WHEREAS Section 2(1) of the Development Charges Act, 1997 enables a Municipality to impose Development Charges against land to pay for increased capital costs required because of increased needs for services arising from the development of the area to which the By-law applies.

AND WHEREAS the Council of the Corporation of the City of Welland has given notice and held the required Public Meeting in accordance with Section 12 of the Development Charges Act, 1997, on June 4th, 2019.

AND WHEREAS the Council of the Corporation of the City of Welland has accepted a Report entitled 2019 Development Charges Background Study & By-Law, dated June 5th, 2019 prepared by DFA Infrastructure International Inc.

AND WHEREAS the Council of the Corporation of the City of Welland deems it appropriate to establish Development Charges in the City of Welland because of increased needs for services arising from development of the area to which the By-law applies.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. In this By-law,

   (a) "Agricultural Use" means use or intended use for bona fide farming purposes:

      i. including but not limited to:

         1. 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.

         2. raising of animals, including, but not limited, to cattle, horses, pigs, poultry, livestock, fish, and

         3. animal husbandry, dairying, equestrian activities, horticulture, fallowing, pasturing and market gardening

      ii. but excluding:

         1. winery activities, retail sales activities, including, but not limited, to restaurants, banquet facilities, hospitality facilities and gift shops.

   (b) "Apartment" means a DWELLING UNIT in an Apartment BUILDING or in a mixed-use BUILDING;

   (c) "Apartment Building" means the whole of a BUILDING containing five (5) or more separate DWELLING UNITS and which has a single common entrance;

   (d) "Brownfield" means undeveloped or previously developed properties that may be contaminated (and) are usually former industrial or commercial properties that may be under-utilized, derelict or vacant;
(e) "Charitable Institution" means a charitable, non-profit philanthropic corporation organized for the relief of the poor if the corporation is supported in part by public funds, and which is exempt from taxation as a charitable institution pursuant to the Assessment Act, R.S.O. 1990, c. A.31, as amended;

(f) "Calculation Date" means the date on which the Chief Building Official for the City of Welland has issued the first building permit;

(g) "Detached accessory dwelling unit" means a self-contained residential unit with kitchen and bathroom facilities within structures accessory to a single-detached dwelling, semi-detached dwelling, two-unit dwelling or townhouse dwelling;

(h) "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 substantially increasing the size or usability thereof;

(i) "Duplex" means the whole of a two-storey BUILDING divided horizontally into two (2) separate above grade DWELLING UNITS, each of which has an independent entrance either directly or through a common vestibule;

(j) "Dwelling" means a BUILDING, or part thereof, containing one (1) or more DWELLING UNITS, and includes retirement homes and lodges, and special care need units;

(k) "Dwelling Unit" means a self-contained set of rooms, used as residential premises, located in a BUILDING, mobile home, park model home or trailer designed to be used year round as a building and which contains kitchen and bathroom facilities which are used only by the Occupants of the unit, is used as a single housekeeping unit in which no occupant has exclusive possession of any part of the unit, and which unit has a private entrance from outside the BUILDING or from a common hallway;

(l) "Dwelling Room" means either:

i. each bedroom used, designed or intended for use by one or more persons living together in a lodging home, or student residence; or

ii. in the case of a special care/special need residence, 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.

(m) "Fourplex" means the whole of a BUILDING, divided into four (4) separate DWELLING UNITS, each of which has an independent entrance either directly from the outside or through a common vestibule but does not include a TOWNHOUSE or STREET TOWNHOUSE;

(n) "Freehold Triplex" means a TRIPLEX with each DWELLING UNIT on a separate LOT with frontage on a STREET;

(o) "Gross Floor Area" (GFA) means the total floor area measured between the outside of exterior walls or virtual walls or between the outside 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 the average level of finished ground adjoining the building at its exterior walls;
(p) “Garden Suite” means one-unit detached residential structures which contain bathroom and kitchen facilities, that are designed to be portable and are accessory to the existing residential structure;

(q) “Group Home” means a dwelling for the accommodation of three to six residents, who require specialized personal care, supervised by agency staff and funded wholly or in part by any government or its agency and approved or supervised by the Province of Ontario under any act;

(r) “Industrial Use” means land, buildings or structures used for or in connection with,

   i. manufacturing, producing, processing, storing or distributing something;

   ii. research or development in connection with manufacturing, producing or processing something;

   iii. retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place;

   iv. self-storage buildings;

   v. office or administrative purposes, if they are,

      1. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and

      2. are attached or accessory to the building or structure used for that manufacturing, producing, processing, storage or distribution

(s) “Institutional” means lands, buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public and non-profit purpose and includes offices where such uses are accessory to an institutional use;

(t) “Lodging Home” means a use in which the proprietor supplies for gain, lodging with or without meals to three or more persons other than the proprietor or members of his family but does not include a tourist establishment, hotel/motel, hospital or special care/special need residence, but does include a rooming house, boarding house and a student residence;

(u) “Long Term Care Home” means a home, nursing home or home for the aged where the Ministry of Health and Long Term Care funds the care provided in such home and application for accommodation is made through a Community Care Access Centre;

(v) “Low Density Multiple Dwelling” means a TRIPLEX DWELLING, a FREEHOLD TRIPLEX, a FOURPLEX DWELLING, a multiple attached DWELLING, a STREET TOWNHOUSE DWELLING or a TOWNHOUSE;

(w) “Multiple attached dwelling” means a type of Low Density Multiple Dwelling with 2 or more dwelling units including a Two Unit Residential House, but not including an Apartment Building and other types of dwelling/uses defined as Low Density Multiple Dwelling;
“Municipality” is as defined in Section 1 of the Development Charges Act, 1997;

“Non-Profit” means a corporation or entity without share capital, carried on for not-for-profit purposes, without the purpose of commercial gain, as stated in its charter/letters of patent;

“Non-Profit Residential Development” means housing units of any type or tenure produced by an incorporated non-profit provider who has an agreement with any level of Government or its Agencies or Boards to provide affordable housing units, a) for a period of not less than 25 years, b) where the agreement specifies a recapture of equity equal to the applicable development charge for the purpose of ongoing affordability, or c) produced by a registered charity;

“Non-Residential Use” means a building or structure used exclusively for any purpose other than human habitation and ancillary purposes, but includes short stay rental use, but does not include agriculture use, institutional use or public use;

“Place of Worship” means any building or part thereof that is owned by a church or religious organization that is exempt from taxation as a place of worship pursuant to the Assessment Act, R.S.O. 1990, c.A31, as amended;

“Public Use” means use or intended use for public purposes by any Department, Branch, Agency or Local Board of the Government (Federal, Provincial or Municipal);

“Residential Use” means use or intended use for human habitation and ancillary purposes, and includes such use related to agricultural use, but does not include such use related to institutional use, public use or short stay rental use;

“Retirement Home or Lodge” a mixed-use building which provides accommodation primarily for retired persons or couples where each private bedroom or living accommodation has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;

“Semi-Detached Dwelling” means the whole of a BUILDING divided vertically into two single DWELLING UNITS by a solid common wall extending throughout the entire STRUCTURE, from the base of the foundation to the highest point of the roof line with each unit having an independent entrance directly from the outside;

“Short Stay Rental Use” means use or intended use for human habitation on a temporary basis for profit (such as a hotel, motel, guest cabin and bed/breakfast), and does not include a dwelling room;

“Single-Detached Dwelling” means a separate residential BUILDING containing only one DWELLING UNIT;

“Special Care/Special Needs Residence” means a residence:

i. containing two or more dwelling rooms, which rooms have common entrance from street level;

ii. where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room and accessory buildings; and

iii. that is designed to accommodate persons with specific need, including but not limited to, Long Term Care Homes, independent
living arrangements; and where 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 and hospices;

(ii) "Street Townhouse" means a TOWNHOUSE with each DWELLING UNIT on a separate LOT with FRONTAGE on a STREET;

(kk) "Townhouse" means a BUILDING divided vertically into not less than four (4) and not more than eight (8) attached, non-communicating DWELLING UNITS;

(ll) "Triplex" means the whole of a BUILDING, divided into three (3) separate DWELLING UNITS, each of which has an independent entrance whether directly from the outside or through a common vestibule;

(mm) "Two Unit Residential House" means a house containing two (2) dwelling units only, but does not include a Duplex or a Semi-detached dwelling;

2. This By-law shall apply to all lands within the City of Welland.

3. (1) Subject to Subsection (2), Development Charges shall apply and shall be calculated and collected in accordance with the provisions of this By-law on the lands where the development requires:

(a) the passing of a Zoning By-Law or of an Amendment to a Zoning By-law under Section 34 of the Planning Act;

(b) the approval of a Minor Variance under Section 45 of the Planning Act;

(c) a Conveyance of land to which a By-law passed under Section 50(7) of the Planning Act applies;

(d) the approval of a Plan of Subdivision under Section 51 of the Planning Act;

(e) a Consent under Section 53 of the Planning Act;

(f) the approval of a Description under Section 50 of the Condominium Act; or

(g) the issuing of a Building Permit under the Building Code Act in relation to a building or structure.

(2) Subsection (1) hereof shall not apply if the action mentioned in Subsection (1) would only:

(a) permit the enlargement of an existing dwelling;

(b) create one or two additional dwelling units in an existing single-detached dwelling, unless the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit;

(c) create one additional dwelling in any other type of existing residential building, unless the gross floor area of the unit to be added exceeds the gross floor area of the dwelling unit already in the building, in the case of semi-detached or row dwellings, or the gross floor area of the smallest dwelling unit already in the building, in the case of apartment and other residential buildings.

4. Development Charges against land to be developed as provided in this By-law shall be based upon the following services provided by the City of Welland, for which separate reserve funds should be maintained:
(a) Studies;
(b) Fire Protection;
(c) Roads and Related;
(d) Public Works;
(e) Transit;
(f) Parks and Recreation;
(g) Library;
(h) Water;
(i) Wastewater; and
(j) Stormwater.

5. a) The amount of Development Charge in respect of a development shall be set out in Schedule "A";

b) The Development Charge under this By-law shall be calculated using the rate effective on the CALCUALTION DATE with respect to such development and shall be payable on the issuance of the first Building Permit with respect to such development;

c) Notwithstanding Sections 5 a) and 5 b), a complete application for building permit submitted on or before July 31, 2019 and issued on or prior to September 6, 2019 and shall be subject to the applicable Development Charge under Development Charges By-law 2014-75, where the applicable Development Charge is lower than the current Development Charge By-law.

6. a) The wastewater and water component or the applicable portion of the wastewater and water component of the Development Charges imposed herein shall not be charged where wastewater and/or water services are not available. The resulting Development Charges are set out in Schedule "A".

b) St Andrew's Terrace Service Area charges imposed herein are applicable on all development occurring within the boundary of Schedule "B" attached hereto. The resulting Development Charges are set out in Schedule "A".

7. The water, wastewater and road components of the Development Charge cover certain projects and types of works, with Landowners/Developers being financially responsible for the balance of the projects not covered by Development Charges.

8. (1) If Application is made for a Building Permit in respect of a parcel of land upon which a building existed within ten (10) years prior to the date of such Application, but which premise has been demolished or destroyed before the date of such Application, then the amount of Development Charges payable upon issuance of the said Building Permit shall be reduced by the net amount, calculated pursuant to this By-law at the current Development Charge rates, that would be payable as Development Charges in respect of the demolished or destroyed premise, provided that such reduction shall not exceed the Development Charges otherwise payable. For purposes of this subsection, "net" means the excess of the Development Charges for premises constructed, over the Development Charges for premises demolished or destroyed.

(2) If a development includes the conversion of a premise from one use (the "first use") to another use, then the amount of Development Charges payable shall be reduced by the amount, calculated pursuant to this By-law at the current Development Charge rates, that would be payable as Development Charges in respect of the first
use, provided that such reduction shall not exceed the Development Charges otherwise payable.

9. Development Charges established under the By-law shall be payable prior to the issuance of any required Building Permit, as noted in s. 3.(g).

10. Notwithstanding Sections (5) and (6) hereof, the City of Welland may, by Agreement enacted pursuant to Section (38) of the Development Charges Act, 1997, permit an Owner to perform work that relates to a service in exchange for credit towards the Development Charge in accordance with the Agreement provided such credit shall not exceed the total Development Charge payable by an owner to the municipality.

11. Council may enter into front-ending agreements in accordance with the provision of the Act and the regulations from time to time in force.

12. Where any Development Charge, or part thereof, remains unpaid after the due date, the unpaid amount shall be added to the tax roll, shall be collected in the same manner as taxes and the Treasurer is hereby authorized and directed to do so.

13. (1) Where two or more actions described in Section 3(1) hereof are required before land to which a Development Charge applies can be developed, only one Development Charge shall be calculated and collected in accordance with the By-law.

   (2) Notwithstanding Subsection (1), if two or more of the actions described in Section 3(1) occur at different times and the subsequent action has the effect of increasing the need for municipal services, an additional Development Charge shall be calculated and collected in accordance with this By-law.

14. Where a Development Charge applies pursuant to this By-law, no Building Permit shall be issued until the applicable Development Charge has been paid.

15. Where any refund of a Development Charge collected pursuant to this By-law is made in accordance with a Local Planning Appeal Tribunal order or a resolution of the Council of the Corporation of the City of Welland pursuant to an Order of the Local Planning Appeal Tribunal, the said refund shall be made in accordance with the Development Charges Act, 1997, and shall include interest at the Bank of Canada rate as of the day this By-law came into force, updated on the first business day of every January, April, July and October.

16. The Development Charges prescribed herein shall be adjusted annually, without amendment to this By-law, as of the 1st day of January 2020 in accordance with Statistics Canada Quarterly, "Construction Price Statistics."

17. This By-law shall become effective on the 1st day of August 2019 at 12:01 A.M.

18. A 75% reduction to the Development Charges payable under Sections 5 and 6 is applicable to all non-exempt development occurring within the Downtown and Health and Wellness Cluster Area as amended from time to time which is shown on Schedule "C" attached hereto.

19. A 100% reduction to the Development Charges payable under Sections 5 and 6 is applicable to all non-exempt employment uses under Section 22 related to manufacturing, warehousing, offices and associated retail and ancillary facilities occurring within the City of Welland Niagara Gateway Economic Zone and Centre, which is shown on Schedule "D" attached hereto.

20. A 75% reduction to the Development Charges payable under Sections 5 and 6 is applicable to all non-exempt development occurring within any Brownfield Area as designated in a Community improvement Plan adopted by the Council of the Corporation
of the City of Welland, within the City boundaries shown on Schedule "E" attached hereto, as amended from time to time, and with an approved Application and Agreement under the Brownfield Grant process.

21. a) Development which is subject to a reduction(s) in Development Charges as permitted in Sections 18 or 20 occurring within the boundaries of Schedules "C" or "E" of this By-law will be provided a further 25% reduction of the Development Charge under Section 5 and 6, calculated before any reduction under Sections 18 or 20, where, in the opinion of the Chief Building Official (or Designate) for the City of Welland, the development includes three or more of the following features:

i. "Intensification of an existing use" meaning redevelopment or building addition so as to add floor area and/or a residential unit or units;

ii. "Creation of mixed uses" meaning redevelopment, addition or conversion so as to add a new compatible use or uses to a building or property. "Creation of mixed uses" also means new development that proposes a mixed-use building or a mix of uses on the site;

iii. "Contribution towards the creation of a walkable neighbourhood character" meaning development, redevelopment, addition or conversion within a neighbourhood context that features one or more of the following: safe and clearly demarcated pedestrian access to and within the development site, building orientation and pedestrian access oriented toward the street, site and building access directly from the street without requiring passage across driveway or parking area, street-oriented building façade that features fenestration and entranceways to create a sense of permeability and movement between the street and the building interior, contribution to the quality of the public space on the street by the provision of space for public assembly, street furniture, artworks and/or landscaping;

iv. "Creation of a range of housing opportunities and choices" meaning development, redevelopment, addition or conversion that adds multiple-unit housing types to the housing stock;

v. "Reduced setbacks from roadways" meaning development, redevelopment or conversion that places the building façade at the front lot line or closer to the street than the mid-point between the street line and the existing building. Where there is an existing building line along the block-face that is set back from the street line, "reduced front setbacks from roadways" means placing the building façade closer to the street line than the mid-point between the street line and the established building line;

vi. "Energy Conservation Measures and Environmental Management Efforts," meaning development and redevelopment that features one or more of the following:

- LEED Certification;
- Thermal or Ground Source Heating, Use of Alternative Energy, LED Lighting Technology;
- Intensive landscaping which may assist, for example, in stormwater management;
- Restoration of natural environment, habitats and heritage features;
b) The Development Charge reduction under Subsection (a) is to be supported by an Agreement between the Owner and the City, entered into prior to Building Permit issuance, to the effect that should the project features under Subsection 21(a) i. to vi. that qualified the development for the 25% Development Charge reduction not be put in place to the satisfaction of the City, within an agreed time period, then the Owner is required to repay the 25% Development Charge discount to the City, with interest payable at the Bank of Canada rate as of the day this By-law came into force, updated on the first business day of every January, April, July and October. Should the Owner not repay the 25% Development Charge, as required in the Agreement and By-law, the City may recover the amount as taxes as specified in Section 12 of this By-law and Section 446 of the Municipal Act. The agreement may be registered in the proper land registry office against the land to which it applies.

22. This By-law shall not apply to:

a) Land that is owned by and used for the purposes of a Board of Education as defined by Subsection 1(1) of the Education Act;

b) Land that is owned by and used for the purposes of a Municipality as defined by Section 1 of the Development Charges Act, 1997;

c) Non-profit residential development;

d) Industrial development;

e) Seasonal or temporary structures erected for a period not exceeding four (4) months;

f) Land that is owned by, and used, for the purpose of the Regional Municipality of Niagara or any University or College;

g) Garden Suites;

h) Parking structures;

i) Place of Worship – that portion of a 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 worship space, including hallways, attached meeting rooms and lobbies and excluding, but not limited to, areas such as office, storage buildings, kitchen, classrooms, fellowship hall and library;

j) Charitable Institution – land owned, used and occupied by a charitable institution, provided that the charitable institution continues to own, use and occupy the lands for the relief of the poor for a period of three (3) years from the date that the Development Charges would otherwise be payable under this By-law or the Act (the “deferral period”). If the charitable institution ceases to own, use or occupy the lands for the relief of the poor within the deferral period, the Development Charges shall become immediately due and payable and Section 12 of this By-law applies; and

k) Gas station canopies;

l) Detached accessory dwelling units.

23. (1) Monies received from payment of Development Charges shall be maintained in separate reserve funds as follows: Studies, Roads and Related, Fire Protection, Transit, Wastewater, Water, Storm water, Library, Public Works and Parks and
Recreation. Funds shall be used only in accordance with Section 35 of the Development Charges Act, 1997.

(2) The Treasurer of the Municipality shall, in each year, furnish to Council a statement in respect of the reserve fund established hereunder for the prior year, containing the information set out in Sections 12 and 13 of O.Reg. 82/98.

(3) Borrowing for the reserve fund, or from one designated municipal service fund to another, for municipal financial purposes will be permitted as authorized from time to time by resolution or By-law of Council provided interest is paid in accordance with the Act and the regulations thereto and in particular Section 3.

24. A full refund of Development Charges shall be provided to the payee without interest where a project is abandoned, building permit revoked, and no construction has occurred.

25. This By-law shall be known as the “Development Charges By-law 2019” for the City of Welland.

26. This By-law shall remain in effect until the 31st day of July, 2024 at 12:00 midnight, unless otherwise repealed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 9th DAY OF JULY, 2019.
### SCHEDULE "A" TO BY-LAW 2015-0 OF THE CITY OF WELLAND

#### CITY OF WELLAND DEVELOPMENT CHARGES

<table>
<thead>
<tr>
<th>Type of Charge</th>
<th>Residential Charge</th>
<th>Per Dwelling Room</th>
<th>Non-Residential Charge (per square foot of GFA)</th>
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<td>Row &amp; Other Multiples</td>
<td>Apartment Units - One Bedroom of Less</td>
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<td>Public Works</td>
<td>$262.78</td>
<td>$236.78</td>
<td>$126.62</td>
</tr>
<tr>
<td>Roads and Related</td>
<td>$3,954.43</td>
<td>$3,563.12</td>
<td></td>
</tr>
<tr>
<td>Stormwater</td>
<td>$297.92</td>
<td>$286.44</td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Total</em></td>
<td>$7,006.20</td>
<td>$6,212.89</td>
<td>$3,376.40</td>
</tr>
</tbody>
</table>

#### Additional Notes:
- Development charges shall be adjusted annually, without amendment to by-law, as of the 1st day of January 2020 in accordance with Statistics Canada, Quarterly, "Construction Price Statistics".
THIS IS SCHEDULE "B" TO BY-LAW 2019-83
PASSED THE 9 DAY OF JULY, 2019

SKETCH SHOWING
ST ANDREW’S TERRACE AREA
DEVELOPMENT CHARGES

LEGEND
Area 1
Area 2
THIS IS SCHEDULE "C" TO BY-LAW 2019- 8.3
PASSED THE 9 DAY OF July, 2019

SKETCH SHOWING
DOWNTOWN AND HEALTH AND WELLNESS
CLUSTER AREA DC EXEMPTION AREA

MAYOR

DEPUTY CLERK

Infrastructure and
Development Services
Planning Division

FILE: Z:\MAPPING\PROJECTS\Development Charges\Downtown
DATE: 03/05/2019
THIS IS SCHEDULE "D" TO BY-LAW 2019-23
PASSED THE 9 DAY OF July, 2019

SKETCH SHOWING
CITY OF WELLAND NIAGARA GATEWAY ECONOMIC ZONE
AND CENTRE COMMUNITY IMPROVEMENT DC EXEMPTION AREA

MAYOR

CLERK

Infrastructure and Development Services
Planning Division

DATE: 03/05/2019
The Town of Pelham

The City of Thorold

The City of Niagara Falls

406

340

229

1140

THIS IS SCHEDULE "E" TO BY-LAW 2019-83
PASSED THE 9 DAY OF July, 2019

SKETCH SHOWING
BROWNFIELD COMMUNITY IMPROVEMENT DC EXEMPTION AREA

MAYOR

Clerk

DEPARTMENT OF INFRASTRUCTURE AND DEVELOPMENT SERVICES
Planning Division

FILE: Z:\MAPPING\PROJECTS\Development Charges\Schedule\E\Schedule E B & E B
DATE: 03/05/2019