

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2022-30

A BY-LAW TO AMEND BY-LAW NO. 2018-93
BEING A BY-LAW FOR THE IMPOSITION OF DEVELOPMENT CHARGES

WHEREAS:

1. 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;
2. The Town has undertaken a study pursuant to the Act which has provided updated Schedules to By-law No. 2018-93;
3. 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");
4. 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;
5. 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. By-law No. 2018-93 is hereby amended as follows:
 - (a) Section 1.0 Definitions is hereby amended by renumbering Sections (16) to (37) to Sections (17) to (38) respectively; by renumbering Sections (38) to (45) to Sections (41) to (48) respectively, by renumbering Sections (46) to (51) to Sections (50) to (55) respectively; by renumbering Sections (52) to (61) to Sections (57) to (66) respectively and by adding the following new Sections to Section 1.0 Definitions as follows:
 - "(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.
 - (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.
- (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.
- "(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."
- (b) The title of Section 2.0 is hereby deleted and replaced with the following new title:

"2.0 DESIGNATION OF SERVICES/CLASS OF SERVICES".
- (c) Section 2.1 is hereby deleted and replaced with the following new Section 2.1:

"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 services (until September 18, 2022);
 - (e) library services;
 - (f) growth studies;
 - (g) stormwater drainage and control services;
 - (h) wastewater services;
 - (i) water services; and
 - (j) stormwater management (Campden)."
- (d) Section 2.2 is hereby deleted and replaced with the following new Section 2.2:

"2.2 Components of the services/class of services designated in Section 2.1 are described in Schedule "A"."
- (e) Section 3.5 is hereby amended by adding the following new Section:

"(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.”

- (f) Section 3.5 is hereby amended by renumbering the second Section 3.5(i) that states “the issuance of a building permit in accordance with Section 2(3) of the Act if the only effect of the action is to:” to Section 3.5(l).
- (g) Section 3.5(l) as renumbered is hereby amended by renumbering Sections 3.5(l)ii and 3.5(l)iii to Sections 3.5(l)(i) and 3.5(l)(ii) respectively.
- (h) Section 3.5 is hereby amended by adding the following new Section:
 - “(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


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


- (i) Sections 3.16 and 3.17 are hereby renumbered to Sections 3.19 to 3.20 respectively.
- (j) Section 3.0 is hereby amending by adding the following new Sections:
 - “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 twenty-one 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."
- (k) Section 7.1 Schedule "A" Components of Services designated in Subsection 2.1 is hereby deleted and replaced with the following new wording:
- "Schedule "A" Components of Services/Class of Services Designated in Section 2.1"
- (l) Schedule "A" is hereby deleted and replaced with the attached Schedule "A".
- (m) Schedule "B" is hereby deleted and replaced with the attached Schedule "B".
2. This By-law shall come into force and effect at 12:01 a.m. on May 3, 2022.
3. Except as amended by this By-law, all provisions of By-law No. 2018-93 are and shall remain in full force and effect.
4. This By-law shall come into force and take effect on the date of its final passing.

PASSED AND ENACTED on the 2nd day of May, 2022.


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

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	8,366	6,760	5,634	3,437	2,817	64.91	27.13	46.39
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	10.48	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	89	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