

CITY OF ST. CATHARINES  
BY-LAW NO. 2021-140

A by-law to establish Development Charges for the City of St. Catharines.

WHEREAS the *Development Charges Act*, 1997, S.O. 1997, c. 27, (the "Act") provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services;

AND WHEREAS a Development Charges Background Study has been completed in accordance with the Act;

AND WHEREAS Council has before it a report entitled "City of St. Catharines Development Charge Background Study" prepared by Watson & Associates Economists Ltd. dated June 2, 2021;

AND WHEREAS Council has a report entitled "Addendum #1 to the June 2, 2021 Development Charges Background Study" prepared by Watson & Associates Economists Ltd. dated September 3, 2021;

AND WHEREAS the Council of the Corporation of the City of St. Catharines has given notice of and held a public meeting on the 14th day of June, 2021 in accordance with the Act and the regulations thereto;

NOW THEREFORE the Council of the Corporation of the City of St. Catharines hereby enacts as follows:

**1.0 DEFINITIONS**

1.1 Meaning. In this by-law, the following definitions shall apply:

"**Act**" means the *Development Charges Act*, 1997, S.O. 1997, c. 27.

"**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 of floor area or both, and exclusively devoted to a principal use, building or structure, but is not an ancillary residential building.

"**Agricultural Farm**" means use or intended use for bona fide farming purpose:

- (a) including, the growing of crops, nursery, greenhouse, and horticultural crops; raising or stabling of livestock and other animals for food, fibre, fur, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; uses and practices necessary to support the day-to-day operation of the agriculture use and associated on farm buildings and

structures including accommodation for full time farm labour when the size and nature of the operation requires additional employment;

(b) but excluding, retail sales activities; including but not limited to restaurants, banquet facilities, hospitality facilities and gift shops, services related to grooming, boarding, or breeding of household pets, and Cannabis Production Facilities.

**“Apartment Unit”** means any Residential Dwelling Unit within a building containing three or more Dwelling Units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor and includes Stacked Townhouse Dwellings.

**“Back-to-Back Townhouse Dwelling”** means a building containing more than two Dwelling Units separated vertically by a common wall, including a rear common wall, that do not have rear yards.

**“Bedroom”** means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen.

**“Board of Education”** has the same meaning as that specified in the *Education Act*, R.S.O. 1990, c. E.2.

**“Brownfield”** means land located within the urban areas as defined in the Regional Official Plan, upon which there has been previous agricultural, industrial, institutional, or commercial or open lands use or other use as prescribed under the *Environmental Protection Act*, R.S.O. 1990, c.E.19 and Ontario Regulation 153/04 thereto, and for which site remediation is required in accordance with a Phase 2 Environmental Site Assessment, and for which a Record of Site Condition has been filed on the Province’s Brownfields Environmental Site Registry pursuant to the *Environmental Protection Act*, R.S.O. 1990, c.E.19 and Ontario Regulation 153/04 thereto.

**“Building Permit”** means a permit pursuant to the Building Code Act.

**“Building Code Act”** means the *Building Code Act, 1992*, S.O. 1992, c. 23.

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

**“Calculation Date”** means the date on which the first Building Permit is issued by the local municipality, unless otherwise stipulated in the Act.

**“Capital Cost”** means costs incurred or proposed to be incurred by the City or a Local Board thereof, directly or by others on behalf of and as authorized by the City or Local Board,

- (a) to acquire land or an interest in land, including a leasehold interest;
- (b) to improve land;
- (c) to acquire, lease, construct or improve buildings and structures;
- (d) to acquire, construct or improve facilities including:
  - i. furniture and equipment other than computer equipment;
  - ii. 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. 4; and
  - iii. rolling stock with an estimated useful life of seven years or more; or
- (e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d), including the Development Charges background study required for the provision of services designated in this by-law within or outside the City, including interest on borrowing for those expenditures under clauses (a), (b), (c) and (d) that are growth-related.

**“City”** means The Corporation of the City of St. Catharines.

**“Commercial Purpose”** means used, designed, or intended for use for or in connection with the purchase or sale or rental of commodities; the provision of services for a fee; or the operation of a business office, and includes hotels and motels.

**“Correctional Group Home”** means a residential building or the residential portion of a Mixed-use Building containing a single housekeeping unit supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by an government or its agency, or by public subscription or donation, or by any combination thereof, and licensed, approved or supervised by the Province of Ontario as a detention or correctional facility under any general or special act and amendments or replacement thereto. A correction group home may contain an office provided that the office is used only for the operation of the correctional group home in which it is located. A correctional group home shall not include any detention facility operated or supervised by the Federal Government nor any correctional

institution or secure custody and detention facility operated by the Province of Ontario.

**“Council”** means the Council of the City of St. Catharines.

**“Detached Accessory Dwelling Unit”** means a residential building that would be ancillary to a detached dwelling, Semi-detached Dwelling, or Row Dwelling.

**“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. Notwithstanding the foregoing, development does not include Temporary Buildings or Structures permitted in accordance with the City’s Comprehensive Zoning By-law No. 2013-283, or permitted under a “temporary use by-law” pursuant to section 39 of the Planning Act.

**“Development Charge”** means a charge imposed with respect to this by-law.

**“Dwelling Room”** means either:

- (a) each Bedroom used, designed, or intended for use by one or more persons living together in a Lodging Home, Student Residence, or
- (b) in the case of a Special Care/Special Dwelling Unit/room, each individual room or suite of rooms used, designed, or intended for use by one or two persons with or without exclusive sanitary or culinary facilities.

**“Dwelling Unit”** means any part of a building or structure used, designed, or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use.

**“Existing Industrial Building”** means a building or buildings existing on site in the City of St. Catharines on January 1, 2022 or the first building constructed and occupied on a vacant site pursuant to site plan approval under Section 41 of the Planning Act subsequent to this by-law coming to effect for which full Development Charges were paid, and is being used for or in conjunction with:

- (a) the production, compounding, processing, packaging, crating, bottling, packing, or assembling of raw or semi-processed goods or materials in not less than seventy-five percent of the total gross floor area of the building or buildings on a site (“manufacturing”) or warehousing related to the manufacturing use carried on in the building or buildings;
- (b) research or development in connection with manufacturing in not less than seventy-five percent of the total gross floor area of the building or buildings on a site;

- (c) retail sales by a manufacturer, if the retail sales are at the site where the manufacturing is carried out, such retail sales are restricted to goods manufactured at the site, and the building or part of a building where such retail sales are carried out does not constitute greater than twenty-five percent of the total gross floor area of the building or buildings on the site; or
- (d) Office or administrative purposes, if they are,
  - i. carried out with respect to manufacturing or warehousing; and
  - ii. in or attached to the building or structure used for such manufacturing or warehousing.

**“Farm Building”** means that part of a bona fide farming operation encompassing barns, silos, and other ancillary development to an agricultural farm, but excluding a residential use, greenhouses and other buildings and structures used as Cannabis Production Facilities and would include wholesale greenhouse facilities and structures.

**“Grade”** means the average level of finished ground adjoining a building or structure at all exterior walls.

**“Gross Floor Area”** means the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the Dwelling Unit from other Dwelling Unit or other portion of a building;

In the case of a Non-residential Building or structure, or in the case of a Mixed-use Building in respect of the non-residential portion thereof, the total area of all building floors above or below Grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a Non-Residential Use and a Residential Use, except for:

- (a) a room or enclosed area within the building or structure above or below Grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
- (b) loading facilities above or below Grade; and
- (c) a part of the building or structure below Grade that is used for the parking of motor vehicles or for storage or other Accessory Use.

**“Group Home”** means a residential building or the residential portion of a Mixed-use Building containing a single housekeeping unit which may or may not be supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof and licensed, approved or supervised by the Province of Ontario for the accommodation of persons under any general or special act and amendments or replacements thereto. A group home may contain an office provided that the office is used only for the operation of the group home in which it is located.

**“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 use”** means land, buildings or structures used for or in connection with:

- (a) manufacturing, producing, assembly, and processing goods for a commercial purpose, as well as storing or distribution of goods manufactured, produced, or processed on site;
- (b) research or development in connection with manufacturing, producing, assembling, or processing good for a commercial purpose;
- (c) retail sales by a manufacturer, producer, or processor of goods they manufactured, produced, assembled, or processed, if the retail sales are at the site where the manufacturing, production or processing takes place;
- (d) office or administrative purposes if it is:
  - i. carried out with respect to manufacturing, producing, processing, assembly, storage or distributing of something; and
  - ii. in or attached to the building or structure used for that manufacturing, producing, processing, assembling, storage, or distribution.

**“Institutional”** means lands, buildings or structures used or designed or intended for use by an organized body, society, or religious group for promoting a public or non-profit purpose and offices where such uses are accessory to an Institutional use.

**“Live/work Unit”** means a unit which contains separate residential and non-residential areas intended for both residential and Non-Residential Uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas.

**“Local Board”** means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, 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 of one or more local municipalities or the Region, but excluding a Board of Education, a conservation authority, any municipal services corporation that is not deemed to be a Local Board under Ontario Regulation 599/06 made under the Municipal Act.

**“Local Services”** means those services, facilities or things which are under the jurisdiction of the City and 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.

**“Lodging Home”** means a boarding, lodging, or rooming house in which lodging is provided for more than four persons in return for remuneration or for the provision of services, or for both, and in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants.

**“Long Term Care Home”** means homes, nursing homes or homes for the aged where the Ministry of Health and Long-Term Care funds the care provided in such homes and application for accommodation is made through a Community Care Access Centre.

**“Mixed-Use Building”** means a building or structure used for two or more uses.

**“Mobile Home”** means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer.

**“Municipal Act”** means the Municipal Act, 2001, S.O. 2001, c. 25.

**“Non-industrial”** means all buildings or structures not defined as Industrial.

**“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*, R.S.O. 1990, c. C.38 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* (S.C. 2009, c. 23) 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*, R.S.O. 1990, c. C.35.

**"Non-residential Building"** means a building or structure used exclusively for Non-Residential Use, including the non-residential component of a Live/Work unit.

**"Non-Residential Use"** means a building or structure of any kind whatsoever used, designed, or intended to be used for other than a Residential Use and includes all agricultural, commercial, industrial, and institutional uses.

**"Other Multiple"** means all residential units other than a single detached dwelling, Semi-detached Dwelling, Apartment Unit, or a Special Care/Special Dwelling Unit, including, but not limited to, Row Dwellings, Back-to-back Townhouse Dwelling, and the residential component of Live/work Units.

**"Official Plan"** means the official plan adopted for the City, and approved.

**"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.

**"Redevelopment"** means the construction, erection or placing of one or more buildings on land where all or part of a building on such land has been previously demolished, or changing the use of all or part of a building from a residential purpose to a non-residential purpose or from a non-residential purpose to a residential purpose, or changing all or part of a building from one form of residential development to another form of residential development or from one form of non-residential development to another form of non-residential development.

**"Region"** means the Regional Municipality of Niagara.

**"Regulation"** means any regulation made pursuant to the Act.

**"Rental Housing"** means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises.

**"Residential Dwelling"** means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more Dwelling Units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging, or rooming houses.

**"Residential Use"** means land or buildings, or structures of any kind whatsoever used, designed, or intended to be used as living accommodations for one or more individuals.

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



**“Semi-detached Dwelling”** means a dwelling unit in a residential building consisting of two Dwelling Units having one vertical wall or one horizontal walls, but no other parts, attached or another Dwelling Unit where the residential units are not connected by an interior corridor.

**“Service”** means those services designated in Schedule "A" to this by- law.

**“Single Detached Dwelling Unit”** means a residential building consisting of one principle dwelling unit and not attached to another structure and includes Mobile Homes.

**“Special Care/Special Dwelling”** means a residence:

- (a) containing two or more Dwelling Rooms, which rooms have common entrance from street level;
- (b) where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room, and accessory buildings; and
- (c) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where support services, such as meal preparation, grocery shopping, laundry, housing, nursing, respite care and attending services are provided at various levels; and includes but is not limited to retirement homes or Lodging Homes, Long-term Care Homes, Student Residences, Group Homes, Student Residence, and Hospices.

**“Stacked Townhouse Dwelling”** means a building containing more than two dwelling units where each dwelling unit is separated horizontally or vertically from another Dwelling Unit by a common wall or floor.

**“Student Residence”** means a Residential Development that is solely owned by a University, college of applied arts and technology, or other accredited post-secondary institution, designated or intended to be used for sleeping and living accommodations by students of the university, college of applied arts and technology, or other accredited post-secondary institution that owns the Residential Development.

**“Temporary Building or Structure”** means a Non-residential Building or structure without a foundation which is constructed, erected, or placed on land for a continuous period of time not exceeding three (3) years, or a like addition or alteration to an existing building or an existing structure that has the effect of increasing the usability thereof for a continuous period not exceeding three (3) years.

“Use” means either residential use or non-residential use.

## **2.0 DESIGNATION OF SERVICES AND CLASSES**

2.1 Categories of services. The categories of services and classes of services for which development charges are imposed under this by-law are as follows:

- (a) Services Related to a Highway;
- (b) Public Works;
- (c) Transit Services;
- (d) Fire Protection Services;
- (e) Parks and Recreation Services;
- (f) Library Services;
- (g) Stormwater Drainage and Control Services;
- (h) Wastewater Services;
- (i) Water Services; and
- (j) Growth Studies.

2.2 Services in Schedule “A”. The components of the services and classes designated in subsection 2.1 are described in Schedule A.

## **3.0 APPLICATION OF BY-LAW**

3.1 Applicable Charges. Development charges shall be payable in the amounts set out in this by-law where:

- (a) the lands are located in the area described in Section 3.2; and
- (b) the development of the lands requires any of the approvals set out in subsection 3.4(a).

3.2 Areas in which by-law applies. Subject to subsection 3.3, this by-law applies to all lands in the geographic area of the City of St. Catharines.

3.3 Non-application. This by-law shall not apply to lands that are owned by and used for the purposes of:

- (a) The City of St. Catharines or a local board thereof;
- (b) A board as defined in section 1(1) of the Education Act; or
- (c) The Region of Niagara or a local board thereof.

3.4 Approvals for development.

- (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
  - i. the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the Planning Act;
  - ii. the approval of a minor variance under section 45 of the Planning Act;
  - iii. a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;
  - iv. the approval of a plan of subdivision under section 51 of the Planning Act;
  - v. a consent under section 53 of the Planning Act;
  - vi. the approval of a description under section 50 of the *Condominium Act*; or
  - vii. the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.
- (b) No more than one development charge for each service designated in subsection 2.1 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 subsection 3.4(a) are required before the lands, buildings or structures can be developed.
- (c) Despite subsection 3.4(b), if two or more of the actions described in subsection 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the size or use.

3.5 Exemptions – Rules with respect to exemptions for intensification of existing housing or new housing. Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to developments or portions of developments as follows:

- (a) the enlargement to an existing residential dwelling unit;
- (b) the creation of one or two additional dwelling units in an existing single detached dwelling, each of which contains a single dwelling unit, that are not attached to other buildings, as long as the total gross floor area of the additional dwelling unit or units are less than or equal to the gross floor area of the dwelling unit already in the building;
- (c) the creation of one additional dwelling unit in an existing semi-detached dwelling or row dwelling, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings, as long as the total gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the dwelling unit already in the building;
- (d) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units;
- (e) the creation of one additional dwelling unit in any other existing residential building not identified in b) to d) above, as long as the additional unit is less than or equal to the gross floor area of the smallest dwelling unit already in the building;
- (f) 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.  | The proposed new detached dwelling must only contain two dwelling units.<br><br>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.   |
| 2    | Proposed new semi-detached dwellings or row dwellings  | Proposed new residential buildings that would have one or two vertical walls, 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. | The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.<br><br>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.   |
| 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.  | 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.<br><br>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. |

3.5.1 Notwithstanding subsection 3.5(b), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.

3.5.2 Notwithstanding subsection 3.5(d), development charges shall be imposed if the additional unit has a gross floor area greater than:

(a) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and

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

### 3.6 Exemptions for industrial development.

3.6.1 For the purpose of sections 3.6.2 to 3.7.3 inclusive, the term “existing industrial building” shall have the same meaning as that term has in the Regulation and shall not include self-storage or mini-storage facilities.

3.6.2 Notwithstanding any other provision of this By-law, but subject to sections 3.7.2 and 3.7.3 below, no development charge is payable with respect to the enlargement of the total floor area of an existing industrial building where the total floor area is enlarged by 50 percent or less.

3.7 Total floor area. If the total floor area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

(a) determine the amount by which the enlargement exceeds 50 percent of the total floor area before the enlargement; and

(b) divide the amount determined under subsection 3.7(a) by the amount of the enlargement.

3.7.1 For greater certainty in applying the exemption in this section, the total floor area of an existing industrial building is enlarged where there is a bona fide increase in the size of the existing industrial building, the enlarged area is attached to the existing industrial building, there is a direct means of ingress and egress from the existing industrial building to and from the enlarged area for persons, goods and equipment and the existing industrial building and the enlarged area are used for or in connection with an industrial purpose as set out in subsection 1(1) of the Regulation. Without limiting the generality of the foregoing, the exemption in this section shall not apply where the enlarged area is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor, or other passageway, or through a shared below-grade connection such as a service tunnel, foundation, footing or parking facility.

3.7.2 The exemption for an existing industrial building provided by this section shall be applied up to a maximum of 50 percent of the total floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this By-law or any previous development charges by-law of the City made pursuant to the Act or its predecessor legislation. Development charges shall be imposed in accordance with Schedule B with respect to the amount of floor area of an enlargement that results in the total floor area of the industrial building being increased by greater than 50 percent of the total floor area of the existing industrial building.

3.7.3 For the purposes of this section, despite any new sites created which result in an existing industrial building being on a site separate from its enlargement or enlargements for which an exemption was granted under this section, further exemptions, if any, pertaining to the existing industrial building shall be calculated in accordance with section 3.7.2 on the basis of its site prior to any division.

3.8 Other exemptions or reductions. Notwithstanding the provisions of this by-law, Development Charges shall not be imposed with respect to:

(a) Agricultural Farms and Farm Buildings;

(b) Detached Accessory Dwelling Units are treated the same as attached accessory dwelling units, as long as the accessory dwelling unit is no larger than the smallest existing unit;

- (c) Entrance feature canopy, gas station canopy and drive-thru canopy; or
- (d) Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Act, if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

3.9 Reduction of development charges with respect to redevelopment and conversion. Despite any other provision of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 3 years prior to the date of payment of development charges in regard to such redevelopment 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:

- (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.8 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment;
- (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the greater of the applicable development charges under subsection 3.9 or the calculated rate within the City of St. Catharines Development Charges Background Study, December 21, 2020, by the gross floor area that has been or will be demolished or converted to another principal use; provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.
- (c) where demolition takes place on a Brownfield, an application may be made to the City Treasurer for an extension of time for the redevelopment credit of up to five additional years if the redevelopment has not been able to proceed due to delays in completing the remediation works. This application must be received prior to the expiry of this By-law. This application will be considered by the City for approval.

- (d) Where an existing Building is converted in whole or in part from one use (hereinafter referred to in this Section as the “First Use”) to another use:
- i. the amount of Development Charges payable shall be reduced by the amount, calculated pursuant to this By-law at the current Development Charges rates in respect of the First Use;
  - ii. the First Use shall be the use as confirmed through the City’s Building Division and related permit records;
  - iii. for greater certainty, and without limiting the generality of the foregoing, no credit shall be allowed where the converted Building or part thereof would have been exempt pursuant to this By-law; and
  - iv. the amount of any credit pursuant to this Section shall not exceed, in total, the amount of the Development Charges otherwise payable pursuant to this By-law with respect to the Redevelopment.

Notwithstanding the above, for any demolition permit issued from January 1, 2010 to December 31, 2021. These shall be treated as if the demolition permit was issued on January 1, 2022 for the purpose of determining a demolition credit under the D.C. By-law.

- 3.10 Grant programs - Industrial Grant Program. Notwithstanding the Non-Residential Development Charges as outlined in Schedule B, for industrial development the City shall, during the life of this by-law, maintain a grant program that shall be used to provide a grant towards any non-residential charge payable in accordance with Development Charge grant programs approved by the City.
- 3.11 Grant programs - Affordable Housing Developments. Notwithstanding the Residential Development Charges as outlined in Schedule B, a grant program related to affordable housing development shall be maintained by the City to provide a grant towards any residential development charge payable, in accordance with Development Charge grant programs approved by the City.
- 3.12 Grant programs - Urban Growth Centre. Notwithstanding the development charges as outlined in Schedule B, a grant program applicable in the urban growth centre shall be maintained by the City to provide a grant towards the development charges payable in accordance with the Development Charge grant programs approved by the City.
- 3.13 Charge amount – Residential. The development charges set out 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 uses in the mixed-use building



or structure, including the residential component of a live/work unit, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

- 3.14 Charge amount – Non-residential. The development charges described in Schedule B 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 uses in the mixed-use building or structure, including the non-residential component of a live/work unit, and calculated with respect to each of the services according to the total floor area of the non-residential use.
- 3.15 Calculation date. Development charges imposed under this By-law are calculated, payable, and collected upon issuance of the first building permit for the development.
- 3.16 Due and payable for rental housing and institutional developments. Notwithstanding subsections 3.15, development charges for rental housing and institutional developments are due and payable in 6 installments 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 development charge interest policy, as may be revised from time to time.
- 3.17 Due and payable for non-profit housing developments. Notwithstanding subsections 3.15, development charges for non-profit housing developments are due and payable in 21 installments 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 development charge interest policy, as may be revised from time to time.
- 3.18 Transition period - approvals. Where the development of land results from the approval of a site plan or zoning by-law amendment 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 subsections 3.13 and 3.14 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply development charges under subsections 3.13 and 3.14 shall be calculated on the rates, including interest as provided in the City's Council approved development charge interest policy, as may be revised from time to time, payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest.
- 3.19 Transition period – applications. Notwithstanding section 3.18, any site plan or zoning by-law amendment application received between January 1, 2017 and December 31, 2019, shall be treated as if it was applied for on January 1, 2020, subject to building permit issuance being no later than January 1, 2023.

3.20 Agreements. Despite sections 3.15 to 3.19, and in accordance with section 27 of the Act, the City 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.

#### **4.0 ALTERNATIVE PAYMENT AGREEMENTS**

4.1 Building permits. The Chief Building Official or his or her designate shall withhold the issuance of a building permit in relation to a building on land to which the development charge applies unless the development charge has been paid.

4.2 Occupancy permit. Notwithstanding section 4.1, in the case of installment payments for development charges related to rental housing, non-profit housing or institutional development, the Chief Building Official or his or her designate shall withhold the issuance of an occupancy permit in relation to a building on land to which the development charge applies unless the first installment of the development charge has been paid.

4.3 Agreements. Notwithstanding section 4.1 or 4.2, the City may enter into an agreement under section 27 of the Act, in a form and having content satisfactory to the City's solicitor and having content satisfactory to the Treasurer, with any person who is required to pay a development charge providing for all or any part of the development charge to be paid before or after it would otherwise be payable.

#### **5.0 PAYMENT BY SERVICES**

5.1 Method of payment. Payment of development charges shall be by cash, debit, bank draft or certified cheque or as otherwise approved at the sole discretion of the Treasurer.

5.2 Alternative payment. In the alternative to payment by the means provided in section 5.1 herein, the City may, by a written agreement entered into with the owner, accept the provision of services in full or partial satisfaction of the development charges otherwise payable.

5.3 Local services. Nothing in this By-law prevents the City from requiring, as a condition of any approval given under the Planning Act, that the owner, at the owner's expense, install such Local Services as the City may require or that local connections to storm drainage facilities be installed at the Owner's expense.

5.4 Refund or credit. Any refund or credit required to be given by the City to an owner shall be in relation to a service as per subsection 39(1) of the Act. The City may agree by agreement to provide a credit in relation to another service as per subsection 39(3) of the Act or may provide for another basis for recovery.

5.5 Debt owed to city. If development charges or any part thereof payable pursuant to this By-law remain unpaid after such charges are payable, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes.

## **6.0 INDEXING**

6.1 Index. Development charges imposed pursuant to this by-law shall be adjusted annually on January 1st of each year, without amendment to this by-law in accordance with the Act, beginning on January 1, 2022, in accordance with the index prescribed in Ontario Regulation 82/98 made under the Act, as per the Statistics Canada's Non-Residential Building Construction Price Index for the City of Toronto, for the most recent available data for the preceding quarter.

## **7.0 GENERAL**

7.1 Severability. If any provision or part of a provision of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

7.2 Singular and plural. In this by-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and vice versa.

7.3 And/or. The word "and" is an inclusive conjunction, the use of which indicates that all items or phrases in that subsection, article, or list in which it appears are permitted or required as the case may be. The word "or" is an alternate conjunction, the use of which indicates that alternate or optional items or phrases in the subsection, article or list in which it appears are permitted or required, as the case may be; however, notwithstanding the foregoing, where the context permits, the word "or" may also be an inclusive conjunction having the same meaning as the word "and".

7.4 Amendments and successors. Any reference to legislation in this by-law includes the legislation referred to and its amendments as well as any subsequent legislation which may replace the legislation referred to, and its amendments thereto.

7.5 Headings. Headings do not form a part of this by-law, they are included only for ease of reference and convenience.

## **8.0 SCHEDULES**

8.1 The following schedules to this by-law form an integral part thereof:

- Schedule A - Components of Services Designated in subsection 2.1
- Schedule B - Residential and Non-Residential Development Charges
- Schedule C - Map Denoting Urban Serviced Boundary for which full Development Charges are imposed.

**9.0 DATE BY-LAW IN FORCE**

9.1 Effective date. This By-law shall come into force on the 1st day of January, 2022.

**10.0 DATE BY-LAW EXPIRES**

10.1 Expiration date. This By-law will expire on the 1st day of January, 2027 unless it is repealed at an earlier date.

**THE CORPORATION OF THE CITY OF ST. CATHARINES**

Read and passed this                      day of                      , 2021.

\_\_\_\_\_  
Mayor, Walter Sendzik

\_\_\_\_\_  
Clerk, Bonnie Nistico-Dunk

Schedule "A"  
To By-law 21-\_\_\_\_

Components of Services and Classes of Services Designated in Subsection 2.1

**Development Charges - Eligible Services:**

Services Related to a Highway

Roads and Related Infrastructure

Fire Protection Services

Fire Facilities

Fire Vehicles

Fire Small Equipment and Gear

Parks and Recreation Services

Parkland Development

Parkland Amenities

Park Trails

Parks and Recreation Vehicles and Equipment

Recreation Facilities

Library Services

Library Facilities

Library Vehicles

Library Collection Materials

Transit Services

Transit Facilities

Transit Vehicles

Stormwater Services

Channels, Drainage and Ponds

Wastewater Services

Distribution System

Water Services

Collection System

Schedule "A"  
To By-law 21-\_\_\_\_

Components of Services and Classes of Services Designated in Subsection 2.1

**Development Charges - Eligible Classes:**

Public Works

Facilities

Vehicles and Equipment

Growth Studies

Services Related to a Highway

Water Services

Wastewater Services

Stormwater Services

Fire Protection Services

Parks and Recreation Services

Library Services

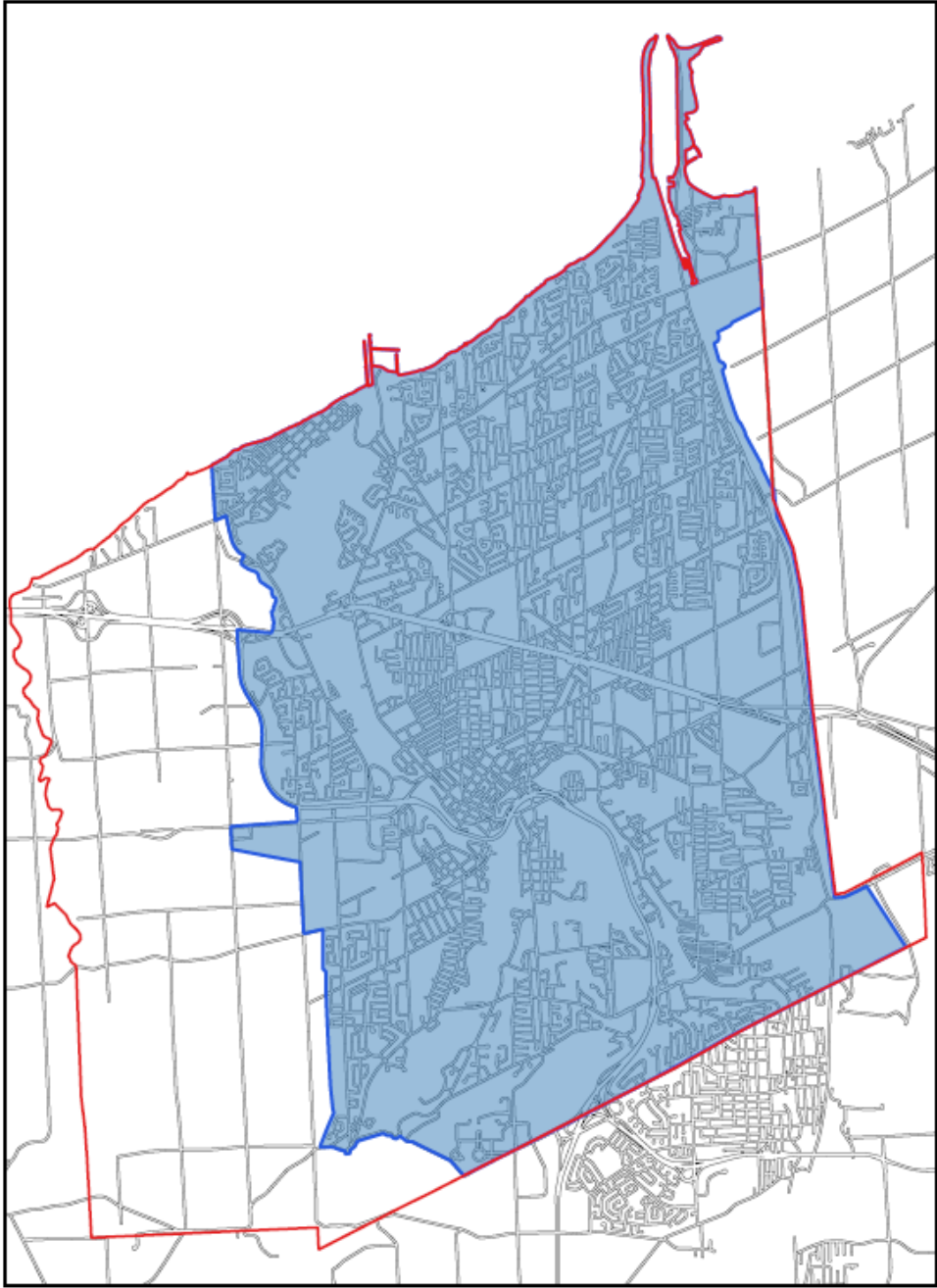
Transit Services

Schedule "B"  
To By-law 21-\_\_\_\_  
Schedule of Development Charges

| Service/Class of Service                               | Single and Semi-Detached Dwelling | RESIDENTIAL     |                           |                                     |                                     | NON-RESIDENTIAL                  |                                 |
|--|-----------------------------------|-----------------|---------------------------|-------------------------------------|-------------------------------------|----------------------------------|---------------------------------|
|  |                                   | Other Multiples | Apartments - 2 Bedrooms + | Apartments - Bachelor and 1 Bedroom | Special Care/Special Dwelling Units | (per sq.ft. of Gross Floor Area) | (per sq.m. of Gross Floor Area) |
| <b>Municipal Wide Services:</b>                        |                                   |                 |                           |                                     |                                     |                                  |                                 |
| Services Related to a Highway                          | 611                               | 448             | 444                       | 303                                 | 229                                 | 0.33                             | 3.55                            |
| Public Works   | 2                                 | 1               | 1                         | 1                                   | 1                                   | 0.00                             | 0.00                            |
| Transit Services                                       | 674                               | 494             | 489                       | 334                                 | 253                                 | 0.39                             | 4.20                            |
| Fire Protection Services                               | 524                               | 384             | 380                       | 260                                 | 197                                 | 0.28                             | 3.01                            |
| Parks and Recreation Services                          | 6,682                             | 4,902           | 4,852                     | 3,316                               | 2,507                               | 0.41                             | 4.36                            |
| Library Services                                       | 755                               | 554             | 548                       | 375                                 | 283                                 | 0.04                             | 0.43                            |
| Growth Studies   | 608                               | 446             | 441                       | 302                                 | 228                                 | 0.35                             | 3.77                            |
| <b>Total Municipal Wide Services/Class of Services</b> | <b>9,856</b>                      | <b>7,229</b>    | <b>7,155</b>              | <b>4,891</b>                        | <b>3,698</b>                        | <b>1.80</b>                      | <b>19.32</b>                    |
| <b>Urban Services</b>                                  |                                   |                 |                           |                                     |                                     |                                  |                                 |
| Stormwater Drainage and Control Services               | 109                               | 80              | 79                        | 54                                  | 41                                  | 0.15                             | 1.61                            |
| Wastewater Services                                    | 132                               | 97              | 96                        | 66                                  | 50                                  | 0.07                             | 0.75                            |
| Water Services   | 35                                | 26              | 25                        | 17                                  | 13                                  | 0.02                             | 0.22                            |
| <b>Total Urban Services</b>                            | <b>276</b>                        | <b>203</b>      | <b>200</b>                | <b>137</b>                          | <b>104</b>                          | <b>0.24</b>                      | <b>2.58</b>                     |
| <b>GRAND TOTAL RURAL AREA</b>                          | <b>9,856</b>                      | <b>7,229</b>    | <b>7,155</b>              | <b>4,891</b>                        | <b>3,698</b>                        | <b>1.80</b>                      | <b>19.32</b>                    |
| <b>GRAND TOTAL URBAN AREA</b>                          | <b>10,132</b>                     | <b>7,432</b>    | <b>7,355</b>              | <b>5,028</b>                        | <b>3,802</b>                        | <b>2.04</b>                      | <b>21.90</b>                    |



Schedule "C"  
To By-law 21-\_\_\_\_  
Map Denoting Urban Serviced Boundary for which full Development Charges are  
Imposed



St. Catharines  
City Limits and Urban Boundary

City Limits  
Urban Boundary

