

Authority: Item 3, Corporate Administration
Committee Report: 06-011 (FCS06063)
CM: June 28, 2006

Bill No. 173

**THE CITY OF HAMILTON
BYLAW NO. 06-173**

**Being a by-law to amend By-law 04-145
Respecting development charges on lands within the City of Hamilton**

WHEREAS the Development Charges Act, 1997, S.O. 1997, Chapter 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 bylaw applies;

AND WHEREAS the City of Hamilton did, in accordance with the said Act, on the 6th day of July 2004, enact Bylaw 04-145 to impose Development Charges; (hereinafter such Bylaw may be referred to as the "Bylaw")

AND WHEREAS the Council of the City of Hamilton, at its meeting of June 28, 2006, did receive recommendations for amendments to the said Development Charges By-law from the General Manager of Finance and Corporate Services and did resolve to take steps to amend Bylaw 04-145 as hereinafter provided;

AND WHEREAS as required by Section 10 of the Act, the City has undertaken and completed a development charge background study in respect of the amendments hereinafter provided for, 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;

AND WHEREAS as required by Section 11 of the Act, this by-law is being enacted within one year of the May 2006 completion of the said development charge background study set out in the said Report to the Corporate Administration Committee dated June 1, 2006 by the General Manager of Finance and Corporate Services;

AND WHEREAS in advance of passing this Bylaw the Council of the City of Hamilton has given notice of and held a public meeting on June 21, 2006 in accordance with Section 12 of the Act regarding its proposals for this development charges bylaw;

AND WHEREAS the Council of the City of Hamilton, through its Corporate 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, this bylaw;

AND WHEREAS the Council of the City of Hamilton, at its meeting of June 28th, 2006, has adopted and approved the said background study and the development charges and policies recommended by the General Manager of the 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 Item 3 of Corporate Administration Committee Report 06-011 respecting "Development Charges Bylaw 04-145 Amendments and GO Transit Development Charges Bylaw", 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 hereby enacts as follows:

1. Section 1 of By-law 04-145 is hereby amended as follows;
 - (a) Clause (m) titled "dwelling unit" is hereby deleted and the following substituted therefor, namely:

“(m) “dwelling 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.”
 - (b) Clause (ee) titled "residential facility" is hereby amended by deleting the words "dwelling unit" from the first and second lines thereof and substituting therefor the word "bedrooms".
2. Section 16 of By-law 04-145 is hereby deleted and the following substituted therefor, namely:

“16. 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, based on the number and type of dwelling units;

- (i) in the case of a residential facility, based upon the number of bedrooms;
 - (ii) in the case of a dwelling unit containing six (6) 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 with dwelling units containing six (6) or more bedrooms, the applicable “apartment 2 bedroom +” rate shall apply to the dwelling unit and five (5) bedrooms and the applicable residential facility rate to the sixth and each additional bedroom; and
- (b) in the case of non-residential development, or the non-residential portion of a mixed use development, based upon the gross floor area of such development measured in square feet.”

3. Section 18 of By-law 04-145 is hereby amended by deleting “Years 3, 4 and 5” and accompanying figures and text and substituting the following therefor:

“Year 3: \$2.30 per square foot (indexed);”
“Year 4: \$2.80 per square foot (indexed);”
“Year 5: \$3.30 per square foot indexed).”

4. Section 19 of By-law 04-145 is hereby deleted and the following substituted therefor, namely:

“19. The non-residential charge for development other than industrial shall be imposed and collected as follows, namely:

(a) For square footage between 1 and 5000 square feet inclusive:

Year 3: \$4.28 per sq ft (plus indexing)

Year 4: \$5.71 per sq ft (plus indexing)

Year 5: \$7.14 per sq ft (plus indexing)

(b) For square footage between 5001 and 10,000 square feet inclusive:

Year 3: \$6.43 per sq ft (plus indexing)

Year 4: \$8.57 per sq ft (plus indexing)

Year 5: \$10.71 per sq ft (plus indexing)

(c) For square footage in excess of 10,000 square feet:

Year 3: \$10.97 per sq ft (plus indexing)

Year 4: \$14.28 per sq ft (plus indexing)

Year 5: \$14.28 per sq ft (plus indexing)

5. Paragraph "(a)" of Section 28 of By-law 04-145 is hereby amended by adding the following thereto, namely:

"Where development has been exempted pursuant to this sub-section, the development charge applicable on the square footage in excess of the exempted 5000 square feet will be \$10.97 (in 2004 dollars plus indexing) per square foot as of July 6, 2006 and \$14.28 (in 2004 dollars plus indexing) per square foot as of July 6, 2007."

6. Paragraph "(b)" of Section 28 of By-law 04-145 is hereby deleted.
7. Paragraph "(d)" of Section 28 of By-law 04-145 is hereby amended by inserting the word "is" between the words "development" and "used" in the fourth line thereof.
8. Paragraph "(d)" of Section 28 of By-law 04-145 is hereby amended by deleting the words "such development" from the end of the fifth and the beginning of the sixth lines thereof.
9. Paragraph "(e)" of Section 28 of By-law 04-145 is hereby amended by deleting the word "such" from the first line thereof and substituting therefore the word "is".
10. Section 28 of By-law 04-145 is hereby amended by adding the following clause thereto, namely:
 - (f) development of student residences by McMaster University are exempt from 50% of the development charge otherwise payable pursuant to this By-law."
11. Section 36 of By-law 04-145 is hereby amended by inserting the words "or an apartment development" between the words "facility" and "only" in the second line.
12. Section 42 of By-law 04-145 is hereby deleted and the following substituted therefor, namely,

"The development charge rates payable are the rates in effect on the date a completed building permit application is received and accepted by the City, provided that the permit is issued within 6 months of the effective date of a rate increase. Where the said building permit is revoked by the Chief Building Official on or after the date of the rate increase, any subsequent application for a building permit on the lands or site will be subject to the rates in effect on the date of permit issuance. For the purposes of this section, a "complete application" shall mean an application with all required information and plans provided, all application fees paid and all prior charges and taxes relating to the subject land paid and discharged".

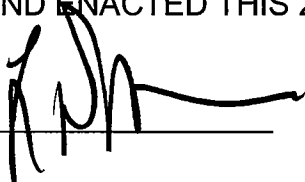
13. Section 43 of By-law 04-145 is hereby deleted and the following substituted therefor, namely

“For site plan applications, where a complete application for site plan approval has been received by the City prior to May 1, 2006, and no building permit in relation thereto has been issued prior to July 6, 2006, the development charges payable upon issuance of the building permit shall be based on the rates in effect on July 5, 2006, provided that the building permit is issued prior to Jan 6, 2007. Where the said building permit is revoked by the Chief Building Official on or after July 6, 2006, any subsequent application for a building permit on the lands or site will be subject to the rates in effect on the date of permit issuance. For the purposes of this section, a “complete application for site plan approval” means an application in compliance with the requirements of the City as set out in the document entitled “City of Hamilton Submission Requirements and Application Form for Site Plan Control” dated January 01 2004, together with all applicable fees”.

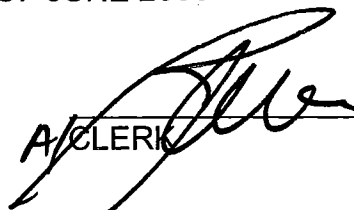
14. Schedule “E” to By-law 04-145 is hereby deleted and the Schedule attached to this amending by-law as Schedule “A” is hereby substituted therefor.
15. Schedule “F” to By-law 04-145 is hereby deleted and the Schedule attached to this amending by-law as Schedule “B” is hereby substituted therefor.
16. Schedule “G” to by-law 04-145 is hereby deleted and the Schedule attached to this amending by-law as Schedule “C” is hereby substituted therefor.
17. This bylaw shall come into force and take effect at 12:01 a.m. on July 6, 2006.
18. This bylaw may be referred to as the “2006 Development Charges Amending Bylaw”.
19. The definitions of phrases and terms in the Bylaw shall apply to this amending bylaw.
20. Bylaw 04-145, save as amended herein, is hereby confirmed and continued.

PASSED AND ENACTED THIS 28TH DAY OF JUNE 2006.

MAYOR



CLERK



SCHEDULE A TO BYLAW 06-173

SCHEDULE "E" BY-LAW NO. 04-145 CITY OF HAMILTON LIST OF SERVICES AND DEVELOPMENT CHARGES MUNICIPAL WIDE CHARGES

Rates Effective July 6, 2006 to January 5, 2007

SERVICE	RESIDENTIAL (per unit rates unless indicated otherwise)					NON-RESIDENTIAL (per s.f. of gross floor area)
	Single-Detached Dwelling & Semi-Detached Dwelling	Apartments 2 Bedrooms +	Apartments Bachelor & 1 Bedroom	Multiple Unit Dwellings	Residential Facility Per Bedroom	
Municipal Wide Services						
Services Related to a Highway	4933	3216	1921	3914	1455	5.69
Other Transportation Services	91	59	35	72	27	0.06
Fire Protection Services	193	126	75	153	57	0.17
Police Services	167	109	65	133	49	0.17
Outdoor Recreation Services	907	591	353	720	268	0.07
Indoor Recreation Services	890	580	347	706	263	0.06
Library Services	403	263	157	320	119	0.03
Administration	342	223	133	271	101	0.30
Homes for the Aged						
Health and Child Services						
Ambulance	10	7	4	8	3	0.01
Total Municipal Wide Charges	7936	5174	3090	6297	2342	6.56

Rates Effective January 6, 2007

SERVICE	RESIDENTIAL (per unit rates unless indicated otherwise)					NON-RESIDENTIAL (per s.f. of gross floor area)
	Single-Detached Dwelling & Semi-Detached Dwelling	Apartments 2 Bedrooms +	Apartments Bachelor & 1 Bedroom	Multiple Unit Dwellings	Residential Facility Per Bedroom	
Municipal Wide Services						
Services Related to a Highway	4933	3216	1921	3914	1455	5.69
Other Transportation Services	91	59	35	72	27	0.06
Fire Protection Services	193	126	75	153	57	0.17
Police Services	167	109	65	133	49	0.17
Outdoor Recreation Services	956	623	372	759	282	0.07
Indoor Recreation Services	890	580	347	706	263	0.06
Library Services	403	263	157	320	119	0.03
Administration	342	223	133	271	101	0.30
Homes for the Aged						
Health and Child Services						
Ambulance	10	7	4	8	3	0.01
Total Municipal Wide Charges	7985	5206	3109	6336	2356	6.56

*Note: All figures are in 2004 dollars prior to appropriate indexing being applied.

There are two categories of non-residential charge - "industrial" and "non-industrial" as defined in this by-law.

The industrial development charge is phased in as follows:

Year 3 (July 6, 2006 to July 5, 2007): \$2.30 per sq ft (plus indexing)

Year 4 (July 6, 2007 to July 5, 2008): \$2.80 per sq ft (plus indexing)

Year 5 (July 6, 2008 to July 5, 2009): \$3.30 per sq ft (plus indexing)

The non-industrial charge is phased in as follows:

3rd year of by-law (July 6, 2006 to July 5, 2007):

1-5000 sq ft: \$4.28 per sq ft (plus indexing)

5001-10,000 sq ft: \$6.43 per sq ft (plus indexing)

10,001+ sq ft: \$10.97 per sq ft (plus indexing)

4th year of by-law (July 6, 2007 to July 5, 2008):

1-5000 sq ft: \$5.71 per sq ft (plus indexing)

5001-10,000 sq ft: \$8.57 per sq ft (plus indexing)

10,001+ sq ft: \$14.28 per sq ft (plus indexing)

5th year of by-law (July 6, 2008 to July 5, 2009):

1-5000 sq ft: \$7.14 per sq ft (plus indexing)

5001-10,000 sq ft: \$10.71 per sq ft (plus indexing)

10,001+ sq ft: \$14.28 per sq ft (plus indexing)

For expansions of "non-industrial" developments already in existence as of July 6, 2004 the following rates apply:

3rd year of by-law (July 6, 2006 to July 5, 2007):

1st 5000 sq ft of expansion: exempt

Sq footage in excess of 5000: \$10.97 per sq ft (plus indexing)

4th and 5th year of by-law (July 6, 2007 to July 5, 2009):

1st 5000 sq ft of expansion: exempt

Sq footage in excess of 5000: \$14.28 per sq ft (plus indexing)

SCHEDULE B TO BYLAW 06-173

SCHEDULE "F"
BY-LAW NO. 04-145
CITY OF HAMILTON
LIST OF SERVICES AND DEVELOPMENT CHARGES
URBAN AREA SERVICES

Rates Effective July 6, 2006 to January 5, 2007

SERVICE	RESIDENTIAL (per unit rates unless indicated otherwise)					NON-RESIDENTIAL (per s.f. of gross floor area)
	Single-Detached Dwelling & Semi-Detached Dwelling	Apartments 2 Bedrooms +	Apartments Bachelor & 1 Bedroom	Multiple Unit Dwellings	Residential Facility Per Bedroom	
Urban Area Services						
Transit (Defined Urban Transit Service Area)	337	220	131	267	99	0.30
Storm Water Drainage and Control Services**	2306	1503	898	1830	681	1.43
Wastewater Services	1675	1092	652	1329	494	3.18
Water Services	1886	1229	734	1496	557	2.81
Total Urban Area Services	6204	4044	2415	4922	1831	7.72

Rates Effective January 6, 2007

SERVICE	RESIDENTIAL (per unit rates unless indicated otherwise)					NON-RESIDENTIAL (per s.f. of gross floor area)
	Single-Detached Dwelling & Semi-Detached Dwelling	Apartments 2 Bedrooms +	Apartments Bachelor & 1 Bedroom	Multiple Unit Dwellings	Residential Facility Per Bedroom	
Urban Area Services						
Transit (Defined Urban Transit Service Area)	337	220	131	267	99	0.30
Storm Water Drainage and Control Services**	2657	1732	1035	2108	784	1.43
Wastewater Services	2502	1631	974	1985	738	3.18
Water Services	2209	1440	860	1753	652	2.81
Total Urban Area Services	7705	5023	3000	6113	2273	7.72

*Note: All figures are in 2004 dollars prior to appropriate indexing being applied.
There are two categories of non-residential charge - "industrial" and "non-industrial" as defined in this by-law.

The industrial development charge is phased in as follows:

Year 3 (July 6, 2006 to July 5, 2007): \$2.30 per sq ft (plus indexing)
Year 4 (July 6, 2007 to July 5, 2008): \$2.80 per sq ft (plus indexing)
Year 5:(July 6, 2008 to July 5, 2009): \$3.30 per sq ft (plus indexing)

The non-industrial charge is phased in as follows:

3rd year of by-law (July 6, 2006 to July 5, 2007):
1-5000 sq ft: \$4.28 per sq ft (plus indexing)
5001-10,000 sq ft: \$6.43 per sq ft (plus indexing)
10,001+ sq ft: \$10.97 per sq ft (plus indexing)

4th year of by-law (July 6, 2007 to July 5, 2008):
1-5000 sq ft: \$5.71 per sq ft (plus indexing)
5001-10,000 sq ft: \$8.57 per sq ft (plus indexing)
10,001+ sq ft: \$14.28 per sq ft (plus indexing)

5th year of by-law (July 6, 2008 to July 5, 2009):
1-5000 sq ft: \$7.14 per sq ft (plus indexing)
5001-10,000 sq ft: \$10.71 per sq ft (plus indexing)
10,001+ sq ft: \$14.28 per sq ft (plus indexing)

For expansions of "non-industrial" developments already in existence as of July 6, 2004 the following rates apply:

3rd year of by-law (July 6, 2006 to July 5, 2007):
1st 5000 sq ft of expansion: exempt
Sq footage in excess of 5000: \$10.97 per sq ft (plus indexing)

4th and 5th year of by-law (July 6, 2007 to July 5, 2009):
1st 5000 sq ft of expansion: exempt
Sq footage in excess of 5000: \$14.28 per sq ft (plus indexing)

**Note: Where a permanent/centralized stormwater management facility in a particular subdivision has been provided at the cost of the developer as a condition of approval of a plan of subdivision, the facility shall be considered a credit for services-in-lieu and accordingly, DCs on any of the proponents unbuilt lots within the subject subdivision shall be reduced by the extent of the stormwater management facility sub-component which is 67% of the total stormwater drainage and control services.

SCHEDULE C TO BYLAW 06-173

**SCHEDULE "G"
BY-LAW NO. 04-145
CITY OF HAMILTON
LIST OF SERVICES AND DEVELOPMENT CHARGES
AREA SPECIFIC CHARGES**

SERVICE	RESIDENTIAL (per unit rates unless indicated otherwise)					NON-RESIDENTIAL (per s.f. of gross floor area)
	Single-Detached Dwelling & Semi-Detached Dwelling	Apartments 2 Bedrooms +	Apartments Bachelor & 1 Bedroom	Multiple Unit Dwellings	Residential Facility Per Bedroom	
Area Specific						
Binbrook**	6935	4521	2700	5503	2046	N/A
Dundas/Waterdown***	1205	786	469	956	355	0.92

** Special Area Charge for that portion of the former Township of Glanbrook designated in the City's Official Plan as the urban settlement area of Binbrook, payable in addition to the municipal wide development charge. Includes the costs associated with the Glanbrook Landfill Leachate Treatment/Removal and with the Binbrook Settlement Water and Wastewater Servicing Project.

***Special Area Charge for the former Town of Dundas and for that portion of the former Town of Flamborough designated in the City's Official Plan as the urban area of Waterdown, payable in addition to the municipal wide development charge. Includes the costs associated with the Dundas/Waterdown Wastewater Flow Diversion Project.