

THIS BY-LAW IS A CONSOLIDATION OF DEVELOPMENT CHARGES BY-LAW NO. 2018-93 AS AMENDED BY BY-LAW NO. 2022-30. FOR ACCURATE REFERENCE RECOURSE SHOULD BE MADE TO THE ORIGINAL BY-LAW NOS. 2018-93 AND 2022-30

THE AMENDMENTS TO BY-LAW NO. 2018-93 AS ENACTED BY BY-LAW NO. 2022-30 ARE SHOWN HIGHLIGHTED IN COLOUR

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2018-93 AS AMENDED BY BY-LAW NO. 2022-30

A BY-LAW FOR THE IMPOSITION OF DEVELOPMENT CHARGES AND REPEAL BY-LAW 2014-37

WHEREAS:

1. Subsection 2(1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27 (hereinafter called "the Act") provides that the council of a municipality may pass by-laws for the imposition of development charges against land for increased capital costs required because of the need for services arising from development in the area which the by-law applies;
2. The Council of the Corporation of the Town of Lincoln ("Town of Lincoln") desires to ensure that the capital costs of meeting development related demands for, or the burden on, Town services does not place an undue financial burden on the Town or its existing taxpayers while, at the same time, ensuring new development contributes no more than the net capital costs attributable to providing the historical level of services and meeting the requirements of Section 5(1) of the Act;
3. The Council of the Town of Lincoln has given Notice in accordance with Section 12 of the Act of its intention to pass a by-law under Section 2 of the Act;
4. The Council of the Town of Lincoln has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on June 18, 2018;
5. The Council of the Town of Lincoln had before it a report entitled Development Charges Background Study dated May 17, 2018, prepared by Watson & Associates Economists Ltd., wherein it is indicated that the development of any land within the Town of Lincoln will increase the need for services as defined herein;
6. The Council of the Town of Lincoln on June 18, 2018 determined that no additional public meeting was required.
7. The Council of the Town of Lincoln on June 18, 2018 approved the applicable Development Charges Background Study, dated May 17, 2018, in which certain recommendations were made relating to the establishment of a development charge policy for the Town of Lincoln pursuant to the *Development Charges Act, 1997*;
8. The Council of the Corporation of the Town of Lincoln (the "Town") enacted By-law 2018-93 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;
9. The Town has undertaken a study pursuant to the Act which has provided updated Schedules to By-law No. 2018-93;
10. The Council of the Town of Lincoln ("Council") has before it a report entitled "Town of Lincoln 2022 Development Charge Update Study" prepared by Watson & Associates Economists Ltd., dated March 1, 2022 (the "update study");
11. The update study and proposed amending By-law were made available to the public on March 1, 2022 and Council gave notice to the public pursuant to Section 12 of the Act;

12. Council, on March 28, 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 THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN ENACTS AS FOLLOWS:

1.0 DEFINITIONS

1.1 In this by-law,

- (1) “Act” means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, or any successor thereto.
 - (2) “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 or floor area or both, and exclusively devoted to a principal use, building or structure.
 - (3) “Agricultural produce processing building or structure” means a building or structure or portion thereof used for processing local farm produce as an ancillary use to an agricultural use.
 - (4) Agricultural produce stand means a seasonal building or structure where Ontario grown produce is retailed to the general public and is accessory to an agricultural use.
 - (5) “Agricultural produce warehouse and/or shipping building or structure” means a building or structure or portion thereof where local agricultural produce and/or products are stored and distributed to and from.
 - (6) Agricultural research means the use of a building or structure for agricultural research.
 - (7) “Agricultural use” means use or intended use for bona fide farming purposes
 - (a) including (but not limited to):
 - (i) cultivation of crops, whether on open land or in greenhouses, including (but not limited to) fruit, vegetables, herbs, grains, field crops, marijuana, sod, trees, shrubs, flowers, and ornamental plants;
 - (ii) raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish;
 - (iii) agricultural animal husbandry, dairying, equestrian activities, horticulture, fallowing, pasturing, and market gardening;
 - (iv) agricultural produce stand and farm produce outlet;
 - (v) agricultural research uses on lands within an Agricultural Zone;
 - (vi) the first 750 square metres of an agricultural produce processing building, or structure located on lands within an Agricultural Zone; and
 - (vii) the first 750 square metres of an agricultural produce warehouse and/or shipping building or structure on lands within an Agricultural Zone.
- but excluding:
- (i) retail sales activities except those retail sales activities associated with Section (7)(a);

- (ii) restaurants, banquet facilities, hospitality facilities, craft breweries, craft distilleries, estate wineries, farm wineries, and residential uses;
 - (iii) services related to grooming, boarding, or breeding of household pets; and
 - (iv) marijuana processing or production facilities.
- (8) “Apartment unit” means any residential dwelling unit within a building containing five 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.
- (9) “Back-to-back townhouse dwelling” means a building containing four or more dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards.
- (10) “Bedroom” means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen.
- (11) “Benefiting area” means an area defined by a map, plan, or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service.
- (12) “Board of education” means a board defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c.E.2, as amended, or any successor thereto.
- (13) “Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, or any successor thereto.
- (14) “Building permit” means a permit pursuant to the Building Code Act, 1992, S.O. 1992, c. 23, as amended;
- (15) “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; and
 - (d) to acquire, lease, construct or improve facilities including:
 - (i) rolling stock with an estimated useful life of seven years or more,
 - (ii) furniture and equipment, other than computer equipment, and
 - (iii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*;
 - (e) to undertake studies in connection with any matters under the Act and any of the matters referred to in clauses (a) to (d) including the development charges 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), (b), (c) and (d) that are growth-related.

- (16) “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.
- (17) “Commercial” means any non-residential development not defined under “institutional” or “industrial” and includes retail development and hotels/motels.
- (18) “Council” means the Council of the Corporation of the Town of Lincoln.
- (19) Craft brewery means a building or structure as a secondary use on the same farm parcel of land for the processing of crops, fruit, fermentation, production, bottling, aging, and storing of beer and beer-related products where the crops or fruit used in the production of the beer shall be locally grown. A craft brewery may also include the retail sale of beer, hospitality room, restaurant, office, and a laboratory.
- (20) Craft distillery means a building or structure as a secondary use on the same farm parcel of land for the processing of crops, fruit, fermentation, production, bottling, aging, and storing of distilled spirits and spirit-related products where the crops or fruit used in the production shall be locally grown. A distillery may also include the retail sale of spirits, hospitality room, restaurant, office, and a laboratory.
- (21) “Development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof and includes redevelopment. Notwithstanding the foregoing, development does not include temporary structures, including but not limited to, seasonal hoop structures, seasonal fabric structures, tents, or agricultural produce stands.
- (22) “Development charge” means a charge imposed pursuant to this By-law.
- (23) “Dwelling room means either:
- (a) each bedroom used, designed, or intended for use by one or more persons living together in a lodging home, dormitories, or
 - (b) in the case of a special care/special dwelling unit/room, each individual room or suite of rooms used, designed, or intended for use by one or two persons with or without exclusive sanitary and/or culinary facilities.
- (24) “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.
- (25) “Estate winery” means a building or structure as a secondary use to a vineyard and/or fruit farm on the same farm parcel of land for the processing of fruit, fermentation, production, bottling, aging, and storing of wine and wine-related products where the fruit used in the production of the wine shall be locally grown. An estate winery may also include the retail sale of wine, hospitality room, restaurant, winery office and a laboratory.
- (26) “Existing” means a building or structure existing as of the date of passage of this by-law.

- (27) “Farm helphouse” means a dwelling unit for seasonal or full-time farm help located within a farm building, ancillary to a farm and located on the same lot therewith.
- (28) “Farm produce outlet” means a building or structure where Ontario grown produce, bakery produced on the premises, processed fruit is prepared on the premises, Ontario grown greenhouse and nursery produces and Ontario made floral products are retailed to the general public and is accessory to an agricultural use.
- (29) “Farm winery” means a building or structure as a secondary use to a vineyard and/or fruit farm on the same farm parcel of land for the processing of locally grown fruit, fermentation, production, bottling, aging and storage of wine and wine-related products where the fruit used in the production of the wine shall be predominantly from the vineyard and/or fruit farm located on the same land as the farm winery as well as part of a farmer’s own farm operation. A farm winery may also include the retail sale of wine, hospitality room, restaurant, winery office and a laboratory.
- (30) “Grade” means the average level of finished ground adjoining a building or structure at all exterior walls.
- (31) “Granny flat” 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;
- (32) “Greenhouse” means a building or structure for the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, vegetables, and other types of nursery stock.
- (33) “Gross floor area” means the total floor 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 other dwelling units or other portion of a building.

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:

- (a) a room, elevator, or enclosed area within the building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that services the building;
- (b) loading facilities above or below grade;
- (c) 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.
- (34) “Group home” means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit which is 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.

- (35) “Hotels/Motels” means a commercial establishment catering to the needs of the traveling or vacationing public by supplying accommodation with or without food but does not include a “boarding or lodging dwelling” or an “apartment dwelling”. A hotel/motel may include accessory uses such as personal service uses, eating establishments and banquet and/or convention facilities.
- (36) “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. “Marijuana Processing Facilities” are also included in this category.
- (37) “Industrial use” means land, buildings or structures used for or in connection with manufacturing by:
- (a) manufacturing, producing, and 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 good for a commercial purpose;
 - (c) retail sales by a manufacturer, producer, or processor of goods they manufactured, produced, or processed, if the retail sales are at the site where the manufacturing, production or processing takes place;
 - (d) office or administrative purposes if it is:
 - (i) 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;
- (38) “Institutional” means lands, buildings or structures used or designed or intended for use by an organized body, society, or religious groups for promoting a public or non-profit purpose and shall include, but without limiting the generality of the foregoing, places of worship, group homes, nursing homes, and special care facilities.
- (39) “Institutional development” means development of a building or structure intended for use:
- (a) as a long-term care home within the meaning of Section 2 (1) of the *Long-Term Care Homes Act, 2007*;
 - (b) as a retirement home within the meaning of Section 2 (1) of the *Retirement Homes Act, 2010*;
 - (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*.

- (40) "Interest rate" means the annual rate of interest calculated as per the Town's Development Charges Interest Rate Policy as may be revised from time to time.
- (41) "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.
- (42) "Local board" has the same definition as defined in the *Development Charges Act, 1997*.
- (43) "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, c.P.13*, as amended, or any successor thereto.
- (44) "Marijuana processing facilities" means a building or area used, designed, or intended for growing, 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*.
- (45) "Mixed-use building" means a building or structure used for both residential and non-residential use;
- (46) "Mobile home" means a dwelling unit that is designed to be transported either on its own wheels, on a flatbed or other trailer, or on detachable wheels, and which is suitable for permanent or seasonal occupancy as a residence, except for minor and incidental unpacking and assembly operations, placement on a mobile home stand and connections to utilities.
- (47) "Multiple dwellings" means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment house dwellings or a dwelling room, including, but not limited to, townhouse dwelling, multiplex, back-to-back townhouse dwelling, stacked townhouse dwelling, and the residential component of live/work units.
- (48) "Municipality" means the Corporation of the Town of Lincoln.
- (49) "Non-profit housing development" means development of a building or structure intended for use as residential premises by:
- (a) 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;
 - (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 object is to provide housing;
or
 - (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, or any successor legislation.
- (50) "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 and includes all commercial, industrial, and institutional uses.

- (51) “Nursing home” means a residential building or the residential portion of a mixed-use building licensed as a nursing home by the Province of Ontario.
- (52) “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.
- (53) “Parking structure” means buildings or structures used for the parking of motor vehicles and includes underground parking within a building or structure of a residential, commercial, institutional, or industrial use.
- (54) “Place of worship” means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act*, R.S.O. 1990, c.A.31, as amended or any successor thereto.
- (55) “Regulation” means any regulation made pursuant to the Act.
- (56) “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.
- (57) “Residential use” means lands, buildings or structures of any kind whatsoever used, designed, or intended to be used as living accommodations for one or more individuals.
- (58) “Retail development” means land, buildings or portions thereof used, designed, or intended for use for the purpose of offering foods, wares, merchandise, substances, articles, or things for sale directly to the public or providing services or entertainment to the public. Retail development excludes freestanding banks kiosks and seasonal outdoor tables as part of an existing restaurant, and includes, but not limited to:
- (a) land, buildings, or portions thereof used, designed, or intended for use for the rental of wares, merchandise, substances, articles, or things;
 - (b) offices and storage in connection with, related to or ancillary to retail use; and
 - (c) conventional restaurants; fast food restaurants; catering establishments, bars and taverns; beer and wine-making stores; concert halls/theatres/cinemas/movie houses/drive-in theatres; dinner theatres; casinos; amusement and theme parks; amusement arcades; bowling alleys; pet boarding kennels, pet boarding kennel services, pet obedience training centres, pet care, attendance and grooming services; fitness/recreation sport centres; hotels, motels/bed and breakfast facilities/rooming and boarding houses; gas stations and service stations; speciality automotive shops/auto repairs/collision services/car or truck washes; auto dealerships; shopping centres and plazas, including more than two attached stores under one ownership; department/discount stores; banks and similar financial institutions, including credit unions; insurance brokerages; investment advisory services; and warehouse clubs and retail warehouses.
- (59) “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 no other parts, attached or another dwelling

unit where the residential units are not connected by an interior corridor.

- (60) “Services” or “Service” means those services set out in Schedule “A” to this By-law.
- (61) “Servicing agreement” means an agreement between a landowner and the municipality relative to the provision of municipal services to specified lands within the municipality.
- (62) “Single detached dwelling unit” means a residential building consisting of one dwelling unit and not attached to another structure and includes mobile homes.
- (63) “Special care/special dwelling unit/room” means a residence:
- (a) containing two or more dwelling rooms, which rooms have common entrance from street level; and
 - (b) where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room, and accessory buildings; and
 - (c) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where
 - (d) support services, such as meal preparation, grocery shopping, laundry, housing, nursing, respite care and attending services are provided at various levels; and includes but is not limited to retirement homes or lodges, group homes, dormitories, and hospices.
- (64) “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.
- (65) “Temporary buildings and structures” are buildings and structures which are permitted during a period for special events, a temporary office for the sale of residential units and a mobile home as temporary accommodation for a period not to exceed 24 months as a dwelling unit is being erected on the same land, which will be removed at the end of the period.
- (66) “Townhouse dwelling” means a residential building containing three or more dwelling units separated by vertical division, each of which units has a separate entrance to grade;

2.0 DESIGNATION OF SERVICES/CLASS OF SERVICES

2.1 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) parking spaces (until September 18, 2022);
- (e) library services;
- (f) growth studies;
- (g) stormwater drainage and control services;
- (h) wastewater services;
- (i) water services; and

- (j) storm water management (Campden).

2.2 Components of the services/class of services designated in Subsection 2.1 are described in Schedule "A".

3.0 APPLICATION OF BY-LAW RULES

3.1 Development charges shall be payable by an owner in the amounts set out in this by-law where:

- (a) the lands are located in the area described in Subsection 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 Subsection 3.3, this by-law applies to all lands in the geographic area of the Town of Lincoln.

- (a) The Development Charges described in Schedule "B" to this by-law as "Municipal Wide" shall be calculated and collected on all lands in the geographic area of the Town of Lincoln.
- (b) The Development Charges described in Schedule "C" to this by-law as "Area Specific" shall be calculated and collected only in those areas as delineated in the Town of Lincoln Urban Service Area, as shown in Schedules "D-1" and "D-2" to this by-law.
- (c) The Development Charges described in Schedule "C-1" to this by-law as "Area Specific" shall be calculated and collected only in those areas as delineated in the Phase 2 development area of Campden, as shown in Schedule "D-3" to this by-law.

3.3 This by-law shall not apply to lands that are owned by and used for the purposes of:

- (a) the Corporation of the Town of Lincoln or a "local board" thereof;
- (b) a "board of education";
- (c) the Corporation of the Regional Municipality of Niagara or a "local board" thereof.

Development Charges Imposed

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 an amendment to a zoning by-law under Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended;
- (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, 1998*, S.O. 1998, c. 19, as amended; or
- (vii) the issuing of a building permit under the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, 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.

Exemptions

- 3.5 Notwithstanding the provisions of this by-law, but subject to Subsection 3.5(c), development charges shall not be imposed with respect to:
- (a) lands, buildings, or structures used or to be used for a place of worship or for the purposes of a cemetery or burial ground exempt from taxation under the *Assessment Act*, R.S.O. 1990, c.A.31, as amended;
 - (b) the development of non-residential farm buildings for farming activities;
 - (c) the development of a farm help house;
 - (d) granny flats;
 - (e) parking structures, including underground parking garages;
 - (f) Elevators and elevator machine rooms;
 - (g) temporary Uses in accordance with Section 1(60);
 - (h) 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 Region 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;
 - (i) canopies including gas station canopies and those intended for the parking and loading or unloading of vehicles;
 - (j) one or more enlargements of an existing industrial building on its site, whether attached or separate from the existing industrial building, up to a maximum of fifty per cent (50%) 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 subsection. Development charges shall be imposed in accordance with Schedules "B" and "C" to 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 being increased by greater than fifty per cent (50%) of the gross floor area of the existing industrial building; or if the gross floor area is enlarged by more than fifty per cent (50%), development charges are payable

on the amount by which the enlargement exceeds fifty per cent (50%) of the gross floor area before the enlargement. The amount of the development charge that would be payable multiplied by the fraction determined as follows:

1. Determine the amount by which the enlargement exceeds fifty per cent (50%) of the gross floor area before the enlargement.
2. Divide the amount determined under paragraph 1 by the amount of the enlargement.

(k) 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.

(l) The issuance of a building permit in accordance with Section 2(3) of the Act if the only effect of the action is to:

- (i) permit the enlargement of an existing dwelling unit; or
- (ii) permit the creation of up to two additional dwelling units as prescribed by the Act, subject to the prescribed restrictions, in the prescribed classes of existing residential buildings, which for greater certainty includes those restrictions described in Table 1, below.

Table 1

Maximum Number of Additional Dwelling Units Prescribed for Buildings in those Classes and Restrictions for Each Class

Name of Class of Residential Building	Description of Class of Residential Buildings	Maximum Number of Additional Dwelling Units	Restrictions
Single detached dwellings	Residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
Semi-detached dwellings or townhouse dwellings	Residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.
Other residential buildings	A residential building not in another class of residential building described in this table.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.

(m) The issuance of a building permit in accordance with Section 2(3) of the Act if the only effect of the action is to:

- (i) 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 2.

Table 2

Maximum Number of Additional Dwelling Units in New Residential Buildings

Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
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.
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 or row dwelling must only contain two dwelling units. The proposed new semi-detached or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached or row dwelling would be located.
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 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 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.

Amount of Charges

Residential

3.6 The development charges described in Schedules “B” and “C” to this by-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, including the residential portion of a live/work unit,

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 Uses

- 3.7 The development charges described in Schedules “B” and “C” 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 component of a live/work unit, and calculated with respect to each of the services according to the gross floor area of the non-residential use.

Redevelopment of Residential Buildings or Structures

- 3.8 In the case of the demolition of all or part of a residential building or structure associated with a development on a singular and certain parcel of land:
- (a) a redevelopment credit shall be allowed, provided that the singular and certain parcel of land was improved by occupied structures within the last five years prior to the issuance of the building permit required by the development, and the building permit for the development has been issued within five years from the date the demolition permit has been issued; and
 - (b) if a development on a singular and certain parcel of land involves the demolition and replacement of a building or structure, or the conversion from one principal use to another, a redevelopment credit shall be allowed equivalent to:
 - (i) the number of dwelling units demolished/converted multiplied by the applicable residential development charge in place at the time the development charge is payable, and/or
 - (ii) the gross floor area of the building demolished/ converted multiplied by the current non-residential development charge in place at the time the development charge is payable.

Redevelopment of Non-Residential Buildings or Structures

- 3.9 In the case of the demolition of all or part of a non-residential building or structure associated with a development on a singular and certain parcel of land:
- (a) a redevelopment credit shall be allowed, provided that the singular and certain parcel of land was improved by occupied structures within the last five years prior to the issuance of the building permit required by the development, and the building permit has been issued for the development within five years from the date the demolition permit has been issued; and
 - (b) if a development on a singular and certain parcel of land involves the demolition of and replacement of a building or structure, or the conversion from one principal use to another, a redevelopment credit shall be allowed equivalent to:
 - (i) the number of dwelling units demolished/converted multiplied by the applicable residential development charge in place at the time the development charge is payable, and/or
 - (ii) the gross floor area of the building demolished/converted multiplied by the current non-residential development charge in place at the time the development charge is payable.

Redevelopment - Conversions

- 3.10 In the case of a conversion of all or part of a building:

- (a) a credit shall be allowed against the development charges otherwise payable under this By-law;
- (b) the credit shall be calculated based on the portion of the building that is being converted by multiplying the number and type of dwelling units being converted or the commercial, industrial and institutional total floor area being converted by the relevant development charges under this By-law in effect on the date when the development charges are payable pursuant to this By-law with respect to the redevelopment; and
- (c) Where the amount of any credit pursuant to this section exceeds, in total, the amount of the development charges otherwise payable under this By-law with respect to the redevelopment, the excess credit shall be reduced to zero and shall not be carried forward unless the carrying forward of such excess credit is expressly permitted by a phasing plan for the redevelopment that is acceptable to the Treasurer.

Credit Not to Exceed Development Charge

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

Time of Payment of Development Charges

- 3.12 Development charges shall be calculated and be payable in full in money or by provision of services as may be agreed upon, or by credit granted under the Act, on the date that the first building permit is issued in relation to a building or structure on land to which a development charge applies.
- 3.13 Where development charges apply to land in relation to which a building permit is required, no building permit shall be issued until the development charges have been paid in full.
- 3.14 Where, by law, a building permit is required for development and development occurs without the issuance of a building permit by the municipality, a development charge shall be calculated and be due and payable in full in money upon demand by the municipality.
- 3.15 Where a development charge or any part of it remains unpaid after it is due and payable, the amount unpaid shall be added by the Treasurer of the Corporation of the Town of Lincoln to the tax roll where it shall be collected in the same manner as taxes.
- 3.16 Notwithstanding Sections 3.12 to 3.14, 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 Town's Development Charges Interest Rate Policy, payable on the anniversary date each year thereafter.
- 3.17 Notwithstanding Sections 3.12 to 3.14, 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 Town's Development Charges Interest Rate Policy, payable on the anniversary date each year thereafter.
- 3.18 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 3.6 and 3.7 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 Sections 3.6 and 3.7 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 Town's Development Charges Interest Rate Policy.

Alternative Payment Agreements

3.19 The Town may enter into an agreement under section 27 of the Act, in a form and having content satisfactory to the Town's solicitor and having content satisfactory to the Treasurer, with any person who is required to pay a development charge providing for all or any part of the development charge to be paid before or after it would otherwise be payable.

3.20 Council directs the Chief Building Official or his or her designate to withhold the issuance of a building permit in relation to a building on land to which the development charge applies unless the development charge has been paid.

4.0 PAYMENT BY SERVICES

4.1 Despite the payments required under Subsection 3.12, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service for which a development charge is imposed under this by-law.

5.0 INDEXING

5.1 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, commencing on January 1, 2019 and each anniversary date thereafter, in accordance with the Statistics Canada Quarterly Construction Price Statistics.

6.0 PHASING

6.1 No provisions for phasing in the Developments Charges are provided in this by-law.

7.0 SCHEDULES

7.1 The following schedules to this by-law form an integral part thereof:

Schedule "A" Components of Services/Class of Services Designated in Subsection 2.1

Schedule "B" Residential and Non-Residential Development Charges – Municipal Wide

Schedule "C" Residential Development Charges – Area-specific (Campden)

Schedules "D-1" through "D-3" Town of Lincoln Urban Service Areas

8.0 HEADINGS FOR REFERENCE ONLY

8.1 The headings contained in this by-law are for convenience of reference only and shall not affect the construction or interpretation of this by-law.

9.0 SEVERABILITY

9.1 If, for any reason, any provision, section, subsection, or paragraph of this by-law is held to be invalid, it is hereby declared that all of the remainder of this by-law shall continue in full force and effect until repealed, re-enacted, or amended, in whole or in part, or dealt with in any other way.

10.0 DATE BY-LAW IN FORCE

10.1 This By-law shall come into force and effect on April 30, 2019. **By-law No. 2022-30 comes into force and effect at 12:01 a.m. on May 3, 2022**

11.0 DATE BY-LAW EXPIRES

11.1 This by-law will expire as of five (5) years from the date of passage unless it is repealed at an earlier date.

12.0 REPEAL

12.1 Upon the coming into force of this by-law, By-law No. 2014-37 of the Town of Lincoln is hereby repealed.

PASSED AND ENACTED on the 1st day of October 1, 2022 By-law No. 2018-93)

PASSED AND ENACTED on the 2nd day of May, 2022 (By-law No. 2022-30)

MAYOR: SANDRA EASTON

CLERK: JULIE KIRKELOS

SCHEDULE "A"
TO BY-LAW NO. 2018-93
DESIGNATED MUNICIPAL SERVICES/CLASSES OF SERVICES UNDER
THIS BY-LAW

Town-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
- Parking Services
 - Parking Spaces
- Library Services
 - Library Facilities
 - Collection Materials
- Parks and Recreation Services
 - Parkland Development
 - Park Vehicles and Equipment
 - Recreation Facilities
- Growth Studies

Urban Area Services (Beamsville, Vineland, Jordan, Jordan Station. and Prudhommes)

- Water Services
 - Distribution Systems
- Wastewater Services
 - Collection Systems
- Stormwater Services
 - Channels and Drainage

Area-Specific Services (Campden)

- Stormwater Drainage

SCHEDULE "B"
TO BY-LAW NO. 2018-93
RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT CHARGE RATES

Note: These are the non-indexed rates – refer to the indexed rates

Service	RESIDENTIAL					NON-RESIDENTIAL (per sq.m. of Gross Floor Area)		
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Commercial	Industrial	Institutional
Municipal Wide Services:								
Services Related to a Highway	8,388	6,760	5,634	3,437	2,817	64.91	27.13	48.39
Fire Protection Services	1,379	1,114	929	566	464	10.76	4.52	7.64
Parks and Recreation Services	6,812	5,505	4,587	2,798	2,294	7.86	3.23	5.60
Library Services	475	384	320	195	160	0.54	0.32	0.43
Growth Studies	1,460	1,180	983	600	492	10.44	4.41	7.43
Total Municipal-Wide Services	18,492	14,943	12,453	7,596	6,227	94.51	39.61	67.49
Urban Services								
Stormwater Drainage	1,578	1,275	1,063	648	531	30.25	12.49	21.31
Wastewater Services	2,383	1,926	1,605	979	802	19.48	8.07	13.78
Water Services	1,060	857	714	435	357	8.61	3.55	6.14
Total Urban Services	5,021	4,058	3,382	2,062	1,690	58.34	24.11	41.23
GRAND TOTAL MUNICIPAL + URBAN	23,513	19,001	15,835	9,658	7,917	152.85	63.72	108.72

Municipal Parking Development Charges - Effective until September 18, 2022

Service	RESIDENTIAL					NON-RESIDENTIAL (per sq.m. of Gross Floor Area)		
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Commercial	Industrial	Institutional
Municipal Wide Services:								
Municipal Parking Spaces	88	71	59	36	30	0.65	0.32	0.43

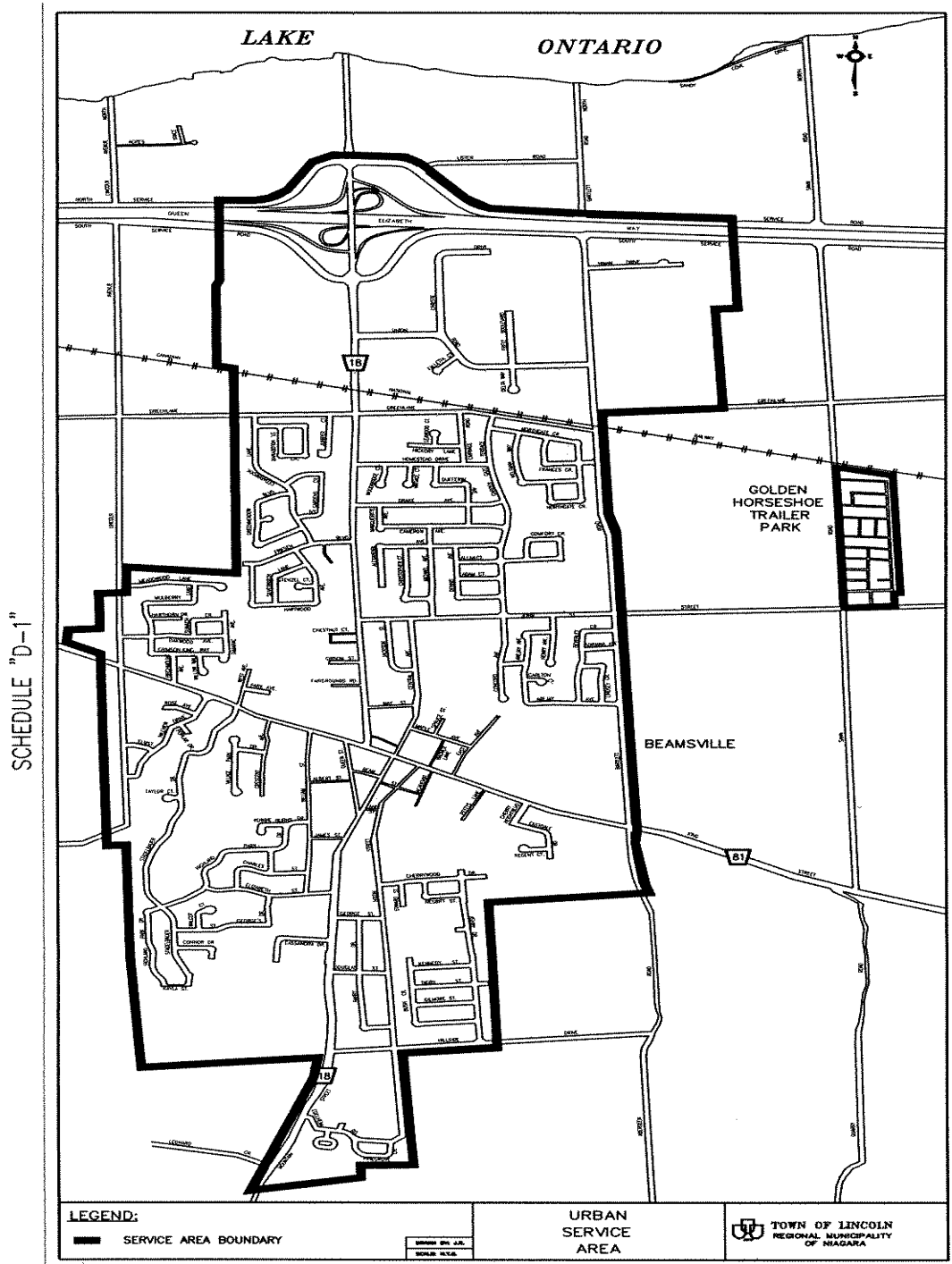
Development Charges Payable	RESIDENTIAL					NON-RESIDENTIAL (per sq.m. of Gross Floor Area)		
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	Commercial	Industrial	Institutional
Effective until September 18, 2022:								
Municipal Wide	18,580	15,014	12,512	7,632	6,257	95.16	39.93	67.92
Municipal Wide + Urban Services	23,601	19,072	15,894	9,694	7,947	153.50	64.04	109.15
Effective September 19, 2022:								
Municipal Wide	18,492	14,943	12,453	7,596	6,227	94.51	39.61	67.49
Municipal Wide + Urban Services	23,513	19,001	15,835	9,658	7,917	152.85	63.72	108.72

SCHEDULE "C"
TO BY-LAW NO. 2018 - 93
RESIDENTIAL DEVELOPMENT CHARGES – AREA SPECIFIC (CAMPDEN)

Note: These are the non-indexed rates – refer to the indexed rates

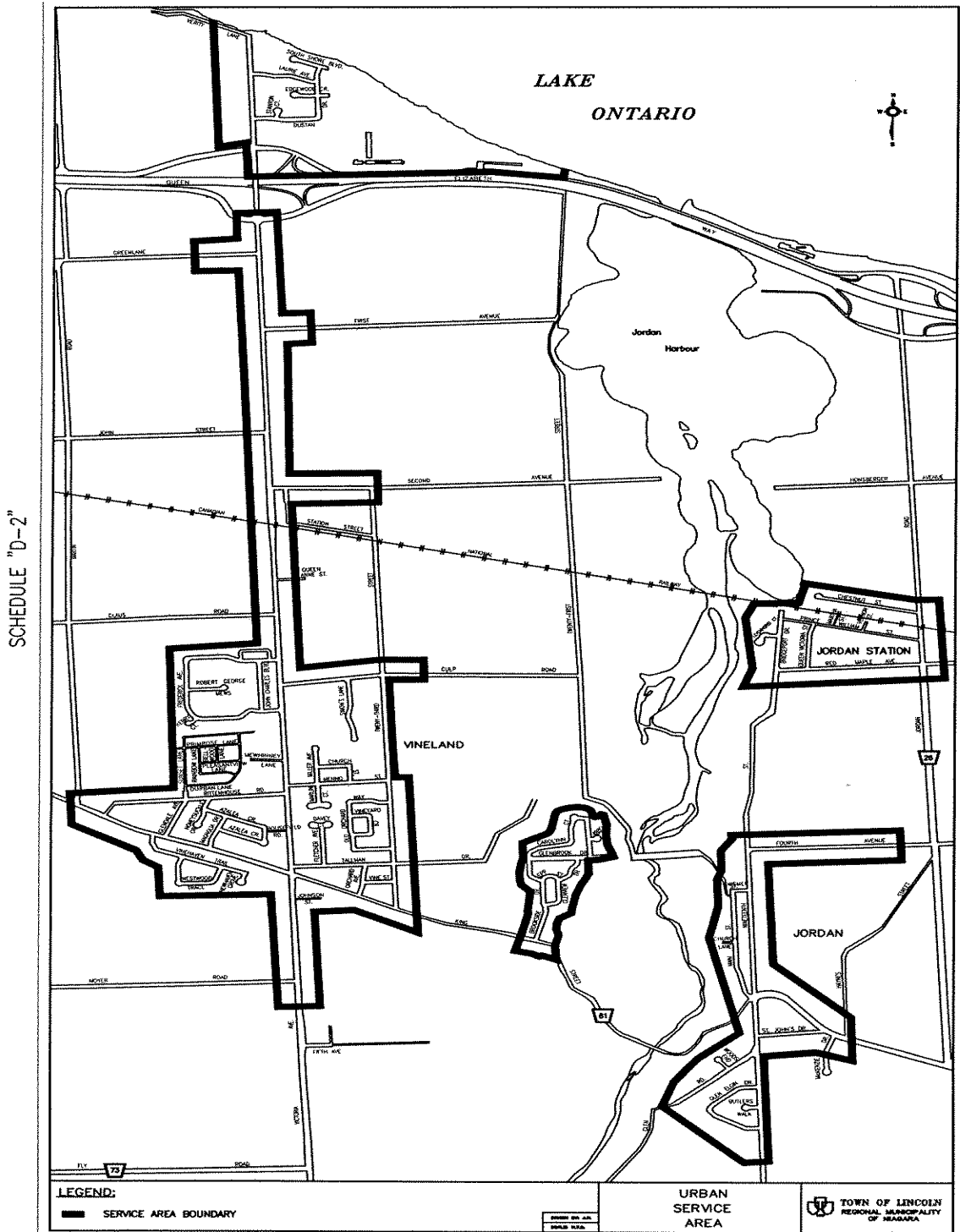
Service	RESIDENTIAL				
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units
Campden Area-Specific					
Stormwater Drainage	12,903	8,689	5,300	10,427	4,344

SCHEDULE "D-1"
TO BY-LAW NO. 2018 - 93
TOWN OF LINCOLN URBAN SERVICE AREAS
(BEAMSVILLE)



**SCHEDULE "D-2"
TO BY-LAW NO. 2018-93**

**TOWN OF LINCOLN URBAN SERVICE AREAS
(VINELAND, JORDAN, JORDAN STATION, PRUDHOMMES)**



**SCHEDULE "D-3"
 TO BY-LAW NO. 2018 - 93**

TOWN OF LINCOLN CAMPDEN PHASE 2 DEVELOPMENT

