

Authority: Item 6, General Issues Committee
Report 11-021 (FCS11053(a))
CM: June 29, 2011

Bill No. 173

**CITY OF HAMILTON
BY-LAW NO. 11-173**

**Being a by-law to amend By-law 09-143, as amended,
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 June 24, 2009, enact By-law 09-143 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 29, 2011, has approved certain policies and other revisions to be included in the said Development Charges By-law 09-143 by way of certain amendments thereto;

AND WHEREAS, in advance of passing this amending By-law, the Council of the City of Hamilton has given notice of and held a public meeting on June 9, 2011 in accordance with Section 12 of the Act regarding the proposed amendments to the said Development Charges By-law 09-143:

AND WHEREAS the Council of the City of Hamilton, through its General Issues 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 amending bylaw, and has determined that no further public meetings are required under Section 12 of the Act;

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

1. Clause 1(n) of By-law 09 – 143 is hereby amended by deleting the reference to "July 06, 2009" in the fourth line thereof and substituting "July 06, 2011" therefor.
2. Clause 1(gg) of By-law 09-143 is hereby deleted and the following substituted therefor, namely:

“(gg) “services” means services designated in Schedule “B” to this By-law, or designated in an agreement under Section 44 of the Act.”

3. Section 2 of By-law 09-143 is hereby amended by deleting the references to “Schedule “A” Urban Boundary Map of the City of Hamilton” and “Schedule “D” Urban Area Charges” therefrom.

4. Section 5 of By-law 09-143 is hereby deleted and the following substituted therefor, namely;

“5. Subject to Section 7 and any applicable exemption set out in this By-law, where there is development of any land within the geographical area of the City of Hamilton, the development charges payable pursuant to this By-law shall be those set out in Schedule “B” to this By-law.”

5. Section 6 of By-law 09-143 is hereby deleted and the following substituted therefor, namely:

“Subject to Section 7 and any applicable exemption set out in this By-law, where there is development of land in Binbrook within the area depicted as “Phase 1” on Schedule “C” to this By-law, or within those areas of Dundas and Waterdown delineated on Schedule “D” to this By-law, respectively, the development charges payable pursuant to this By-law shall be the sum of the Total Municipal Wide Charges and the applicable Special Area Charge as shown on Schedule “B” to this By-law.”

6. Section 7 of By-law 09-143 is hereby deleted and the following substituted therefor, namely:

“7. Notwithstanding Schedule “B” to this By-law, the amount of the Non-Residential Charge to be collected for industrial development for each year of the term of this By-law shall be as set out in Table 1 below:

Table 1

Non- Residential Industrial Charge To Be Imposed

Service	July 6, 2011 to July 5, 2012	July 6, 2012 to January 5, 2013	January 6, 2013 to July 5, 2016
Industrial	\$2.27	\$2.66*	\$3.04*

*Rates subject to indexing as per section 38 of By-law 09-143

7. Section 18 of By-law 09-143 is hereby deleted and the following substituted therefor, namely:

“18.(1) No development charge shall be imposed where the only effect of an action referred to in Section 10 of this By-law is to:

- (a) permit an enlargement to an existing dwelling unit;
- (b) permit the creation of one or two additional dwelling units in an existing single detached building; or
- (c) permit one additional dwelling unit in any other existing residential building.

(2) Notwithstanding sub-section (1), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.

(3) Notwithstanding sub-section (1), development charges shall be imposed if the additional unit has a gross floor area greater than:

- (a) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and
- (b) in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building.

8. Section 22 of by-law 09-143 is hereby deleted and the following substituted therefor, namely:

“22. The cumulative total of the gross floor area previously exempted hereunder shall be deducted from the initial amount of gross floor area eligible for an exemption under Section 20 for the purpose of determining the amount of the exemption applicable to any subsequent expansion.”

9. The last sentence of clause 26(b) of By-law 09-143 is hereby amended by deleting the word “sub-section” from the first and second lines thereof and replacing them with the word “clause”.

10. Clause (f) of Section 26 is hereby deleted and the following substituted therefor, namely:

“(f) development of student residences by a university, college of applied arts and technology or other accredited post-secondary institution, or accredited private secondary school, is exempt from 50% of the development charge otherwise payable pursuant to this By-law. Notwithstanding anything else contained in this By-law, save and except clause 27(d) and Section 31, the credit applicable to any redevelopment involving an increase in the number of student residences contained within an existing building envelope shall be based on 100% of the residential facility rate in effect at the time of receipt by the Chief Building Official of a complete building permit application for the said redevelopment within the meaning of Section 40 of this By-law.”

11. Section 26 of By-law 09-143 is hereby amended by adding a new clause (g) thereto, namely:

“(g) redevelopment of an existing residential development for the purpose of creating residential facilities within the existing building envelope is exempt from 50% of the development charge otherwise payable pursuant to this By-law.”

12. Section 26 of By-law 09-143 is hereby amended by adding a new clause (h) thereto, namely:

“(h) redevelopment of an existing residential facility for the purpose of creating more residential facility units within the existing building envelope shall be exempt from 50% of the development charge otherwise payable pursuant to this By-law. Notwithstanding anything else contained in this By-law, save and except clause 27(d) and Section 31, the credit applicable to any such redevelopment shall be based on 100% of the residential facility rate in effect at the time of receipt by the Chief Building Official of a complete building permit application for the said redevelopment within the meaning of Section 40 of this By-law.”

13. Section 26 of by-law 09-143 is hereby amended by adding a new clause (i) thereto, namely:

“(i) for new industrial development of up to 10,000 square feet, the development charge imposed shall be the greater of \$2.27 per square foot and 75% of the effective non-residential industrial charge as set out in Table 1 of Section 7 above.”

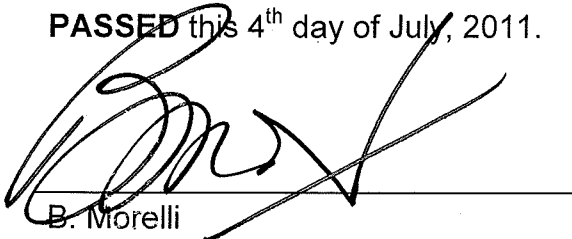
14. Section 39 of By-law 09-143 is hereby amended by deleting the references to “May 01” in the first and second lines thereof and substituting “June 30” therefor.”

15. Section 41 of By-law 09-143 is hereby repealed.

16. Schedules "A" and "D" to By-law 09-143 are hereby repealed and the remaining Schedules are re-lettered accordingly.

17. The City Clerk is hereby authorized and directed to consolidate this and any other duly enacted amendments to By-law 09-143 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.

PASSED this 4th day of July, 2011.



B. Morelli
Acting Mayor



M. Gallagher
Acting City Clerk