

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2022-77

A BYLAW TO AMEND BYLAW 2019-51 RESPECTING DEVELOPMENT CHARGES FOR THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

Whereas the Township of West Lincoln (the “Township”) enacted By-law 2019-51 pursuant to the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended (the “Act”), which Act authorizes Council to pass By-laws for the imposition of development charges against land;

And Whereas the Township has undertaken a study pursuant to the Act which has provided updated Schedules to By-law 2019-51;

And Whereas the Council of the Township of West Lincoln (“Council”) has before it a report entitled “Township of West Lincoln 2022 Development Charge Update Study” prepared by Watson & Associates Economists Ltd., dated July 22, 2022 (the “update study”);

And Whereas the update study and proposed amending By-law were made available to the public on July 22, 2022 and Council gave notice to the public pursuant to Section 12 of the Act.

And Whereas Council, on August 11, 2022 held a meeting open to the public, pursuant to Section 12 of the Act, at which Council considered the study, and written and oral submissions from the public;

NOW THEREFORE Council hereby enacts as follows:

1. By-law 2019-51 is hereby amended as follows:

A. Addition of Class to the definitions in Section 1 as follows:

“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.

B. Addition of Institutional Development to definitions in Section 1 as follows:

“Institutional Development” 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 *Long-Term Care Homes Act, 2007*;
- (ii) as a retirement home within the meaning of Subsection 2 (1) of the *Retirement Homes Act, 2010*;
- (iii) by any of the following post-secondary institutions for the objects of the institution:
 1. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 2. a college or university federated or affiliated with a university described in subclause (1), or
 3. an Indigenous Institute prescribed for the purposes of Section 6 of the *Indigenous Institutes Act, 2017*;

C. Addition of Interest Rate to the definitions in Section 1 as follows:

“Interest Rate” means the annual rate of interest calculated as per the Township’s Development Charges Interest Policy (POL-T-01-2022) as may be revised from time to time.

D. Addition of Non-profit Housing Development to the definitions in Section 1 as follows:

“Non-profit Housing Development” means development of a building or structure intended for use as residential premises by,

- (i) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing;
- (ii) 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 object is to provide housing; or
- (iii) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, or any successor legislation.

E. Addition of Rental Housing to the definitions in Section 1 as follows:

“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;

F. Replace Section 2 titled “Designation of Services,” with the following:

Designation of Services/Classes of Services

G. Replace Section 2.1 to read as follows:

The categories of services/class 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 drainage and control services (urban serviced area);
- (g) Wastewater services (urban serviced area); and
- (h) Water services (urban service area).

H. Replace Section 2.2 with the following:

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

I. Addition to the following university exemption to Section 3.3:

New bullet (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 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.

J. Addition to the following exemptions with respect to new residential buildings to Section 3.5:

New bullet (d) Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the issuance of a building permit in accordance with Section 2(3) of the Act if the only effect of the action is to permit the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including residential dwelling structures ancillary to dwellings, subject to the restrictions set out in Table :

Table 1
Maximum Number of Additional Dwelling Units in New Residential Buildings

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.
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling, or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	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. The proposed new detached dwelling, semi-detached dwelling or row dwelling would be ancillary, must only contain one dwelling unit. The gross floor area of the dwelling unit in 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.

K. Addition of policies related to the timing of development charges payments. These will be included after Section 4.3 of the development charges by-law:

New Sections:

(4.4) Notwithstanding sections 4.1 and 4.2, 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 as per the Township's Development Charges Interest Policy, payable on the anniversary date each year thereafter.


(4.5) Notwithstanding Sections 4.1 and 4.2, Development Charges for Non-profit Housing Developments are due and payable in 21 equal annual instalment payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest as per the Township's Development Charges Interest policy, 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 two years of building permit issuance, the development charges under sections 3.9.1, 3.9.2, and 3.9.3 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply development charges under sections 3.9.1, 3.9.2, and 3.9.3 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 as provided in the Township's Development Charges Interest Rate Policy.
- L. Replace Section 11.1 Schedule "A" description as follows:
- Schedule "A" Components of Services/Classes of Services Designated in section 2.1*
- M. Schedule "A" is deleted, and the attached Schedule "A" is substituted, therefore.
- N. Schedule "B" is deleted, and the attached Schedule "B" is substituted, therefore.
2. This By-law shall come into force and effect at 12:01AM on September 27, 2022.
3. Except as amended by this By-law, all provisions of By-law 2019-51 are and shall remain in full force and effect.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
27th DAY OF JUNE, 2022.**



MAYOR DAVE BYLSMA



JOANNE SCIME, CLERK

SCHEDULE "A"

**TO BY-LAW NO. 2019-51
DESIGNATED MUNICIPAL SERVICES/CLASSES OF SERVICES UNDER THIS BY-LAW**

Township-Wide Services/Classes of Services

- Services Related to a Highway
 - Roads and Related
 - Public Works Facilities, Vehicles and Equipment
- Fire Protection Services
 - Fire Facilities
 - Fire Vehicles
 - Fire Small Equipment & Gear
- Parks and Recreation Services
 - Parkland Development, Amenities, and Trails
 - Recreation Facilities
 - Parks and Recreation Vehicles and Equipment
- Library Services
 - Library Facilities
 - Collection Materials
- Growth Studies

Urban Area Services

- Water Services
 - Distribution Systems
- Wastewater Services
 - Collection Systems
- Stormwater Drainage and Control Services
 - Storm Sewers

SCHEDULE "B"

**TO BY-LAW NO. 2019-51
RESIDENTIAL AND NON-RESIDENTIAL
DEVELOPMENT CHARGES**

Service/Class of Service	RESIDENTIAL				Wind Turbines	NON-RESIDENTIAL (per sq.ft. of Gross Floor Area)
	Single and Semi-Detached Dwelling	Multiples	Apartment s - 2 Bedroom s +	Apartments - Bachelor and 1 Bedroom		
Municipal Wide Services/Class of Service: Services Related to a Highway	5,534	3,689	3,522	2,180	5,534	2.06
Fire Protection Services	373	249	237	147	373	0.15
Parks and Recreation Services	4,399	2,933	2,799	1,733	-	0.32
Library Services	791	527	503	312	-	0.06
Growth Studies	324	216	206	128	324	0.13
Total Municipal Wide Services/Class of Services	11,421	7,614	7,267	4,500	6,231	2.72
Urban Services						
Stormwater Drainage and Wastewater Services	69	46	44	27	-	0.02
Water Services	429	286	273	169	-	0.15
Total Urban Services	1,544	1,029	983	608	-	0.54
GRAND TOTAL RURAL AREA	11,421	7,614	7,267	4,500	6,231	2.72
GRAND TOTAL URBAN AREA	12,965	8,643	8,250	5,108	6,231	3.26