THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO ESTABLISH TRANSIT DEVELOPMENT CHARGES FOR THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS subsection 2(1) of the *Development Charges Act, 1997, as amended* c. 27 (hereinafter called "the Act") provides that the council of a municipality may pass By-laws for the imposition of development charges against land for increased capital costs required because of the need for services arising from development in the area to which the By-law applies;

WHEREAS the Council of the Corporation of The Regional Municipality of Niagara has given Notice on August 26, 2022 according to section 12 of the *Development Charges Act, 1997*, as amended, of its intention to pass a By-law under Section 2 of the Act;

WHEREAS the Council of the Corporation of The Regional Municipality of Niagara has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on September 29, 2022;

WHEREAS the Council of the Corporation of The Regional Municipality of Niagara had before it a report entitled Development Charge Background Study dated May 30, 2022 and a report entitled Addendum to the Development Charge Background Study dated July 29, 2022 prepared by Watson & Associates Economists Ltd., wherein it is indicated that the development of any land within The Regional Municipality of Niagara will increase the need for services as defined herein;

WHEREAS the Council of the Corporation of The Regional Municipality of Niagara on September 29, 2022 approved the applicable Development Charge Background Study (as amended), inclusive of the growth, development and capital estimates therein, in which certain recommendations were made relating to the establishment of a development charge policy for The Regional Municipality of Niagara pursuant to the *Development Charges Act, 1997, as amended*;

WHEREAS the Council of the Corporation of The Regional Municipality of Niagara on September 29, 2022 determined that no additional public meeting was required to be held as part of the approval process.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. In this By-law:

"Act" means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;

“agricultural use” means use or intended use for bona fide farming purposes

(a) including (but not limited to):

(i) cultivation of crops, whether on open land or in greenhouses, including (but not limited to) fruit, vegetables, herbs, grains, field crops, marijuana, sod, trees, shrubs, flowers, and ornamental plants;

(ii) raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish; and

(iii) agricultural animal husbandry, dairying, equestrian activities, horticulture, fallowing, pasturing, and market gardening;

(b) but excluding:

(i) retail sales activities; including but not limited to restaurants, banquet facilities, hospitality facilities and gift shops;

(ii) services related to grooming, boarding, or breeding of household pets; and

(iii) marijuana processing or production facilities.

“ancillary” means a use, building, or structure that is normally incidental and/or subordinate and is exclusively devoted to a main use and/or a building and/or structure, and is located on the same lot therewith.

"apartment dwelling" means any residential building containing seven or more dwelling units where the units are connected by an interior corridor, but does not include a special care/special dwelling unit/room, or dormitories;

“archeological site” means an assessment under the relevant Act carried out by a consultant archeologist when the land is known to have an archeological site on it, or has the potential to have archaeological resources;

“back-to-back townhouse dwelling” means a building containing more than two dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

“bedroom” means a habitable room including a den, study, or other similar area that is larger than eight square metres, but does not include a living room, dining room, kitchen or bathroom.

“board of education” means a board as defined in the *Education Act*, R.S.O. 1990, c. E.2, as amended;

“brownfield” means land located within the urban areas as defined from time to time in the Regional Official Plan, upon which there has been previous agricultural, industrial, institutional, or commercial or open lands use or other use as prescribed under the *Environmental Protection* Act, R.S.O. 1990, c.E.19 and Ontario Regulation 153/04 thereto, each as amended from time to time, and for which site remediation is required in accordance with a Phase 2 Environmental Site Assessment, and for which a Record of Site Condition has been filed on the Province’s Brownfields Environmental Site Registry pursuant to the *Environmental Protection Act*, R.S.O. 1990, c.E.19 and Ontario Regulation 153/04 thereto, each as amended from time to time;

"building permit" means a permit pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

“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. Also referred to as class of service or classes of services.

“commercial purpose” means any building or structure used, designed or intended for use for or in connection with the purchase and/or sale and/or rental of commodities; the provision of services for a fee; or the operation of a business office, including but not limited to:

(a) Accommodations including but not limited to hotels and motels, bed and breakfast, or short-term rentals;
(b) personal or self-storage facilities;
(c) Wholesale trade;
(d) Retail trade;
(e) Auto repair shops;
(f) Car sales/dealers;

(g) Warehousing of goods where manufacturing, producing, and processing of the goods is not completed on site;
(h) Food Services;
(i) Parking structures not used exclusively by a residential structure.

“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; notwithstanding the foregoing, development does not include temporary structures, including but not limited to, seasonal hoop structures, seasonal fabric structures, tents, or produce sales stands;

“dwelling room” means each bedroom used, designed or intended for use by one or more persons living together in a lodging home, dormitories, or special care/special dwelling;

“dwelling unit” means one or more rooms used, designed or intended to be used by one or more persons as a residence and which has access to culinary and/or sanitary facilities.

“existing industrial building” means an industrial building or industrial buildings existing on a site in the Regional Municipality of Niagara as of July 21, 2022 or the industrial buildings or industrial structures constructed and occupied on a vacant site pursuant to site plan approval under section 41 of the Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) subsequent to July 6, 2012 for which development charges were exempted or paid for;

“gross floor area” means the total floor area, measured between the outside of exterior walls, virtual walls or between the outside of exterior walls or virtual walls and the centre line of party walls dividing the building from another building, of all floors and mezzanines, above and below the average level of finished ground adjoining the building at its exterior walls;

“group home” means a dwelling for the accommodation of three to eight residents, supervised by agency staff and funded wholly or in part by any government or its agency and approved or supervised by the Province of Ontario under any Act.

“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.

"industrial use" means land, buildings or structures used for or in connection with manufacturing by:

(a) manufacturing, producing, and processing goods for a commercial purpose, as well as storing and/or distribution of goods manufactured, produced or processed on site;

(b) research or development in connection with manufacturing, producing or processing good for a commercial purpose;

(c) retail sales by a manufacturer, producer or processor of goods they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place;

(d) office or administrative purposes, if it is:

(i) carried out with respect to manufacturing, producing, processing, storage or distributing of something; and

(ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

"institutional" means lands, buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public or non-profit purpose and offices where such uses are accessory to an institutional use which includes but is not limited to:

(a) Federal government public administration;

(b) Provincial government public administration;

(c) Local, municipal and regional public administration;

(d) Aboriginal public administration;

(e) Day care facility excluding in home day care;

(f) Administrative offices owned and used by a non-profit or charitable entity;

(g) Medical doctor office or hospital;

(h) Places of worship excluding space that is designed for a commercial use.

“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.

“local board” means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of one or more local municipalities or the Region, including Niagara Regional Housing, but excluding a board of education, a conservation authority, any municipal services corporation that is not deemed to be a local board under O. Reg. 599/06 made under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

“local municipality” means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;

“lodging home” means a boarding, lodging, or rooming house in which lodging is provided for more than four persons in return for remuneration or for the provision of services, or for both, and in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants.

“long term care home” means homes, nursing homes or homes for the aged where the Ministry of Health and Long Term Care funds the care provided in such homes and application for accommodation is made through a Community Care Access Centre.

“mezzanine” means an intermediate floor assembly between the floor and ceiling of any room or story and includes an interior balcony;

“mixed-use building” means a building or structure used for both residential and non- residential use;

“multiplex dwelling” means a residential building containing three or more dwelling units, each of which unit a separate entrance to grade has;

“municipal housing project facilities” has the same meaning as that specified in the Region’s Municipal Housing Facility By-law (No. 34-2004), as may be amended;

“non-profit Housing Development” means development of a building or structure intended for use as residential premises by,

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

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

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

"non-residential building" means a building or structure used exclusively for non- residential use;

“non-residential use” means use or intended use for any purpose other than human habitation and includes, but is not limited to, an institutional use, an industrial use, and a commercial use;

“on-site farm accommodations” means a dwelling unit for seasonal or full-time farm help located within a farm building, ancillary to a farm and location on the same lot therewith;

“other multiple” means all residential units other than a single detached dwelling, semi- detached dwelling, apartment dwelling or a special care/ special dwelling room, including, but not limited to, row dwellings, multiplex dwelling, back-to-back townhouse dwelling, stacked townhouse dwelling, apartment buildings containing less than 7 units and the residential component of live/work units;

“place of worship” means any building or part thereof that is owned by a church or religious organization that is exempt from taxation as a place of worship pursuant to the *Assessment Act*, R.S.O. 1990, c. A.31, as amended;

"Region" means The Regional Municipality of Niagara;

“Regulation” means O. Reg. 82/98 under the Act, as amended;

“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;

"residential building" means a building used exclusively for residential use, including but not limited to a single detached dwelling, a semi-detached dwelling, a row dwelling, stacked townhouse dwelling, back-to-back townhouse dwelling, a multiplex dwelling, an apartment dwelling, a dwelling room; or the residential component of a live/work unit;

“residential use” means use or intended use for human habitation and ancillary purposes, and includes such use related to agricultural use, including farm help houses, but does not include a hotel/motel use; for purposes of this definition “ancillary purposes” includes (but is not limited to) vehicle storage and equipment storage;

"row dwelling" means a residential building containing three or more dwelling units separated by vertical division, each of which units has a separate entrance to grade;

"semi-detached dwelling" means a dwelling unit in a residential building consisting of two dwelling units separated by vertical division each of which units has a separate entrance to grade;

"single detached dwelling" means a residential building containing one dwelling unit and not attached to another structure. Where it is attached to another structure by footings or below grade walls only, it shall be considered a single detached dwelling for the purposes of this By-law;

“site” means a parcel of land which can be legally conveyed pursuant to Section 50 of the Planning Act and includes a development having two or more lots consolidated under one identical ownership.

“special care/special dwelling unit/room” means a residence (not including a farm help house)

(a) containing two or more dwelling rooms, which rooms have common entrance from street level; and

(b) where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room and accessory buildings; and

(c) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where support services, such as meal preparation, grocery shopping, laundry, housing, nursing, respite care and attending services are provided at various levels; and includes but is not limited to retirement homes or lodges, group homes, dormitories, and hospices.

“stacked townhouse dwelling” 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;

“use” means either residential use or non-residential use.

“wind turbine” means a part of a system that converts energy into electricity, and consists of a wind turbine, a tower and associated control or conversion electronics. A wind turbine and energy system may be connected to the electricity grid in circuits at a substation to provide electricity off-site for sale to an electrical utility or other intermediary, where there is a rated output of more than 3 kilowatts.

RULES

2. For the purposes of complying with section 6 of the Act:

(a) The rules for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be in accordance with sections 4 through 8, and 20 and 21.

(b) The rules for determining exemptions, relief, credits and adjustments shall be in accordance with sections 9 through 19.

(c) The rules for determining the indexing of development charges shall be in accordance with sections 20 and 21.

(d) The rules respecting the redevelopment of land shall be in accordance with sections 10 and 11.

LANDS AFFECTED

3. This By-law applies to all lands in the geographic area of the Region, being all of the lands shown on Schedule “A”.

APPROVALS FOR DEVELOPMENT

4.

(a) Development charges under this By-law shall be imposed against all development 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*, R.S.O. 1990, c. P.13, as amended;

(ii) 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 50 of the Condominium Act, 1998, S.O. 1998, c. 19, as amended; or

(vii) The issuing of a permit under the Building Code Act in relation to a building or structure.

(b) That nothing in this By-law prevents Council from requiring, in an agreement under section 51 of the *Planning Act* or as a condition of consent or an agreement respecting same under section 53 of the *Planning Act*, that the owner, at his or her own expense, install such local services related to or within the area to which a plan of subdivision or consent relates, as Council may require, in accordance with the Region’s applicable local service policy in the effect at the time.

DESIGNATION OF SERVICES/ CLASSES OF SERVICES

5. A development charge shall include:

(a) a charge in transit services

AMOUNT OF CHARGE

Amount of Charge – Residential

6. For development for residential purposes, development charges shall be imposed on all residential development, including a dwelling unit accessory to a non-residential development and the residential component of a mixed-use building, including the residential component of a live/work unit, according to the number and type of dwelling units on the lands as set out in Schedule “C” as applicable.

Amount of Charge – Non-residential

7. For development for non-residential purposes, development charges shall be imposed on all non-residential development and, in the case of a mixed-used building, on the non-residential component of the mixed-use building, including the non-residential component of a live/work unit, according to the type and gross floor area of the non-residential component as set out in Schedule “C” as applicable.

TIMING AND CALCULATION AND PAYMENT

8.

(a) The development charges under this By-law shall be calculated and payable as of the date of the issuance of the first building permit with respect to the development.

(b) No Chief Building Official of any local municipality shall issue a building permit in respect of a development for which a development charge is payable pursuant to this By-law, until such development charge is paid.

(c) The Region may, by agreement pursuant to section 38 of the Act, permit an owner to perform work that relates to a service to which this By-law applies in lieu of the payment of all or any portion of a development charge. The Region will give the owner who performed the work a credit towards the development charge in

accordance with the agreement and subject to the requirements of the Act. In addition, the Region may, in the case of development located outside of the existing service area, require payment of an appropriate share of the costs of the required infrastructure within the existing service area, in addition to the costs external to the service area.

(d) Notwithstanding Sections 8 (a), 8 (b), or 8 (c), development charges for rental housing and institutional developments are due and payable in 6 equal annual payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest at the interest rate as provided in the Regional Policy CSD 49-2020, as may be revised from time to time.

(e) Notwithstanding Sections 8 (a), 8 (b), 8 (c), or 8 (d), development charges for non-profit housing developments are due and payable in 21 equal annual payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest at the interest rate as provided in the Regional Policy CSD 49-2020, as may be revised from time to time.

(f) Where the development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under Sections 6 and 7 shall be calculated on the rates set out in Schedule "C" on the date of the planning application, including interest. Where both site plan and zoning by-law amendment applications apply, development charges under Sections 6, 7, and 8 (a) through 8 (f) shall be calculated on the rates, including interest at the interest rate as provided in the Regional Policy CSD 49-2020, as may be revised from time to time, as set out in Schedule "C" on the date of the later planning application.

EXEMPTIONS

9. The following are exempt from the payment of development charges under this By-law by reason of section 3 of the Act and section 6.1 of the Ministry of Training, Colleges and Universities Act:

(a) lands and buildings owned by and used for the purposes of any local municipality or the Region or any local board unless such buildings or parts thereof are used, designed or intended for use primarily for or in connection with any commercial purpose; and

(b) land and buildings owned by and used for the purposes of a board of education unless such buildings or parts thereof are used, designed or intended for use primarily for or in connection with any commercial purpose.

(c) 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.

Rules With Respect to Redevelopment – Demolitions

10.

(a) If application is made for a building permit in respect of a parcel of land upon which a building/structure existed within five years prior to the date of such application, then the amount of the development charges payable shall be the excess of the development charges for the building/structure constructed, less the development charges for building/structure demolished or destroyed. This calculation is based on the development charge rates as of the date the charges are calculated and payable for the new building/structure.

(b) If, at the time of payment of development charges in respect of a parcel of land, the owner of the said land provides written notification of his/her intention to demolish (within five years) a building/structure existing on that parcel at the time of such payment, then upon the subsequent assurance by the Treasurer of the relevant local municipality (or his or her designate) to the Region's Treasurer, within five years after such payment, that such building/structure on such parcel has indeed been so demolished (and the particulars of such demolished building/structure), the Region shall refund to such owner a reduction in the development charges paid, which reduction is the amount, calculated pursuant to this By-law or a predecessor By-law of the Region, at the development charge rates in effect at the time of such payment, that

would have been payable as development charges in respect of the building/structure demolished, provided that such reduction shall not exceed the development charges actually paid.

(c) Where demolition takes place on a brownfield or an archaeological site, the above conditions apply however, an application may be made to the Regional Treasurer for an extension of time for the redevelopment credit of up to three additional years if the redevelopment has not been able to proceed due to delays in completing the remediation works. This application must be received prior to the expiry of the initial five-year period as provided in section 10(a) of this By-law. This application will be considered by Regional Council for approval.

(d) Where the first use of a building/structure would be exempt from development charges, as set out in section 9 of this by-law, the reduction available under 10(a), 10(b), and 10(c) above shall be determined by assessing the first use of the building/structure at the Institutional rate set forth in Schedule “C”, as applicable, to this By- law.

Rules With Respect to Redevelopment – Conversions

11.

(a) If a development includes the conversion of a building/structure from one use (the “first use”) to another use, then the amount of development charges payable shall be reduced by the amount, calculated pursuant to this By-law at the current development charge rates, that would be payable as development charges in respect of the first use, provided that such reduction shall not exceed the development charges otherwise payable.

(b) Where the first use of a building/structure would be exempt from development charges, as set out in section 9 of this by-law, the reduction available under the above shall be determined by assessing the first use of the building/structure at the Institutional rate set forth in Schedule “C”, as applicable, to this By-law.

Rules with Respect to Exemptions for Intensification of Existing and New Housing

12. Pursuant to the Act, no development charge is payable if the development is only the enlargement of an existing dwelling unit.

13. Pursuant to the Act and Regulation, no development charge is payable if the development is to:
    (a) permit the creation of one or two additional Dwelling Units in an existing single detached dwelling or a prescribed ancillary residential dwelling structure to the existing residential building;
    (b) permit the creation of additional dwelling units equal to the greater of one Dwelling Unit or one percent of the existing Dwelling Units in existing Rental Housing or a prescribed ancillary residential dwelling structure to the existing residential building;
    (c) permit the creation of one additional dwelling unit in any other existing residential building already containing at least one Dwelling Unit or prescribed ancillary residential dwelling structure to the existing residential building; or
    (d) permit the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including residential dwelling 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.

14. Notwithstanding section 13 above, Development Charges shall be imposed if the total Gross Floor Area of the additional one or two dwelling units exceeds the Gross Floor Area of the existing Single Detached

Dwelling Unit.

15. Notwithstanding section 13 above, Development Charges shall be imposed if the additional Dwelling Unit(s) has a Gross Floor Area greater than:

(a) In the case of a Semi-detached Dwelling Unit or Townhouse Dwelling Unit, the Gross Floor Area of the existing Dwelling Unit; and

(b) In the case of any other Residential Building, the Gross Floor Area of the smallest Dwelling Unit contained in the said residential Building

16. The exemption to Development Charges in Section 12 above shall only apply to the first instance of intensification in an existing or new dwelling.

17. Subject to sections 14, 15, and 16 above, any exemption under section 13 above shall apply to the smallest dwelling unit, as determined by applicable rates under this by-law.

Rules with Respect to Exemptions for Industrial Enlargement and Industrial Grant Program

18.

(a) Pursuant to the Act, and notwithstanding any other provision of this By-law, there shall be an exemption from the payment of development charges for one or more enlargements of existing industrial buildings on a site, up to a maximum of fifty percent of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Development Charges Act or this section. The development need not be an attached addition or expansion of an existing industrial building, but
rather may be a new standalone structure, provided it is located on the same parcel of land. Development charges shall be imposed in accordance with 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 on the site being increased by greater than fifty per cent of the gross floor area of all the existing industrial buildings on the site.

(b) If the gross floor area is enlarged by more than 50 percent, 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 determined as follows:

(i) Determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.

(ii) Divide the amount determined under paragraph i by the amount of the enlargement.

DISCRETIONARY EXEMPTIONS

19. Notwithstanding any other provision of this By-law, no development charge is imposed under this By-law respecting:

(a) non-residential lands and buildings used for agricultural use;

(b) on-farm site farm accommodations used for agricultural use;

(c) that portion of a place of worship which is used exclusively as a place of worship for religious services and any reception and meeting areas used in connection with, or integral to the worship space.

INDEXING

20. The amounts of development charges imposed pursuant to this By-law, as set out in Schedule “C”, as applicable, shall be adjusted annually without amendment to this By-law, in accordance with the prescribed index in the Act.

21. For greater certainty, on January 1 of each year, the annual indexation adjustment shall be applied to the development charge as set out in Schedule “C”, as applicable, plus the accumulated annual indexation adjustments from previous years, if any.

REMITTANCE TO THE UPPER-TIER

22. Pursuant to section 29 of the Act:

(a) The Treasurer of the upper-tier municipality shall certify to the treasurer of the area municipality that the charge has been imposed, the amount of the charge, the manner in which the

charge is to be paid and when the charge is payable;

(b) The Treasurer of the area municipality shall collect the charge when it is payable and shall, unless otherwise agreed by the upper-tier municipality, pay the charge to the Treasurer of the upper-tier municipality on or before the 25th day of the month following the month in which that charge is received by the area municipality;

(c) If the charge is collected by the upper-tier municipality, the Treasurer of the upper-tier municipality shall certify to the Treasurer of the area municipality that the charge has been collected.

GENERAL

23. The following schedules to this By-law form an integral part of this By-law:

Schedule "A" – Map of the Regional Municipality of Niagara

Schedule "B" – Components of Services Designated in Section 5

Schedule “C” – Schedule of Transit Development Charges

24. Pursuant to the Act, and unless it is repealed earlier, this By-law shall expire at 11:59 PM on December 31, 2027.

25. Each of the provisions of this By-law is severable and if any provision hereof should, for any reason, be declared invalid by the Ontario Land Tribunal or a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

26. This By-law shall come into force and effect on January 1, 2023.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>

Schedule "A"

Niagara Region

Map of Regional Municipality of Niagara

Schedule A

Schedule "B"
Components of Service Designated in Section 5

D.C.-Eligible Service:
Transit
- Transit Vehicles
- Transit Facilities
- Other Transit Infrastructure

Schedule "C"

Schedule of Development Charges

Service/Class of Service	Single and Semi-Detached Dwelling	Other Multiples	Apartments 2+ Bedrooms	Apartments 1 Bedroom	Special Care/Special Dwelling Units & Dwelling Rooms	Commercial (per sq.ft)	Industrial (per sq.ft)	Institutional (per sq.ft)	Wind Turbines
Transit Services	585	418	398	243	220	0.59	0.19	0.36	0