

BY-LAW NO. 2024 - 451

A by-law of the City of Ottawa to amend By-law 2024-218, the Development Charges By-law, 2024.

WHEREAS the Council of the City of Ottawa enacted By-law 2024-218 on May 15, 2024;

AND WHEREAS the Council of the City of Ottawa may by by-law, pursuant to subsection 2(1) of the *Development Charges Act, 1997*, impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies and the development requires certain approvals recited in subsection 2(2) of the *Development Charges Act, 1997*;

AND WHEREAS Council desires to ensure that the capital cost of meeting development related demands for, or the burden on, City services does not place an undue financial burden on the City or its existing taxpayers while, at the same time, ensuring new development contributes no more than the net capital cost attributable to providing the historic level of services, or in the case of transit the planned level of service, and meeting the requirements of subsection 5(1) and 5.2(3) of the Act;

AND WHEREAS the Planning and Housing Committee at its meeting dated October 23, 2024, had before it a report entitled "2024 Development Charges Amendment Background Study" prepared by Hemson Consulting Ltd. dated August 30, 2024, (the "Study");

AND WHEREAS the Study was made available to the public at least sixty prior to the adoption of the by-law and twenty days prior to the public meeting and Council gave more than twenty days notice to the public and a meeting pursuant to section 12 of the Act was held on October 23, 2024, prior to and at which the Study and the proposed development charge by-law were made available to the public and Committee heard comments and representations from all persons who applied to be heard;

AND WHEREAS Council has determined that the future excess capacity identified in the Study shall be paid for by the development charges contemplated in the Study, or other similar charges;

AND WHEREAS Council has given consideration to 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 development charges, and has determined that for the services and associated infrastructure proposed to be funded by development charges under this by-law that it is fair and reasonable that the charges be calculated on a municipal-wide and area-specific basis;

AND WHEREAS Council has reviewed all matters required to be considered under the *Development Charges Act, 1997* and the regulations made thereunder, including provision of the proposed by-law and background study;

AND WHEREAS Council at its meeting held on October 30, 2024, further determined that no further public meeting was necessary in order to deal with the modifications made to the proposed development charge by-law following the date of the public meeting on October 23, 2024, pursuant to section 12 of the *Development Charges Act, 1997*

AND WHEREAS Council, upon reviewing the matters and after the public consultation, deems it necessary to enact this amending by-law to provide for the imposition of development charges against land;

THEREFORE the Council of the City of Ottawa enacts as follows:

1. By-law 2024-218, section 1, is amended by the following
 - (a) The following definition is added:

“agricultural land” means land that is zoned for *Agricultural Use* in the zoning By-law and used for a *bona fide* agriculture use;
 - (b) The following definition is added:

“agricultural use” means lands, buildings or structures, excluding any portion thereof used as a dwelling Unit, used or designed or intended for use for the purpose of a *bona fide* farming operation including, but not limited to, animal husbandry, dairying, livestock, fallow, field crops, removal of sod, forestry, fruit farming, horticulture, market gardening, pasturage, poultry keeping, equestrian facilities and other activities customarily carried on in the field of agriculture, excluding;

 - (i) Residential uses, including farm help houses;
 - (ii) non-agricultural uses, including but not limited to banquet halls, retail greenhouses, and retail stores; and
 - (iii) cannabis production facilities;
 - (c) The following definition is added:

“cannabis” means:

- (i) a cannabis plant;
 - (ii) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that plant has been processed or not;
 - (iii) any substance or mixture of substances that contains or has on it any part of such a plant; and
 - (iv) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;
- (d) The following definition is added:
- “cannabis production facilities” Means a building, or part thereof, designed, used or intended to be used for one or more of the following: growing, cultivation, propagation, 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 but does not include a building or part thereof solely designed, used or intended to be used for retail sales of cannabis;
- (e) The following definition is added:
- “commercial parking garage” means a building or structure, or any part thereof, whose principal use is for the temporary parking of motor vehicles for remuneration;
- (f) The definition of “coach house” is repealed and the following substituted therefore:
- "coach house" means a separate additional dwelling unit that is subsidiary to and located on the same lot as an associated principal dwelling unit, but is contained in its own building that may also contain uses accessory to the principal building;
- (g) The definition of “derelict building” is repealed and the following substituted therefore:
- “derelict building” means a building or structure that has been vacant for a period of more than 90 days and is unsuitable for occupancy;

- (h) The definition of “dwelling unit” is repealed and the following substituted therefore:

“dwelling unit” means a room or suite of rooms used, designed or intended to be used as a single housekeeping unit by one or more persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such a person or persons in a residential use or mixed use building or structure but does not include a room or suite of rooms in a hotel;

- (i) The definition of “garden suite” is repealed;

- (j) The following definition is added:

“hotel/motel use” means a commercial establishment offering temporary lodging to travelers, which shall be accessed on a per square meter charge and may include other services such as restaurants, meeting rooms and stores that are available to guests and/or the public but does not include a dwelling unit;

- (k) The definition of “mobile home” is repealed and the following substituted therefore:

“mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured in accordance with CSA Std reference (CSA Z240.2.1) to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer;

- (l) The definition of “place of worship” is repealed and the following substituted therefore:

“place of worship” means that part of a building or structure, is owned and occupied by a church or religious organization used for religious services, ceremonies or other religious practices and that is exempt from taxation as a place of worship under the Assessment Act, R.S.O. 1990, c. A.31, as amended but does not include a building or any part thereof, owned by a church or religious organization and used for any other purpose including without limiting the generality or the foregoing any uses which generate revenue for the church or religious organization;

- (m) The following definition is added:

“rental housing development” means a development of a building or structure on a parcel of land with four or more residential units all of which are intended for use as rented residential premises, and which unit is not capable of being legally conveyed as a separate interest in land apart from the other dwelling units in such building or structure;

- (n) The following definition is added:

“retail motor vehicle establishment” means a building or structure used, designed, or intended to be used for the sale, rental, servicing or repair of motor vehicles, or any other function associated with the sale, rental, servicing or repair of motor vehicles including but not limited to detailing, leasing and brokerage of motor vehicles and the short or long-term storage of customer motor vehicles. For a retail motor vehicle establishment, gross floor area includes the sum of the areas of each floor used or designed or intended for use for the parking or storage of motor vehicles, including customer and employee motor vehicles;

- (o) The following definition is added:

“retirement home or lodge” means a residential building or part thereof within the meaning of subsection 2(1) of the Retirement Homes Act, 2010, S.O. 2010, c. 11, that includes without limitation (i) a common enclosed entrance from street level, (ii) more than three (3) retirement units, (iii) common facilities for the preparation and consumption of food and (iv) provision of additional care services, such as housekeeping or on-site medical services;

- (p) The following definition is added:

“sales trailer” means a temporary sales pavilion that is constructed or placed on land without a foundation, excluding concrete piers, and is used for the principal purpose of promoting the sale of new residential dwelling units;

- (q) The definition of “secondary dwelling unit” is repealed and the following substituted therefore:

“additional dwelling unit”; means a separate dwelling unit located in the same building as an associated principle dwelling unit in a detached dwelling, linked-detached dwelling, semi-detached dwelling, or townhouse dwelling, and its creation does not result in the conversion of the existing residential use into a different residential use;

- (r) The following definition is added:

“self-storage building” means a building or part of a building consisting of individual storage units accessible by the users, used to provide storage to the public. may include other related services such as meeting rooms, and stores that are available to users and/or the public. If the combined gross floor area of other such uses is greater than 10 percent of the combined gross floor area of the storage units, each non-industrial use in the structure will be assessed at the rate applicable to other such uses;

- (s) The following definition is added:

“stacked townhouse” means a building with four or more dwelling units divided horizontally and vertically each with an entrance that is independent or through a shared landing and/or external stairwell;

- (t) The following definition is added:

“temporary building” means a building or structure constructed or placed on land without a foundation, excluding concrete piers, for a period not exceeding 24 months commencing from the date the building or structure was first constructed or placed on the lands;

2. By-law 2024-218, section 7, is amended by the addition of the following subsection:

- (4) The onus is on the owner or applicant to produce evidence to the satisfaction of the City which establishes that the owner or applicant is entitled to any exemption from the payment of development charges claimed under this section, including that the use of any building or structure has been legally established pursuant to all applicable zoning by-laws and all building statuses and regulations relating to the construction of the building.

3. By-law 2024-218, section 7 is further amended by:
 - (a) Repealing clauses 7(1)(o), (p), (r) and (t); and
 - (b) Adding the following clause to subsection 7(1):
 - (t.1) sales trailers for the principal purpose of promoting the sale of new residential dwelling units;
4. By-law 2024-218, subsection 9(1) is amended by adding the expression “a credit for the number of types of lawful dwelling units shown on the assessment roll” immediately after the term “charge” in the sixth line.
5.
 - (1) By-law 2024-218, subsection 9(2) is amended by adding the expression “non-residential” after the term “existing” in the second line.
 - (2) Subsection 9(2) is further amended by adding the expression “lawfully established” before the term “existing” in the sixth line.
6. By-law 2024-218, subsection 9(3) is amended by adding the expression “lawfully established” before the term “non-residential gross floor area” in the seventh line.
7. By-law 2024-218, section 9 is amended by adding thereto the following subsections:
 - (4.1) Where a residential use building, or portion, is to be re-developed to a non-residential use building or a mixed-use building which is involved within the immediate previous five years of the demolition of a previously existing building or structure, other than a derelict building, or will involve such demolition to permit the issuance of a building permit for the construction of the subject development, the development charges payable will be reduced by the amount calculated by multiplying the applicable development charge by the number and types of lawful dwelling units or dwelling rooms shown on the assessment roll that will be demolished to the non-residential use.
 - (11) The onus is on the owner or applicant to produce evidence to the satisfaction of the City which establishes that the owner or applicant is entitled to any reduction in the payment of or refund of development charges claimed under this section, including that the use of any building or structure has been legally established pursuant to all applicable zoning by-laws and all building statuses and regulations relating to the construction of the buildings.

- (12) Despite the other provisions of this section, a building that is deemed to be derelict in accordance with this by-law, and which is designated under Part IV of the Ontario Heritage Act or is a Contributing building in a Heritage Conservation District, designated under Part V of the Ontario Heritage Act, shall be eligible for a development charge credit, if a building permit for residential or non-residential development, but excluding demolition, is issued for a building or structure on the lands occupied by the deemed derelict structure.

8. By-law 2024-218, subsection 16(1) is amended by repealing the expression "Subject to subsection (2),"

9. By-law 2024-218, subsections 16(2) and (3) are repealed and the following substituted therefore:

- (2) Notwithstanding subsection (1) Development charges applicable to a development shall be payable and collected on the date a building permit is issued in respect of the building or structure for which the owner has made a building permit application, unless the development charge is to be paid at a different time under Sections 26 or 26.1 of the Act, or is to be paid or has been paid at a different time under an agreement pursuant to Section 27 of the Act.
- (3) The amount of development charges payable in respect of a development shall be determined by applying the development charge rates in effect on the date that a building permit is issued in respect of the building or structure for which the owner has made a building permit application, unless the applicable development charge rates are to be determined under Section 26.2 of the Act or on a different date under an agreement pursuant to Section 27 of the Act.

10. By-law 2024-218, section 18 is amended by adding thereto the following subsections:

- (1.1) Subject to subsection (2), in 2025, the development charge rates set out in this by-law shall be adjusted annually by the Treasurer, without amendment to this by-law, on April 1, 2025 in accordance with the change (1 January 2024 to 30 September 2024) in the Statistics Canada Infrastructure Development Charge Price Index, Catalogue Number 62-007. For greater certainty, the Infrastructure Construction Price Index from Catalogue Number 62-007 for Ottawa will be used if such continues to be published.

(1.2) Subject to subsection (2), for 2026 and each year thereafter, the development charge rates set out in this by-law shall be adjusted annually by the Treasurer, without amendment to this by-law, commencing on April 1 of that in accordance with the most recent change (1 October of the second preceding year to 30 September of the immediately preceding year) in the Statistics Canada Infrastructure Development Charge Price Index, Catalogue Number 62-007. For greater certainty, the Infrastructure Construction Price Index from Catalogue Number 62-007 for Ottawa will be used if such continues to be published.

(1.3) The Sanitary (Wastewater) and Water development charges in Schedules "B" and "C", as modified through the Development Charges By-law Amendment (No. 2), 2024 shall not be indexed pursuant to subsection (1.1) on April 1, 2025 but shall be indexed pursuant to subsection (1.2) on each April 1 thereafter

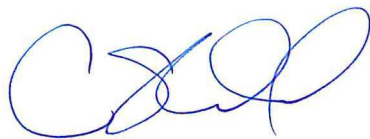
11. By-law 2024-218 is further amended by adding thereto the following section:

19.1. The sub-total and total lines in this by-law provide information at the time of the enactment of this by-law or the subsequent amendments thereto but do not affect the determination of the development charges imposed by this by-law.

12. The Sanitary (Wastewater) and Water development charge rates set forth in Schedules "B" and "C" of By-law 2024-218 are hereby modified to be in accordance with the rates set forth in Schedules "1" and "2" of this by-law.

13. This by-law may be cited as the Development Charges By-law Amendment (No. 2), 2024

ENACTED AND PASSED this 30th day of October 2024.



CITY CLERK



MAYOR

Schedule "1"

Modifications to Schedule "B" 2024-218

INSIDE GREENBELT**Fully Calculated Development Charge Rate for Sanitary (Wastewater) and Water for Inside the Greenbelt (Area #1)**

Service	Singles & Semis	Multiple, Row and Mobile Dwelling	Apartment Dwelling, Back to Back and Stacked Townhouse (2+ bedrooms)	Apartment (less than 2 bedrooms)	Dwelling Rooms
Sanitary (Waste Water)	\$7,971	\$6,532	\$4,556	\$3,238	\$2,502
Water	\$263	\$214	\$148	\$105	\$81
Total	\$8,234	\$6,746	\$4,704	\$3,343	\$2,583

OUTSIDE GREENBELT**Fully Calculated Development Charge Rate for Sanitary (Wastewater) and Water for Outside the Greenbelt (Area #2)**

Service	Singles & Semis	Multiple, Row and Mobile Dwelling	Apartment Dwelling, Back to Back and Stacked Townhouse (2+ bedrooms)	Apartment (less than 2 bedrooms)	Dwelling Rooms
Sanitary (Waste Water)	\$6,505	\$5,079	\$3,475	\$2,470	\$1,908
Water	\$7,459	\$5,771	\$3,935	\$2,797	\$2,161
Total	\$13,964	\$10,850	\$7,410	\$5,267	\$4,069

RURAL SERVICED**Fully Calculated Development Charge Rate for Sanitary (Wastewater) and Water for Rural Serviced Area (Area #3)**

Service	Singles & Semis	Multiple, Row and Mobile Dwelling	Apartment Dwelling, Back to Back and Stacked Townhouse (2+ bedrooms)	Apartment (less than 2 bedrooms)	Dwelling Rooms
Sanitary (Waste Water)	\$2,978	\$2,351	\$1,615	\$1,148	\$887
Water	\$148	\$117	\$80	\$57	\$44
Total	\$3,126	\$2,468	\$1,695	\$1,205	\$931

RURAL UNSERVICED

Fully Calculated Development Charge Rate for Sanitary (Wastewater) and Water for Rural Unserviced Area (Area #3)					
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Service	Singles & Semis	Multiple, Row and Mobile Dwelling	Apartment Dwelling, Back to Back and Stacked Townhouse (2+ bedrooms)	Apartment (less than 2 bedrooms)	Dwelling Rooms
Sanitary (Waste Water)	\$0	\$0	\$0	\$0	\$0
Water	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0

Schedule "2"

Modifications to Schedule "B" 2024-218

CITY-WIDE

Fully Calculated Rates for Sanitary (Wastewater) and Water for Industrial and Non-Industrial Development (City-wide)		
Service	Industrial Use (\$ per square foot)	Non-Industrial (\$ per square foot)
Sanitary (Waste Water)	\$2.33	\$4.03
Water	\$0.50	\$0.85
Total City-Wide	\$2.83	\$4.88

Unserviced

Fully Calculated Rates for Sanitary (Wastewater) and Water for Industrial and Non-Industrial Development (City-wide)		
Service	Industrial Use (\$ per square foot)	Non-Industrial (\$ per square foot)
Sanitary (Waste Water)	\$0.00	\$0.00
Water	\$0.00	\$0.00
Total City-Wide	\$0.00	\$0.00

