means the Zoning By-Law of the Township of Woolwich, 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) Services Related to a Highway
- (b) Fire Protection Services;
- (c) Parks and Recreation Services;
- (d) Library Services;
- (e) Provincial Offences Act, including By-law Enforcement;
- (f) Emergency Preparedness;
- (g) Water Services;
- (h) Wastewater Services; and
- (i) Stormwater Services.

2.2 The categories of class of services for which Development Charges are imposed under this By-law are as follows:

- (a) Growth-Related Studies.

2.3 The components of the services and class of services designated in sections 2.1 and 2.2 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 Woolwich 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, Development Charges for water services, wastewater services, and stormwater services applies to the urban serviced lands in the Township of Woolwich whether or not the land or use thereof is exempt from taxation under s. 13 or the *Assessment Act*.
- 3.4 Notwithstanding clauses 3.2 and 3.3 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; or
 - (c) the Corporation of the Region of Waterloo or a local board thereof;
 - (d) Affordable Housing as defined herein.

Approvals for Development

3.5

(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 bylaw 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 or increasing the need for services.

Exemptions

3.6 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) A second residential unit in an existing detached house, semi-detached house, or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- c) A third residential unit in an existing detached house, semi-detached house, or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units;
- d) One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units;
- e) A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit;
- f) A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units;
- g) One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of land, if the new detached house, semi-detached house or

rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units;
or

h) In an existing rental residential Building, which contains four or more residential Dwelling Units, the creation of the greater of one residential Dwelling Unit or one percent of the existing residential Dwelling Units.

3.7 Notwithstanding subsection 3.6, development charges shall be imposed in accordance with section 3.14 if the total floor area of the additional one or two dwelling units in the single detached dwelling exceeds the total floor area of the dwelling unit already in the building.

3.8 Notwithstanding section 3.6, 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 rowhouse 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.

3.9 Exemption for Industrial Development

3.9.1 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, of the original gross floor area.

3.9.2 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

3.10 For the purpose of section 3.9 herein, "Existing Industrial Building" is used as defined in the Regulation made pursuant to the Act.

3.11 Other Exemptions

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

- (a) a Temporary Use in accordance with section 39 of the Planning Act;
- (b) If a development includes the enlargement of the gross floor area of an existing commercial or institutional building, and if the gross floor area is enlarged by 50% or less, the amount of the development charge in respect of the enlargement is zero. If the gross floor area is enlarged by more than 50%, the development charge is payable only on that portion of the enlargement exceeding the 50% of floor area enlargement calculation.
- (c) The development of non-residential farm buildings constructed for Bona-Fide Farm Uses except for any building constructed to accommodate an On-Farm Diversified Use which shall be imposed the non-residential rate.

3.12 The Development Charge payable for Rental Housing developments will be reduced based on the number of bedrooms in each unit as follows:

- (a) Three or more bedrooms – 25% reduction;
- (b) Two bedrooms – 20% reduction; and
- (c) All other bedroom quantities – 15% reduction.

3.13 The following shall be exempt from payment of the Development Charges:

- (a) Affordable residential units;
- (b) Attainable residential units; and
- (c) Affordable inclusionary residential units.

Amount of Charges

Residential

- 3.14 The residential 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, and the residential portion for a Live-Work unit, according to the type of residential unit, and calculated with respect to the service according to the type of residential use.

Non-Residential

- 3.15 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 portion for a Live-Work unit, and calculated with respect to the service according to the total floor area of the non-residential use.

Area-Specific (Breslau Sanitary Servicing)

- 3.16 There shall be an additional Development Charge component imposed within the Breslau Sanitary Servicing area for sanitary servicing which shall be equal to the sanitary service component of the current City of Kitchener Development Charge. Such component shall be adjusted annually, without amendment to this by-law, commencing on the first anniversary date of this by-law to equal the sanitary service component of the Current City of Kitchener Development Charge. This Breslau Sanitary Servicing area is set out in Schedule "C" of this By-law.

Reduction of Development Charges for Redevelopment

- 3.17 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:

(d) 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 3.14 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and

(e) 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 3.15, 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 and Determination of Development Charges

3.18 Except as otherwise provided in this By-law, Development Charges shall be determined and payable in full in cash or certified cheque in Canadian funds or by credits granted by the Act, on the date that the first building permit is issued.

3.19 Except as otherwise provided in this By-law, a building permit shall not be issued until the development charge has been paid in full.

3.20 Notwithstanding subsections 3.18 and 3.19, Development Charges for rental housing and institutional developments are due and payable in 6 equal installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest at the prescribed rate, as per the Act, payable on the anniversary date each year thereafter.

3.21 Notwithstanding subsections 3.18 through 3.20, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received between January 1, 2020, and June 5, 2024, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Section 2 shall be calculated based on the

rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply, Development Charges shall be calculated on the rates, including interest at the prescribed rate, set out in Schedule "B" on the date of the later planning application, the Development Charges shall be calculated based on the rate in effect on the date of the Site Plan or Zoning By-law Amendment application, including interest at the prescribed rate.

- 3.22 Notwithstanding subsections 3.18 through 3.20, where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received as of June 6, 2024, and the approval of the application occurred within 18 months of building permit issuance, the Development Charges under Section 2 shall be calculated based on the rates set out in Schedule "B" on the date of the planning application, including interest at the prescribed rate. Where both planning applications apply, Development Charges shall be calculated on the rates, including interest, set out in Schedule "B" on the date of the later planning application, the Development Charges shall be calculated based on the rate in effect on the date of the Site Plan or Zoning By-law Amendment application, including interest at the prescribed rate.
- 3.23 Interest for the purposes of rules 3.20, 3.21 and 3.22 shall be determined as prescribed in the Development Charges Act, as amended from time to time.
- 3.24 Despite sections 3.18 through 3.22, 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 3.14 and 3.15, 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 February 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 Class of Services Designated in sections 2.1 and 2.2.

Schedule “B” - Residential and Non-Residential Development Charges.

Schedule “C” - Breslau Sanitary Servicing Area

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 July 2, 2024.

10. DATE BY-LAW EXPIRES

10.1 This By-law will expire at 12:01 AM on July 2, 2034 unless it is repealed by Council at an earlier date.

11. EXISTING BY-LAW REPEALED

11.1 By-law Number 45-2019 is hereby repealed as of the date and time of this By-law coming into effect.

PASSED THIS 2nd DAY OF July, 2024

Signature on file

Mayor

Signature on file

Clerk

SCHEDULE "A" TO BY-LAW
DESIGNATED MUNICIPAL SERVICES AND CLASS OF SERVICES UNDER THIS BY-
LAW

Township-Wide Services

- 1. Services Related to a Highway;
- 2. Fire Protection Services;
- 3. Parks and Recreation Services;
- 4. Library Services;
- 5. Provincial Offences Act, including By-law Enforcement;
- 6. Emergency Preparedness.

Township-Wide Class of Services

- 1. Growth-Related Studies.

Urban-Wide Services

- 1. Water Services;
- 2. Wastewater Services;
- 3. Stormwater Services.

Area Specific Services

- 4. Wastewater Services in the Breslau Sanitary Servicing Area (as set by the City of Kitchener)

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

Services/Class of Services	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Multiple Dwellings	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Township-Wide Services:						
Services Related to a Highway	11,615	8,769	7,426	4,811	3,740	4.35
Fire Protection Services	1,617	1,221	1,034	670	521	0.61
Parks and Recreation Services	4,280	3,231	2,736	1,773	1,378	0.20
Library Services	357	270	228	148	115	0.02
Provincial Offences Act including By-Law Enforcement	13	10	8	5	4	-
Emergency Preparedness	19	14	12	8	6	0.01
Township-Wide Class of Services:						
Growth-Related Studies	858	648	549	355	276	0.30
Total Township-Wide Services/Class of Services	\$18,759	\$14,163	\$11,993	\$7,770	\$6,040	\$5.49
Urban Services						
Wastewater Services	5,546	4,187	3,546	2,297	1,786	2.14
Water Services	3,249	2,453	2,077	1,346	1,046	1.25
Stormwater Services	210	159	134	87	68	0.08
Total Urban Services	\$9,005	\$6,799	\$5,757	\$3,730	\$2,900	\$3.47
Breslau Sanitary Servicing Area						
Wastewater Services	4,317	2,182	1,746	1,636	1,636	2.52
GRAND TOTAL RURAL AREA	\$18,759	\$14,163	\$11,993	\$7,770	\$6,040	\$5.49
GRAND TOTAL URBAN AREA	\$27,764	\$20,962	\$17,750	\$11,500	\$8,940	\$8.96
GRAND TOTAL BRESLAU SANITARY SERVICING AREA	\$32,081	\$23,144	\$19,496	\$13,136	\$10,576	\$11.48

SCHEDULE "C" TO BY-LAW
BRESLAU SANITARY SERVICING AREA

