

The Corporation of the City of Peterborough

By-Law Number 19-095

Being a By-law to establish Development Charges for The Corporation of the City of Peterborough (City-Wide Non-Discounted Services Charge)

Whereas subsection 2(1) of the Development Charges Act, 1997, c. 27 (hereinafter called “the Act”) provides that the council of a municipality may pass By-laws for the imposition of development charges against land for increased capital costs required because of the needs for services arising from development in the area to which the by-law applies;

And Whereas the Council of The Corporation of the City of Peterborough (“City of Peterborough”) has given Notice in accordance with Section 12 of the **Development Charges Act, 1997**, of its intention to pass a by-law under Section 2 of the said Act;

And Whereas the Council of the City of Peterborough has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on October 28, 2019;

And Whereas the Council of the City of Peterborough had before it a report entitled Development Charges Background Study dated September 26, 2019, (the “Study”) prepared by Hemson Consulting Ltd., wherein it is indicated that the development of any land within the City of Peterborough will increase the need for services as defined herein;

And Whereas the Council of the City of Peterborough subsequently had before it a report entitled Development Charges Background Study dated September 26, 2019, as amended November 4, 2019 (the “Amended Study”) prepared by Hemson Consulting Ltd.;

And Whereas copies of the Study were made available on September 26, 2019 and copies of the proposed development charges by-law were made available on October 15, 2019 to the public in accordance with Section 12 of the Act;

And Whereas by resolution adopted by Council of The Corporation of City of Peterborough on November 25, 2019, Council determined that the increase in the need for services attributable to the anticipated development as contemplated in the Amended Study, including any capital costs, will be met by updating the capital budget and forecast for the City, where appropriate.

And Whereas by Resolution adopted by Council on November 25, 2019, Council approved the Amended Study and determined that no further public meetings were required under Section 12 of the Act;

And Whereas by resolution adopted by Council of The Corporation of the City of Peterborough on November 25, 2019, Council determined that the future excess capacity identified in the Amended Study, shall be paid for by the development charges contemplated in the said Amended Study, or other similar charges;

And Whereas the Council of the City of Peterborough has given consideration of the use of more than one development charge by-law to reflect different needs for services in different areas, also known as area rating or area specific DCs, and has determined that for the services, and associated infrastructure proposed to be funded by DCs under this by-law, that it is fair and reasonable that the charges be calculated on a municipal-wide uniform basis;

And Whereas the Amended Study includes an Asset Management Plan that deals with all assets whose capital costs are intended to be funded under the

development charge by-law and that such assets are considered to be financially sustainable over their full life-cycle.

And Whereas the Council of the City of Peterborough will give consideration to incorporate the asset management plan outlined in the Amended Study within the City's ongoing practices and corporate asset management strategy.

And Whereas the Council of the City of Peterborough approves the planned level of service for Transit services, as identified in the Amended Study, which has been estimated in accordance with the requirements of the **Development Charges Act, 1997 and Ontario Regulation 82/98**.

Now Therefore The Council of the City of Peterborough Enacts as Follows:

Definitions

1. In this By-law,

“Act” means the **Development Charges Act, 1997, S.O. 1997, c.27**;

“apartment building” means a residential building or the residential portion of a mixed use building or structure, consisting of more than three dwelling units, which dwelling units have a common entrance to grade;

“Board of Education” has the same meaning as specified in the **Education Act**, or any successor legislation;

“building floor area” means the total of the horizontal areas of a building, as calculated by using the exterior dimensions;

“City” means the Corporation of the City of Peterborough;

“commercial use” means lands, buildings or structures or portions thereof used or designed or intended to be used for a purpose which is classified as a Group A (restaurant and licensed beverage establishment only), Group C (hotel and motel only), Group D or Group E, major occupancy, pursuant to the Ontario Building Code;

“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 building floor area thereof, and includes redevelopment;

“development charge” means a charge imposed pursuant to this By-law;

“dwelling unit” means one or more rooms used, designed or intended to be used together as a single and separate house-keeping unit by one person or persons living together, in which both culinary and sanitary facilities are provided for the exclusive use of such person or persons;

“farm building” means a farm building as defined in the Ontario Building Code;

“gross floor area” has the same meaning as that which is contained in O.Reg. 82/98 made under the Act;

“industrial use” means lands, buildings or structures or portions thereof used or designed or intended to be used for a purpose which is classified as a Group F, major occupancy, pursuant to the Ontario Building Code;

“local board” means a local board as defined in the **Development Charges Act, 1997**;

“mixed use development or structure” means a building or structure containing a residential and non-residential use other than a home occupation;

“multi-suite residence” means a multi-suite residence as defined in the Zoning By-law of the City;

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

“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;

“place of worship” means that part of a building or structure that is exempt from taxation as a place of worship under the **Assessment Act**, as amended, or any successor legislation;

“Residential A building” means a building, or portion thereof containing one or two dwelling units;

“Residential B building” means a building, or portion thereof containing more than two dwelling units, other than a Residential C building;

“Residential C building” means a building, or portion thereof containing more than two dwelling units, each of which has access to the common corridor and entrance(s); and a multi-suite residence;

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

“semi-detached dwelling or row dwelling” means a residential building which contains a single dwelling unit, that has one or two vertical walls, but no other parts, attached to other buildings;

“services” means services designated in this By-law including Schedule A to this By-law or in an agreement under section 44 of the Act, or both;

“single detached dwelling” means a residential building which contains only a single dwelling unit, and which is not attached to other buildings;

“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;

Rules

2. 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 section 3 of this By-law;
 - (b) the rules developed under paragraph 9 of subsection 5(1) of the Act for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be as set forth in sections 4 through 18, inclusive, of this By-law;
 - (c) the exemptions provided for by such rules shall be the exemptions set forth in sections 19 through 21, inclusive of this By-law, the indexing of charges shall be in accordance with section 16 of this

By-law and the phasing in of charges shall be in accordance with subsection 17 of this By-law; and

- (d) the redevelopment of land shall be in accordance with the rules set forth in section 22 of this By-law.

Lands Affected

- 3. (a) This By-law applies to all lands in the geographic area of the City.
- (b) This By-law shall not apply to lands, which are owned by, or used for the purposes of:
 - (i) the City or a local board thereof;
 - (ii) a board of education.
- (c) The development of land within the City may be subject to one or more development charges by-laws of the City.

Designation of Services

- 4. It is hereby declared by Council that all development of land within the City will increase the need for services.
- 5. 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.
- 6. Development charges shall be imposed for the following categories of services to pay for the increased capital costs required because of increased needs for services arising from development:
 - (a) Fire Services;
 - (b) Police Services;
 - (c) Public Works;
 - (d) Transit Services;
 - (e) Waste Management;
 - (f) Roads & Other City-wide Engineering; and
 - (g) Sewage Treatment.

Approvals for Development

- 7. Development charges shall be imposed against all lands, buildings or structures within the area to which this By-law applies if the development of such lands, buildings or structures requires any of the following approvals:
 - (a) the passing of a zoning by-law or of 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**; or
 - (g) the issuing of a permit under the **Building Code Act, 1992** in relation to a building or structure, except where the development entails the conversion or renovation, but not expansion, of an existing building for a change of use which does not require any of the approvals provided in subsections (a) to (f) inclusive above.
8. No more than one development charge for each service designated in section 6 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in section 7 are required before the lands, buildings or structure can be developed.
 9. Notwithstanding section 8, if two or more of the actions described in section 7 occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by such actions.
 10. Where a development requires an approval described in section 7 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 7.
 11. If a development does not require a building permit but does require one or more of the approvals described in section 7, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such approval.
 12. Nothing in this By-law prevents Council from requiring, as a condition of an agreement under sections 51 or 53 of the **Planning Act**, that the owner, at his or her own expense, install such local services related to a plan of subdivision or within the area to which the plan relates, as Council may require, or that the owner pay for local connections to storm drainage facilities installed at the owner's expense, or administrative, processing, or inspection fees.

Calculation of Development Charges

13. 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; or
 - (b) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the building floor area of such development.

Amount of Charge - Residential

14. 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 use and, in the case of a mixed use building or structure, on the residential component of the mixed use building or structure, according to the type of residential use. For the purposes of calculation of the charge for a multi-suite residence, two

suites shall be deemed to comprise one dwelling unit.

Amount of Charge - Non-Residential

15. The development charges described in Schedule C to this By-law shall be imposed on non-residential uses of lands, buildings or structures and, in the case of a mixed- use building or structure, on the non-residential components of the mixed-use building or structure, and calculated with respect to each of the services according to the building floor area of the non-residential use.

Indexing of Development Charges

16. The development charges set out in Schedules B and C hereto shall be adjusted by the City Treasurer without amendment to this By-law annually on January 1st in each year, commencing January 1, 2020, in accordance with the most recent annual change in the Statistics Canada Quarterly, Construction Price Statistics.

Phasing, Timing of Calculation and Payment

- 17.(a) Except as provided in subsection (b) hereof, the development charges set out in this By-law are payable, in full, subject to the exemptions and credits provided herein, from the effective date of this By-law.
- (b) Development charges in respect of industrial uses of lands, buildings or structures shall not be payable during the term of this By-law for only those lands identified in Schedule D.
- (c) Subject to section 22 (with respect to redevelopment) and subsection (d), the development charges shall be calculated as of, and shall be payable, on the date the first building permit is issued in relation to a building or structure on land to which the development charge applies.
- (d) Notwithstanding subsection (c), pursuant to section 27 of the Act, the City may enter into an agreement with a person required to pay a charge pursuant to this By-law, including the provision of security for the person's obligations under such agreement, providing for all or part of the development charge to be paid before or after it otherwise would be payable. The terms of such agreement shall then prevail over the provisions of this By-law.
- (e) Where a development charge or any part of it remains unpaid after it is payable, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes.

Payment by Services

18. The City, may in an agreement pursuant to Section 38 of the Act, permit an owner to provide services in lieu of the payment of all or any portion of a development charge. The City shall give the owner who performed the work a credit towards the development charge in accordance with the agreement, subject to the requirements of the Act.

Rules with Respect to Exemptions for Intensification of Existing Housing

19. (a) This By-law does not apply with respect to approvals related to the residential development of land, buildings or structures that would have the affect only of,
- (i) permitting the enlargement of an existing dwelling unit;

- (ii) creating one or two additional dwelling units in an existing single detached dwelling, where the total gross floor area of the additional unit or units does not exceed the gross floor area of the existing dwelling unit;
- (iii) creating one additional dwelling unit in an existing semi-detached or row dwelling where total gross floor area of the additional unit does not exceed the gross floor area of the existing dwelling unit; or
- (iv) creating one additional dwelling unit in any other existing residential building, where the total gross floor area of the additional unit does not exceed the gross floor area of the smallest existing dwelling unit.

Other Exemptions

20. Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:
- (a) a hospital governed by the **Public Hospitals Act, R.S.O 1990, c. P. 40**;
 - (b) a place of worship, or a cemetery or burial ground;
 - (c) Trent University or Sir Sandford Fleming College;
 - (d) a farm building;
 - (e) lands, buildings or structures located within the Commercial Core Sub-Area and the Waterfront Commercial Sub-Area of the Central Area, as depicted on Schedule J of the Official Plan of the City;
 - (f) the redevelopment of any building or structure, which is located within the Central Area, as depicted on Schedule J of the Official Plan of the City, and which exists as of January 1, 2005;
 - (g) creating a minimum of fifteen apartment dwelling units, which are located within the Central Area as depicted in the Official Plan of the City;
 - (h) mixed-used development located within the Central Area, as depicted in the Official Plan of the City, that contains a minimum of 15 apartment units and a minimum of 1,000 square metres of commercial gross floor area will be exempt from the payment of development charges based on the following rules:
 - i. The first 15 apartment units and the first 1,000 square metres of commercial gross floor area will be exempt;
 - ii. Each additional apartment unit, beyond the first 15 units will be eligible for exemption; and
 - iii. Each additional 67 square metres of commercial gross floor area beyond the initial 1,000 square metres must be matched with a residential unit to be eligible for exemption.

Temporary Buildings or Structures

21. (a) Temporary buildings or structures shall be exempt from the provisions of this By-law.
- (b) In the event that a temporary building or structure continues to exist for a continuous period exceeding eight (8) months, it shall be

deemed not to be nor ever to have been a temporary building or structure, and the development charges required to be paid under this By-law shall be calculated and payable on the date that the building or structure is deemed not to be temporary.

- (c) Prior to the City issuing a building permit for a temporary building or structure, the City may require an owner to enter into an agreement, including the provision of security for the owners obligation under the agreement, pursuant to section 27 of the Act, providing for all or part of the development charge required by this section to be paid after it would otherwise be payable. The terms of such agreement shall then prevail over the provisions of this By-law.

Rules with Respect to the Redevelopment of Land

- 22. (a) Where there is a redevelopment of land on which there is a conversion of space proposed, or on which there was formerly erected a building or structure that has been demolished, a credit shall be allowed against the development charge otherwise payable by the owner pursuant to this By-law for the portion of the previous building or structure still in existence that is being converted or for the portion of the building or structure that has been demolished, as the case may be, calculated by multiplying the number and type of dwelling units being converted or demolished, or the non-residential building floor area being converted or demolished, by the development charge shown in Schedule B or C, on the date when the development charge is payable in accordance with this By-law.
- (b) A credit in respect of any demolition under this section shall not be given unless a building permit has been issued or a subdivision agreement has been entered into with the City for the development within five (5) years from the date the demolition permit was issued.
- (c) The amount of any credit hereunder shall not exceed, in total, the amount of the development charges otherwise payable with respect to the development.
- (d) The onus is on the applicant to produce evidence to the satisfaction of the City, acting reasonably, which establishes that the applicant is entitled to the reduction in the payment of development charges claimed under this section.

Interest

- 23. The City shall pay interest on a refund under subsection 18(3), 18(5), or 25(2) of the Act, shall be the Bank of Canada rate on the date this By-law comes into force updated on the first business day of every January, April, July and October.

Schedules

- 24. The following Schedules to this By-law form an integral part of this By-law.
 - Schedule A = Designated Services
 - Schedule B = City-Wide Services - Uniform Residential Development Charges
 - Schedule C = City-Wide Services - Uniform Non-Residential Development Charges
 - Schedule D = List of Industrial Lands

By-law Registration

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

Date By-law Effective

26. This By-law comes into force and effect on January 1, 2020.

Date By-law Expires

27. This By-law expires five years after the date it becomes effective.

Repeal

28. By-law No. 14-135, to establish development charges for the City of Peterborough (City-wide Engineering Services Charge) is hereby repealed effective on the date this By-law comes into force and effect. Notwithstanding the preceding sentence, By-law No. 14-135 will continue to be in force and effect to the extent only of development charges that became payable under it prior to its repeal and that remain unpaid as at its repeal.

Headings for Reference Only

29. 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

30. If, for any reason, any provision, section, subsection or paragraph 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, reenacted or amended, in whole or in part or dealt with in any other way.

By-law read a first, second and third time this 25th day of November, 2019.

(Sgd.) Diane Therrien, Mayor

(Sgd.) John Kennedy, City Clerk

SCHEDULE A

SERVICES

- (a) Fire Services;
- (b) Police Services;
- (c) Public Works;
- (d) Transit Services;
- (e) Waste Management;
- (f) Roads & Other City-wide Engineering; and
- (g) Sewage Treatment.

SCHEDULE B

CITY-WIDE SERVICES UNIFORM RESIDENTIAL DEVELOPMENT CHARGES

	Residential Charge per Unit			Percentage of Charge
	Residential A Singles & Semis	Residential B Other Multiples	Residential C Apartments	
Non-Discounted Services				
Fire Services	\$ 684	\$ 432	\$ 388	3%
Police Services	\$ 380	\$ 240	\$ 215	2%
Public Works	\$ 716	\$ 453	\$ 406	3%
Transit Services	\$ 1,903	\$ 1,203	\$ 1,078	8%
Waste Management	\$ 146	\$ 92	\$ 83	1%
Roads & Other City-Wide Engineering	\$ 17,912	\$ 11,319	\$ 10,145	79%
Sewage Treatment	\$ 996	\$ 629	\$ 564	4%
Total Charge (Non-Discounted Services)	\$ 22,737	\$ 14,368	\$ 12,879	100%

SCHEDULE C

CITY-WIDE SERVICES UNIFORM NON-RESIDENTIAL DEVELOPMENT CHARGES

	Non-Residential Charge per Square Metre	Percentage of Charge
Non-Discounted Services		
Fire Services	\$ 3.12	3%
Police Services	\$ 1.73	1%
Public Works	\$ 3.27	3%
Transit Services	\$ 8.69	7%
Waste Management	\$ 0.67	1%
Roads & Other City-Wide Engineering	\$ 95.11	81%
Sewage Treatment	\$ 5.41	5%
Total Charge (Non-Discounted Services)	\$ 118.00	100%

SCHEDULE D

LIST OF INDUSTRIAL LANDS

Municipal Address	Legal Description
260 Jameson Drive	Part of Lots 7 and 8, Concession 10, Geographic Township of North Monaghan, now in the City of Peterborough, designated as Part 2 on 45R-15514
400 Plastics Road	Part of Lot 24, Concession 13 Otonabee, Parts 1 & 2, 45R3232, S/T R344189, S/T S14790 as assigned by R413382; Peterborough City
390-400 Pido Road	Part of Lot 24, Concession 13 Otonabee, being Parts 1, 2 and 3 on 45R-10309 and Parts 7 and 8 on 45R-4518, S/T S14790, as assigned by R413382; Peterborough City
Unassigned Municipal Address	Approximately 7 acres at the north-west corner of the intersection of Pioneer Road and the anticipated main entrance into the Trent Research and Innovation Park
2000 Technology Drive	Part of Lot 26, Concession 12, Otonabee, designated as Part 1 on 45R-16429, Peterborough
1820 Fisher Drive	Part of Lots 7 and 8, Concession 10, Geographic Township of North Monaghan, now in the City of Peterborough, being designated as Parts 1 and 2 on 45R-16416
1850 Technology Drive	Part of Lots 25 and 26, Concession 12, designated as Part 1 on 45R-16538; Peterborough, reserving a safe-access easement over said Part 1 for the benefit of the owners of Part 2 on 45R-16538
1900 Technology Drive	Part of Lots 25 and 26, Concession 12, designated as Part 2 on 45R-16538; Peterborough, together with a safe-access easement over Part 1 on 45R-16538
280-290 Jameson Drive	Part of Lot 7, Concession 10, formerly in the Township of North Monaghan, now in the City of Peterborough, being designated as Parts 1, 2, 3 and 4 on 45R-16240 and Part 2 on 45R-16452
1991, 1987, 1951 Fisher Drive	Part of Lot 8, Concession 10 (North Monaghan), being designated as Parts 1, 2, 3 on 45R-14192 and Parts 2 and 3 on 45R-14882; Peterborough