

Presented To:	Priorities Committee
Presented:	Wednesday, Jul 08, 2009
Report Date	Thursday, Jun 25, 2009
Type:	Managers' Reports

Request for Recommendation

Proposed Development Charges By-Law

Recommendation

WHEREAS the Development Charges Act (hereinafter called "the Act") enables the council of a municipality to pass by-laws for the imposition of development charges against land within the municipality for increased capital costs required because of the need for municipal services arising from development in the area to which the by-law applies;

AND WHEREAS the Council has given notice in accordance with Section 12 of the Act of its development charges proposal and held a public meeting on June 15th, 2009;

AND WHEREAS the Council has heard all persons who applied to be heard in objection to, or in support of, the development charges proposal at such public meeting, and provided for written communications to be made;

AND WHEREAS the Council has given said communications due consideration, has made any necessary revisions to the City of Greater Sudbury Development Charges Background Study as a result of those communications;

NOW THEREFORE the Council of the City of Greater Sudbury approve the Development Charges Background Study of the City of Greater Sudbury, dated May 2009, prepared by Hemson Consulting Ltd.;

AND that the necessary by-law be prepared.

Signed By

Report Prepared By

Lorella Hayes
Chief Financial Officer/City Treasurer
Digitally Signed Jul 2, 09

Recommended by the Department

Lorella Hayes
Chief Financial Officer/City Treasurer
Digitally Signed Jul 2, 09

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Jul 2, 09

Background

At the Council meeting of June 24th, 2009, Council provided the following direction regarding development charges:

1. Freeze current Residential rates to December 31, 2009. Continue exemptions of Institutional, Commercial and Industrial until December 31, 2009;
2. Phase in maximum allowable Development Charges over a three year period, for all Classes -

Residential, Multi-residential, Commercial, Industrial and Institutional; See Schedule B, C and D of the draft by-law for the rates;

3. Council requested a provision in the by-law to exempt non-profit affordable housing projects, preferable via a grant.
4. Council agreed to continue the exemption of the designated downtown centres. See Schedules E1 to E8 of the draft by-law;
5. Staff to report back on the option of charging the fee upon closing of the sale for Tarion Homebuilders;

Draft By-Law

Attached is a copy of the draft Development Charges By-law for Council's review.

Affordable Housing Development

Council expressed interest in having flexibility to review each affordable housing development to determine if a development charge exemption should be provided. Staff have added the following provision in the by-law:

"The City may, by by-law, provide grants or interest free loans to offset development charges pursuant to this by-law to affordable or non-profit housing developments as it sees fit."

It should be noted, that if Council chose to provide a grant, instead of an interest free loan, the development charge would have to be paid by the applicant, and Council could not use this source of revenue as a funding source for the grant. An alternate funding source would be required if Council approved a grant by-law.

Exemptions

As directed by Council, the only exemption to be provided will be for development of lands in the designated town centres. See maps outlined in Schedules E1 to E8. In addition, the Development Charges Act exempts the following:

1. Boards of Education
2. Any Municipality or Local Board

Except as noted above, the by-law has been drafted to apply to all lands in the City, whether or not the land is exempt from taxation under Section 3 of the Assessment Act.

Payment of Development Charge

City staff have researched and reviewed the Development Charges By-laws of other municipalities in Ontario. Based on this review, staff found that in most municipalities, the development charge is payable upon issuance of the building permit. Some municipalities also have the option to charge upon final approval of the plan of subdivision. Hemson Consulting and City staff are aware that the City of Peterborough have an agreement with the Home Builders Association, for a delayed due date no later than occupancy or the building or occupancy inspection. Further analysis of this option is required should Council wish to proceed with a similar agreement.

Conclusion

Attached is the draft By-Law for the Priorities Committee review and for Council's approval on July 8th.

BY-LAW 2009-200F

**A BY-LAW OF THE CITY OF GREATER SUDBURY
WITH RESPECT TO DEVELOPMENT CHARGES**

WHEREAS section 2(1) of the *Development Charges Act, 1997* (hereinafter called "the *Act*") enables the Council of a municipality to pass By-Laws for the imposition of development charges against land within the municipality for increased capital costs required because of the need for municipal services arising from development in the area to which the By-Law applies;

AND WHEREAS the Council of the City of Greater Sudbury, at its meeting of July 8th, 2009, approved a report dated May, 2009, titled Development Charges Background Study, City of Greater Sudbury, prepared by Hemson Consulting Ltd. in accordance with the directive of Council;

AND WHEREAS the Council has given Notice in accordance with Section 12 of the *Act* of its development charges proposal and held a public meeting on June 15th, 2009;

AND WHEREAS the Council has heard all persons who applied to be heard in objection to, or in support of, the development charges proposal at such public meeting, and provided for written communications to be made;

AND WHEREAS the Council has given said communications due consideration, has made any necessary revisions to the City of Greater Sudbury Development Charges Background Study as a result of those communications, and has determined that no further public meetings are required in respect of the Background Study;

AND WHEREAS the Council in approving the said report directed that development charges be imposed on land under development or redevelopment within the geographical limits of the City as hereinafter provided;

NOW THEREFORE the Council of The City of Greater Sudbury enacts as follows:

DEFINITIONS

1. (1) Definitions contained within this By-Law are for the purpose of assisting with the interpretation of this By-Law only.

(2) In this By-Law,

"*Act*" means the *Development Charges Act, 1997*, S.O. 1997, c.27, as amended or replaced from time to time,

"accessory use" means a use of land, buildings or structures which is incidental and subordinate to the principal use of the lands and buildings,

“agricultural use” means a use of land, buildings, or structures for the production of crops, animal husbandry or other similar uses normally associated with agriculture,

“air-supported structure” means an air-supported structure as defined in the *Building Code Act*,

“apartment unit” means any residential dwelling unit within a building containing four or more dwelling units where the residential units are connected by an interior corridor; or any dwelling unit in a building containing non-residential uses, other than a home occupation,

“benefiting area” means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service,

“building or structure” means a structure occupying an area greater than 10 square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof, but does not include a farm building, an air-supported structure, or an exterior storage tank,

“Board of Education” means a board as defined in the *Education Act*, R.S.O. 1990, c. E.2, as amended or replaced from time to time,

“*Building Code Act*” means the *Building Code Act 1992*, S.O. 1992, c.23, as amended or replaced from time to time,

“capital cost” means costs incurred or proposed to be incurred by the City or a local board thereof directly or under an agreement,

- i. to acquire land or an interest in land including a leasehold interest;
- ii. to improve land;
- iii. to acquire, lease, construct or improve buildings and structures;
- iv. to acquire, lease, construct or improve facilities including,
 1. rolling stock with an estimated future life of seven years or more;
 2. furniture and equipment, other than computer equipment, and
 3. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, c.P.44;
- v. to undertake studies in connection with any matter under the *Act* and any of the matters in clauses (i) to (iv);
- vi. for the development charge background study under s.10 of the *Act*;
- vii. for interest on money borrowed to pay for costs in (i) to (iv); or
- viii. required for the provision of services designated in this By-law within or outside the City,

“Council” means the Council of the City of Greater Sudbury,

“Designated Town Centres” means an area shown in Schedules “E1” to “E-8” of this By-law,

“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, and includes redevelopment,

“development charge” means a charge imposed against land in the City under this By-Law,

“dwelling unit” means any part of a building or structure with one or more habitable rooms designed or intended to be used as a domestic establishment in which one or more persons may sleep and in which sanitary facilities and a separate kitchen are provided for their exclusive use, and “housing unit” shall have the same meaning as “dwelling unit” and where used in this By-Law or the Schedules to this By-Law, “housing” and “dwelling” shall be interchangeable,

“dwelling, single detached” means a separate building containing only one dwelling unit,

“dwelling, semi-detached” means a separate building that is divided vertically and contains only two dwelling units each having two separate private ground level entrances,

“dwelling, duplex” means a multiple dwelling containing two dwelling units, but does not include any dwelling erected as, or in the form of, a pair of semi-detached dwellings,

“dwelling, multiple” means all dwellings other than single detached, semi-detached, duplex, and row dwellings,

“dwelling, row (house)” means one of a group of three or more attached single dwelling units, each having an independent entrance either directly from outside or through a common vestibule to which each unit’s access is provided by corridors, stairs or elevators,

“dwelling, other multiples” means all dwellings other than single detached dwellings, semi-detached dwellings, duplex dwellings, row (house) dwellings, and apartment units,

“farm” means an agricultural operation located on lands zoned for agriculture,

“farm buildings” means farm buildings as defined in the *Building Code Act*,

“front-end payment” means a payment made by an owner pursuant to a front-ending agreement to cover the net capital costs of the services designated in the agreement that are required to enable the land to be developed,

“front-ending agreement” means an agreement made under Section 44 of the *Act* between the City and any or all owners within a benefiting area providing for front-end payments by an owner or owners or for the installation of services by an owner or owners or any combination thereof,

“gross floor area” means the sum total of the total areas of all floors in a building or structure, whether at, above, or below grade, measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating two uses, or from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall, and includes the floor area of a mezzanine, atrium or air-supported structure, and the space occupied by interior wall partitions, as defined in the *Building Code Act*; and, where a building or structure does not have any walls, the gross floor area of the building or structure shall be the total of the area of all floors, including the ground floor, that are directly beneath the roof of the building or structure,

“growth related net capital cost” means the portion of the net capital cost of services that is reasonably attributable to the need for such net capital cost that results or will result from development in all or a defined part of the City,

“industrial” means lands, buildings or structures used or designed or intended for use for or in connection with manufacturing, producing or processing of raw goods, warehousing or bulk storage of goods, distribution centre, truck terminal, research or development in connection with manufacturing, producing or processing of raw goods, storage, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use but does not include a building used exclusively for office or administrative purposes unless it is attached to an industrial building or structure as defined herein,

“local board” means a public utility commission, transportation commission, Police Services Board, school board, public library board, Board of Health, or any other board, commission, committee or body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the City or any part or parts thereof,

“local services” means those services, facilities or things which are under the jurisdiction of the City and are within the boundaries of, abut or are necessary to connect lands to services and an application has been made in respect of the lands under Sections 41, 51 or 53 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended or replaced from time to time,

“mezzanine” means a mezzanine as defined in the *Building Code Act*,

“mixed use” means lands, buildings or structures used, designed or intended to be used for both residential and non-residential uses,

“municipality” or “City” means the City of Greater Sudbury,

“non-residential” means land, buildings or structures or portions thereof used, or designed or intended to be used for a use other than for a residential dwelling unit,

“non-residential non-industrial” means land, buildings or structures or portions thereof used, or designed or intended to be used for a use other than for a residential dwelling unit and other than for industrial use,

“Official Plan” means the City of Greater Sudbury Official Plan and any amendments thereto together with any subsequent related Plan or Plans enacted,

“owner” means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed,

“*Planning Act*” means the *Planning Act*, R.S.O. 1990, c.P.13, as amended,

“protracted” means in relation to a temporary building or structure the persistence of its construction, erection, placement on land, alteration or, of an addition to it, for a continuous period exceeding eight months,

“redevelopment” means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure, or part thereof, from residential to non-residential or from non-residential to residential,

“Regulation” means any regulation made pursuant to the *Act*,

“residential use” means the land, buildings or structures or portions thereof used, designed or intended to be used as living accommodation for one or more individuals,

“Service Areas” in the City of Greater Sudbury are as follows:

- (a) “Water Service Area” means, within the City of Greater Sudbury,
 - i. properties that are connected to the municipal water services but are not located within 500 feet (152.5 m) of the municipal sanitary sewer services as they may exist from time to time;
 - ii. properties that abut streets, easements, or rights-of-way upon which municipal water services have been placed or are placed from time to time but are not located with 500 feet (152.5 m) of the municipal sanitary sewer services as they may exist from time to time; and

- iii. properties that are located with 500 feet (152.5 m) of municipal water services as they may exist from time to time but are not located within 500 feet (152.5 m) of municipal sanitary sewer services as they may exist from time to time,
- (b) "Water and Wastewater Service Area" means, within the City of Greater Sudbury,
- i. properties that are connected to the municipal sanitary sewer and water services;
 - ii. properties that abut on streets, easements or rights-of way upon which municipal sanitary sewer and water service have been placed or are placed from time to time; and
 - iii. properties that are located within 500 feet (152.5 m) of municipal sanitary sewer and water services as they may exist from time to time, and
- (c) "Sanitary Sewer Service Area" means, within the City of Greater Sudbury,
- i. properties that are connected to the municipal sanitary sewer services but are not located within 500 feet (152.5 m) of the municipal water services as they may exist from time to time;
 - ii. properties that abut streets, easements, or rights-of-way upon which municipal sanitary sewer services have been placed or are placed from time to time but are not located within 500 feet (152.5 m) of the municipal water services as they may exist from time to time; and
 - iii. properties that are located within 500 feet (152.5 m) of municipal sanitary sewer services as they may exist from time to time but are not located with 500 feet (152.5 m) of municipal water services as they may exist from time to time,

"service standards" means the prescribed level of services on which the Schedule of Charges in Schedules "B", "C", and "D" are based,

"services (or "service") means those services designated in Schedule "A" to this By-Law or specified in an agreement made under Section 44 of the Act,

"services in lieu" means those services specified in an agreement made under Section 10 of this By-Law,

"servicing agreement" means an agreement between a landowner and the City relating to the provision of municipal services to specified lands within the City,

“temporary building or structure” means a building or structure constructed or erected or placed on land for a continuous period not exceeding eight months, or an addition or alteration to a building or structure that has the effect of increasing the total floor area thereof for a continuous period not exceeding eight months, and

“Zoning By-law” means the Zoning by-law or by-laws passed under Section 34 of the *Planning Act* and in force and effect in the City.

SCHEDULE OF DEVELOPMENT CHARGES

2. (1) Subject to the provisions of this By-Law, development charges against land shall be calculated and collected in accordance with the base rates set out in Schedules “B”, “C”, and “D” which relate to the services set out in Schedule “A”.
- (2) The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:
 - (a) In the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units.
 - (b) In the case of non-residential (industrial) or the non-residential (industrial) portion of a mixed-use development, based upon the gross floor area of such development.
 - (c) In the case of non-residential non-industrial development, or the non-residential non-industrial portion of a mixed-use development, based upon the gross floor area of such development.
- (3) Council hereby determines that the development of land, buildings or structures for residential, non-residential non-industrial, and non-residential (industrial) uses have required or will require the provision, enlargement, expansion or improvement of the services referenced in Schedule “A”.

PHASE-IN OF DEVELOPMENT CHARGES

3. Development Charges as imposed under this By-law shall be phased-in as detailed in the Schedules.

APPLICABLE LANDS

4. (1) Subject to subsection (3), this By-Law applies to all lands in the City, whether or not the land or use is exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1990, c.A.31.
- (2) This By-law applies to all lands in the City subject to the following:

- (a) Pursuant to the Service Area definitions in this By-law, Development Charges for municipal sanitary sewer services, as identified on Schedules "B", "C" and "D" of this By-law, will not be levied against development of land that will not receive sanitary sewer services from the City at the time of development, ; and
 - (b) Pursuant to the Service Area definitions in this By-law, Development Charges for municipal water services, as identified on Schedules "B", "C" and "D" of this By-law, will not be levied against development of land that will not receive water services from the City at the time of development.
- (3) For the purpose of complying with section 6 of the *Act*;
- (a) the area to which this By-Law applies shall be the area described in subsection 1 above.
 - (b) the rules developed under paragraph 9 of subsection 5(1) of the *Act* for determining if a development charge is payable in a particular case and for determining the amount of the charge shall be as set forth in sections 6 through 16 of this By-Law.
 - (c) the rules for exemptions shall be as set forth in subsections (2) and (4) of Section 4 of this By-Law.
 - (d) the rules respecting redevelopment of land shall be as set forth in section 8 of this By-Law.
- (4) This By-Law shall not apply to land that is owned by and used for the purposes of:
- (a) a board of education;
 - (b) any municipality or local board thereof;
 - (c) a consent (boundary line adjustment) under Section 53 of the *Planning Act* where no new building lot is created.
- (5) This By-law shall not apply to temporary buildings or structures, however, should a temporary building or structure become protracted, it shall be deemed not to have been a temporary structure, and the development charges required to be paid under this By-law shall become payable on the date the temporary building or structure becomes protracted.
- (6) This By-Law shall not apply to permitted uses within the areas designated as "Town Centres" in Schedules "E-1" to "E-8" of this By-law, which shall be exempt as to the development charge otherwise payable for such permitted uses under this By-Law.

DESIGNATION OF SERVICES

5. (1) It is hereby declared by Council that all development of land within the area to which this By-law applies will increase the need for services.
- (1) The Development Charge applicable to a development as determined under this By-law shall apply without regard to the services required or used by an individual development, subject to subsection 4(4) of this By-law.
- (2) Development Charges shall be imposed and Reserve Funds established or continued for the categories of services designated on Schedule "A" of this By-law to pay for the increased capital costs required because of increased needs for services arising from development.

RULES WITH RESPECT TO EXEMPTIONS FOR INTENSIFICATION OF EXISTING HOUSING

6. (1) This By-Law shall not apply to that category of exempt development described in subsection 2(3) of the *Act*, and Section 2 of O. Reg. 82/98, namely:
 - (a) the enlargement of an existing dwelling unit;
 - (b) the creation of one or two additional dwelling units in an existing single detached house where the total residential gross floor area of the dwelling units created does not exceed the residential gross floor area of the existing dwelling unit prior to the enlargement; or
 - (c) the creation of one additional dwelling unit in any other existing residential building provided the residential gross floor area of the additional dwelling unit does not exceed the residential gross floor area of the smallest existing dwelling unit in the case of a semi-detached house, or does not exceed the residential gross floor area of the smallest dwelling unit contained in any other residential building.
- (2) Notwithstanding subsection (1)(b), development charges shall be calculated and collected in accordance with Schedules "B" where the total residential gross floor area of the additional one or two dwelling units is greater than the gross floor area of the existing dwelling unit.
- (3) Notwithstanding subsection (1)(c), development charges shall be calculated and collected in accordance with Schedules "B" where the additional dwelling unit has a residential gross floor area greater than,
 - (a) in the case of a semi-detached house or row house, the gross floor area of the smallest existing dwelling unit, and

- (b) in the case of any other residential building, the residential gross floor area of the smallest existing dwelling unit contained in the residential unit.

RULES WITH RESPECT TO AN INDUSTRIAL EXPANSION EXEMPTION

- 7. (1) For the purposes of calculating development charges pursuant to section 2, if a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable is the following:
 - (a) if the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero; or
 - (b) if the gross floor area is enlarged by more than 50 per cent, development charges are payable on the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement.
- (2) For the purpose of this section, the terms "gross floor area" and "existing industrial building" shall have the same meaning as those terms have in O. Reg. 82/98 made under the *Act*.
- (3) In this section, for greater certainty in applying the exemption herein:
 - (a) the gross floor area of an existing industrial building is enlarged where there is a bona fide physical and functional increase in the size of the existing industrial building.
 - (b) for the purpose of determining any enlargement, the existing industrial building will be its gross floor area as of the date of passage of this By-Law ("original gross floor area").
 - (c) the maximum exemption permitted during the term of this By-Law will be 50% of the original gross floor area irrespective of the number of enlargements or expansion of the gross floor area that take place over the course of the term of this By-Law so that any enlargement beyond 50% of the original gross floor area during the term of this By-Law will be subject to the development charge herein.
 - (d) an expansion must be attached to and a bona fide extension of the existing building, and "attached" shall not mean or include a tunnel, bridge, passageway, shared below grade connection (whether by footing, foundation, passageway, or otherwise), breezeway, shared roof connection or shared parking facility.

RULES WITH RESPECT TO THE REDEVELOPMENT OF LAND

- 8. Where, as a result of the redevelopment of land, a building or structure, occupied or able to be occupied at the time of issuance of the demolition permit, was, or is to be demolished, in whole or in part, or converted from one principal

use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (1) in the case of a residential building or the residential portion of a mixed-use building or structure, an amount calculated by multiplying the applicable development charges under Section 2 of this By-Law by the number, according to type of dwelling units that have been demolished or converted to another principal use;
- (2) in the case of a non-residential (industrial) building or the non-residential (industrial) portion of a mixed-use building or structure, an amount calculated by multiplying the applicable development charges under Section 2 of this By-Law by the non-residential gross floor area that has been demolished or converted to another principal use; and
- (3) in the case of a non-residential non-industrial building, or the non-residential non-industrial portion of a mixed-use building or structure, an amount calculated by multiplying the applicable development charges under Section 2 of this By-Law by the industrial gross floor area that has been demolished or converted to another principle use;

provided that a building permit has been issued for the land within two years from the date of issuance of the demolition permit and provided that such amounts shall not exceed in total the amount of the development charges otherwise payable with respect to the redevelopment.

APPROVAL FOR DEVELOPMENT

- 9.(1) Subject to subsection (2), development charges shall apply to, and shall be calculated and collected in accordance with the provisions of this By-Law on land to be developed where, the development requires any one or more of 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 50 of the *Condominium Act, 1998*, S.O. 1998 c. 19; or
 - (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

- (2) Subsection (1) shall not apply in respect of:
- (a) local services installed or paid for by the owner within a plan of subdivision as a condition of approval under Section 51 of the *Planning Act*;
 - (b) local services installed or paid for by the owner within the area to which the development relates; or
 - (c) local services installed at the expense of the owner as a condition of approval under Section 53 of the *Planning Act*.

LOCAL SERVICE INSTALLATION

10. Nothing in this By-Law prevents Council from requiring as a condition of any approval or agreement for development under the *Planning Act*, including sections 41, 51 or 53 of the *Planning Act*, that the owner, at his or her own expense, shall install such local services within the area to which the development relates, or that the owner pay for local connections to water mains, sanitary sewers and/or storm drainage facilities, as Council may require.

MULTIPLE CHARGES

11. (1) Where two or more of the actions described in subsection 8(1) of this By-Law are required before land to which a development charge applies can be developed, only one development charge shall be calculated and collected in accordance with the provisions of this By-Law.
- (2) Notwithstanding subsection (1), if two or more of the actions described in subsection 8(1) occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as designated in Schedule "A", an additional development charge on the additional residential units and/or the additional gross floor area for non-residential (industrial) or non-residential non-industrial uses shall be calculated and collected in accordance with the provisions of this By-Law.

SERVICES IN LIEU

12. (1) Council may authorize an owner to substitute the whole or such part of the development charge applicable to the owner's development as may be specified in an agreement, by the provision at the sole expense of the owner, of services in lieu, and such agreement shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against the development charge otherwise applicable to the development, equal to the reasonable cost to the owner of providing the services in lieu, provided such credit shall not exceed the total development charge payable by an owner to the City.

- (2) In any agreement under Subsection (1), Council may also give a further credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this By-Law.
- (3) The credit provided for in Subsection (2) shall not be given for the cost of works which relates to an increase in the service standards used in the calculation of the charges in Schedules "B", "C" and "D", and no credit shall be charged to any development charges reserve fund prescribed in this By-Law.

FRONT-ENDING AGREEMENTS, GRANTS

13. (1) The City may enter into agreements under Section 44 of the *Act* as it sees fit.
- (2) The City may by by-law provide grants or interest-free loans to offset development charges pursuant to this by-law to affordable or non-profit housing developments as it sees fit.

CALCULATION OF DEVELOPMENT CHARGES

14. The Development Charge with respect to the use of any land, buildings or structures shall be calculated as follows:
 - (1) In the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units; or
 - (2) In the case of non-residential (industrial) development, or the non-residential (industrial) portion of a mixed-use development, based upon the gross floor area of such development; or
 - (3) In the case of non-residential, non-industrial development, or the non-residential non-industrial portion of a mixed-use development, based upon the gross floor area of such development.

AMOUNT OF CHARGE

15. The Development Charge with respect to the use of any land, buildings or structures shall be as follows:
 - (1) Residential – The Development Charges described in Schedule "B" to this By-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential component of the mixed use building or structure, according to the type of residential use.
 - (2) Non-Residential (Industrial) – The Development Charges described in Schedule "C" to this By-law shall be imposed on non-residential uses of lands, buildings or structures, including a non-residential use accessory to a dwelling unit and, in the case of a mixed use building or structure, on the non-residential (industrial) component of the mixed use building or

structure, according to the type of non-residential use.

- (3) Non-Residential Non-Industrial - The Development Charges described in Schedule "D" to this By-law shall be imposed on non-residential non-industrial uses of lands, buildings or structures, including a non-residential non-industrial use accessory to a dwelling unit and, in the case of a mixed use building or structure, on the non-residential non-industrial component of the mixed use building or structure, according to the type of non-residential non-industrial use.

TIMING OF CALCULATION AND PAYMENT

16. (1) Development charges shall be calculated and payable in full in cash, certified cheque, bank draft or by provision of services as may be agreed upon, or by credit granted by the *Act*, on the date that the first building permit is issued in relation to a building or structure on land to which a development charge applies.
- (2) Where development charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full.
- (3) Where a development requires an approval described in Section 9 after the issuance of a building permit and no development charge has been paid, then the development charge shall be paid prior to the granting of the approval required under Section 9.
- (4) If a development does not require a building permit but does require one or more of the approvals described in Section 9, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such approval required for the increased or additional development being granted.

BY-LAW REGISTRATION

17. A certified copy of this By-Law may be registered in the By-law Register in the Land Registry Office (No. 53).

RESERVE FUND(S)

18. The City of Greater Sudbury shall establish Reserve Funds as follows:
 - (1) Monies received from payment of development charges shall be maintained in separate reserve funds for each service as detailed in Schedule "A" to this By-law. Funds shall be used only in accordance with the provisions of Section 35 of the *Act*.
 - (2) The Chief Financial Officer/Treasurer of the City shall, in each year commencing in 2010 for the 2009 year, furnish to council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in Sections 12 and 13 of O. Reg. 82/98.

- (3) Borrowing from the reserve funds, or from one designated municipal service fund to another, for municipal financial purposes will be permitted as authorized from time to time by resolution or By-Law of Council provided interest is paid in accordance with the *Act* and the regulations thereto, and in particular section 36.

BY-LAW AMENDMENT OR REPEAL

19. (1) Where this By-Law or any development charge prescribed thereunder is amended or repealed either by order of the Ontario Municipal Board or by Council, the Chief Financial Officer/Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
- (2) Refunds that are required to be paid under subsection (1) shall be paid to the registered owner of the land on the date on which the refund is paid.
- (3) Refunds that are required to be paid under subsection (1) shall be paid with interest to be calculated as follows:
- (i) interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
 - (ii) the refund shall include the interest owed under this section; and
 - (iii) interest shall be paid at the Bank of Canada rate in effect on the date of enactment of this By-Law.

DEVELOPMENT CHARGE SCHEDULE INDEXING

20. The development charges referred to in Schedule "B", "C", and "D" shall be adjusted annually, without amendment to this By-Law, commencing on January 1st, 2010, and annually thereafter in each January while this By-Law is in force, in accordance with the most recent twelve-month change in the Statistics Canada Quarterly, "Construction Price Statistics" (CPS), and the Chief Financial Officer / Treasurer shall advise Council of such adjustments.

BY-LAW ADMINISTRATION

21. This By-Law shall be administered by the Chief Financial Officer/Treasurer.

SCHEDULES TO THE BY-LAW

22. The following schedules are attached to and form an integral part of this By-Law:

- Schedule A - Schedule of Municipal Services
- Schedule B - Schedule of Municipal Residential Development Charge
- Schedule C - Schedule of Municipal Non-Residential (Industrial) Development Charges
- Schedule D - Schedule of Municipal Non-Residential Non-Industrial Development Charges
- Schedules E-1 to E-8 Designated Town Centres

EXISTING DEVELOPMENT CHARGE BY-LAW REPEAL

23. By-Laws 2004-200F and 2005-207F are hereby repealed upon the coming into force of this By-Law.

SEVERABILITY

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

DATE BY-LAW EFFECTIVE AND EXPIRES

25. (1) This By-Law shall come into force and effect on the 9th day of July, 2009.

(2) This By-Law shall continue in force and effect for a term not to exceed five years from the date of coming into force, unless it is extended by statute, regulation or By-law, or repealed at an earlier date.

(3) Nothing herein shall restrict the ability of Council to amend this By-Law as it deems appropriate from time to time.

HEADINGS FOR REFERENCE ONLY

26. 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.

SHORT TITLE

27. This By-Law shall be cited as the "Development Charges By-Law 2009".

READ A FIRST AND SECOND TIME this 8th day of July, 2009.

MAYOR

CLERK

READ A THIRD TIME and finally passed this 8th day of July, 2009.

MAYOR

CLERK

SCHEDULE "A"
To By-law 2009-200F

DESIGNATED MUNICIPAL SERVICE

1. General Government
2. Library Board
3. Fire Services
4. Police Services
5. Parks and Recreation
6. Public Works
7. Ambulance Services
8. Transit Services
9. Emergency Preparedness
10. Roads
11. Water Services
12. Sewer Services
13. Drains

Schedule B
To By-law 2009-200F

Residential - single family dwelling				
<i>Charge per unit</i>	2009	2010	2011	2012
	<i>as of July 9</i>	<i>as of January 1</i>	<i>as of January 1</i>	<i>as of January 1</i>
	\$ 3,079	\$ 8,444	\$ 11,126	\$ 13,808
	+CPS	+CPS	+CPS	+CPS
General Government	10	28	36	45
Library	89	244	322	399
Fire Services	76	209	276	342
Police Services	82	224	295	366
Parks and recreation	527	1,444	1,904	2,363
Public Works	57	156	205	255
Ambulance Services	14	37	49	61
Transit Services	66	180	237	294
Emergency Preparedness	34	93	122	152
Total General Services	\$ 955	\$ 2,615	\$ 3,446	\$ 4,277
Roads	1,868	5,124	6,752	8,379
Water Service	122	336	442	549
Wastewater Service	91	250	330	409
Drains	43	119	156	194
Total Engineered Services	\$ 2,124	\$ 5,829	\$ 7,680	\$ 9,531
Total Development Charge	\$ 3,079	\$ 8,444	\$ 11,126	\$ 13,808
<i>Excluding Water Service</i>	\$ 2,957	\$ 8,108	\$ 10,684	\$ 13,259
<i>Excluding Waste Water Service</i>	\$ 2,988	\$ 8,194	\$ 10,796	\$ 13,399
<i>Excluding Water and Waste Water Services</i>	\$ 2,866	\$ 7,858	\$ 10,354	\$ 12,850

The base development charge and the phase-in increase will be adjusted by the Construction Price Statistics (CPS) as of January 1 of each year.

The 2013 development charge will be the 2012 rate plus the Construction Price Statistics (CPS) as of January 1, 2013.

The 2014 development charge will be the 2013 rate plus the Construction Price Statistics (CPS) as of January 1, 2014.

Schedule B (continued)
To By-law 2009-200F

Residential - multiples and apartments				
<i>Charge per unit</i>	2009	2010	2011	2012
	<i>as of July 9</i>	<i>as of January 1</i>	<i>as of January 1</i>	<i>as of January 1</i>
	\$ 1,859	\$ 5,253	\$ 6,949	\$ 8,646
	+CPS	+CPS	+CPS	+CPS
General Government	6	17	23	28
Library	54	152	201	250
Fire Services	46	130	172	214
Police Services	49	139	184	229
Parks and recreation	319	898	1,190	1,480
Public Works	34	97	128	160
Ambulance Services	8	23	31	38
Transit Services	40	112	148	184
Emergency Preparedness	20	58	76	95
Total General Services	\$ 576	\$ 1,626	\$ 2,153	\$ 2,678
Roads	1,128	3,188	4,217	5,247
Water Service	74	209	276	344
Wastewater Service	55	156	206	256
Drains	26	74	97	121
Total Engineered Services	\$ 1,283	\$ 3,627	\$ 4,796	\$ 5,968
Total Development Charge	\$ 1,859	\$ 5,253	\$ 6,949	\$ 8,646
<i>Excluding Water Service</i>	\$ 1,785	\$ 5,044	\$ 6,673	\$ 8,302
<i>Excluding Waste Water Service</i>	\$ 1,804	\$ 5,097	\$ 6,743	\$ 8,390
<i>Excluding Water and Waste Water Services</i>	\$ 1,730	\$ 4,888	\$ 6,467	\$ 8,046

The base development charge and the phase-in increase will be adjusted by the Construction Price Statistics (CPS) as of January 1 of each year.

The 2013 development charge will be the 2012 rate plus the Construction Price Statistics (CPS) as of January 1, 2013.

The 2014 development charge will be the 2013 rate plus the Construction Price Statistics (CPS) as of January 1, 2014.

Multiples and apartments include: semi-detached, duplex, multiple, row and other multiple dwellings.

Schedule C
To By-law 2009-200F

Industrial				
<i>Charge per square foot</i>	2009	2010	2011	2012
	<i>as of July 9</i>	<i>as of January 1</i>	<i>as of January 1</i>	<i>as of January 1</i>
	\$ -	\$ 2.02	\$ 3.03	\$ 4.04
	+CPS	+CPS	+CPS	+CPS
General Government	-	0.02	0.02	0.03
Library	-	-	-	-
Fire Services	-	0.12	0.19	0.25
Police Services	-	0.13	0.20	0.26
Parks and recreation	-	-	-	-
Public Works	-	0.09	0.14	0.18
Ambulance Services	-	0.02	0.03	0.04
Transit Services	-	0.11	0.16	0.21
Emergency Preparedness	-	0.06	0.08	0.11
Total General Services	\$ -	\$ 0.55	\$ 0.82	\$ 1.08
Roads	-	1.05	1.59	2.14
Water Service	-	0.20	0.29	0.39
Wastewater Service	-	0.15	0.22	0.29
Drains	-	0.07	0.11	0.14
Total Engineered Services	\$ -	\$ 1.47	\$ 2.21	\$ 2.96
Total Development Charge	\$ -	\$ 2.02	\$ 3.03	\$ 4.04
<i>Excluding Water Service</i>	\$ -	\$ 1.82	\$ 2.74	\$ 3.65
<i>Excluding Waste Water Service</i>	\$ -	\$ 1.87	\$ 2.81	\$ 3.75
<i>Excluding Water and Waste Water Services</i>	\$ -	\$ 1.67	\$ 2.52	\$ 3.36

The base development charge and the phase-in increase will be adjusted by the Construction Price Statistics (CPS) as of January 1 of each year.

The 2013 development charge will be the 2012 rate plus the Construction Price Statistics (CPS) as of January 1, 2013.

The 2014 development charge will be the 2013 rate plus the Construction Price Statistics (CPS) as of January 1, 2014.

Schedule D

To By-law 2009-200F

Non-residential non-industrial				
<i>Charge per square foot</i>	2009	2010	2011	2012
	<i>as of July 9</i>	<i>as of January 1</i>	<i>as of January 1</i>	<i>as of January 1</i>
	\$ -	\$ 4.71	\$ 7.06	\$ 9.41
	+CPS	+CPS	+CPS	+CPS
General Government	-	0.02	0.02	0.03
Library	-	-	-	-
Fire Services	-	0.12	0.19	0.25
Police Services	-	0.13	0.20	0.26
Parks and recreation	-	-	-	-
Public Works	-	0.09	0.14	0.18
Ambulance Services	-	0.02	0.03	0.04
Transit Services	-	0.11	0.16	0.21
Emergency Preparedness	-	0.06	0.08	0.11
Total General Services	\$ -	\$ 0.55	\$ 0.82	\$ 1.08
Roads	-	3.74	5.62	7.51
Water Service	-	0.20	0.29	0.39
Wastewater Service	-	0.15	0.22	0.29
Drains	-	0.07	0.11	0.14
Total Engineered Services	\$ -	\$ 4.16	\$ 6.24	\$ 8.33
Total Development Charge	\$ -	\$ 4.71	\$ 7.06	\$ 9.41
<i>Excluding Water Service</i>	\$ -	\$ 4.51	\$ 6.77	\$ 9.02
<i>Excluding Waste Water Service</i>	\$ -	\$ 4.56	\$ 6.84	\$ 9.12
<i>Excluding Water and Waste Water Services</i>	\$ -	\$ 4.36	\$ 6.55	\$ 8.73

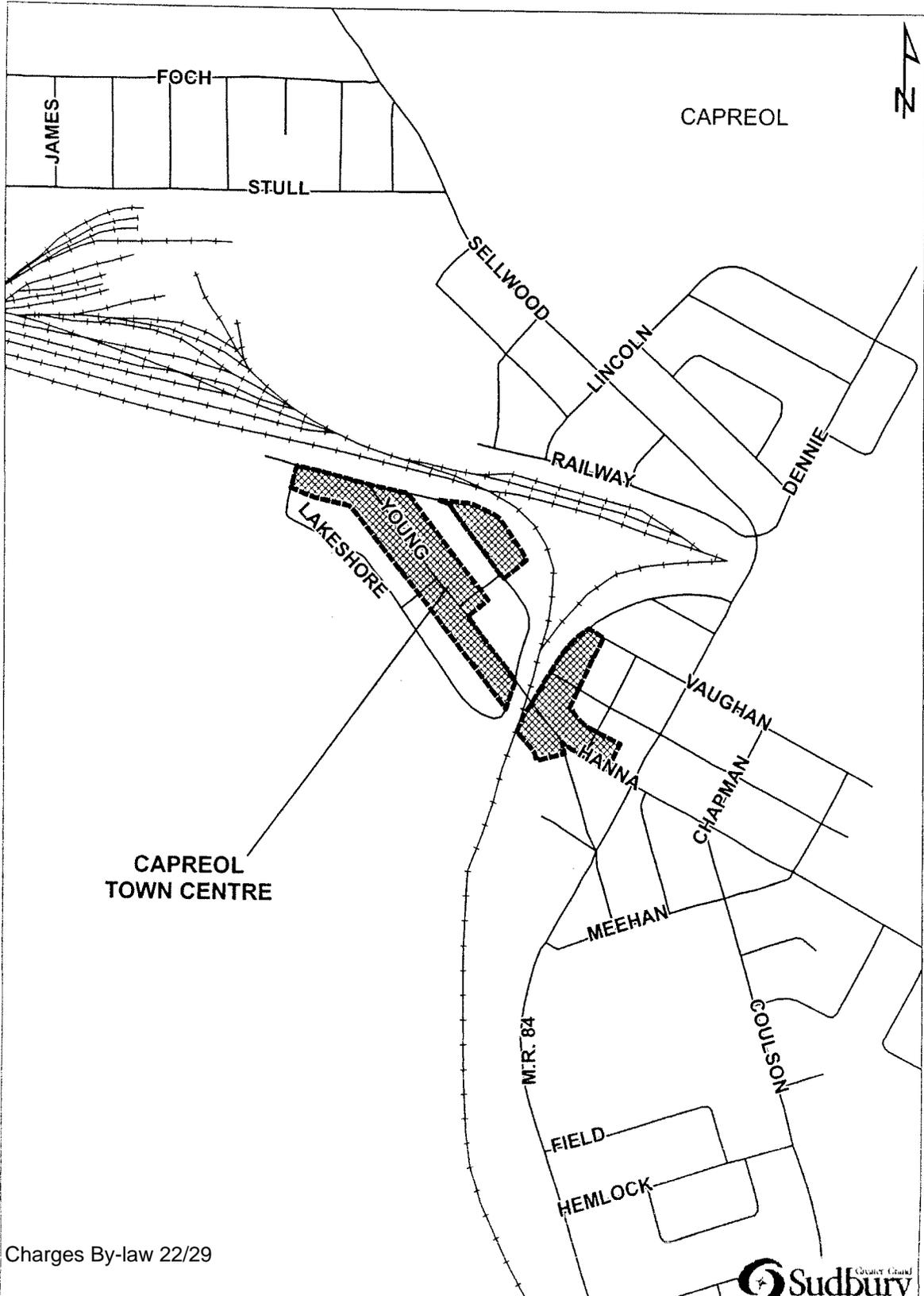
The base development charge and the phase-in increase will be adjusted by the Construction Price Statistics (CPS) as of January 1 of each year.

The 2013 development charge will be the 2012 rate plus the Construction Price Statistics (CPS) as of January 1, 2013.

The 2014 development charge will be the 2013 rate plus the Construction Price Statistics (CPS) as of January 1, 2014.

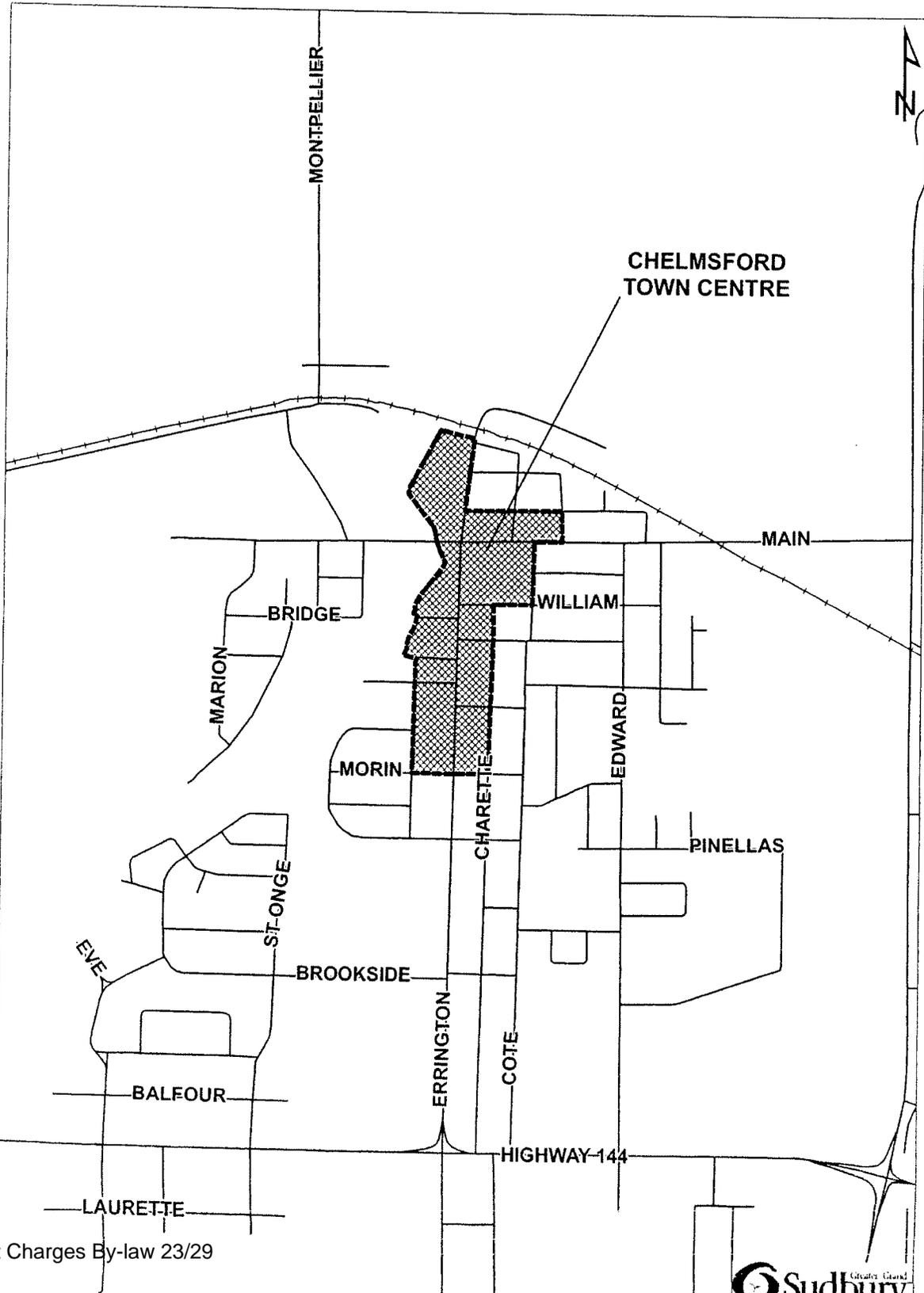
SCHEDULE "E1"
to By-law 2009-200F
of the City of Greater Sudbury

**CAPREOL TOWN CENTRE
AS DESIGNATED IN
THE CITY OF GREATER SUDBURY OFFICIAL PLAN**



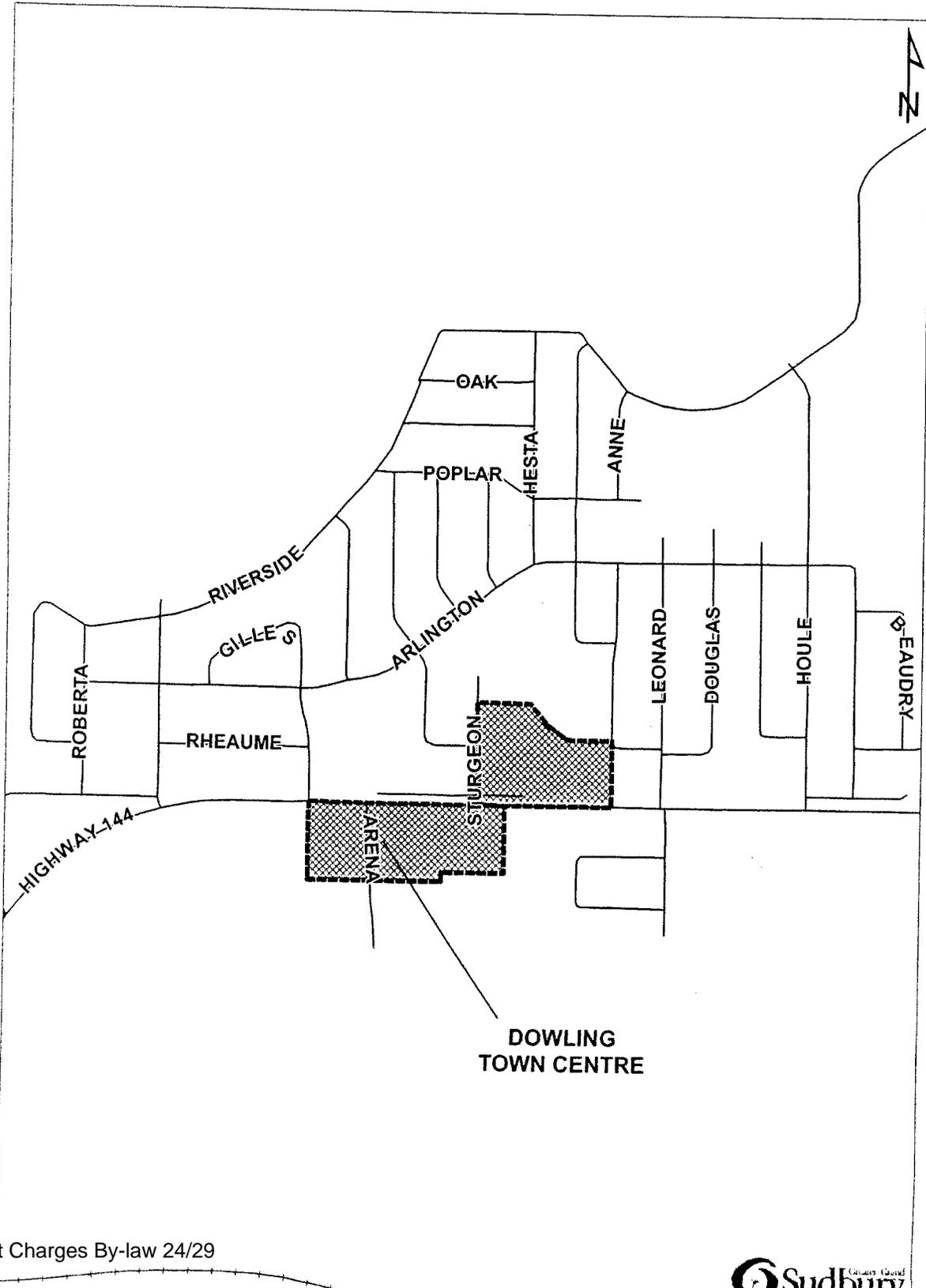
SCHEDULE "E2"
to By-law 2009-200F
of the City of Greater Sudbury

**CHELMSFORD TOWN CENTRE
AS DESIGNATED IN
THE CITY OF GREATER SUDBURY OFFICIAL PLAN**



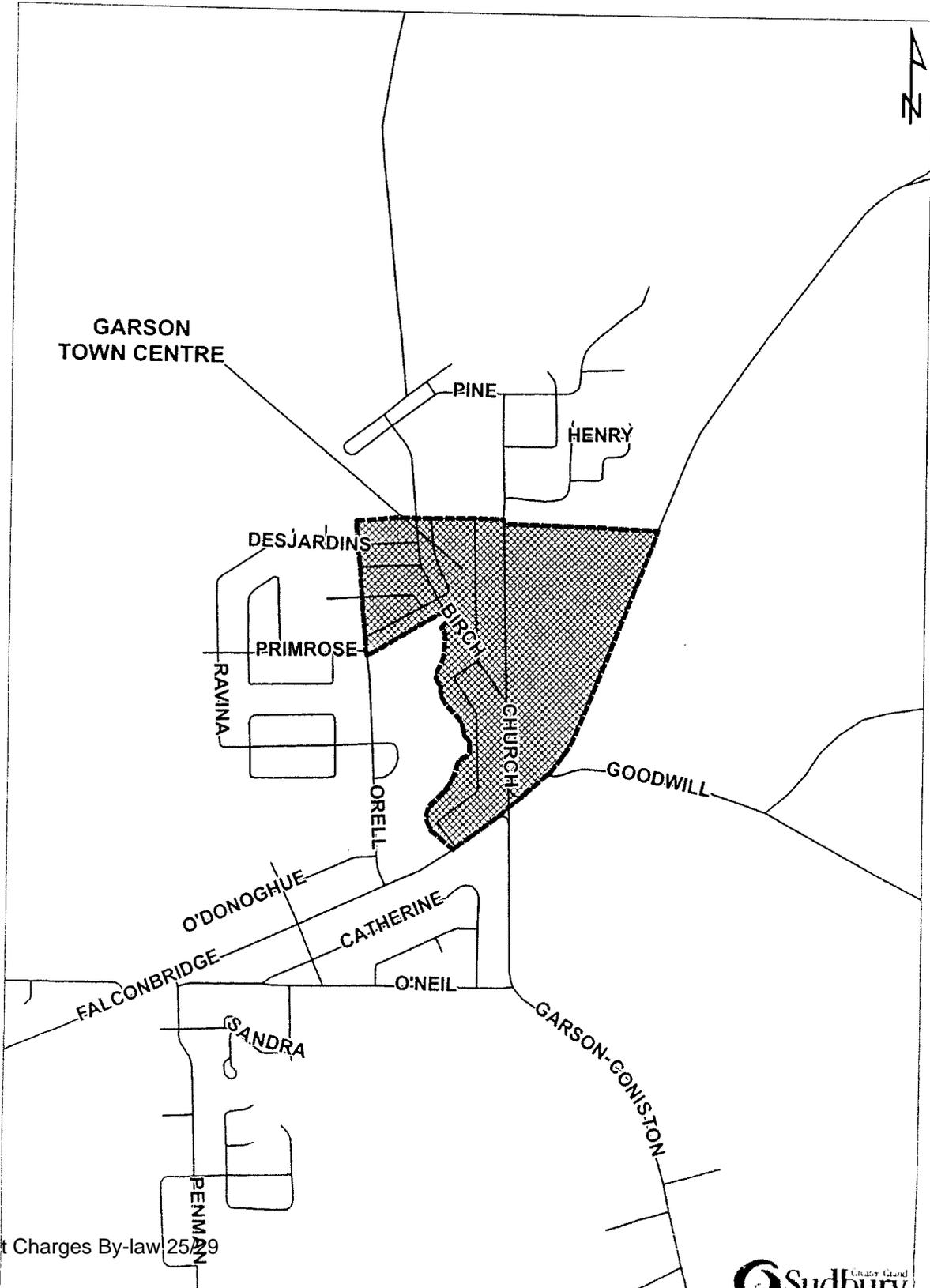
SCHEDULE "E3"
to By-law 2009-200F
of the City of Greater Sudbury

**DOWLING TOWN CENTRE
AS DESIGNATED IN
THE CITY OF GREATER SUDBURY OFFICIAL PLAN**



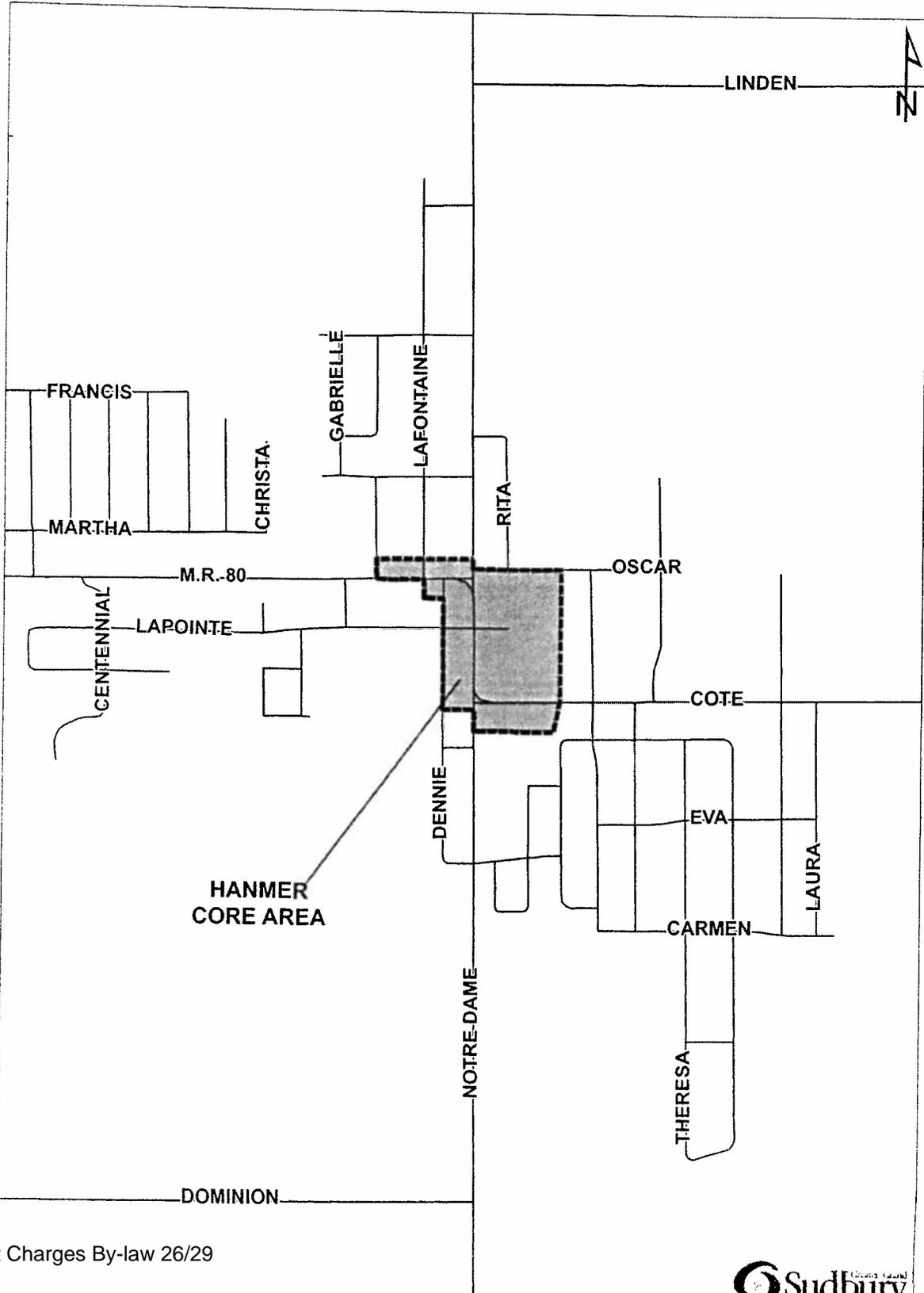
SCHEDULE "E4"
to By-law 2009-200F
of the City of Greater Sudbury

**GARSON TOWN CENTRE
AS DESIGNATED IN
THE CITY OF GREATER SUDBURY OFFICIAL PLAN**



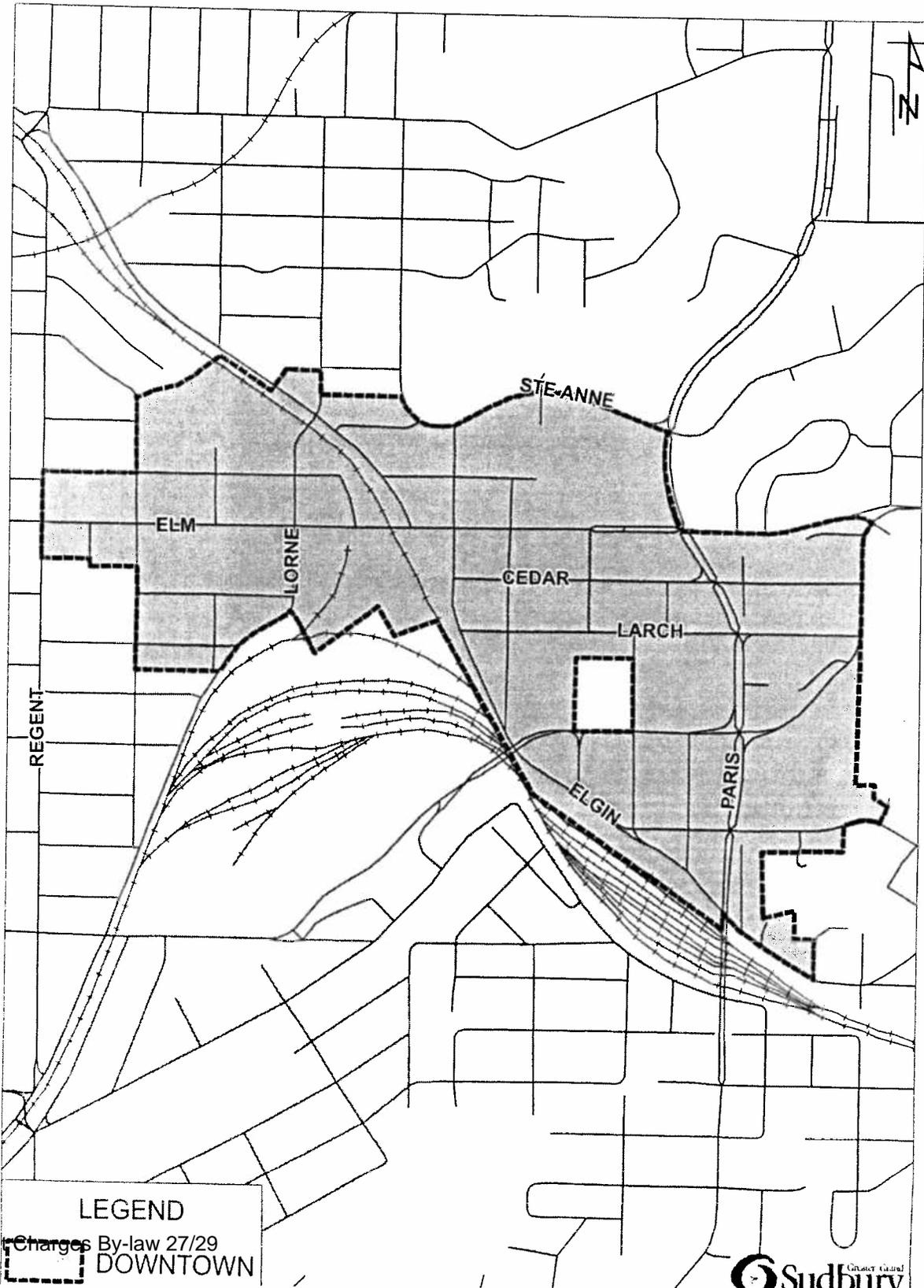
SCHEDULE "E5"
to By-law 2009-200F
of the City of Greater Sudbury

**HANMER CORE AREA
AS DESIGNATED IN
THE CITY OF GREATER SUDBURY OFFICIAL PLAN**



SCHEDULE "E6"
to By-law 2009-200F
of the City of Greater Sudbury

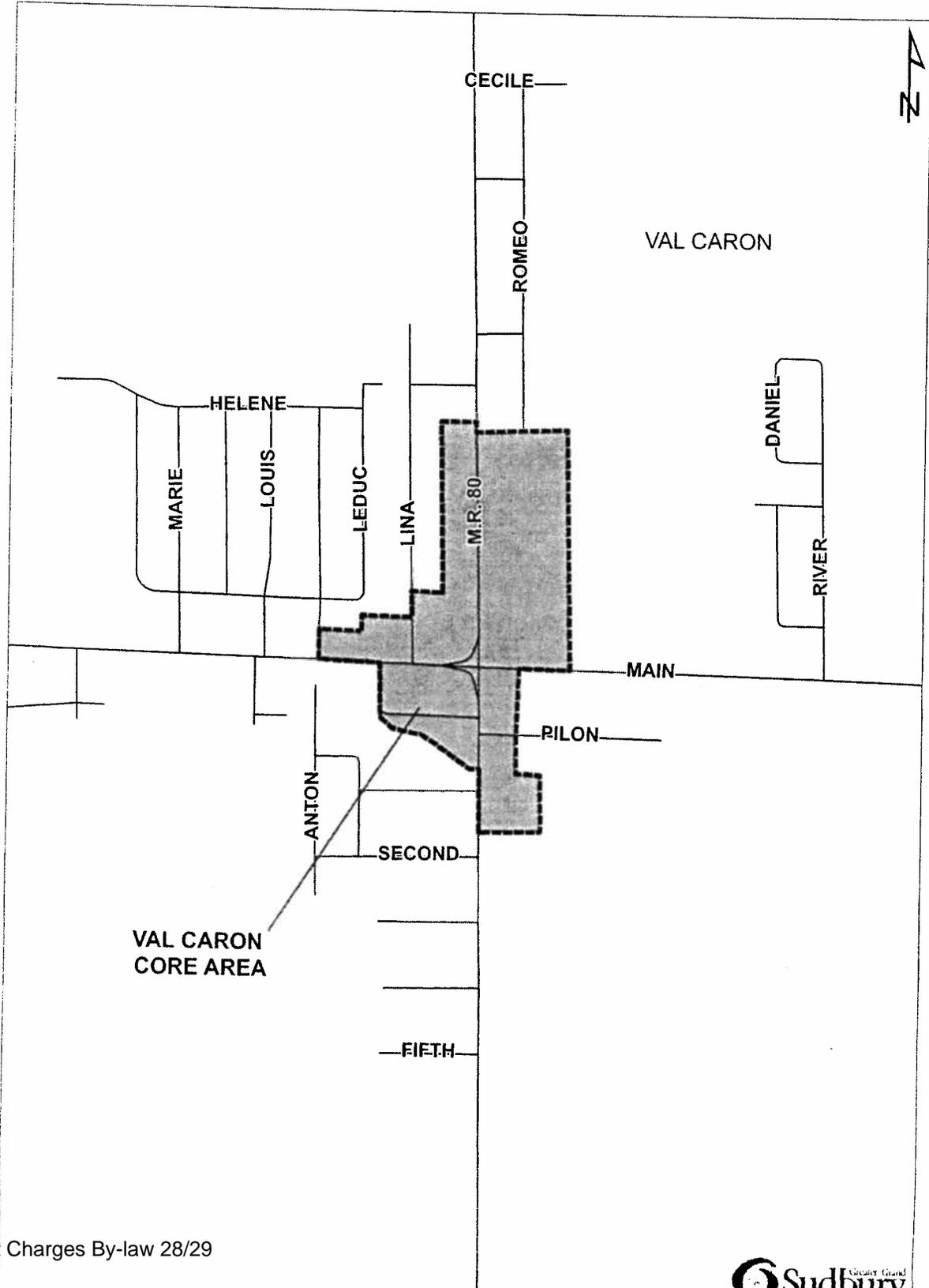
**SUDBURY DOWNTOWN
AS DESIGNATED IN
THE CITY OF GREATER SUDBURY OFFICIAL PLAN**



Development Charges By-law 27/29
DOWNTOWN

SCHEDULE "E7"
to By-law 2009-200F
of the City of Greater Sudbury

**VAL CARON CORE AREA
AS DESIGNATED IN
THE CITY OF GREATER SUDBURY OFFICIAL PLAN**



SCHEDULE "E8"
to By-law 2009-200F
of the City of Greater Sudbury

**WALDEN TOWN CENTRE
AS DESIGNATED IN
THE CITY OF GREATER SUDBURY OFFICIAL PLAN**

