

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 230-2008

A By-Law to impose City-Wide Development Charges .

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 September 15, 2008 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 August 2008 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 September 2, 2008 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”** means a residential use building, or the residential use portion of a mixed use building, containing four or more dwelling units each of which shall have access to above grade common halls, stairs, elevators and yards;
- (e) **“atrium”** means a large open space extending through several floors in a building that is open to the ceiling
- (f) **“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) **“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;
- (l) **“development charge”** means a charge imposed with respect to growth-related net capital costs against land under this by-law;

- (m) **“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;
- (n) **“engineering services”** means services related to a highway, and may include water supply services, waste water services, and storm water drainage and control services,
- (o) **“existing industrial building”** means a building existing on November 1, 2003 or constructed thereafter and development charges applicable to such construction having been paid, such building to be used for or in connection with,
 - (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;
- (p) **“grade finished”** means the average elevation of the finished ground level at the wall(s).
- (q) **“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 parking spaces, the sum of the areas of each floor used, or designed or intended for use for the parking of motor vehicles unless the parking of motor vehicles is the principal use of the building or

- structure; and
- (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;
- (r) **“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;
- (s) **“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;
- (t) **“household”** means one or more persons occupying or sharing all areas of the dwelling unit;
- (u) **“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*;
- (w) **“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;
- (x) **“mixed-use building”** means a building or structure containing a residential and nonresidential use other than a home occupation.
- (y) **“mezzanine”** means a mezzanine as defined in the Building Code Act;
- (z) **“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.
- (aa) **“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.
- (bb) **“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;
- (cc) “**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;
 - (dd) **semi-detached dwelling**” means a building divided vertically into two dwelling units.
 - (ee) **services**” means services designated in this by-law;
 - (ff) **single detached dwelling**” means a building consisting of one dwelling unit not attached to another building or structure;
 - (gg) “**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;
 - (hh) “**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.
 - (ii) “**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.
 - (jj) “**subdivision**” includes condominium;
 - (kk) “**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;
 - (ll) “**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;
 - (mm) “**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.
 - (nn) “**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;
 - (oo) “**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 Regulations 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 applicable to all lands in the City of Vaughan shall be imposed and calculated in the amounts specified in Schedule B 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) Subsections (1) shall not apply in respect of an action mentioned in subsection (2)(a) to
- (g) that would have the effect only,
- (a) of permitting the enlargement of an existing dwelling unit; or

(b) of creating up to two additional dwelling units as set out in the following table:

| NAME OF CLASS OF RESIDENTIAL BUILDING | DESCRIPTION OF CLASS OF RESIDENTIAL BUILDINGS | MAXIMUM NUMBER OF ADDITIONAL DWELLING UNITS | RESTRICTIONS |
|--|---|---|--|
| Single detached dwellings | Residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings | Two | The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building. |
| Semi-detached dwellings or row dwellings | Residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings. | One | The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building. |
| Other residential buildings | A residential building not in another class of residential building described in this table. | One | The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building. |

- (c) for the purposes of this subsection (6), “existing” shall mean existing on the date of enactment of this by-law.

- (7) (a) Subject to paragraph (d) of this subsection (7), if a development includes the

enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with this subsection (7).

- (b) for the purpose of this subsection, the gross floor area of an existing industrial building shall be calculated as it existed prior to the first enlargement in respect of that building for which an exemption under section 4 of the Act is sought.
- (c) If the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero.
- (d) If the gross floor area is enlarged by more than 50 per cent 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 determined as follows:
 - (i) determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.
 - (ii) Divide the amount determined under paragraph (i) by the amount of the enlargement.
- (e) The exemption for industrial enlargement provided for in this subsection (7) shall apply only to the enlargement of the gross floor area of an existing industrial building:
 - (i) where such enlargement is attached to the existing industrial building, for the purpose of this subsection 7(e), the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, share below grade connection, foundation, footing, shared connected roof or parking facility; and
 - (ii) where both the enlargement and existing industrial building are constructed on lands owned by the same beneficial owner; and
 - (iii) shall only apply to the enlargement or enlargements of the existing industrial building to a maximum of the aggregate of fifty percent of the gross floor area of the existing industrial building while this by-law remains in force

Mixed Use

4. Development charges applicable to a mixed use building shall be the aggregate of the amount applicable to the residential use component and the amount applicable to the gross floor area of the non-residential use component.

PART II: ADMINISTRATION

Payment

5. The development charges imposed under subsection 3(1) shall be phased and payable in the amounts applicable at the date of payment as set out in the applicable Schedule B. For greater certainty, Schedules B-1 to B-3 apply to the following periods:
 - a) Schedule B-1 November 1, 2008 to October 31, 2009
 - b) Schedule B-2 November 1, 2009 to October 31, 2010
 - c) Schedule B-3 November 1, 2010 to October 31, 2013

In the event of a challenge to the “gross versus net population” methodology for the development charges imposed by this bylaw, this bylaw shall be amended to comply with the first final Decision on the challenge and Schedules B-1, B-2 and B-3 shall be amended as required to implement the Decision. There shall be no retroactive application of the Decision and no development charges paid shall be returned or refunded and no additional payments shall be required from the date the bylaw, as amended, comes into effect.

6. Unless otherwise provided by agreement, all development charges payable shall be paid by cash or certified cheque to the City Treasurer.
7. 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.
8.
 - (1) 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 the engineering services component of the development charge as identified on Schedule B immediately upon entering into the subdivision agreement and the remainder of the development charge shall be payable pursuant to section 6.
 - (2) For the purposes of subsection (1), the development charge component specified payable shall be calculated on the greater of the actual number of dwelling units proposed in the plan of subdivision or that permitted or proposed in the zoning by-law.
9. For a non-residential use, the development charge payable shall be calculated on the basis of the gross floor area applied for pursuant to section 6.
10. 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

11. (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*.

Redevelopment Allowances

12. (1) Unless otherwise provided, where development is to replace in whole or in part a building structure that exists or has existed on the land within 48 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another, in order to facilitate the redevelopment, the development charge applicable to the redevelopment shall be reduced by a redevelopment allowance, without interest, in an amount equal to the total of:
- (a) for a residential use, the development charge for the number and types of lawful dwelling units shown on the assessment roll for the lot; and
- (b) for a non-residential use, the development charge for the lawful gross floor area shown on a demolition permit, in the records of the municipality, or on constructed building plans certified as such by a registered professional engineer, all at the development charge applicable to such dwelling units or gross floor area pursuant to section 3(1), provided that where such replacement is for a change in use from either residential to non-residential, or from non-residential to residential, only that portion of the development charge for the existing use which is attributable to the services comprising the charge for the proposed use shall apply.
2. Despite subsection (1), no redevelopment allowances shall be made in excess of the development charge payable.

PART III: GENERAL

Semi-annual Adjustment

13. 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 January 1, 2009 in accordance with the most recent change in the Statistics Canada Quarterly, Construction Price Statistics (catalogue No. 62-007 CANSIM II Table 327-0039).

Term

14. This By-law shall come into force on November 1, 2008.
15. 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.
16. 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.
17. Schedules A and B are attached hereto and form part of this by-law.

PART IV: TRANSITIONAL PROVISIONS

18. If before the coming into force of this by-law an owner or previous owner has made a payment for services described in this by-law or provided services in lieu thereof as required under Vaughan Development Charges By-law, 2003, being By-law 350-2003, the actual amount of such payment or the provision of services as determined by the City without interest shall be credited to the owner as if paid or provided under this by-law.
 19. By-law 350-2003 is hereby repealed.
 20. This by-law may be cited as the City Wide Vaughan Development Charges By-law, 2008.
- READ a FIRST, SECOND and THIRD time and finally passed this 22nd day of September, 2008.

| _____
Linda D. Jackson, Mayor

| _____
Jeffrey A. Abrams, City Clerk

SERVICES

Engineering Services

- roads
- structures
- sidewalks
- streetlights
- intersection improvements
- traffic signalization
- growth related studies
- water supply services
- sanitary sewer services
- storm drainage and treatment services
- streetscape development

Public Works

- buildings
- acquisition of land for facilities
- city fleet

Indoor Recreation

- indoor recreation facilities
- acquisition of lands for facilities
- equipment for indoor recreation
- special facilities

Park Development and Facilities

- sports fields and courts
- outdoor water facilities
- outdoor rinks
- playground equipment

Library Services

- library facilities
- acquisition of land for library buildings
- library circulation material
- facility furniture and equipment

General Government

- management studies

Fire & Rescue Services

- fire stations
- acquisition of land for fire stations
- facility furniture
- vehicles and equipment

City of Vaughan City-Wide Development Charges
(November 1, 2008 to October 31, 2009)

Residential Use Development Charges

| | <u>Engineering Services</u> | <u>Building Permit</u> | <u>Total Per Unit Development Charge</u> |
|------------------------------------|--|-----------------------------------|---|
| Single & Semi – Detached Dwellings | \$4,260 | \$8,024 | \$12,284 |
| Multiple Unit Dwellings | \$3,607 | \$6,793 | \$10,400 |
| Apartment | \$2,530 | \$4,764 | \$7,294 |

**Total
Per Sq M GFA
Development
Charge**

Non-Residential Use Development Charges

| | |
|--|---------|
| Non Residential per Sq Mtr of Gross Floor Area | \$19.65 |
|--|---------|

(*) All rates subject to normal indexing

City of Vaughan City-Wide Development Charges
(November 1, 2009 to October 31, 2010)

Residential Use Development Charges

| | <u>Engineering Services</u> | <u>Building Permit</u> | Total Per Unit Development Charge |
|------------------------------------|--|-----------------------------------|--|
| Single & Semi – Detached Dwellings | \$4,260 | \$8,656 | \$12,916 |
| Multiple Unit Dwellings | \$3,607 | \$7,328 | \$10,935 |
| Apartment | \$2,530 | \$5,139 | \$7,669 |

**Total
Per Sq M GFA
Development
Charge**

Non-Residential Use Development Charges

| | |
|--|---------|
| Non Residential per Sq Mtr of Gross Floor Area | \$19.65 |
|--|---------|

(*) All Rates subject to normal indexing

City of Vaughan City-Wide Development Charges
(November 1, 2010 to October 31, 2013)

Residential Use Development Charges

| | <u>Engineering Services</u> | <u>Building Permit</u> | Total Per Unit Development Charge |
|------------------------------------|--|-----------------------------------|--|
| Single & Semi – Detached Dwellings | \$4,260 | \$9,288 | \$13,548 |
| Multiple Unit Dwellings | \$3,607 | \$7,863 | \$11,470 |
| Apartment | \$2,530 | \$5,514 | \$8,044 |

**Total
Per Sq M GFA
Development
Charge**

Non-Residential Use Development Charges

| | |
|--|---------|
| Non Residential per Sq Mtr of Gross Floor Area | \$19.65 |
|--|---------|

(*) All rates subject to normal indexing