

The Corporation of the City of Guelph

By-law Number (2021)-20643

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 (the "DC By-Law") 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 the DC By-Law;

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;

The Council of the Corporation of the City of Guelph enacts as follows:

BY-LAW (2019)-20372 IS HEREBY AMENDED AS FOLLOWS

1. In Section 1, INTERPRETATION, the definition of "Accessory Apartment" is hereby repealed.
2. In Section 1, INTERPRETATION, following the definition of "Act", the following defined term is added:

"Ancillary Dwelling," means a residential Building that would be ancillary to a Single Detached dwelling, Semi-Detached Dwelling, or Row Dwelling and includes an accessory dwelling.

3. In Section 1, INTERPRETATION, the definition of "Accessory Use" is hereby repealed and replaced with the following text:

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

4. In Section 1, INTERPRETATION, following the definition of "Building Code Act", the following defined terms are added:

"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 a Cannabis Plant; and
- (d) any substance that is identical to any phytocannabinoid produced by, or found in, a Cannabis Plant, regardless of how the substance was obtained.

"Cannabis Plant" means a plant that belongs to the genus Cannabis.

"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 license, permit or authorization has been issued under applicable federal law and does not include 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.

5. In Section 1, INTERPRETATION, following the definition of "Capital Costs", the following defined term is added:

"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 Act.

6. In Section 1, INTERPRETATION, the definition of "Computer Establishment" is hereby repealed and replaced with the following:

"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.

7. In Section 1, INTERPRETATION, the definition of "Discounted Services" is hereby deleted in its entirety.

8. In Section 1, INTERPRETATION, subsection (a) to the definition of "Dwelling Unit" is repealed and replaced with the following:

(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.

9. In Section 1, INTERPRETATION, the text immediately following subsection (g) to the definition of "Dwelling Unit", up to but not including sub-part "a." is repealed and replaced with the following:

- (g) "Townhouse" means a Dwelling Unit that is within a Building that is divided vertically into 3 or more separate Dwelling Units and includes a Row Dwelling;

10. In Section 1, INTERPRETATION, following the definitions of "Gross Floor Area", the following defined terms are added:

"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.

"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.

"Institutional Development" means development of a building or structure intended for use:

- (a) as a long-term care home within the meaning of Subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;
- (b) as a retirement home within the meaning of Subsection 2 (1) of the *Retirement Homes Act, 2010*;
- (c) by any of the following post-secondary institutions for the objects of the institution:

- (i) a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
- (ii) a college or university federated or affiliated with a university described in subclause (1), or
- (iii) an Indigenous Institute prescribed for the purposes of Section 6 of the *Indigenous Institutes Act, 2017*;
- (d) as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- (e) as a Hospice to provide end of life care.

“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.

11. In Section 1, INTERPRETATION, following the definition of “Local Board”, the following defined terms are added:

“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.

“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.

12. In Section 1, INTERPRETATION, the definition of “Non-Discounted Services” is repealed in its entirety.
13. In Section 1, INTERPRETATION, following the definition of “Multiple Attached Dwelling”, the following defined term is added:

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

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

14. In Section 1, INTERPRETATION, following the definition of “Redevelopment”, the following defined term is added:

“Rental Housing Development” 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.

15. In Section 1, INTERPRETATION, following the definition of “Retail Warehouse”, the following defined term is added:

“Row Dwelling” means a Dwelling Unit within 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.

16. In Section 1, INTERPRETATION, following the definition of “Single Detached Unit”, the following defined term is added:

"Site" means a parcel of land which can be legally conveyed pursuant to Section 50 of the *Planning Act* (Ontario) and includes a development having two or more Lots consolidated under one identical ownership.

17. Section 2 is repealed and replaced in its entirety with the following text:

2. DESIGNATION OF SERVICES/CLASS OF SERVICES

2.1 The categories of Services are 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.

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

18. In subsection 3.4, following subsection 3.4 (b) (iii), the following new subsection 3.4(b)(iv) is added 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 Dwelling Units have the same Gross Floor Area, or the smaller of the two 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 Lot on which no other detached dwelling, semi-detached dwelling, or Row Dwelling is 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 Dwelling Units have the same Gross Floor Area, or the smaller of the two 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>

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
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, and 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>

19. In Section 3.4, the second subsection (c) is renumbered (d), and the existing text repealed and replaced with the following:

(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.

20. Section 3.5.2 (d) is renumbered 3.5.2 (c), retaining the current text of same.

21. Section 3.12 is repealed and replaced with the following text:

- 3.12 Notwithstanding section 3.11, development charges for Rental Housing and Institutional Developments (where not otherwise exempt) are due and payable in 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.
22. Sections 3.13 and 3.14 are renumbered as sections 3.16 and subsections 3.17, retaining the existing text of same.
23. New subsections 3.13 through 3.15 are added following the above-amended section 3.12 as follows:
- 3.13 Notwithstanding section 3.11, development charges for Non-Profit Housing developments are due and payable in 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.

- 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.
24. Section 5 is repealed and replaced with the following text:
5. 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.
25. The text of section 6 following the heading "SCHEDULES" shall be repealed and replaced with the following:
- Schedule A - Components of Services/Class of Services Designated in Section 2.1
- Schedule B-1- Residential and Non-Residential Development Charges
- Schedule B-2- Residential and Non-Residential Parking Development Charges
- Schedule C – University of Guelph "Defined Areas"
26. Schedules A and B to the DC By-Law are hereby repealed and replaced with the Schedules appended to this amending by-law.

DATE BY-LAW IN FORCE

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

PROVISIONS OF BY-LAW (2019)-20372

Except as amended by this By-law, all provisions of the DC By-Law, as amended, are and shall remain in full force and effect.

Passed this 13th day of December, 2021.

SCHEDULES:

- Schedule A: Components of Services/Class of Services Designated in Subsection 2.1
- Schedule B-1: Schedule of Development Charges (2018 \$)
- Schedule B-2: Schedule of Development Charges – Parking Services, Effective to September 18, 2022 (2018 \$)

Cam Guthrie, Mayor

Dylan McMahon, Deputy City Clerk

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

Urban Area 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

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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

Schedule of B-1 to By-law Number (2019)-20372
Schedule of Development Charges
(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

Schedule B-2 to By-law Number (2019)-20372
Schedule of Development Charges – Parking Services
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	1,233	684	489	908	407	0.60
Grand Total Municipal Wide Services - Municipal Parking	1,233	684	489	908	407	0.60