

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2017-

A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES  
FOR THE REGIONAL MUNICIPALITY OF NIAGARA  
AND REPEAL BY-LAW 68-2017

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;

AND WHEREAS the Council of the Corporation of the Regional Municipality of Niagara has given Notice on April 28, 2017 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;

AND 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 October 5, 2017;

AND WHEREAS the Council of the Corporation of the Regional Municipality of Niagara had before it a report entitled Development Charge Background Study dated April 28, 2017 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;

AND WHEREAS the Council of the Corporation of the Regional Municipality of Niagara on October 5, 2017 approved the applicable Development Charge Background Study, 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*;

AND WHEREAS the Council of the Corporation of the Regional Municipality of Niagara on October 5, 2017 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:

## DEFINITIONS

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 where the proposed development will qualify as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs or be assessed in the Farmland Realty Tax Class by the Municipal Property Assessment Corporation;

(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.

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

"archeological assessment" 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 larger than eight square metres, including a den, study, or other similar area, 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;

“calculation date” means the date on which the first building permit is issued by the local municipality;

“commercial purpose” means 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, and includes hotels and motels;

“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 either

- a) each bedroom used, designed or intended for use by one or more persons living together in a lodging home, dormitories, or
- b) in the case of a special care/special dwelling unit/room, each individual room or suite of rooms used, designed or intended for use by one or two persons with or without exclusive sanitary and/or culinary facilities.

"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. A "dwelling unit" does not include a Park Model Trailer conforming to National Standard of Canada #CAN/CSA - Z241.0-92 or equivalent standard;

“eligible costs of remediation” means work related to the following categories:

- (a) Phase 1 Environmental Site Assessments;
- (b) Phase 2 Environmental Site Assessments;
- (c) Environmental Remediation Work; and
- (d) Indirect Remediation Costs,

all as detailed in the listing of eligible remediation costs by category in Schedule “D”.

“existing industrial building” means a building or buildings existing on a site in the Regional Municipality of Niagara as of July 6, 2012 or the buildings or 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 the July 6, 2012 was passed for which development charges were exempted or paid for and means a building used for or in connection with:

- (a) manufacturing, producing, and processing goods for a commercial purpose, as well as storing and/or distribution of the goods manufactured, produced or processed on site;
- (b) research or development in connection with manufacturing, producing or processing something;

- (c) retail sales by a manufacturer, producer or processor of something 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 they are:
  - (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;

“granny flat” means a one-unit detached, temporary residential structure, containing culinary and sanitary facilities, that is ancillary to an existing residential structure and that is designed to be temporary;

“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.

“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
- (iv) 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.

“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, 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 storey 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 has a separate entrance to grade;

“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-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;

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

“parking structure” means buildings or structures uses for the parking of motor vehicles;

“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;

“premise” means one or more dwelling units and/or one or more square feet used for non-residential use;

"Region" means The Regional Municipality of Niagara;

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

"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, 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; and

“special care/special dwelling unit/room” means a residence

- 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 9, and 20 and 21.
  - (b) The rules for determining exemptions, relief, credits and adjustments shall be in accordance with sections 10 through 17.
  - (c) The rules for determining the phasing in of development charges shall be in accordance with section 8.
  - (d) The rules for determining the indexing of development charges shall be in accordance with sections 20 and 21.
  - (e) The rules respecting the redevelopment of land shall be in accordance with sections 18 and 19.

## 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. (1) Development charges under this By-law shall be imposed against all development if the development requires:
  - (a) 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;
  - (b) 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, 1998*, S.O. 1998, c. 19, as amended; or
- (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

(2) 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

5. A development charge shall include:
- (a) a charge in respect of general government, police services, emergency medical services, health services, provincial offences court services, long-term care, social housing, waste diversion, public works and services related to a highway;
  - (b) if water service is available, a charge in respect of water; and
  - (c) if wastewater service is available, a charge in respect of wastewater.

#### 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 Schedules "C" and "C1", 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 Schedules “C” and “C1”, as applicable.

#### Phasing in of Development Charges

8. The development charge schedule in Schedules “C” and “C1” shall be phased in as prescribed in Schedules C and C1.

#### TIMING AND CALCULATION AND PAYMENT

9. (1) The development charge under this By-law shall be calculated using the rate effective on the calculation date with respect to such development and shall be payable on the issuance of the first building permit with respect to the structure.  
  
(2) 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.  
  
(3) 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.

#### EXEMPTIONS

10. The following are exempt from the payment of development charges under this By-law by reason of section 3 of the 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.
11. Notwithstanding any other provision of this By-law, no development charge is imposed under this By-law respecting:
- (a) granny flats;
  - (b) parking structures;
  - (c) non-residential lands and buildings used for agricultural use;
  - (d) 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.
  - (e) lands and buildings used or intended to be used as municipal housing project facilities, as set out in section 110 of the *Municipal Act, 2001, S.O. 2001 c. 25*, O.Reg.603/06 under the *Municipal Act 2001*, and the Region's Municipal Housing Facility By-law, all as may be amended;
  - (f) lands and buildings used for affordable housing projects that receive funding through an agreement with Niagara Regional Housing or a department or designated agency of the Niagara Region, provided that:
    - (i) this exemption shall only apply to that proportion or number of units in a development which are designated or identified as affordable housing and
    - (ii) the owner of the lands continues to use the lands and buildings for affordable housing.

If the owner ceases to use the proportionate share of the lands and buildings for affordable housing, the development charges exempted under this section shall become due and payable. The owner shall be required to enter into an agreement with the Region under section 27 of the Act respecting the timing and calculation of payment of development charges, notice of which the owner shall register on the title to the lands at its sole cost and expense with the intention that the provisions shall bind and run with title to the lands. and

- (g) canopies including gas station canopies and those intended for the parking and loading or unloading of vehicles;

#### Partial Exemptions

- 12. Notwithstanding any other provision of this By-law, the development charge imposed under this By-law respecting the development of a long-term care home shall be reduced by 50%.

#### Rules with Respect to Brownfield Development located within the Urban Areas

- 13. The rules with respect to Brownfield Development located within the Urban Areas for Regional Development Charges Reduction are set out in Schedule “D” and supporting Schedules D1-11.

#### Rules with Respect to Development located within the Designated Exemption Areas and Brownfield Development within the Urban Areas

- 14. The rules with respect Development located within the Designated Exemption Areas and to Brownfield Developments within the Urban Areas for Regional Development Charges Reduction are set out in Schedule “E” and supporting Schedules E1 to E10.

#### Rules with Respect to Exemptions for Intensification of Existing Housing

- 15. Pursuant to the Act, no development charge is payable if the development is only the enlargement of an existing dwelling unit.
- 16. Pursuant to the Act and Regulation, no development charge is payable if the development is only the creation of:
  - (a) one or two additional dwelling units in a single detached dwelling, where the total gross floor area of the additional dwelling unit or units is less than or equal to the gross floor area of the existing dwelling unit;
  - (b) one additional dwelling unit in a semi-detached dwelling or row dwelling, where the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the existing dwelling unit; or
  - (c) one additional dwelling unit in a dwelling other than a single detached dwelling, semi-detached dwelling or row dwelling, where the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the smallest existing dwelling unit in the residential building.

## Rules with Respect to Exemptions for Industrial Enlargement

17. (1) 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.
- (2) 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:
  1. Determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.
  2. Divide the amount determined under paragraph 1 by the amount of the enlargement.

## Rules With Respect to Redevelopment – Demolitions

18. (1) If application is made for a building permit in respect of a parcel of land upon which a premise existed within five years prior to the date of such application, but which premise has been demolished or destroyed before the date of such application, then the amount of development charges payable upon issuance of the said building permit shall be reduced by the net amount, calculated pursuant to this By-law at the current development charge rates, that would be payable as development charges in respect of the demolished or destroyed premise, provided that such reduction shall not exceed the development charges otherwise payable. For purposes of this subsection, “net” means the excess of the development charges for premises constructed, over the development charges for premises demolished or destroyed.

- (2) 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 premise 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 premise on such parcel has indeed been so demolished (and the particulars of such demolished premise), 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 premise demolished, provided that such reduction shall not exceed the development charges actually paid.
- (3) Where demolition takes place on a brownfield, 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 18. (1) of this By-law. This application will be considered by Regional Council for approval.
- (4) Where the first use of a premises would be exempt from development charges by operation of s.10 of this By-law, the reduction available under 18.(1), 18(2), and 18(3) above shall be determined by assessing the first use of the premises at the Institutional rate set forth in Schedules "C" and "C1", as applicable, to this By-law.

## Rules With Respect to Redevelopment – Conversions

19. (1) If a development includes the conversion of a premise 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.

(2) Where the first use of a premises would be exempt from development charges by operation of s.10 of this By-law, the reduction available under 19.(1) above shall be determined by assessing the first use of the premises at the Institutional rate set forth in Schedules “C” and “C1”, as applicable, to this By-law.

## INDEXING

20. The amounts of development charges imposed pursuant to this By-law, as set out in Schedules “C” and “C1”, as applicable, shall be adjusted annually without amendment to this By-law, in accordance with the Statistics Canada Quarterly Construction Price Statistics (catalogue number 62-007).

21. For greater certainty, on January 1<sup>st</sup> of each year, the annual indexation adjustment shall be applied to the development charge as set out in Schedules “C” and “C1”, as applicable, plus the accumulated annual indexation adjustments from previous years, if any.

## GENERAL

22. 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” – Development Charges September 1, 2017 – August 31, 2019

Schedule “C1” – Development Charges September 1, 2019 – August 31, 2022

Schedule “D” – Rules with Respect to Brownfield Development located within Urban Areas for Regional Development Charges Reduction (subject to section 13)



- Schedule "D1" – Urban Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 14) – Town of Fort Erie
- Schedule "D2" – Urban Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 14) – Town of Grimsby
- Schedule "D3" – Urban Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 14) – Town of Lincoln
- Schedule "D4" – Urban Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 14) – City of Niagara Falls
- Schedule "D5" – Urban Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 14) – Town of Niagara-on-the-Lake
- Schedule "D6" – Urban Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 14) – Town of Pelham
- Schedule "D7" – Urban Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 14) – City of Port Colborne
- Schedule "D8" – Urban Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 14) – City of St. Catharines
- Schedule "D9" – Urban Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 14) – City of Thorold
- Schedule "D10" – Urban Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 14) – City of Welland
- Schedule "D11" – Urban Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 14) – Township of West Lincoln
- Schedule "E" – Rules with Respect to Development located within the Designated Exemption Areas and Brownfield Developments

within the Urban Areas for Regional Development Charges Reduction Program (subject to section 14)

- Schedule "E1" – Designated Exemption Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 13)  
– Town of Fort Erie
- Schedule "E2" – Designated Exemption Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 13)  
– Town of Grimsby
- Schedule "E3" – Designated Exemption Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 13)  
– Town of Lincoln
- Schedule "E4" – Designated Exemption Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 13)  
– City of Niagara Falls
- Schedule "E5" – Designated Exemption Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 13)  
– Town of Pelham
- Schedule "E6" – Designated Exemption Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 13)  
– City of Port Colborne
- Schedule "E7" – Designated Exemption Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 13)  
– City of St. Catharines
- Schedule "E8" – Designated Exemption Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 13)  
– City of Thorold
- Schedule "E9" – Designated Exemption Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 13)  
– City of Welland
- Schedule "E10" – Designated Exemption Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 13)  
– Township of West Lincoln

Schedule "F" - Regional Development Charges Reduction Transition Provisions

23. This By-law shall come into force and effect on October 5, 2017.
24. Pursuant to the Act, and unless it is repealed earlier, this By-law shall expire five years after the date it comes into force.
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 Municipal Board or a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.
26. By-law 68-2017 is hereby repealed effective October 5, 2017.

THE REGIONAL MUNICIPALITY OF NIAGARA

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Alan Caslin, Regional Chair

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Laura Bubanko, Regional Clerk

Passed: October 5, 2017

Schedule "A"

Niagara  Region



Map of the Regional Municipality of Niagara



**Schedule B**  
**To By-law No. -2017**  
**Region of Niagara**  
**Components of Services Designated in Section 5**

100% Eligible Services

Police Services

- Facilities
- Vehicles
- Equipment

Services Related to a Highway

- Services Related to a Highway
- Services Related to a Highway – Related Vehicles
- Services Related to a Highway – Related Facilities
- Services Related to a Highway – Previously Completed Unfunded Works

Water Services

- Supply
- Storage
- Treatment
- Distribution
- Previously Completed Unfunded Works

Wastewater Services

- Collection
- Treatment
- Previously Completed Unfunded Works

90% Eligible Services

Emergency Medical Services

- Ambulances
- Facilities

Health Services

- Facilities

Provincial Offences Act (P.O.A.)

- Facilities

Social and Child Services

- Facilities

Long-term Care

- Facilities

**Schedule B**

**To By-law No. -2017  
Region of Niagara  
Components of Services Designated in Section 5**

Social Housing

- Facilities

Waste Diversion

- Facilities
- Vehicles and equipment
- Other equipment
- Containers

General Government

- Growth-related Studies

**Schedule C**  
**September 1, 2017 – August 31, 2019**  
**Region of Niagara**  
**Schedule of Development Charges**

Service	RESIDENTIAL						NON-RESIDENTIAL			
	Single and Semi-Detached Dwelling	Apartments - 4 Bedrooms +	Apartments - 2 & 3 Bedrooms	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units/Rooms	Commercial (per ft <sup>2</sup> of Gross Floor Area)	Industrial (per ft <sup>2</sup> of Gross Floor Area)	Institutional (per ft <sup>2</sup> of Gross Floor Area)	Wind Turbines
<b>Municipal Wide Services:</b>										
Services Related to a Highway	6,297	8,655	4,068	2,596	4,587	2,380	4.45	1.85	3.17	6,297
Police Services	376	517	243	155	274	142	0.27	0.12	0.20	376
General Government	212	291	137	87	154	80	0.17	0.07	0.13	212
Long Term Care	486	668	314	200	354	184	0.14	0.06	0.10	-
Provincial Offences Act	35	48	23	14	25	13	0.03	0.01	0.02	-
Health	107	147	69	44	78	40	0.04	0.01	0.02	-
Social and Child Services	-	-	-	-	-	-	-	-	-	-
Emergency Medical Services	121	166	78	50	88	46	0.03	0.01	0.03	121
Social Housing	274	377	177	113	200	104	-	-	-	-
Waste Diversion	88	120	57	36	64	33	0.07	0.04	0.04	-
<b>Total Municipal Wide Services</b>	<b>7,995</b>	<b>10,989</b>	<b>5,166</b>	<b>3,295</b>	<b>5,824</b>	<b>3,022</b>	<b>5.20</b>	<b>2.17</b>	<b>3.72</b>	<b>7,005</b>
<b>Urban Services</b>										
Wastewater Services	4,420	6,076	2,856	1,823	3,220	1,671	3.18	1.32	2.27	-
Water Services	3,129	4,301	2,021	1,290	2,280	1,183	2.25	0.94	1.61	-
<b>Total Urban Services</b>	<b>7,549</b>	<b>10,377</b>	<b>4,877</b>	<b>3,113</b>	<b>5,500</b>	<b>2,854</b>	<b>5.43</b>	<b>2.26</b>	<b>3.88</b>	<b>-</b>
GRAND TOTAL RURAL AREA	7,995	10,989	5,166	3,295	5,824	3,022	5.20	2.17	3.72	7,005
GRAND TOTAL URBAN AREA	15,544	21,366	10,043	6,408	11,324	5,876	10.63	4.43	7.60	7,005

**NOTE: EXCLUDING APPLICABLE INDEXING**

**Schedule C1**  
**September 1, 2019 – August 31, 2022**  
**Region of Niagara**  
**Schedule of Development Charges**

Service	RESIDENTIAL						NON-RESIDENTIAL			
	Single and Semi-Detached Dwelling	Apartments - 4 Bedrooms +	Apartments - 2 & 3 Bedrooms	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling Units/Rooms	Commercial (per ft <sup>2</sup> of Gross Floor Area)	Industrial (per ft <sup>2</sup> of Gross Floor Area)	Institution (per ft <sup>2</sup> of Gross Floor Area)	Wind Turbines
<b>Municipal Wide Services:</b>										
Services Related to a Highway										
Police Services	6,297	8,655	4,068	2,596	4,587	2,380	4.45	1.86	3.18	6,297
General Government										
Long Term Care	377	518	244	155	275	143	0.27	0.12	0.20	377
Provincial Offences Act										
Health	212	291	137	87	154	80	0.19	0.07	0.13	212
Social and Child Services	1,212	1,666	783	500	883	458	0.34	0.14	0.25	-
Emergency Medical Services										
Social Housing	48	66	31	20	35	18	0.04	0.02	0.03	-
Waste Diversion	148	203	96	61	108	56	0.05	0.02	0.03	-
	-	-	-	-	-	-	-	-	-	-
	166	228	107	68	121	63	0.04	0.02	0.03	166
<b>Total Municipal Wide Services</b>	<b>10,020</b>	<b>13,772</b>	<b>6,475</b>	<b>4,130</b>	<b>7,299</b>	<b>3,788</b>	<b>5.68</b>	<b>2.37</b>	<b>4.07</b>	<b>7,052</b>
<b>Urban Services</b>										
Wastewater Services	4,420	6,076	2,856	1,823	3,220	1,671	3.18	1.32	2.27	-
Water Services	3,129	4,301	2,021	1,290	2,280	1,183	2.25	0.94	1.61	-
<b>Total Urban Services</b>	<b>7,549</b>	<b>10,377</b>	<b>4,877</b>	<b>3,113</b>	<b>5,500</b>	<b>2,854</b>	<b>5.43</b>	<b>2.26</b>	<b>3.88</b>	<b>-</b>
GRAND TOTAL RURAL AREA	10,020	13,772	6,475	4,130	7,299	3,788	5.68	2.37	4.07	7,052
GRAND TOTAL URBAN AREA	17,569	24,149	11,352	7,243	12,799	6,642	11.11	4.63	7.95	7,052

**NOTE: EXCLUDING APPLICABLE INDEXING**



## Schedule "D"

### **Rules with Respect to Brownfield Development located within the Urban Areas for Regional Development Charges Reduction (subject to section 13)**

Owners of properties are eligible for the Brownfields Development Charge Reduction Program ("BDCRP") subject to meeting the following requirements:

- (a) Any Development Charges payable pursuant to this by-law may be reduced pursuant to this Schedule "D" in accordance with the BDCRP however in no case shall the total amount of the eligible reductions exceed the total eligible cost of remediation incurred to permit the lands to be developed.
- (b) Confirmation that a development will be considered a brownfield development in accordance with this by-law shall be determined by the Region in its sole discretion after submission by the owner of the subject lands of all requested information.
- (c) All costs associated with remediation of brownfields will be subject to verification, third party review, or independent audit, at the expense of the owner, if required by the Region and the final determination as to what costs if any may be eligible under the BDCRP and be permitted as a reduction against any development charges payable with respect to the subject lands where the remediation has occurred shall be made by the Region in its sole discretion.
- (d) All properties considered eligible for the BRDCP must submit written notification of a request to be considered for the BRDCP, within 12 months of the commencement of Environmental Rehabilitation, for greater clarity rehabilitation work does not include environmental studies or analysis, but rather work intended to improve the physical standard of the property, to the Commissioner of Enterprise Resource Management Services, or his or her designate, which notice shall include but not be limited to an identification of the lands for which remediation has occurred and the owner of the lands: the nature of proposed development on the lands for which development charges are now payable; an estimate of the proposed development charges that will be payable; and, an identification of the nature of the remediation works, including the date upon which such remediation has commenced; and, the associated costs that have been or will be incurred to remediate the lands. All documentation as may be required by the Region to confirm eligibility for the DCRP and the appropriateness of the amounts claimed, including but not limited to confirmation that Environmental Remediation Work has commenced shall be submitted to the Region in a manner acceptable to the Commissioner of Enterprise Resource Management Services or his or her designate.

- (e) Only those lands located within the approved urban area as set out in Schedules “D1 to D11” to this By-law, as may be amended from time to time and approved by Council of the Region, without amendment to this By-law, and which are considered brownfield development in accordance with this by-law shall be considered eligible for the BDCRP.
- (f) Where funding, reimbursement or any other form of credits are provided for and available with respect to any eligible costs and for which the Owner has been or may be compensated from any other source or program whether by the Region, local municipality, Province, or Federal Government the reduction available under this BDCRP will be reduced to reflect that such amounts have been or may be recovered from other sources and/or programs so as to ensure that there has not been a duplication of remediation costs claimed.
- (g) Remediation costs may be assigned to subsequent owners of the lands subject to the remediation works in the first instance subject to notification to the Region a minimum of 90 days in advance of transfer of ownership or issuance of a building permit and that such lands and remediation works continue to be eligible in accordance with the requirements above. Any assignment shall be subject to the consent and approval of the Region in writing. Verification of transfer or assignment of eligible remediation costs will require an affidavit or purchase and sale agreement that demonstrates that the purchaser has incurred the costs by way of assignment or transfer and that the seller waives rights to the eligible costs BRDCP.
- (h) Brownfield redevelopment that has commenced and previously approved for any development charge reduction program by the Region prior to September 1, 2017 may be transitioned pursuant to the provisions of Schedule F to this By-law and to have the former program continue to apply subject to the terms of any written agreement with the Region.
- (i) Determination of the amount of any reduction, and any conditions with respect to the application of such reductions, that may be available to any Owner under this program will be subject to and confirmed by way of a written agreement, in a form satisfactory to the Region, being finalized as between the Owner and the Region prior to the issuance of a building permit.
- (j) Potential Eligible Remediation Costs have been defined as work related to the following categories. The eligible costs categories below represent a guideline

only, and do not constitute an exhaustive list of all possible eligible remediation costs.

## 1. Phase 1 Environmental Site Assessment (E.S.A.)

It is the responsibility of the applicant to ensure that all Phase 1 E.S.A. work is conducted in accordance with the O.Reg 153/04 (as amended) under the Environmental Protection Act (E.P.A.). Applicants should refer to the Regulation for specific Phase 1 requirements. Eligible costs include:

- i. Document Review
  - FOI Request
  - Aerial Photos and mapping (over time, development, topographic maps, physiographic maps, geological maps, well records).
  - Previous environmental studies
  - Relevant Government Information (Certificate of approval, certificates of property use, inventory of coal gasification plants, National Pollutant Release Inventory, waste management inventory, retail fuel storage tank info, etc.)
  - Other relevant documents (Insurance, ownership/land title)
- ii. Interviews
- iii. Site Reconnaissance
- iv. Conceptual Model Development (Per O. Reg. 511/09).
- v. Report

## 2. Phase 2 Environmental Site Assessment

It is the responsibility of the applicant to ensure that all Phase 2 E.S.A. work is conducted in accordance with the O.Reg 153/04 (as amended) under the Environmental Protection Act (E.P.A.). Applicants should refer to the Regulation for specific Phase 2 requirements. Eligible costs include:

- i. Field Work
  - Site Visit/Investigation
  - Utility locates
  - Drilling/excavation/ other methods of intrusive sampling
  - Geological Study
    - Soil Sampling – Stockpile sampling/sampling of excavation
    - Test Pit Excavation and observation
    - Geophysical testing
  - Hydrogeology Study
    - Water level and Well Condition survey

- Observation of Borehole Drilling, Well abandonment, Well Repairs
  - Surveying – Elevation survey of wells and associated data analysis
  - Groundwater Sampling
- Field Supervision (monitoring, sample selection and quality control)
- Field Equipment (consumables)
- ii. Data Compilation/Analysis
  - Data Reduction, Analysis and Review
  - GIS Support, Site Plans Preparation
- iii. Contract/Laboratory Fees
  - Soil and Water chemical analysis
- iv. Administrative Assistance
- v. Disbursements
- vi. Reporting
- vii. Qualified Person Review
- viii. Supplemental Phase 2
  - Delineation of contamination
- ix. Project Management
  - Meetings
  - Bid Preparation
  - Region Application
  - Bid Preparation
  - Peer Review
  - Data Gap Analysis

### 3. Environmental Remediation Work

Remediation work may include, but is not limited to:

- i. **Remedial Action Plan/ Remedial Work Plan** (Prepared by a Qualified Person as defined by Ontario Regulation 153/04)
  - Options Review/Assessment
  - Remedial Cost Analysis
  - Development of Plan
- ii. **Risk Assessment** (Prepared by a Qualified Person as defined by Ontario Regulation 153/04)
  - Preliminary RA data gap analysis
  - Risk Assessment Pre-Submission for

- Site Characterization
- Report Review
- Data Evaluation
- Preparation of Figures
- Toxicological Profiles
- Report Preparation
- Project Management
- Data Gap Assessment
  - Service clearances
  - Surveying
  - Drilling Services
  - Monitoring Well Supplies
  - Chemical Analysis
  - Field equipment
- Analysis
  - Hydrogeological Assessment
  - Ecological Risk Assessment (ERA)
  - Human Health Risk Assessment (HHRA)
  - Risk Management Plan
  - Public Communication Plan
  - Reporting and MOE Submission

iii. **Environmental Rehabilitation**

Defined as the use of various techniques to reduce, eliminate or mitigate contaminants of concern or designated substances in the ground (soil, water) or buildings to allow for the filing of a Record of Site Condition (RSC) and fulfilling the conditions of a Certificate of Property Use (CPU) if applicable.

Alternative Techniques (Not intended to be a comprehensive list.)

- Activated Carbon Treatment
- Air Stripping
- Bioremediation
- Capping
- Chemical Dehalogenation
- Chemical Oxidation
- Soil Excavation
- Fracturing
- In-Situ Flushing
- In-Situ Thermal Treatment
- Incineration

- Monitored Natural Attenuation
- Permeable Reactive Barriers
- Phytoremediation
- Pump and Treat
- Soil Vapour Extraction and Air Sparging
- Soil Washing
- Solidification/Stabilization
- Solvent Extraction
- Thermal Desorption
- Verification
- Geotechnical studies and shoring costs associated with the environmental rehabilitation; and
- The treatment of Designated Substances on a case-by-case basis, where required to address other contamination.

“Designated Substance” means a biological, chemical or physical agent or combination thereof prescribed as a designated substance to which the exposure of a worker is prohibited, regulated, restricted, limited or controlled; (Occupational Health and Safety Act). O.Reg. 490/09 Designated Substances. O. Reg. 278/05 Designated Substances - Asbestos on Construction Projects and in Building and Repair Operations.

iv. **Risk Mitigation Measures (R.M.M.s)**

Risk Management Measures (R.M.M.s) are those measures required on a specific site in order to allow filing a Record of Site Condition and outlined by a Certificate of Property Use (C.P.U.).

- Pump and Treat Systems
- Capping (must be remediation related)
  - Hard cap, soil cap, landscaping
- Monitoring
  - Indoor Air Monitoring Plan
  - Groundwater
  - Soil Vapour
  - Outdoor Air
- Soil and Groundwater Management Plan
- Health and Safety Plan
- Subsurface barriers

**Note:** Only the costs associated with the implementation of these measures (such as the design costs, capital costs and installation) will be considered eligible. **Operating and maintenance costs are not eligible.** Determination of eligibility will be made on a case by case basis.

**Note:** If capping is required on the site for remediation purposes as well as redevelopment, the applicant should be prepared to demonstrate what percentage of the cost is attributed to the remediation of the site and not the overall landscaping plan. Eligible costs will be limited to the basic elements needed to meet the technical requirements of the cap as per the CPU.

v. **Disposal of Contaminated Soil**

Soil that does not meet the applicable generic Ontario Ministry of Environment (MOE) site condition standards (SCS) for soil as defined in Ontario Regulation 153/04 (as amended) OR the lowest effects-based property specific standards (PSS) developed through the use of a risk assessment approach completed in accordance with Ontario Regulation 153/04 (as amended), whichever is less stringent

- Tipping Fees
- Trucking Fees

**Note:** Costs related to the disposal of contaminated soil may be subject to the submission and review of a Soil Management Plan. Costs related to “impacted soil” are not eligible. Applicants should be prepared to provide documentation related to the segregation and tracking of contaminated soil (including hours and weigh tickets). Inadequately tracked activities may be deemed ineligible.

Impacted Soil is defined as soil that does not meet the revised Ontario Ministry of the Environment Table 1 “Full Depth Background Site Condition Standards” BUT does meet the applicable generic M.O.E. site condition standards (S.C.S.) as defined in Ontario Regulation 153/04 (as amended) under the Environmental Protection Act of Ontario OR the lowest effects-based property specific standards (“P.S.S.”) developed through the use of a risk assessment in accordance with Ontario Regulation 153/04 (as amended) for the purposes of filing of a RSC with the MOE in accordance with Ontario Regulation 153/04, whichever is less stringent.

- vi. **Placing of Clean Fill and Grading**
- vii. **Building Demolition Related to Remediation**

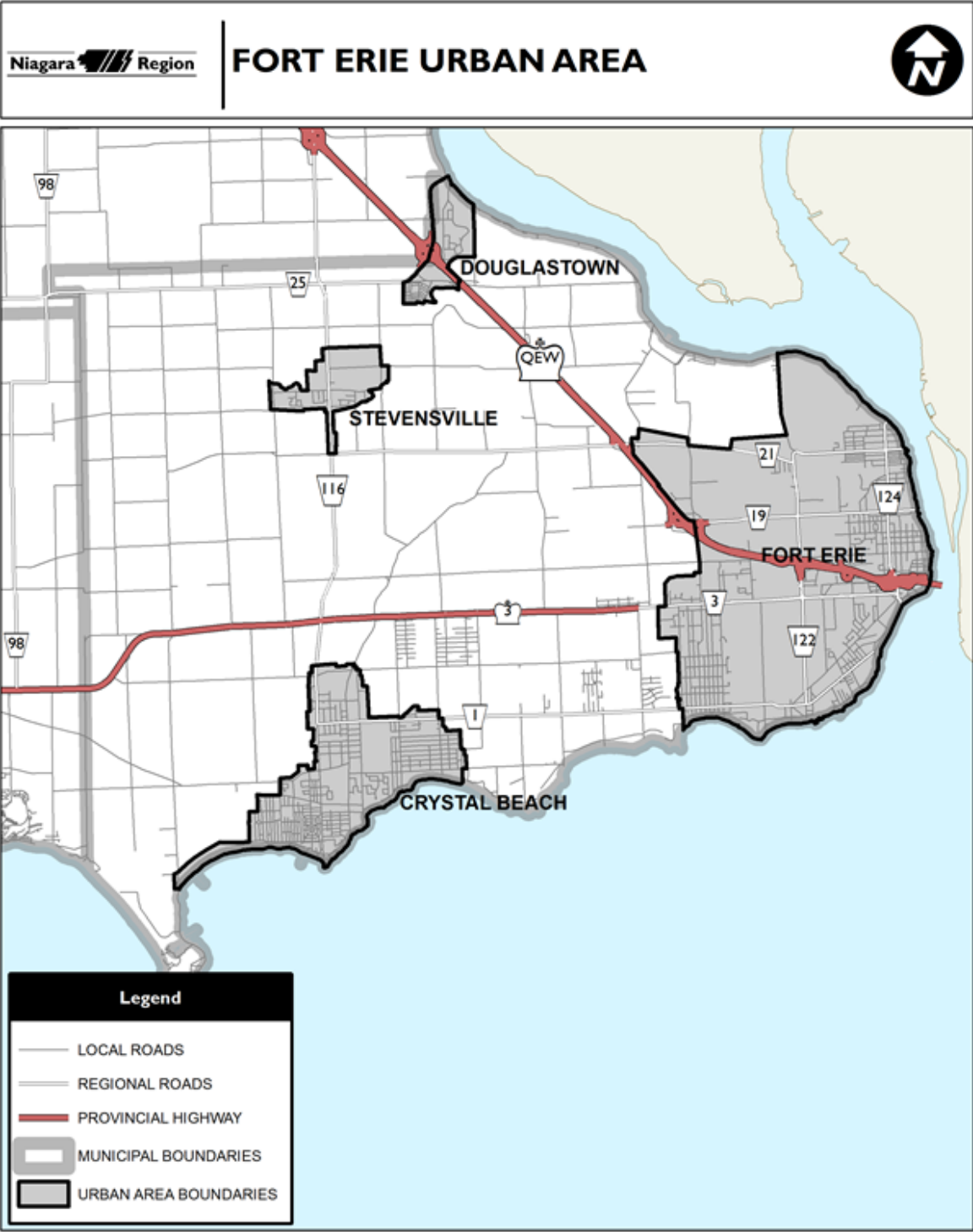
**Note:** The applicant should be prepared to demonstrate how the demolition was required as part of the remedial plan and not simply part of the overall redevelopment of the site.

#### 4. Indirect Remediation Costs

- i. Planning fees
- ii. Insurance Premiums
- iii. Assessment Estimates
- iv. Preparation of Record of Site Condition and Certificate of Approval
- v. Archaeological assessment



**Schedule "D1"**  
**Urban Areas for Regional Development Charges Reduction (subject to section 14)**  
**Town of Fort Erie**



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**Schedule "D2"**  
**Urban Areas for Regional Development Charges Reduction (subject to section 14)**  
**Town of Grimsby**



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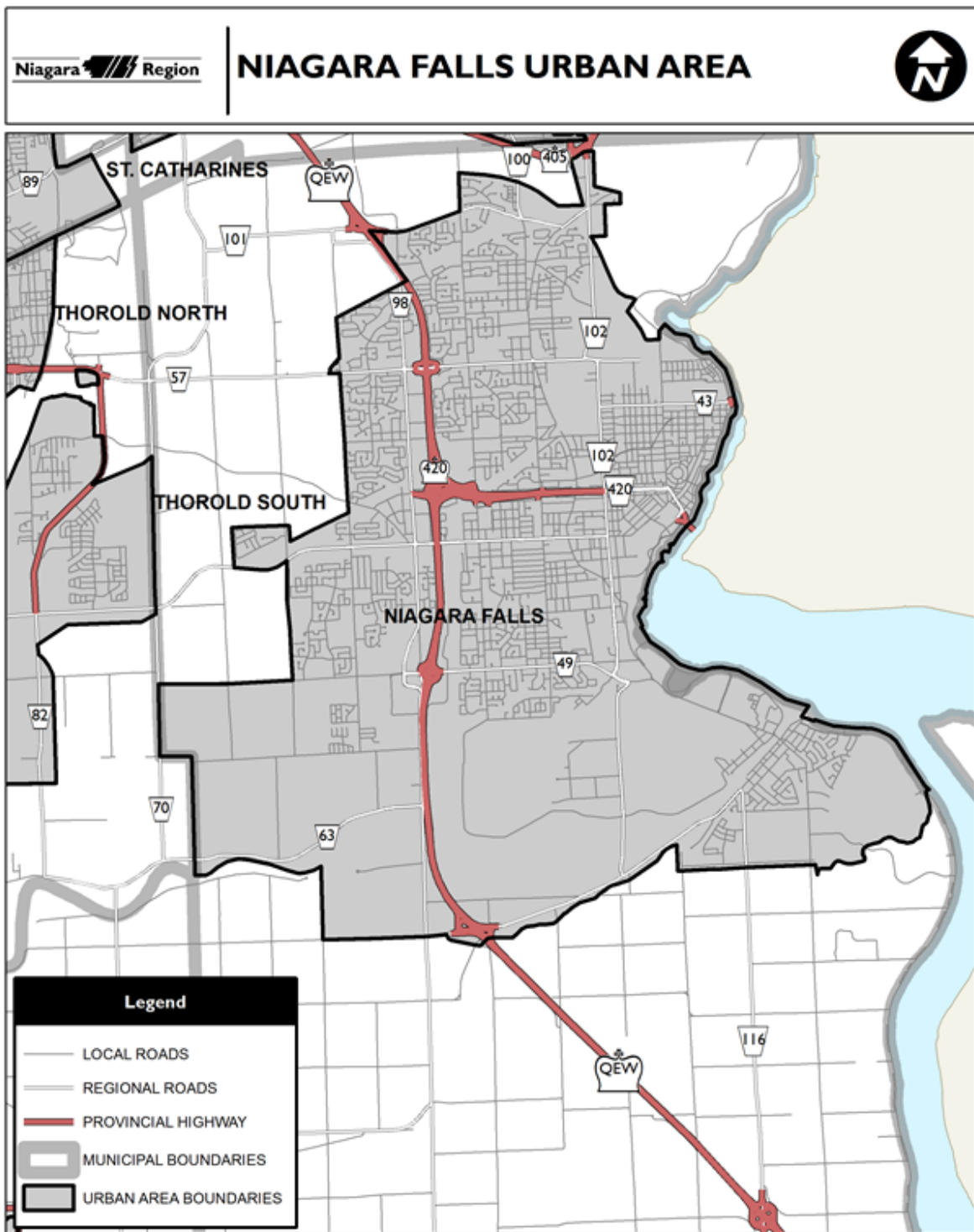
**Schedule "D3"**  
**Urban Areas for Regional Development Charges Reduction (subject to section 14)**  
**Town of Lincoln**



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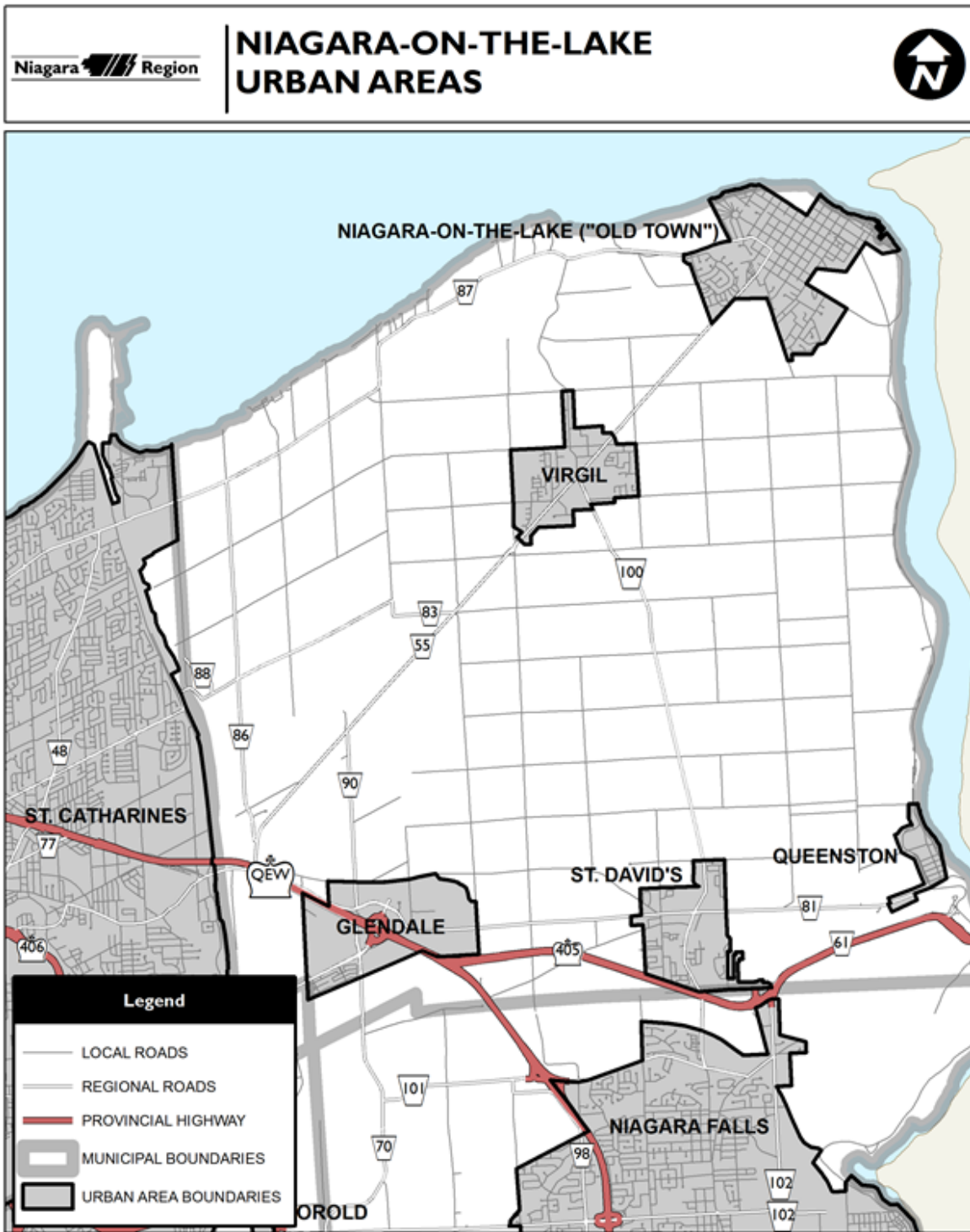
### Schedule "D4"

## Urban Areas for Regional Development Charges Reduction (subject to section 14) City of Niagara Falls



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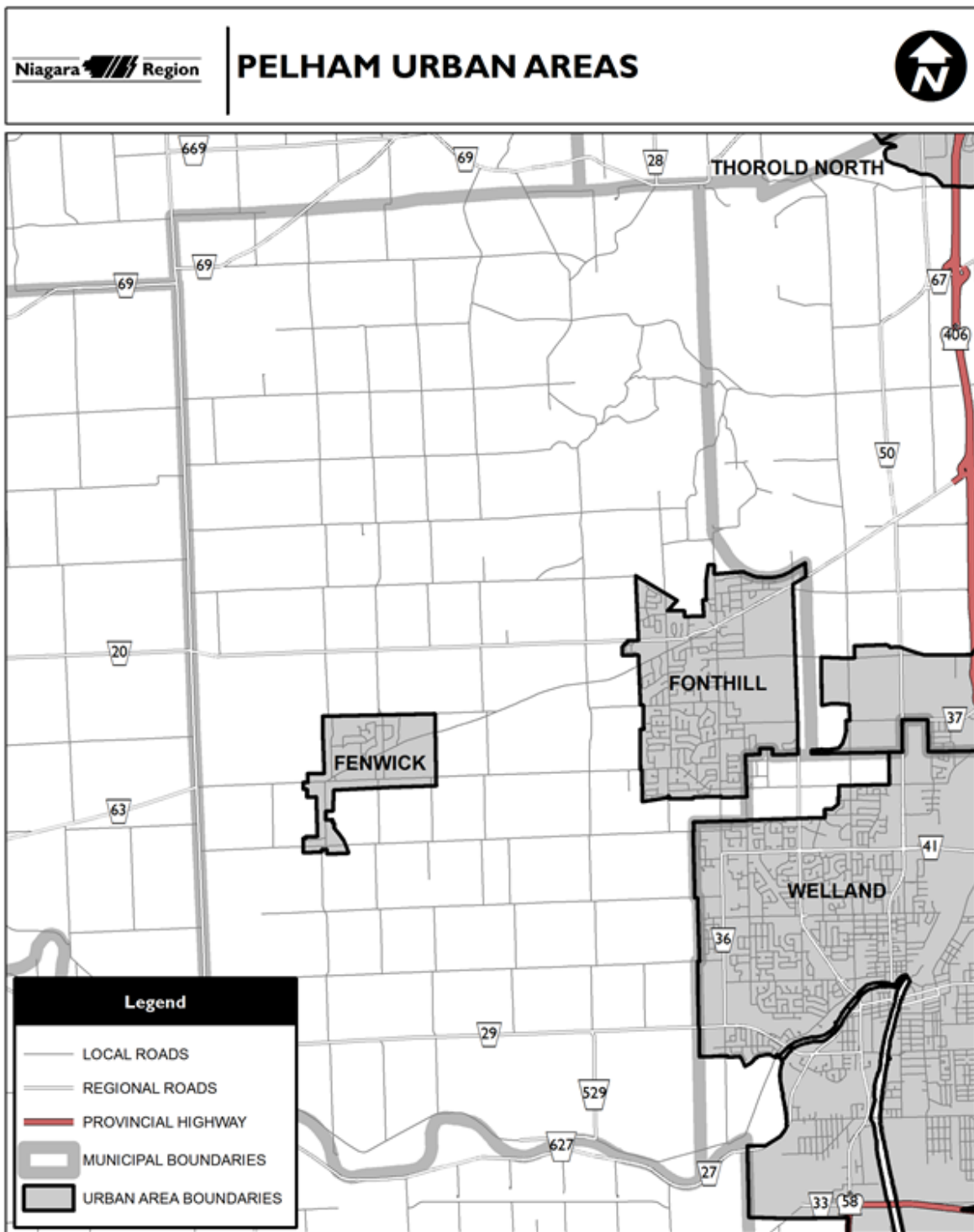
**Schedule "D5"**  
**Urban Areas for Regional Development Charges Reduction (subject to section 14)**  
**Town of Niagara-on-the-Lake**



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### Schedule "D6"

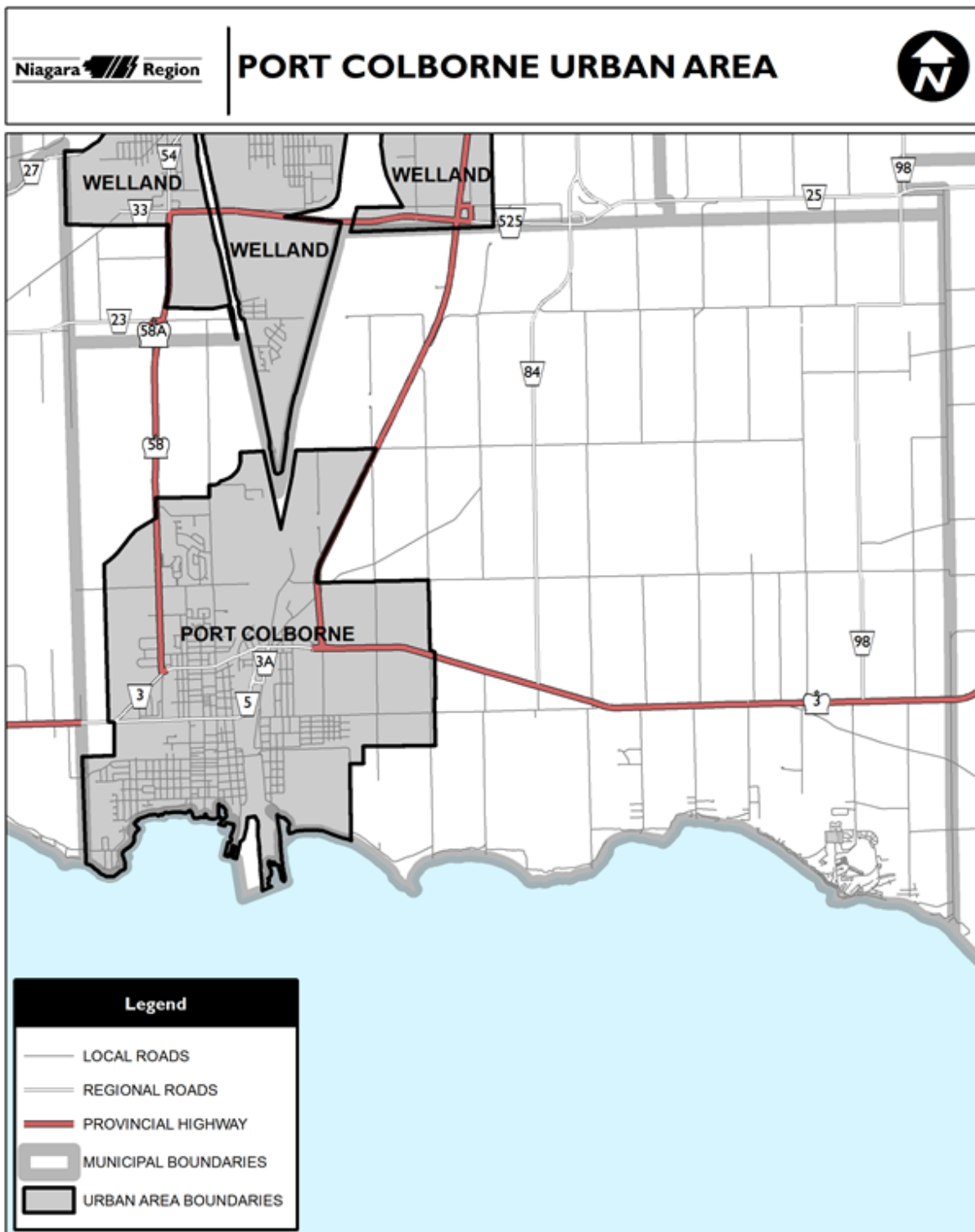
## Urban Areas for Regional Development Charges Reduction (subject to section 14) Town Pelham



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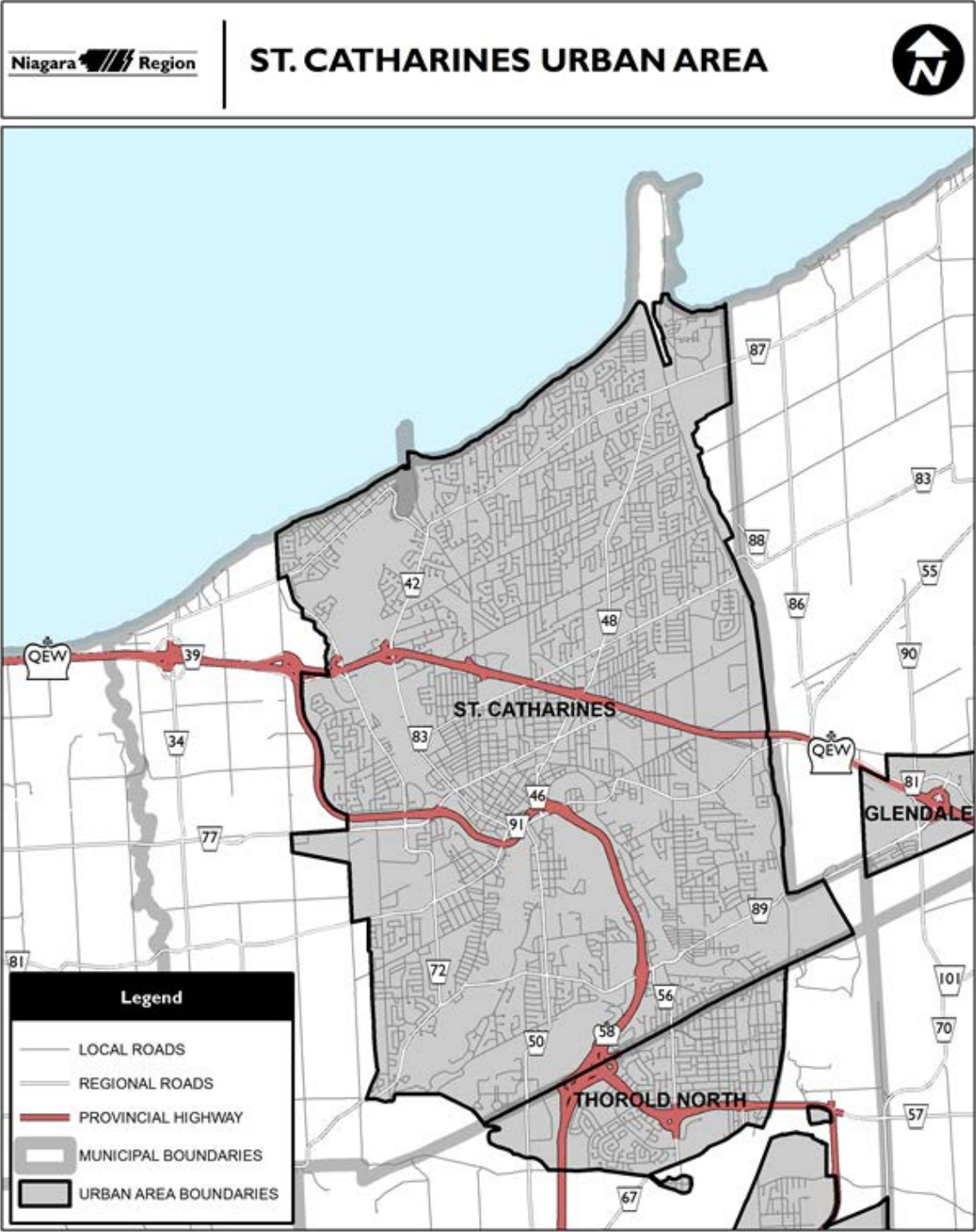
Schedule "D7"

Urban Areas for Regional Development Charges Reduction (subject to section 14)  
City of Port Colborne



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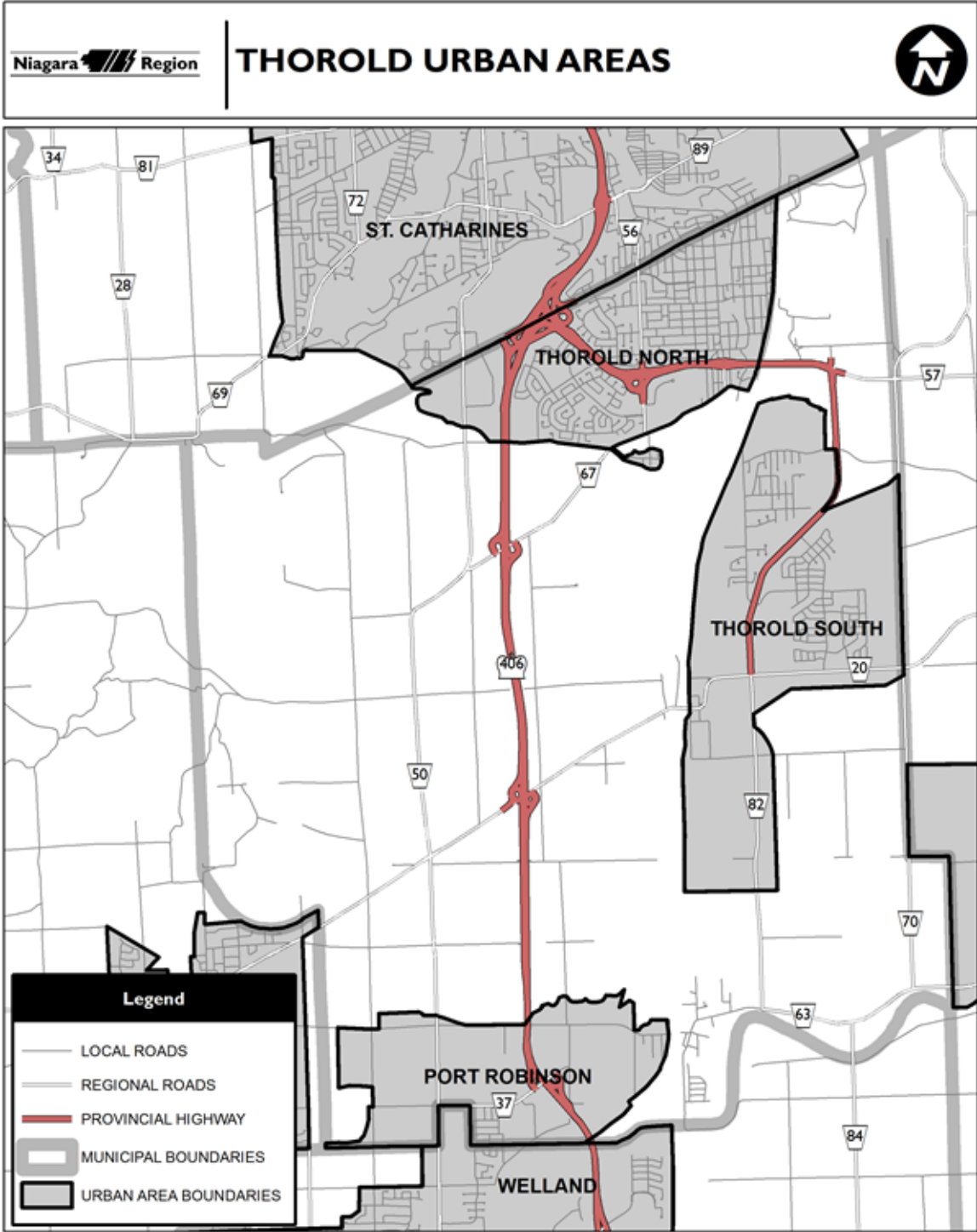
**Schedule "D8"**  
**Urban Areas for Regional Development Charges Reduction (subject to section 14)**  
**City of St. Catharines**



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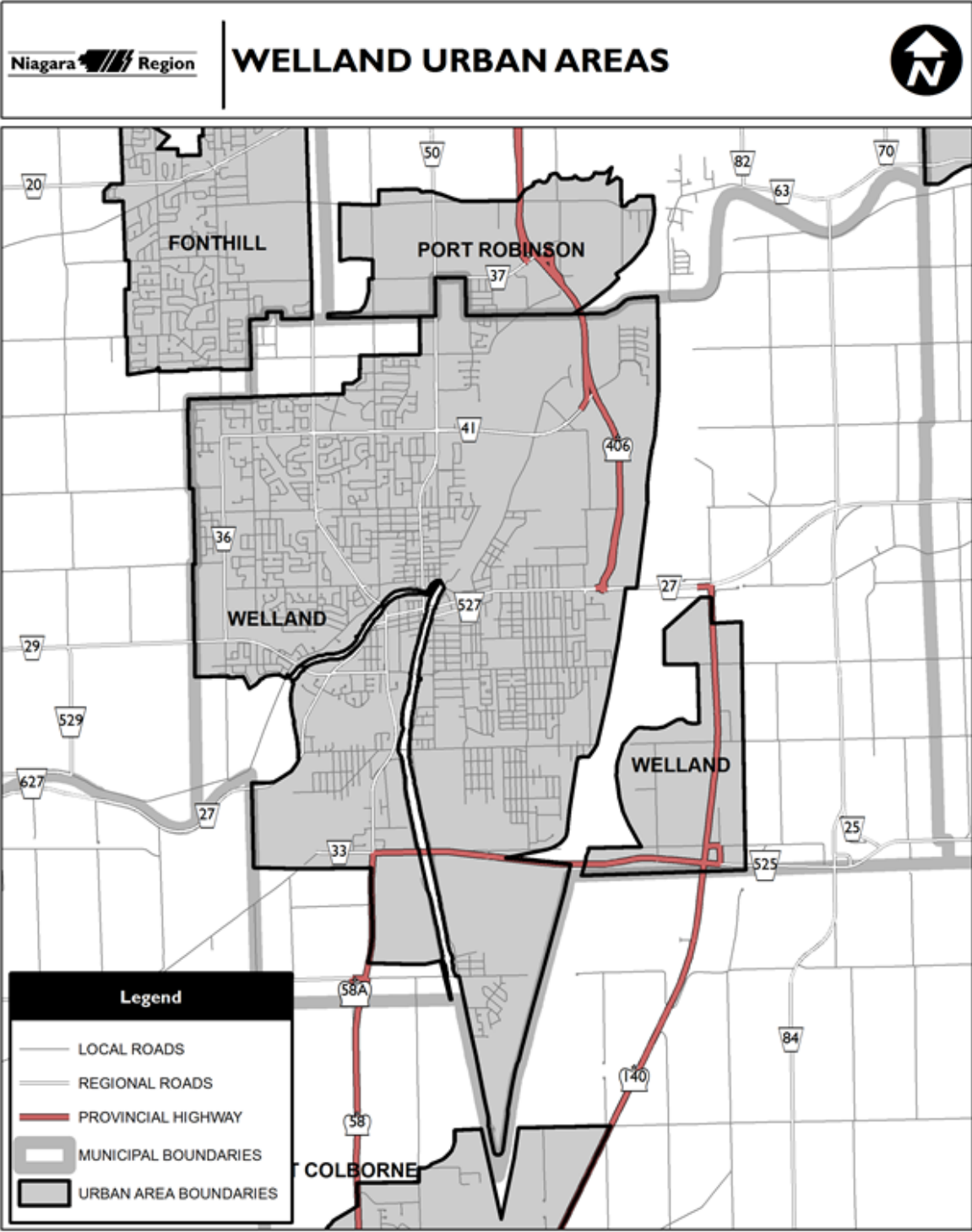


**Schedule "D9"**  
**Urban Areas for Regional Development Charges Reduction (subject to section 14)**  
**City of Thorold**



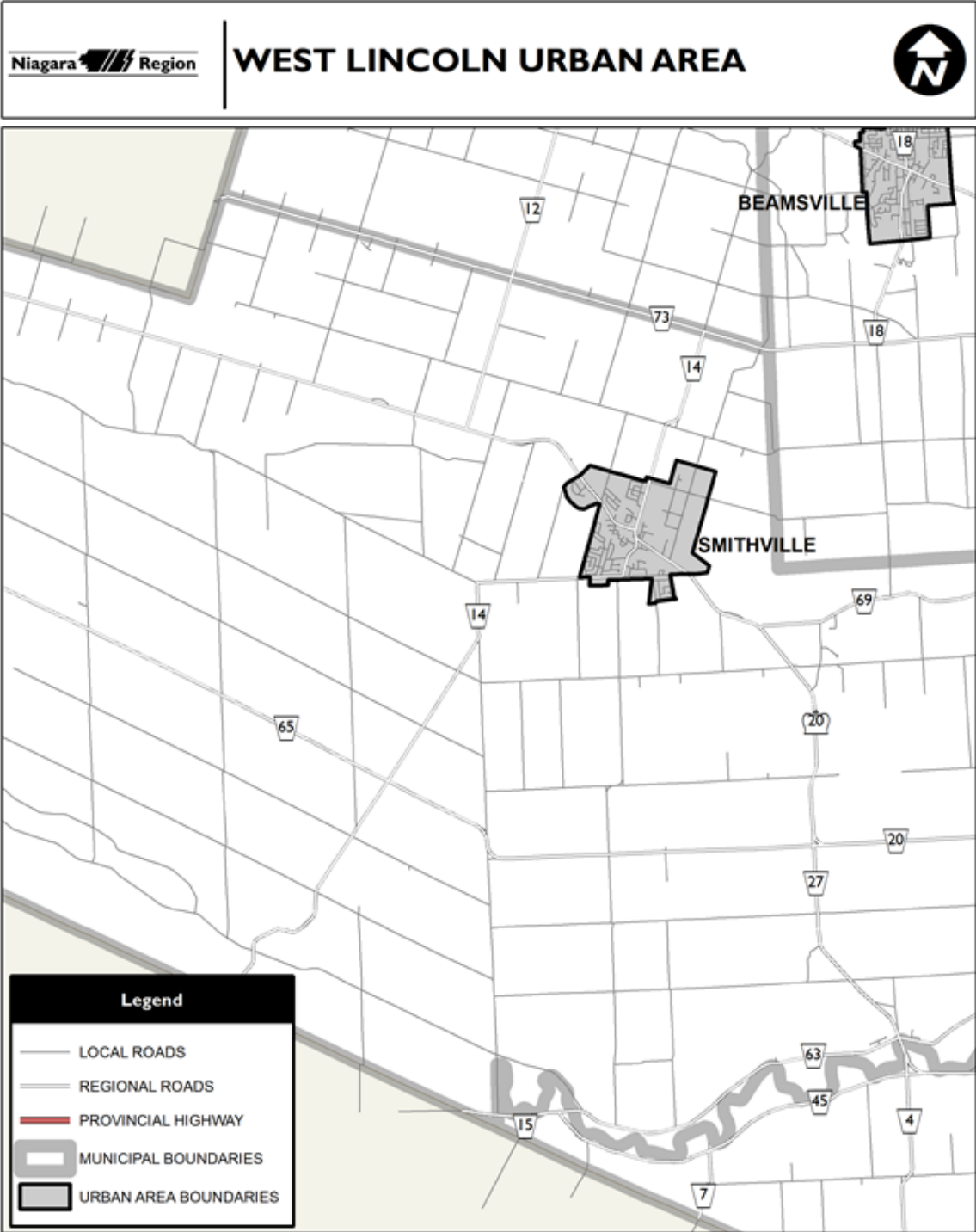
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**Schedule "D10"**  
**Urban Areas for Regional Development Charges Reduction (subject to section 14)**  
**City of Welland**



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**Schedule "D11"**  
**Urban Areas for Regional Development Charges Reduction (subject to section 14)**  
**Township of West Lincoln**



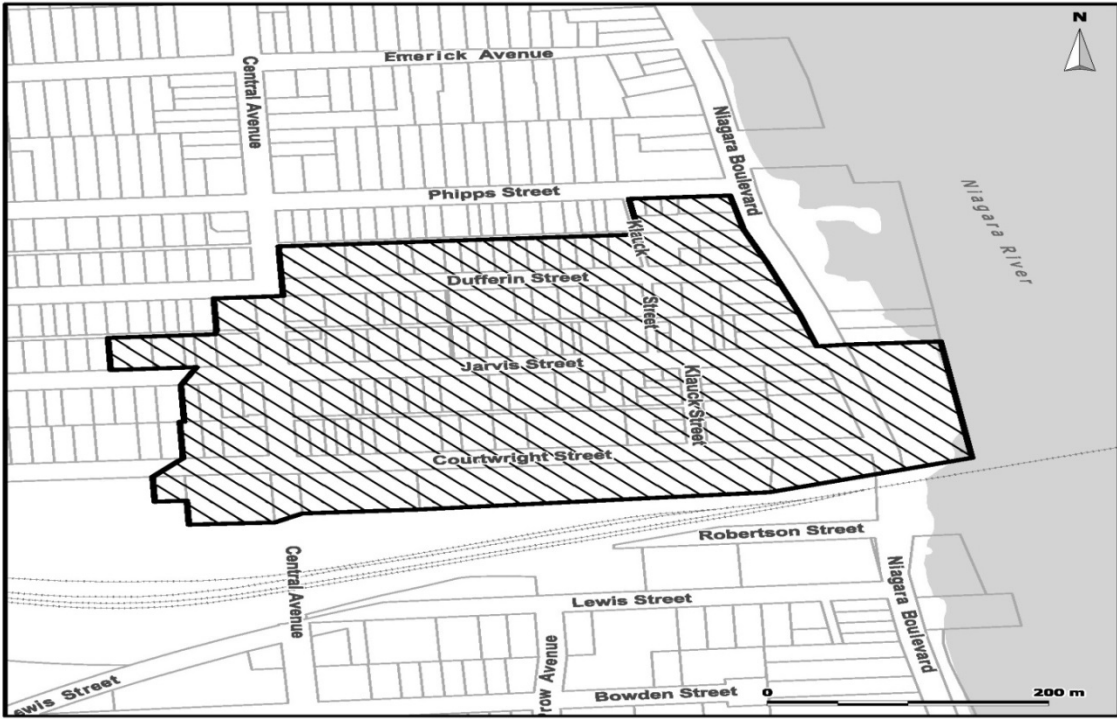
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## Schedule "E"

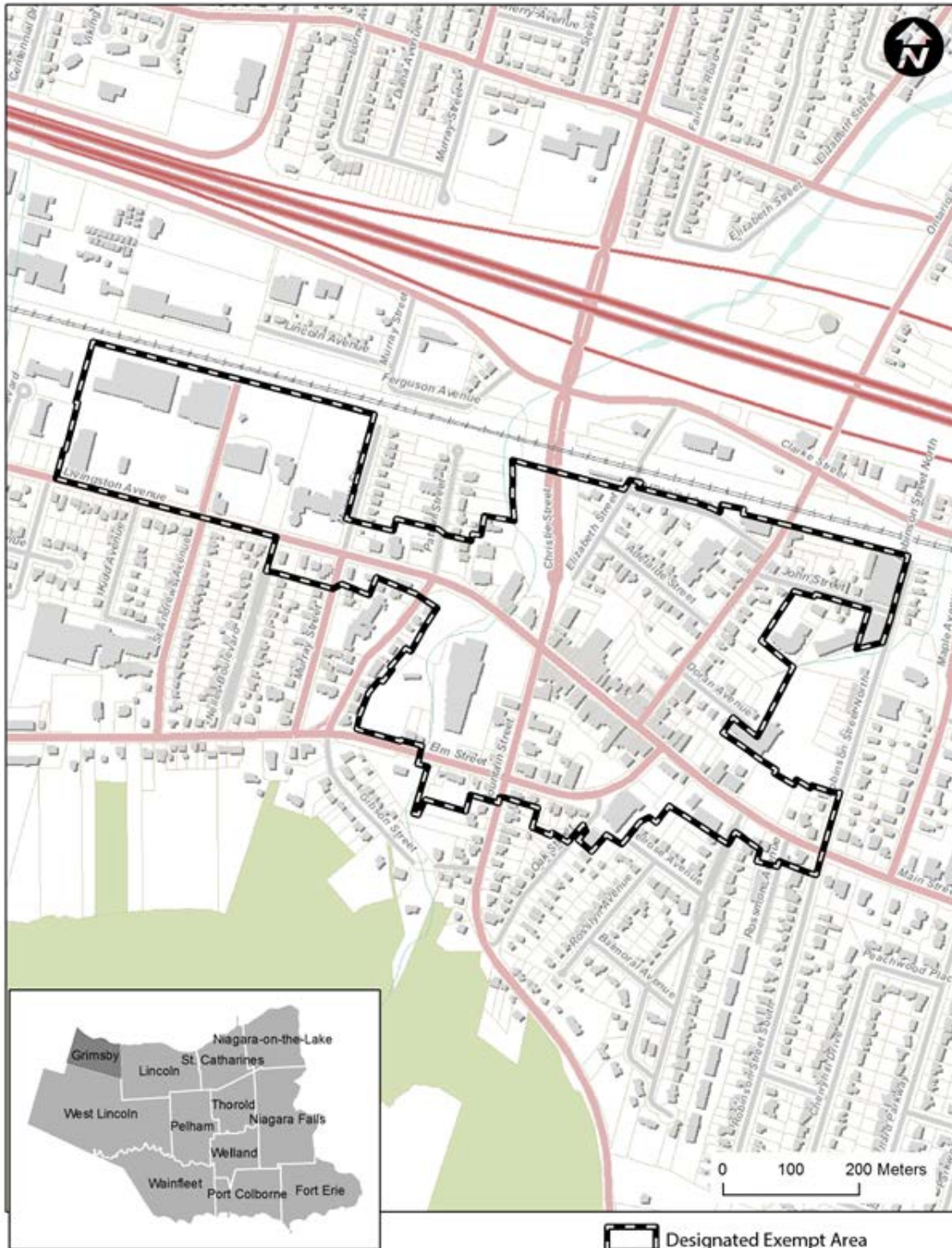
### **Rules with Respect to Development located within the Designated Exemption Areas and Brownfield Developments within the Urban Areas for Regional Development Charges Reduction (subject to section 14)**

- (a) For all development located within the Designated Exemption Areas, as set out in Schedules "E1 to E10" and to Brownfield Developments within the Urban Areas, as set out in Schedules D1 to D11 to this By-law, a maximum 50% reduction in Development Charges, after any demolition credits are applied, will apply provided the Smart Growth Design Criteria endorsed by Council of the Region and/or any level of LEED certification are achieved.
- (b) The Smart Growth Design Criteria may be amended or eliminated at the discretion of Regional Council in which case the development charge reductions granted under this Schedule may also be amended or eliminated without amendment to this By-law..
- (c) In the case of a project that qualifies for reduction under Schedules D and E, the total benefit reduction shall not exceed the total Development Charges payable.
- (d) Brownfield redevelopment that has commenced prior to September 1, 2017 may continue to be eligible to the transition provisions of Schedule F of this By-law.

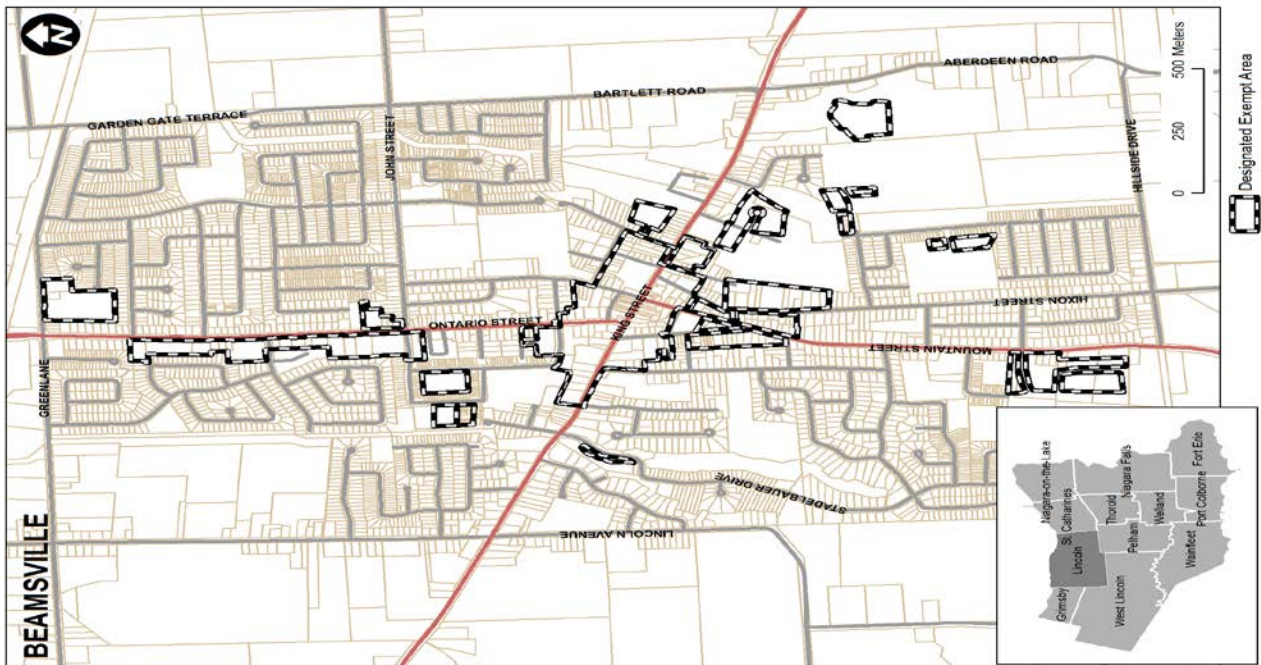
**Schedule "E1"**  
**Designated Exemption Areas for Regional Development Charges Reduction**  
**(subject to section 13)**  
**Town of Fort Erie**



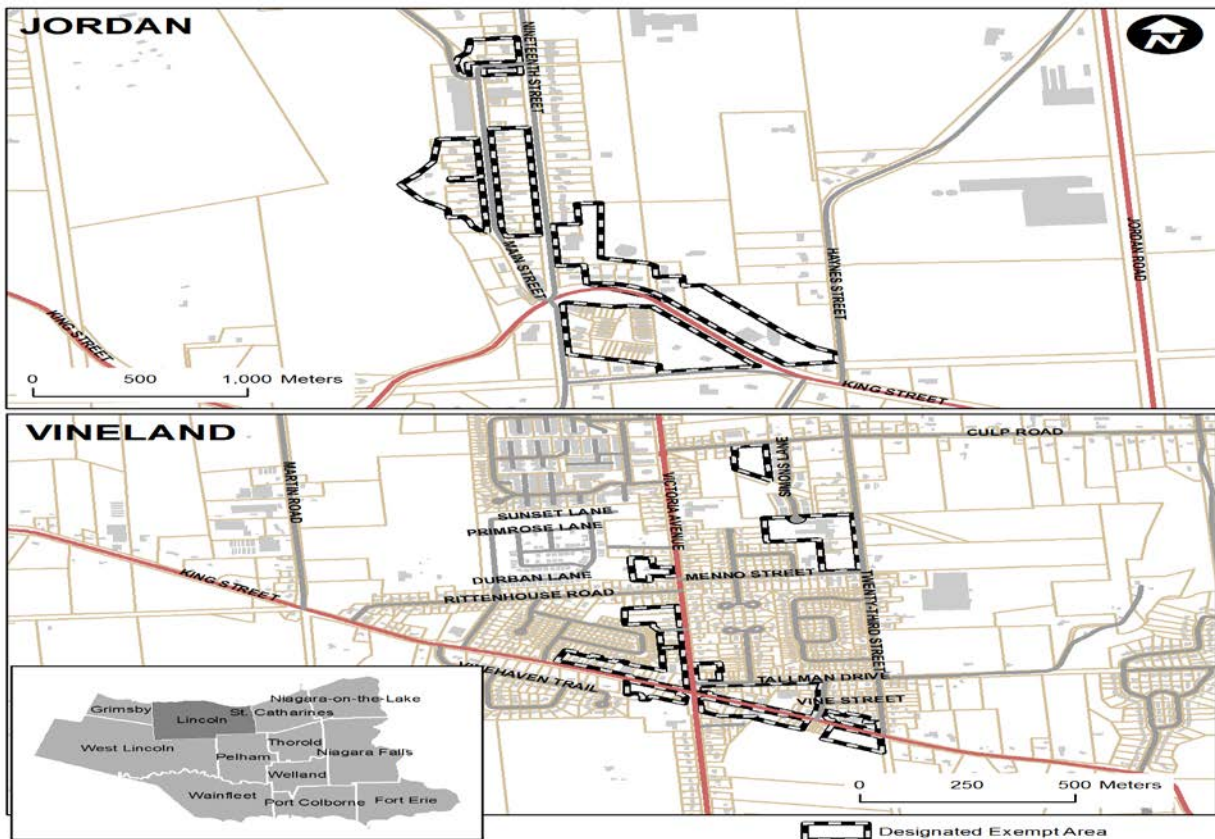
**Schedule "E2"**  
**Designated Exemption Areas for Regional Development Charges Reduction**  
**(subject to section 13)**  
**Town of Grimsby**



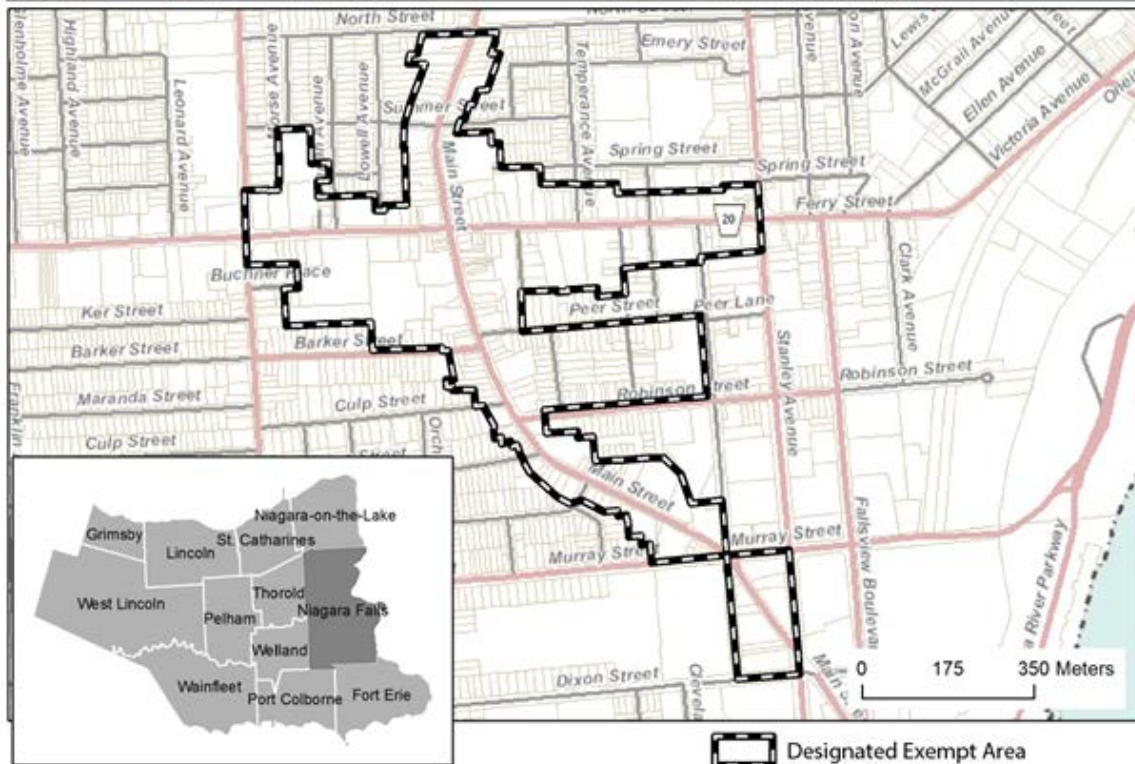
**Schedule "E3"**  
**Designated Exemption Areas for Regional Development Charges Reduction**  
**(subject to section 13) Town of Lincoln**



**Schedule "E4"**

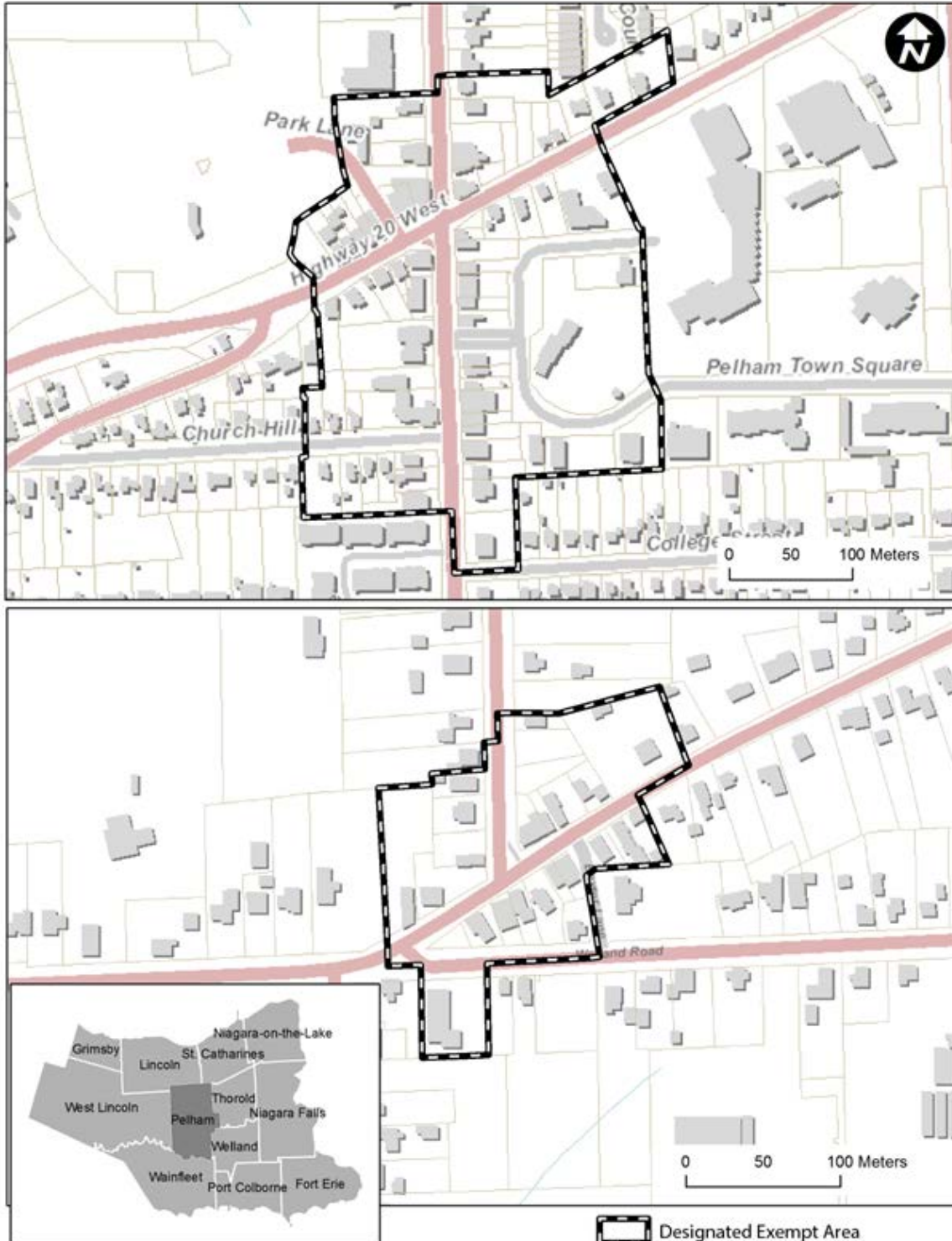


**Designated Exemption Areas for Regional Development Charges Reduction  
(subject to section 13)  
City of Niagara Falls**

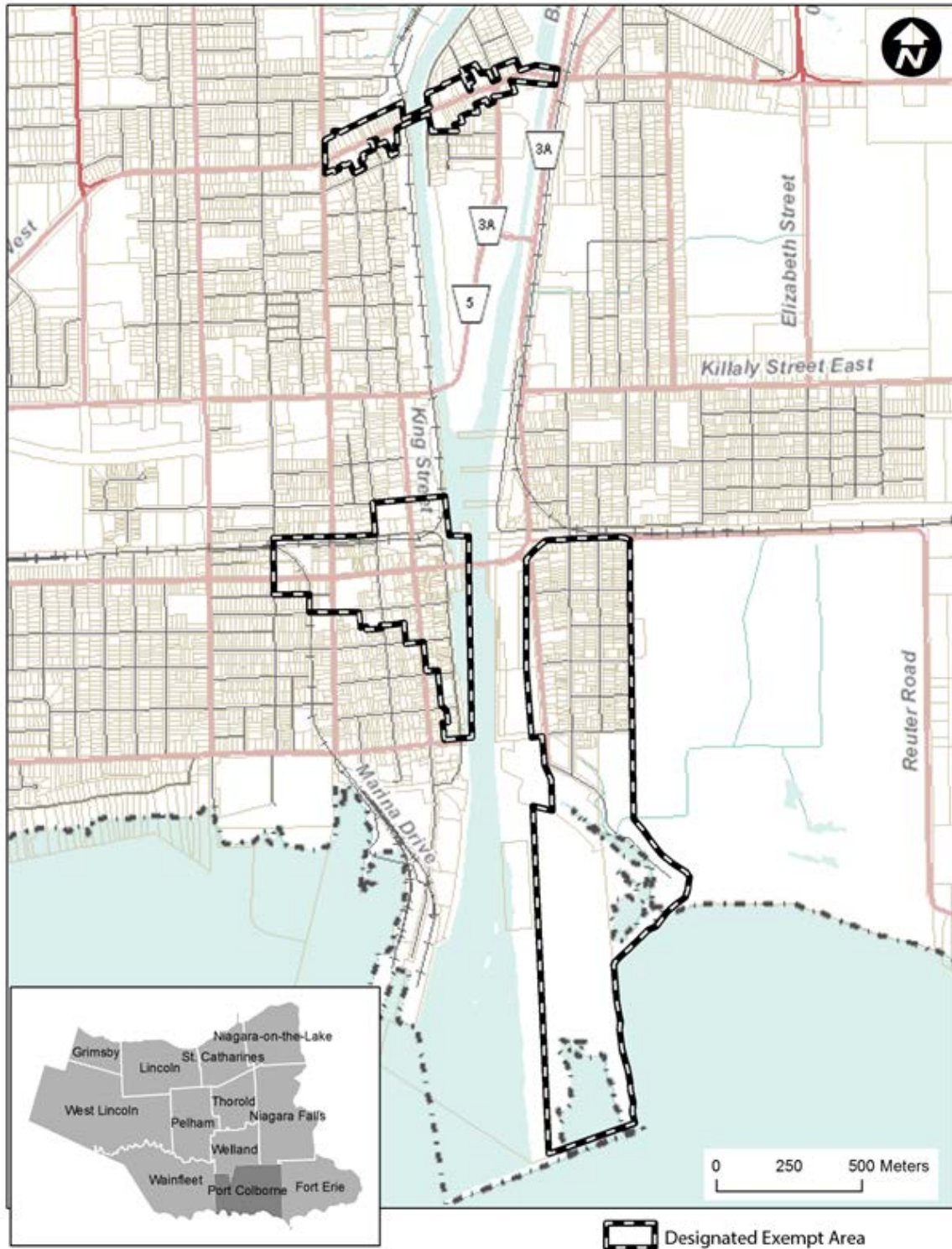




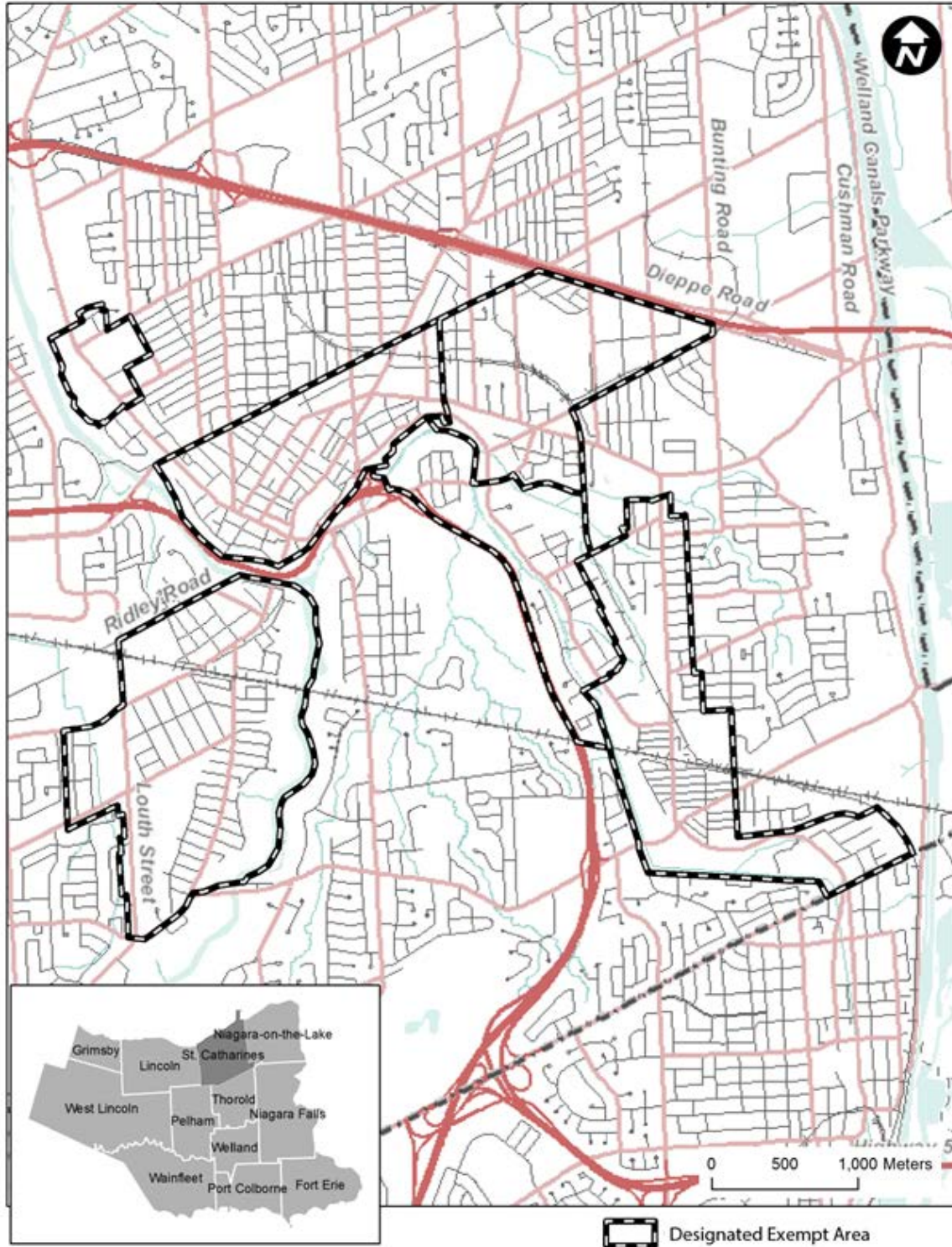
**Schedule "E5"**  
**Designated Exemption Areas for Regional Development Charges Reduction**  
**(subject to section 13)**  
**Town of Pelham**



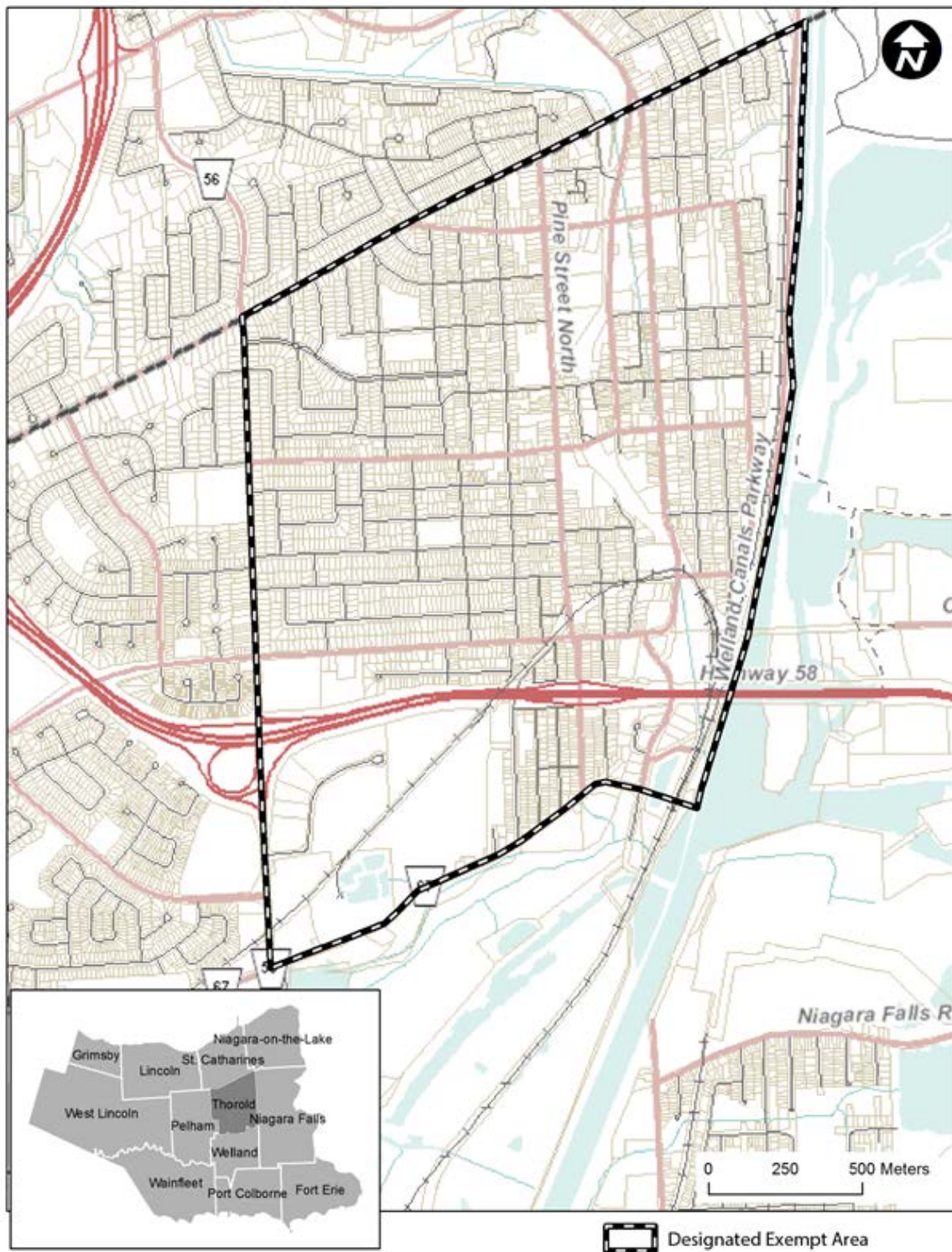
**Schedule "E6"**  
**Designated Exemption Areas for Regional Development Charges Reduction**  
**(subject to section 13)**  
**City of Port Colborne**



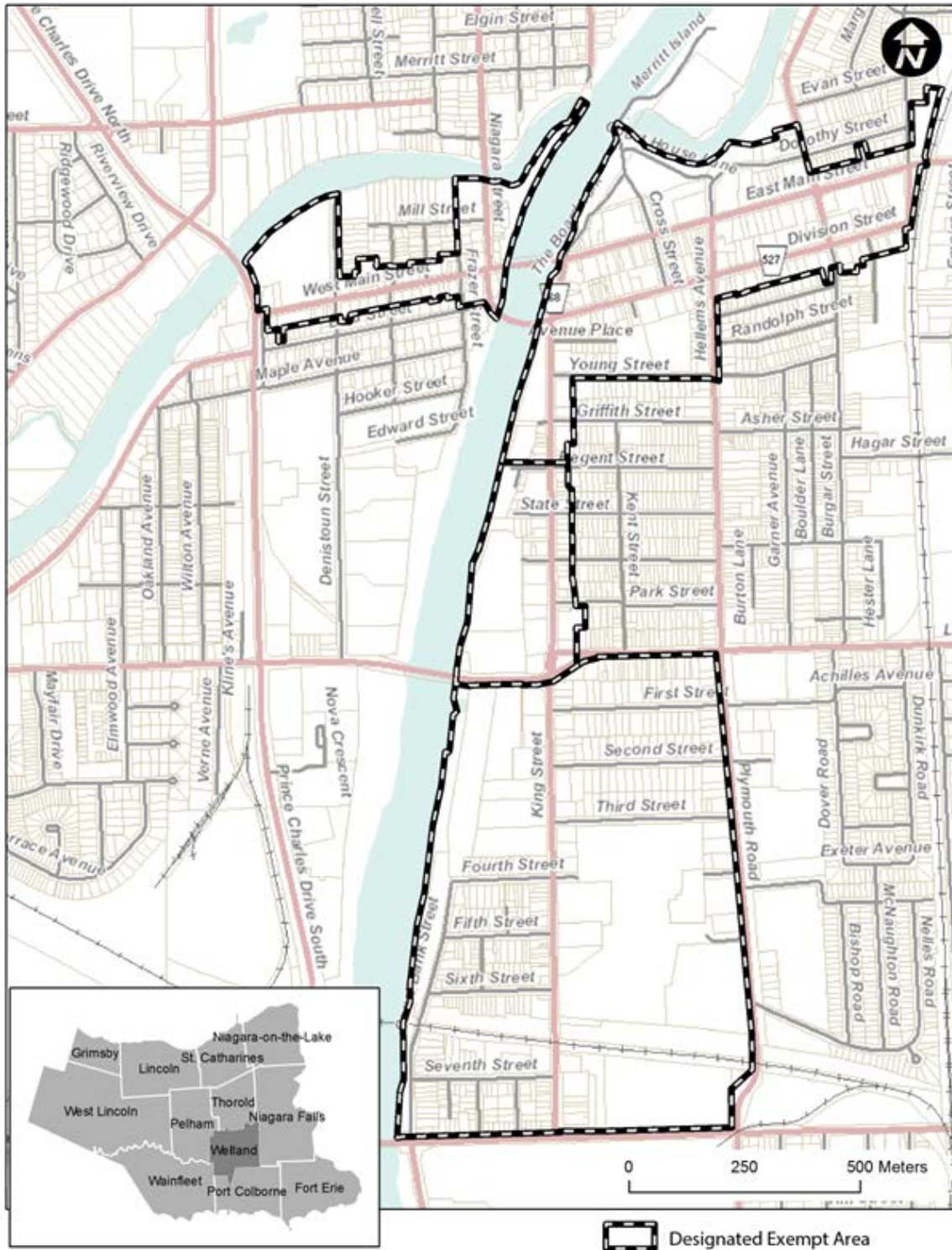
**Schedule "E7"**  
**Designated Exemption Areas for Regional Development Charges Reduction**  
**(subject to section 13)**  
**City of St. Catharines**



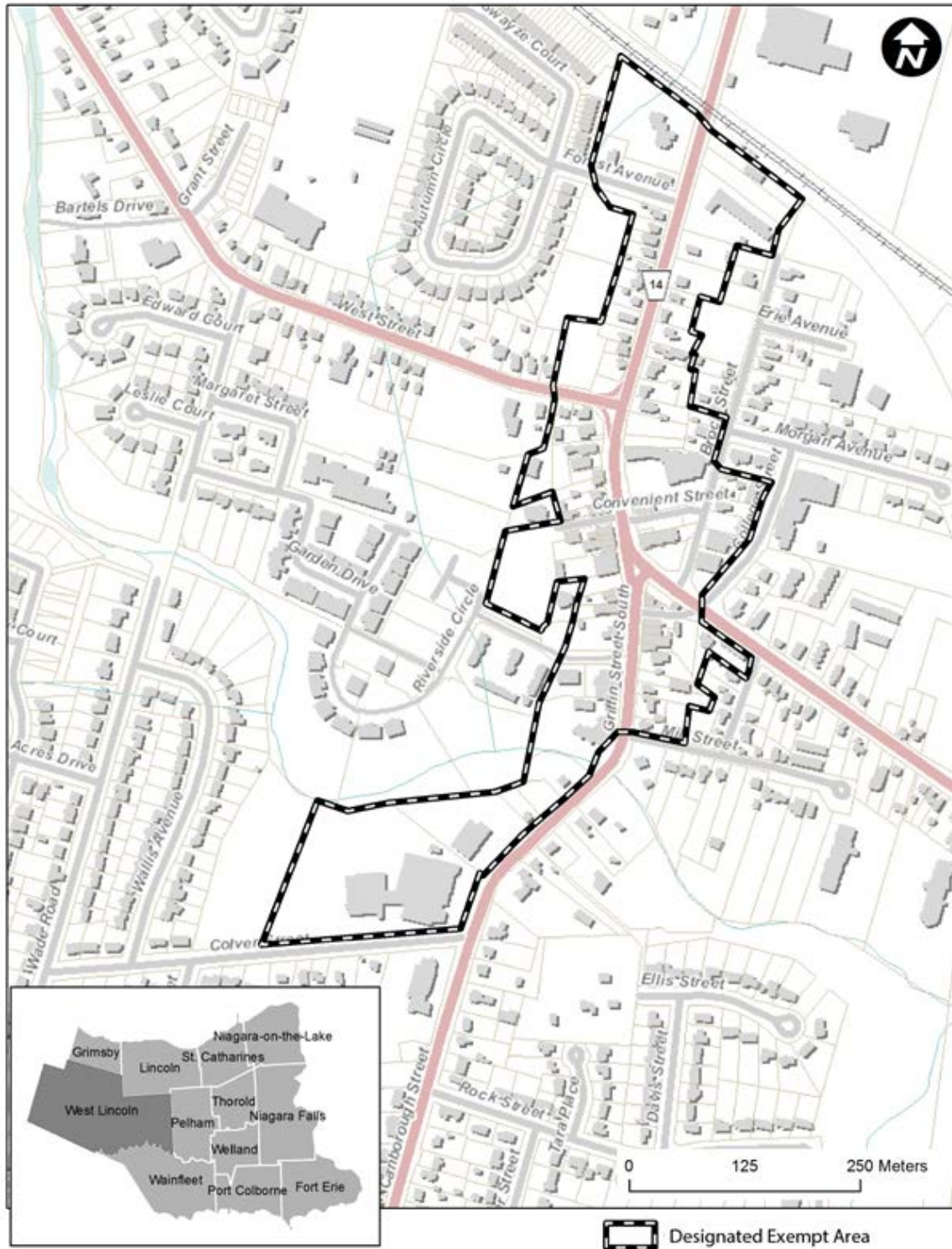
**Schedule "E8"**  
**Designated Exemption Areas for Regional Development Charges Reduction**  
**(subject to section 13)**  
**City of Thorold**



**Schedule "E9"**  
**Designated Exemption Areas for Regional Development Charges Reduction**  
 (subject to section 13)  
**City of Welland**



**Schedule "E10"**  
**Designated Exemption Areas for Regional Development Charges Reduction**  
**(subject to section 13)**  
**Township of West Lincoln**



## Schedule “F”

### Regional Development Charges Reduction TRANSITION PROVISIONS

Please Note All of the Following:

- **These Transition Provisions expire on August 31, 2022.**
  - **Any development proposal grandfathered under this policy will not receive a further extension.**
  - **Any transition agreement required pursuant to this Schedule will be registered on title to the land and can be transferred to subsequent purchaser(s) of the same land.**
1. Only those lands for which an application has been submitted in accordance with this Schedule shall be transitioned so as to continue to have any Development Charge Reductions contained in Development Charges By-law 62-2012, Schedule B1(a) and calculated using the rate in effect on August 31, 2017 and as per Section 3 of this Schedule. Specially, all of the following conditions must be satisfied to the satisfaction of the Region:
- a. Application shall have been received prior to the expiry of Development Charges By-law 62-2012 on August 31, 2017 and shall contain the following required documentation:
    - i. Proof of land transaction/ownership of land;
    - ii. A completed Phase 2 ESA<sup>1</sup> for the subject site that identifies mandatory remediation to meet MOECC Standards;
    - iii. Proof that remediation has commenced and is in progress or a contract for the remediation works has been awarded;
    - iv. Details of the proposed development including total units, unit type and/or total square footage of any proposed non-residential development.
    - v. An estimate of the potential Total Development Charges Payable as of August 31<sup>st</sup>, 2017 for the proposed development as identified in (iv) above.

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<sup>1</sup> Prepared and signed by a Qualified Person (QP) as per Ontario Regulation 153/04, as amended.

- b. Upon verification of all elements of Section 1(a) (above) and prior to December 31, 2017 an agreement in a form acceptable to the Niagara Region must be executed that shall contain, *inter alia*, the following terms:
- i. A building permit for the development must be issued or development charges prepaid prior to August 31, 2022, otherwise any agreement related to this Schedule shall become null and void and all development charges payable and any available development charge reductions, if applicable, will be calculated in accordance with the applicable development charges by-law in force at the time said charges would normally be payable..
  - ii. The manner and time by which the Owner must elect to calculate any available Development Chare Reduction pursuant to this schedule by confirming the reduction as either:
    - (a) Unit Cap being the total number of residential units and the total square footage of non-residential development proposed, which numbers may not exceed the numbers provided in Section 1(a)(iv) for purposes of the calculation in Section 3; or
    - (b) Financial Cap being the Total Development Charges Payable as calculated using the development charge rates in effect as of the date of the election, multiplied by the total number and type of residential units and the total square footage of non-residential development proposed, which dollar value may not exceed the amounts provided in Section 1(a) (v) for the purposes of the calculation in Section 3.
  - iii. The agreement shall be registered on title to the land and may be assigned to subsequent purchaser(s) of the said land with the written consent of the Niagara Region, which consent shall not be unreasonably withheld.
2. The Development Charge Reductions contained in Development Charge By-law XX-2017, Schedule E are based on Smart Growth Design Criteria approved by Regional Council on May 14th, 2014 and shall continue to apply to lands transitioned under this Schedule until August 31, 2022.
3. Calculation of the amount to be paid under the agreement will be:



**AMOUNT TO BE PAID PURSUANT TO ANY AGREEMENT = A – (B X 50%)**

**A** shall be the Total Development Charges Payable less demolition credits. The Total Development Charge Payable will be calculated at the rate in effect at the time of permit issuance or prepayment, as the case may be, pursuant to any agreement multiplied by the total number of units and types, and square footage as set out in any plan submitted in support of a building permit application or agreement regarding prepayment and within the limits as per Section 1(b)(ii)

**B** shall be the Development Charge calculated using the applicable rates in effect as of August 31st, 2017 multiplied by the number of units and types, and/or square footage as set out in any plan submitted in support of a building permit application or agreement regarding prepayment and within the limits as per Section 1(b)(ii)

4. The agreement will provide for the administration and payment of any Smart Growth Design Criteria Reduction that may eligible to be refunded after development, shall be provided in a manner and form satisfactory to the Region.
  
5. Any Development Charge for any lands covered by any agreement pursuant to this Schedule which may be payable after September 1, 2022 will be determined at the time of building permit issuance less any amount prepaid on or before August 31, 2022 in accordance with any written agreement between the Region and the Owner. If the pre-payment exceeds the actual development charge payable a refund without interest will be issued by the Region to the party that originally made the prepayment.