THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 047-2013

A By-Law to impose Special Service Area Development Charges – Pressure District 5 West (Woodbridge Watermain)

Whereas subsection 2(1) of the Development Charges Act, 1997, S.O. 1997, c. 27 (hereinafter referred to as the "Act") provides that the council of a municipality may pass by-laws for the imposition of a development charge against land where the development of the land would increase the need for services;

And Whereas the Council of the Corporation of the City of Vaughan held a public meeting on April 23, 2013 to consider the enactment of a City-wide development charge by-law, in accordance with section 12 of the Act;

And Whereas the Council of the Corporation of the City of Vaughan has given notice in accordance with section 12 of the Act, of its intention to pass a by-law under section 2 of the said Act;

And Whereas a development charges background study has been prepared by Hemson Consulting Ltd. dated March 7, 2013 and amended on April 5, 2013, wherein the background study indicated that the development of any land within the City of Vaughan will increase the need for services as defined therein;

And Whereas copies of the background study and the proposed by-law were made available to the public on April 5, 2013 in accordance with section 12 of the Act;

Now therefore the Council of The Corporation of the City of Vaughan enacts as follows:

Definition

1. For the following words and phrases if used in this by-law,

   (a) **"accessory use"** means the use of any building or structure that is naturally and normally:

      (i) incidental;

      (ii) subordinate to: and

      (iii) devoted exclusively to the main use on the same lot:

      and for the purpose of this By-law detached buildings or structures which are accessory uses shall not exceed 100 square metres of gross floor area.

   (b) **"agreement"** means a contract between the City and an owner and any amendment thereto;

(c) **“agricultural use”** means lands, buildings or structures, excluding any portion thereof used as a dwelling unit, used or designed or intended for use for the purpose of a bona fide farming operation including, but not limited to, animal husbandry, dairying, livestock, fallow, field crops, removal of sod, forestry, fruit farming, horticulture, market gardening, pasturage, poultry keeping, equestrian facilities and any other activities customarily carried on in the field of agriculture;

(d) **“air supported structure”** means an air supported structure as defined in the Building Code Act; 1992, S.O. 1992,c.23

(e) **“apartment building”** means a residential use building, or the residential use portion of a mixed use building, other than a townhouse or a stacked townhouse containing four or more dwelling units each of which shall have access to above grade common halls, stairs, elevators and yards;

(f) **“atrium”** means a large open space extending through several floors in a building that is open to the ceiling

(g) **“basement”** means a storey, the floor of which is at least 0.75 metres below finished grade, provided that not more than one half of its height from the floor to the underside of the floor joist is below the finished grade.

(h) **“capital cost”** means costs incurred or proposed to be incurred by the City or a local board directly or by others on behalf of, and as authorized by, a Municipality or Local Board under an agreement, required for the provision of services designated in the by-law within or outside the City:

(i) to acquire land or an interest in land, including a leasehold interest,

(ii) to improve land,

(iii) to acquire, lease, construct or improve buildings and structures,

(iv) to acquire, lease, construct or improve facilities including,

(A) rolling stock with an estimated useful life of seven (7) years or more years,

(B) furniture and equipment, other than computer equipment; and

(C) materials acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, R.S.O. 1990, c. P.44;

(v) to undertake studies in connection with any of the matters in clauses (i) to (iv),

(vi) of the development charge background study required before enactment of this by-law, and

(vii) of interest on money borrowed to pay for costs described in any of the matters in clauses (i) to (iv).

(i) **"cellar**" means the portion of a building below the lowest storey which has more than one-half of its height from the floor to the underside of the floor joists below the finished grade.

(j) **"City"** means the Corporation of the City of Vaughan;

(k) **"commercial parking garage"** means a building or structure, or any part thereof, where motor vehicles are stored prior to being sold or rented to the general public or whose principal use is the parking of motor vehicles for remuneration. For the purposes of this definition, the principal use of a building or structure, or any part thereof, shall be deemed to be the parking of motor vehicles for remuneration when:

(i) motor vehicles are parked in a building or structure and the users thereof are required to pay a fee for the parking of said motor vehicles; and

(ii) the users of said motor vehicles are neither owners, tenants or occupants of the building or structure in which the parking is located, nor are said users, guests, invitees, employees or customers of the aforementioned owners, tenants or occupants

(l) **"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 substantially increasing the size or usability thereof and includes redevelopment;

(m) **"development charge"** means a charge imposed with respect to growth-related net capital costs against land under this by-law;

(n) **"duplex**" means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;

(o) **"dwelling unit"** means a room or suite of two or more rooms, designed or intended for use by a single household in which sanitary conveniences are

provided and in which facilities are provided for cooking or the installation of cooking equipment;

(p) **"engineering services"** means services related to a highway, and may include water supply services, waste water services, and storm water drainage and control services,

(q) **"existing industrial building"** means an existing building or structure to be used or designed or intended for,

(i) manufacturing, producing, processing, storing or distributing something,

(ii) research or development in connection with manufacturing, producing or processing something,

(iii) 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,

(iv) office or administrative purposes, if they are,

(A) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and

(B) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

(r) **"grade finished"** means the average elevation of the finished ground level at the wall(s).

(s) **"gross floor area"** means, in the case of a non-residential building or structure or the non-residential portion of a mixed-use building or structure, the aggregate of the areas of each floor, whether above or below grade, measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating a non-residential and a residential use, and:

(i) includes the floor area of a mezzanine and the space occupied by interior walls and partitions; and

(ii) excludes in the case of a building or structure containing an atrium, the sum of the areas of the atrium at the level of each floor surrounding the atrium above the

floor level of the atrium; and

(iii) excludes the area of any self contained structural shelf and rack storage facility approved by the Building Materials Evaluation Commission; and

(iv) excludes in the case of a building containing non-commercial parking garage spaces, the sum of the areas of each floor used, or designed or intended for use for the non-commercial parking of motor vehicles, but includes any part of a building or structure above or below grade used as a commercial parking garage.

(v) for the purposes of this definition, the nonresidential portion of a mixed-use building is deemed to include one-half of any area common to the residential and non-residential portions of such mixed-use building or structure;

(t) **"growth-related net capital cost"** means the portion of the net capital cost of services that is reasonably attributable to the need for such net capital costs that results or will result from development in all or a defined part of the City**;**

(u) **"home occupation"** means an occupation permitted in a dwelling unit and which:

(i) is clearly secondary to the use of the dwelling unit;
(ii) does not change the external character of the dwelling unit;
(iii) does not create or become a public nuisance, in particular in respect to noise, traffic or parking;

(v) **"household"** means one or more persons occupying or sharing all areas of the dwelling unit;

(w) "**large apartment"** means a dwelling unit in an apartment building or plex that is 700 square feet or larger in size until June 18, 2014. Commencing on June 19, 2014, large apartment means a dwelling unit in an apartment building or a plex that is 650 square feet or larger in size*;*

(x) **"local board"** means a local board as defined in section 1 of the Municipal Affairs Act, other than a board as defined in subsection 1(1) of the Education Act;

(y) **"lot"** means a parcel of land fronting on a street separate from any abutting land to the extent that a subdivision or a consent contemplated by the Planning Act would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for a building permit shall be deemed to be a parcel of land and a reserve

shall not form part of a street;

(z) **"mid-high density mixed-use** means a building or structure used, designed or intended for residential and non-residential uses, where:

(i) The non-residential uses comprise not more than 50 percent (50%) of the gross floor area of the building;
(ii) The non-residential uses comprise a minimum of five percent (5%) of the gross floor area of the building;
(iii) The residential portion of the building or structure is over 5 storeys in height."

(aa) **"mixed-use building"** means a building or structure containing a residential and nonresidential use other than a home occupation.

(bb) **"mezzanine"** means a mezzanine as defined in the Building Code Act;

(cc) **"multiple unit dwelling"** includes stacked townhouses, and all other residential uses that are not included in the definition of apartment, single detached dwelling or a semi-detached dwelling.

(dd) **"net area"** means the gross area of land less the area of lands conveyed or to be conveyed into public ownership for the purpose of open space, parks, woodlots, schools, storm water management facilities, buffers and road widenings along Regional Roads and Ontario Hydro utility corridors and less the area of any wood lots in private ownership if zoned as such, but shall include the area of all road allowances dedicated to the City.

(ee) **"net capital cost"** means the capital cost less capital grants, subsidies and other contributions made to the City or that the Council of the City anticipates will be made, including conveyances or payments under sections 42, 51 and 53 of the Planning Act in respect of the capital cost;

(ff) **"non-commercial parking garage"** means a building or structure, or any part thereof, that is not a commercial parking garage:

(gg) **"owner"** means the owner of land or a person who has made application for an approval of the development of land upon which a development charge or a special service area development charge is imposed;

(hh) **“plex”** means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex; “semi-detached duplex” means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall **“semi-detached dwelling”** means a building divided vertically into two dwelling units.

(ii) **“semi-detached triplex”** means one of a pair of triplexes divided vertically one from the other by a party wall;

(jj) **“services”** means services designated in this by-law;

(kk) **“single detached dwelling”** and **“single detached”** means a residential building consisting of one dwelling unit that is not attached to another structure above grade. For greater certainty, a residential building consisting of one dwelling unit that is attached to another structure by footings only shall be considered a single family dwelling for purposes of this by-law;

(ll) **“small apartment”** means a dwelling unit in an apartment building or a plex that is less than 700 square feet in size until June 18, 2014. Commencing on June 19, 2014, small apartment means a dwelling unit in an apartment building or a plex that is less than 650 square feet in size*;*

(mm) **“special service area development charge”** means a charge imposed with respect to growth-related net capital costs against a defined land area for specified services under the applicable by-law;

(nn) **“stacked townhouse”** means a building, other than a, townhouse or apartment building, containing at least 3 dwelling units, each dwelling unit being separated from the other vertically and/or horizontally and each dwelling unit having an entrance to grade shared with no more than 3 other units.

(oo) **“storey”** means the portion of a building other than the cellar or unfinished attic which lies between the surface of the floor and the surface of the next floor above, and if there is no floor above it, then the surface next above it, provided its height is not less than 2.3 metres.

(pp) **“subdivision”** includes condominium;

(qq) **“triplex”** means a building comprising 3 dwelling units, each of which has a separate entrance to grade;

(rr) **“use, commercial”** means the use of any land, building or structure for the purpose of buying and selling commodities or supplying services as distinguished from such uses as manufacturing or assembly of goods, warehousing and construction;

(ss) **“use, industrial”** means the use of any land, building or structure for construction, warehousing, manufacturing, processing or assembly of materials to finished products or byproducts, including the storage of such materials and products;

(tt) **“use, institutional”** means the use of any land, building or structure by any organization owned or operated for religious, educational, charitable recreational or governmental purposes whether or not supported in whole or part by public funds.

(uu) **“use, non-residential”** means the use of any land, building or structure or part thereof for use other than a residential use and shall include a commercial use, industrial use and an institutional use;

(vv) **“use, residential”** means the use of any land, building or structure for a single detached dwelling, semi-detached dwelling, multiple unit dwelling, apartment or any other type of household or dwelling unit.

PART 1: APPLICATION, EXEMPTIONS AND EXCEPTIONS -RULES

2. (1) This by-law applies to all land and to all uses of any land, building or structure within the City whether or not the land, building or structure or use thereof is exempt from taxation under Section 3 of the *Assessment Act*. R.S.O. 1990, c.A.31;

(2) Despite subsection (1), this by-law does not apply to any land, building or structure within the City owned by and used for the purposes of:

(a) a local board;

(b) the City or any local board thereof and, without limiting the generality of the foregoing, including land leased from the Crown in right of Canada or Ontario located within the Parkway Belt Planning Area as defined in Regulation 744, paragraph 16 of the Revised Regulation of Ontario, 1990, provided the same is used for institutional use purposes of a not-for-profit nature;

(c) any area municipality within the Regional Municipality of York ;

(d) the Regional Municipality of York or any local board thereof; and

(e) a public hospital receiving aid under the Public Hospitals Act.

3. (1) Development charges for the services designated in Schedule A shall be imposed upon the service area designated in Schedule B and calculated in the amounts specified in Schedule A and shall be collected in accordance with this by-law on development for a residential use or non-residential use purpose;

(2) Development charges provided for in subsections (1) apply where the development requires,

(a) the passing of a zoning by-law or of an amendment thereto under Section 34 of the *Planning Act,* R.S.O. 1990, c.P.13;

(b) the approval of a minor variance under Section 45 of the *Planning Act,* R.S.O. 1990,c.P.13;

(c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act*, R.S.O, 1990, c.P.13 applies;

(d) the approval of a plan of subdivision under Section 51 of the *Planning Act*, R.S.O. 1990, c.P.13;

(e) a consent under Section 53 of the *Planning Act* R.S.O. 1990 c.P.13;

(f) the approval of a description under Section 50 of the *Condominium Act* 1998 S.O.1998,c.19

(g) the issuing of a permit under the *Building Code Act*, 1992 S.O. 1992, c.23 in relation to a building or structure;

(3) The City shall not apply more than one development charge provided for in this by-law on land even though two or more of the actions described in paragraphs 3(2)(a) to (g) are required before the land can be developed.

(4) Despite subsection (3), if two or more of the actions described in subsection (2)(a) to (g) occur at different times and if the subsequent action or actions has the effect of increasing the need for services a development charge shall be imposed, calculated and collected pursuant to subsection (1) limited to the increase.

(5) Subsection (1) shall not apply to any land, building or structure where the application for a building permit is for:

(a) a temporary use permitted under a zoning by-law enacted under Section 39 of the *Planning Act* R.S.O. 1990, c.P.13;

(b) an accessory use and, without restricting the generality of the foregoing, including a tent or awning used on a temporary or seasonal basis;

(c) a home occupation;

(d) an agricultural use;

(e) renovation of an existing building which does not alter, if a residential use, the number of units, or, if a non-residential use, the gross floor area thereof;

(6) Special service area development charges are paid hereunder shall be maintained in a separate reserve fund or funds and shall be used only for the services specified in Schedule A.

PART II: ADMINISTRATION

Payment

4. Unless otherwise provided by agreement, all development charges payable shall be paid by cash or certified cheque to the City Treasurer.

5. Unless otherwise provided herein or by an agreement, a development charge is calculated and payable, as the case may be, on the date a building permit is issued for development on land to which a development charge applies and no building permit shall be issued until the development charge is paid in full.

6. Unless otherwise provided by agreement, a residential use development pursuant to a plan of subdivision under section 51 of the *Planning Act,* R.S.O. 1990,c.P.13, shall pay any special service area development charge as provided on Schedule A immediately upon entering into the subdivision agreement.

7. If a use of any land, building or structure that constitutes development does not require the issuing of a building permit but requires one or more of the actions listed in section 3(2)(a) to (f) inclusive, a development charge shall be payable and shall be calculated and collected on the earliest of any of the actions listed in section 3(2)(a) to (f) required or on a date set by agreement.

Credits

8. (1) Where the City permits the provision of services in lieu of the payment of all or any portion of a development charge, the City shall give a credit for an amount equal to the reasonable cost to the owner of providing the services as determined by the City, provided such credit shall relate only to the portion of the development charge attributable to the services provided, unless otherwise agreed by the City.

(2) The City may by agreement permit an owner to provide services additional to or of a greater size or capacity than is required and the City may give a credit for an amount up to the reasonable cost to the owner of providing the services as determined by the City, provided that no such credit may be given for any part of the cost of work that relates to an increase in the level of service that exceeds the average level of service described in Paragraph 4 of subsection 5 (1) of the *Development Charges Act, 1997.*

PART III: GENERAL

Semi-annual Adjustment

9. The development charges established pursuant to section 3 may be adjusted semi-annually, without amendment to this by-law, as of the 1st day of January and the 1st day of July in each year, commencing on July 1, 2013 in accordance with the most recent change in the Statistics Canada Quarterly, Construction Price Statistics (catalogue No. 62-007CANSIM II Table 327-0039).

Term

10. This By-law shall come into force on September 21, 2013.

11. Nothing in the by-law shall be construed so as to commit or require the City to authorize or proceed with any specific capital project at any specific time.

12. Each of the provisions of this by-law are severable and if any provision hereof should for any reason be declared invalid by a court the remaining provisions shall remain in full force and effect.

13. Schedules A and B are attached hereto and form part of this by-law.

PART IV: TRANSITIONAL PROVISIONS

14. If before the coming into force of this by-law an owner or previous owner (s) has made a payment for the total cost of the services described in this by-law and provided all of said services in lieu thereof, no payment as required under this bylaw and no credits or refunds shall apply.

15. By-law 232-2008 is hereby repealed as of September 21, 2013.

16. This by-law may be cited as the Special Service Area Development Charges By-law, 2013.

Enacted by City of Vaughan Council this 14th day of May, 2013.

Hon. Maurizio Bevilacqua, Mayor

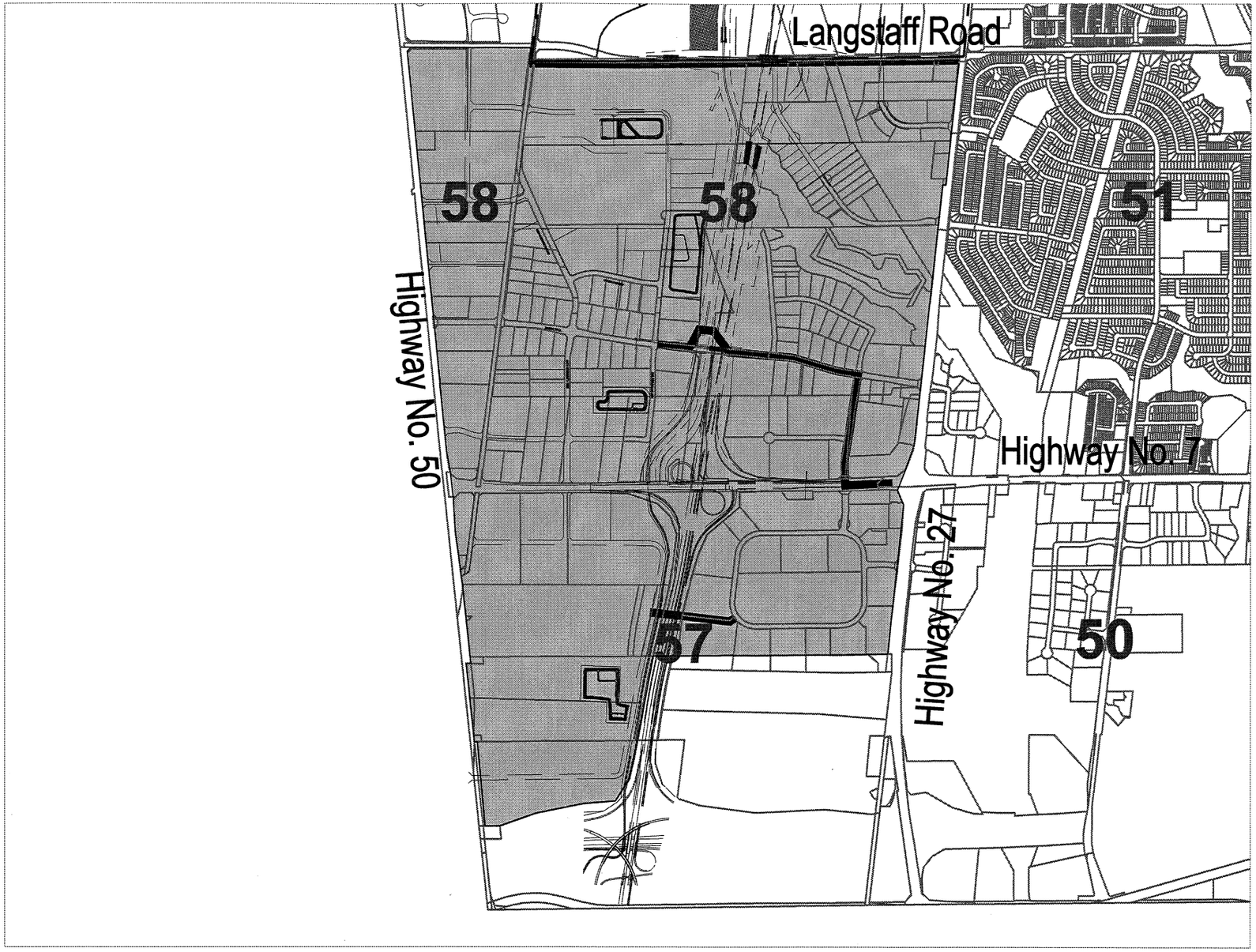
Jeffrey A. Abrams, City Clerk

Authorized by Item No. 1 of Report No. 7
of the Finance and Administration Committee
Adopted by Vaughan City Council on
May 14, 2013.

Schedule A

SPECIAL AREA CHARGE CALCULATION

Service	Net Project Cost	Net Benefitting Area (ha)	Charge Per Net Developable Hectare
Pressure District 5 West (Woodbridge Watermain)	**$2,145,507**	**234.88**	**$9,134**



SCHEDULE "B"
SPECIAL AREA CHARGE
DEVELOPMENT CHARGES

BY-LAW NUMBER: -2013

PASSED THE ____ DAY OF _____, 2013

SIGNING OFFICERS

_____
MAYOR

_____
CLERK

PRESSURE DISTRICT 5
WEST WOODBRIDGE
WATERMAIN

EXISTING WATERMAIN WORKS

SERVICE AREA

39 CITY BLOCK NUMBER

NOT TO SCALE

VAUGHAN

Acad File: O:\Development and Transportation Engineering\Planning and Studies\04-Development Charges\2013 DC Update\Maps\2013 SAC Update Maps Final.dwg