

Authority: Item ,
Report (FCS24016)
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**Being a By-law to amend By-law 22-158
"City of Hamilton Community Benefits Charges By-law, 2022"
To Revise Definitions and Policy Regarding
Calculation of Community Benefits Charges**

WHEREAS the Council of the City of Hamilton has adopted the Community Benefits Charges By-law 22-158;

WHEREAS the Council of the City of Hamilton has given notice and held a Public Meeting on _____, _____ regarding its proposals for this Community Benefits Charges By-law amendment;

WHEREAS the Council of the City of Hamilton, through its Audit, Finance and Administration Committee, has received written submissions and heard all persons who applied to be heard no matter in object to, or in support of, the said By-law amendment.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Section 1 of By-law 22-158 is hereby amended by removing Definitions (b) and (n) without replacement.
2. Section 1 of By-law 22-158 is hereby amended by replacing Definition (g) with the following:
 "Building Permit" means a building permit issued pursuant to the *Building Code Act* in relation to a building or structure;
3. Section 11 of By-law 22-158 is hereby amended by replacing the section with the following:

11. (a) Where there is Development or Redevelopment other than that described in subsection 12(b) and which requires one or more of the approvals set out in subsection 12(a), on land to which this By-law applies, the Community Benefits Charges payable pursuant to this By-law shall be four (4) percent of the value of the land being developed as of the Valuation Date.
 - (b) Land referred to in subsections 11(a) and 11(c) means the entire Parcel or Parcels on which the Development or Redevelopment is occurring regardless of whether the Development or Redevelopment is only on a part of the Parcel or Parcels or is a phase of a Development or Redevelopment.
 - (c) If a Development or Redevelopment consists of two or more above grade Buildings that will not be constructed concurrently, will be subject to separate building permits and are anticipated to be completed at different times, each phase of the Development or Redevelopment is deemed to be a separate Development or Redevelopment for the purposes of this By-law. For the purposes of this subsection an above grade shared podium structure which contains no residential units will not be considered part of a Building.
 - (d) The Community Benefits Charges for the Development or Redevelopment and any applicable exemptions or reductions will be calculated in accordance with Section 37(32) of the *Planning Act, 1990*.
 - (e) The amount of any credit pursuant to the calculation in accordance with Section 37(32) of the *Planning Act, 1990*, shall not exceed, in total, the amount of the Community Benefits Charges otherwise payable with respect to the Development or Redevelopment pursuant to this By-law. If the aforesaid calculation is zero or a negative value no CBC is payable, and no credit or refund will be payable.
4. Section 13 of By-law 22-158 is hereby amended by removing without replacement.
 5. Section 6 and Section 14 and the associated Schedule "A" of By-law 22-158 are hereby amended by removing without replacement.

6. The City Clerk is hereby authorized and directed to consolidate this and any other duly enacted amendments to By-law 22-158 into the main body of the said By-law, and to make any necessary and incidental changes to numbering and nomenclature thereof arising from the said consolidation.
7. This By-law shall come into force and take effect at 12:01 a.m. on the date following enactment.

PASSED this _____ , _____

A. Horwath
Mayor

M. Trennum
City Clerk