

The Corporation of the City of Burlington
City of Burlington By-law 26-2022
A By-law to amend Development Charges By-law 29-2019
File: 460-01 (F-06-22)

Whereas subsection 2(1) of the Development Charges Act, 1997 (the “Act”), S.O. 1997, c.27, as amended, provides for amendments to be made to development charges by-laws; and

Whereas a development charge background study, entitled “City of Burlington Development Charges Update Study” (the “Update Study”) prepared by Watson & Associates Economists Ltd. (“Watson”) and dated January 21, 2022 has been completed in support of the proposed amendment; and

Whereas the Update Study and the proposed amending by-law were made available to the public, the Council of the Corporation of the City of Burlington (the “Council”) gave notice to the public and held a public meeting through its Corporate Services, Strategy, Risk and Accountability Committee on March 22, 2022 pursuant to section 12 of the Act and the regulations thereto, and Council received written submissions and heard comments and representations from all persons who asked to be heard; and

Whereas on March 22, 2022, Council approved Finance Report F-06-22 thereby indicating that it intends that the increase in the need for services attributable to the anticipated development will be met; and

Whereas at the meeting held on March 22, 2022, Council expressed its intention that development-related post 2031 mid-year capacity identified in the Update Study shall be paid for by development charges or other similar charges; and

Whereas at the meeting held on March 22, 2022, Council approved the Update Study and determined that no further public meetings were required under the Act.

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. By-law 29-2019 is hereby amended as follows:
 - a. Section 1 (t) through (qq) of the By-law are deleted and replaced with the following:
 - (t) “institutional,” for the purposes of section 32, means development of a building or structure intended for use:
 - (a) as a long-term care home within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act*, 2007;
 - (b) as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act*, 2010.

- (c) By any institution of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular and ongoing operation funding from the Government of Ontario;
 - (ii) a college or university federated or affiliated with a university described in subclause (i); or
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institute Act, 2017*;
- (d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
- (e) as a hospice to provide end of life care;
- (u) “local board” means a municipal service board, municipal business corporation, transportation commission, public library board, board of health, policy service board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any act with respect to the affairs or purposes of one or more local municipalities or the Region, excluding a conservation authority, any municipal business corporation not deemed to be a local board under O.Reg. 599/06 under the *Municipal Act, 2001*, S.O. c. 25, and any corporation created under the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A or successor legislation;
- (v) “marijuana production facilities” means a building or structure connected to Regional water services or wastewater services that is used, designed or intended for growing, producing, testing, destroying, storing or distribution, excluding retail sales, of marijuana or cannabis authorized by a license issued by the federal Minister of Health pursuant to section 25 of the Marijuana for Medical Purposes Regulations, SOR/2013-119, under the Controlled Drugs and Substances Act, S.C. 1996, c.19.
- (w) “mixed-use” means land, buildings or structures used or designed or intended for a combination of non-residential use and residential use;
- (x) “motel” means an establishment offering temporary lodging on a daily or weekly rate of compensation to the public, and where all rooms, suites, apartments or similar forms of accommodation are owned by a single owner or entity;
- (y) “multiple dwelling” means all dwellings other than single detached dwellings, semi-detached dwellings, apartment dwellings, special care/special need dwellings, and accessory dwellings;

- (z) “non-profit housing development,” means development of a building or structure intended for use as residential premises by:
 - (a) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary objective is to provide housing;
 - (b) 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 objective is to provide housing; or
 - (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*;
- (aa) “non-residential use” means land, building or structures or portions thereof intended or used for a use other than for a residential use;
- (bb) “non-retail use” means any land, building or structures or portions thereof intended or used for a use other than a retail use;
- (cc) “nursing home” means a residential building or the residential portion of a mixed-use building licensed as a nursing home under the Nursing Homes Act, R.S.O. 1990, c. N.8;
- (dd) “place of worship” means any building or part thereof that is exempt from taxation as a place of worship pursuant to paragraph 3 of section 3 of the Assessment Act, R.S.O. 1990, c. A.31;
- (ee) “redevelopment” means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential, or from non-residential to residential, or from one form of residential to another form of residential, or from one form of non-residential to another form of non-residential;
- (ff) “rental housing,” for the purposes of section 32, means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;
- (gg) “residential mobile home” means a trailer, including park model trailers as defined in the Ontario Building Code and Canadian Standards Association, or a transportable prefabricated structure that is situated in one particular place and used for, or intended to be used for, permanent year-round residential occupancy;

- (hh) “residential use” means lands, buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a single-detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, a special care/special need dwelling, an accessory dwelling and the residential portion of a mixed-use building or structure;
- (ii) “retail use” means lands, buildings, structures or any portions thereof, used, designed or intended to be used for the sale, lease, or rental or offer for sale, lease or rental of any manner of goods, commodities, services or entertainment to the public, for consumption or use, whether directly or through membership, but shall exclude commercial, industrial, hotels/motels, as well as offices not located within or as part of a retail development, and self storage facilities;
- (jj) “retirement home or lodge” means a residential building or the residential portion of a mixed-use building which provides accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;
- (kk) “seasonal air-supported structure” means an air-supported structure that is raised and/or erected for a maximum of six months in any given year to allow for the use of an outdoor sports field or portion thereof during the winter for sports-related activities and includes a seasonal bubble;
- (ll) “seasonal structure” means a building or structure placed on land and used, designed or intended for use for: (i) a non-residential purpose during a single season of the year where such building or structure is designed to be easily demolished or removed from the land at the end of the season; or (ii) residential mobile homes that are not able to be occupied year-round due to municipal or provincial land use regulation;
- (mm) “semi-detached dwelling” means a building divided vertically into 2 dwelling units each of which has a separate entrance and access to grade;
- (nn) “services” means services designated in section 5 of this By-law or in an agreement under section 44 of the Act;
- (oo) “single-detached dwelling” means a completely detached building containing only one dwelling unit and includes a residential mobile home;

- (pp) “special care/special needs dwelling” means a building:
- (i) containing two or more dwelling units which units have a common entrance from street level;
 - (ii) where the occupants have the right to use in common, halls, stairs, yards, common rooms, and accessory buildings; which may or may not have exclusive sanitary and/or culinary facilities;
 - (iii) that is designed to accommodate persons with specific needs, including independent permanent living arrangements,
 - (iv) where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels;
- and includes, but is not limited to retirement homes and lodges, nursing homes, charitable dwellings, accessory dwellings and group homes;
- (qq) “stacked townhouse dwelling” means a building containing two or more dwelling units, each dwelling separates horizontally and/or vertically from another dwelling unit by a common wall;
- (rr) “temporary building or structure” means a non-residential building or structure constructed or placed upon lands which is demolished or removed from the lands within three (3) years of building permit issuance, and includes but is not limited to, sales trailers, temporary office trailers and industrial tents provided that such buildings meet the aforementioned criteria but excludes a mobile home;
- (ss) “temporary venue” means a building that is placed or constructed on land and is used, designed or intended for use for a particular event where the event has a duration of one (1) week or less and the building is erected immediately before the beginning of the event and is demolished or removed from the land immediately following the end of the event;
- (tt) “total floor area” means the sum total of the total areas of the floors whether above or below grade, measured between the exterior faces of the exterior walls, including part walls, of the building or from the centre line of a common wall separating two uses and;
- (i) includes the area of a mezzanine as defined in the Ontario Building Code;
 - (ii) excludes those areas used exclusively for parking garages or structures; and

- (iii) includes those areas covered by roofs or roof-like structures, but does not include a canopy or covered patios associated with a restaurant.

b. Section 5 is deleted and replaced with the following:

- 5. Development Charges shall be imposed for the following categories of services and classes of service to pay for the increase capital costs required because of the increased needs for services arising from development:

Services

- (a) Transportation;
- (b) Storm drainage;
- (c) Transit;
- (d) Fire protection;
- (e) Parks and Recreation; and
- (f) Library.

Classes of Service

- (a) Growth-Related Studies

c. The following paragraph is added section 8 of the by-law:

- (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 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

d. Subsection 18 (a) is deleted and replaced with the following:

Rules with Respect to Exemptions from Intensification of Existing Housing

- 18. (a) Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to developments or portions of developments as follows:
 - (i) the enlargement to an existing residential dwelling unit;
 - (ii) the creation of the first two additional dwelling units in, or ancillary to, and existing single detached dwelling; or
 - (iii) the creation of the first additional dwelling unit in, or ancillary to, an existing residential building.
 - (iv) 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. 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. 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. 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.

e. Section 25 is deleted and replaced with the following:

25. Notwithstanding section 17, development charges shall not apply to lands, buildings or structures used or to be used for the purposes of:

- (a) a hospital, excluding any portion of the lands, buildings or structures occupied by a tenant of the hospital;
- (b) facilities providing health and wellness services to senior citizens through programs administered by the Region of Halton or its affiliates;
- (c) hospices;
- (d) a place of worship;
- (e) a conservation authority, unless such buildings or structures are used primarily for or in connection with (i) recreational purposes for which the conservation authority charges admission and/or fees, or (ii) any retail purposes;
- (f) seasonal structures;

- (g) agricultural uses;
 - (h) temporary venues;
 - (i) a memorial home, clubhouse or athletic grounds of an Ontario branch of the Royal Canadian Legion, pursuant to paragraph 3 of section 3 of the Assessment Act, R.S.O. 1990, c. A.31; and
 - (j) Non-profit housing developments.
- f. The following subsections be added to the by-law:
- 32. (c) Notwithstanding subsection 32 (a) and 32 (b), 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 at the prime lending rate of the City's financial institution, payable on the anniversary date each year thereafter.
 - (d) Notwithstanding subsection 32 (a) and 32 (b), development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of first occupancy, and each subsequent installment, including interest at the prime lending rate of the City's financial institution, payable on the anniversary date each year thereafter.
 - (e) Where the development of land results from the approval of a Site Plan or Zoning By-law Amendment made on or after January 1, 2020, and the approval of the application occurred within 2 years of building permit issuance, the development charges under subsections 32 (a), 32 (b), 32 (c), and 32 (d) shall be calculated based on the rates set out in Schedule "A" and Schedule "B" on the date the planning application was made, including interest at the prime lending rate of the City's financial institution. Where both planning applications apply development charges under subsections 32 (a), 32 (b), 32 (c), and 32 (d) shall be calculated on the rates set out in Schedule "A" and Schedule "B", including interest at the prime lending rate of the City's financial institution, on the date of the latter planning application.
- g. Schedules A and B are deleted and replaced with the attached.
2. This By-law shall come into effect on April 1, 2022.

Enacted and passed on this 22nd day of March 2022.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____

SCHEDULE "A"
CITY OF BURLINGTON
SCHEDULE OF RESIDENTIAL DEVELOPMENT CHARGES

Service/Class	Single and Semi-Detached Dwelling	Apartments - 2 or more Bedrooms	Apartments - Bachelor or 1 Bedroom	Multiples - 3 or more Bedrooms	Multiples - 1 or 2 Bedrooms	Special Care/Special Need
Transportation	\$7,764	\$3,949	\$2,910	\$5,590	\$4,426	\$2,497
Storm Drainage	\$1,583	\$805	\$593	\$1,140	\$902	\$509
Fire	\$163	\$83	\$61	\$117	\$93	\$52
Transit	\$626	\$318	\$235	\$451	\$357	\$201
Parks & Recreation	\$4,484	\$2,281	\$1,680	\$3,229	\$2,556	\$1,442
Library	\$718	\$365	\$269	\$517	\$409	\$231
Studies	\$28	\$14	\$10	\$20	\$16	\$9
TOTAL	\$15,367	\$7,815	\$5,758	\$11,064	\$8,759	\$4,941

SCHEDULE "B"
CITY OF BURLINGTON
SCHEDULE OF NON-RESIDENTIAL DEVELOPMENT CHARGES

Service/Class	Retail	Non-Retail
Transportation	\$121.96	\$62.22
Storm Drainage	\$5.00	\$5.00
Fire	\$1.66	\$1.66
Transit	\$6.49	\$6.49
Parks & Recreation	\$2.17	\$2.17
Library	\$0.35	\$0.35
Studies	\$0.29	\$0.29
TOTAL	\$137.91	\$78.17