

## THE CORPORATION OF THE CITY OF CAMBRIDGE

## By-law 22-003

Being a by-law to amend By-Law 19-094, respecting Development Charges pursuant to the *Development Charges Act*, S.O., 1997, c.27, as amended

**WHEREAS** the City of Cambridge (the “City”) enacted By-law 19-094 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;

**WHEREAS** the City has undertaken a study pursuant to the Act which has provided updated Schedules to By-law 19-094;

**WHEREAS** the Council of the City of Cambridge (“Council”) has before it a report entitled “City of Cambridge 2021 Development Charge Update Study” prepared by Watson & Associates Economists Ltd., dated October 29, 2021 (the “update study”);

**WHEREAS** the update study and proposed amending by-law were made available to the public on October 29, 2021, and Council gave notice to the public pursuant to section 12 of the Act;

**AND WHEREAS** Council, on November 23, 2021, held a meeting open to the public, pursuant to section 12 of the Act, at which Council considered the study, and written and oral submissions from the public,

**NOW THEREFORE BE IT RESOLVED THAT the Corporation of the City of Cambridge enacts as follows:**

1. **THAT** By-law 19-094 is hereby amended as follows:

A. Delete and replace section 1 definition of Accessory Use with the following:

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

- B. Add definition in section 1 for Ancillary dwelling as follows:

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

- C. Delete and replace section 1 definition of Apartment with the following:

“apartment” means a dwelling unit in a building containing a non-residential use or two or more dwelling units in a residential building, including a stacked townhouse and a stand-alone additional residential unit, but does not include a lodging house, row dwelling, back to back townhouse, special care/special need dwelling, semi-detached dwelling or single detached dwelling.

- D. Add definition in section 1 for Cannabis as follows:

“Cannabis” means:

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

- E. Add definition in section 1 for Cannabis plant as follows:

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

- F. Delete and replace section 1 definition of Marijuana production facilities as follows:

“Cannabis production facilities” means a building, or part thereof, designed, used, or intended to be used for one or more of the following:

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

- G. Add definition in section 1 for Class as follows:

“Class” means a grouping of services combined to create a single service for the purposes of this by-law and as provided in section 7 of the *Development Charges Act, 1997*.

- H. Add definition in section 1 for Detached Dwelling Unit to the as follows:

“Detached dwelling unit” has the same meaning as a “single detached dwelling unit” for the purposes of this by-law.

- I. Add definition in section 1 for Industrial Building as follows:

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

- J. Add definition in section 1 for Institutional Use as follows:

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

- (i) as a long-term care home within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007*;

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

“Interest rate” means the annual rate of interest calculated as per the City’s D.C. Interest Policy #A09 FIN 003 and approved by Council, as may be revised from time to time.
- L. Add definition in section 1 for Lot as follows:

“Lot” means a parcel of land capable of being conveyed lawfully without any approval under the *Planning Act* or successor thereto which meets the minimum lot area requirements under the City’s zoning by-law.
- M. Add definition in section 1 for Non-profit housing development to as follows:

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

  - (i) a corporation without share capital to which the *Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing;

(ii) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing; or

(iii) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, or any successor legislation.

N. Add definition in section 1 for Primary dwelling unit as follows:

“Primary dwelling unit” means the largest dwelling unit in which the residential use of the lot is conducted.

O. Add definition in section 1 for Rental housing as follows:

“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.

P. Add definition in section 1 for Stand-alone additional residential dwelling unit as follows:

“Stand-alone Additional Residential Dwelling Unit” means one single stand-alone dwelling unit that is subordinate to the primary dwelling unit on a lot and does not exceed 40% of the gross floor area of the primary dwelling unit but in no case may be larger than 80 square metres.

Q. Delete and replace subsection 3.4.2 with the following:

3.4.2 permit the creation of up to two additional dwelling units in existing dwellings as the following table sets out:

Item	Name of Class of Existing Residential Building	Description of Class of Existing Residential Buildings	Maximum number of Additional Dwelling Units	Restrictions
1	Existing single detached dwellings	Existing residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
2	Existing semi-detached dwellings or row dwellings	Existing residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.
3	Existing rental residential buildings	Existing residential rental buildings, each of which contains four or more dwelling units.	Greater of one and 1% of the existing units in the building	None.
4	Other existing residential buildings	An existing residential building not in another class of residential building described in this table.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building

R. Add subsection 3.4.3., as follows:

3.4.3 permit the creation of one stand-alone additional residential unit on a lot that contains a primary dwelling unit.

S. Add subsection 3.4.4, as follows:

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

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

T. Delete and replace reference to Galt City Centre in section 3.14.1 with Galt Core Area.

- U. Delete and replace section 4 Services for Which Development Charge is Imposed, with the following:

**SERVICES/CLASS OF SERVICES FOR WHICH DEVELOPMENT CHARGE IS IMPOSED**

The services/classes of services for which the development charge is imposed are as follows:

- i. Water services;
- ii. Wastewater services;
- iii. Stormwater services;
- iv. Services related to a highway;
- v. Fire protection services;
- vi. Public works facilities and fleet;
- vii. Growth studies – engineering;
- viii. Parks and recreation services;
- ix. Library services;
- x. Growth studies – other; and
- xi. Municipal parking.

- V. Delete and replace subsection 12.1 as follows:

**12.1 Building Permit (s. 26(1) of the Act)**

Subject to subsections 12.2 through 12.6, all development charges for a development are payable upon the first building permit issued in relation to a building or structure on land to which a development charge applies and until the development charge has been paid in full, no building permit shall be issued.

- W. Delete and replace subsection 12.2 as follows:



12.2 Subdivision Agreement (s. 26 (2) of the Act)

Notwithstanding subsections 12.1, 12.3 or 12.4, the amount of the development charge with respect to water services, wastewater services, stormwater services and services related to a highway, shall be payable for development that requires approval of a plan of subdivision under section 51 of the *Planning Act* or a consent under section 53 of the *Planning Act* and for which a Subdivision Agreement or Consent Agreement is entered into immediately upon the parties entering in the Subdivision Agreement or Consent Agreement for all lots and blocks on which single detached dwellings and semi-detached dwellings are permitted in the plan of subdivision or pursuant to the consent.

X. Add the following subsections to section 12:

12.3 Rental Housing and Institutional Development (s. 26.1 of the Act)

Notwithstanding subsection 12.1, development charges for rental housing and institutional developments are due and payable in six 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 approved development charge interest policy #A09 FIN 003 as may be revised from time to time.

12.4 Non-Profit Housing Developments (s. 26.1 of the Act)

Notwithstanding subsection 12.1, 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 approved development charge interest policy #A09 FIN 003 as may be revised from time to time.

12.5 Site Plan and Zoning Amendment Application (s. 26.2 of the Act)

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 subsections 5.1 and 5.2 shall be calculated on the rates set out in Schedules “A-1” and “A-2” on the date of the planning application, including interest. Where both planning applications apply, development charges under subsections 5.1 and 5.2 shall be calculated on the rates in effect on the day of the later planning application, including interest as provided in the City's approved development charge interest policy #A09 FIN 003 as may be revised from time to time.

Y. Delete and replace subsection 12.3 as follows:

12.6 Agreement for Earlier or Later Payment (s. 27 of the Act)

Notwithstanding subsections 12.1 through 12.5 hereof, the City may enter into an agreement with a person/owner of land who is required to pay a development charge for:

12.6.1 All or any part of a development charge to be paid before or after it would otherwise be payable,

12.6.2 The total amount of the development charge payable under an agreement under this section is the amount of the development charge that would be determined under this by-law on the day specified in the agreement or, if not such day is specified, at the earlier of

12.6.2.1 the time the development charge or any part of it is payable under the agreement;

12.6.2.2 the time the development charge would have been payable in the absence of the agreement.

12.6.3 In an agreement under this section, the City may charge interest, as provided in the City's approved development charge interest policy #A09 FIN 003, as may be revised from time to time, on that part of the development charge payable after it would otherwise be payable.

Z. Delete and replace Section 22, as follows:

This by-law may be referred to as the Development Charges By-law, 2019.

- AA. Schedule "A-1" is deleted and replaced with the attached Schedule "A-1."
  - BB. Schedule "A-2" is deleted and replaced with the attached Schedule "A-2."
  - CC. Schedule "B" is amended by deleting reference to the title of the map as "Galt City Centre" and replacing with "Galt Core Area".
- 2. This by-law shall come into force and effect at 12:01 AM on January 19, 2022.
  - 3. Except as amended by this by-law, all provisions of By-law 19-094, as amended, are and shall remain in full force and effect.

ENACTED AND PASSED this 18<sup>th</sup> day of January, 2022.

---

MAYOR

---

CLERK

Schedule A-1 to By-law 19-094  
Development Charges

Service/Class of Service	RESIDENTIAL				NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Other Multiples	Apartments	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)	(per sq.m. of Gross Floor Area)
<b>City Wide Services/Classes of Services</b>						
Services Related to a Highway	7,286	5,123	3,647	2,290	2.63	28.31
Public Works	1,077	757	539	338	0.39	4.20
Fire Protection Services	316	222	158	99	0.11	1.18
Growth Studies - Engineering	41	29	21	13	0.01	0.11
Parks and Recreation Services	7,648	5,378	3,828	2,404	0.30	3.23
Library Services	1,170	823	586	368	0.05	0.54
Growth Studies - Other	152	107	76	48	0.05	0.54
<b>Total City Wide Services/Classes of Services</b>	<b>17,690</b>	<b>12,439</b>	<b>8,855</b>	<b>5,560</b>	<b>3.54</b>	<b>38.10</b>
<b>Urban Services:</b>						
Stormwater	929	653	465	292	0.32	3.44
Wastewater Services	2,947	2,072	1,475	926	1.06	11.41
Water Services	522	367	261	164	0.19	2.05
<b>Total Urban Services</b>	<b>4,398</b>	<b>3,092</b>	<b>2,201</b>	<b>1,382</b>	<b>1.57</b>	<b>16.90</b>
<b>GRAND TOTAL CITY WIDE SERVICES/CLASSES OF SERVICES</b>	<b>17,690</b>	<b>12,439</b>	<b>8,855</b>	<b>5,560</b>	<b>3.54</b>	<b>38.10</b>
<b>GRAND TOTAL URBAN AREA SERVICES</b>	<b>22,088</b>	<b>15,531</b>	<b>11,056</b>	<b>6,942</b>	<b>5.11</b>	<b>55.00</b>

Schedule A-2 to By-law 19-094  
 Development Charges – Municipal Parking Services  
 Effective Until September 18, 2022

Service	RESIDENTIAL				NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Other Multiples	Apartments	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)	(per sq.m. of Gross Floor Area)
<b>City Wide Services - Municipal Parking Services</b>						
Parking Spaces	301	212	106	33	0.11	1.18
Parking Study	6	4	2	1	-	-
<b>GRAND TOTAL CITY WIDE SERVICES - MUNICIPAL PARKING SERVICES</b>	<b>307</b>	<b>216</b>	<b>108</b>	<b>34</b>	<b>0.11</b>	<b>1.18</b>

Schedule B to By-law 19-094  
Galt City Centre