

Authority: Item 4, Audit, Finance &
Administration Committee
Report 18-010 (FCS18053(a))
CM: July 13, 2018
Ward: City Wide
Bill No. 196

CITY OF HAMILTON

BY-LAW NO. 18-196

**Being a By-law to amend By-law 14-153
City of Hamilton Development Charges By-law, 2014
To Revise Definitions and Policy Regarding Industrial Development Expansions**

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 Development Charges By-law, 2014 (By-law14-153);

WHEREAS, in accordance with section 10 of the Act, at its meeting of May 9, 2018, the Council of the City of Hamilton approved a background study through Report FCS18053 dated May 7, 2018 entitled "City of Hamilton Development Charges By-law 14-153 Background Study Re: Industrial Development Expansion Policy Amendment."

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 14-153 Background Study Re: Industrial Development Expansion Policy Amendment" prepared by staff, dated May 7, 2018;

WHEREAS the Council of the City of Hamilton has given notice and held a public meeting on July 11, 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 July 13, 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 May 9, 2018, approved a Report FCS18053 dated May 7, 2018 entitled "City of Hamilton Development Charges By-law 14-153 Background Study Re: Industrial Development Expansion Policy Amendment."

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

1. Section 1 of By-law 14-153 is hereby amended by replacing Definition (q) with the following:

"existing industrial building" shall have the same meaning as that term is defined under Ontario Regulation 82/98 under the Act, 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.

2. Sections 17, 19 and 20 of By-law 14-153 is hereby amended by replacing the sections with the following:

17. No development charge shall be imposed on:

- (a) one or more enlargements of an existing industrial building as defined herein, up to a maximum of fifty percent (50%) of the gross floor area of the existing industrial building.
- (b) one or more industrial buildings on the same lot or parcel of land as one or more existing industrial buildings, up to a maximum of fifty percent (50%) of the combined gross floor area of the existing industrial buildings.

19. 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.

20. Where:

- (a) a subdivision of a lot or parcel of land subsequent to any enlargement or additional industrial building 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 or additional industrial building.

- (b) lands are merged or otherwise added to a lot or parcel of land after July 16, 2018, the exemption in 17 (b) 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 17(b) 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.
3. 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.
4. This By-law shall come into force and take effect at 12.01 a.m. on July 16, 2018.

PASSED this 13th day of July, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk