

The Corporation of the City of Guelph

By-law Number 2021-__

Being a By-Law of The Corporation of the City of Guelph To Amend By-Law (2019)-20372, Respecting Development Charges

WHEREAS the City of Guelph (the “City”) enacted By-law (2019)-20372 pursuant to the Development *Charges Act, 1997*, S.O. 1997, c. 27, as amended (the “Act”), which Act authorizes Council to pass by-laws for the imposition of development charges against land;

AND WHEREAS the City has undertaken a study pursuant to the Act which has provided updated Schedules to By-law (2019)-20372;

AND WHEREAS the Council of the City of Guelph (“Council”) has before it a report entitled “City of Guelph 2021 Development Charge Update Study” prepared by Watson & Associates Economists Ltd., dated September 17, 2021 (the “update study”)

AND WHEREAS the update study and proposed amending by-law were made available to the public on September 17, 2021 and Council gave notice to the public pursuant to section 12 of the Act;

AND WHEREAS Council, on October 20, 2021 held a meeting open to the public, pursuant to Section 12 of the Act, at which Council considered the study, and written and oral submissions from the public;

NOW THEREFORE Council hereby enacts as follows:

1. By-law (2019)-20372 is hereby amended as follows:

A. Deletion of definitions in Section 1 related to accessory apartment.

B. Addition of Ancillary Dwelling as follows:

“Ancillary dwelling,” means a residential building that would be ancillary to a detached dwelling, semi-detached dwelling, or row dwelling and includes an accessory dwelling.

C. Replace definition of Accessory Use with the following:

“Accessory Use” means where used to describe a use, building, or structure that the use, building, or structure is naturally and normally incidental, subordinate in purpose or floor area or both, and exclusively devoted to a principal use, building, or structure, but is not an ancillary dwelling.

D. Addition of Cannabis to the definitions in Section 1 as follows:

“Cannabis” means:

- (a) a cannabis plant;
- (b) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant regardless of whether that part has been processed or not;
- (c) any substance or mixture of substances that contains or has on it any part of such a plant; and
- (d) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

E. Addition of Cannabis Plant to the definitions in Section 1 as follows:

“Cannabis Plant” means a plant that belongs to the genus Cannabis.

F. Addition of Cannabis Production Facilities to the definitions in Section 1 as follows:

“Cannabis Production Facilities” means a building, or part thereof, designed, used, or intended to be used for one or more of the following: growing, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment, or distribution of cannabis where a licensed, permit or authorization has been issued under applicable federal law and does not include, but is not limited to such buildings as a greenhouse and agricultural building associated with the use. It includes but is not limited to a building or part thereof solely designed, used, or intended to be used for retail sales of cannabis.

G. Addition of Class to the definitions in Section 1 as follows:

“Class” means a grouping of services combined to create a single service for the purposes of this By-law and as provided in Section 7 of the Development Charges Act.

- H. Revise definition of “Computer Establishment” as follows:

“Computer Establishment” means a building or structure used or designed or intended for use as a computer establishment as this term is defined in the Zoning By-law.

- I. Remove the definition of “Discounted Services”

- J. Remove from definition of Dwelling Unit, section (a) and replace with:

(a) “Ancillary Dwelling” means a residential building that would be ancillary to a detached dwelling, semi-detached dwelling, or row dwelling and includes an accessory dwelling.

- K. Refine the definition of Dwelling Unit, section (g) to indicate “row dwelling” instead of row house as follows:

(g) “Townhouse” means a Building that is divided vertically into three (3) or more separate Dwelling Units and includes a row dwelling.

- L. Addition of Hospice to the definitions in Section 1 as follows:

“Hospice” means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care.

- M. Addition of Industrial Building to the definitions in Section 1 as follows:

“Industrial Building” means lands, buildings or structures, or portions thereof, used, designed or intended for use for production, compounding, processing, packaging, crating, bottling, or assembly ("manufacturing") of raw goods or semi-processed goods or materials, research and development relating thereto, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public (if the retail sales are at the site where the manufacturing takes place) where such uses are accessory to an industrial use, and includes cannabis production facilities, but does not

include the sale of commodities to the general public through a warehouse club or retail warehouse and does not include self-storage or mini-storage facilities.

N. Addition of Institutional Use in the definitions in Section 1 as follows:

“Institutional development” means development of a building or structure intended for use:

- (i) as a long-term care home within the meaning of Subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;
- (ii) as a retirement home within the meaning of Subsection 2 (1) of the *Retirement Homes Act, 2010*;
- (iii) by any of the following post-secondary institutions for the objects of the institution:
 - a. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 - b. a college or university federated or affiliated with a university described in subclause (1), or
 - c. an Indigenous Institute prescribed for the purposes of Section 6 of the *Indigenous Institutes Act, 2017*;
- (iv) as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- (v) as a hospice to provide end of life care.

N. Addition of Interest Rate to the definitions in Section 1 as follows:

“Interest rate” means the annual rate of interest calculated as per the City’s Council approved D.C. Interest Policy # CS-2020-23, as may be revised from time to time.

O. Addition of Local Services to the definitions in Section 1 as follows:

“Local Services” mean those services, facilities or things which are under the jurisdiction of the City that are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act, R.S.O. 1990, Chap. P.13.

P. Addition of Lot to the definitions in Section 1 as follows:

“Lot” means a parcel of land capable of being conveyed lawfully without any approval under the Planning Act or successor thereto which meets the minimum lot area requirements under the Planning Act.

Q. Addition of Non-Profit Housing Development to the definitions of in Section 1, as follows:

“Non-profit Housing Development” means development of a building or structure intended for use as residential premises by,

- (i) a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
- (ii) a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
- (iii) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation.

R. Remove the definition of “Non-Discounted Services”.

S. Addition of Rental Housing to the definitions in Section 1 as follows:

“Rental housing” means the residential housing development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises.

T. Addition of Row Dwelling to the definitions in Section 1 as follows:

“Row Dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling unit has an independent entrance from the outside and is vertically separated from any abutting dwelling unit.

U. Addition of Site to the definitions in Section 1 as follows:

“Site” means a parcel of land which can be legally conveyed pursuant to Section 50 of the Planning Act and includes a development having two or more lots consolidated under one identical ownership.

V. Replace Section titled “Designation of Services,” in Section 2, with the following:

DESIGNATION OF SERVICES/CLASS OF SERVICES

W. Replace Section 2.1 to read as follows:

- i. Water Services;
- ii. Wastewater Services;
- iii. Stormwater Services;
- iv. Services Related to a Highway;
- v. Public Works;
- vi. Fire Protection Services;
- vii. Policing Services;
- viii. Transit Services;
- ix. Library Services;
- x. Parks and Recreation Services;
- xi. Growth Studies;
- xii. Ambulance Services;
- xiii. Provincial Offences Act Services;
- xiv. Health Services;
- xv. Municipal Parking; and
- xvi. Waste Diversion Services.

X. Refine Section 2.2 to include “Class of Services” so that it reads as follows:

The components of Services/Class of Services designated in Section 2.1 are described in Schedule A.

Y. By adding a new subsection to 3.4 (b) (iv) as follows:

(iv) permit the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new detached dwelling must only contain two dwelling units.</p> <p>The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling, or row dwelling would be located.</p>
2	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that have one or two vertical walks, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	<p>The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.</p> <p>The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling, or row dwelling would be located.</p>
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling, or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling, or row dwelling and that are permitted to contain a single dwelling unit.	<p>The proposed new detached dwelling, semi-detached dwelling, or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.</p> <p>The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling, or row dwelling to which the proposed new residential building is ancillary.</p>

Z. Refine Section 3.4 to renumber the second (c) to be (d) as follows:

(d) Despite section 3.4(c), if two (2) or more of the actions described in section 3.4(a) occur at different times, additional Development Charges

shall be imposed if the subsequent action has the effect of increasing the need for Services.

AA. By correcting numbering of subsection 3.5.2 (d) to be:

3.5.2 (c)

BB. Section 3.12 is refined and renumbered as follows:

3.15 Despite sections 3.11 through 3.14, Council from time to time and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 or the Act.

CC. Sections 3.13 and 3.14 are renumbered as follows:

3.16 and 3.17

DD. Addition to the following subsections to Section 3:

3.12 Notwithstanding section 3.11, development charges for rental housing and institutional developments (where not otherwise exempt) are due and payable in six (6) equal annual payments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the City's Council approved D.C. Interest Policy # CS-2020-23, as may be revised from time to time.

3.13 Notwithstanding section 3.11, development charges for non-profit housing developments are due and payable in twenty-one (21) equal annual payments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the City's Council approved D.C. Interest Policy # CS-2020-23, as may be revised from time to time.

3.14 Where the development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under sections 3.6 and 3.7 shall be calculated on the rates set out in Schedules "B-1" and "B-2" on the date of the planning application, including interest.

Where both planning applications apply, development charges under sections 3.6 and 3.7 shall be calculated on the rates in effect on the day of the later planning application, including interest as provided in the City's Council approved D.C. Interest Policy # CS-2020-23, as may be revised from time to time.

EE. Section 5 is replaced with the following:

Development Charges pursuant to this By-law shall be adjusted annually, without amendment to this By-law, commencing on the first anniversary date of this By-law coming into effect and on each anniversary date thereafter, in accordance with the index prescribed in O.Reg. 82/98 made under the Act, as per the Statistics Canada's Non-Residential Building Construction Price Index for the City of Toronto, as may be amended or replaced from time to time, for the most recent available data for the preceding quarter.

FF. Section 6 is refined to include "Class of Services" in the definition of Schedule A as follows:

Schedule A - Components of Services/Class of Services Designated in Section 2.1

GG. Section 6 is refined to replace Schedule "B" with Schedules "B-1" and "B-2" as follows:

Schedule B-1 - Residential and Non-Residential Development Charges

Schedule B-2 - Residential and Non-Residential Parking Development Charges

HH. Schedule "A" is replaced with the attached Schedule "A".

II. Schedule "B" is deleted and replaced with the attached Schedule "B-1".

JJ. Schedule "B-2" is added.

2. This By-law shall come into force and effect at 12:01 AM on December 14, 2021.

3. Except as amended by this By-law, all provisions of By-law (2019)-20372, as amended, are and shall remain in full force and effect.

By-law read a first and second time this 13th day of December, 2021.

By-law read a third time and finally passed this 13th day of December, 2021.

Cam Guthrie - Mayor

Stephen O'brien – General Manager/City Clerk

By-law Number (2019)-20372

**SCHEDULE "A"
COMPONENTS OF SERVICES/CLASS OF SERVICES DESIGNATED IN
SUBSECTION 2.1**

Urban D.C.-Eligible Services

Water Services

- Treatment Plants and Storage
- Distribution Systems

Wastewater Services

- Treatment Plant
- Sewers

Stormwater Services

- Stormwater Drainage and Control Services

City-Wide D.C.-Eligible Services

Services Related to a Highway

- Roads and Related Infrastructure
- Bridges and Culverts
- Sidewalks
- Traffic Signals
- Streetlights

Fire Protection Services

- Fire Stations
- Fire Vehicles
- Small Equipment and Gear

Policing Services

- Policing Detachments
- Small Equipment and Gear

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**SCHEDULE "A"
COMPONENTS OF SERVICES/CLASS OF SERVICES DESIGNATED IN
SUBSECTION 2.1**

Transit Services

- Transit Vehicles
- Transit Facilities
- Other Transit Infrastructure

Library Services

- Library Facilities
- Library Vehicles
- Library Collection Materials

Parks and Recreation Services

- Recreation Facilities
- Parkland Development, Amenities, Amenity Buildings, Trails
- Parks and Recreation Vehicles and Equipment

Ambulance Services

- Ambulance Facilities
- Vehicle Equipment

Provincial Offences Act Services

- Facility Space

Health Services

- Facility Space

Waste Diversion

- Facility Space
- Vehicle Equipment

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**SCHEDULE "A"
COMPONENTS OF SERVICES/CLASS OF SERVICES DESIGNATED IN
SUBSECTION 2.1**

City-Wide D.C.-Eligible Classes

Growth Studies

- Water Services
- Wastewater Services
- Stormwater Services
- Services Related to a Highway
- Fire Protection Services
- Policing Services
- Transit Services
- Library Services
- Parks and Recreation Services
- Ambulance Services
- Provincial Offences Act Services
- Health Services
- Waste Diversion Services

Public Works

Facilities

- Services Related to a Highway
- Water Services
- Wastewater Services
- Stormwater Services
- Transit Services
- Parks and Recreation Services
- Fire Protection Services
- Ambulance Services
- Policing Services
- Waste Diversion Services

Vehicles and Equipment

- Services Related to a Highway

By-law Number (2019)-20372

**SCHEDULE "A"
COMPONENTS OF SERVICES/CLASS OF SERVICES DESIGNATED IN
SUBSECTION 2.1**

City-Wide D.C. Services - In force until September 18, 2022

Parking Services

Parking Spaces

Parking Meters and Equipment

Parking Studies

**By-law Number (2019)-20372
SCHEDULE B-1
(2018 \$)**

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2+ Bedrooms/Stacked Townhouse	Apartments - Bachelor and 1 Bedroom/Stacked Townhouse	Multiple Attached Dwelling	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services/Classes:						
Services Related to a Highway	5,699	3,163	2,261	4,199	1,881	2.59
Fire Protection Services	316	175	125	233	104	0.15
Policing Services	662	367	263	488	219	0.30
Transit Services	2,750	1,526	1,091	2,026	908	1.32
Public Works, Facilities and Fleet	535	297	212	395	177	0.24
Parks and Recreation Services	8,813	4,891	3,497	6,494	2,910	0.47
Library Services	837	464	332	617	276	0.05
Growth Studies	779	432	309	574	257	0.38
Public Health	301	167	119	222	99	0.03
Provincial Offences Act	7	4	3	6	2	0.00
Ambulance	111	62	44	82	37	0.05
Waste Diversion	550	305	218	405	182	0.13
Total Municipal Wide Services/Classes	21,361	11,853	8,474	15,741	7,052	5.71
Urban Services						
Stormwater Drainage and Control Services	225	125	89	166	74	0.10
Wastewater Services	6,516	3,616	2,585	4,801	2,151	2.95
Water Services	6,893	3,825	2,735	5,079	2,276	3.12
Total Urban Services	13,634	7,566	5,409	10,046	4,501	6.17
GRAND TOTAL MUNICIPAL WIDE	21,361	11,853	8,474	15,741	7,052	5.71
GRAND TOTAL URBAN SERVICED AREA	34,995	19,419	13,883	25,787	11,553	11.88

**By-law Number (2019)-20372
SCHEDULE B-2
EFFECTIVE TO SEPTEMBER 18, 2022
(2018 \$)**

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Apartments - 2+ Bedrooms/Stacked Townhouse	Apartments - Bachelor and 1 Bedroom/Stacked Townhouse	Multiple Attached Dwelling	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Municipal Wide Services - Municipal Parking Municipal parking spaces	1,243	690	493	916	410	0.60
Grand Total Municipal Wide Services - Municipal Parking	1,243	690	493	916	410	0.60