

Authority: Item 5, Audit, Finance &
Administration Committee Report
18-011 (FCS18054(a))
CM: August 17, 2018
Ward: City Wide
Bill No. 228

CITY OF HAMILTON

BY-LAW NO. 18-228

**Being a By-law to amend By-law No. 14-153 and By-law No. 11-174
"City of Hamilton Development Charges By-law, 2014"
and
"City of Hamilton GO Transit Development Charges By-law, 2011"**

WHEREAS section 19 of the *Development Charges Act, 1997*, S.O. 1997, c.27 (hereinafter referred to as the "Act") provides for amendments to be made to development charges by-laws;

WHEREAS the Council of the City of Hamilton has determined that certain amendments should be made to the City of Hamilton Development Charges By-law, 2014 (By-law 14-153);

WHEREAS the Council of the City of Hamilton has determined that certain amendments should be made to the City of Hamilton GO Transit Development Charges By-law, 2011 (By-law 11-174);

WHEREAS, in accordance with section 10 of the Act, at its meeting of June 13, 2018, the Council of the City of Hamilton approved a background study through Report PED18093 / FCS18054 dated June 11, 2018 entitled "City of Hamilton Development Charges By-law Background Study Re: Amendments to the Downtown Community Improvement Project Area (CIPA) Exemption."

WHEREAS, as required by section 10 of the Act, the said development charges background study has been completed and made public a minimum of 60 days prior to passing this development charges By-law amendment;

WHEREAS, as required by section 11 of the Act, this By-law amendment is being enacted within one year of the completion of the said development charges background study, titled "City of Hamilton Development Charges By-law Background Study Re: Amendments to the Downtown Community Improvement Project Area (CIPA) Exemption" prepared by staff, dated June 11, 2018;

WHEREAS the Council of the City of Hamilton has given notice and held a public meeting on August 15, 2018 in accordance with section 12 the Act regarding its proposals for this development charges By-law amendment;

WHEREAS the Council of the City of Hamilton, through its Audit, Finance and Administration Committee, has received written submissions and heard all persons who

applied to be heard no matter whether in objection to, or in support of, the said By-law amendment;

WHEREAS the Council of the City of Hamilton, at its meeting of August 17, 2018, has adopted and approved the said background study and the development charges policies recommended by the General Manager of the Finance and Corporate Services Department to be included in this By-law amendment and determined that no further public meetings are required under section 12 of the Act; and

WHEREAS the Council of the City of Hamilton, at its meeting of June 13, 2018, approved a Report PED18093 / FCS18054 dated June 11, 2018 entitled "City of Hamilton Development Charges By-law Background Study Re: Amendments to the Downtown Community Improvement Project Area (CIPA) Exemption."

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Section 2 of By-law 14-153 is hereby amended by adding the following:

Schedule "H": Height Restrictions for Downtown Hamilton CIPA Exemption

2. Section 22 of By-law 14-153 is hereby amended by replacing Section 22 with the following:

"Downtown Hamilton Community Project Area (CIPA) Exemption

22. Development within the boundaries of the Downtown Hamilton Community Improvement Project Area (CIPA) as shown on Schedule "D" attached to this By-law shall:

- (a) be exempted from the following percentages of the development charges otherwise payable, after all other credits and exemptions are considered, under the By-law for only the portion of the building that is within the height restrictions as shown in Schedule "H" attached to this By-law based on the later of the date on which development charges are payable or the date all applicable development charges were actually paid:

Date	Percentage of exemption (%)	Percentage of development charge payable (%)
July 6, 2014 to July 5, 2015	90	10
July 6, 2015 to July 5, 2016	85	15
July 6, 2016 to July 5, 2017	80	20
July 6, 2017 to July 5, 2018	75	25
July 6, 2018 to July 6, 2019	70	30

Schedule "H" attached to this By-law shall not be amended by any decision by the Local Planning Appeal Tribunal relating to the City's Zoning By-law Amendment 18-114; or by any amendments, including site specific or area

specific, to the City's Zoning By-law 05-200 either through Local Planning Appeal Tribunal decisions or by Council.

For clarity, any development in excess of the height restrictions as shown in Schedule "H" shall be subject to the full calculated development charge and only be reduced if there are any credits or exemptions remaining after applying any and all other credits or exemptions to the portion of the building that is within the height restrictions as shown in Schedule "H" attached to this By-law.

- (b) receive an additional dollar for dollar exemption on any remaining development charges payable based on the amount of voluntary contributions to a Downtown Public Art Reserve, except and provided that no exemption under this Section 22(b) may exceed ten percent (10%) of the development charges otherwise payable on the height that is within the height restrictions as shown in Schedule "H" attached to this By-law.
3. By-law 14-153 is hereby amended by adding thereto the Schedule "H" attached to this By-law.
 4. Section 2 of By-law 11-174 is hereby amended by adding the following:

Schedule "C": Height Restrictions for Downtown Hamilton CIPA Exemption

5. Section 18 of By-law 11-174 is hereby amended by replacing Section 18 with the following:

"Downtown Hamilton Community Project Area (CIPA) Exemption

18. Development within the boundaries of the Downtown Hamilton Community Improvement Project Area (CIPA) as shown on Schedule "B" attached to this By-law shall:

- (a) be exempted from the following percentages of the development charges otherwise payable, after all other credits and exemptions are considered, under the By-law for only the portion of the building that is within the height restrictions as shown in Schedule "C" attached to this By-law based on the later of the date on which development charges are payable or the date all applicable development charges were actually paid:

Date	Percentage of exemption (%)	Percentage of development charge payable (%)
July 6, 2014 to July 5, 2015	90	10
July 6, 2015 to July 5, 2016	85	15
July 6, 2016 to July 5, 2017	80	20
July 6, 2017 to July 5, 2018	75	25
July 6, 2018 to July 6, 2019	70	30

Schedule "C" attached to this By-law shall not be amended by any decision by the Local Planning Appeal Tribunal relating to the City's Zoning By-law Amendment 18-114; or by any amendments, including site specific or area specific, to the City's Zoning By-law 05-200 either through Local Planning Appeal Tribunal decisions or by Council.

For clarity, any development in excess of the height restrictions as shown in Schedule "C" attached to this By-law shall be subject to the full calculated development charge and only be reduced if there are any credits or exemptions remaining after applying any and all other credits or exemptions to the portion of the building that is within the height restrictions as shown in Schedule "C" attached to this By-law.

- (b) receive an additional dollar for dollar exemption on any remaining development charges payable based on the amount of voluntary contributions to a Downtown Public Art Reserve, except and provided that no exemption under this Section 18(b) may exceed ten percent (10%) of the development charges otherwise payable on the height that is within the height restrictions as shown in Schedule "C" attached to this By-law.
6. By-law 11-174 is hereby amended by adding thereto the Schedule "C" attached to this By-law.
 7. The City Clerk is hereby authorized and directed to consolidate this and any other duly enacted amendments to By-law 14-153 into the main body of the said By-law, and to make any necessary and incidental changes to numbering and nomenclature thereof arising from the said consolidation.
 8. The City Clerk is hereby authorized and directed to consolidate this and any other duly enacted amendments to By-law 11-174 into the main body of the said By-law, and to make any necessary and incidental changes to numbering and nomenclature thereof arising from the said consolidation.
 9. This By-law shall come into force and take effect at 12.01 a.m. on August 20, 2018.

PASSED this 17th day of August, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

SCHEDULE H TO BY-LAW 14-153
Height Restrictions for Downtown Hamilton CIPA Exemption



Being a By-law to amend By-law 14-153 and By-law 11-174
"City of Hamilton Development Charges By-law, 2014"
And "City of Hamilton GO Transit Development Charges By-law, 2011"

SCHEDULE C TO BY-LAW 11-174
Height Restrictions for Downtown Hamilton CIPA Exemption

