

# THE CORPORATION OF THE CITY OF GUELPH

## By-law Number (2009) - 18729

A by-law for the imposition of Development Charges and to repeal By-law Number (2004) -17361, as amended.

**WHEREAS** the City of Guelph will experience growth through development and re-development;

**AND WHEREAS** development and redevelopment requires the provision of physical and other services by the City of Guelph;

**AND WHEREAS** Council desires to ensure that the capital cost of meeting growth-related demands for, or burden on, municipal services does not place an undue financial burden on the City of Guelph or its taxpayers;

**AND WHEREAS** the *Development Charges Act, 1997* (the “Act”) provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from the development and redevelopment of land;

**AND WHEREAS** a development charge background study and addenda reports have been completed in accordance with the Act;

**AND WHEREAS** the Council of the Corporation of the City of Guelph has given notice of and held public meetings on the 17<sup>th</sup> day of November, 2008 and the 26<sup>th</sup> day of January, 2009 in accordance with the Act and the regulations thereto;

## **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:**

### **1. INTERPRETATION**

In this By-law, the following items shall have the corresponding meanings:

“Act” means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, or any successor thereof;

“accessory use” means a use, including a building or structure, that is subordinate in purpose or floor area or both, naturally and normally incidental, and exclusively devoted to the main use, building or structure situated on the same lot;

“apartment unit” means any dwelling unit within a building containing three or more dwelling units where access to each dwelling unit is obtained through a common entrance or entrances from the street level and the dwelling units are connected by an interior corridor;

“bedroom” means a habitable room not less than seven square metres, including a den, study or other similar area, but does not include a living room, dining room or kitchen;

“benefiting area” means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

“board of education” has the same meaning as “board” as set out in the *Education Act*, R.S.O. 1990, c. E.2, as amended, or any successor thereof;

“Building Code Act” means the *Building Code Act*, S.O. 1992, c. 23, as amended, or any successor thereof;

“capital cost” means costs incurred or proposed to be incurred by the City or a local board thereof directly or by others on behalf of and as authorized by the City or local board,

- (a) to acquire land or an interest in land, including a leasehold interest,
- (b) to improve land,
- (c) to acquire, lease, construct or improve buildings and structures,
- (d) to acquire, construct or improve facilities including,
  - (i) furniture and equipment other than computer equipment, and
  - (ii) material acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, c. P.44, as amended, or any successor thereof, and
  - (iii) rolling stock with an estimated useful life of seven years or more, and
- (e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d) above, including the development charge background study

required for the provision of services designated in this By-law within or outside the City, including interest on borrowing for those expenditures under clauses (a) to (e) above that are growth-related;

“City” means The Corporation of the City of Guelph;

“commercial” means any non-residential development that is not “industrial” or “institutional” as defined in this By-law and, without limiting the generality of the foregoing, includes short term accommodation;

“computer establishment” means a building or structure used or designed or intended for use as a computer establishment as this term is defined in the Zoning By-law and is located in the B.1 (Industrial) Zone, B.2 (Industrial) Zone, B.3 (Industrial) Zone or B.5 (Corporate Business Park) Zone or in any specialized B.1, B.2, B.3 or B.5 Zone under the Zoning By-law;

“Council” means the Council of the Corporation of the City of Guelph;

“development” means the construction, erection, or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment;

“development charge” means a charge imposed with respect to this By-law;

“dwelling unit” means any part of a building or structure used or designed or intended for use as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;

“farm building” means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;

“garden suite” includes a coach house and means a dwelling unit which may be designed to be portable and which is located on the same lot of, and fully detached from, an existing dwelling unit and which is clearly ancillary to the existing dwelling unit;

“grade” means the average level of finished ground adjoining a building or structure at all exterior walls;

“gross floor area” means:

- (a) in the case of a residential building or structure, the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and
- (b) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, and includes the floor area of a mezzanine;

“industrial” means land, buildings or structures used or designed or intended for use for manufacturing, producing, processing, distributing, assembling of raw goods, warehousing or bulk storage of goods, research or development in connection with manufacturing, producing or processing, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;

“institutional” means land, buildings or structures, or any part thereof, used or designed or intended for use by an organized body, society or religious group for promoting a public or non-profit purpose and shall include, but without limiting the generality of the foregoing, places of worship and special care facilities;

“local board” has the same definition as defined in the Act;

“local services” means those services, facilities or things which are under the jurisdiction of the City and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or any successor thereof;

“mezzanine” means the floor area located between the floor and the ceiling of any room or storey, with or without partitions or other visual obstructions;

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

“multiple dwellings” means all dwellings other than single-detached, semi-detached, garden suite and apartment unit dwellings;

“multiple unit cluster townhouse” means a townhouse situated on a lot in such a way that at least one dwelling unit does not have legal frontage on a public street;

“multiple unit stacked townhouse” means one building or structure containing two townhouses divided horizontally, one atop the other;

“non-residential use” means land, buildings or structures of any kind whatsoever used or designed or intended for use for other than a residential use;

“owner” means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;

“place of worship” means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act*, R.S.O. 1990, c. A.31, as amended, or any successor thereof;

“regulation” means any regulation made pursuant to the Act;

“research establishment” means a building or structure used or designed or intended for use as a research establishment as this term is defined in the Zoning By-law and is located in the B.1 (Industrial) Zone, B.2 (Industrial) Zone, B.3 (Industrial) Zone or B.5 (Corporate Business Park) Zone or in any specialized B.1, B.2, B.3 or B.5 Zone under the Zoning By-law;

“residential use” means land, buildings or structures of any kind whatsoever used or designed or intended for use as living accommodations for one or more individuals, but does not include land, buildings, or structures of any kind whatsoever used or designed or intended for use as short term accommodation;

“semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but no other parts, attached;

“service” means a service designated in Schedule A to this By-law, and “services” shall have a corresponding meaning;

“servicing agreement” means an agreement between a landowner and the City relative to the provision of municipal services to specified land within the City;

“short term accommodation” means a building or structure used or designed or intended for use as a hotel, tourist home, or bed and breakfast as these terms are defined in the Zoning By-law;

“single detached dwelling unit” means a free-standing, separate and detached residential building or structure consisting of one dwelling unit, and includes a mobile home but does not include a garden suite;

“townhouse” means a building or structure that is divided vertically into three or more separate dwelling units and includes a row house;

“university” means the University of Guelph established by *An Act to Incorporate the University of Guelph*, S.O. 1964, c. 120, as amended;

“Zoning By-law” means City of Guelph By-law Number (1995)-14864, as amended, or any successor thereof.

## **2. DESIGNATION OF SERVICES**

2.1 The categories of services for which development charges are imposed under this By-law are as follows:

- (a) Water Services;
- (b) Wastewater Services;
- (c) Stormwater Drainage and Controls Services;
- (d) Roads and Related;
- (e) Fire Protection Services;
- (f) Library Services;

- (g) Recreation;
- (h) Parks Services;
- (i) Transit;
- (j) Administration;
- (k) Ambulance Services;
- (l) Municipal Court ;
- (m) Municipal Parking Spaces; and
- (n) Police Services.

2.2 The components of the services designated in section 2.1 are described in Schedule A.

### **3. APPLICATION OF BY-LAW RULES**

3.1 Development charges shall be payable in the amounts set out in this By-law where:

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

#### Area to Which By-law Applies

3.2 Subject to section 3.3, this By-law applies to all lands in the City.

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

- (a) the City or a local board thereof;
- (b) a board of education; or
- (c) the Corporation of the County of Wellington or a local board thereof.

#### Approvals for Development

3.4 (a) Development charges shall be imposed on all land, buildings or structures that are developed for residential or non-residential uses if the development requires:

- (i) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
- (ii) the approval of a minor variance under section 45 of the *Planning Act*;
- (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
- (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;
- (v) a consent under section 53 of the *Planning Act*;
- (vi) the approval of a description under section 9 of the *Condominium Act*, S.O. 1998, c. C.19, as amended, or any successor thereof; or
- (vii) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

- (b) No more than one development charge for each service designated in section 2.1 shall be imposed upon any land, buildings or structures to which this By-law applies even though two or more of the actions described in section 3.4(a) are required before the land, buildings or structures can be developed.
- (c) Despite section 3.4(b), if two or more of the actions described in section 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

### Exemptions

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

- (a) development of land, buildings or structures developed for university or university-related purposes within the university defined area as set out in Schedule C;
- (b) land, buildings or structures outside the defined area as set out in Schedule C which are now owned directly or indirectly by the university or on behalf of the university or which may be acquired by the university and which are developed or occupied for university or university-related purposes, provided where only a part of such land, buildings or structures are so developed then only that part shall be exempt from the development charges specified under this By-law;
- (c) land, buildings or structures used or to be used for a place of worship or for the purposes of a cemetery or burial ground exempt from taxation under the *Assessment Act*;
- (d) non-residential uses permitted pursuant to section 39 of the *Planning Act*;
- (e) the development of non-residential farm buildings constructed for bona fide farm uses;
- (f) development creating or adding an accessory use or accessory structure not exceeding 10 square metres of gross floor area;
- (g) a public hospital receiving aid under the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended, or any successor thereof;
- (h) the issuance of a building permit in accordance with section 2(3) of the Act; or
- (i) the exempt portion of an enlargement of the gross floor area of an existing industrial building in accordance with section 4 of the Act.

3.5.2 For the purposes of the exemption for the enlargement of existing industrial buildings set out in section 3.5.1(i) of this By-law, the following provisions shall apply:

- (a) “existing industrial building” means an industrial building or buildings existing on a lot in the City of Guelph on the day this By-law comes into effect or the first building or buildings constructed and occupied on a vacant lot pursuant to site plan approval under section 41 of the *Planning Act* subsequent to this By-law coming into effect for which full development charges were paid;
- (b) there shall be an exemption from the payment of development charges for one or more enlargements of an existing industrial building on its lot, whether attached or separate from the existing industrial building, up to a

maximum of fifty per cent of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Act or under this section of the By-law;

- (c) development charges shall be imposed in the amounts set out in this By-law with respect to the amount of floor area of an enlargement that results in the gross floor area of the industrial building being increased by greater than fifty per cent of the gross floor area of the existing industrial building;
- (d) despite any new lots created which result in an existing industrial building being on a lot separate from its enlargement or enlargements for which an exemption was granted pursuant to the Act or under this section of the By-law, further exemptions, if any, pertaining to the existing industrial building shall be calculated in accordance with this section of the By-law on the basis of its lot prior to any division; and
- (e) for greater clarity, “research establishment” and “computer establishment” uses of land, buildings or structures are not industrial uses of land, buildings or structures under this By-law and do not qualify for the exemption under section 3.5.1(i).

Amount of Charges

Residential

- 3.6 (a) Subject to section 3.6(b), the development charges set out in Schedule B, Table B-1, shall be imposed on residential uses of land, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, according to the type of residential unit and calculated with respect to each of the services according to the type of residential use.
- (b) The following percentage of each service for residential uses, as provided in Schedule B, Table B-1, shall be imposed:

SERVICE	RESIDENTIAL				
	Year 1	Year 2	Year 3	Year 4	Year 5
	March 2, 2009 to March 1, 2010	March 2, 2010 to March 1, 2011	March 2, 2011 to March 1, 2012	March 2, 2012 to March 1, 2013	March 2, 2013 to March 1, 2014
<b>10 year services:</b>					
Transit	100%	100%	100%	100%	100%
Municipal parking spaces	100%	100%	100%	100%	100%
Parks	100%	100%	100%	100%	100%
Recreation	100%	100%	100%	100%	100%
Library Services	100%	100%	100%	100%	100%
Administration	100%	100%	100%	100%	100%
Municipal Court	100%	100%	100%	100%	100%
Ambulance	100%	100%	100%	100%	100%
<b>24 year services:</b>					
Roads and Related	100%	100%	100%	100%	100%
Stormwater Drainage and Control Services	100%	100%	100%	100%	100%
Wastewater Services	100%	100%	100%	100%	100%
Water Services	100%	100%	100%	100%	100%
Fire Protection Services	100%	100%	100%	100%	100%
Police Services	100%	100%	100%	100%	100%

Non-Residential

Commercial/Institutional Uses

- 3.7 (a) Subject to section 3.7(b), the development charges set out in Schedule B, Table B-2, shall be imposed on commercial/ institutional uses of land, buildings or structures and, in the case of a mixed use building or structure, in accordance with section 3.9 of this By-law.

- (b) The following percentage of each service for non-residential uses, as provided in Schedule B, Table B-2, shall be imposed:

SERVICE	NON-RESIDENTIAL – COMMERCIAL/INSTITUTIONAL				
	Year 1	Year 2	Year 3	Year 4	Year 5
	March 2, 2009 to March 1, 2010	March 2, 2010 to March 1, 2011	March 2, 2011 to March 1, 2012	March 2, 2012 to March 1, 2013	March 2, 2013 to March 1, 2014
<b>10 year services:</b>					
Transit	100%	100%	100%	100%	100%
Municipal parking spaces	100%	100%	100%	100%	100%
Parks	100%	100%	100%	100%	100%
Recreation	100%	100%	100%	100%	100%
Library Services	100%	100%	100%	100%	100%
Administration	100%	100%	100%	100%	100%
Municipal Court	100%	100%	100%	100%	100%
Ambulance	100%	100%	100%	100%	100%
<b>24 year services:</b>					
Roads and Related	100%	100%	100%	100%	100%
Stormwater Drainage and Control Services	100%	100%	100%	100%	100%
Wastewater Services	100%	100%	100%	100%	100%
Water Services	100%	100%	100%	100%	100%
Fire Protection Services	100%	100%	100%	100%	100%
Police Services	100%	100%	100%	100%	100%

Industrial Uses

- 3.8 (a) Subject to section 3.8(b), the development charges set out in Schedule B, Table B-2, shall be imposed on industrial uses of land, buildings or structures and, in the case of a mixed use building or structure, in accordance with section 3.9. In addition, subject to section 3.8(b), the development charges for industrial uses set out in Schedule B, Table B-2, shall be imposed on research establishment and computer establishment uses of land, buildings or structures notwithstanding that such research establishment and computer establishment uses are non-residential uses but are not industrial uses of land, buildings or structures under this By-law.
- (b) The following percentage of each service for industrial uses, as provided in Schedule B, Table B-2, shall be imposed:

SERVICE	NON-RESIDENTIAL – INDUSTRIAL				
	Year 1	Year 2	Year 3	Year 4	Year 5
	March 2, 2009 to March 1, 2010	March 2, 2010 to March 1, 2011	March 2, 2011 to March 1, 2012	March 2, 2012 to March 1, 2013	March 2, 2013 to March 1, 2014
<b>10 year services:</b>					
Transit	42%	42%	61%	80%	100%
Municipal parking spaces	42%	42%	61%	80%	100%
Parks	42%	42%	61%	80%	100%
Recreation	42%	42%	61%	80%	100%
Library Services	42%	42%	61%	80%	100%
Administration	42%	42%	61%	80%	100%
Municipal Court	42%	42%	61%	80%	100%
Ambulance	42%	42%	61%	80%	100%
<b>24 year services:</b>					
Roads and Related	42%	42%	61%	80%	100%
Stormwater Drainage and Control Services	42%	42%	61%	80%	100%
Wastewater Services	42%	42%	61%	80%	100%
Water Services	42%	42%	61%	80%	100%
Fire Protection Services	42%	42%	61%	80%	100%
Police Services	42%	42%	61%	80%	100%



### Mixed Commercial/Institutional and Industrial Uses

- 3.9 In the case of land, buildings or structures used or designed or intended for use for both commercial/institutional uses and industrial uses, the development charges otherwise applicable to such development under both sections 3.7 and 3.8 shall be determined on the following basis:
- (a) as between the commercial/institutional uses and the industrial uses, the principal use of the development shall be that use which has the greater gross floor area; and
  - (b) the development charges under either section 3.7 or 3.8 applicable to such principal use as determined under section 3.9(a) shall be applied to the total non-residential gross floor area of the development.

### Reduction of Development Charges for Redevelopment

- 3.10 Despite any other provisions of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 48 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
- (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under section 3.6 by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
  - (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under sections 3.7, 3.8, or 3.9 by the gross floor area that has been or will be demolished or converted to another principal use;

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

### Time of Payment of Development Charges

- 3.11 Development charges imposed under this By-law are calculated, payable, and collected upon issuance of a building permit for the development.
- 3.12 (a) Despite section 3.11, development charges with respect to water, wastewater, stormwater, and roads and related services imposed under section 3.6 with respect to an approval of a residential plan of subdivision under section 51 of the *Planning Act*, except for a residential plan of subdivision for multiple unit cluster townhouses, multiple unit stacked townhouses, and apartments, are calculated, payable and collected immediately upon the owner entering into the subdivision agreement respecting such plan of subdivision, on the basis of the following:
- (i) the proposed number and type of dwelling units in the final plan of subdivision; and
  - (ii) with respect to blocks in the plan of subdivision intended for future development, the maximum number and type of dwelling units permitted under the zoning in effect at the time the development charges are payable.

- (b) Where a payment has been made pursuant to section 3.12(a), development charges with respect to all services imposed under section 3.6 except for water, wastewater, stormwater, and roads and related services shall be calculated, payable and collected upon issuance of a building permit for the development in accordance with section 3.11.
- 3.13 For the purposes of section 3.12(a)(ii), where the use or uses to which a block in a plan of subdivision may be put pursuant to a zoning by-law passed under section 34 of the *Planning Act* are affected by the use of a holding symbol in the zoning by-law as authorized by section 36 of the *Planning Act*, the maximum number and type of dwelling units shall be determined by reference to the uses in the zoning by-law without regard to the holding symbol.
- 3.14 For the purposes of sections 3.12(a) and 3.13, where a subdivision agreement identifies the number and type of dwelling units proposed for the residential plan of subdivision, the number and type of dwelling units so identified shall be used to calculate the development charges payable under section 3.12(a).
- 3.15 Despite sections 3.11 and 3.12(a), Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.
- 3.16 (a) If, at the time of issuance of a building permit or permits in regard to a lot or block on a plan of subdivision for which payments have been made pursuant to section 3.12(a):
- (i) the type of dwelling unit for which the building permit or permits are being issued is different from that used for the calculation and payment under section 3.12(a), and
  - (ii) there has been no change in the zoning affecting such lot or block, and
  - (iii) the development charges for the type of dwelling unit for which the building permit or permits are being issued were greater at the time that payments were made pursuant to section 3.12(a) than for the type of dwelling unit used to calculate the payment under section 3.12(a),
- an additional payment to the City for the services paid for pursuant to section 3.12(a) is required, which payment, in regard to such different unit types, shall be the difference between the development charges for those services in respect to the type of dwelling unit for which the building permit or permits are being issued, calculated as at the date of issuance of the building permit or permits, and the development charges for those services previously collected in regard thereto, adjusted in accordance with section 5.1.
- (b) If, at the time of issuance of a building permit or permits in regard to a lot or block on a plan of subdivision for which payments have been made pursuant to section 3.12(a),
- (i) the total number of dwelling units of a particular type for which the building permit or permits have been or are being issued is greater, on a cumulative basis, than that used for the calculation and payment under section 3.12(a), and
  - (ii) there has been no change in the zoning affecting such lot or block,
- an additional payment to the City for the services paid for pursuant to section 3.12(a) is required, which payment shall be calculated on the basis

of the number of additional dwelling units at the rate for those services prevailing as at the date of issuance of the building permit or permits for such dwelling units.

- (c) If, at the time of issuance of a building permit or permits in regard to a lot or block on a plan of subdivision for which payments have been made pursuant to section 3.12(a),
  - (i) the type of dwelling unit for which the building permit or permits are being issued is different than that used for the calculation and payment under section 3.12(a), and
  - (ii) there has been no change in the zoning affecting such lot or block, and
  - (iii) the development charges for the type of dwelling unit for which building permits are being issued were less at the time that payments were made pursuant to section 3.12(a) than for the type of dwelling unit used to calculate the payment under section 3.12(a),

a refund for the services paid for pursuant to section 3.12(a) in regard to such different unit types shall be paid by the City, which refund shall be the difference between the development charges for those services previously collected, adjusted in accordance with section 5.1 to the date of issuance of the building permit or permits, and the development charges for those services in respect to the type of dwelling unit for which building permits are being issued, calculated as at the date of issuance of the building permit or permits.

- (d) If, at the time of issuance of a building permit or permits in regard to a lot or block on a plan of subdivision for which payments have been made pursuant to section 3.12(a),
  - (i) the total number of dwelling units of a particular type for which the building permit or permits have been or are being issued is less, on a cumulative basis, than that used for the calculation and payment under section 3.12(a), and
  - (ii) there has been no change in the zoning affecting such lot or block,

a refund for the services paid for pursuant to section 3.12(a) shall be paid by the City, which refund shall be calculated on the basis of the number of fewer dwelling units at the rate for those services prevailing at the date of issuance of the building permit or permits.

3.17 Despite sections 3.16 (c) and (d), a refund shall not exceed the amount of the development charges for the services paid under section 3.12(a).

#### **4. PAYMENT BY SERVICES**

Despite the payment required under sections 3.11 and 3.12, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service to which a development charge relates under this By-law.

#### **5. INDEXING**

Development charges, including phased in charges, if any, pursuant to this By-law shall be adjusted annually, without amendment to this By-law, commencing on the first anniversary date of this By-law coming into effect and each anniversary date thereafter, in accordance with the prescribed index in the Act.

**6. SCHEDULES**

The following schedules shall form part of this By-law:

- Schedule A - Components of Services Designated in section 2.1
- Schedule B - Residential and Non-Residential Development Charges
- Schedule C - Lands Exempt from Development Charges in Regard to the University of Guelph within Defined Area

**7. CONFLICTS**

- 7.1 Where the City and an owner or former owner have entered into an agreement with respect to land within the area to which this By-law applies and a conflict exists between the provisions of this By-law and such agreement, the provisions of the agreement shall prevail to the extent that there is a conflict.
- 7.2 Notwithstanding section 7.1, where a development which is the subject of an agreement to which section 7.1 applies, is subsequently the subject of one or more of the actions described in section 3.4(a), an additional development charge in respect of the development permitted by the action shall be calculated, payable and collected in accordance with the provisions of this By-law if the development has the effect of increasing the need for services, unless such agreement provides otherwise.

**8. SEVERABILITY**

If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

**9. DATE BY-LAW IN FORCE**

This By-law shall come into effect at 12:01 A.M. on March 2, 2009.

**10. DATE BY-LAW EXPIRES**

This By-law will expire at 12:01 A.M. on March 2, 2014 unless it is repealed by Council at an earlier date.

**11. EXISTING BY-LAW REPEALED**

By-law Number (2004)-17361, as amended, is hereby repealed as of the date and time of this By-law coming into effect.

**PASSED this TWENTY-SIXTH day of JANUARY, 2009**

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**KAREN FARBRIDGE – MAYOR**

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**LOIS A. GILES – CITY CLERK**

**By-law Number (2009)-18729  
SCHEDULE A**

**COMPONENTS OF SERVICES DESIGNATED IN SECTION 2.1**

**100% Eligible Services**

- Water Services
  - Treatment Plants and Storage
  - Distribution Systems
- Wastewater Service
  - Treatment Plant
  - Sewers
- Stormwater Drainage and Control Services
- Roads and Related
  - Roads& Signals
  - PW Rolling Stock
- Fire Protection Services
  - Fire Stations
  - Fire Vehicles
  - Small Equipment and Gear
- Police Services
  - Police Detachments
  - Small Equipment and Gear

**90% Eligible Services**

- Library Services
  - Public Library Space
  - Library Materials
- Transit
  - Transit Vehicles
  - Transit Facilities
  - Other Transit Infrastructure
- Administration
  - Studies
- Recreation
  - Recreation Facilities
  - Recreation Vehicles and Equipment
- Parks
  - Parkland Development, Amenities, Trails
  - Parks Vehicles and Equipment
- Ambulance
  - Ambulance Facilities
  - Vehicles
- Municipal Parking Spaces
- Municipal Court
  - Facility Space

By-law Number (2009)-18729  
SCHEDULE B

Table B-1  
RESIDENTIAL CHARGES

SERVICE	RESIDENTIAL			
	Single-Detached Dwelling & Semi-Detached Dwelling	Apartments (2 Bedrooms +)	Apartments (Bachelor & 1 Bedroom) and Garden Suite	Multiple Dwellings
<b>10 year services:</b>				
Transit	603	363	253	454
Municipal parking spaces	557	335	234	419
Parks	2,103	1,266	883	1,584
Recreation	1,670	1,005	701	1,258
Library Services	401	241	168	302
Administration	192	116	81	145
Municipal Court	14	8	6	11
Ambulance	17	10	7	13
<b>10 year services:</b>	<b>5,557</b>	<b>3,344</b>	<b>2,333</b>	<b>4,186</b>
<b>24 year services:</b>				
Roads and Related	2,984	1,796	1,253	2,247
Stormwater Drainage and Control Services	178	107	75	134
Wastewater Services	6,745	4,059	2,831	5,080
Water Services	8,092	4,870	3,397	6,094
Fire Protection Services	249	150	105	188
Police Services	248	149	104	187
<b>24 year services:</b>	<b>18,496</b>	<b>11,131</b>	<b>7,765</b>	<b>13,930</b>
<b>GRAND TOTAL</b>	<b>24,053</b>	<b>14,475</b>	<b>10,098</b>	<b>18,116</b>

TABLE B-2  
NON-RESIDENTIAL CHARGES

Service	Cost per Square Metre	
	Commercial/ Institutional	Industrial
<b>10 year services:</b>		
Transit	4.72	2.51
Municipal parking spaces	4.35	2.32
Parks	1.54	0.82
Recreation	1.23	0.65
Library Services	0.28	0.15
Administration	1.08	1.08
Municipal Court	0.11	0.06
Ambulance	0.13	0.07
<b>10 year services</b>	13.44	7.66
<b>24 year services:</b>		
Roads and Related	23.28	12.41
Stormwater Drainage and Control		
Services	1.39	0.74
Wastewater Services	41.25	37.68
Water Services	49.48	45.19
Fire Protection Services	1.42	1.42
Police Services	1.55	1.55
<b>24 year services</b>	118.38	98.99
<b>GRAND TOTAL</b>	131.81	106.65

SCHEDULE C

UNIVERSITY OF GUELPH  
"DEFINED AREAS"

