

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2024-70

A BY-LAW FOR THE IMPOSITION OF DEVELOPMENT CHARGES

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

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 West Lincoln 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 Charges Background Study dated May 13, 2024, has been completed in accordance with the Act;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln has given notice of and held a public meeting on May 27, 2024 in accordance with the Act and the regulations thereto;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN 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 a use of land, building, or structures, which is incidental and subordinate to the principal use of the lands, buildings or structures;

“**Affordable Residential Unit**” means a Dwelling Unit that meets the criteria set out in subsection 4.1 (2) or 4.1(3) of the Act.

“**Agricultural use**” means use or intended use for bona fide farming purposes where 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;

(a) including (but not limited to):

(i) barns, silos, and implement/agricultural storage buildings;

(ii) cultivation of crops, whether on open land or in greenhouses,

including (but not limited to) fruit, vegetables, herbs, grains, field crops, sod, trees, shrubs, flowers, and ornamental plants;

- (iii) agricultural raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish;
- (iv) animal husbandry, dairying, equestrian activities, horticulture, fallowing, pasturing, and market gardening; and
- (v) bunk houses.

(b) but excluding:

- (i) retail sales activities; including but not limited to restaurants, banquet facilities, hospitality facilities and gift shops;
- (ii) services related to grooming, boarding or breeding of household pets;
- (iii) marijuana growing (including the greenhouse), processing, or production facilities; and
- (iv) residential buildings.

“Apartment unit” means any residential unit within a building containing more than four dwelling units where the units are connected by an interior corridor but does not include a special care/special need dwelling unit/room or, dormitories;

“Attainable Residential Unit” means a Dwelling Unit that meets the criteria set out in subsection 4.1(4) of the Act.

“Back-to-back townhouse dwelling” means a building containing more than two 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 eight square metres, including a den, study, or other similar area, but does not include a living room, dining room, kitchen or bathroom;

“Board of Education” has the same meaning as set out in the *Education Act*, R.S.O. 1990, Chap. E.2, as amended, or any successor thereof;

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

“Bunk house” means a building accessory to a permitted agricultural use containing kitchen and bathroom facilities and sleeping accommodation in individual or combination rooms for seasonal workers directly employed by the permitted use;

“Calculation date” means the date on which the first building permit is issued by the Township;

“Capital cost” shall have the same meaning as described in Section 5 of the

Development Charges Act, 1997, as amended.

“Class” means a grouping of services combined to create a single service for the purposes of this By-law and as provided in Section 7 of the Development Charges Act.

“Commercial” means any use of land, structures or buildings for the purposes of buying or selling commodities and services, but does not include industrial, institutional or agricultural uses as defined herein, but does include hotels, motels, motor inns and boarding, lodging and rooming houses, and self-storage facilities;

“Council” means the Council of the Township of West Lincoln;

“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 by one or more persons as a residence which has access to culinary and sanitary facilities;

“Existing industrial building” has the same meaning as in O. Reg. 82/98;

“Garden suite” means a one-unit detached, temporary residential structure, containing culinary and sanitary facilities that is ancillary to an existing residential structure and that is designed to be temporary;

“Grade” means the average level of finished ground adjoining a building or structure at all exterior walls;

“Gross floor area” means the total area of all floors measured between the outside of exterior walls, virtual walls or between the outside surfaces of exterior walls or virtual walls and the centre line of party walls dividing the building from another building of all floors and mezzanines, above and below the average level of finished ground adjoining the building at its exterior walls;

“Industrial use” means land, buildings, or structures used or designed for or in connection with manufacturing by:

- (a) manufacturing, producing or processing goods for a commercial purpose, as well as storing and/or distribution of goods manufactured, produced or processed on site;
- (b) research or development in connection with manufacturing, producing or processing of goods for a commercial purpose;
- (c) storage of anything used or produced in manufacturing producing or processing by the manufacturer, producer or processor at the site where the manufacturing, producing or processing takes place;

- (d) retail sales by a manufacturer producer or processor of goods they manufactured, produced or processed, if the retail sales are at a site where manufacturing, production or processing takes place;
- (e) office or administrative use if it
 - (i) is carried out with respect to manufacturing, producing, processing, storage or distributing of something; and;
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;
- (f) but excluding:
 - (i) self-storage facilities.

“Institutional use” 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 Fixing Long-Term Care Act, 2021, S.O. 2021, c. 39, Sched. 1 (“Fixing Long-Term Care Act”);
- (b) as a retirement home within the meaning of subsection 2(1) of the Retirement Homes Act, 2010, S.O. 2010, c. 11
- (c) by any of the following post-secondary institutions for the objects of the institution:
 - (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 (i), or
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017, S.O. 2017, c. 34, Sched. 20;

“Interest rate” means the annual rate of interest as set out in section 26.3 of the Act.

“Live/work unit” means a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas;

“Local Board” has the same meaning as in the Act;

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

“Marijuana production facilities” means a building used, designed or intended

for growth, producing, testing, destroying, storing or distribution, excluding retail sales, of medical marijuana or cannabis authorized by a license issued by the federal Minister of Health pursuant to section 25 of the Marihuana for Medical Purposes Regulations, SOR/2013-119, under the Controlled Drugs and Substances Act, S.C. 1996, c.19.

“Mezzanine” means an intermediate floor assembly between the floor and ceiling of any room or storey and includes an interior balcony;

“Multiple dwellings” means all dwellings other than single-detached, semi-detached and apartment unit dwellings or a dwelling room, including, but not limited to, row dwellings, multiplex, back-to-back townhouse dwelling, and the residential component of live/work units;

“Municipality” means the Corporation of the Township of West Lincoln;

“Non-profit housing development” means Development of a building or structure that meets the criteria set out in section 4.2 of the 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 Township, as amended and approved;

“Owner” means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;

“Place of worship” means that part of a building or structure owned by a church for religious organization that is exempt from taxation as a place of worship under the *Assessment Act*, R.S.O. 1990, Chap. A.31, as amended, or any successor;

“Regulation” means any regulation made pursuant to the Act;

“Residential building” means a building used exclusively for residential use, including but not limited to a single detached dwelling, a semi-detached dwelling, a row dwelling, stacked townhouse dwelling back-to-back townhouse dwelling, a multiplex dwelling, an apartment dwelling, a dwelling room; or the residential component of a live/work unit;

“Row dwelling” means a residential building containing three or more attached dwelling units separated by vertical division, each of which units has a separate entrance to grade;

“Rural area” means those areas within the Municipality not shown as being within the urban boundary in schedule C of this by-law;

“Semi-detached dwelling” means a dwelling unit in a residential building Consisting of two dwelling units separated by vertical division each of which units has a separate entrance to grade;

“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 containing one dwelling unit and not attached to another structure. Where it is attached to another structure by footings or below grade walls only, it shall be considered a single detached dwelling for the purposes of this By-law;

"Special care facilities" means lands, buildings or structures used or designed or intended for uses for the purpose of providing supervision, nursing care or medical treatment, which do not comprise dwelling units, that are licensed, approved or supervised under any special or general statute, and excludes the special care/special dwelling portions of the building.

"Special care/special dwelling" means a residential portion of a special care facilities building containing two or more dwelling units, which units have a common entrance from street level:

- (a) Where the occupants have the right to use in common, halls, stairs, yards, common rooms, and accessory buildings;
- (b) Which may or may not have exclusive sanitary and/or culinary facilities;
- (c) That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements;
- (d) Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels; and
- (e) Includes, but is not limited to, retirement houses or lodges, nursing homes, group homes and hospices.

“Stacked townhouse dwelling” means 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 or floor;

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

“Urban serviced area” means the area within the Municipality shown as being within the urban boundary in Schedule C of this by-law;

“Wind turbine” means a part of a system that converts energy into electricity, and consists of a wind turbine, a tower and associated control or conversion electronics. A wind turbine and energy system may be connected to the electricity grid in circuits at a substation to provide electricity off-site for sale to an electrical utility or other intermediary, where there is a rated output of more than 3 kilowatts;

“Zoning By-law” means the Zoning By-law of the Township of West Lincoln or

any successor thereof passed pursuant to section 34 of the *Planning Act*, S.O. 1998.

2. DESIGNATION OF SERVICES / CLASS 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) Growth Studies;
- (f) Stormwater Services (urban serviced area);
- (g) Wastewater Services (urban serviced area);
- (h) Water Services (urban serviced area).

2.2 The components of the services designated in section 2.1 are described in Schedule A to this By-law.

3. APPLICATION OF DEVELOPMENT CHARGES

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 West Lincoln whether or not the land or use thereof is exempt from taxation under section 3 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 Municipality or a local board thereof;
- (b) a Board of Education;
- (c) the Regional Municipality of Niagara or a local board thereof.

Approvals for Development

3.4 (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:

- (i) the passing of a Zoning By-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
 - (ii) the approval of a minor variance under section 45 of the *Planning Act*;
 - (iii) a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies
 - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (v) a consent under section 53 of the *Planning Act*;
 - (vi) the approval of a description under section 50 of the *Condominium Act*, R.S.O. 1990, Chap. C.26, as amended, or any successor thereof; or
 - (vii) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- (b) No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in subsection 3.4 (a) are required before the lands, buildings or structures can be developed.
- (c) Despite subsection 3.4 (b), if two or more of the actions described in subsection 3.4 (a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

3.5 Exemptions for Intensification of Existing or New Housing

- (a) Notwithstanding any other provision of this By-law, Development Charges shall not be imposed with respect to:
- (i) an enlargement to an existing Dwelling Unit;
 - (ii) the creation of additional Dwelling Units equal to the greater of one (1) or 1% of the existing Dwelling Units in an existing Residential rental building containing four (4) or more Dwelling Units or prescribed ancillary structure to the existing Residential building;
- (b) Notwithstanding any other provision of this By-law, Development Charges shall not be imposed with respect to the creation of any of the following in existing Single Detached Dwellings, Semi-Detached Dwellings, Back-to-back Townhouse Dwellings or Stacked Townhouse Dwellings:
- (i) A second Dwelling Unit 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 Residential structure cumulatively contain no more than one (1) Dwelling Unit.

- (ii) A third Dwelling Unit 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 Residential structure contains any Dwelling Units.
 - (iii) One Dwelling Unit on a parcel of urban Residential land, if the existing structure contains no more than two (2) Dwelling Units and no other building or structure ancillary to the existing Residential structure contains any Dwelling Units.
- (c) Notwithstanding any other provision of this By-law, Development Charges shall not be imposed with respect to the creation of any of the following in new Single Detached Dwellings, Semi-Detached Dwellings, Back-to-back Townhouse Dwellings or Stacked Townhouse Dwellings:
- (i) A second Dwelling Unit 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 Residential structure cumulatively will contain no more than one (1) Dwelling Unit.
 - (ii) A third Dwelling Unit 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 Residential structure contains any Dwelling Units.
 - (iii) One (1) Dwelling Unit in a building or structure ancillary to a new Residential structure on a parcel of urban Residential land, if the new Residential structure contains no more than two (2) Dwelling Units and no other building or structure ancillary to the new Residential structure contains any Dwelling Units.

3.6 Exemption for Industrial Expansion

- (a) Pursuant to the Act, and notwithstanding any other provisions of this By-law, there shall be an exemption from the payment of development charges for one or more enlargements of existing industrial buildings on a site, up to a maximum of fifty percent of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the *Development Charges Act* or this section. The development need not be an attached addition or expansion of an existing industrial building, but rather may be a new standalone structure, provided it is located on the same parcel of land. Development charges shall be imposed in accordance with this By-law with respect to the amount of floor area of an enlargement that results in the gross floor area of the industrial building on the site being increased by greater than fifty percent of the gross floor area of all existing industrial buildings on the site.
- (b) 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:

- (i) determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement;
 - (ii) divide the amount determined under subsection (i) by the amount of the enlargement.
- (c) For the purpose of section 3.6 herein, "existing industrial building" is used as defined in the Regulation made pursuant to the Act.

3.7 Other Exemptions

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

- (a) lands, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the *Assessment Act*;
- (b) that portion of the place of worship which is used exclusively as a place of worship for religious services and any reception and meeting areas used in connection with, or integral to the place of worship space;
- (c) agricultural uses;
- (d) garden suites;
- (e) canopies including gas station canopies and those intended for the parking and loading or unloading of vehicles;
- (f) lands and buildings used or intended to be used as municipal housing project facilities, as set out in section 110 of the *Municipal Act, 2001*, S.O. 2001 c.25, O. Reg. 603/06 under the *Municipal Act, 2001*, and the Region's Municipal Housing Facility By-law, all as may be amended;
- (g) lands and buildings used for affordable housing projects that receive funding through an agreement with Niagara Regional Housing or a department or designated agency of the Niagara Region, provided that:
 - (i) this exemption shall only apply to that proportion or number of units in a development which are designated or identified as affordable housing; and
 - (ii) the owner of the lands continues to use the lands and buildings for affordable housing. If the owner ceases to use the proportionate share of the lands and buildings for affordable housing, the development charges exempted under this section shall become due and payable. The owner shall be required to enter into an agreement with the Municipality under section 27 of the Act respecting the timing and calculation of payment of development charges, notice of which the owner shall register on the title to the

lands at its sole cost and expense with the intention that the provisions shall bind and run with title to the lands.

- (h) 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 is exempt from development charges imposed under the Development Charges Act, 1997 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university;
- (i) Non-profit Residential Development;
- (j) Affordable Residential Units required pursuant to section 34 and 16(4) of the Planning Act (Inclusionary Zoning).
- (k) As of the date on which section 4.1 of the Act is proclaimed into force, the following shall be exempt from Development Charges:
 - (i) Affordable Residential Units; and
 - (ii) Attainable Residential Units
- (l) Notwithstanding any other provision of this By-law, the Development Charges payable for Residential Developments, where the Dwelling Units are intended as Rental Housing, will be reduced based on the number of bedrooms in each Dwelling Unit in accordance with section 26.2(1.1) of the Development Charges Act, as follows:
 - (i) Three (3) or more Bedrooms – 25% reduction;
 - (ii) Two (2) Bedrooms – 20% reduction; and
 - (iii) Fewer than two (2) Bedrooms – 15% reduction.

3.8 Reduction of Development Charges for Redevelopment

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

- (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge in place at the time the development charge is payable 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 in place at the time the development charge is payable by the gross floor area that has been or will be demolished or converted to another principal use.

A credit can, in no case, exceed the amount of the development charge that would otherwise be payable, and no credit is available if the existing land use is exempt under this By-law.

3.9 Amount of Charges

(a) Residential

The development charges, set out in Schedule B shall be imposed on all residential development, including a dwelling unit accessory to a non-residential development and the residential component of a mixed-use building, including the residential component of a live/work unit, according to the number and type of dwelling unit and calculated with respect to each of the services according to the type of residential use.

(b) Non-Residential

For development for non-residential purposes as set out in Schedule "B", development charges shall be imposed on all non-residential development and, in the case of a mixed-use building, on the non-residential component of the mixed-use building, including the non-residential component of a live/work unit, according to the type and gross floor area of the non-residential component.

(c) Wind Turbines

The development charges described in Schedule "B" to this by-law shall be imposed on industrial wind turbines and calculated at the single detached and semi-detached dwelling rate with respect to services related to a highway (50%), fire protection (100%), and growth studies (100%).

4. TIME OF PAYMENT OF DEVELOPMENT CHARGES

- 4.1 The development charges under this By-law shall be calculated using the rate effective on the calculation date with respect to such development and shall be payable on the issuance of the first building permit with respect to the structure.
- 4.2 Where development charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full.
- 4.3 Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected in like manner as taxes.
- 4.4 Notwithstanding section 4.1 of this by-law, the Township may require an owner to enter into an agreement, including the provision of security for the owner's obligations under agreement, pursuant to Section 26 of the Act providing for all or part of a development charge to be paid before or after it otherwise would be

payable. The terms of such agreement shall then prevail over the provision of this By-law.

- 4.5 Development charges for rental housing and institutional developments are due and payable in six equal annual instalment payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest (calculated in accordance with Section 26.3 of the Act), payable on the anniversary date each year thereafter.
- 4.6 Where the development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within the prescribed amount of time specified in Section 26.2 (5) of the Act of building permit issuance, the development charges under section 3.9 of this by-law shall be calculated on the rates set out in Schedule "B" on the date of the receipt of a complete planning application, including interest. Where both planning applications apply development charges under section 3.9 of this by-law shall be calculated on the rates payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest (calculated in accordance with section 26.3 of the Act).

5. SERVICES IN LIEU

- 5.1 Council may authorize an owner, through an agreement under Section 38 of the Act to substitute such part of the development charge applicable to the owner's development as may be specified in the agreement, by the provision at the sole expense of the owner, of services in lieu. Such agreement shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against the development charge in accordance with the agreement provisions and the provisions of Section 39 of the Act, equal to the reasonable cost to the owner of providing the services in lieu. In no case shall the agreement provide for a credit which exceeds the total development charge payable by an owner to the Municipality in respect of the development to which the agreement relates.
- 5.2 In any agreement under section 5.1, Council may also give a further credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this By-law.
- 5.3 The credit provided for in section 5.2 shall not be charged to any development charge reserve fund prescribed in this By-law.

6. LOCAL SERVICE INSTALLATION

- 6.1 Nothing in this by-law prevents Council from requiring, as a condition of an agreement under sections 40, 51 or 53 of the *Planning Act*, that the owner, at their own expense, shall install such local services within the plan of subdivision, and otherwise, as Council may require, that the owner pay for, or install local services within the area to which the plan relates.

7. RESERVE FUNDS

- 7.1 Development charge payments received by the Municipality pursuant to this By-law shall be maintained in a separate reserve fund or funds for each service to which the development charge relates and shall be spent only for the capital costs determined under paragraphs 2 to 8 of subsection 5 (1) of the Act.
- 7.2 Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
- 7.3 Where any unpaid development charges are collected as taxes under section 4.3, the monies so collected shall be credited to the development charge reserve fund or funds referred to in subsection 7.1.
- 7.4 The Treasurer of the Municipality shall furnish to Council an annual statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in sections 12 and 13 of O. Reg. 82/98.

8. FRONT ENDING AGREEMENTS

- 8.1 The Municipality may enter into agreements with an owner or owners of land in accordance with section 44 of the Act.

9. BY-LAW AMENDMENT OR REPEAL

- 9.1 Where this by-law or any development charge prescribed thereunder is amended or repealed by order of the Ontario Land Tribunal or by resolution of the Municipal Council, the Municipal Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
- 9.2 Refunds that are required to be paid under section 9.1 shall be paid to the registered owner of the land on the date on which the refund is paid.
- 9.3 Refunds that are required to be paid under section 9.1 shall be paid with interest to be calculated as follows:
- (a) interest shall be calculated from the date on which the overpayment was collected to the day on which the refund is paid;
 - (b) the refund shall include the interest owed under this section;

- (c) interest shall be paid at the Bank of Canada rate in effect on the date of enactment of this by-law.

10. INDEXING

10.1 Development charges imposed pursuant to this By-law as set out in Schedule "B" shall be adjusted annually, without amendment to this By-law, in accordance with the Statistics Canada Quarterly, Non-Residential Building Construction Price Index, as follows:

- (a) The initial adjustment shall be January 1, 2025, and
- (b) Thereafter, adjustment shall be made on January 1 of each year.

10.2 For greater certainty, on January 1 of each year, the annual indexation adjustment shall be applied to the development charge as set out in Schedule "B" plus the accumulated annual indexation adjustment from previous years if any.

11. SCHEDULES

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

- Schedule "A" – Components of Services Designated in section 2.1
- Schedule "B" – Residential and Non-Residential Development Charges
- Schedule "C" – Urban Serviced Area

12. CONFLICTS

12.1 Where the Municipality 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.

12.2 Notwithstanding section 13.1, where a development which is the subject of an agreement to which section 5.1 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.

13. SEVERABILITY

13.1 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.

14. DATE BY-LAW IN FORCE

14.1 This By-law shall come into force on October 29, 2024.

15. DATE BY-LAW EXPIRES

15.1 This By-law will expire 10 years from date of passage unless it is repealed by Council at an earlier date.

16. EXISTING DEVELOPMENT CHARGE BY-LAW REPEAL

16.1 By-law 2019-51, as amended, is hereby repealed as of the date and time of this by-law coming into effect.

17. CORRECTIONS

17.1 The Clerk of the Municipality is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
28 DAY OF OCTOBER, 2024**



MAYOR CHERYL GANANN



JUSTIN PAYLOVE, CLERK

SCHEDULE "A" TO BY-LAW 2024-70

COMPONENTS OF SERVICES DESIGNATED IN SUBSECTION 2.1

TOWNSHIP-WIDE SERVICES

Services Related to a Highway

Roads (incl. streetlights, sidewalks, bridges and culverts)
Depots and Domes
Public Works Rolling Stock

Fire Protection Services

Fire Facilities
Fire Vehicles
Fire Small Equipment and Gear

Parks and Recreation Services

Parkland Development, Amenities & Trails
Recreation Facilities
Parks Vehicles and Equipment

Library Services

Library Facilities
Library Materials

Growth Studies

Growth Studies

URBAN SERVICED AREA SERVICES

Storm Water Drainage and Control Services

Storm Sewers

Wastewater Services

Sanitary Sewers

Water Services

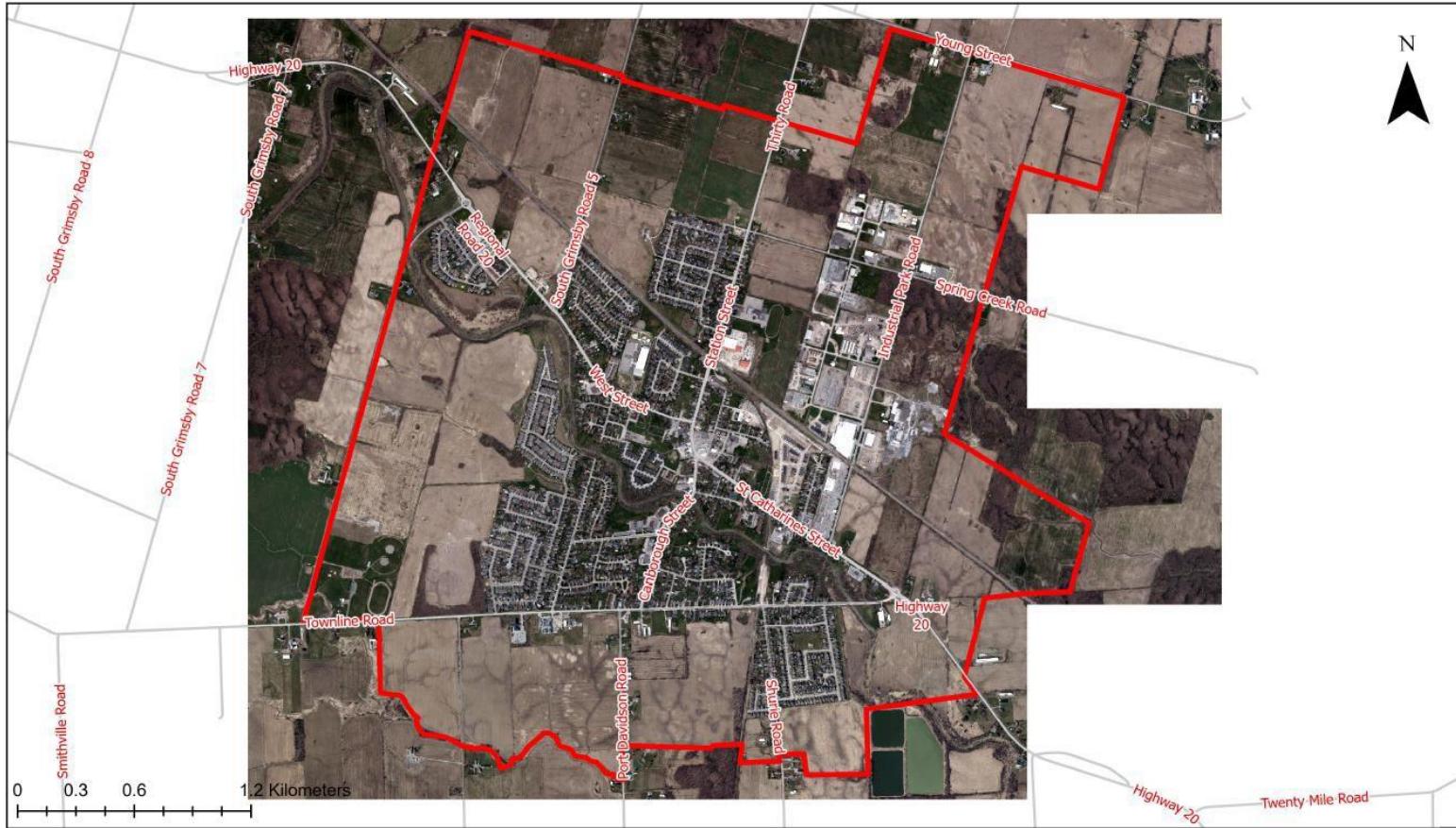
Distribution Systems

SCHEDULE "B" TO BY-LAW 2024-70

**SCHEDULE OF DEVELOPMENT CHARGES FOR TOWNSHIP-WIDE
AND URBAN SERVICED AREA**

Service	RESIDENTIAL					NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Wind Turbines	(per sq.ft. of Gross Floor Area)
Township Wide Services							
Services Related to a Highway	18,388	12,590	11,789	7,638	6,385	9,194	6.96
Fire Protection Services	2,241	1,534	1,437	931	778	2,241	0.86
Parks and Recreation Services	6,567	4,496	4,210	2,728	2,280	-	0.80
Library Services	1,073	735	688	446	373	-	0.13
Growth Studies	891	610	571	370	309	891	0.33
Total Township Wide Services	29,160	19,965	18,695	12,113	10,125	12,326	9.08
Urban Services							
Stormwater	22	15	14	9	8	-	0.01
Wastewater Services	5,356	3,667	3,434	2,225	1,860	-	1.97
Water Services	267	183	171	111	93	-	0.10
Total Urban Services	5,645	3,865	3,619	2,345	1,961	-	2.08
GRAND TOTAL RURAL AREA	29,160	19,965	18,695	12,113	10,125	12,326	9.08
GRAND TOTAL URBAN AREA	34,805	23,830	22,314	14,458	12,086	12,326	11.16


SCHEDULE "C" TO BY-LAW 2024-70



Smithville Urban Boundary



Legend

 New_Urban Boundary Approved thru OPA62 & Niagara Official Plan

Date: May 2024