

# PROPOSED

IP2023-1264  
ATTACHMENT 3

## CHARTER BYLAW NUMBER 1H2024

### BEING A CHARTER BYLAW OF THE CITY OF CALGARY TO ESTABLISH OFF-SITE LEVIES

\*\*\*\*\*

**WHEREAS** pursuant to section 648 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended, and section 4 of the *City of Calgary Charter, 2018 Regulation*, Alta Reg 40/2018, Council may provide for the imposition and payment of an off-site levy in respect of land that is to be subdivided, developed or redeveloped;

**AND WHEREAS** The City of Calgary has consulted in good faith with stakeholders prior to making a final determination on defining and addressing existing and future infrastructure requirements, when determining the methodologies on which to base the off-site levies, and on the calculations of the off-site levies with stakeholders in the benefitting areas where the off-site levies will apply;

**AND WHEREAS** The City of Calgary has defined the infrastructure for which off-site levies will be imposed, established the method that will be used to determine the degree that the land that is to be subdivided, developed or redeveloped benefits from each type of infrastructure identified, and calculated levies as described in the Off-site Levies Background Report, attached as Schedule "C" of this bylaw;

**AND WHEREAS** Council deems it necessary and desirable to impose off-site levies according to the methodologies and calculations set out in the Off-site Levies Background Report;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:**

1. This bylaw may be cited as the "Off-site Levies Bylaw".

#### **PURPOSE OF THE LEVIES**

2. This bylaw imposes off-site levies to pay for the capital cost of the infrastructure forming the subject of the off-site levies, land required for or in connection with the infrastructure, and the interest cost of borrowing to finance the capital costs of the infrastructure and land.

# PROPOSED

BYLAW NUMBER 1H2024

## DEFINITIONS AND INTERPRETATION

3. (1) In this bylaw, the following definitions apply:

“*approving authority*” means a person or body appointed as a development authority or subdivision authority in accordance with the *Municipal Government Act*, and does not include an appeal board;

“*Chief Administrative Officer*” means the Chief Administrative Officer of The City of Calgary or the employee of The City of Calgary who has been delegated the authority to exercise the powers, duties, and functions of the Chief Administrative Officer under this bylaw;

“*commercial development*” means the uses described in Table 3 of Schedule “B”;

“*Established Area*” means the area identified as “Established Area” on the map in Schedule “A”;

“*Development Agreement*” means the standard City of Calgary Development Agreement;

“*Greenfield Area*” means the area identified as “Greenfield Area” on the map in Schedule “A”;

“*industrial development*” means the uses described in Table 3 of Schedule “B”;

“*levy*” or “*levies*” means either individually or collectively the emergency response levy, library levy, police levy, recreation levy, transit buses levy, transportation levy, stormwater levy, water distribution levy, wastewater collection levy, water treatment levy, and wastewater treatment levy imposed pursuant to this bylaw;

“*residential development*” means the uses described in Table 3 of Schedule “B”;

“*site development area*” means any portion of land that is the subject of a subdivision or development permit application, and may be portions of, or all of, one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

“*skeletal road*” means the roads identified as Skeletal Roads in Map 7, Part 8 of the Calgary Transportation Plan 2020, Volume 3 of the City of Calgary’s Municipal Development Plan;

“*The City*” means the municipal corporation of The City of Calgary;

“*unit*” means a Dwelling Unit or a Live Work Unit, but does not include a Secondary Suite or Backyard Suite, as those terms are defined in the Land Use Bylaw, 1P2007;

(2) Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this bylaw.

# PROPOSED

## BYLAW NUMBER 1H2024

- (3) Each provision of this bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw remain valid and enforceable.
- (4) Where this bylaw cites or refers to any Act, bylaw, regulation, agreement or publication, the citation or reference is to the Act, bylaw, regulation, agreement or publication as amended, whether amended before or after the commencement of this bylaw, and includes reference to any Act, bylaw, regulation, agreement or publication that may be substituted in its place.
- (5) All schedules attached to this bylaw form a part of this bylaw.

### CALCULATION

4. (1) The city is divided into geographical areas as shown in Schedule 'A' for the purpose of calculating the *levies* to be imposed.
  - (2) The infrastructure forming the subject of the *levies*, the methodologies and the calculations of *levy* rates and amounts are described in Off-site Levies Background Report, attached to this Bylaw as Schedule "C".
  - (3) The *Chief Administrative Officer* shall do a periodic review of the calculations of *levy* rates.

### LEVIES

5. (1) Subject to subsections (4), (5) and (6), the following *levies* shall be imposed on all land within the *Greenfield Area* that is to be subdivided or developed for which such a *levy* has not previously been paid:
  - (a) emergency response *levy*,
  - (b) library *levy*,
  - (c) police *levy*,
  - (d) recreation *levy*,
  - (e) transit buses *levy*,
  - (f) transportation *levy*,
  - (g) stormwater *levy*,
  - (h) water distribution *levy*,
  - (i) wastewater collection *levy*,
  - (j) water treatment *levy*, and

# PROPOSED

## BYLAW NUMBER 1H2024

- (k) wastewater treatment *levy*.
- (2) Subject to subsections (4), (5) and (6), the water treatment and wastewater treatment *levies* shall be imposed on all land within the *Established Area* that is to be subdivided or developed for which such a *levy* has not previously been paid.
- (3) For the purpose of this bylaw only, despite subsection (2), the water treatment and wastewater treatment levies shall not be imposed on land that:
  - (a) was the subject of a City of Calgary Master Development Agreement executed between January 1, 2000 and December 31, 2010,
  - (b) was the subject of a City of Calgary Master Development Agreement executed between January 1, 2011 and December 31, 2011 and paid a 2010 levy rate, or
  - (c) is the subject of a development permit for the addition of floor area for *commercial* or *industrial development* and the gross floor area is less than 150 square metres.
- (4) Despite subsections (1) and (2), a *levy* shall not be imposed on land that is designated as environmental reserve or that is a *skeletal road*.
- (5) Despite subsections (1) and (2), where only portions of a parcel are subject to a subdivision or development permit approval, nothing shall prevent the imposition of a *levy* on the remaining land, or portions thereof, on subsequent subdivision or development.
- (6) Despite subsections (1) and (2), the *Chief Administrative Officer* may defer the imposition of a *levy* on all or part of a parcel where, in his or her sole discretion, there will be opportunity to collect the *levy* on future subdivision or development.

### AMOUNT OF LEVIES

- 6. (1) Subject to the following subsections and section 9, the rates and amounts of the *levies* to be imposed pursuant to this bylaw are the rates and amounts indicated in Schedule "B".
- (2) Subject to subsection 5(4), in the *Greenfield Area*, the *levies* to be imposed pursuant to this bylaw are calculated at the rates per hectare multiplied by the number of hectares in the *site development area*.
- (3) Subject to subsection 5(4), in the *Established Area*, for *industrial developments*, or a combination of *industrial* and *commercial developments* on a development permit application, the amount of the *levies* to be imposed pursuant to this bylaw is the total gross floor area of *industrial* and *commercial development* approved in the development permit, multiplied by the rate for *industrial* and *commercial development*.
- (4) Subject to subsection 5(4), in the *Established Area*, for *residential, commercial*, or a combination of *residential* and *commercial development* on a development permit application, the amount of the *levies* to be imposed pursuant to this bylaw is:
  - (a) the total number of *units* and the total gross floor area of *commercial development*

# PROPOSED

## BYLAW NUMBER 1H2024

- approved in the development permit, multiplied by the rates for each type of *unit* and the rate for *commercial development*; or
- (b) where the combined equivalent population per hectare for *residential* and *commercial development* proposed in the development permit is greater than or equal to 285 equivalent population per hectare, the lesser of:
    - i. the calculation as set out in subsection (4)(a), or
    - ii. \$839,040.00 multiplied by the number of hectares in the *site development area*.
- (5) For the purpose of subsection (4), the equivalent population per hectare for *residential* and *commercial development* is calculated using the equivalent population formula indicated in Table 2 of Schedule “B” per type of development for the total number of *units* and the total gross floor area of *commercial development* on the *site development area*, divided by the *site development area*.
- (6) For the purpose of subsections (3) and (4), the number of *units* or gross floor area used to calculate the *levies* must exclude any *units* or gross floor area of *commercial* or *industrial development* that:
- (a) are demolished or will be demolished, provided the development existed within ten years prior to the development permit application and was connected to both the water and sanitary sewer systems, or
  - (b) will be retained on site.
- (7) The amounts of the stormwater *levy*, water distribution *levy*, wastewater collection *levy*, water treatment *levy*, and wastewater treatment *levy* indicated in Schedule “B” and the amount of the *levies* indicated in section 6(4)(b)(ii) automatically adjust every year on January 1 without amendment to this bylaw by the percentage calculated from an historic five year smoothed average of the Statistics Canada non-residential building construction price index data for Calgary, as calculated by the *Chief Administrative Officer*.
- (8) The amounts of the emergency response *levy*, library *levy*, police *levy*, recreation *levy*, transit buses *levy*, and transportation *levy* indicated in Schedule “B” automatically adjust every year on January 1 without amendment to this bylaw by the percentage calculated from a discount rate based on the asset mix of the investments held on the capital deposits and the long-term capital market assumptions The City uses in projecting returns from investment portfolios, as calculated by the *Chief Administrative Officer*.
- (9) Subject to section 5(6), the amounts of the *levies* to be imposed pursuant to this bylaw are determined:
- (a) in the case of a development permit, on the date of the *approving authority’s* decision on a development permit, and
  - (b) in the case of a subdivision, on the effective date of a *Development Agreement*.

# PROPOSED

## BYLAW NUMBER 1H2024

### PAYMENT OF LEVIES

7. (1) A *levy* that has been imposed on a subdivision pursuant to this bylaw shall be paid as follows:
- (a) 30 per cent within one year of the effective date of a *Development Agreement*,
  - (b) 30 per cent within two years of the effective date of a *Development Agreement*, and
  - (c) the remaining 40 per cent within three years of the effective date of a *Development Agreement*.
- (2) A *levy* that has been imposed as a condition of a development permit approval pursuant to this bylaw shall be paid before the release of the development completion permit or occupancy of the development, whichever occurs first.
- (3) Interest on any outstanding *levy* or portion of a *levy* shall be calculated from the time of the payment at the rate of one and one half per cent (1.5%) per month (18% per annum).

### AGREEMENTS

8. *The City* may enter into agreements with respect to *levies*.

### TRANSITION

9. (1) This bylaw applies to all subdivision or development approvals made on or after March 1, 2024.
- (2) Despite subsection (1), the provisions of previous bylaws imposing off-site levies continue to apply to all subdivision and development where:
- (a) in the case of a development permit, the date of the *approving authority's* decision occurs on or before February 29, 2024, or
  - (b) in the case of a subdivision, the date of the *approving authority's* decision occurs on or before February 29, 2024 and the date of execution of a *Development Agreement* for that approval occurs on or before March 15, 2024.
- (3) Except as provided for in subsection (2), Bylaw 2M2016 is hereby repealed.

### OTHER LEVIES AND CHARGES

10. (1) In addition to the levies pursuant to this bylaw, the Centre City Levy Bylaw, Bylaw 38M2009, shall continue to apply.
- (2) Nothing in this bylaw prevents *The City* from imposing or collecting further or different levies or charges on any land subject to this bylaw.

# PROPOSED

BYLAW NUMBER 1H2024

## ENACTMENT

11. This bylaw comes into force on March 1, 2024.

READ A FIRST TIME ON \_\_\_\_\_

READ A SECOND TIME ON \_\_\_\_\_

READ A THIRD TIME ON \_\_\_\_\_

\_\_\_\_\_  
MAYOR

SIGNED ON \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

SIGNED ON \_\_\_\_\_

PUBLISHED ON THE CITY'S WEBSITE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

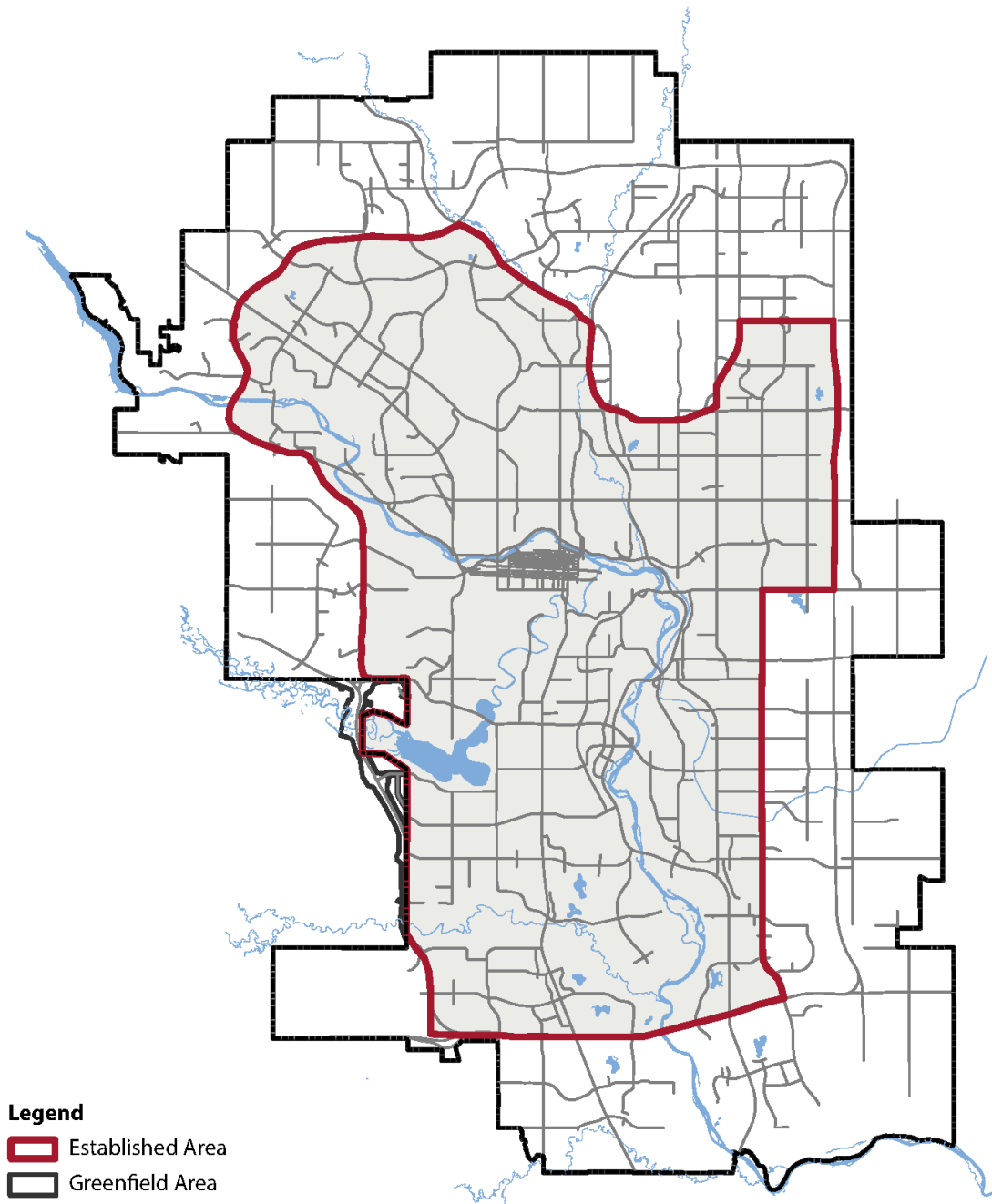
# PROPOSED

BYLAW NUMBER 1H2024

## SCHEDULE "A"

The following map illustrates the geographic areas referred to in this bylaw.

Established Area and Greenfield Area





# PROPOSED

BYLAW NUMBER 1H2024

## SCHEDULE "B"

**TABLE 1 - Levy Rates in the Greenfield Area**

| <b>Levy</b>                | <b>2024 Rate(\$/ha)</b> |
|----------------------------|-------------------------|
| emergency response levy    | \$17,069                |
| library levy               | \$5,801                 |
| police levy                | \$7,438                 |
| recreation levy            | \$52,510                |
| transit buses levy         | \$19,597                |
| transportation levy        | \$156,386               |
| stormwater levy            | \$20,869                |
| water distribution levy    | \$82,666                |
| wastewater collection levy | \$70,083                |
| water treatment levy       | \$32,580                |
| wastewater treatment levy  | \$144,060               |

# PROPOSED

BYLAW NUMBER 1H2024

TABLE 2 - Levy rates for treatment levies in the *Established Area*

| TYPE   |   | LEVY RATE  | Equivalent Population (EP)                 |
|--|---|--|--|
| <b>Residential development</b>   | <b>Single Detached</b><br>development with only one <i>unit</i>   | \$8,537.60 per <i>unit</i>   | <i>units</i> × 2.9 EP/ <i>unit</i>         |
|  | <b>Semi-detached/Duplex</b><br>development with only two <i>units</i>   | \$7,654.40 per <i>unit</i>   | <i>units</i> × 2.6 EP/ <i>unit</i>         |
|  | <b>Multi-Residential Grade-Oriented</b><br>development with three or four <i>units</i> , regardless of the form, or five or more <i>units</i> , where the <i>units</i> are provided in a Cottage Housing Cluster*, Townhouse*, Rowhouse Building* or in other grade-oriented development            | \$5,299.20 per <i>unit</i>   | <i>units</i> × 1.8 EP/ <i>unit</i>         |
|  | <b>Multi-Residential Non Grade-Oriented</b><br>development with five or more <i>units</i> , where the <i>units</i> are provided in a Multi-residential Development* or in other non grade-oriented development but are not provided in a Cottage Housing Cluster*, Townhouse* or Rowhouse Building* | \$4,416.00 per <i>unit</i><br>if a <i>unit</i> contains 2 or more bedrooms   | <i>units</i> × 1.5 EP/ <i>unit</i>         |
|  |   | \$3,532.80 per <i>unit</i><br>if a <i>unit</i> contains less than 2 bedrooms | <i>units</i> × 1.2 EP/ <i>unit</i>         |
| <b>Commercial development</b>  |   | \$49.88/m <sup>2</sup> of gross floor area                                   | gross floor area × 0.017 EP/m <sup>2</sup> |
| <b>Industrial development</b>  |   | \$23.94/m <sup>2</sup> of gross floor area                                   | gross floor area × 0.008 EP/m <sup>2</sup> |
| * The terms “Cottage Housing Cluster”, “Townhouse”, “Rowhouse Building”, and “Multi-Residential Development” have the same meanings as provided for in the City of Calgary Land Use Bylaw, 1P2007 and include any similar uses defined in a Direct Control District. |   |  |  |

# PROPOSED

BYLAW NUMBER 1H2024

**TABLE 3 – Residential, Commercial and Industrial Development**

|   |
|---|
| <p>1. <i>Residential development</i> means a use identified on a development permit, and any use that is ancillary to the principal use listed on a development permit, listed in the following City of Calgary Land Use Bylaw 1P2007 Schedule A Group of Uses, in place on the date of passage of this bylaw:</p> <p>a. Residential Group, with the exception of Hotel.</p>  |
| <p>2. <i>Industrial development</i> means a use identified on a development permit, and any use that is ancillary to the principal use listed on a development permit, that is one of the following:</p> <p>a. a use listed in the following City of Calgary Land Use Bylaw 1P2007 Schedule A Group of Uses, in place on the date of passage of this bylaw:</p> <p>i. Direct Control Uses, with the exception of the following:</p> <ol style="list-style-type: none"><li>1. Adult Mini-theatre,</li><li>2. Emergency Shelter,</li><li>3. Gaming Establishment – Casino,</li><li>4. Jail;</li></ol> <p>ii. General Industrial Group,</p> <p>iii. Industrial Support Group, with the exception of the following:</p> <ol style="list-style-type: none"><li>1. Artist’s Studio,</li><li>2. Health Services Laboratory – Without Clients,</li></ol> <p>iv. Storage Group; or</p> <p>b. one of the following specific uses:</p> <ol style="list-style-type: none"><li>i. Auction Market – Other Goods,</li><li>ii. Auction Market – Vehicles and Equipment,</li><li>iii. Bulk Fuel Sales Depot,</li><li>iv. Fleet Service,</li><li>v. Large Vehicle Service,</li><li>vi. Large Vehicle and Equipment Sales,</li><li>vii. Large Vehicle Wash,</li><li>viii. Recreational Vehicle Sales,</li><li>ix. Recreational Vehicle Service, or</li><li>x. Restored Building Products Sales Yard.</li></ol> |
| <p>3. <i>Commercial development</i> means a use identified on a development permit, and any use that is ancillary to the principal use listed on a development permit, that is neither <i>residential development</i> nor <i>industrial development</i>.</p>  |

# PROPOSED

BYLAW NUMBER 1H2024

## SCHEDULE "C"

Off-site Levies Background Report, IP2023-1264 Attachment 7 (76 pages)