This By-law is a consolidated version and includes amendments made by the amending by-laws listed on the following page. This consolidation is prepared for purposes of convenience only and is not the official or legal version of the By-law. For accurate reference to the By-law, certified copies should be obtained through the City Clerk’s Office.

If you require an accessible copy of this by-law please contact clerk@hamilton.ca

Consolidation Update: October 7, 2026

CITY OF HAMILTON

By-law No. 24-072

Being a By-Law Respecting Development Charges on Lands within the City of Hamilton

OFFICE CONSOLIDATION

Consolidated By-law No. 24-072

Incorporating amendments made by:

By-law No.:	Effective Date:	
24-213	**November 27, 2024**	Amendment to include Studies
25-157	**August 6, 2025**	Amendment to create temporary partial exemption from September 1, 2025 to August 31, 2027 Amendment to exempt non-profit housing developments
25-202	**October 29, 2025**	Amendment to exempt Child Care Centres operated by Non-Profit Child Care Providers
26-088	**May 13, 2026**	Amendment to create temporary partial exemption from June 1, 2026 to May 31, 2027,
26-0182	**October 7, 2026**	Amendment to enable a Development Charges Reduction Program Agreement,

Authority	Item 1, Audit, Finance & Administration Committee Report
Staff Report Number	FCS23103(b)
Council Meeting	May 8, 2024
Ward	City Wide
Written approval	Mayoral Decision MDE-2024 12
MD Dated	May 08, 2024

Bill No. 072

CITY OF HAMILTON

BY-LAW NO. 24-072

Being a By-Law Respecting Development Charges on Lands within the City of Hamilton

WHEREAS the *Development Charges Act, 1997,* S.0.1997, c.27 (hereinafter referred to as the "Act") authorizes municipalities to pass a By-law for the imposition of development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the said By-law applies;

WHEREAS the City of Hamilton (herein referred to as the "City"), as required by section 10 of the Act, has undertaken and completed a development charge background study regarding the anticipated amount, type and location of development; the increase in needs for services; estimated capital costs to provide for such increased needs, including the long term capital and operating costs for capital infrastructure required for the services;

WHEREAS as required by section 11 of the Act, this By-law is being enacted within one year of the completion of the said development charge background study, titled *Development Charges Background Study"* prepared by Watson & Associates, dated December 21, 2023, as amended by the Addendum to the December 21, 2023 Development Charges Background Study prepared by Watson & Associates Economists Ltd., dated March 28, 2024;

WHEREAS in advance of passing this By-law the Council of the City (herein referred to as "Council") has given notice of and held a public meeting on February 22, 2024 in accordance with section 12 of the Act regarding its proposals for this development charges By-law;

WHEREAS Council, 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;

WHEREAS Council intends that development related 2023 – 2031 capacity will be paid for by development charges;

WHEREAS Council, at its meeting of May 8, 2024, has adopted and approved the said background study, as amended, and the development charges and policies recommended by the General Manager of the Finance and Corporate Services Department to be included in this By-law and determined that no further public meetings are required under section 12 of the Act; and,

WHEREAS Council approved report FCS23103(b) respecting *"2024 Development Charges Background Study, Policies and By-laws - Final Report",* thereby updating its capital budget and forecast where appropriate and indicating that it intends that the increase in the need for services to service anticipated development will be met.

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

1. In this By-law,

(a) **"Act"** means the *Development Charges Act, 1997,* S.O. 1997, c.27.

(b) **"Adaptive Reuse"** means the alteration of an existing Building on a Protected Heritage Property for compliance of its continuing or resumed use(s) with current Building Code requirements; or, for compliance of its proposed new use(s) with current building code requirements; or, for ensuring its structural integrity; or for optimizing its continued, resumed or new use(s); while maintaining the cultural heritage value or interests of the subject building; and in compliance with the conditions of any Heritage Permit required for the subject alterations.

(c) **"Affordable Housing Project"** means a Residential Unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the Act.

(d) **"Agricultural Land"** means land which is zoned for an Agricultural Use in the zoning By-law of the predecessor municipality in which the land is located, and any subsequent amendment or replacement thereof, and used for a bona fide Agricultural Use.

(e) **"Agricultural Use"** means the use of Agricultural Land and Buildings by a Farming Business outside of the Urban Area for apiaries, fish farming, dairy farming, fur farming, the raising or exhibiting of livestock, or the cultivation of trees, shrubs, flowers, grains, sod, fruits, vegetables and any other crops or ornamental plants including storage of related equipment, excluding:

(i) Residential Uses, including Farm Labour Residences;

(ii) non-agriculture uses, including but not limited to banquet halls, Retail Greenhouses and retail stores;

(iii) distilleries, wine production facilities, breweries and any retail space, restaurant or other uses associated therewith; and,

(iv) Cannabis Production Facilities.

(f) **"Apartment Building"** means a Building containing three or more Residential Units where the Residential Units are connected by an interior corridor but does not include a Residential Facility Dwelling or a Lodging House.

(g) **"Apartment Residential Unit"** means a Residential Unit within an Apartment Building.

(h) **"Artist Studio"** means a non-residential Building, or any part thereof, used as a workplace of an artist and shall include but not limited to a painter, sculptor or photographer.

(i) **"Attainable Residential Unit"** has the meaning ascribed to it in the Act.

(j) **"Background Study"** means the Development Charges Background Study prepared by Watson & Associates Economists Ltd., dated December 21, 2023, as amended by the Addendum to the December 21, 2023 Development Charges Background Study prepared by Watson & Associates Economists Ltd., dated March 28, 2024, as adopted by Council;

(k) **"Back-to-back Townhouse Dwelling"** means a building containing four or more Residential Units vertically by a common wall, including a rear common wall, that do not have rear yards.

(l) **"Back-to-back Townhouse Residential Unit"** means a Residential Unit within a Back-to-back Townhouse Dwelling.

(m) **"Bedroom"** means a habitable room seven square metres or more, including a den, study, or other similar area, but does not include a living room, dining room or kitchen.

(n) **"Board of Education"** means a board as defined in subsection 1(1) of the *Education Act 1997*, S.O. 1997, c.E.2.

(o) **"Building"** means any structure or building as defined in the Building Code but does not include a vehicle.

(p) **"Building Code"** means Ontario Regulation 332/12 made under the *Building Code Act, 1992*, S.O. 1992, c.23.

(q) **"Business Improvement Areas"** or **"BIAs"** means the following business improvement areas approved by By-law 14-153 as amended:

(i) Ancaster BIA

(ii) Barton Village BIA

(iii) Concession Street BIA

(iv) Downtown Hamilton BIA

(v) Dundas BIA

(vi) International Village BIA

(vii) King West BIA

(viii) Locke Street BIA

(ix) Main West Esplanade BIA

(x) Ottawa Street BIA

(xi) Stoney Creek BIA

(xii) Waterdown BIA

(xiii) Westdale BIA

(r) **"By-law"** means, unless the context requires otherwise, this City of Hamilton By-law Number 24-072, including with all Schedules hereto, as amended from time to time.

(s) **"Cannabis"** means:

(i) a cannabis plant;

(ii) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;

(iii) any substance or mixture of substances that contains or has on it any part of such a plant; and

(iv) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

(t) **"Cannabis Plant"** means a plant that belongs to the genus Cannabis.

(u) **"Cannabis Production Facilities"** means a Building, or part thereof, designed, used, or intended to be used for one or more of the following: growing, cultivation, propagation, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment or distribution of cannabis where a licence, permit or authorization has been issued under applicable federal law but does not include a Building or part thereof solely designed, used, or intended to be used for retail sales of cannabis.

(v) **"Child Care Centre"** has the meaning ascribed to it in the *Child Care and Early Years Act, 2014, as amended*.

(w) **"Class A Office Development"** means an Office Development with a minimum of 20,000 square feet of Gross Floor Area.

(x) **"Class of Services"** 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 Act.

(y) **"Combined Sewer System"** shall mean the area within the City of Hamilton that is depicted as the Combined Sewer System in Schedule "I".

(z) **"Commercial Parking"** means a Building, or part thereof, used for the parking of motor vehicles for compensation, but shall not include any parking spaces provided for Residential, Non-residential or Mixed Use Development required or permitted by the applicable City Zoning By-law.

(aa) **"Communications Establishment"** means a Building, or any part thereof, used for the broadcasting and production of information through various media, and shall include but not be limited to print, television, radio and electronic media and which may include facilities for the printing or broadcasting of information but shall not include a call centre.

(bb) **"Community Improvement Project Areas"** or **"CIPAs"** means the following community improvement project areas approved by By-law 21-163 as amended:

(i) Ancaster Commercial District CIPA

(ii) Barton Village Commercial District CIPA

(iii) Binbrook Commercial District CIPA

(iv) Strategic Commercial Corridors CIPA

(v) Concession Street Commercial District CIPA

(vi) Downtown Hamilton Commercial District CIPA (Downtown CIPA)

(vii) Dundas Commercial District CIPA

(viii) Locke Street Commercial District CIPA

(ix) Mount Hope / Airport Gateway CIPA

(x) Ottawa Street Commercial District CIPA

(xi) Stoney Creek Commercial District CIPA

(xii) Waterdown Commercial District CIPA

(xiii) Westdale Commercial District CIPA

(cc) **"Council"** means the Council of the City of Hamilton.

(dd) **"Current Use"** has the meaning ascribed to it in section 34.

(ee) "DCRP TPA" means an agreement between the Government of Canada and/or the Province of Ontario and the City of Hamilton whereby funding will be transferred to the City as part of the Development Charges Reduction Program containing terms consistent with the terms of this By-Law.

(ff) **"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 or any development requiring any of the actions described in section 14 and includes redevelopment such as the conversion of the use of a building or structure to another use.

(gg) **"Development Charge"** or **"Development Charges"** means the charges imposed by this By-law against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which this By-law applies.

(hh) **"Existing Industrial Building"** shall have the same meaning as that term is defined under the Regulation, but, for clarity, shall only include Buildings for which a final inspection by a City building inspector has been conducted and passed, resulting in a finalized building permit.

(ii) **"Existing Manufacturing Facility"** shall have the same meaning as Manufacturing Facility, but, for clarity, shall only include Buildings for which a final inspection by a City building inspector has been conducted and passed, resulting in a finalized building permit.

(jj) **"Farm Labour Residence"** means a Residential Development constructed on Agricultural Land for the Farming Business operating thereon and not attached to any other Building, with sleeping, cooking, living and sanitary facilities, and used for seasonal, interim or occasional accommodations by full-time farm labourers. For greater certainty, a primary residence or year round residence shall not be considered a Farm Labour Residence.

(kk) **"Farming Business"** means a business operating on Agricultural Land with a current Farm Business Registration Number issued pursuant to the *Farm Registration and Farm Organizations Funding Act*, *1993*, S.O. 1993, c.21, and assessed in the Farmland Realty Tax Class by the Municipal Property Assessment Corporation.

(ll) **"Full Kitchen"** means a kitchen which contains a fridge, stove and sink.

(mm) **"Garden Suite"** has the same meaning as it has in subsection 39.1(2) of the *Planning Act*.

(nn) **"Grade"** means the average level of proposed or finished ground adjoining a Building at all exterior walls.

(oo) **"Gross Floor Area"** means:

(i) in the case of a Non-residential Development, the total area of all Building floors above Grade measured between the outside surfaces of the exterior walls or between the outside surfaces of exterior walls and centre line of firewalls dividing the non-residential use from another non-residential use, and includes the floor area of a mezzanine; or

(ii) in the case of a Mixed Use Development including both Residential Uses and Non-residential Uses, the total area of the Non-residential Use portion including all Building floors above Grade measured between the outside surfaces of the exterior walls or between the outside surfaces of exterior walls and the centre line of firewalls dividing a Non-residential Use and a Residential Use; or

(iii) in the case of a Live / Work Unit, the total area of the Non-residential Use portion of the unit including all Building floors above Grade measured between the outside surfaces of the exterior walls or between the outside surfaces of exterior walls and the centre line of firewalls dividing the Live / Work Unit from any other Live / Work Unit, Residential Unit, Non-residential Use or Mixed Use Development.

(pp) **"Hangar"** means a covered or enclosed Building used for housing and repairing aircraft within one thousand (1000) metres of an aerodrome as that term is defined in the *Aeronautics Act*, R.S.C., 1985, c.A-2. For the purposes of this By-law, hangars will be considered an industrial development.

(qq) **"Industrial Development"** means a Building used, designed or intended for use for,

(i) a Manufacturing Facility, or for storing or distributing something;

(ii) office, administrative, clerical, management, consulting, advisory or training purposes, if they are, carried out with respect to Manufacturing, storage or distributing of something, and are at the site which the Manufacturing, storage or distribution takes place; and

(iii) any use inside the Urban Area, that would, except for its location inside the Urban Area, be considered an Agricultural Use under this By-law.

Without limiting the generality of the foregoing, for the purpose of this By-law, Industrial Development also includes a warehouse, a Hangar and Cannabis Production Facilities but not a Communications Establishment, a Self-Storage Facility and warehouse club.

(rr) **"Institutional Development"** has the meaning ascribed to it in section 11.1 of the Regulation.

(ss) **"Live / Work Unit"** means a Building, or part of thereof, which contains, or is intended to contain, both a Residential Unit and Non-residential areas and which is intended for both Residential Use and Non-residential Use concurrently and shares a common wall or floor with or without direct access between the Residential and Non-residential areas.

(tt) **"Local Board"** means any municipal service board, municipal business corporation, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any act with respect to the affairs or purposes of the City, excluding a school board, a conservation authority, any municipal business corporation not deemed to be a local board under O. Reg 168/03 under the *Municipal Act*, 2001, S.O. 2001, c.25.

(uu) **"Local Service Policy"** means the Local Service Policy attached as Appendix "E" in the Background Study.

(vv) **"Lodging House"** means a building that is used or designed to provide four or more lodging units, which may share common areas of the building other than the lodging unit and do not appear to function as a single housekeeping unit and does not include a Residential Facility.

(ww) **"Lodging Unit"** means a room or set of rooms located in a lodging house designed or intended to be used for sleeping and living accommodation, which:

(i) is designed for the exclusive use of the resident or residents of the unit;

(ii) is not normally accessible to persons other than the resident or residents of the unit; and,

(iii) may contain either a bathroom or Full Kitchen but does not contain both for the exclusive use of the resident or residents of the unit.

(xx) **"Lot"** means a lot, block or parcel of land which can be legally and separately conveyed pursuant to section 50 of the *Planning Act* and includes a development having two or more lots consolidated under a single ownership.

(yy) **"Manufacturing"** includes the terms manufacturing, producing and processing, and means the transfiguration of materials or substances into new products, where the establishment occupying the Building is classified in industry sector Manufacturing, code 31-33 of the North American Industry Classification System (NAICS) Canada 2022 Version 1.0.

(zz) **"Manufacturing Facility"** means a Building, or part thereof, used, designed, or intended for use for, or in connection with Manufacturing and shall also include the following:

(i) Research and development in connection with manufacturing;

(ii) Retail sales by a manufacturer of something they manufactured if the retail sales are at the site which the manufacturing takes place; and,

(iii) Office, administrative, clerical, management, consulting, advisory or training purposes, if they are, carried out with respect to manufacturing, and are at the site which the Manufacturing takes place.

(aaa) **"Medical Clinic"** means a Building, or part thereof, which is used by health professionals for the purpose of consultation, diagnosis and / or treatment of persons and shall include but not be limited to laboratories, dispensaries or other similar facilities, but shall not include overnight accommodation for in-patient care resulting from surgery.

(bbb) **"Mixed Use Development"** means a Building used, designed or intended for use for both Residential and Non-residential Uses.

(ccc) **"Mobile Home"** means a Building recognized in the Building Code as a "Mobile Home" in accordance with the standard for mobile homes in CSA Z240.2.1 "Structural requirements for Manufactured Homes" or CSA A277 "Procedures for Factory Certification of Buildings".

(ddd) **"Multiple Unit Dwelling"** means a Building consisting of two or more Residential Units attached by vertical and / or horizontal wall or walls other than a Single Detached Dwelling, Semi-detached Dwelling, Apartment Dwelling, Stacked Townhouse Dwelling, Residential Facility Dwelling or Lodging House. Multiple Unit Dwelling includes, but is not limited to, Townhouse Dwelling, Back-to-back Townhouse Dwelling, and the portion of a Live/Work Unit intended to be used exclusively for living accommodations for one or more individuals.

(eee) **"Municipal Boundary"** means the municipal boundary as identified in Schedule "F."

(fff) **"Non-industrial Development"** means any non-residential Building which is not an Industrial Development and without limiting the generality of the foregoing, Non-industrial Development includes commercial and retail buildings, Office Development, Class A Office Development, Institutional Development, the portion of a Live / Work Unit that is not intended to be used exclusively for living accommodations for one or more individuals, a hospital that is approved under *Public Hospitals Act*, R.S.O. 1990, c. P. 40, and R.R.O. 1990, Regulation 964 as a public hospital, Short Term Accommodation, a Self-Storage Facility, a Retail Greenhouse, a Place of Worship, a Medical Clinic, an Artist Studio, a Production Studio and Commercial Parking.

(ggg) **"Non-Profit Child Care Provider"** refers to (A) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under the Act, or (B) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under the Act, and which operates a Child Care Centre.

(hhh) **"Non-Profit Housing Developer** refers to (A) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under the Act, or (B) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under the Act, or (C) a non-profit housing co-operative that is in good standing under the *Co-Operative Corporations Act*.

(iii) **"Non-residential Development"** or **"Non-residential Use"** is any development other than a Residential Development or Residential Use.

(jjj) **"Occupants"** means the residents of a Residential Facility.

(kkk) **"Office Development"** means a Building, or part thereof, in which management, clerical, administrative, consulting, advisory or training services are offered or performed, but shall not include a Medical Clinic or any part of an Industrial Development

(lll) **"Place of Worship"** means a Building, or any part thereof, owned and occupied by a church or religious organization used for religious services, ceremonies or other religious practices, or for the purposes of a the burial or entombment of the remains of deceased individuals and which is which is or would be classified as exempt from taxation in accordance with subsection 3(1)3 of the *Assessment Act*, R.S.O. 1990, Chapter A.31, but does not include a Building or any part thereof, owned by a church or religious organization and used for any other purpose including without limiting the generality of the foregoing any uses which generate revenue for the church or religious organization.

(mmm) **"*Planning Act*"** means the *Planning Act,* R.S.O. 1990, c. P. 13.

(nnn) **"Production Studio"** means a Building, or any part thereof, used for the creation and production of motion pictures or audio or video recordings and the associated warehousing, prop and set design and storage or used for digital media uses such as animation studio, and associated software development and processing, but shall not include the mass reproduction of film.

(ooo) **"Protected Heritage Property"** means a property that is designated under Part IV of the *Ontario Heritage Act*, subject to a Heritage Easement under Part II of the *Ontario Heritage Act,* subject to a Heritage Easement under Part IV of the *Ontario Heritage Act*, or subject to a covenant or agreement on title held between the property owner and a conservation authority or level of government in the interest of conserving built heritage.

(ppp) **"Redevelopment"** means the construction, erection or placing of one or more Buildings on land where all or part of a Building has previously been or will be, in accordance with a demolition agreement entered into with the City, demolished on such land, or changing the use of a Building from a Residential Development to a Non-residential Development or from a Non-residential Development to a Residential Development, or changing a Building from one form of Residential Development to another form of Residential Development or from one form of Non-residential Use to another form of Non-residential Use and including any development or redevelopment requiring any of the actions described in section 14.

(qqq) **"Regulation"** means Ontario Regulation 82/98 under the Act.

(rrr) **"Rental Housing"** has the meaning as ascribed to it in section 1 of the Act.

(sss) **"Residential Development"** or **"Residential Use"** means:

(i) a Single Detached Dwelling;

(ii) a Semi-detached Dwelling;

(iii) a Residential Facility;

(iv) a Lodging House;

(v) a Mobile Home;

(vi) a Multiple Unit Dwelling;

(vii) a Stacked Townhouse Dwelling;

(viii) an Apartment Dwelling;

(ix) Garden Suite; or

(x) the portion of a Mixed-use Development comprised of any Residential Units and any areas intended to be used exclusively by the residents of the Residential Units, but does not include any Buildings used or designed to be used for use as Short Term Accommodation.

(ttt) **"Residential Facility"** means a Building or part thereof containing four or more rooms or suites of rooms designed or intended to be used for sleeping and living accommodation that have a common entrance from street level and:

(i) where the Occupants have the right to use, in common: halls, stairs, yards, common rooms and accessory buildings;

(ii) which may or may not have exclusive sanitary facilities for each occupant;

(iii) which does not have exclusive Full Kitchen facilities for each occupant; and

(iv) where support services such as meal preparation, laundry, housekeeping, nursing, respite care and attendant services may be provided at various levels, and excludes any part of the Building used or occupied for uses not exclusively related to the Occupants.

(uuu) **"Residential Unit"** means a room or suite of rooms used, or designed or intended for use by one or more persons living together as a single

housekeeping unit in which culinary and sanitary facilities are provided for the exclusive use of such person or persons.

(vvv) **"Retail Greenhouse"** means a Building, that is made primarily of translucent building material, used, designed or intended to be used for the sale and display of plants products grown or stored therein gardening supplies and equipment, or landscaping supplies and equipment.

(www) **"Self-Storage Facility"** means a Building primarily used in renting or leasing space for self-storage. These Buildings provide secure space (rooms, compartments, lockers, containers or outdoor space) where clients can store and retrieve their goods.

(xxx) **"Semi-detached Dwelling"** means a Building consisting of two Residential Units attached by a vertical wall or walls, each of which has a separate entrance or access to grade.

(yyy) **"Separated Sewer System"** means the area within the City of Hamilton that is contained inside the Urban Area and outside the area depicted as the Combined Sewer System in Schedule "I".

(zzz) **"Services"** means services designated in Schedules "A" through "E" of this By-law; or designated in an agreement under section 44 of the Act.

(aaaa) **"Short Term Accommodation"** means a Building designed or used or designed or intended for use as a temporary rental sleeping accommodation for travellers and shall include but not be limited to a motel, motor hotel, hotel or an apartment hotel.

(bbbb) **"Single Detached Dwelling"** means a Building containing one Residential Unit and not attached to another Building, whether or not the Single Detached Dwelling is situated on a single lot.

(cccc) **"Special Area Development Charge"** or **"Special Area Development Charges"** means the charges imposed by this By-law against land to pay for increased capital costs required because of increased needs for the Services arising from development of the area to which this By-law applies.

(dddd) **"Stacked Townhouse Dwelling"** means a Building containing four or more Residential Units which are horizontally and vertically separated in a split level or stacked manner, where each Residential Unit egresses directly outside to grade (no egress to a common corridor).

(eeee) **"Stacked Townhouse Residential Unit"** means a Residential Unit within a Stacked Townhouse Dwelling.

(ffff) **"Temporary Building or Structure"** means a non-residential Building without a foundation which is constructed, erected or placed on land for a continuous period of time not exceeding one year, or a like addition or alteration to an existing Building or an existing structure that has the effect of increasing the usability thereof for a continuous period not exceeding one year.

(gggg) **"Townhouse Dwelling"** means a Building divided vertically into three or more Residential Units, by common walls which prevent internal access between units where each Residential Unit egresses directly outside to grade.

(hhhh) **"Townhouse Residential Unit"** means a Residential Unit within a Townhouse Dwelling.

(iiii) **"Urban Area A"** means the lands within Urban Area A, identified in Schedule "G" and which are not subject to any expansion resulting from an amendment to the urban boundary in the Urban Hamilton Official Plan.

(jjjj) **"Urban Area B"** means any lands added to the Urban Area as a result of any amendment to the Urban Hamilton Official Plan expanding the Urban Area beyond Urban Area A.

(kkkk) **"Urban Area"** means the area within the City that is identified as the urban area in Schedule E of the Urban Hamilton Official Plan, as amended.

(llll) **"Zoning By-law"** means Zoning By-laws Nos. 05-200, 87-57, 3581-86, 90-145-Z, 464, 6593, 3692-92 and any subsequent City zoning by-law as applicable based on development type and development location within the City.

2. Any defined term in the Act or Regulation that has not been defined in section 1 of this By-law, has the meaning given to it in the Act or Regulation.

3. The basis of the Development Charges imposed by this By-law is the Background Study and the application and interpretation of this By-law shall be consistent with the Background Study. Recommendations for exemptions in the Background Study not included in this By-law are irrelevant to the application and interpretation of this By-law.

4. Any non-residential use which has not been specified in this by-law shall be determined to be either industrial or non-industrial according to where the use falls within Schedule 10 of the Background Study,

(a) Primary Industry Employment and Industrial and Other Employment shall be Industrial;

(b) Population related Employment and Institutional shall be Non-industrial.

5. Any reference in this By-law to any statute, or regulation, City of Hamilton By-law or City of Hamilton official plan or any section of any statute, or regulation, City of Hamilton By-law or City of Hamilton official plan shall, unless otherwise expressly stated, be deemed to be a reference to such statute, regulation, City of Hamilton By-law or City of Hamilton official plan or section as amended, restated or re-enacted from time to time and to any successor statute, regulation, City of Hamilton By-law or City of Hamilton official plan. If any statute, regulation or City of Hamilton By-law is repealed or section thereof is repealed or removed and not replaced, this By-law shall be deemed to not include a reference to such statute, regulation, City of Hamilton By-law or section.

6. Unless otherwise indicated, references in this By-law to sections and schedules are to sections and schedules of this By-law.

7. In this By-law "herein", "hereof", "hereto" and "hereunder" and similar expressions refer to this By-law.

Schedules

8. The following schedules to this By-law form an integral part of this By-law:

Schedule “A”: Full Rate City Wide Development Charges

Schedule “B”: Full Rate Development Charges for Wastewater Facilities and Linear Services

Schedule “C-1”: Full Rate Development Charges for Water Services

Schedule “C-2”: Full Rate Development Charges for Water and Wastewater Growth Studies

Schedule “D”: Full Rate Development Charges for Stormwater Drainage and Control Services

Schedule “E”: Full Rate Special Area Development Charges

Schedule “F”: Municipal Boundary Map

Schedule “G”: Urban Area A and Municipal Boundary Map

Schedule “H”: Urban Area and Municipal Boundary Map

Schedule “I”: Combined Sewer System Area and Municipal Boundary Map

Schedule “J”: Dundas / Waterdown Special Area Development Charge Map

Lands Affected

9. This By-law applies to all land within the City of Hamilton.

Phasing and Amount of Charge

10. The development of land in the City of Hamilton is also subject to City of Hamilton By-law 11-174, as amended, and any additional Development Charges By-laws that may be enacted by the Council of the City of Hamilton.

11.

(a) For all city wide Services / Classes of Services, where there is Development of land within the Municipal Boundary, the Development Charges payable pursuant to this By-law shall be the Development Charges set out in Schedule “A” to this By-law.

(b) For wastewater facilities and linear services, where there is Development of land within Urban Area A or Urban Area B, the Development Charges payable pursuant to this By-law shall be the Development Charges set out in Schedule “B” to this By-law.

(c) For services, where there is Development of land within Urban Area A or Urban Area B, the Development Charges payable pursuant to this By-law shall be the Development Charges set out in Schedule “C-1” to this By-law.

(d) For growth studies related to water and wastewater services, where there is Development of land within the Urban Area, the Development Charges payable pursuant to this By-law shall be the Development Charges set out in Schedule “C-2” to this By-Law.

(e) For stormwater drainage and control services, where there is Development of land within the Urban Area, the Development Charges payable pursuant to this By-law shall be the Development Charges set out in Schedule “D” to this By-law.

(f) Subject to any applicable exemption set out in this By-Law, and subsection 11(i), where there is Development of land within those areas of Dundas and Waterdown delineated on Schedule “J” to this By-law, the Special Area Development Charges payable pursuant to this By-law shall be the Special Area Development Charges as shown on Schedule “E” to this By-law. Special

Area Development Charges shall apply in addition to any other Development Charge payable under this By-law.

(g) Where there is Development of land outside of Urban Area A and Urban Area B and, where a connection of a Building in the Development to the wastewater facilities and linear services is proposed, the applicable charge set out in Schedule “B” for Urban Area A shall be applied to the said Development as a Development Charge.

(h) Where there is Development of land outside of Urban Area A and Urban Area B and, where a connection of a Building in the Development to water services is proposed, the applicable charge set out in Schedule “C-1” for Urban Area A shall be applied to the said Development as a Development Charge.

(i) Where there is Development of land outside of Urban Area A and Urban Area B, where a connection of a Building in the Development to wastewater facilities and linear services and/or water services is proposed, the applicable charge set out in Schedule “C-2” shall be applied to the said Development as a Development Charge.

(j) Where there is Development of land outside of the Urban Area and, where a connection of a Building in the Development to stormwater drainage and control services is proposed, the applicable charge set out in Schedule “D” shall be applied to the said Development as a Development Charge.

Designation of Services / Class of Services

12. All Development of land within the area to which this By-law applies will increase the need for Services / Class of Services.

13. The Development Charges applicable to a Development as determined pursuant to this By-law shall apply without regard to the Services / Class of Services required or used by an individual Development. It is not necessary that the amount of the Development Charges for a particular Development be limited to an increase in capital costs, if any, that are attributable to that particular development.

Approvals for Development

14. The Development of land is subject to a Development Charge where the Development requires the following:

    (a) the passing of a zoning By-law or an amendment thereto 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 subsection 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 9 of the *Condominium Act* 1998, S.O. 1998, c.19; or

    (g) the issuance of a permit under the *Building Code Act*, 1992, S.O. 1992, c.23 in relation to a building or structure.

15. Where two or more of the actions described in section 14 of this By-law occur at different times, or a second or subsequent building permit is issued resulting in increased, additional or different Development, then additional Development Charges shall be imposed in respect of such increased, additional, or different Development permitted by that action.

16. Where a Development requires an approval described in subsections 14(a) to 14(f) of this By-law after the issuance of a building permit and no Development Charges have been paid, then the Development Charges shall be paid prior to the granting of any approval required under subsections 14(a) to 14(f) of this By-law.

17. Where a Development does not require a building permit but does require one or more of the approvals described in subsections 14(a) to 14(f) of this By-law, then, notwithstanding sections 37 and 38 of this By-law, Development Charges shall be payable and paid prior to the granting of any approval required under subsections 14(a) to 14(f) of this By-law.

18. Nothing in this By-law prevents Council from requiring, in a condition of an approval or an agreement respecting same under section 51 of the *Planning Act* or as a condition of consent or an agreement respecting same under section 53 of the *Planning Act* that the owner, at his or her own expense, shall install such local services related to or within a plan of subdivision, as Council may require, in accordance with the City's applicable Local Services Policies in effect at this time.

Calculation of Development Charges

19. A Development Charge imposed pursuant to this By-law shall, subject to any other applicable provision hereof, be calculated as follows:

    (a) Subject to (i), (ii) and (iii) below, in the case of Residential Development or the residential portion of Mixed Use Development, or the residential portion of a Live / Work Unit, based on the number and type of Residential Units:

        (i) in the case of a Residential Facility or Lodging House based upon the number of bedrooms;

        (ii) subject to (iii) below, in the case of a Residential Unit containing six or more Bedrooms, the sixth and any additional Bedroom shall be charged at the applicable Residential Facility rate; or

        (iii) in the case of an Apartment Residential Unit containing six or more Bedrooms, then the following applies: (A) the applicable “apartment 2 bedroom +” rate shall apply to the Residential Unit and the first five Bedrooms; and (B) the applicable Residential Facility rate shall apply to the sixth Bedroom and each additional Bedroom;

    (b) in the case of Non-residential Development based upon the Gross Floor Area of such Development measured in square feet;

    (c) in the case of the Non-residential Use portion of a Mixed Use Development, based upon the Gross Floor Area of the Non-residential Use component measured in square feet; and

    (d) in the case of the Non-residential Use portion of a Live / Work Unit, based upon the Gross Floor Area of the Non-residential Use component of such Development measured in square feet.

20. Subject to the provisions of this By-law, Development Charges against land are to be calculated and collected in accordance with the Services and rates set out in Schedules “A” through “E” to this By-law.

Development Charge Applicability

21. No Development Charge shall be imposed on any Building owned by and used for the purposes of:

    (a) the City of Hamilton;

    (b) a Board of Education;

    (c) a local board; or,

    (d) CityHousing Hamilton.

Industrial Development Exemptions

22. No Development Charge shall be imposed on one or more enlargements of an Existing Industrial Building, up to a maximum of fifty percent (50%) of the Gross Floor Area of the Existing Industrial Building.

23. Where a proposed enlargement exceeds fifty percent (50%) of the Gross Floor Area of an Existing Industrial Building, Development Charges are payable on the amount by which the proposed enlargement exceeds fifty percent (50%) of the Gross Floor Area before the enlargement.

24. The cumulative total of the Gross Floor Area previously exempted hereunder shall be included in the determination of the amount of the exemption applicable to any subsequent enlargement.

25. Where a subdivision of a lot or parcel of land subsequent to any enlargement previously exempted hereunder results in the existing industrial Building being on a lot or parcel separate from the Development previously, further exemptions, if any, pertaining to the existing industrial Building shall be calculated on the basis of the lot or parcel of land as it exists at the time of said enlargement.

Other Exemptions from Development Charges

26. Exemptions or partial exemptions or reductions in accordance with the Act or any other Province of Ontario legislation will be applied.

27. Notwithstanding any other provision of this By-law, no Development Charges are imposed under this By-law respecting;

(a) a Building, or part thereof, used for parking but excluding a building or part thereof used for Commercial Parking;

(b) an Agricultural Use;

(c) a Place of Worship;

(d) a Temporary Building or Structure, subject to section 36;

(e) a Farm Labour Residence;

(f) residential units developed by a Non-Profit Housing Developer that (A) either have been approved to receive funding for the development of the dwelling units as affordable housing from the Government of Canada (including their Crown corporations), the Province of Ontario (including their Crown corporations) or the City of Hamilton under an affordable housing program; and (B) such dwelling unit is not eligible for funding for development charge liabilities from the Government of Canada or the Province of Ontario (including their Crown corporations);

(g) a Child Care Centre operated by a Non-Profit Child Care Provider located in a building owned by a Board of Education subject to Board of Education providing assurance in a form satisfactory to the General Manager of Finance and Corporate Services that said use will be located in the building and that:

(i) the City at the discretion of the General Manager of Finance and Corporate Services enter into agreements with Boards of Education for the purposes of providing such assurance and that the General Manager of Finance and Corporate Services or their delegate be authorized to execute such agreements on such terms and conditions satisfactory to the General Manager of Finance and Corporate Services and in form satisfactory to the City Solicitor;

(ii) the General Manager of Finance and Corporate Services or their delegate be authorized to execute ancillary agreements and documents in connection with agreements described in subsection 27(g)(i);

(iii) in the absence of an agreement described in subsection 27(g)(i) the General Manager of Finance and Corporate Services or their delegate be authorized to execute such documents in connection with the assurance on such terms and conditions satisfactory to the General Manager of Finance and Corporate Services.

(h) A Child Care Centre operated by a Non-Profit Child Care Provider.

Downtown CIPA Partial Exemption

28. Notwithstanding any other provision of this By-law, the Development Charges payable under this By-law respecting Class A Office Development within the boundaries of the Downtown CIPA shall be reduced by 70% after all credits, partial exemptions and other exemptions are applied under this By-law, for only the portion of the Class A Office Development that is within the height restrictions as shown in Schedule F – Figure 1 of City Zoning By-law 05-200 as it read prior to any amendment thereto applicable to the particular development to which the Development Charges are payable and any Development in excess of said height restrictions shall be subject to the full calculated Development Charge.

29. In addition to the partial exemption provided for in Section 57, all Non-Industrial Development, Industrial Development and the Non-residential component of Mixed Use Development within the boundaries of the Downtown CIPA as shown in By law 21-163, as amended, is exempt from 40% of Development Charges payable under this By-law.

    The exemption in this Section 29 shall be applied after all credits, partial exemptions and other exemptions are applied under this By-law, except for the partial exemption under Section 56 which shall be applied after the partial exemption in this Section 29 is applied, for only the portion of the Building that is within the height restrictions as shown in Schedule F – Figure 1 of City Zoning By-law 05-200 as it read prior to any amendment thereto applicable to the particular development to which the Development Charges are payable and any Development in excess of said height restrictions shall be subject to the full calculated Development Charge.

30. Notwithstanding any other provision of this By-law, the Development Charges payable under this By-law respecting all Residential Development within the boundaries of the Downtown CIPA shall be reduced after all credits, partial exemptions and other exemptions are applied:

(a) by the percentages;

(b) for the time periods;

(c) for the types of applications; and;

(d) as of the date, identified in the following Table 1:

Table 1: Downtown Hamilton CIPA Partial Exemption

Date	Percentage of reduction (%)
June 1, 2024 to May 31, 2025	40
June 1, 2025 to May 31, 2026	35
June 1, 2026 to May 31, 2027	30
June 1, 2027 to May 31, 2028	20
June 1, 2028 to May 31, 2029	10
June 1, 2029 to May 31, 2034	0

The Development Charges payable under this By-law respecting all Residential Development within the boundaries of the Downtown CIPA shall be reduced after all credits, partial exemptions and other exemptions are applied under this By-law, for only the portion of the Building that is within the height restrictions as shown in Schedule F – Figure 1 of City Zoning By-law 05-200 as it read prior to any amendment thereto applicable to the particular development to which the Development Charges are payable and any Development in excess of said height restrictions shall be subject to the full calculated Development Charge.

31. The partial exemptions in sections 28, 29 and 30 shall not apply in addition to the exemptions, partial exemptions or reductions in section 27 or subsections 32(a) to (e). The partial exemptions provided in sections 28, 29 and 30 shall only apply if the amount of exemption is greater than the exemptions, partial exemptions or reductions provided under section 27 or subsections 32(a) to (e), individually or cumulatively. If the exemptions, partial exemptions or reductions under section 27 or subsections 32(a) to (e) are greater, individually or cumulatively, than the partial exemptions which could be provided under sections 28, 29 and 30, no partial exemptions pursuant to sections 28, 29 and 30 shall apply. For the purpose of this section, the Residential Use and Non-residential Use portion of a Mixed Use Development may be viewed as independent of one another and the exemption under this By-law that provides the greatest reduction in Development Charges payable shall be applied to each use.

Other Partial Exemptions

32. Notwithstanding any other provision of this By-law, the Development Charges payable under this By-law respecting the following types of Development will be partially exempt from Development Charges under this By-law in the manner and to the extent set out below:

(a) for any Non-industrial Development other than an expansion, within the boundaries of the CIPAs or BIAs, and for any Office Development other than an expansion anywhere in the City, Development Charges shall be imposed as follows:

(i) 50% of the applicable Development Charge on the first 5,000 square feet;

(ii) 75% of the applicable Development Charge for each square foot in excess of 5,000 square feet and under 10,000 square feet;

(iii) 100% of the applicable Development Charge on the amount of Development exceeding 10,000 square feet.

Where Development has been exempted pursuant to this subsection, the exemption set out in subsection 32(b) below does not apply to any subsequent expansion on such Development.

(b) the initial 5,000 square feet of Gross Floor Area of an Office Development expansion, whether attached or unattached to an existing Office Development, shall be exempted from the payment of Development Charges provided that:

(i) the office development has not had the exemption in subsection 32(a) previously applied to it under this By-law;

(ii) the Office Development has not been the subject of any exemptions or partial exemptions from the payment of Development Charges under any other Development Charges By-laws which are no longer in force;

(iii) where unattached to an existing Office Development, the expansion must be situated on the same site as the existing Office Development; and,

(iv) where, subsequent to an unattached expansion exempted hereunder, the Lot is further subdivided such that the original existing Office Development and the unattached expansion thereof are no longer situated on the same Lot, further exemptions pursuant to this section, if any, shall only be calculated on the basis of the Office Development and the Lot as they existed on the date of the first exemption.

(c) Redevelopment of an existing Residential Development for the purpose of creating Residential Facilities or Lodging Houses within the existing building envelope is exempt from 50% of the Development Charge otherwise payable pursuant to this By-law.

(d) Redevelopment of an existing Residential Facility or Lodging House for the purpose of creating additional bedrooms in a Residential Facility or Lodging House within the existing building envelope shall be exempt from 50% of the Development Charge payable pursuant to this By-law. Notwithstanding anything else contained in this By-law, save and except subsection 33(e) and subsection 35(d), the credit applicable to any such Redevelopment shall be based on 100% of the applicable Residential Facility rate or Lodging House rate according to sections 52 and 54 for the said redevelopment within the meaning of section 35 of this By-law.

(e) the Adaptive Reuse of the part of a building on a Protected Heritage Property that contains:

(i) heritage attributes that are the subject of designation under Part IV of the *Ontario Heritage Act;*

(ii) features subject to a Heritage Easement under Part II of the *Ontario Heritage Act*;

(iii) features subject to a Heritage Easement under Part IV of the *Ontario Heritage Act*; or

(iv) features subject to a covenant or agreement on title held between the property owner and a conservation authority or level of government in the interest of conserving,

is exempted from Development Charges.

(f) The Development Charge for a Production Studio, Artist Studio and Manufacturing Facility shall be reduced by 37%.

(g) The Development Charge for an Industrial Development other than a Manufacturing Facility shall be reduced:

(i) by the percentages;

(ii) for the time periods;

(iii) for the types of applications; and;

(iv) as of the date, identified in the following Table 2:

Table 2: Development Charges Reduction for an Industrial Development other than a Manufacturing Facility

Date	Percentage of reduction (%)
June 1, 2024 to May 31, 2025	37
June 1, 2025 to May 31, 2026	32
June 1, 2026 to May 31, 2027	27
June 1, 2027 to May 31, 2028	22
June 1, 2028 to May 31, 2029	17
June 1, 2029 to May 31, 2030	12
June 1, 2030 to May 31, 2031	7
June 1, 2031 to May 31, 2032	2
June 1, 2032 to May 31, 2034	0

(h) No Development Charge shall be imposed on one or more Manufacturing Facilities on the same lot or parcel of land as one or more Existing Manufacturing Facilities but not attached thereto, up to a maximum of fifty percent (50%) of the combined Gross Floor Area of the Existing Manufacturing Facilities.

(i) Where lands are merged or otherwise added to a lot or parcel of land after July 16, 2018, the exemption in subsection 32(h) shall only be available to Development on the lot or parcel of land as it existed as of July 16, 2018 and the exemption in subsection 32(h) shall not apply to any Development on lands that were merged with or added to a lot or parcel of land after July 16, 2018.

Rules with Respect to Redevelopment – Demolitions

33. In the case of the demolition of all or part of a Building:

(a) a credit shall be allowed against the Development Charges otherwise payable pursuant to this By-law, provided that a building permit has been issued for the Redevelopment within five years of the issuance date of the demolition permit on the same land and may be extended by the General Manager of Finance and Corporate Services either for Developments located outside the Urban Area or for Developments where it has been determined by the General Manager of Planning and Economic Development that significant development delays were not the responsibility of the developer, or may be otherwise extended by Council;

(b) the credit shall be calculated at the time Development Charges are due for the Redevelopment as follows:

(i) for the portion of the Building used for Residential Uses, by multiplying the applicable Development Charge under section 11 of this By-law by the number, according to type, of the Residential Units that have been or will be demolished as supported by a demolition agreement; and

(ii) for the portion of the Building used for Non-residential Uses, by multiplying the applicable Development Charge under section 11 of this By-law, according to type of Non-residential Use, by the Gross Floor Area that has been or will be demolished as supported by a demolition agreement;

(c) without limiting the generality of the foregoing, the credit for the demolished building shall be reduced or eliminated by the amount of any exemption, partial exemption or other reduction provided under this By-law applicable to the demolished use as if the demolished Building were being assessed as new development under this By-law;

(d) without limiting the generality of the foregoing, no credit shall be allowed for demolished Buildings, or parts thereof, that would have been exempted pursuant to subsection 32(e); and

(e) the amount of any credit pursuant to this section shall not exceed, in total, the amount of the Development Charges otherwise payable pursuant to this By-law with respect to the Redevelopment.

Rules with Respect to Redevelopment – Conversions

34. When Redevelopment involves the conversion of the use of an existing Building from one use to another use the existing use of the Building preceding the conversion (the “Current Use”) shall be determined as follows:

    (a) If the existing use is subject to the payment of Development Charges under this By-law it shall be deemed to be the Current Use;

    (b) If the existing use is a use fully exempt from the payment of Development Charges but was preceded by a use of the existing Building that is subject to the payment of Development Charges under this By-law the preceding use of the Building shall be deemed to be the Current Use of the Building and any additions to the Building during its time of use as a use fully exempt from Development Charges under this By-law shall not be considered to be part of the Current Use of the Building; or,

    (c) If the existing use is a use fully exempt from the payment of Development Charges and there was no preceding use of the existing Building it shall be deemed to be the Current Use.

35. Where an existing Building is converted in whole or in part from its Current Use to a different use,

    (a) the amount of Development Charges payable shall be reduced by the amount, calculated pursuant to this By-law at the current Development Charges rates in respect of the Current Use;

    (b) the Current Use shall be the use as confirmed through the City’s Building Division and related permit records. If such records are not available, the Current Use shall be determined using property tax records or such other City records as may be available;

    (c) for greater certainty, and without limiting the generality of the foregoing, the credit for the converted building shall be reduced or eliminated by the amount of any exemption, partial exemption or other reduction provided under this By-law applicable to the Current Use as if the converted Building were being assessed as new development under this By-law; and

    (d) the amount of any credit pursuant to this section shall not exceed, in total, the amount of the Development Charges otherwise payable pursuant to this By-law with respect to the Redevelopment.

Temporary Buildings or Structures

36. Where an application is made for the issuance of a permit under the Building Code in relation to a Temporary Building or Structure, the Chief Building Official, or his or her delegate, may, as a condition of the issuance of the said permit, require that the owner of the land enter into an agreement with the City pursuant to section 27 of the Act and sections 40 to 46 of this By-law and submit security satisfactory to the General Manager of Finance and Corporate Services and the City Solicitor, to be realized upon in the event that the Temporary Building or Structure remains on the land for more than one year, or any other time as may be set out in the said agreement or security, from the date of the construction or erection thereof. A Temporary Building or Structure that has not been removed or demolished by the first anniversary of its construction or erection on the land, or by the date specified in an agreement, shall be deemed not to be, nor ever to have been, a Temporary Building or Structure and Development Charges under this By-law shall become due and payable forthwith and the City may draw upon any security as payment for the Development Charges payable.

Collection of Development Charges

37. Subject to the provisions of sections 39 to 46, Development Charges are payable at the time a building permit is issued with respect to a Development.

38. Despite section 37, a Development Charge in respect of any part of a Development that consists of a type of Development set out in subsection 26.1(2) of the Act, is payable in accordance with section 26.1 of the Act, including interest as per the City's Development Charge Interest Policy FPAP-DC-002 as may be revised from time to time, for so long as section 26.1 of the Act remains in force and effect.

Prepayment or Deferral Agreements

39. For developments under subsection 26.1(2) of the Act only, the General Manager of Finance and Corporate Services may authorize in writing, in accordance with section 27 of the Act, and subject to the eligibility criteria as set out by the General Manager of Finance and Corporate Services, an agreement with a person to permit, on such terms as the General Manager of Finance and Corporate Services may require, the payment of the Development Charges as early as building permit issuance.

40. Save as otherwise specified in this By-law, and for Non-residential Development, a Mixed Use Development, a Residential Facility, a Lodging House or an Apartment Dwelling only, the General Manager of Finance and Corporate Services may authorize in writing, in accordance with section 27 of the Act, and subject to the eligibility criteria as set out by the General Manager of Finance and Corporate Services, an agreement with a person to permit, on such terms as the General Manager of Finance and Corporate Services may require, including the payment of interest by such person, and for an initial term no longer than five years, the payment of the Development Charge before or after it is otherwise payable under this By-law. The General Manager of Finance and Corporate Services may, on such terms as the General Manager of Finance and Corporate Services may require, including the payment of interest by such person, extend the initial term by no more than two years.

41. Notwithstanding section 40 above, for any Development that has been approved by the City for an ERASE Redevelopment Grant, or any successor thereof, the General Manager of Finance and Corporate Services may authorize in writing, in accordance to section 27 of the Act, an agreement with a person to permit, on such terms as the General Manager of Finance and Corporate Services may require, without interest, the payment of a portion or all of the Development Charge after it is otherwise payable under this By-law for an amount not to exceed the amount of the approved ERASE Grant and for a period of time not to exceed the date on which the final payment of the approved ERASE Redevelopment Grant will be made.

42. Notwithstanding section 40 above, the General Manager of Finance and Corporate Services may, relating to a Development that consists of one building that requires more than one building permit, authorize in writing, in accordance with section 27 of the Act, an agreement to permit, on such terms as the General Manager of Finance and Corporate Service may require, including the payment of instalments related to subsequent building permits and interest by such person and for a term no longer than five years, the payment of the Development Charge after it is otherwise payable under this By-law.

43. Notwithstanding section 40 above, Council may authorize an agreement with a hospital that is approved under *Public Hospitals Act*, R.S.O. 1990, c. P. 40, and R.R.O. 1990, Regulation 964 as a public hospital to permit, on such conditions as Council may require, including the payment of interest, and for a term no longer than 10 years, the payment of the Development Charge after it is otherwise payable under this By-law.

44. Notwithstanding section 40 above, Council may authorize an agreement with a university or other post-secondary school offering a degree or diploma recognized by the Province of Ontario, on such conditions as Council may require, including the payment of interest, and for a term no longer than 30 years, the payment of the Development Charge after it is otherwise payable under this By-law.

45. The General Manager of Finance and Corporate Services shall have the authority to execute any agreements authorized by sections 39 to 44 and any ancillary or subsidiary documentation related to any such agreement or necessary to give effect to the authority delegated in sections 39 to 44.

46. The General Manager of Finance and Corporate Services shall be authorized to direct the City Solicitor to commence legal proceedings and enter into agreements to ensure the collection of amounts deferred under sections 40 to 44 of this By-law and under section 27 of the Act and the General Manager of Finance and Corporate Services shall be authorized to execute any such agreements and ancillary documentation.

Credit for Services-in-lieu Agreement

47. In accordance with sections 38, 39, 40 and 41 of the Act, a person may perform work that relates to a service to which this By-law applies, in return for a credit towards the Development Charges payable by the said person, by way of an agreement. No such credit shall exceed the total Development Charges payable by the person.

Front-Ending Agreements

48. 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.

Administration of By-law

49. This By-law shall be administered by the Corporate Services Department of the City of Hamilton.

Indexing

50. The Development Charges set out in Schedule “A” through “D” of this By-law shall be adjusted annually without amendment to this By-law by the percentage change during the preceding year, as recorded in the Statistics Canada’s Building Construction price index, by type of building (non-residential building) (Table 18-10-0276-02) for the City of Toronto, as may be amended or replaced from time to time. This adjustment shall take place as follows:

    (a) the initial adjustment shall occur on June 1, 2024 at 12:01am, and

    (b) thereafter, adjustment shall be made each year on June 1.

Reserve Fund Report

51. The General Manager of Finance and Corporate Services shall, in each year prior to June 30 thereof, commencing June 30, 2025 for the 2024 year, furnish to Council a statement in respect of the reserve funds required by the Act for the Services / Classes of Services to which this By-law relates, for the prior year, containing the information as required by the Act and Regulation.

When Amount of Development Charge is Determined

52. The amount of a Development Charge payable under this By-law shall be determined in accordance with section 26.2 of the Act and other provisions in the Act providing when the amount of the Development Charge is determined.

53. Interest on the total amount of Development Charges determined shall be charged as permitted by the Act to the date of building permit issuance in accordance with the City's Development Charge Interest Policy FPAP-DC-003, as may be revised from time to time.

54. Where subsection 26.2(1)(a) and (b) of the Act do not apply, the Development Charges shall be calculated in accordance with the Act subject to the following reduction, if applicable. The Development Charge rates payable shall be the rates in effect on the date a complete building permit application is received and accepted by the City's Chief Building Official, provided that the permit is issued within 6 months of the effective date of the first Development Charge rate increase following said building permit application. Where the said building permit is lawfully revoked by the Chief Building Official on or after the date of the said Development Charge rate increase, any subsequent application for a building permit on the lands or site will be subject to the Development Charge rate in effect on the date of building permit issuance. For the purposes of this section, a "complete application" means an application with all information and plans required as per the Ontario Building Code.

Overpayments and Underpayments

55. Refunds or partial refunds of Development Charges that have been paid will be made without interest, including cases where a permit is cancelled and where the City has made an error in the calculation of the Development Charges which resulted in an overpayment to the City.

56. Additional payment of Development Charges shall be made where there has been an error in the calculation of the Development Charges which resulted in an underpayment of Development Charges. The amount of the difference between the corrected amount of Development Charges payable and the Development Charges paid shall be payable on demand and unpaid amounts will be added to the tax roll for the property in accordance with section 32 of the Act.

Temporary Partial Exemptions

57.

(a) Notwithstanding any other provision of this By-Law, the Development Charges payable under this By-Law respecting all Development or Redevelopment shall be reduced by 4%, after all credits, partial exemptions, and other exemptions are applied, except for the partial exemption under Section 57(b), which shall be applied after the exemption in this Section 57(a) is applied, for the period between June 1, 2026 and May 31, 2027.

(b) Notwithstanding any other provision of this By-Law, the Development Charges payable under this By-Law respecting all Development or Redevelopment shall be reduced after all credits, partial exemptions and other exemptions are applied by 20% between September 1, 2025 and August 31, 2027.

58. The temporary exemptions set out in Sections 59 and 60 will apply only if all of the following circumstances are met:

(a) The DCRP TPA has been fully executed;

(b) No Building Permit, that would ordinarily trigger DCs, was issued in respect of the Development prior to March 30, 2026 or, if Building Permits, that would ordinarily trigger DCs, were issued in respect of the Development prior to March 30, 2026, those Building Permits were all revoked prior to March 30, 2026;

(c) The Building Permit in respect of the Development that would ordinarily trigger DCs payable is issued between March 30, 2026 and March 29, 2029, inclusive.

(d) Where a below grade building permit, that would ordinarily trigger DCs, was issued before March 29, 2029 and received an exemption per Section 59 or 60, that an above grade building permit is issued on or prior to March 29, 2029, or within 24 months of the issuance date of below grade building permit; whichever date is later.

(e) The above grade building permit is not revoked before occupancy (subject to the Ontario Building Code Act, the Chief Building Official can revoke permits for various reasons including errors, non-compliance, or inactivity).

(f) The owner has signed a delegation form or agreement, as appropriate, to the satisfaction of the General Manager of Corporate Services and the City Solicitor.

59. Notwithstanding any other provision of this By-Law, the Development Charges payable respecting Residential Development or Redevelopment shall by reduced after all credits, partial exemptions and other exemptions are applied to $0 (zero) for Building Permits issued between March 30, 2026 through the later of the DCRP TPA execution and effective date, inclusive.

(a) This clause will not apply to the determination of credits available to Non-residential Developments or the Non-residential component of Mixed Use Developments in respect of demolitions or conversions as outlined in Sections 33, 34 and 25 of this By-Law.

60. Notwithstanding any other provision of this By-Law, the Development Charges payable respecting Residential Development or Redevelopment shall be reduced after all credits, partial exemptions and other exemptions are applied to $0 (zero) for Building Permits issued between the later of one day after the DCRP TPA execution and effective date through March 29, 2029, inclusive.

(a) This clause will not apply to the determination of credits available to Non-residential Developments or the Non-residential component of Mixed Use Developments in respect of demolitions or conversions as outlined in Sections 33, 34 and 25 of this By-Law.

General

61. This By-law may be referred to as the *"City of Hamilton Development Charges By-law, 2024."*

Date By-law Effective

62. This By-law shall come into force and take effect at 12:01 a.m. on June 1, 2024.

Date By-law Expires

63. This By-law expires ten years after the date on which it comes into force or be repealed on such earlier expiry date as Council may determine.

By-law Registration

64. A certified copy of this By-law may be registered in the Land Titles Office as against title to any land to which this By-law applies.

Headings for Reference Only

65. 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.

Severability

66. If, for any reason, any section or subsection of this By-law is held invalid, it is hereby declared to be the intention of Council that all 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.

Repeal

67. By-law 19-142, as amended, is hereby repealed effective as of the date and time of this By-law coming into effect.

Non-binding Nature

68. Nothing in this By-law shall be construed so as to commit or require the City or its Council to authorize or proceed with any specific capital project at any specific time.

PASSED this 8th day of May, 2024.

A. Horwath	Matthew Trennum
Mayor	City Clerk

SCHEDULE A, TO BY-LAW 24-072
FULL RATE CITY WIDE DEVELOPMENT CHARGES – EFFECTIVE JUNE 1, 2024

Schedule A-a: Municipal Wide Residential $

Service / Class of Service	Single and Semi-Detached Dwellings	Other Multiples	Apartments – 2 Bedrooms+	Apartments – Bachelor and 1 Bedroom	Residential Facility
Services Related to a Highway	18,103	13,512	11,099	6,876	5,636
Services Related to a Highway – Studies	88	66	54	33	27
Public Works (Facilities and Fleet)	1,335	996	818	507	416
Transit Services	1,601	1,195	982	608	498
Fire Protection Services	1,151	859	706	437	358
Policing Services	1,018	760	624	387	317
Parks and Recreation	11,065	8,259	6,784	4,203	3,445
Library Services	2,061	1,538	1,264	783	642
Long-Term Care Services	231	172	142	88	72
Child Care and Early Years Programs	-	-	-	-	-
Provincial Offences Act Services including By-law Enforcement	52	39	32	20	16
Public Health Services	42	31	26	16	13
Ambulance	325	243	199	123	101
Waste Diversion	346	258	212	131	108
Growth Studies	445	332	273	169	139
Total Municipal Wide Services / Class of Services	**37,863**	**28,260**	**23,215**	**14,381**	**11,788**

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law.

Schedule A-b: Municipal Wide Non-Residential $

Service / Class of Service	Per sq. ft. of Gross Floor Area
Services Related to a Highway	13.31
Services Related to a Highway – Studies	0.06
Public Works (Facilities and Fleet)	0.80
Transit Services	0.96
Fire Protection Services	0.69
Policing Services	0.61
Parks and Recreation	0.95
Library Services	0.18
Long-Term Care Services	0.04
Child Care and Early Years Programs	-
Provincial Offences Act Services including By-law Enforcement	0.03
Public Health Services	0.01
Ambulance	0.06
Waste Diversion	0.03
Growth Studies	0.27
Total Municipal Wide Services / Class of Services	**18.00**

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law.

SCHEDULE B, TO BY-LAW 24-072
FULL RATE DEVELOPMENT CHARGES FOR WASTEWATER FACILITIES AND LINEAR SERVICES – EFFECTIVE JUNE 1, 2024

Schedule B-a: Urban Area A - Residential $

Service / Class of Service	Single and Semi-Detached Dwellings	Other Multiples	Apartments – 2 Bedrooms+	Apartments – Bachelor and 1 Bedroom	Residential Facility
Wastewater Facilities	7,125	5,318	4,368	2,706	2,218
Wastewater Linear Services	10,630	7,934	6,517	4,038	3,310
Total Wastewater Services – Uban Area A	**17,755**	**13,252**	**10,885**	**6,744**	**5,528**

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law.

Schedule B-b: Urban Area B - Residential $

Service / Class of Service	Single and Semi-Detached Dwellings	Other Multiples	Apartments – 2 Bedrooms+	Apartments – Bachelor and 1 Bedroom	Residential Facility
Wastewater Facilities	7,125	5,318	4,368	2,706	2,218
Wastewater Linear Services	-	-	-	-	-
Total Wastewater Services – Uban Area B	**7,125**	**5,318**	**4,368**	**2,706**	**2,218**

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law.

Schedule B-c: Urban Area A - Non-Residential $

Service / Class of Service	Per sq. ft. of Gross Floor Area
Wastewater Facilities	4.53
Wastewater Linear Services	6.75
Total Wastewater Services – Uban Area A	**11.28**

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law

Schedule B-d: Urban Area B - Non-Residential $

Service / Class of Service	Per sq. ft. of Gross Floor Area
Wastewater Facilities	4.53
Wastewater Linear Services	-
Total Wastewater Services – Uban Area B	**4.53**

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law

SCHEDULE C-1, TO BY-LAW 24-072
FULL RATE DEVELOPMENT CHARGES FOR WATER SERVICES – EFFECTIVE JUNE 1, 2024

Schedule C-1-a: Urban Area A - Residential $

Service / Class of Service	Single and Semi-Detached Dwellings	Other Multiples	Apartments – 2 Bedrooms+	Apartments – Bachelor and 1 Bedroom	Residential Facility
Water Services	6,856	5,117	4,203	2,604	2,135

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law.

Schedule C-1-b: Urban Area B - Residential $

Service / Class of Service	Single and Semi-Detached Dwellings	Other Multiples	Apartments – 2 Bedrooms+	Apartments – Bachelor and 1 Bedroom	Residential Facility
Water Services	-	-	-	-	-

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law.

Schedule C-1-c: Urban Area A - Non-Residential $

Service / Class of Service	Per sq. ft. of Gross Floor Area
Water Services	4.36

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law

Schedule C-1-d: Urban Area B - Non-Residential $

Service / Class of Service	Per sq. ft. of Gross Floor Area
Water Services	-

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law

SCHEDULE C-2, TO BY-LAW 24-072
FULL RATE DEVELOPMENT CHARGES FOR WATER AND WASTEWATER STUDIES – EFFECTIVE JUNE 1, 2024

Schedule C-2-a: Residential $

Service / Class of Service	Single and Semi-Detached Dwellings	Other Multiples	Apartments – 2 Bedrooms+	Apartments – Bachelor and 1 Bedroom	Residential Facility
Water and Wastewater Studies	543	405	333	206	169

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law.

Schedule C-2-b: Non-Residential $

Service / Class of Service	Per sq. ft. of Gross Floor Area
Water and Wastewater Studies	0.35

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law

SCHEDULE D, TO BY-LAW 24-072
FULL RATE DEVELOPMENT CHARGES FOR STORMWATER DRAINAGE AND CONTROL SERVICES – EFFECTIVE JUNE 1, 2024

Schedule D-a: Combined Sewer System - Residential $

Service / Class of Service	Single and Semi-Detached Dwellings	Other Multiples	Apartments – 2 Bedrooms+	Apartments – Bachelor and 1 Bedroom	Residential Facility
Stormwater Drainage and Control Services	9,554	7,131	5,857	3,629	2,975
Stormwater Studies	3,924	2,929	2,406	1,491	1,222

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law.

Schedule D-b: Separated Sewer System - Residential $

Service / Class of Service	Single and Semi-Detached Dwellings	Other Multiples	Apartments – 2 Bedrooms+	Apartments – Bachelor and 1 Bedroom	Residential Facility
Stormwater Drainage and Control Services	22,741	16,974	13,942	8,638	7,080
Stormwater Studies	1,581	1,180	969	601	492

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law.

Schedule D-c: Combined Sewer System - Non-Residential $

Service / Class of Service	Per sq. ft. of Gross Floor Area
Stormwater Drainage and Control Services	0.00
Storwmwater Studies	0.00

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law

Schedule D-d: Separated Sewer System - Non-Residential $

Service / Class of Service	Per sq. ft. of Gross Floor Area
Stormwater Drainage and Control Services	4.75
Storwmwater Studies	1.24

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law

SCHEDULE E, TO BY-LAW 24-072
FULL RATE SPECIAL AREA DEVELOPMENT CHARGES – EFFECTIVE JUNE 1, 2024

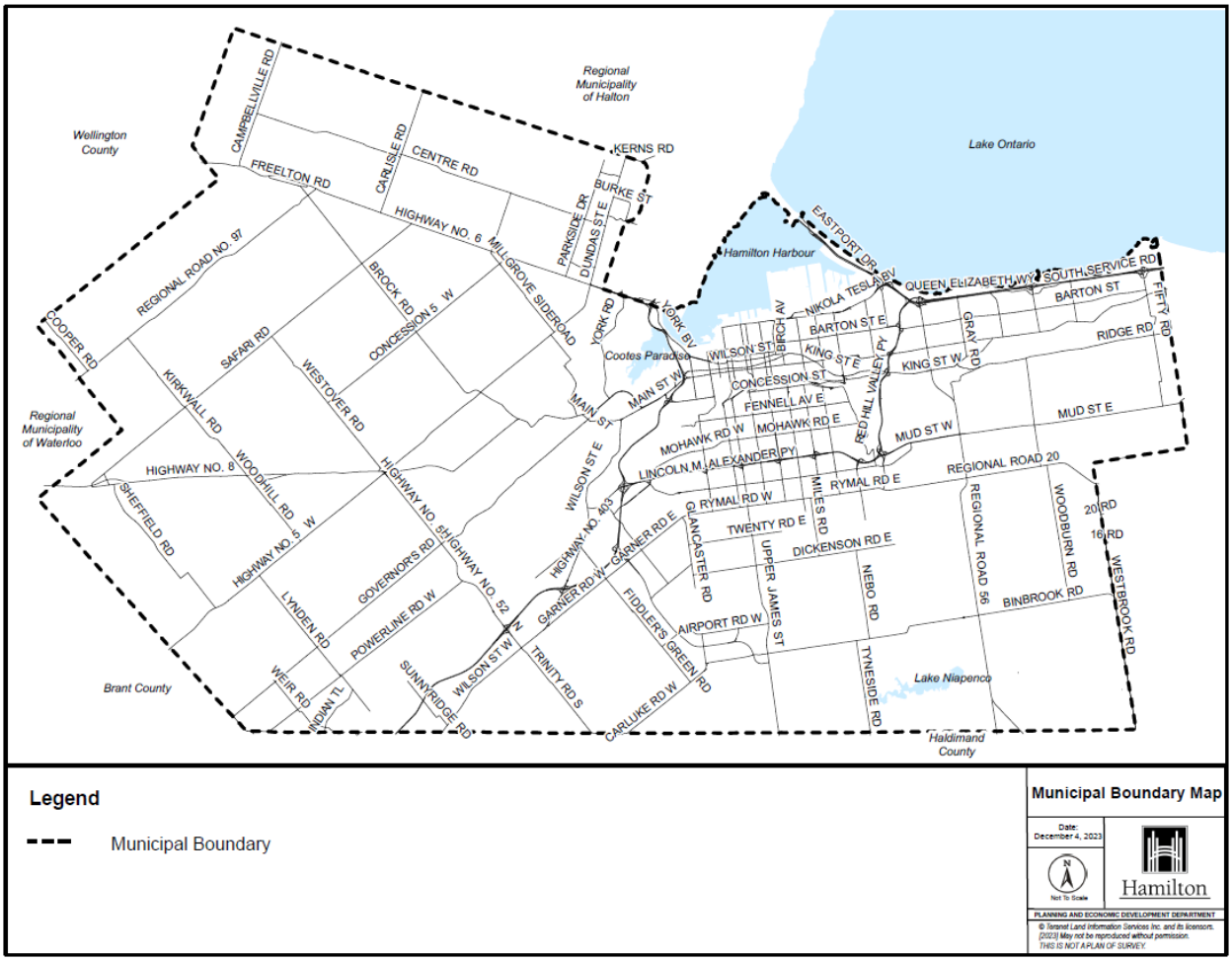
Schedule E-a: Residential $

Service / Class of Service	Single and Semi-Detached Dwellings	Other Multiples	Apartments – 2 Bedrooms+	Apartments – Bachelor and 1 Bedroom	Residential Facility
Special Area Development Charge	1,931	1,441	1,884	734	601

Schedule E-b: Non-Residential $

Service / Class of Service	Per sq. ft. of Gross Floor Area
Special Area Development Charge	1.07

SCHEDULE F, TO BY-LAW 24-072
MUNICIPAL BOUNDARY MAP
This map identifies the municipal border of the City of Hamilton



Legend

Municipal Boundary

Municipal Boundary Map

Date: December 4, 2023

Not To Scale

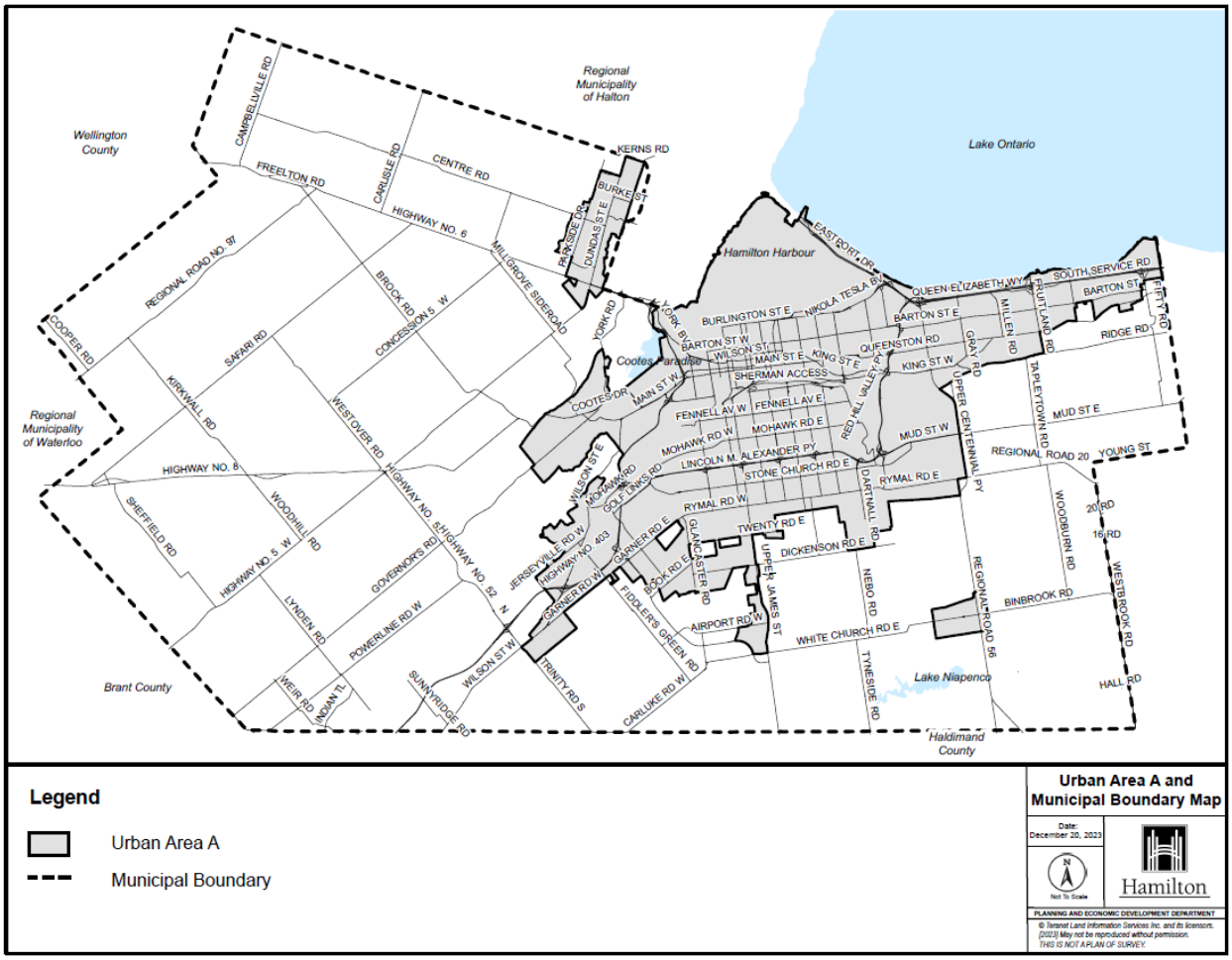
Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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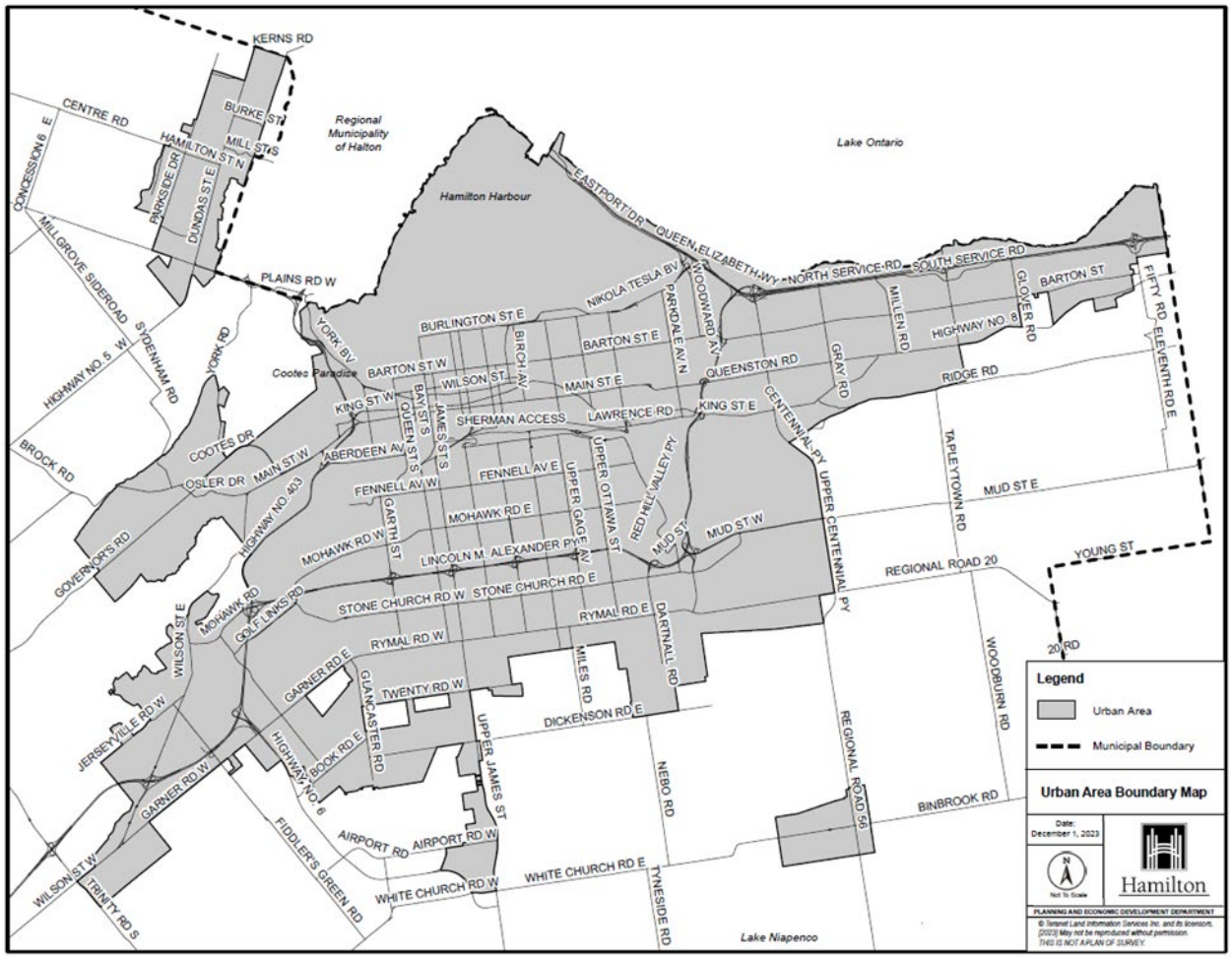
SCHEDULE G, TO BY-LAW 24-072
URBAN AREA A AND MUNICIPAL BOUNDARY MAP

This map identifies Urban Area A in grey and the Municipal Boundary of the City of Hamilton with dashed lines

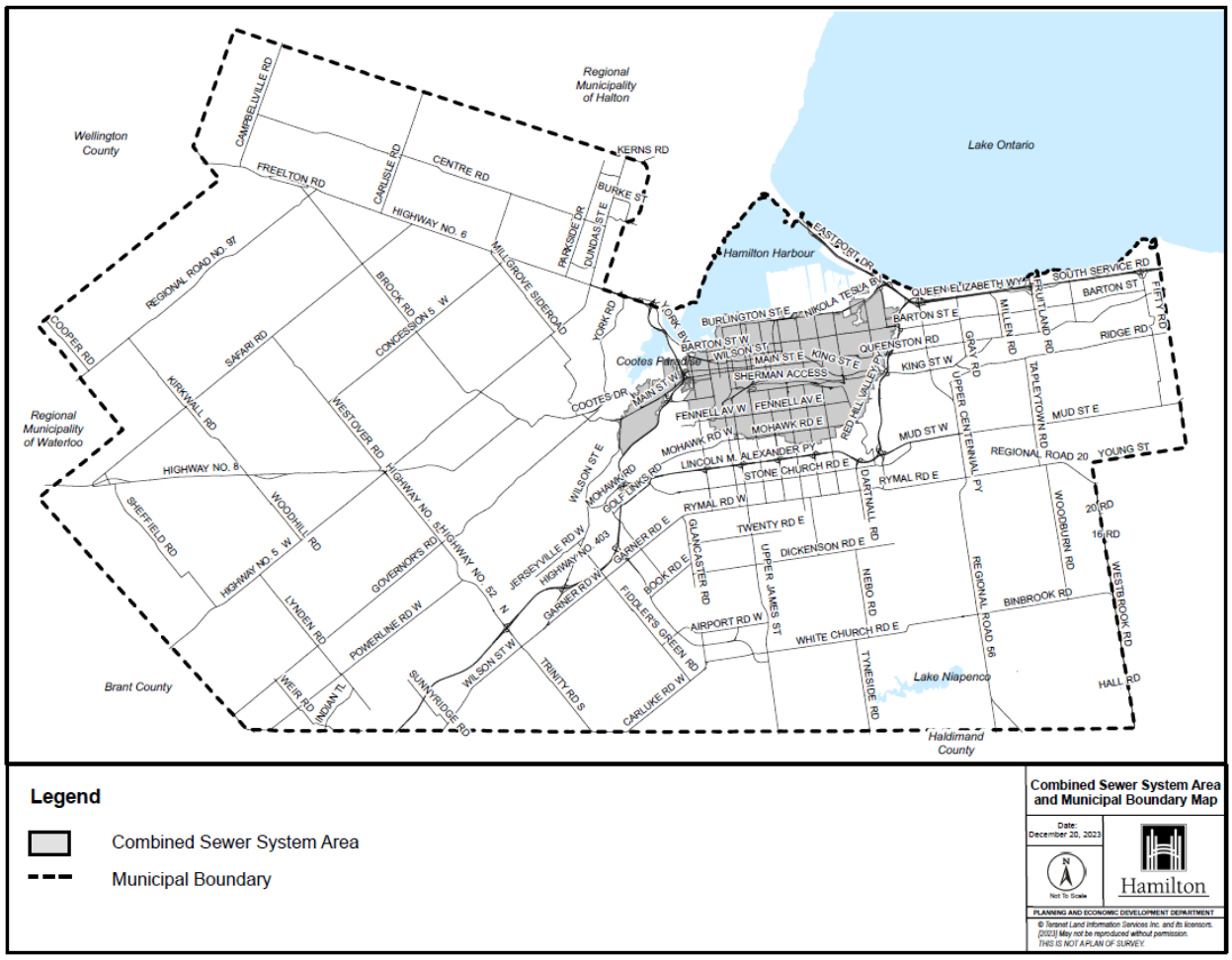


SCHEDULE H, TO BY-LAW 24-072
URBAN AREA AND MUNICIPAL BOUNDARY MAP

This map identifies the Urban Area of the City of Hamilton in grey and a portion of the Municipal Boundary of the City of Hamilton with dashed lines



SCHEDULE I, TO BY-LAW 24-072
COMBINED SEWER SYSTEM AREA AND MUNICIPAL BOUNDARY MAP
This map identifies the City of Hamilton Combined Sewer System in grey and the Municipal Boundary of the City of Hamilton with dashed lines



SCHEDULE J, TO BY-LAW 24-072
DUNDAS / WATERDOWN SPECIAL AREA DEVELOPMENT CHARGE MAP

This map identifies the area to which the Dundas / Waterdown Special Area Charge applies in red, a potion of the Municipal Boundary of the City of Hamilton is shown with dashed lines

