

THE CORPORATION OF THE CITY OF CAMBRIDGE

BY-LAW 24-044

Being a by-law to impose certain Development Charges in the Corporation of the City of Cambridge pursuant to the Development Charges Act, S.O., 1997, c. 27, as amended (Services Related to a Highway).

WHEREAS the Development Charges Act, S.O. 1997, c. 27, as amended, (the "Act"), authorizes municipalities to pass by-laws to impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development or redevelopment of land (s. 2 (1) of the Act);

AND WHEREAS the City of Cambridge has completed a development charges background study dated December 22, 2023, to investigate the increased needs for services arising from such development or redevelopment of land (s. 10 (1) of the Act);

AND WHEREAS the City of Cambridge has given at least 20 days' notice of a public meeting in the manner and to the persons and organizations prescribed by s 9 Ontario Regulation 82/98 (s. 12 (1) (b) of the Act);

AND WHEREAS such public meeting was held on April 16, 2024 at the City Hall (s.12 (1) (a) of the Act);

AND WHEREAS the City ensured that the proposed by-law and the background study were made available to the public at least two weeks prior to the meeting (s .12 (1) (c) of the Act);

AND WHEREAS any person who attended the meeting was allowed to make representations relating to the proposed by-law (s. 12 (2) of the Act);

AND WHEREAS this by-law is being passed within the one-year period following completion of the development charges background study (s. 11 of the Act);

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

1. Definitions

In this by-law:

- 1.1. "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;
- 1.2. "Act" means the Development Charges Act S.O. 1997, c. 27, as may be amended or restated;
- 1.3. "Affordable Residential unit" means a residential unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the Act;
- 1.4. "Ancillary dwelling" means a residential building that would be accessory to a detached dwelling, semi-detached dwelling, or row dwelling and includes an accessory dwelling;
- 1.5. "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;
- 1.6. "attainable residential unit" means a residential unit that meets the criteria set out in subsection 4.1(4) of the Act;
- 1.7. "back to back townhouse" means a building containing four or more dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;
- 1.8. "brownfield" means: a property that requires a risk assessment and/or site remediation under the Environmental Protection Act, R.S.O. 1990, Chapter E.19, or any successor legislation, or any regulations thereunder; or a property that requires site remediation under a City policy concerning contaminated sites;
- 1.9. "Cannabis" means

- 1.9.1. a cannabis plant;
 - 1.9.2. 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;
 - 1.9.3. any substance or mixture of substances that contains or has on it any part of such a plant; and
 - 1.9.4. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
- 1.10. "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;
- 1.11. "canopy" includes, but is not limited to, a roof-like structure projecting more than three hundred millimetres (300 mm) from the exterior face of a building and a separate roof-like structure such as a roof-like structure for an automotive fuel station or a drivethrough facility, used or designed or intended for use for a purpose other than anaesthetic purpose or the protection of pedestrians;
- 1.12. "capital costs" 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 a local board thereof as defined by subsection 5(3) of the Act.
- 1.13. "Charitable dwelling" means a residential building, a part of a residential building or the residential portion of a mixed-use building maintained and operated by a corporation approved under the Charitable Institutions Act, R.S.O. 1990, c. C.9, for persons requiring residential, specialized or group care and charitable dwelling includes a children's residence under the Child and Family Services Act, R.S.O. 1990, c. C.11 , a home or a joint home under

the Homes for the Aged and Rest Homes Act, R.S.O. 1990, c. H.13, an institution under the Mental Hospitals Act, R.S.O. 1990, c. M.8, a nursing home under the Nursing Homes Act, R.S.O., 1990, c. N.7, and a home for special care under the Homes for Special Care Act, R.S.O. 1990, c. H.12;

- 1.14. "City" means the Corporation of the City of Cambridge;
- 1.15. "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.
- 1.16. "colleges" mean buildings or structures owned by a college of applied arts and technology established pursuant to the Ministry of Training, Colleges and Universities Act, RSO 1990, c.M.19 and used for teaching of programs of study leading to a postsecondary certificate or diploma, a graduate certificate or a bachelor degree;
- 1.17. "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 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 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;
- 1.18. "Council" means the Council of the Corporation of the City of Cambridge;
- 1.19. "demolition permit" is a permit required prior to demolition of a structure that is issued under the Ontario Building Code (Ontario Regulation 332/12, or any successor legislation);

- 1.20. "demolition control permit" is a permit required prior to demolition of a whole or any part of a residential property that is issued under the *Planning Act*, R.S.O. 1990, c.P.13, or any successor legislation;
- 1.21. "detached dwelling unit" has the same meaning as a "single detached dwelling" for the purposes of this by-law;
- 1.22. "development" includes re-development;
- 1.23. "development charge" means a charge imposed against land under this by-law;
- 1.24. "dwelling unit" means a room or rooms located within a building or structure which are occupied or designed or intended to be occupied by one or more persons as a single housekeeping unit and for which a separate private entrance (from outdoors or a common hallway), sanitary and culinary facilities are provided but does not include a lodging unit;
- 1.25. "existing industrial building" means an industrial building or buildings existing on a site on January 1, 2000, or the first industrial building or buildings constructed on a vacant site pursuant to site plan approval under section 41 of the Planning Act subsequent to the passage of this by-law for which full development charges were paid.
- 1.26. "farm" means a parcel of land on which the predominant activity is farming;
- 1.27. "farming" means the production of crops or the breeding, raising or maintaining of livestock or both; including fur farming, fruit and vegetable growing, the keeping of bees, fish farming and sod farming and includes such buildings and structures located on a farm designed and intended to be used solely for or in connection with such production of crops or livestock including barns, silos, structures used for farm equipment storage and repair, storing or processing materials used in the production or maintenance of crops or livestock or the products derived from the farm's production of crops or livestock, or both. Farming shall not include a dwelling unit located on a farm;
- 1.28. "grade" means the average level of finished ground adjoining a building at all its exterior walls;

- 1.29. "gross floor area" means the total floor area measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average grade adjoining the building at its exterior walls;
- 1.30. "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;
- 1.31. "Home based business" means an occupation conducted within a dwelling unit by the resident or residents of the dwelling unit and which is accessory to the dwelling unit;
- 1.32. "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;
- 1.33. "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.
- 1.34. "institutional use" means development of a building or structure intended for use:

- 1.34.1. as a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007;
 - 1.34.2. as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010;
 - 1.34.3. by any of the following post-secondary institutions for the objects of the institution:
 - 1.34.3.1. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 - 1.34.3.2. a college or university federated or affiliated with a university described in subclause (1), or
 - 1.34.3.3. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;
 - 1.34.4. as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
 - 1.34.5. as a hospice to provide end of life care.
- 1.35. "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;
- 1.36. "local board" means a local board as defined in section 1 of the Municipal Affairs Act, R.S.O. 1990, c. 307, other than a board as defined in section 1 (1) of the Education Act, S.O. 1990, c. 13, as amended (s. 1 of the Act);
- 1.37. "local services" means services related to a plan of subdivision, or within the area to which the plan relates, to be installed or paid for by the owner as a condition of approval under s. 51 of the Planning Act or under s. 53 of the Planning Act;

- 1.38. "lodging house" means a building designed or intended to contain, or containing lodging units where the residents share access to common areas of the building, other than the lodging units;
- 1.39. "lodging unit" means one or more rooms located within a lodging house which:
- 1.39.1. is designed to be occupied for human habitation by one resident;
 - 1.39.2. is not normally accessible to persons other than the resident without the permission of the resident; and ,
 - 1.39.3. may contain either cooking or sanitary facilities, but not both, for the exclusive use of the resident of the unit.
 - 1.39.4. A room or suite in a hotel or motel shall not constitute a lodging unit.
- 1.40. "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;
- 1.41. "Non-profit housing development" means development of a building or structure intended for use as residential premises by:
- 1.41.1. 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;
 - 1.41.2. 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
 - 1.41.3. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation.
- 1.42. "non-residential uses" means all commercial, industrial, institutional and other uses not included in the definition of residential uses including lodging houses exceeding 10 or more rooms, hotels and motels;

- 1.43. "owner" means the owner of land or a person authorized by the owner who has made application for an approval for the development of land upon which a development charge is imposed;
- 1.44. "pre-existing development" means a use of land or buildings existing on the land at the time a development charge is payable or existing at any time in the five years prior thereto;
- 1.45. "Primary dwelling unit" means the largest dwelling unit in which the residential use of the lot is conducted.
- 1.46. "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.
- 1.47. "residential building" means a building containing one or more dwelling units with or without any non-residential use and in the case of a single detached dwelling or semidetached dwelling or row dwelling means the individual dwelling unit;
- 1.48. "residential use" means the use of land, buildings or structures for one or more dwelling units, including a farm dwelling unit;
- 1.49. "row dwelling" means a residential building consisting of three or more dwelling units attached by a vertical wall or walls and not abutting any dwelling units along a horizontal plane, and includes a back to back townhouse;
- 1.50. "semi-detached dwelling" means a residential building divided vertically to provide two dwelling units separated by a common wall or walls;
- 1.51. "services" means services designated in section 4 of this by-law;
- 1.52. "single detached dwelling" means a residential building consisting of one dwelling unit and not attached to another residential structure;
- 1.53. "site" means a parcel of land situated in the City which can be legally conveyed pursuant to section 50 of the Planning Act and includes a development having two or more lots consolidated under identical ownership.

- 1.54. "special care/special dwelling" means a building containing two or more dwelling units, which units have a common entrance from street level:
- 1.54.1. Where the occupants have the right to use in common, halls, stairs, yards, common rooms, and accessory buildings;
 - 1.54.2. Which may or may not have exclusive sanitary and/or culinary facilities;
 - 1.54.3. That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements;
 - 1.54.4. Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels; and
 - 1.54.5. Includes, but is not limited to, retirement houses or lodges, nursing homes, charitable dwellings, group homes (including correctional group homes) and hospices.
- 1.55. "stacked townhouse" means a building containing two or more dwelling units where each dwelling unit is separated horizontally and/or vertically from another dwelling unit by a common wall or floor.
- 1.56. "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.
- 1.57. "total floor area"
- 1.57.1. includes the sum total of the total areas of the floors in a building whether at, above or below grade, measured:
 - 1.57.1.1. between the exterior faces of the exterior walls of the building ;
 - 1.57.1.2. from the centre line of a common wall separating two uses; or

- 1.57.1.3. from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall; and
 - 1.57.2. includes the area of a mezzanine as defined in the Building Code Act;
 - 1.57.3. excludes those areas used exclusively for parking garages or structures;
 - 1.57.4. where a building or a portion thereof has only one wall or does not have any walls, shall be the sum of the total area of all floors in the building (1) directly beneath the roof or canopy of the building; or (2) between and/or beneath a structural system serving the function of walls, roof or canopy or any one or more of them;
 - 1.57.5. where the building is an above-grade storage tank, the calculation of the total floor area is determined by taking the cross-sectional area of the tank, which is the base area;
 - 1.57.6. and for the purposes of definition, the non-residential portion of a mixed-use building is deemed to include half of any area common to the residential and non-residential portions of such mixed-use buildings
- 1.58. “urban area” means the area within the urban area boundary as identified in Schedule B

2. Application of Development Charges – Rules

2.1. General Application (s.2(7) of the Act)

Subject to the exemptions and discounts set out in this by-law, development charges shall apply and shall be calculated and collected in accordance with this by-law against land to pay for increased capital costs required because of increased needs for services arising from development that requires:

- 2.1.1. the passing of a zoning by-law or an amendment to a zoning by-law under section 34 of the Planning Act;
- 2.1.2. the approval of a minor variance under section 45 of the Planning Act;

- 2.1.3. a conveyance of land to which a by-law passed under subsection 50 (7) of the Planning Act applies;
- 2.1.4. the approval of a plan of subdivision under section 51 of the Planning Act;
- 2.1.5. a consent under section 53 of the Planning Act;
- 2.1.6. the approval of a description under section 50 of the Condominium Act; or
- 2.1.7. the issuing of a permit under the Building Code Act, 1992, in relation to a building or structure.

3. Imposition of Development Charges

3.1. All Lands (s. 2(7) and s. 3 of the Act)

Subject to subsection 3.2 hereof, the development charges herein are imposed on all land in the City and no land is exempt from a development charge by reason only that it is exempt from taxation under s. 3 of the Assessment Act.

3.2. Non-imposition – Municipality and Boards (s. 2(7) of the Act)

This by-law does not apply to land owned and used for the purposes of:

- a) The City of Cambridge or any local board thereof;
- b) The Region of Waterloo or any local board thereof;
- c) Any municipality within the Region of Waterloo or any local board thereof;
- d) A board of education as defined in the Education Act, S.O. 1990, c. 13, as amended, or any successor legislation;
- e) 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 Development Charges Act, 1997 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university;

- f) The Grand River Conservation Authority to the extent that the lands are being used for conservation purposes; or
- g) The Crown in right of Ontario or the Crown in right of Canada.

3.3. Municipal Exemption – Hospitals

This by-law shall not apply to land upon which there is to be developed a Public Hospital within the meaning of the *Public Hospitals Act*, R.S.O. 1990, c.P.40, as amended.

3.4. Not Applicable by Statute - Enlargement of an Existing Dwelling Unit and Creation of Up to Two Additional Dwelling Units (s. 2 (3) of the Act)

3.4.1. Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:

3.4.1.1. an enlargement to an existing dwelling unit;

3.4.1.2. 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 or prescribed ancillary structure to the existing residential building;

3.4.2. Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in existing or new houses:

3.4.2.1. A second residential unit in an existing or new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing or new detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit.

3.4.2.2. A third residential unit in an existing or new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing or new detached

house, semi-detached house or rowhouse contains any residential units.

- 3.4.2.3. One residential unit in a building or structure ancillary to an existing or new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing or new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing or new detached house, semi-detached house or rowhouse contains any residential units.

3.5. Not Applicable by Statute – Local Services and Connections (s. 2(5) of the Act)

Subsection 2.1 of this by-law does not apply to:

- 3.5.1. Local services related to a plan of subdivision or within the area to which the plan relates to is installed or paid for by the owner as a condition of approval under section 51 of the Planning Act;
- 3.5.2. local services to be installed or paid for by the owner as a condition of approval under section 53 of the Planning Act, or
- 3.5.3. local connections to water mains, sanitary sewers or storm drainage facilities to be installed or paid for by the owner.

3.6. Not Applicable by Statute – Enlargement of Existing Industrial Building (s. 4 of the Act)

- 3.6.1. If a development includes the enlargement of the gross floor area by an addition onto the existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with this section.
- 3.6.2. If the gross floor area is enlarged by 50 percent or less as an addition onto the existing industrial building, the amount of the development charge in respect of the enlargement is zero.
- 3.6.3. If the gross floor area is enlarged by more than 50 percent as an addition onto the existing industrial building, the amount of the development charge

in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction as determined as follows:

3.6.3.1. Determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.

3.6.3.2. Divide the amount determined under paragraph 3.6.3.1 by the amount of the enlargement.

3.7. Not Applicable - Two or More Actions

Where two or more of the actions described in section 2.1 of this by-law are required before land to which a development charge applies can be developed, only one development charge shall be applicable and such charge shall be calculated and collected in accordance with the provisions of this by-law; provided, however, that if two or more of the actions described in section 2.1 occur at different times, and if the subsequent action has the effect of increasing the need for services as designated in section 4 hereof, additional development charges shall be applicable and such charge shall be calculated and collected in accordance with the provisions of this by-law.

3.8. Municipal Exemption – Contaminated Sites (s. 2(7) of the Act and s. 5(1) (10) of the Act)

Where a development charge is payable for a development or re-development of land which requires site remediation under the current "Record of Site Condition Regulation, Ontario Regulation 153-04" or the City Council's policy for dealing with contaminated sites, an amount will be credited against the development charge otherwise payable equal to the amount of the costs of assessment and clean-up of the property, provided the owner submits to the City a written estimate of the amount of the cost of such works, which amount is approved by the City, but the credited amount shall not exceed the total development charge payable hereunder.

3.9. Municipal Exemption – Temporary Uses (s. 2 (7) of the Act and s. 5 (1) (10) of the Act)

This by-law shall not apply to land upon which there is to be constructed or erected:

- 3.9.1. any residential or non-residential building or structure constructed in accordance with a temporary use by-law pursuant to section 39 of the Planning Act, R.S.O. 1990, where such by-law provides for the removal of the building or structure; or,
 - 3.9.2. any temporary erection of a building without foundation as defined in the Ontario Building Code for a period not exceeding six consecutive months and not more than six months in any calendar year, including tents, seasonal garden centres, and temporary sales trailers.
- 3.10. Municipal Exemption - Designated Sites (s. 2 (7) of the Act and s. 5 (1) (10) of the Act

Where a development charge is payable for a development or re-development of land which contains an existing building that has been Designated under the Ontario Heritage Act, no development charges shall be applicable to any redevelopment of the existing Designated building, and an additional development allowance equal to the floor area for non-residential uses or number of units for residential uses within the existing building, shall be credited to any additional development or re-development on the property provided the existing Designated building is retained and is an integral part of the development or redevelopment of the property.

- 3.11. Municipal Exemption - Farm Buildings

This by-law shall not apply to land upon which there is to be constructed or erected, buildings used for the purposes of farming.

- 3.12. Municipal Exemption - Home based businesses

Home based business will not be treated as a non-residential category.

- 3.13. Not Applicable by Statute – Non-profit Housing Development

Non-profit housing is exempt from development charges.

3.14. Not Applicable by Statue – Affordable and Attainable

3.14.1. Affordable residential units are exempt from development charges

3.14.2. Attainable residential units are exempt from development charges

3.15. Not Applicable by Statue – Rental Housing Discount (for profit)

The D.C. payable for rental housing developments, where the residential units are intended to be used as a rented residential premises will be subject to reductions, if any, in accordance with the Act.

4. Services/Classes of Service for Which Development Charge is Imposed (s. 2(4) of the Act)

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

4.1. Services Related to a Highway

5. Uses Upon Which Development Charges are Imposed

The categories of uses of land, buildings and structures upon which a development charge is imposed are:

5.1. Residential uses; and

5.2. Non-residential uses.

6. Lands Upon Which Development Charges are Imposed

6.1. D.C.s shall be calculated and collected for all land within the City of Cambridge identified on Schedule B of this by-law.

7. Mixed Uses

Where land is to be developed for mixed residential uses and non-residential uses, the development charge shall be calculated and collected as the total of:

7.1. that portion to be developed for residential uses plus

7.2. that portion to be developed for non-residential uses.

8. Lodging Houses

- 8.1. The applicable development charge for a lodging house having less than 10 lodging units will be based on residential development charges applicable to a residential dwelling.
- 8.2. A lodging house with 10 or more units will be based on non-residential development charges.

9. Amount of Development Charge

- 9.1. Subject to the provisions of this by-law, development charges shall be calculated and collected at the rates set out in Schedule "A".
- 9.2. Mandatory Phase-in

The amount of the development charges described in Schedule A to this by-law shall be reduced in accordance with the mandatory phase-in requirements of the Act, if any, as at the time of the determination of the charge set out in this by-law.

10. Indexing of Development Charges (s. 5 (1) (10) of the Act)

The amount of the development charges herein shall be adjusted annually on December 1st in each year, commencing on December 1, 2024, in accordance with the index prescribed in the Act.

11. Applicable Amount of Development Charge

The applicable rate of the development charge shall be the amount calculated in accordance with this by-law on the date the development charge is payable.

12. Time of Payment of Development Charges

- 12.1. Building Permit (s. 26 (1) and s. 28 of the Act)

Subject to subsections 12.2 through 12.5, all development charges for a development are payable upon the first building permit being 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.

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 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.

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.

12.4. 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 building permit issuance occurs after the approval of the application and within the timeframe set out in section 26.2(5) of the Act, the development charges under subsections 5.1 and 5.2 shall be calculated on the rates set out in Schedule "A" 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.

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

Notwithstanding subsections 12.1 through 12.4 hereof, the City may enter into an agreement with a person/owner of land who is required to pay a development charge for:

- 12.5.1. All or any part of a development charge to be paid before or after it would otherwise be payable;

12.5.2. 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 no such day is specified, at the earlier of,

12.5.2.1. The time the development charge or any part of it is payable under the agreement;

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

12.5.3. In an agreement under this section, the City may charge interest, at a rate stipulated in the agreement, on that part of the development charge payable after it would otherwise be payable.

13. Re-development Allowances to Reduce the Development Charge

13.1. Where a development charge is payable for a development which replaces a preexisting development including a change of use in an existing building, a redevelopment allowance shall be credited against the development charge otherwise payable.

13.2. Demolition Permit or Demolition Control Permit In order to be eligible for a re-development allowance:

13.2.1. The pre-existing development must be one in respect to which a valid demolition permit or demolition control permit was issued by the City within the five (5) years, related to a residential use or ten (10) years, for a non-residential use, preceding the due date of payment of the development charge hereunder and such demolition permit, demolition control permit or a certified copy thereof shall be given to the City Treasurer; and

13.2.2. Proof must be provided to the Chief Building Official's satisfaction that the development meets the requirements set out in section 13.2.1.

13.2.3. In situations where buildings are destroyed by fire or other unplanned events, sections 13.2.1 or 13.3 apply upon proof satisfactory to the

City's Chief Building Official if there was not an issued demolition permit.

- 13.3. Notwithstanding section 13.2.1, if the land is engaged in brownfield redevelopment, a redevelopment period longer than the time set out in section 13.2.1, may be provided based upon the approval by the City's Deputy City Manager of Community Development or designate in consultation with the Chief Building Official, and applicable Regional Commissioner after consideration of specific development circumstances.

13.4. Date of Demolition

In determining eligibility for a re-development allowance under sections 13.2 and 13.3:

- a) Demolition shall be deemed to have occurred on the date of the issuance of the demolition permit or demolition control permit;
- b) For the purposes of sections 13.2 and 13.3, "demolition permit" or "demolition control permit" shall mean the first of any demolition permits or demolition control permits issued for the pre-existing development, if the demolition has taken place in more than one phase. Subsequent demolition permits or demolition control permits for that pre-existing development are not to be used in a calculation of the periods set out in sections 13.2 or 13.3; and
- c) The date calculated under sections 13.2 and 13.3 shall apply regardless of whether the first demolition permit or demolition control permit was revoked or canceled.

13.5. Calculation of Re-development Allowance

In determining the amount of any re-development allowance to be applied in calculating a development charge payable, the following shall apply:

- 13.5.1. the re-development allowance quantified in accordance with section 13.6 hereof shall apply to the whole parcel of land on which the pre-existing development exists or existed;

- 13.5.2. any remaining re-development allowance applicable to a parcel of land from time to time, in the event of a division of the parcel of land into two or more parcels, shall be apportioned equally between or amongst the resultant parcels of land on a per unit area basis;
 - 13.5.3. the amount of the re-development allowance applicable to a parcel of land on which the pre-existing development existed or to any part thereof after any land division shall be reduced for each subsequent development in respect of which the development charge otherwise payable is or has been reduced by a re-development allowance, as building permits for such subsequent developments are issued or development charges paid, whichever first occurs.
- 13.6. Amount of Re-development Allowance
- 13.6.1. The amount of the re-development allowance shall be computed based upon the previous land use equal to:
 - 13.6.2. for residential uses, the number and type or types of units in the preexisting development multiplied by the development charge rate or rates applicable to such units; and,
 - 13.6.3. for non-residential uses, the number of square meters of building area of the pre-existing development multiplied by the development charge rate applicable to such building area.
- 13.7. Maximum Re-development Allowance and Carry Forward
- The maximum re-development allowance shall be the development charge otherwise payable. Any unused re-development allowance may be carried forward and applied to any subsequent development charge payable in respect of the same land to which it relates within five years from the date of demolition of the pre-existing development to which it relates

14. Credits (s. 38 of the Act)

- 14.1. Provisions of Services by Agreement

The City may agree, in writing, to allow a person/owner to perform work that relates to a service referred to herein and the City shall give the person/ owner a credit towards the development charge in accordance with the Agreement.

- 14.2. The amount of the credit is the reasonable cost, without interest, of doing the work as agreed by the City and the person/owner who is to be given the credit (s. 38 (2) of the Act).

- 14.3. City Owned Industrial Land

Development charges shall be imposed on land sold by the City where such land is no longer owned by and used for the purposes of the City. The portion of the development charge with respect to infrastructure services may be satisfied by the provision of such services or as specified in a purchase and sale agreement and the City shall give a credit, for costs over and above the City's local service policy, for the amount equal to the reasonable cost to the owner of providing such services, but such credit shall not exceed the infrastructure services portion of the development charge payable.

15. Transitional Provisions – Prior Agreements

Notwithstanding anything in this by-law, if a conflict exists between the provisions of this by-law and:

- 15.1. an agreement under section 50 or 52 of the Planning Act that was in existence prior to the enactment of this by-law; or
- 15.2. any other prior agreement between the City and an owner or former owner; the provisions of the agreement shall prevail.

16. Administration

- 16.1. Reserve Funds

- 16.1.1. There is hereby established a separate reserve fund for each service to which the development charge herein relates (s. 33 of the Act).

- 16.1.2. Each development charge shall be paid into the reserve fund or funds to which the charge relates (s. 34 of the Act).
- 16.1.3. Subject to s. 16.1.4, the money in each reserve fund established for a service may be spent only for capital costs set out herein (s. 35 of the Act).
- 16.1.4. The City may borrow money from a reserve fund and shall repay the amount used plus interest at the prescribed minimum interest rate (s. 36 of the Act).

Application of Investment Income

Income received from the investment of a development charge reserve fund or funds shall be credited to the development charge reserve fund or funds in relation to which the investment income relates.

16.2. Complaints about Development Charges (s. 20 of the Act)

- 16.2.1. A person required to pay a development charge, or the person's agent, may complain to the council of the municipality imposing the development charge that:
 - 16.2.1.1. the amount of the development charge was incorrectly determined;
 - 16.2.1.2. whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given was incorrectly determined; or
 - 16.2.1.3. there was an error in the application of the development charges bylaw.
- 16.2.2. A complaint may not be made later than 90 days after the day the development charge, or any part of it, is payable.
- 16.2.3. The complaint must be in writing, must state the complainant's name, the address where notice can be given to the complainant and the reasons for the complaint.

16.2.4. The City Council shall hold a hearing into the complaint and shall give the complainant an opportunity to make representations at the hearing.

16.2.5. The City Clerk shall mail a notice of the hearing to the complainant at least 14 days before the hearing.

16.2.6. After hearing the evidence and submissions of the complainant, City Council may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint.

16.2.7. A complainant may appeal the decision of City Council to the Ontario Land Tribunal in accordance with section 22 of the Act.

17. Unpaid Charges Collected as Taxes (s. 32 of the Act)

If a development charge or any part of it remains unpaid after it is payable, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes.

18. Commencement (s. 8 of the Act)

This by-law shall come into force on June 1, 2024.

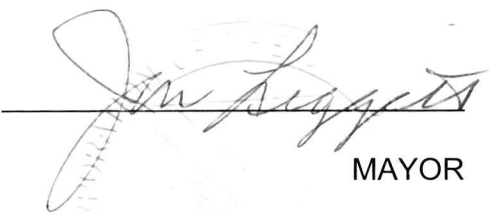
19. Repeal of Existing Development Charges By-law

By-law Number 19-094, as amended, of the Corporation of the City of Cambridge are hereby repealed effective June 1, 2024.

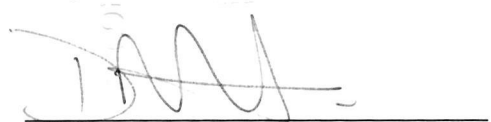
20. Title

This by-law may be referred to as the Development Charges By-law, 2024.

PASSED AND ENACTED this 30th day of April, 2024.



MAYOR



CLERK

Schedule A to By-law 24-044
Development Charges

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	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)
Services Related to a Highway	14,707	9,834	8,364	4,542	4,234	5.02	54.03

Schedule B to By-law 24-044
Map of Urban Service Area

