

BY-LAW NUMBER 1 OF 2024  
OF THE CITY OF SARNIA

**"A By-Law of The Corporation of the City of Sarnia respecting  
Development Charges"**

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**(Re: Development Charges By-Law)**

**WHEREAS** subsection 2(1) of the Development Charges Act, 1997, provides that the Council of a municipality may by By-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the Bylaw applies;

**AND WHEREAS** Council wishes to ensure that the capital Cost of meeting growth-related demands for municipal services does not place an undue financial burden on the City or its taxpayers while, at the same time, ensuring new taxpayers contribute no more than the New Capital Cost attributable to providing the current level of municipal services to new development;

**AND WHEREAS** the Development Charges Act, 1997, permits Councils to pass a By-law for the imposition of Development Charges if the Development of land within the City will increase the need for municipal services and any one or more of the actions set out in Subsection 2(2) of the Act is required for such Development;

**AND WHEREAS** the City has undertaken a background study as required by Sections 10 and 11 of the Development Charges Act and has given notice in accordance with Section 12 of the Development Charges Act in order to solicit input;

**AND WHEREAS** a public meeting has been held before passage of this By-law with notice given and sufficient information made available to the public pursuant to Section 12 of the Development Charges Act, 1997;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF  
THE CITY OF SARNIA ENACTS AS FOLLOWS:

## **1. DEFINITIONS**

1.1. In this by-law,

- 1) "Act" means the Development Charges Act, 1997, c. 27, as amended, or any successor thereto;
- 2) "Accessory Dwelling" means a self-contained residential unit that is subordinate in purpose to another residential dwelling unit upon the same lot and includes a garden suite and a mobile home.
- 3) "Accessory Use" means where used to describe a use, building, or structure, that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;
- 4) "Affordable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the Act;
- 5) "Ancillary Residential Building" means a residential building that would be ancillary to a detached dwelling, semi-detached dwelling, or row dwelling and includes an accessory dwelling.
- 6) "Apartment dwelling" means any dwelling unit within a building containing more than four dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor;
- 7) "Attainable Residential Unit" means a residential unit that meets the criteria set out in subsection 4.1(4) of the Act;

- 8) "Bedroom" means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
- 9) "Board of education" means a board defined in subsection 1(1) of the Education Act, or any successor thereto;
- 10) "Building Code Act" means the Building Code Act, 1992, as amended, or any successor thereto;
- 11) "Capital cost" means costs incurred or proposed to be incurred by the City or any Local Board thereof, or the County in respect of County Roads only, either directly or by others on behalf of, and as authorized by the City, any Local Board thereof, or the County where those costs are one of the following:
  - a) costs to acquire lands or an interest in land, including the capital component of the costs to acquire a leasehold interest;
  - b) costs to improve lands;
  - c) costs to acquire, lease, construct or improve buildings and structures;
  - d) costs to acquire, lease, construct or improve facilities, including:
    - i) rolling stock with an estimated useful life of seven years or more,
    - ii) furniture and equipment, other than computer equipment, and
    - iii) materials acquired for circulation, reference or information purposes by a library board defined in the Public Libraries Act;

e) interest on money borrowed to pay costs described in clauses a) to d) above;

- 12) "City" means The Corporation of the City of Sarnia;
- 13) "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;
- 14) "Commercial use" means the use of any land, building or structure for the sale of goods or services at retail;
- 15) "Council" means the Council of the City;
- 16) "County" means the Corporation of the County of Lambton;
- 17) "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;
- 18) "Development charge" means a means a charge imposed with respect to Net Growth-related capital Costs against lands in the City under the Development Charges Act and calculated with this By-law;
- 19) "Dwelling unit" means one or more rooms for domestic use of one or more individuals living as a single housekeeping unit in which culinary and sanitary facilities are provided for the exclusive use of the individual or individuals. For the purposes of this by-law, 'dwelling unit' does not include special care/special dwelling unit/room;
- 20) "Existing industrial building" means a building or buildings existing on site in the City of Sarnia on July 13, 2014 or the first building constructed and occupied on a vacant site pursuant to site plan approval under Section 41 of the

Planning Act, R.S.O. c.P.13 of the Planning Act subsequent to this by-law coming to effect for which full development charges were paid, and is being used for or in conjunction with,

- a) the production, compounding, packaging, crating, bottling, packing or assembling of raw or semi-processed goods or materials in not less than seventy-five percent of the total gross floor area of the building or buildings on a site ("manufacturing") or warehousing related to the manufacturing use carried on in the building or buildings;
  - b) research or development in connection with manufacturing in not less than seventy-five percent of the total gross floor area of the building or buildings on a site;
  - c) retail sales by a manufacturer, if the retail sales are at the site where the manufacturing is carried out, such retail sales are restricted to goods manufactured at the site, and the building or part of a building where such retail sales are carried out does not constitute greater than twenty-five percent of the total gross floor area of the building or buildings on the site; or
  - d) office or administrative purposes, if they are,
    - i) carried out with respect to manufacturing or warehousing; and
    - ii) in or attached to the building or structure used for such manufacturing or warehousing;
- 21) "Farm building" means a low human occupancy farm building under the Ontario Building Code;

- 22) "Front ending agreement" means an Agreement made under Section 44 of the Act;
- 23) "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- 24) "Gross floor area" means the total floor area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from other dwelling units or other portion of a building;
  - a) in the case of a Residential Use building or structure or in the case of the Residential Use portion of a mixed-use building or structure, the total area of all floors above grade of any and all Dwelling Units measured between the outside surfaces of exterior walls and the centre lines of party walls dividing the dwelling Unit or other portion of a building;
  - b) in the case of a Non-Residential Use building or structure, or in the case the Non-Residential Use portion of a mixed-use building or structure, the total area of all building floors above or below grade.
- 25) "Growth Related New Capital Cost" means the portion of the Net Capital Cost of services that is reasonably attributable to the need for such Net Capital Cost that results from, or will result from, development in all or a defined part of the City;
- 26) "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.

- 27) "Industrial Use" means lands, buildings or structures used or designed or intended to use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;
- 28) "Institutional" means lands, buildings or structures or portions thereof used by any organization, owned or operated, on a not for profit basis, for religious, educational, charitable or government purposes supported in whole or in part by public funds;
- 29) "Institutional development" means development of a building or structure intended for use,
- a) as a long-term care home within the meaning of subsection 2(1) of the Long-Term Care Homes Act, 2007;
  - b) as a retirement home within the meaning of subsection 2(1) of the Retirement Homes Act, 2010;
  - c) by any of the following post-secondary institutions for the objects of the institution:
    - i) a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
    - ii) a college or university federated or affiliated with a university described in subclause (i), or
    - iii) an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017;

- d) as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or
  - e) as a hospice to provide end of life care.
- 30) "Local board" has the same definition as defined in the Development Charges Act, 1997;
- 31) "Local services" means those services, facilities or things which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act R. s.0. 1990, as amended or any successor thereto;
- 32) "Multiple dwellings" means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment house dwellings;
- 33) "Net capital cost" means the Capital Cost less capital grants, subsidies made to the City or that the Council of the City anticipates will be made, including conveyances or payments under Section 42, 51 and 53 of the Planning Act, R.S.O. 1990, as amended, and less the reductions required by subsection 5(8) of the Act;
- 34) "Non-profit housing development" means development of a building or structure intended for use as residential premises by,
  - a) 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;
  - b) a corporation without share capital to which the Canada Notfor-profit Corporations Act applies, that is



in good standing under that Act and whose primary object is to provide housing; or

c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.

- 35) "Non-residential use" means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use and includes all commercial, industrial and institutional uses;
- 36) "Non-serviced industrial buildings and structures used exclusively for storage" means buildings and structures located within an industrial zone that are not serviced by municipal or private water and/or sewage systems and are used exclusively for the warehousing or storage of goods accessory to the industrial use.
- 37) "Official plan" means the Official Plan of the Corporation of the City of Sarnia and any amendments thereto;
- 38) "Owner" means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;
- 39) "Planning Act" means the Planning Act, R.S.O. 1990, as amended;
- 40) "Rate" means the interest rate established weekly by the Bank of Canada;
- 41) "Regulation" means any regulation made pursuant to the Act;
- 42) "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;

- 43) "Residential use" means lands, buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one or more individuals;
- 44) "Semi-detached dwelling" means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but no other parts, attached or another dwelling unit where the residential units are not connected by an interior corridor;
- 45) "Services" (or "service") means those services set out in Schedule "A" to this By-law;
- 46) "Servicing agreement" means a servicing agreement, subdivision agreement, severance agreement, condominium agreement, site plan agreement or other similar agreement entered into between an Owner and the City;
- 47) "Single detached dwelling unit" means a residential building consisting of one dwelling unit and not attached to another structure and includes mobile homes.
- 48) "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 on identical ownership;
- 49) "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

## **2. DESIGNATION OF SERVICES/CLASS OF SERVICES**

2.1. The categories of services/class for which development charges are imposed under this by-law are as follows:

- 1) Services Related to a Highway;
- 2) County Roads;
- 3) Fire Protection Services;
- 4) Police Services;
- 5) Parks and Recreation Services;
- 6) Library Services;
- 7) Storm drainage and control services;
- 8) Wastewater; and
- 9) Water.

Components of the services/class of services designated in Subsection 2.1 are described in Schedule "A".

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

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

- 1) the lands are located in the area described in Subsection 3.2 and
- 2) the development of the lands requires any of the approvals set out in Subsection 3.4(1).

#### Lands Affected

3.2. Subject to Subsection 3.3 this by-law applies to all lands in the geographic area of the City of Sarnia.

- 1) the City-wide Development Charges described in Schedule B to this by-law shall be calculated and collected on all lands designated within the City;
- 2) the Urban Services – All Other Urban Areas Development Charges described in Schedule B to this by-law shall be calculated and collected on all lands designated as "Urban Area" in Schedule "C"; and
- 3) the Urban Services – Development Area 2 Development Charges described in Schedule B, to this by-law shall be calculated and collected on all lands designated as "Development Area 2" in Schedule "C".

3.3.

- 1) This By-law applies to all land in the City of Sarnia, whether or not the lands or use thereof is exempt from taxation under Section 3 of the Assessment Act.
- 2) Notwithstanding subsection 3.3(1) above, land that is owned by and used for the purpose of:
  - a) the City or any local board thereof, or
  - b) the County, or

- c) a Board as defined in Section 1(1) of the Education Act, R.S.O. 1990, c.E.2 is exempt from the payment of a Development Charge.
- d) Land vested in or leased to a university or college that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Act if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

### **3.4. Approvals for Development**

- 1) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires,
  - a) the passing of a zoning by-law or an amendment to a zoning Section 34 of the Planning Act, R.S.O. 1990;
  - b) the approval of a minor variance under Section 45 of the Planning Act, R.S.O. 1990;
  - c) a conveyance land to a by-law passed under Subsection 50(7) of the Planning Act, R.S.O. 1990, 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, R.S.O. 1990;
  - f) the approval of a description under Section 50 of the Condominium Act, R.S.O. 1990; or
  - g) the issuing of a permit under the Building Code Act S. 0. 1990, in relation to a building or structure.

- 2) No more than one development charge for each service designated in Subsection 2.1 shall be imposed upon any lands, buildings or structures to which this by-law applies even though two or more of the actions described in Subsection 3.4(1) are required before the lands, buildings or structures can be developed.
- 3) Despite Subsection 3.4(2), if two or more of the actions described in Subsection 3.4(1) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

### **Exemptions**

- 3.5. Notwithstanding the provisions of this by-law, and subject to the transition provisions of section 3.5.1, development charges shall not be imposed with respect to:
- 1) a non-residential farm building or structure on a property actively used for agricultural purposes in the rural zones as identified in the City's Zoning By-law;
  - 2) a use of land that does not involve a building structure, such as playing fields, ball diamonds and other similar outdoor recreation facilities;
  - 3) development in the Sarnia 402 Business Park located between Airport Road, Telfer Road, London Line and Highway 402 or in the Sarnia Business and Research Park and the University of Western Ontario Research and Development Park (Sarnia-Lambton Campus) located on the east side of Highway 40 south of London Line; and
  - 4) temporary buildings and structures as defined in the City's Zoning By-law, non-serviced industrial buildings and structures used exclusively for storage, and airport hangars.

- 5) Non-Profit Housing Development;
- 6) Affordable Housing units required pursuant to Section 34 and 16(4) of the *Planning Act* (Inclusionary Zoning).
- 7) Other Exemptions (Upon Proclamation):
  - a) Once proclamation is received by the Lieutenant Governor, the following shall be exempt from development charges:
    - i. Affordable Residential Units; and
    - ii. Attainable Residential Units.

**Transition of Exemptions to Grant Program:**

3.5.1 The exempt types of development set out in items 1 to 4 in section 3.5 of this by-law are separately no longer deemed exempt once a Community Improvement Plan is approved by the City which includes a grant equivalent to the applicable D.C. for each type of development, or a portion thereof.

**3.6. Exemption for Industrial Development:**

- 1) No Development Charge shall be imposed on:
  - a) one or more enlargements of an Existing Industrial Building, up to a maximum of fifty percent (50%) of the Gross Floor Area of the Existing Industrial Building;
  - b) the enlargement or addition of one or more industrial Buildings on the same lot or parcel of land as one or more Existing Industrial Buildings, up to a maximum of fifty percent (50%) of the combined Gross Floor Area of the Existing Industrial Buildings.
- 2) If the gross floor area is enlarged by more than 50 percent as an addition onto the Existing Industrial Building, 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 as determined as follows:

- a) Determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.
  - b) Divide the amount determined under paragraph 3.6(2)(i) by the amount of the enlargement.
- 3) The cumulative total of the Gross Floor Area previously exempted hereunder shall be included in the determination of the amount of the exemption applicable to any subsequent enlargement.
  - 4) Where a subdivision of a lot or parcel of land subsequent to any enlargement or additional industrial Building previously exempted hereunder results in the Existing Industrial Building being on a lot or parcel separate from the Development previously, further exemptions, if any, pertaining to the Existing Industrial Building shall be calculated on the basis of the lot or parcel of land as it exists at the time of said enlargement or additional industrial Building.

### **3.7 Exemptions for Intensification of Existing Housing or New Housing:**

- 1) No Development Charge shall be imposed where the only effect of an action referred to in Section 3.4 of this By-law is to:
  - a) permit an enlargement to an existing residential Dwelling Unit;
  - b) permit the creation of additional dwelling units equal to the greater of one Dwelling Unit or one percent of the existing Dwelling Units is existing Rental Housing or a prescribed



ancillary residential dwelling structure to the existing residential building;

- c) Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to the creation of any of the following in existing houses:
- i. A second residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit.
  - ii. A third residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.
  - iii. One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.
- d) Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to

the creation of any of the following in new residential buildings:

- i. A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit.
  - ii. A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units.
  - iii. One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units
- 2) Notwithstanding 3.7(1) 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.
- 3) The exemption to Development Charges in 3.7(1) above shall only apply to the first instance of intensification in an existing or new dwelling.
- 4) Subject to 3.7(2) and 3.7(3) above, any exemption under 3.7(1) above shall apply to the smallest Dwelling Unit, as determined by applicable rates under this By-law.

### **3.8 Discounts for Rental Housing (For Profit)**

- 1) The D.C. payable for rental housing developments, where the residential units are intended to be used as a rented residential premises will be reduced based on the number of bedrooms in each unit as follows:
  - a) Three or more bedrooms – 25 per cent reduction;
  - b) Two bedrooms – 20 per cent reduction; and
  - c) All other bedroom quantities – 15 per cent reduction.

### **3.9 Phasing Amount of Charges**

- 1) The amount of the development charges described in Schedule B to this by-law shall be reduced in accordance with Section 5(8) of the Act. Therefore, the following percentages of the charges provided in Schedule B will be imposed (subject to annual indexing as per Section 10 of this By-law):
  - a) Year 1 – 80 per cent;
  - b) Year 2 – 85 per cent;
  - c) Year 3 – 90 per cent;
  - d) Year 4 – 95 per cent; and

e) Year 5 through 10 – 100 per cent.

### **3.10 Residential**

- 1) The development charges described in Schedule B to this by-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

### **3.11 Non-Residential Uses**

- 1) The development charges described in Schedule B to this by-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed use building or structure, on the non-residential uses in the mixed use building or structure, and calculated with respect to each of the services according to the gross floor area of the non-residential use.

### **3.12 Redevelopment**

- 1) Where the redevelopment of lands involves the replacement of one or more buildings or structures, existing on the land or converted from one principal use to another principal use on the same land, the Owner shall receive a credit against the Development Charge payable hereunder for the replaced Residential Unit(s) or Non-residential Gross Floor Area or acreage (at the owner's option), at the rate or rates applicable to the type of use or uses that are removed from the land, regardless of the type of the redevelopment provided that a building permit has been issued within five (5) years from the date of the demolition permit;

- 2) A credit can, in no case, exceed the amount of the development charge that would otherwise be payable, and no credit is available if the existing land use is exempt under this by-law.

### **3.13 Local Services and Connections**

- 1) Nothing in this By-law prevents Council from requiring, as a condition of approval under Section 41, 51 and 53 of the Planning Act that Local Services and local connections to watermains, sanitary sewers and storm drainage facilities be installed at the Owner's expense; and
- 2) Nothing in this By-law prevents Council from charging an Owner for the cost of Local Services which are required for Development, where such Local services are installed at the expense of the City or another Owner.

## **4. AGREEMENTS REGARDING PAYMENT OF DEVELOPMENT CHARGES**

### **4.1.**

- 1) Nothing in this By-law prevents Council from entering into an agreement with an Owner providing for the payment of a Development Charge before the date otherwise required for payment hereunder.
- 2) Where an Owner has entered into an agreement under this Section, the Owner shall only be required to pay the Development Charge in effect on the date it is payable under the agreement.

## **5. FRONT ENDING AGREEMENTS**

- 5.1. Council may, from time to time and at any time, enter into a Front Ending Agreement as authorized by Section 44 of the Act.

## **6. COMPLAINTS ABOUT DEVELOPMENT CHARGES**

### 6.1.

- 1) An Owner required to pay a Development Charge may complain to Council that:
  - a) the amount of the Development Charge was incorrectly determined;
  - b) a credit available to be used against the Development Charge was not applied, or the amount of credit or service with respect to the which the credit was applied, was incorrectly determined; or
  - c) there was an error in the application of the Development Charge By-law.
- 2) Such complaint must be received within 90 days of the Development Charge being paid and must be in written form indicating:
  - a) the complainant's name;
  - b) address for service of notice; and
  - c) reasons for the complaint.

## **7. ADMINISTRATION**

### 7.1.

- 1) Council directs the Treasurer of the City to create a reserve fund separate from the other revenues or receipts of the City of Sarnia. The Treasurer is hereby directed to divide the reserve fund into separate sub-accounts for each of the Services for which a Development Charge is payable. The Treasurer shall deposit the Development Charges paid under this By-law and any interest earned thereon to the credit of

the appropriate sub-accounts of the reserve fund and shall pay there from any amount necessary to defray the Net Capital Cost of Services in accordance with the provisions of s.35 of the Development Charges Act, 1997.

- 2) The amount contained in the reserve fund established under Section 14 of this By-law shall be invested in accordance with subsection 165(2) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, and any income received from such investment shall be credited to the sub-accounts in the said reserve fund in the appropriate proportions.
- 3) The Treasurer shall each year on or before the 31st day of May, give the Council a financial statement relating to a Development Charge By-law and reserve funds established hereunder containing the information required under the Regulations.

## **8. TIMING AND PAYMENT OF DEVELOPMENT CHARGES**

- 8.1. Development Charges are payable at the time the first building permit is issued with respect to a development.
- 8.2. Notwithstanding Section 8.1, development charges for rental housing and institutional developments are due and payable in 6 equal annual payments commencing with the first Installment payable on the date of occupancy, and each subsequent Installment, including interest at the interest rate as provided in accordance with Section 26.3 of the Act.
- 8.3. 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 3.10 and 3.11 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning

applications apply development charges under Sections 3.10 and 3.11 shall be calculated on the rates, including interest at the interest rate as provided in the in accordance with Section 26.3 of the Act, set out in Schedule "B" on the date of the later planning application.

## **9. SERVICES IN LIEU OF DEVELOPMENT CHARGES**

9.1. Council, by written agreement, and subject to Sections 38, 39, 40 and 41 of the Act, may permit an Owner to commute all or part of the Development Charge by the provision of one or more services in lieu, provided such services in lieu are at a standard, that is equal to but not greater than the standard for the equivalent Service for which a Development Charge is payable hereunder. Such Agreement shall provide a credit equal to the reasonable cost to the Owner of providing the service in lieu, but such credit shall not exceed the Development Charge payable for the Development.

## **10. INDEXING**

10.1. Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, commencing on January 15, 2024, and each January 1 thereafter, in accordance with the Statistics Canada Quarterly, Non-Residential Building Construction Price Index (Table 18-10-0276-02) for the most recent year-over-year period.

## **11. REGISTRATION**

11.1. A copy of this By-law shall be registered in the By-law register in the Land Registry Office against all lands in the City.

## **12. SEVERABILITY**

12.1. If any section or sections of this By-law or parts thereof shall be found by any Court to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be to be



severable and all other sections or parts of this By-law shall be deemed to be separate and independent there from and continue in full force and effect and unless and until similarly found this By-law shall be enacted as such.

**13. INTERPRETATION**

13.1. The By-law shall be read with all changes to number and gender required by the context

**14. SCHEDULES**

14.1. The following schedules to this by-law form an integral part thereof:

Schedule "A"	Components of Services/Classes of Services Designated in Subsection 2.1
Schedule "B"	Residential and Non-Residential Development Charges
Schedule "C"	Urban Growth Boundary and Development Area 2 Map

**15. SHORT TITLE**

15.1. The short title of this By-law is "Development Charges" By-law.

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

16.1. This by-law shall come into force and effect on January 15, 2024.

**17. DATE BY-LAW EXPIRES**

17.1. This by-law shall expire 10 years from the date of passing, unless it is repealed at an earlier date.

## **18. REPEAL**

18.1. Upon the coming into force of this by-law, By-law No. 89 of 2019 (as amended by 101 of 2021) of the City of Sarnia is hereby repealed.

**By-Law Read a First, Second and Third time this 15 day of  
January, 2024.**

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Mike Bradley  
Mayor

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Amy Burkhart  
City Clerk

## SCHEDULE "A"

TO BY-LAW NUMBER \_\_\_\_\_ of 2023  
DESIGNATED MUNICIPAL SERVICES / CLASS OF SERVICES UNDER  
THIS BYLAW

### **D.C. Eligible Services**

#### Services Related to a Highway

- Roads, Sidewalks, Signals and Streetlights
- County Roads

#### Fire Protection Services

- Fire Facilities
- Fire Vehicles
- Fire Equipment and Gear

#### Police Services

#### Stormwater Services

- Channels, Drainage

#### Wastewater Services

- Treatment
- Collection

#### Water Services

- Distribution

#### Parks & Recreation Services

- Parkland development, amenities, and trails
- Recreation Facilities
- Parks & Recreation Vehicles

#### Library Services

- Library facilities
- Library collection materials

### **D.C. Eligible Classes of Services**

#### Public Works Facilities, Fleet, and Equipment

- Services Related to a Highway
- Water Services
- Wastewater Services

## SCHEDULE "B"

### TO BY-LAW NUMBER \_\_\_\_\_ OF 2023 OF THE CITY OF SARNIA SCHEDULE OF DEVELOPMENT CHARGES

Service/Class of Service	RESIDENTIAL				NON-RESIDENTIAL		
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)	(per sq.m of Gross Floor Area)
<b>City-wide Services/Class of Service:</b>							
Services Related to a Highway	8,085	6,501	5,882	3,415	3,321	4.99	53.71
Public Works (Facilities and Fleet)	442	356	322	187	182	0.29	3.12
Fire Protection Services	493	397	360	209	203	0.32	3.44
Policing Services	921	742	672	390	379	0.60	6.46
Parks and Recreation Services	6,374	5,138	4,649	2,699	2,625	0.59	6.35
Library Services	645	520	470	273	266	0.06	0.65
<b>Total City-wide Services/Class of Services</b>	<b>16,940</b>	<b>13,654</b>	<b>12,355</b>	<b>7,173</b>	<b>6,976</b>	<b>6.85</b>	<b>73.73</b>
<b>Urban Services - All Other Urban Areas</b>							
Stormwater Drainage and Control Services	793	639	578	336	327	0.44	4.74
Wastewater Services	2,944	2,373	2,147	1,247	1,212	2.16	23.25
Water Services	515	415	376	218	212	0.38	4.09
<b>Total Urban Services - All Other Urban Areas</b>	<b>4,252</b>	<b>3,427</b>	<b>3,101</b>	<b>1,801</b>	<b>1,751</b>	<b>2.98</b>	<b>32.08</b>
<b>Urban Services - Development Area 2</b>							
Stormwater Drainage and Control Services	11,045	8,903	8,055	4,677	4,549	5.19	55.86
Wastewater Services	14,584	11,756	10,636	6,175	6,006	8.41	90.52
Water Services	846	682	617	358	348	0.49	5.27
<b>Total Urban Services - Development Area 2</b>	<b>26,475</b>	<b>21,341</b>	<b>19,308</b>	<b>11,210</b>	<b>10,903</b>	<b>14.09</b>	<b>151.66</b>
<b>GRAND TOTAL CITY-WIDE</b>	<b>16,940</b>	<b>13,654</b>	<b>12,355</b>	<b>7,173</b>	<b>6,976</b>	<b>6.85</b>	<b>73.73</b>
<b>GRAND TOTAL ALL OTHER URBAN AREAS</b>	<b>21,192</b>	<b>17,081</b>	<b>15,456</b>	<b>8,974</b>	<b>8,727</b>	<b>9.83</b>	<b>105.81</b>
<b>GRAND TOTAL DEVELOPMENT AREA 2</b>	<b>43,415</b>	<b>34,995</b>	<b>31,663</b>	<b>18,383</b>	<b>17,879</b>	<b>20.94</b>	<b>225.40</b>

SCHEDULE "C"

TO BY-LAW NUMBER \_\_\_\_\_ OF 2023 OF THE CITY OF SARNIA  
 URBAN GROWTH BOUNDARY AND DEVELOPMENT AREA 2 MAP

