THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

BY-LAW NO. 90-2021

A BY-LAW FOR THE IMPOSITION OF AN AREA-SPECIFIC DEVELOPMENT CHARGE FOR THE WELLINGTON URBAN SERVICED AREA

WHEREAS the County of Prince Edward will experience growth through development and re-development in the Wellington Urban Serviced Area;

AND WHEREAS development and re-development requires the provision of physical and social services by the County of Prince Edward;

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 County of Prince Edward or its existing ratepayers while at the same time ensuring new ratepayers 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 County of Prince Edward has given notice of and held a public meeting on the 14th day of January, 2021 in accordance with the Act and the regulations thereto;

NOW THEREFORE the Council of The Corporation of the County of Prince Edward 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;

"apartment unit" means a building containing 4 or more dwelling units which have a common entrance from the street level, and the occupants of which have the right to use common elements, including units defined as Assisted Care Dwelling Units, Despite the foregoing, an apartment dwelling includes stacked townhouse dwellings;

"assisted care dwelling unit" means a unit in a residential building not otherwise defined in this bylaw containing self-contained dwelling units which may include culinary facilities that are designed to accommodate persons with specific needs and where meals are provided within a common eating area;

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

"board of education" has the same meaning as set out in the *Education Act*, R.S.O. 19990, Chap. E.2, as amended, or any successor thereof;

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

"capital cost" means costs incurred or proposed to be incurred by the 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. 19990, 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 County of Prince Edward;

"County" means the area within the geographic limits of the County of Prince Edward;

"development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that the effect of increasing the size of usability thereof, and includes redevelopment;

"development charge" means a charge imposed with respect to this By-law;

"dwelling unit" means one or more rooms used, designed or intended to be used as a residence and which has access to culinary and or sanitary facilities;

"existing" means the number, use and size that existed as of the date this by-law was passed;

"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, and where the building has only one wall or does not have any walls, the gross floor area shall be the total of the areas directly beneath any roof-like structure of the building, 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, 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. Industrial wind turbines and industrial solar farms are included as industrial developments;

"institutional development" means development of a building or structure intended for use,

(a) as a long-term care home within the meaning of subsection 2(1) of the Long-Term Care Homes Act, 2007;

(b) as a retirement home within the meaning of subsection 2(2) of the *Retirement Homes Act*, 2010;

(c) by any of the following post-secondary institutions for the objects of the institutions:

(i) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario

(ii) A college or university federated or affiliated with a university described in subclause 1.19.3.2; or

(iii) An Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act*, 2017

(d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or

(e) as a hospice to provide end of life care

"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 municipality or any part or parts thereof;

"local services" means those services, facilities or things which are under the jurisdiction of the County of Prince Edward 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. 19990, Chap. P.13, as amended, or any successor thereof;

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

"municipality" means the Corporation of the County of Prince Edward;

"Non-profit housing development" means development of a building or structure intended for use as residential premises by,

(a) a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary objective is to provide housing;

(b) a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary objective is to provide housing; or

(c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.

"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 County, 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'

"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;

"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 Dwelling" means a permanent or non-permanent 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, 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;

"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;

"stacked townhouse" means a building, other than a duplex, row dwelling, or back-to-back townhouse, containing at least 3 dwelling units; each dwelling unit separated from the other vertically and/or horizontally and each dwelling unit having a separate entrance to grade;

"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 months; and

"Wellington Urban Serviced Area" means lands within the defined area as identified in Schedule "B" to this By-law.

"Zoning By-Law" means the Zoning By-Law of the County of Prince Edward 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) Water Services;

(b) Wastewater Services;

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 within the defined Wellington Urban Service Area 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; or

(b) a board of education.

3.4 Approvals for Development

(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 or 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 in an ancillary structure to the existing single detached dwelling; or

(c) one additional dwelling unit in any other existing residential building or ancillary structure to the existing dwelling unit;

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

3.6 Notwithstanding section 3.5(b), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.

3.7 Notwithstanding section 3.5(c), development charges shall be imposed if the additional unit has a gross floor area greater than

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

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

3.8 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1.	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units. The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
2.	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units. The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
3.	Proposed new residential buildings that would be ancillary to a proposed new detached	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are	The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit. The gross floor area of the dwelling unit in

	dwelling, semi-detached dwelling or row dwelling	permitted to contain a single dwelling unit.	the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.

Exemption for Industrial Development:

3.9 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.

3.10 If the gross floor area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

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

(b) divide the amount determined under subsection 1) by the amount of the enlargement

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

Amount of Charges

Residential

3.12 The development charges set out in Schedule "A" 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

3.13 The development charges described in Schedule "A" 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

3.14 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 3.12 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 3.13, 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.

3.15 Affordable Housing Adjustment

(a) In this Section "Affordable Housing Unit" means any single detached dwelling with more than two bedrooms for which the purchase price is at least 25% less than the average purchase price for a single detached dwelling in the County of Prince Edward.

(b) In determining the average purchase price for a single detached dwelling in the County of Prince Edward for the purposes of subparagraph (a) above, the average purchase price for a single detached dwelling will be calculated for the calendar year next preceding the calendar year in which

the completed application for the building permit for the dwelling unit in question is received and shall be determined by the Chief Building Official on the basis of information compiled by the Quinte Real Estate Board or its successor.

(c) The development charge payable for a single detached dwelling unit with more than two bedrooms that qualifies as an Affordable Housing Unit in accordance with the definition as set out in subparagraph 1 above shall be equal to the development charge otherwise payable pursuant to this By-law for a single detached dwelling unit that contains two bedrooms or less.

(d) Despite the provisions of subparagraph © above, the development charge required by this By-law for a single detached dwelling unit with more than two bedrooms shall be paid prior to the issuance of the building permit in accordance with the provisions of this By-law.

(e) The person to whom the building permit was issued may upon completion of the initial sale of a single detached dwelling unit with more than two bedrooms apply to the Chief Building Official for a reduction of the Development Charge payable to the rate set out in subparagraph © above and shall provide such documentary evidence as is satisfactory to the Chief Building Official that the building qualifies as an Affordable Housing Unit as defined in subparagraph (a) above.

(f) Satisfactory documentary evidence that the building qualifies as an Affordable Housing Unit shall include, but not be limited to:

(g) a copy of a Land Transfer Tax Affidavit duly executed in accordance with Section 5 (1.2) of the Land Transfer Tax Act; or

(h) a statement forming part of the electronic document as required by Section 5 (1.1) of the Land Transfer Tax Act.

(i) Upon receiving an application for reduction of the Development Charge in accordance with subparagraph 5 of this By-law, and upon being satisfied that the building qualifies as an Affordable Housing Unit as defined in subparagraph (a) above, the Chief Building Official may refund to the person to whom the building permit was originally issued a sum equal to the difference between the Development Charge that originally paid upon

the issuance of the building permit and the Development Charge that would be payable for a single detached dwelling unit that contains two bedrooms or less as provided for in this By-law.

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 3.15, 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.

3.18 Notwithstanding Sections 3.16 and 3.17, Development Charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

3.19 Notwithstanding Sections 3.16 and 3.17, Development Charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest, payable on the anniversary date each year thereafter.

3.20 Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment received on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the Development Charges under Section 3.12 and 3.13 shall be calculated on the rates set out in Schedule "A" on the date of the planning application, including interest. Where both planning applications apply, Development Charges under Sections 3.12 and 3.13 shall be calculated on the rates, including interest, set out in Schedule "A" on the date of the later planning application.

3.21 Interest for the purposes of Sections 3.18, 3.19, and 3.20 shall be determined as the bank of Canada Prime Interest Rate plus _% on the date of building permit issuance. Notwithstanding the foregoing, the interest rate shall not be less than 0%.

Reduction for *Municipal Act* Capital Charges Paid

3.22 Where a *Municipal Act* Capital Charge has been with respect to the proposed development under by-law 4019-2017 or a predecessor, the development charges calculated under Section 3.12 and 3.13 will be reduced by the amount of *Municipal Act* Capital Charge already paid. Notwithstanding the forgoing, the development charge payable cannot be less than $0.

4. PAYMENT BY SERVICES

4.1 Despite the payment required under subsections 3.12 and 3.13, 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 therefore shall be adjusted annually by the percentage change during the preceding year as recorded in the Statistics Canada Quarterly, Construction Price Statistics, Non-residential building construction price indexes for the Toronto area.

6. SCHEDULES

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

Schedule "A" – Residential and Non-Residential Development Charges

Schedule "B" – Map of Wellington Urban Serviced Area

7. CONFLICTS

7.1 Where the County 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

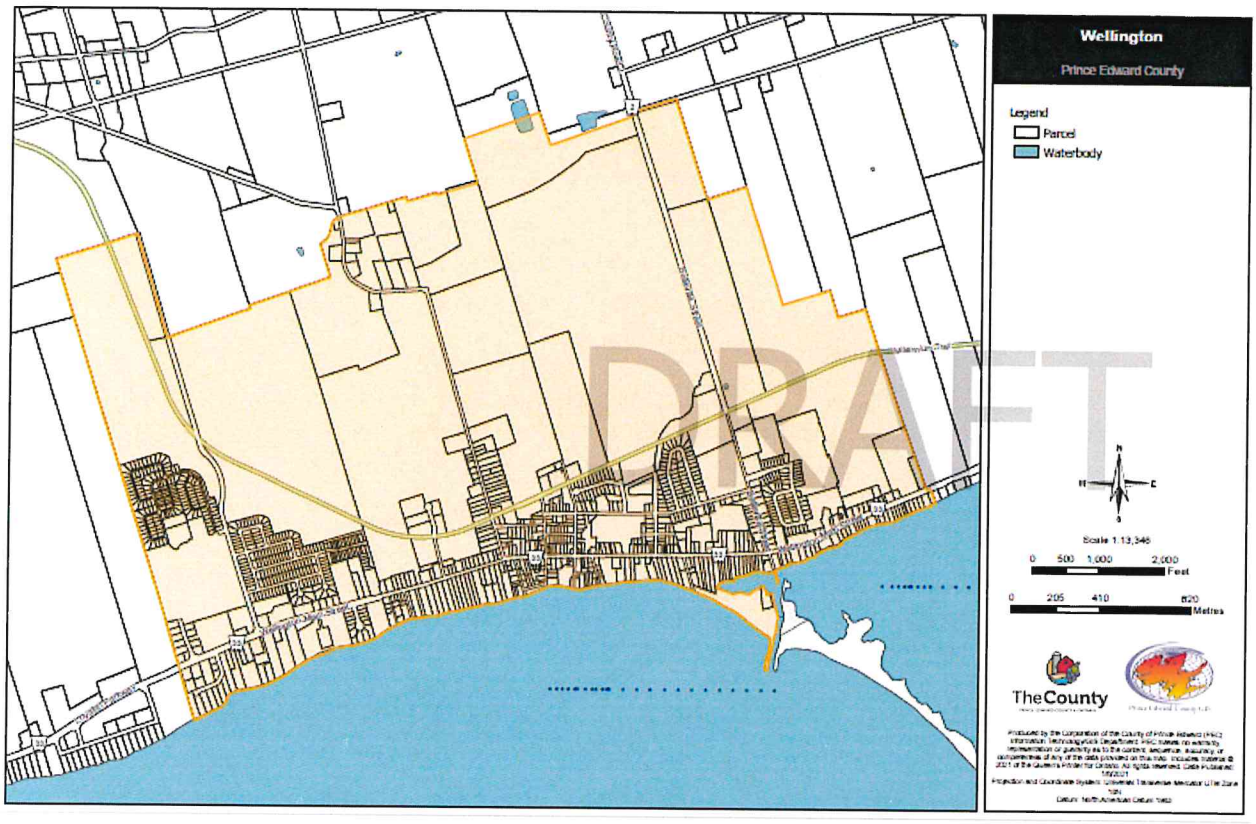
9.1 This By-law shall come into effect at 12:01 AM on May 26, 2021, and will remain in effect until repealed by Council.

Read a first, second and third time and finally passed this 25th day of May, 2021.

Chad Curtis, **CLERK**

Steve Ferguson, **MAYOR**

SCHEDULE "A" TO BY-LAW NO. 90-2021
SCHEDULE OF AREA-SPECIFIC DEVELOPMENT CHARGES FOR THE WELLINGTON URBAN SERVICED AREA

Service	RESIDENTIAL						NON-RESIDENTIAL
	Single and Semi-Detached Dwelling (>2 Bedrooms)	Single and Semi-Detached Dwelling (=<2 Bedrooms)	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples (>2 Bedrooms)	Other Multiples (=<2 Bedrooms)	(per sq.ft. of Gross Floor Area)
Wastewater Services	8,078	5,583	4,591	3,290	5,689	4,465	10.55
Water Services	13,370	9,241	7,599	5,446	9,416	7,390	24.39
Total Urban Services	**21,448**	**14,824**	**12,189**	**8,737**	**15,104**	**11,854**	**34.94**

SCHEDULE "B" TO BY-LAW NO. 90-2021
WELLINGTON URBAN SERVICED AREA