THE CORPORATION OF THE CITY OF WOODSTOCK

BY-LAW NUMBER 9538-22

A by-law to establish development charges for the Corporation of the City of Woodstock

WHEREAS subsection 2(1) of the Development Charges Act, 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 to which the by-law applies;

AND WHEREAS the Council of The Corporation of the City of Woodstock (“City of Woodstock”) has given Notice in accordance with Section 12 of the Development Charges Act, 1997, of its intention to pass a by-law under Section 2 of the said Act;

AND WHEREAS the Council of the City of Woodstock 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 May 19, 2022;

AND WHEREAS the Council of the City of Woodstock had before it a report entitled Development Charges Background Study dated April 14, 2022 prepared by Hemson Consulting Ltd. (the “Study”), wherein it is indicated that the development of any land within the City of Woodstock will increase the need for services as defined herein;

AND WHEREAS the Council of the County has indicated its intent that the future excess capacity identified in the Study shall be paid for by the Development Charges or other similar charges;

AND WHEREAS following the Public Meeting, Council afforded the public an additional period of time for the submission of further written representations;

AND WHEREAS Council has further considered the Study and the by-law in light of any further written representations received;

AND WHEREAS by this by-law Council has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development will be met as set out in the Capital Programs contained in Appendix B of the Study;

AND WHEREAS by this by-law Council has determined that no further public meetings are required under section 12 of the Act.
AND WHEREAS the Council of the City of Woodstock has given consideration of the use of more than one development charge by-law to reflect different needs for services in different areas, also known as area rating or area specific DCs, and has determined that for the services, and associated infrastructure proposed to be funded by DCs under this by-law, that it is fair and reasonable that the charges be calculated on a municipal-wide uniform basis;

AND WHEREAS the Development Charges Background Study dated April 14, 2022 includes an Asset Management Plan that deals with all assets whose capital costs are intended to be funded under the development charge by-law and that such assets are considered to be financially sustainable over their full life-cycle.

AND WHEREAS the Council of the City of Woodstock will give consideration to incorporate the asset management plan outlined in the Development Charges Background Study within the City’s ongoing practices and corporate asset management strategy.

NOW THEREFORE THE COUNCIL OF THE CITY OF WOODSTOCK ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law,
   
   (1) “Act” means the Development Charges Act, 1997, c. 27;
   
   (2) “Affordable housing” means housing accommodations and incidental facilities primarily for persons of low and moderate income that meet the requirements of any program for such purpose as administered by any agency of the Federal or Provincial government, the County of Oxford and/or the City.
   
   (3) “Apartment dwelling” means any dwelling unit within a building containing more than four dwelling units where the units are connected by an interior corridor;
   
   (4) “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;
   
   (5) “Building” means a permanent enclosed structure occupying an area greater than ten square metres (10 m²) and, notwithstanding the generality of the foregoing, includes, but is not limited to:
      
      (a) An above-grade storage tank;
      (b) An air-supported structure;
      (c) An industrial tent;
      (d) A roof-like structure over a gas-bar or service station; and
(e) An area attached to and ancillary to a retail Development delineated by one or more walls or part walls, a roof-like structure, or any one or more of them;

(6) “Board of education” means a board defined in s.s. 1(1) of the Education Act;


(8) “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;
(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, 1984, S.O. 1984, c. 57, and
(e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d);
(f) to complete the development charge background study under Section 10 of the Act;
(g) interest on money borrowed to pay for costs in (a) to (d);

required for provision of services designated in this by-law within or outside the municipality.

(9) “Council” means the Council of The Corporation of the City of Woodstock;

(10) “Development” means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 7 of this by-law and including the redevelopment of land or the redevelopment, expansion, extension or alteration of a use, building or structure except interior alterations to an existing building or structure which do not change or intensify the use of land;

(11) “Development charge” means a charge imposed pursuant to this By-law;

(12) “Dwelling” or “Dwelling unit” means any part of a building or structure with a room or suite of rooms used, or designed or intended for use by, one
person or persons living together, in which sanitary facilities are provided for the exclusive use of such person or persons and a separate kitchen may or may not be provided;

(13) “Farm Building” means a Building or structure associated with and located on land devoted to the practice of farming and that is used essentially for the housing of farm equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds, and as part of or in connection with a bona fide farming operation and includes barns, silos and other buildings or structures ancillary to that farming operation, but excludes:

(a) a Residential Use, with the exception of a bunk house for seasonal farm workers required for that farm operation; and
(b) any Building or portion thereof used or intended to be used for any other Non-Residential Use, including, but not limited to: retail sales; commercial services; restaurants; banquet facilities; hospitality and accommodation facilities; gift shops; contractors shops; services related to grooming, boarding, or breeding of household pets; and alcohol or marijuana production facilities.

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

(15) “Gross floor area” means the total floor area measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls.

(16) “Industrial Building” means a building used for or in connection with,

(a) manufacturing, producing, processing, storing or distributing something,
(b) research or development in connection with manufacturing, producing or processing something,
(c) 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,
(d) office or administrative purposes, if they are,
   i. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
   ii. in, attached or located upon the same property to the building or structure used for that manufacturing, producing, processing, storage or distribution

and shall not include self-storage facilities or retail warehouses.
(17) “Institutional building” means a building used for or in connection with any organization, owned or operated for religious, educational, charitable or governmental purposes supported in whole or in part by public funds;

(18) “Local board” means a public utility commission, public library board, local board of health, or any other board, commission, committee or body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of the municipality or any part or parts thereof;

(19) “Local services” means those services or facilities 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, required as a condition of approval under s.51 of the Planning Act, or as a condition of approval under s.53 of the Planning Act;

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

(21) “Multiple dwelling” means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment dwellings and shall include Park Model Trailers;

(22) “Municipality” means The Corporation of the City of Woodstock;

(23) “Non-residential uses” means a building or structure used for other than a residential use;

(24) “Other non-residential uses” means lands, buildings or structures or portions thereof used, or designed or intended for a use other than a residential or industrial development;

(25) “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;

(26) “Park Model Trailer” means a trailer conforming to National Standard of Canada CAN CSA-Z241.0-92, CAN CSA-Z240 or similar standard that is up to a maximum size of 50 square metres and designed to facilitate relocation from time to time.

(27) “Planning Act” means the Planning Act, 1990, R.S.O. 1990, c.1, as amended;

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

(29) “Residential uses” means lands, buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or
more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, and the residential portion of a mixed-use building or structure;

(30) “Semi-detached dwelling” means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;

(31) “Services” means services set out in Schedule “A” to this By-law;

(32) “Single detached dwelling” means a completely detached building containing only one dwelling unit.

(33) “Temporary Building or Structure” means a Building or structure constructed or erected or placed on land for a continuous period not exceeding twelve months, or an addition or alteration to a Building or structure that has the effect of increasing the total floor area thereof for a continuous period not exceeding twelve months;

(34) “Total floor area” means, the sum total of the total areas of all floors in a building or structure whether at above or below grade measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating two uses or from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall, and:

(a) includes the floor area of a mezzanine, atrium, or air supported structure, and the space occupied by interior wall partitions; and

(b) where a building or structure does not have any walls, the total floor area of the building or structure shall be the total of the area of all floors including the ground floor that are directly beneath the roof of the building or structure;

**CALCULATION OF DEVELOPMENT CHARGES**

2. (1) Subject to the provisions of this By-law, development charges against land in the municipality shall be imposed, calculated and collected in accordance with the base rates set out in Schedule “B”, which relate to the services set out in Schedule “A” and further adjusted by Section 19.

(2) The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:

(a) in the case of residential development or redevelopment, or a residential portion of a mixed-use development or redevelopment, based upon the number and type of dwelling units;

(b) in the case of non-residential development or redevelopment, or a non-residential portion of a mixed-use development or
redevelopment, based upon the total floor area of such development.

(3) Council hereby determines that the development or redevelopment of land, buildings or structures for residential and non-residential uses will require the provision, enlargement or expansion of the services referenced in Schedule “A”.

APPLICABLE LANDS

3. (1) Subject to Sections 4 and 5, this by-law applies to all lands in the municipality, whether or not the land or use is exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31. The By-law shall also apply to any additional lands that may be incorporated into the corporate boundary for the City of Woodstock through a municipal boundary adjustment process and/or designated as large urban centre (City of Woodstock) on Schedule C-3 of the County of Oxford Official Plan through an Official Plan amendment.

(2) This by-law shall not apply to land that is owned by and used for the purposes of:

(a) a board of education;
(b) any municipality or local board thereof;
(c) a Place of Worship exempt under s.3 of the Assessment Act, R.S.O. 1990, c. A31, as amended;
(d) a Public Hospital under the Public Hospitals Act, R.S.O. 1990, c. P.40, as amended;

RULES WITH RESPECT TO EXEMPTIONS FOR INTENSIFICATION OF EXISTING HOUSING

4. (1) Notwithstanding Section 3 above, no development charge shall be imposed on a development if the only effect of the development is to:

(a) enlarge an existing residential dwelling unit;
(b) create additional dwelling units as prescribed under O.Reg. 82/98, subject to the prescribed restrictions, in prescribed classes of existing residential buildings or prescribed structures ancillary to existing residential buildings; or
(c) create additional dwelling units in proposed new residential buildings as prescribed under O.Reg. 82/98, including structures ancillary to dwellings, subject to the prescribed restrictions.
RULES WITH RESPECT TO AN “INDUSTRIAL” EXPANSION EXEMPTION

5. (1) Notwithstanding Section 3, if a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with this section:

(a) if the gross floor area is enlarged by 50 percent or less, the amount of the development charge in respect of the enlargement is zero; or

(b) if the gross floor area is enlarged by more than 50 percent, development charges are payable on the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.

(2) For the purpose of this section, the terms “gross floor area” and “existing industrial building” shall have the same meaning as those terms have in O.Reg. 82/98 made under the Act.

(3) In this section, for greater certainty in applying the exemption herein:

(a) the gross floor area of an existing industrial building is enlarged where there is a bona fide physical and functional increase in the size of the existing industrial building.

OTHER EXEMPTIONS FROM DEVELOPMENT CHARGES

6. (1) Notwithstanding any other provision of this By-law, development charges shall not be imposed with respect to

(a) an institutional building as defined herein;

(b) all development within the boundaries of the “Downtown Community Improvement Area” as shown on Schedule “C” of this By-law;

(c) an affordable housing development

(d) farm buildings as defined herein; and

(e) temporary buildings or structures as defined herein

DEVELOPMENT CHARGES IMPOSED

7. (1) Subject to subsection (2), development charges shall be calculated and collected in accordance with the provisions of this by-law and be imposed on land to be developed for residential and non-residential use, where, the development requires,

(i) the passing of a zoning by-law or an amendment thereto under Section 34 of the Planning Act, R.S.O. 1990, c.P. 13;
(ii) the approval of a minor variance under Section 45 of the Planning Act, R.S.O. 1990, c.P.13;

(iii) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act, R. S.O. 1990, c.P.13 applies;

(iv) the approval of a plan of subdivision under Section 51 of the Planning Act, R.S.O. 1990, c.P. 13;

(v) a consent under Section 53 of the Planning Act, R.S.O. 1990, c.P. 13;

(vi) the approval of a description under Section 50 of the Condominium Act, 1998, S.O. 1998, c.19; or

(vii) the issuing of a permit under the Building Code Act, 1992, S.O. 1992, c.23, as amended in relation to a building or structure.

(2) Subsection (1) shall not apply in respect to

(a) local services installed or paid for by the owner within a plan of subdivision or within the area to which the plan relates, as a condition of approval under Section 51 of the Planning Act, R.S.O. 1990, c.P. 13;

(b) local services installed or paid for by the owner as a condition of approval under Section 53 of the Planning Act, R.S.O. 1990, c.P. 13.

LOCAL SERVICE INSTALLATION

8. Nothing in this by-law prevents Council from requiring, as a condition of an agreement under Section 51 or 53 of the Planning Act, that the owner, at his or her own expense, shall install or pay for such local services, within the Plan of Subdivision or within the area to which the plan relates, as Council may require.

MULTIPLE CHARGES

9. (1) Where two or more of the actions described in subsection 7(1) 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 provisions of this by-law.

(2) Notwithstanding subsection (1), if two or more of the actions described in subsection 7(1) occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as set out in Schedule “A”, an additional development charge on the additional residential units and non-residential floor area, shall be calculated and collected in accordance with the provisions of this by-law.
SERVICES IN LIEU

10. (1) Council may authorize an owner, through an agreement under Section 38 of the Act, to substitute such part of the development charge applicable to the owner’s development as may be specified in the agreement, by the provision at the sole expense of the owner, of services in lieu. Such agreement shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against the development charge in accordance with the agreement provisions and the provisions of Section 39 of the Act, equal to the reasonable cost to the owner of providing the services in lieu. In no case shall the agreement provide for a credit which exceeds the total development charge payable by an owner to the municipality in respect of the development to which the agreement relates.

(2) In any agreement under subsection 11(1), Council may also give a further credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this by-law.

(3) The credit provided for in subsection (2) shall not be charged to any development charge reserve fund.

FRONT-ENDING AGREEMENTS

11. Council may authorize a front-ending agreement in accordance with the provisions of Part III of the Act, upon such terms as Council may require, in respect of the development of land.

RULES WITH RESPECT TO RE-DEVELOPMENT

12. If a development or redevelopment involves the demolition of and replacement of a building or structure, or the conversion from one principal use to another:

(1) a credit shall be allowed, provided that the land was improved by occupied structures within the five years prior to the issuance of the building permit, and the building permit has been issued for the development or redevelopment within five years from the date the demolition permit has been issued; and

(2) a credit shall be allowed equivalent to:

   (a) 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
(b) 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.

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

14. Notwithstanding subsection 12(1) above, where the Building cannot be demolished until the new Building has been erected, the Owner shall notify the City in writing and pay the applicable Development Charge for the new Building in full and, if the existing Building is demolished not later than twelve (12) months from the date a building permit is issued for the new Building, the City shall provide a refund calculated in accordance with this section to the Owner without interest. If more than twelve (12) months is required to demolish the existing Building, the Owner may make a written request to the City, and the City’s Treasurer or designate, in his or her sole and absolute discretion and upon such terms and conditions as he or she considers necessary or appropriate, may extend the time in which the existing Building must be demolished, and such decision shall be made prior to the issuance of the first building permit for the new Building.

TIMING OF CALCULATION AND PAYMENT

15. (1) Development charges shall be calculated and payable in accordance with section 26, section 26.1 and section 26.2 of the Development Charges Act.

(2) Where development charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full.

(3) Notwithstanding subsections 15(1) and (2) of this by-law, an owner and the Municipality may enter into an agreement to provide for the payment in full of a development charge before building permit issuance or later than the issuing of a building permit, in accordance with section 27 of the Act.

INTEREST PAYMENTS

16. (1) The Municipality may charge interest on the installments required by subsection 26.1(3) of the Act from the date the development charge would have been payable in accordance with Section 26 of the Act to the date the installment is paid.

(2) Where subsections 26.2(1) (a) or (b) of the Act applies, the Municipality may charge interest on the development charge from the date of the application referred to in the applicable clause to the date the development charge is payable under subsection 26.2(3) of the Act.
(3) The Municipality may determine, by Council resolution or policy external to this by-law, interest rates in relation to subsections 16(1) and (2) of this by-law.

RESERVE FUNDS

17. (1) Monies received from payment of development charges under this by-law shall be maintained in separate reserve funds as per the service categories set out in Schedule “A”.

(2) Monies received for the payment of development charges shall be used only in accordance with the provisions of Section 35 of the Act.

(3) Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.

(5) Where any unpaid development charges are collected as taxes under subsection (3), the monies so collected shall be credited to the development charge reserve funds referred to in subsection (1).

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

BY-LAW AMENDMENT OR APPEAL

18. (1) Where this by-law or any development charge prescribed thereunder is amended or repealed either by order of the Ontario Land Tribunal or by resolution of the Municipal Council, the Municipal Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.

(2) Refunds that are required to be paid under subsection (1) shall be paid with interest to be calculated as follows:

(a) Interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;

(b) The Bank of Canada interest rate in effect on the date of enactment of this by-law shall be used.

(3) Refunds that are required to be paid under subsection (1) shall include the interest owed under this section.
BY-LAW INDEXING

19. The development charges set out in Schedule “B” to this by-law shall be adjusted annually on April 1 of each year, without amendment to this by-law, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, “Construction Price Statistics”.

SEVERABILITY

20. In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this by-law shall remain in full force and effect.

HEADINGS FOR REFERENCE ONLY

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

BY-LAW REGISTRATION

22. A certified copy of this by-law may be registered on title to any land to which this by-law applies.

BY-LAW ADMINISTRATION

23. This by-law shall be administered by the Municipal Treasurer.

SCHEDULES TO THE BY-LAW

24. The following Schedules to this by-law form an integral part of this by-law:

Schedule A  -  Schedule of Municipal Services
Schedule B  -  Schedule of Development Charges
Schedule C  -  Schedule of Lands exempt from the City of Woodstock Development Charges By-law

DATE BY-LAW EFFECTIVE

25. This By-law shall come into force and effect on January 1st, 2023.

EXISTING BY-LAW REPEAL

26. By-law 9208-18 (as amended) is repealed as of the date of this by-law comes into force and effect.
27. This by-law may be cited as the “City of Woodstock Development Charge By-law, 2022.

READ a first and second time in Open Council this 16th day of June, 2022.

READ a third time and passed in Open Council this 16th day of June, 2022.

__________________________
Acting Mayor

__________________________
Clerk
SCHEDULE “A”

TO BY-LAW NO. 9538-22

DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

1. Library Services
2. Fire Protection
3. Police Protection
4. Parks and Recreation
5. Transit Services
6. Waste Diversion
7. Development-Related Studies
8. Services Related to a Highway: Public Works
9. Services Related to a Highway: Roads and Related
## SCHEDULE OF RESIDENTIAL DEVELOPMENT CHARGES

**Effective January 1, 2023**

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<th>Service</th>
<th>Singles &amp; Semis</th>
<th>Rows &amp; Other Multiples</th>
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<th>Apartments Bachelor or 1 Bedroom</th>
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## SCHEDULE OF NON-RESIDENTIAL DEVELOPMENT CHARGES

**Effective January 1, 2023**

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Note: Institutional uses as defined are exempt from the payment of development charges as per section 6 (1).
CITY OF WOODSTOCK

SCHEDULE “C”
TO BY-LAW NO. 9538-22

SCHEDULE OF LANDS EXEMPT FROM THE CITY OF WOODSTOCK
DEVELOPMENT CHARGES BY-LAW 9538-22

THIS IS SCHEDULE “C”
TO BY-LAW No. 9538-22, PASSED
THE 16TH DAY OF JUNE, 2022

__________________________
ACTING MAYOR

__________________________
CLERK