

By-Law No. 2018-028

A by-law of the City of Ottawa for the imposition of development charges for Leirim Stormwater Facilities

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Enacted On: 2018-02-14

OttWatch Bylaw Reference: <http://ottwatch.ca/bylaws/2018-028>

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BY-LAW NO. 2018 - 28

A by-law of the City of Ottawa for the imposition of development charges for Leitrim Stormwater Facilities.

WHEREAS the Council of the City of Ottawa may by by-law, pursuant to subsection 2(1) of the *Development Charges Act, 1997*, impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies and the development requires certain approvals recited in subsection 2(2) of the *Development Charges Act, 1997*;

AND WHEREAS Council has reviewed all matters required to be considered under the *Development Charges Act, 1997* and the regulations made thereunder, including provision of the proposed by-law and background study;

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

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

AND WHEREAS Council wishes to adopt a by-law for the imposition of development charges for the Leitrim areas in the City which benefits from stormwater management facilities and related sewers;

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

DEFINITIONS

1. The definitions as set out in clause 1 of the Development Charges By-Law, 2014 are hereby incorporated into this by-law.

DESIGNATED AREA

2. The designated area within which development charges are imposed and to which this development charge by-law applies are all lands within the area outlined in Schedule "A" to this by-law.

DESIGNATED SERVICE

3. (1) Development charges shall be imposed for stormwater management facilities and accessory sewers serving the lands described in Schedule

“A” to pay for the increased capital costs required because of increased needs for such services arising from development.

- (2) Once this by-law is in force, the development charge applicable to the development as determined by this by-law shall apply without regard to the service required or used by any individual development.

DESIGNATED USES

4. The types of residential use and non-residential uses as set out in clause 4 of the Development Charges By-Law, 2014 are hereby incorporated into this by-law.

DEVELOPMENT CHARGE RULES

5.
 - (1) The development charges herein have been calculated in the background study such that the total of all development charges on anticipated development do not exceed the capital costs determined under paragraphs 2 to 8 of subsection 5(1) of the Act. In addition, the charges for the residential use and non-residential use development and the sub-types noted therein, have been calculated such that they do not exceed the capital costs that arise from the increase in the need for service for each individual type of development;
 - (2) The development charges established in Schedule “B” to this by-law shall be and are hereby imposed on the area set out in Schedule “A” to this by-law, as the case may be, in respect of the designated uses of land, buildings or structures within the designated area for the designated services with respect to residential use development;
 - (3) The development charges established in Schedule “C” to this by-law shall be and are hereby imposed on the area set out in Schedule “A” to this by-law, as the case may be, in respect of the designated uses of land, buildings or structures within the designated area for the designated services with respect to non-residential use development;
 - (4) The development charges established in Schedule “B” and Schedule “C” to this by-law shall apply in the case of a mixed-use development based upon the applicable residential and non-residential use portions of the development under subsections 5(2) and 5(3) of this by-law, respectively;
 - (5) The development charges imposed pursuant to subsections 5(2) and 5(3) of this by-law shall apply, in accordance with this by-law and the Act, to any development which requires:
 - (a) the passing of a zoning by-law or of an amendment thereto under Section 34 of the *Planning Act*;

- (b) the approval of a minor variance under Section 45 of the *Planning Act*;
- (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act*, applies;
- (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
- (e) a consent under Section 53 of the *Planning Act*;
- (f) the approval of a description under Section 50 of the *Condominium Act*; or
- (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

IMPOSITION OF CHARGE

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

- (a) in the case of residential use development or the residential portion of a mixed-use development based upon the number and type of dwelling units;
- (b) in the case of non-residential use development or the non-residential use portion of a mixed-use development, based upon the gross floor area of such development;
- (c) notwithstanding subsection 6(a), in the case of residential use development charges described in Schedule “B”, all mobile homes, single-detached dwellings, semi-detached dwellings, row dwellings and multiple dwellings which are also non-profit housing with less than or equal to 1000.0 square feet of gross floor area and for which development charges are imposed by this by-law, shall pay a development charge rate on the same basis as an apartment dwelling with two or more bedrooms.

EXEMPTIONS

7. The exemptions as set out in clause 7 of the Development Charges By-Law, 2014 are hereby incorporated into this by-law.

REDEVELOPMENT OF LAND CREDITS

8. The land credits as set out in clause 9 of the Development Charges By-Law, 2014 are hereby incorporated into this by-law.

SERVICES-IN-LIEU CREDITS

9. The service-in-lieu credits as set out in clause 11 of the Development Charges By-Law, 2014 are hereby incorporated into this by-law.

TRANSITIONAL PROVISIONS

10. The transitional provisions as set out in clause 12 of the Development Charges By-Law, 2014 do not apply to charges imposed by this by-law.

COLLECTION PROCEDURES

11. The collection provisions as set out in clause 13 of the Development Charges By-Law, 2014 are hereby incorporated into this by-law.

CONFLICT

12. The conflict provision as set out in clause 14 of the Development Charges By-Law, 2014 is hereby incorporated into this by-law.

SERVICES-IN-LIEU OF DEVELOPMENT CHARGES AND OVERSIZING

13. The services-in-lieu of development charges and oversizing provisions as set out in clause 15 of the Development Charges By-Law, 2014 are hereby incorporated into this by-law with the applicable amounts for oversizing for stormwater management facilities and accessory drains being that set forth in Schedule "D" to this by-law, subject to indexing under this by-law and that has occurred pursuant to By-laws 2014-231 and 2016-185.

TIMING OF THE CALCULATION AND PAYMENT

14. The timing and calculation of payment provisions set out in clause 16 of the Development Charges By-Law, 2014 are hereby incorporated into this by-law.

15. (1) Despite section 14, in respect of the lands identified in Schedule "A", where a front-ending agreement is in force in respect of all or a portion of such lands, development charges payable pursuant to this by-law for lands subject to an application for draft subdivision approval, owned by a person who is not a party to a front-ending agreement for stormwater facilities within such lands, shall be due for all the lands subject to the application for subdivision approval at the earliest of:
- (a) registration of the plan of subdivision; or
 - (b) issuance of a conditional building permit for the lands, provided that a subdivision agreement has been executed.
- (2) Despite subsection 15(1), in respect of City Subdivision File D07-16-03-0018, Phases 2 to 4, upon the occurrence of the earlier of the two events in clause 15(1)(a) and clause 15(1)(b), development charges imposed under this by-law in respect of a single detached dwelling shall be paid in

respect of each lot and block shown in Phases 2 to 4 of the plan or proposed plan of subdivision.

- (3) Upon the execution of an amending subdivision agreement for lands within Phases 2 to 4 of City Subdivision File D07-16-03-0018, the development charges imposed under this by-law shall be payable in respect of the lands subject to the amending subdivision agreement.
- (4) Where the number of dwelling units or amount of gross floor area within a plan of subdivision equals or exceeds the number or amount respectfully upon which the calculation in subsections (1), (2) or (3) were based, development charges calculated in accordance with this by-law shall be payable at the issuance of a building permit for any additional dwelling units or in respect of any additional gross floor area.

RESERVE FUND

16. The development charges imposed by this by-law for stormwater management facilities and accessory sewer services shall be paid into the Leitrim Stormwater Development Charges Reserve Fund and all development charges imposed by the City by any development charge by-law for stormwater management facilities and accessory sewers in the benefiting area set out in Schedule "A" to this by-law shall be deemed to be in respect of a single service.

INDEXING

17. The indexing provisions set out in clause 18 of the Development Charges By-Law, 2014 are hereby incorporated into this by-law.

SCHEDULES

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

APPLICATION OF THE ACT

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

TERM OF BY-LAW

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

NUMBER

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

HEADINGS FOR REFERENCE ONLY

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

SEVERABILITY

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

REPEAL

24. By-laws 2014-231 and 2016-185 are hereby repealed.

SHORT TITLE

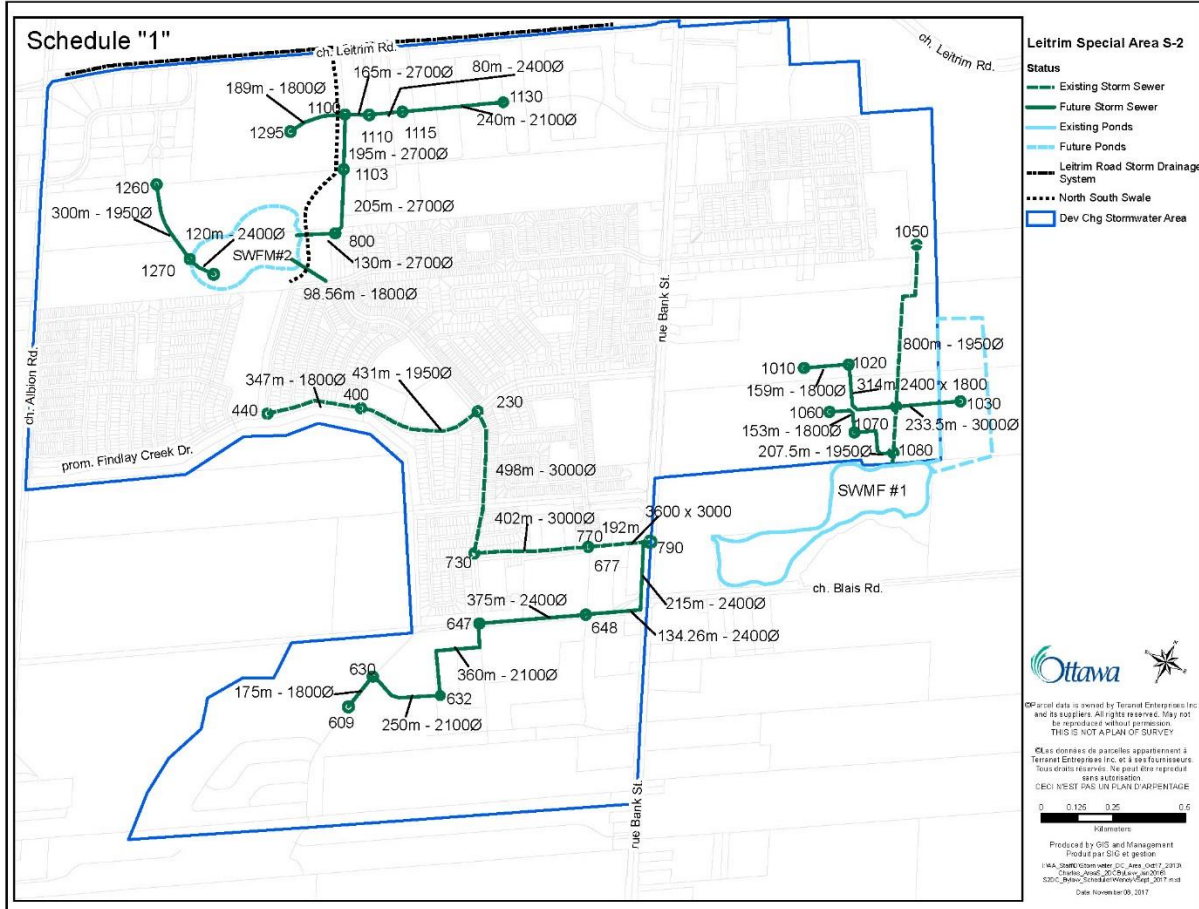
25. This by-law may be cited as the Leitrim Stormwater Development Charges By-Law, 2018.

ENACTED AND PASSED this 14th day of February, 2018.

CITY CLERK

MAYOR

SCHEDULE "A" – DESIGNATED AREA



SCHEDULE "B" – RESIDENTIAL DEVELOPMENT CHARGES
Development Charge per Dwelling Unit
Type of Residential Use
Area S-2

Leitrim	Single-Detached Dwelling and Semi-Detached Dwelling	Multiple Dwelling, Mobile Home & Row Dwelling	Apartment Dwelling
Stormwater Management Facility and Accessory Services	\$8,634	\$5,746	\$2,448

SCHEDULE "C" – NON-RESIDENTIAL DEVELOPMENT CHARGES
Development Charge per square foot of non-residential gross or total floor area

Leitrim	Non-Residential
Stormwater Management Facility and Accessory Services	\$6.58

SCHEDULE “D” – OVERSIZING**BENCHMARK – NO CONTINGENCY**

Pipe Diameter		Pipe Cost	Total Cost (2013 \$)	Oversize Costs (>1650mm dia.)
(ft)	(mm)	(\$/m)	(\$/m)	(\$)
5.5	1650	961.01	2671.76	0
6.0	1800	1162.04	3107.52	435.76
6.5	1950	1347.25	3530.80	859.04
7.0	2100	1542.75	3983.90	1312.14
7.5	2250	1755.85	4479.80	1808.04
8.0	2400	2052.58	5123.92	2452.16
8.5	2550	2311.75	5727.32	3055.57
9.0	2700	2567.51	6345.73	3673.98
10.0	3000	3146.02	7494.26	4822.50

BENCHMARK –CONTINGENCY

Pipe Diameter		Pipe Cost	Total Cost (2013 \$)	Oversize Costs (>1650mm dia.)
(ft)	(mm)	(\$/m)	(\$/m)	(\$)
5.5	1650	961.01	3072.52	0
6.0	1800	1162.04	3573.64	501.12
6.5	1950	1347.25	4060.41	987.89
7.0	2100	1542.75	4581.48	1508.96
7.5	2250	1755.85	5151.77	2079.25
8.0	2400	2052.58	5892.51	2819.99
8.5	2550	2311.75	6586.42	3513.90
9.0	2700	2567.51	7297.59	4225.07
10.0	3000	3146.02	8618.39	5545.87

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Enacted by City Council at its meeting of February 14, 2018.

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LEGAL SERVICES
TCM/

COUNCIL AUTHORITY:
City Council February 14, 2018
Agenda Item 9 (PC Report No. 57A)