

BYLAW NUMBER 2M2016

**BEING A BYLAW OF THE CITY OF CALGARY
TO ESTABLISH OFF-SITE LEVIES PURSUANT
TO SECTION 648 OF THE MUNICIPAL
GOVERNMENT ACT**

WHEREAS pursuant to s.648 of the Municipal Government Act, R.S.A. 2000, c.M-26, as amended, Council may provide for the imposition and payment of an off-site levy in respect of land that is to be developed or subdivided and to authorize agreements to be entered into in respect of the payment of the levy;

AND WHEREAS pursuant to s.648 of the Municipal Government Act an off-site levy may be used to pay for all or part of the capital cost of new or expanded facilities or land required for or in connection with any new or expanded facilities for:

- (a) the storage, transmission, treatment or supplying of water;
- (b) the treatment, movement or disposal of sanitary sewage;
- (c) storm sewer drainage; or
- (d) roads required for or impacted by a subdivision or development;

AND WHEREAS The City of Calgary requires developers to contribute to the funding of the above-noted infrastructure;

AND WHEREAS following an extensive engagement and consultation process, The City of Calgary has calculated levies that are based on the application of the principles and criteria set out in the Principles and Criteria for Off-site Levies Regulation, AR 48/2004, , as outlined in The City of Calgary Off-site Levy & Community Services Charges Background Report, contained as Schedule "C" of this bylaw;

AND WHEREAS notice of this Bylaw has been provided pursuant to the provisions of section 606 and 648 of the Municipal Government Act;

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

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

OBJECT OF THE LEVY

2. This bylaw creates off-site levies to pay for all or part of the capital cost of new or expanded facilities or land required for or in connection with any new or expanded facilities for:
 - (a) the storage, transmission, treatment or supplying of water;
 - (b) the treatment, movement or disposal of sanitary sewage;
 - (c) storm sewer drainage; or
 - (d) roads required for or impacted by a subdivision or development.

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;

“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”;

“Greenfield Area” means collectively the areas identified as “Greenfield Area by Watershed” on the map in Schedule “A”;

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

“Interim Indemnity Agreement” means the standard City of Calgary Interim Indemnity Agreement;

“levy” or *“levies”* means either individually or collectively the *sanitary sewer levy*, *storm sewer levy*, *transportation levy*, *treatment plant levy*, or *water levy* imposed pursuant to this bylaw;

“Manager, Growth Management” means *The City* employee appointed to the position of Manager, Growth Management, or the individual authorized to act in that person’s place;

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

“sanitary sewer levy” means an off-site levy created and imposed under this bylaw to pay for all or part of the capital costs of new or expanded facilities required for the movement or disposal of sanitary sewage;

“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;

“storm sewer levy” means an off-site levy created and imposed under this bylaw to pay for all or part of the capital costs of the construction of new or expanded storm sewer drainage facilities;

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

“transportation levy” means an off-site levy created and imposed under this bylaw to pay for all or part of the capital costs of the construction of new or expanded roads required for or impacted by a subdivision or development;

“treatment plant levy” means an off-site levy created and imposed under this bylaw to pay for all or part of the capital costs of the construction of water and sanitary sewage treatment facilities;

“*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 City of Calgary Land Use Bylaw, 1P2007;

“*water levy*” means an off-site levy created and imposed under this bylaw to pay for all or part of the capital costs of new or expanded facilities required for the storage, transmission, or supply of water.

- (2) Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this bylaw.
- (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 other 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 *levies* were determined according to the calculations set out in The City of Calgary Off-site Levy & Community Services Charges Background Report, attached to this bylaw as Schedule “C”.

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) *sanitary sewer levy*,
 - (b) *storm sewer levy*,
 - (c) *transportation levy*,
 - (d) *water levy*, and
 - (e) *treatment plant levy*.
- (2) Subject to subsections (4), (5) and (6), the *treatment plant levy* shall be imposed on all land within the *Established Area* that is to be subdivided or developed for which a *levy* for water or sanitary sewers has not previously been paid.

- (3) For the purpose of this bylaw only, despite subsection (2), the *treatment plant levy* must 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* must 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 *Manager, Growth Management* 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, based on the watershed in which the lands are located as shown in Schedule "A" if applicable, 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 *levy* 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 *levy* to be imposed pursuant to this bylaw is:

- (a) the total number of *units* and the total gross floor area of *commercial development* 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. \$615,885.00 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 *levy* 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 *levies* indicated in Schedule “B” will be automatically adjusted every year on January 1 by *The City* without amendment to this bylaw:
- (a) for the *sanitary sewer levy*, *storm sewer levy*, *water levy*, and *treatment plant levy* by 3.3 per cent; and
 - (b) for the *transportation levy*, by the percentage equal to the average Statistics Canada’s non-residential construction price index for Calgary for the previous 4 published quarters.
- (8) 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 date of execution of an *Interim Indemnity Agreement*.

PAYMENT OF LEVIES

7. (1) A *levy* that has been imposed on a subdivision pursuant to this bylaw must be paid as follows:
- (a) 30 (thirty) per cent within one year of the date of execution of an *Interim Indemnity Agreement*,
 - (b) 30 (thirty) per cent within two years of the date of execution of an *Interim Indemnity Agreement*, and
 - (c) the remaining 40 (forty) per cent within three years of the date of execution of an *Interim Indemnity Agreement*.
- (2) A *levy* that has been imposed on a development pursuant to this bylaw must be paid on or before the release of the development completion permit.
- (3) Despite section 6 and subject to section 9, the amount of a *treatment plant levy* that has been imposed on land in the *Established Area* must only be paid as follows:
- (a) 1/3 of the amount calculated pursuant to this bylaw, where the *approving authority's* decision on the development permit was made between February 1, 2016 and December 31, 2016,
 - (b) 2/3 of the amount calculated pursuant to this bylaw, where the *approving authority's* decision on the development permit was made between January 1, 2017 and December 31, 2017, and
 - (c) the full amount calculated pursuant to this bylaw, where the *approving authority's* decision on the development permit was made on or after January 1, 2018.
- (4) Interest on any outstanding *levy* or portion of a *levy* will 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) or as otherwise provided by Bylaw 104/75.

AGREEMENTS

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

TRANSITION

9. (1) This bylaw applies to all subdivision or development approvals made on or after February 1, 2016.

- (2) Despite subsection (1), a *treatment plant levy* must not be imposed on land in the *Established Area* on a development permit application which was received on or before January 31, 2016 and approved on or before January 31, 2018.
- (3) 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 January 31, 2016, or
- (b) in the case of a subdivision, the date of the *approving authority's* decision occurs on or before January 31, 2016 and the date of execution of a *Interim Indemnity Agreement* for that approval occurs on or before February 15, 2016.
- (4) Except as provided for in subsection (3), Bylaw 34M2011 is hereby repealed.
- (5) Bylaw 41M2010 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.

ENACTMENT

11. This bylaw comes into force on February 1, 2016.

READ A FIRST TIME THIS ____ DAY OF _____, 2016.

READ A SECOND TIME THIS ____ DAY OF _____, 2016.

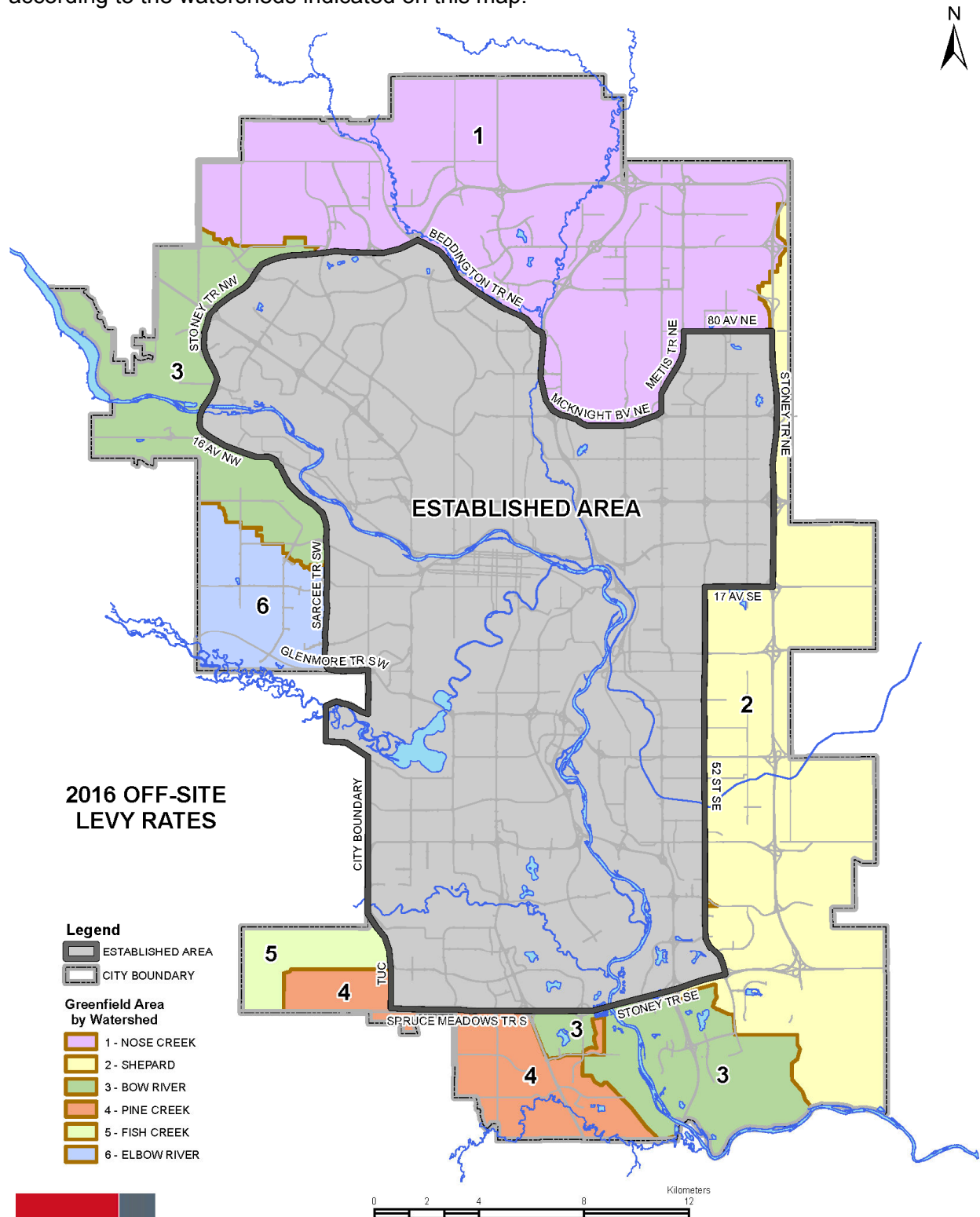
READ A THIRD TIME THIS ____ DAY OF _____, 2016.

MAYOR
SIGNED THIS ____ DAY OF _____, 2016.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2016.

SCHEDULE "A"

The following map illustrates the geographic areas and watersheds. Despite any changes made to grades or changes to natural drainage courses that might occur, the *levies* will be imposed according to the watersheds indicated on this map.



PROPOSED

SCHEDULE "B"**TABLE 1 - Levy Rates in the Greenfield Area**

LEVY		Rate(\$/ha)
<i>Transportation levy</i>		\$136,789.00
<i>storm sewer levy (by watershed)</i>	Bow River	\$6,983.00
	Elbow River	\$0
	Fish Creek	\$0
	Nose Creek	\$11,325.00
	Pine Creek	\$16,812.00
	Shepard	\$42,704.00
<i>sanitary sewer levy</i>		\$44,449.00
<i>water levy</i>		\$32,325.00
<i>treatment plant levy</i>		\$129,660.00

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

TYPE		LEVY RATE	Equivalent Population (EP)
Residential development	Single Detached development with only one <i>unit</i>	\$6,267.00 per <i>unit</i>	$\text{units} \times 2.9$ EP/unit
	Semi-detached/Duplex development with only two <i>units</i>	\$5,619.00 per <i>unit</i>	$\text{units} \times 2.6$ EP/unit
	Multi-Residential Grade-Oriented 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* or Rowhouse Building*	\$3,890.00 per <i>unit</i>	$\text{units} \times 1.8$ EP/unit
	Multi-Residential Non Grade-Oriented development with five or more <i>units</i> , where the <i>units</i> are provided in a Multi-residential Development* but are not provided in a Cottage Housing Cluster*, Townhouse* or Rowhouse Building*	\$3,242.00 per <i>unit</i> if a <i>unit</i> contains 2 or more bedrooms	$\text{units} \times 1.5$ EP/unit
		\$2,593.00 per <i>unit</i> if a <i>unit</i> contains less than 2 bedrooms	$\text{units} \times 1.2$ EP/unit
Commercial development		\$36.62/m ² of gross floor area	gross floor area $\times 0.017$ EP/m ²
Industrial development		\$17.58/m ² of gross floor area	gross floor area $\times 0.008$ EP/m ²
* 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.			

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"> 1. Adult Mini-theatre, 2. Emergency Shelter, 3. Gaming Establishment – Casino, 4. Jail; <p>ii. General Industrial Group,</p> <p>iii. Industrial Support Group, with the exception of the following:</p> <ol style="list-style-type: none"> 1. Artist's Studio, 2. Health Services Laboratory – Without Clients, <p>iv. Storage Group; or</p> <p>b. one of the following specific uses:</p> <ol style="list-style-type: none"> i. Auction Market – Other Goods, ii. Auction Market – Vehicles and Equipment, iii. Bulk Fuel Sales Depot, iv. Fleet Service, v. Large Vehicle Service, vi. Large Vehicle and Equipment Sales, vii. Large Vehicle Wash, viii. Recreational Vehicle Sales, ix. Recreational Vehicle Service, or x. Restored Building Products Sales Yard.
<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>

SCHEDULE "C"

The City of Calgary Off-site Levy & Community Services Charges Background Report,
December 2015 (82 pages)

PROPOSED