

BY-LAW NO. 2021-##

A by-law of the City of Ottawa for the imposition of development charges for creating a new Zoning By-law.

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 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 has given public notice, held a public meeting and consulted with the public in accordance with the provisions of the *Development Charges Act, 1997*;

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

AND WHEREAS Council wishes to adopt a by-law for the imposition of development charges for the creation of a new zoning by-law;

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

DEFINITIONS

1. The definitions as set out in clause 1 of By-law No. 2019-156, being the Development Charges By-Law, 2019 are hereby incorporated into this by-law.

DESIGNATED AREA

2. The designated area within which development charges are imposed and to which this development charge by-law applies are all lands located within the territorial limits of the City of Ottawa.

DESIGNATED SERVICE

3. Development charges shall be imposed for the creation of a new zoning by-law for the City of Ottawa.

DESIGNATED USES

4. The types of residential and non-residential uses as set out in clause 4 of the Development Charges By-Law, 2019 are hereby incorporated into this by-law.

DEVELOPMENT CHARGE RULES

5. (1) The development charges herein have been calculated in the background study such that the total of all development charges on anticipated development do not exceed the capital costs determined under paragraphs 2 to 7 of subsection 5(1) of the *Act*. In addition, the charges for the residential use and non-residential use development and the sub-types noted therein, have been calculated such that they do not exceed the capital costs that arise from the increase in the need for service for each individual type of development;
- (2) The development charges established in Schedule “A” to this by-law shall be and are hereby imposed on the whole of the area located within the territorial limits of the City of Ottawa in respect of the designated uses of land, buildings or structures within the designated area for the designated services with respect to residential use development;
- (3) The development charges established in Schedule “B” to this by-law shall be and are hereby imposed on the whole of the area located within the territorial limits of the City of Ottawa in respect of the designated uses of land, buildings or structures within the designated area for the designated services with respect to non-residential use development;
- (4) The development charges established in Schedule “A” and Schedule “B” to this by-law shall apply in the case of a mixed-use development based upon the applicable residential and non-residential use portions of the development under subsections 5(2) and 5(3) of this by-law, respectively;
- (5) The development charges imposed pursuant to subsections 5(2) and 5(3) of this by-law shall apply, in accordance with this by-law and the *Act*, to any development which requires:
- (a) the passing of a zoning by-law or of an amendment thereto under Section 34 of the *Planning Act*;
 - (b) the approval of a minor variance under Section 45 of the *Planning Act*;
 - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act*, applies;
 - (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
 - (e) a consent under Section 53 of the *Planning Act*;

- (f) the approval of a description under Section 9 of the *Condominium Act*; or
- (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

IMPOSITION OF CHARGE

6. The development charges described in Schedule “A” and Schedule “B” shall be imposed with respect to the designated use of any land, building or structure which requires any of the approval actions described in subsection 5(5) of this by-law and shall be calculated as follows:

- (a) in the case of residential use development or the residential portion of a mixed-use development based upon the number and type of dwelling units;
- (b) in the case of non-residential use development or the non-residential use portion of a mixed-use development, based upon the gross floor area of such development; and
- (c) notwithstanding subsection 6(a), in the case of residential use development charges described in Schedule “A”, all mobile homes, single-detached dwellings, semi-detached dwellings, row dwellings and multiple-unit dwellings which are also non-profit housing with less than or equal to 1000 square feet of gross floor area and for which development charges are imposed by this by-law, shall pay a development charge rate on the same basis as an apartment dwelling with two or more bedrooms.

EXEMPTIONS

7. The exemptions as set out in clause 7 of the Development Charges By-Law, 2019 are hereby incorporated into this by-law.

REDEVELOPMENT OF LAND CREDITS

8. The land credits as set out in clause 9 of the Development Charges By-Law, 2019 are hereby incorporated into this by-law.

SERVICES-IN-LIEU CREDITS

9. The service-in-lieu credits as set out in clause 11 of the Development Charges By-Law, 2019 are hereby incorporated into this by-law.

TRANSITIONAL PROVISIONS

10. The transitional provisions as set out in clause 12 of the Development Charges By-Law, 2019 do not apply to charges imposed by this by-law.

COLLECTION PROCEDURES

11. The collection provisions as set out in clause 13 of the Development Charges By-Law, 2019 are hereby incorporated into this by-law.

CONFLICT

12. The conflict provision as set out in clause 14 of the Development Charges By-Law, 2019 is hereby incorporated into this by-law.

TIMING OF THE CALCULATION AND PAYMENT

13. The timing and calculation of payment provisions set out in clause 16 of the Development Charges By-Law, 2019 are hereby incorporated into this by-law.

RESERVE FUND

14. The development charges imposed by this by-law for the creation of a new Zoning By-law shall be paid into the New Zoning By-law Reserve Fund.

INDEXING

15. The indexing provisions set out in clause 18 of the Development Charges By-Law, 2019 are hereby incorporated into this by-law.

SCHEDULES

16. The Schedules appended to this by-law shall be deemed to form part of this by-law and all information contained therein shall have the same force and effect as though it had been recited directly in the sections of this by-law.

APPLICATION OF THE ACT

17. Any matter not otherwise provided for in this by-law shall be subject to the provisions of the Act.

TERM OF BY-LAW

18. This by-law shall continue in full force and effect for a term of five (5) years from the date of its enactment, unless it is repealed at an earlier date.

NUMBER

19. In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.

HEADINGS FOR REFERENCE ONLY

20. The headings inserted in this by-law are for convenience of reference only and shall not affect the construction or interpretation of this by-law.

SEVERABILITY

21. It is the declared intention of the Council of the City that any section or part thereof or any Schedule of part thereof which may be held to be void or ineffective shall not be deemed to affect the validity of any other section or Schedules to this by-law.

SHORT TITLE

22. This by-law may be cited as the New Zoning By-law Development Charges By-Law, 20XX.

ENACTED AND PASSED this XXth day of MONTH, 20XX.

CITY CLERK

MAYOR

SCHEDULE “A” – RESIDENTIAL DEVELOPMENT CHARGES
Development Charge per Dwelling Unit
Type of Residential Use

Current and Adjusted Residential DC Rates					
Location	Single and Semi-detached Dwelling \$/Unit	Townhouse, Multiple, Row and Mobile Dwelling \$/Unit	Apartment Dwelling, Back to Back & Stacked Townhouse (2+ BR) \$/Unit	Apartment Dwelling (1 BR) \$/Unit	Dwelling Room \$/Unit
Area 1 - Inside the Greenbelt					
Corporate Studies - Current CW Rate	\$86	\$68	\$48	\$34	\$26
Corporate Studies - Current AS Rate	\$0	\$0	\$0	\$0	\$0
Total DC Rate - Current	\$32,903	\$26,269	\$18,129	\$12,887	\$9,958
Corporate Studies - Adjusted CW Rate	\$87	\$69	\$47	\$34	\$26
Total DC Rate - Adjusted	\$32,990	\$26,338	\$18,176	\$12,921	\$9,984
Area 2 - Outside the Greenbelt					
Corporate Studies - Current CW Rate	\$86	\$68	\$48	\$34	\$26
Corporate Studies - Current AS Rate	\$48	\$37	\$25	\$17	\$14
Total DC Rate - Current	\$39,115	\$30,677	\$21,023	\$14,492	\$11,547
Corporate Studies - Adjusted CW Rate	\$87	\$69	\$47	\$34	\$26
Total DC Rate - Adjusted	\$39,202	\$30,746	\$21,070	\$14,526	\$11,573
Area 3 - Rural Serviced					
Corporate Studies - Current CW Rate	\$86	\$68	\$48	\$34	\$26
Corporate Studies - Current AS Rate	\$69	\$50	\$40	\$28	\$22
Total DC Rate - Current	\$28,379	\$22,267	\$15,442	\$10,975	\$8,480
Corporate Studies - Adjusted CW Rate	\$87	\$69	\$47	\$34	\$26
Total DC Rate - Adjusted	\$28,466	\$22,336	\$15,489	\$11,009	\$8,506
Area 3 - Rural Unserviced					
Corporate Studies - Current CW Rate	\$86	\$68	\$48	\$34	\$26
Corporate Studies - Current AS Rate	\$69	\$50	\$40	\$28	\$22
Total DC Rate - Current	\$25,829	\$20,254	\$14,059	\$9,992	\$7,720
Corporate Studies - Adjusted Rate	\$87	\$69	\$47	\$34	\$26
Total DC Rate - Adjusted	\$25,916	\$20,323	\$14,106	\$10,026	\$7,746

SCHEDULE “B” – NON-RESIDENTIAL DEVELOPMENT CHARGES

Current and Adjusted Non-residential DC Rates				
Location	Corporate Studies - Current DC Rate	Total Current DC Rate	Corporate Studies - Adjusted Rate	Total Adjusted DC Rate
Non-Industrial - City-wide	\$0.12	\$27.76	\$0.09	\$27.85
Rural - Serviced	\$0.12	\$27.76	\$0.09	\$27.85
Rural - Unserviced	\$0.12	\$25.13	\$0.09	\$25.22
Industrial - City-wide	\$0.04	\$11.06	\$0.03	\$11.09
Rural - Serviced	\$0.04	\$11.06	\$0.03	\$11.09
Rural - Unserviced	\$0.04	\$9.99	\$0.03	\$10.02

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Enacted by City Council at its meeting of MONTH DAY, 20XX.

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LEGAL SERVICES
LCE/xx

COUNCIL AUTHORITY:
City Council MONTH DAY, 20XX
Agenda Item X (PC Report No. XX)