

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 23, 2018

Item 2, Report No. 5, of the Finance, Administration and Audit Committee, which was adopted, as amended, by the Council of the City of Vaughan on May 23, 2018, as follows:

By approving the following in accordance with communication C1, from the Chief Financial Officer and City Treasurer, dated May 15, 2018:

- 1. That the Draft 2018 Development Charges Background Study that was recommended for approval in the communication titled “Item #2 – Finance, Administration and Audit Committee Meeting – 2018 City-wide and Area Specific Development Charge Background Study and By-laws Review” to Finance, Administration Committee on May 7, 2018, be updated to remove the two (2) proposed Area-Specific Development Charges outlined below:***
 - a. Block 55 Sanitary Pumping Station & Forcemain Works;***
 - b. Pine Valley North SPS and Forcemain (Block 40); and***
- 2. That the City-Wide Development Charge By-law and all Area Specific Development Charge By-laws incorporating the development charge rates, as set out in the attachments accompanying this memorandum, be approved, and that the by-laws come in to force on September 21, 2018.***

By receiving the following communications:

- C4 Mr. Derek Smith, TMIG, Dufferin Street, Vaughan, dated May 14, 2018;***
C9 Mr. Leo Longo, Aird & Berlis, Bay Street, Toronto, dated May 7, 2018;
C12 Mr. Leo Longo, Aird & Berlis, Bay Street, Toronto, dated May 22, 2018; and
C17 City Solicitor, dated May 23, 2018.

2 2018 CITY-WIDE AND AREA SPECIFIC DEVELOPMENT CHARGE BACKGROUND STUDY AND BY-LAWS REVIEW HIGHLIGHT REPORT (Referred)

The Finance, Administration and Audit Committee recommends:

- 1) That the following in accordance with Communication C2 from the Chief Financial Officer and City Treasurer, dated May 7, 2018, be approved:**
 - 1. That the Draft 2018 Development Charges Background Study, be approved subject to the inclusion of the changes detailed in this communication;**

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- 2. That the City-Wide Development Charge By-law and all Area Specific Development Charge By-laws incorporating the development charge rates, as set out in the attachments accompanying this memorandum, be approved, and that the by-laws come in to force on September 21, 2018;**
- 3. That the Draft Local Service Policy included with the March 9, 2018 release of the Development Charge Background Study, as amended to include the changes detailed in this communication, and other policy changes as outlined in the April 3, 2018 report to Finance, Administration and Audit Committee, titled "2018 City-Wide and Area Specific Development Charge Background Study and By-Laws Review Highlight Report", be approved;**
- 4. That the 10-year growth-related capital forecast for general services and the growth- related capital forecast to 2031 for engineered services, included in the Background Study, subject to maintenance of service levels, the availability of funding, and Council policies, be approved;**
- 5. That staff be authorized to close the Area Specific Development Charge reserves that have been deemed to be substantially completed, as outlined in this report, and that any remaining balances within the reserves that are not required for further developer reimbursement be transferred to the City-Wide Engineering Development Charge reserve;**
- 6. That staff be authorized to merge the City-Wide Park Development DC reserve and the City-Wide Recreation DC reserve to create a new reserve titled "City-Wide Community Services DC Reserve" to bring the reserves into alignment with the 2018 DC Background Study;**
- 7. That the proposed transition measures as outlined in April 3, 2018 report to Finance, Administration and Audit Committee, titled "2018 City-Wide and Area Specific Development Charge Background Study and By-Laws Review Highlight Report", be approved;**
- 8. That staff be directed to cease collecting the difference between Engineering Development Charges paid at registration of a subdivision, and those owing,**

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calculated at rates in effect at building permit issuance, on the same registered units;

9. That the City Treasurer and City Solicitor be delegated joint authority to execute Development Charge Pre-Payment Agreements, under Section 27 of the Development Charges Act and in accordance with the criteria set out in this report and any additional administrative and legal criteria deemed necessary by the City Treasurer and City Solicitor to protect the interests of the City, and such authority be limited to the period beginning on May 24, 2018 and ending on September 20, 2018;
10. That Council commit to funding the future operating costs associated with the growth-related capital forecast contained in the Development Charge Background Study, which is estimated to reach \$32.9 million for general services and \$6.3 million for City-Wide Engineering Services by 2027;
11. That Council commit to funding the full life-cycle costs associated with the growth-related capital forecast contained in the Development Charge Background Study, which are estimated to reach \$10.2 million by 2028 for general services, \$24.8 million by 2032 for city-wide engineering services, and \$1.7 million for related assets covered by the Area-Specific Development Charges;
12. That Council commit to funding the capital costs that require funding from non-development charge sources associated with the growth-related capital forecast contained in the Development Charge Background Study, which is estimated to be a total of \$77.5 million over the next ten years;
13. That staff be directed to establish a work plan from the enactment of the 2018 DC by-laws to the enactment of the next DC-by-laws, which will include an internal review of the City's DC rate calculation practices and DC related policies;
14. That Council confirm that no further public meetings pursuant to the Development Charges Act, 1997 are required prior to the enactment of the new Development Charge by-laws; and

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15. That notice of adoption of the by-laws be given as required under the Development Charges Act, 1997;
- 2) That following recommendations from the Finance, Administration and Audit Committee meeting of April 3, 2018, be approved:
 - 1) That the following report and recommendations of the Chief Financial Officer and City Treasurer, dated April 3, 2018, be referred to the Finance, Administration and Audit Committee meeting of May 7, 2018, for consideration;
 - 2) That the presentation and Communication C4, presentation material entitled, "City of Vaughan Development Charges Study Finance, Administration and Audit Committee Public Meeting", be received;
 - 3) That confidential Communication C1, memorandum from the City Solicitor and the Chief Financial Officer and City Treasurer, dated April 3, 2018, be received and referred to the Committee of the Whole (Closed Session) meeting of April 3, 2018 for the purpose of receiving legal advice;
 - 4) That the deputation of Mr. Ian Andres, Goodmans, LLP, Bay Street, Toronto, on behalf of Smart Centres, be received; and
 - 5) That the following Communications be received:

C2. Mr. Jay Claggett, IBI Group, St. Clair Avenue West, Toronto, dated April 2, 2018; and

C3. Mr. Matthew A. Di Vona, Di Vona Law, Bloor Street West, Toronto, dated April 2, 2018;
- 3) That the report of the Chief Financial Officer and City Treasurer, dated April 3, 2018, be received; and
- 4) That Communication C4, presentation material entitled, "*2018 Development Charges Review*", be received.

Council, at its meeting of April 11, 2018, adopted the following recommendation (Item 1, Report No. 4, Finance, Administration and Audit, April 3, 2018):

- 1) That the following report and recommendations of the Chief Financial Officer and City Treasurer, dated April 3, 2018, be referred to the Finance, Administration and Audit Committee

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meeting of May 7, 2018, for consideration;

- 2) That the presentation and Communication C4, presentation material entitled, “City of Vaughan Development Charges Study Finance, Administration and Audit Committee Public Meeting”, be received;
- 3) That confidential Communication C1, memorandum from the City Solicitor and the Chief Financial Officer and City Treasurer, dated April 3, 2018, be received and referred to the Committee of the Whole (Closed Session) meeting of April 3, 2018 for the purpose of receiving legal advice;
- 4) That the deputation of Mr. Ian Andres, Goodmans, LLP, Bay Street, Toronto, on behalf of Smart Centres, be received; and
- 5) That the following Communications be received:
 - C2. Mr. Jay Claggett, IBI Group, St. Clair Avenue West, Toronto, dated April 2, 2018; and
 - C3. Mr. Matthew A. Di Vona, Di Vona Law, Bloor Street West, Toronto, dated April 2, 2018.

Report of the Chief Financial Officer and City Treasurer dated April 3, 2018:

Purpose

The purpose of this report is to present the 2018 City-wide and Area Specific Development Charges Background Study and By-Laws and to seek feedback from Council, the general public, and the development industry.

Recommendations

1. That the following report, presentation and confidential memo (provided under separate cover) be received;
2. That the 2018 Development Charges Background Study, subject to input from the public statutory meeting, and appropriate by-laws incorporating the development charge rates in:

Attachment 1: City Wide Residential and Non-Residential Development Charges
Attachment 2: Area Specific Development Charges

Be forwarded to the Finance, Administration and Audit Committee meeting of May 7, 2018 for adoption;
3. That the 10-year growth-related capital forecast for general services and the growth-related capital forecast to 2031 for

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engineered services, included in the Background Study, subject to maintenance of service levels, the availability of funding, Council policies and input from the Statutory Public Meeting, be forwarded to the Finance, Administration and Audit Committee meeting on May 7, 2018 for endorsement;

4. That the proposed transition measures as outlined in this report and subject to input from the Statutory Public Meeting, be forwarded to the Finance, Administration and Audit Committee meeting on May 7, 2018 for endorsement; and
5. That the input from the public at the Statutory Public Meeting of April 3, 2018, be received

(A copy of the attachments referred to in the following report have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

Item:



Finance, Administration and Audit Committee Report

DATE: Monday, May 07, 2018

WARD(S): ALL

TITLE: 2018 City-Wide and Area Specific Development Charge Background Study and By-Laws Review Highlight Report
(Referred)

FROM:

Laura Mirabella, Chief Financial Officer and City Treasurer

ACTION: FOR INFORMATION

Council, at its meeting of April 11, 2018, adopted the following recommendation (Item 1, Report No. 4, Finance, Administration and Audit, April 3, 2018):

- 1) That the following report and recommendations of the Chief Financial Officer and City Treasurer, dated April 3, 2018, be referred to the Finance, Administration and Audit Committee meeting of May 7, 2018, for consideration;
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- 3) That confidential Communication C1, memorandum from the City Solicitor and the Chief Financial Officer and City Treasurer, dated April 3, 2018, be received and referred to the Committee of the Whole (Closed Session) meeting of April 3, 2018 for the purpose of receiving legal advice;
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Report of the Chief Financial Officer and City Treasurer dated April 3, 2018:

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Attachment 2: Area Specific Development Charges

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4. That the proposed transition measures as outlined in this report and subject to input from the Statutory Public Meeting, be forwarded to the Finance, Administration and Audit Committee meeting on May 7, 2018 for endorsement; and
5. That the input from the public at the Statutory Public Meeting of April 3, 2018, be received

Report Highlights

- This report provides a high-level overview of pertinent aspects of the 2018 DC Background Study and By-Law Update.
- To fund the capital forecasts outlined in the Background Study, the single and semi-detached residential rates would increase by 97% and the Non-Residential Rate would increase by 151%.
- These rate increases are a result several factors including the high cost of land in Vaughan and inflationary increases in hard service construction costs.

Background

The purpose of this report is to highlight for Members of Council pertinent aspects of the DC by-law review and staff's associated proposals to be brought forward at Finance, Administration and Audit Committee on May 7, 2018, subject to input received and incorporated from the public statutory meeting. The report is divided into the following sub-sections:

Section A – Chronology of By-law Review

Section B – Summary of Growth Forecast

Section C – Summary of Historic Service Levels

Section D – Summary of City Wide Growth-Related Capital Program

Section E – Proposed City-Wide DC Rates

Section F – Proposed Special Area Charge DC Rates

Section G – Minor Policy Issues and Proposed Revisions to the By-laws

Section H – Local Service Policy

Section I – Proposed Transition Measures

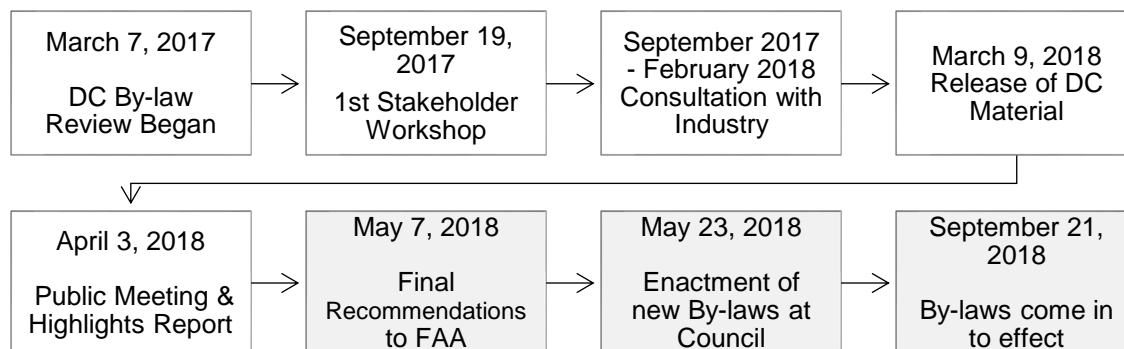
Section J – Proposed Review of DC Rate Methodology

Section K – Next Steps

Section A – Chronology of By-Law Review

Figure 1 below depicts some of the major by-law review process milestones since March 2017. The boxes shaded in grey are subject to Council approval.

Figure 1: Flowchart of DC By-law Review Process



Communications

Statutory Communication Requirements

The Development Charges Act (DCA) has mandatory communication requirements around advertising of at least one public meeting. The Clerk is mandated to carry out such advertising at least 20 days in advance of the meeting date. The Public Statutory Meeting has been scheduled to run concurrent to the FAA meeting on April 3, 2018 and was advertised in the Vaughan Citizen and the Thornhill Liberal on March 15, 2018. Furthermore, advertising of the meeting as well as pertinent information to the by-law review was also posted to the City's website on March 9, 2018. Subsequent to Council approval of the DC Background Study and the DC by-laws, appropriate notices will be advertised as prescribed by the DCA.

Stakeholder Communications

A total of seven (7) workshops and two (2) technical meetings have taken place with the development industry:

1. Workshop #1 – September 19th, 2017
2. Workshop #2 – October 23rd, 2017
3. Workshop #3 – December 5th, 2017
4. Workshop #4 – December 12th, 2017
5. Workshop #5 – January 15th, 2018
6. Technical Meeting #1 – January 29th, 2018
7. Technical Meeting #2 – February 1st, 2018
8. Workshop #6 – February 6th, 2018
9. Workshop #7 – February 22th, 2018

The workshops included members of a Sub-Committee of the Building Industry and Land Development Association (BILD) constituted for the purpose. In between these workshops, the parties exchanged detailed supporting background information and several clarification memos on a without prejudice basis. Additionally, two technical meetings took place to discuss the technical aspects of the draft calculations. It is anticipated that ongoing correspondence, meetings and collaboration will continue until the finalization of the new by-laws.

On March 8, 2018, the City received a letter from BILD (Attachment 3) stating that if all proposals as generally outlined in this report are adopted then they do not intend to appeal the City-Wide DC by-law to the Local Planning Appeal Tribunal. This does not, however, preclude any individual member or non-member from appealing, nor does it preclude Council from assuming a different position than what is proposed by staff through this report.

Stakeholder engagement on the Area Specific Development Charges (ASDCs) with affected landowners is ongoing and is also expected to conclude before the enactment of the by-laws scheduled for May 23, 2018.

Analysis and Options

Section B – Summary of Growth Forecast

A growth forecast for both the ten-year period from 2018 – 2027 and ultimate development (2031 for the purpose of this study) was completed by Hemson Consulting Ltd. The 2031 targets are consistent with the Region's DC Study.

In February 2015, the Province initiated a comprehensive review of all growth plans. As a part of this review the Province proposed changes to the Growth Plan including a change to the minimum residential intensification target from 45 percent to 60 percent of all new growth to be located in the existing built-up area and a minimum Designated Greenfield Area (DGA) density target increase from 50 to 80 residents and jobs per hectare. As these proposed changes need to first flow through the Municipal Comprehensive Review (MCR) at the Regional level before City Staff can complete the Official Plan (OP) update, it was determined that maintaining alignment with the Region's Background Study was the best approach for this study. It is anticipated that this study will be updated again in less than the 5-year requirement once work has progressed with the MCR and OP updates.

Some key highlights of Hemson's findings are as follows:

- Estimates place the City's net population growth* at 67,000 people by 2027 and about 102,000 to 2031.
- Population growth in new housing units is expected to add 71,000 people by 2027 and about 104,000 to 2031.
- The City's employment is forecasted to grow by approximately 42,000 employees by 2027 and 56,000 to 2031.
- This employment growth is projected to generate about 2.8 million square meters of new non-residential building space by 2027 and 3.6 million square meters to 2031.

**The increased need for service required to service the anticipated development is based on the "net" population and employment growth in the City. This is the increase after taking into account the expected continuation of the decline in occupancy factors in existing housing units.*

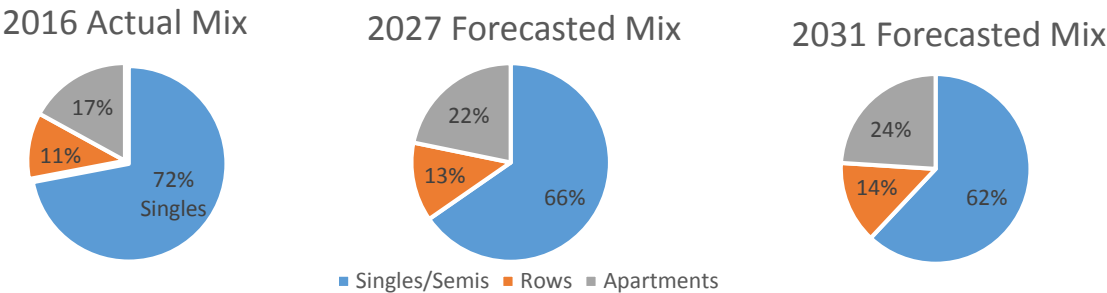
Residential Housing Mix

Figure 2 below compares the breakdown of housing unit mix in 2017 and those forecasted by 2027 and 2031.

The charts below illustrate that it is anticipated that over this study period there will be a decline in single and semi-detached homes and an increase in rows and apartments.

This is due to the shift that is occurring to smaller unit sizes due to intensification. After the Region and City complete their MCR and OP updates, it is anticipated that this shift in unit types will be even more pronounced in the next DC Study Update due to the increase in intensification targets that has been identified in the Provinces Growth Plan Update.

Figure 2: Changing Residential Housing Mix

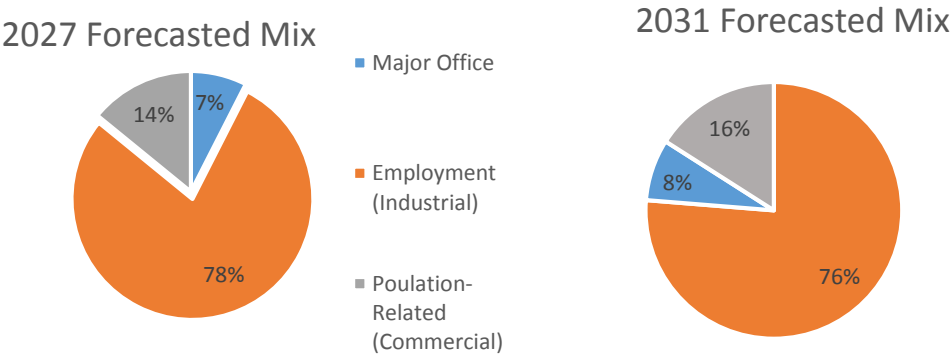


Non-Residential Type Mix

Figure 3 depicts the non-residential type mix which is forecasted to remain relatively stable until ultimate development.

The non-residential space forecast is based on the forecast of employment, since most new non-residential space is required to support new employment growth. The major share of space that is forecasted to be added over the next 14 years to 2031 is anticipated to be in the employment lands category, but a slight shift is see across the period to Major Office and Population related employment (such as retail and institutional).

Figure 3: Average Stable Non-Residential Type Growth



Section C – Summary of Historic Service Levels

The Development Charges Act, 1997 (DCA) requires that the DCs be set at a level no higher than the average service level provided in the municipality over the 10-year period immediately preceding the preparation of the background study, on a service by service basis. The service levels for the general (non-engineering related) services are typically measured as a ratio of inputs per capita (or per population plus employment). With engineered services such as roads, engineering and legislated environmental and health standards are used in lieu of inputs per capita.

Figure 4 below shows a table of the non-engineering related service levels measured in the current Background Study and compares them to those measured in the 2013 study. In all categories service levels have increased except for waste diversion which was added as a new DC recoverable service as a part of the Bill 73 update to the DCA.

Figure 4: Comparison of 2013 vs. 2017 Service Levels

Service	Average Service Level (2002 – 2011)	Average Service Level (2008 – 2017)	Indicator Type
General Government	N/A	N/A	
Library Services	\$316.54	\$431.33	\$/Capita
Fire & Rescue Services	\$170.67	\$279.95	\$/ (pop + Empl)
Community Services	\$2,605.95	\$4,038.72	\$/Capita
Public Works: Buildings & Roads Fleet	\$140.78	\$248.48	\$/ (pop + Empl)
City-Wide Engineering	N/A	\$11,312.15	\$/ (pop + Empl)

Section D – Summary of City-Wide Growth-Related Capital Program

The DCA requires that Council express its intent to provide future capital facilities at the level incorporated in the development charges calculation. The growth-related capital forecast was developed through collaboration between the service Departments, staff of the Library Board and Finance staff. The growth-related capital forecast is aligned to the strategic direction of the City, as represented by the City's various master plans. The costing of the forecast is as of December 2017, the time at which service levels were measured. The costing was further adjusted to align with the 2018 budget process. Patterns of cash flows in the Background Study are also aligned with published master plans. It should be acknowledged that changes to timing of the forecast presented in the Background Study may occur through the City's normal capital budget process.

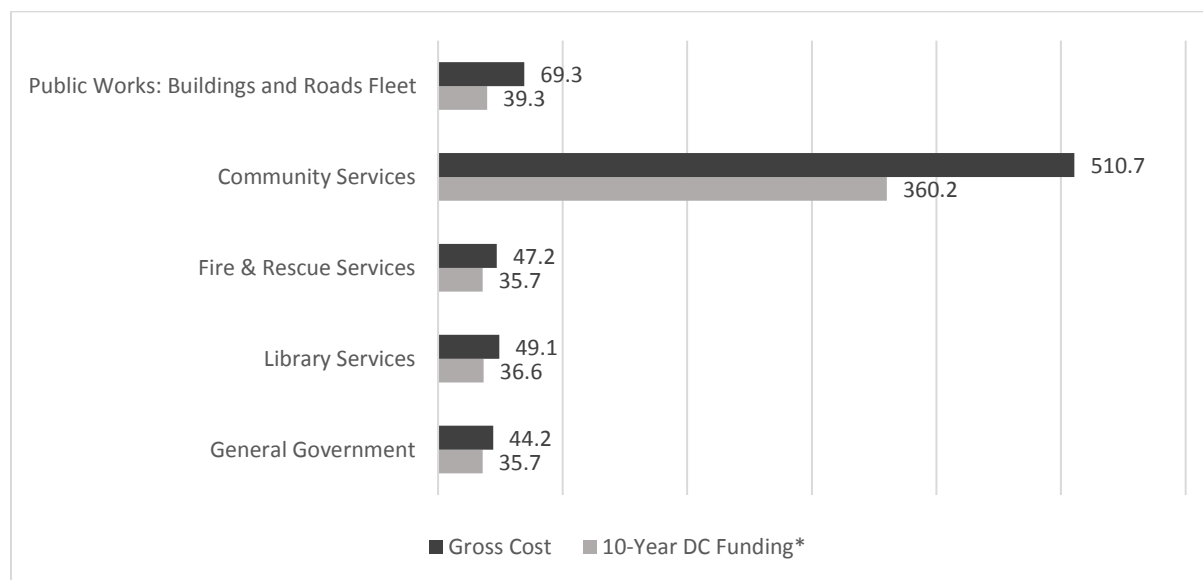
General Services

Figure 5 presents a summary of the growth-related capital programs related to the general services. As demonstrated in the graph, only a portion of the gross cost of \$720.5 million may be recovered through DCs collected over the next 10-year period (inclusive of reserve balances as of December 31, 2011). The remainder of the gross cost is attributable as follows:

- 10% Co-funding (tax-based funding) - \$59.1 million
- Benefit to Existing (tax-based funding) - \$18.4 million
- Post Period Benefit Allocation (future DC funding) - \$135.5 million

For general services, the post period benefit allocation is automatically calculated by limiting the 10-year period DC funding to the average service level over the last 10 years as per the DCA. Any funding required over and above that level is automatically allocated as a post period benefit. Over time, service levels, planned capital expenditures and actual revenues may change, which will affect the post period benefit allocation and would be reflected in future by-law background studies. Careful planning and prioritization of projects is required to ensure that growth related capital expenditures do not exceed the revenues collected as their funding source.

Figure 5: Summary of General Service Growth Related Capital Programs (2018-2027) (\$ Millions)



**10-year funding amount includes reserve balances as of December 31, 2017*

Engineered Services

The city-wide engineered services program to ultimate development (2031) totals \$2.10 billion, \$1.43 billion of this will be funded by DC collections through 2031, including DCs

already collected and in the reserve as of December 31, 2017. The entire engineering services capital program is growth-related and no projects benefiting the existing community have been included. The remaining \$667 million has been deemed to be of post 2031 benefit and is therefore not included in the collections over the next by-law period.

By the time of the next by-law review (potentially as early as 2021) it is expected that the Official Plan (OP), Transportation Master Plan (TMP) and therefore the DC Background Study will all deem 2041 as the new “ultimate development” year. Once this occurs, then most, if not all, of the \$667 million post period benefit would be moved “in-period” and would be collected for beginning in 2021. Figure 6 presents a table that provides a high-level summary of the engineered services program.

Figure 6: City Wide Engineering Services Program to Ultimate Development (\$ Millions)

Project Summary Description	Net Project Cost	Benefit to Existing	DC Reserve Funding (As of Dec 31, 2017)	2018 - 2031 DC Funding	Post 2031
Vaughan Metropolitan Centre	\$383.5		\$37.1	\$322.5	\$23.5
Black Creek Channel Renewal	\$32.9		\$6.1	\$26.8	
Steeles West	\$28.8		\$1.8	\$27.1	
West Vaughan Employment Area	\$147.1		\$8.6	\$80.1	\$58.3
Kleinburg Nashville	\$26.0		\$1.1	\$25.0	
Kipling Avenue Corridor	\$10.2		\$1.9	\$8.3	
Yonge Steeles Corridor	\$27.3		\$0.9	\$26.4	
Block 40 / 47	\$13.8		\$0.3	\$13.5	
Block 61	\$16.8		\$2.3	\$14.5	
Vaughan Mills Secondary Plan	\$21.5		\$1.5	\$20.0	
North Vaughan Employment Area (Blocks 34 + 35)	\$55.1			\$22.1	\$33.1
Maple GO Station Secondary Plan	\$4.5		\$0.3	\$4.2	
Barrie GO Grade-Separated Railway Crossings (RER)	\$183.9			\$111.3	\$72.6
Jog Elimination	\$2.0		\$0.1	\$1.9	
North Vaughan + Northern Communities TMP (Blocks 27, 41, and 55)	\$389.7		\$3.9	\$291.0	\$94.9
Additional Transportation Infrastructure Projects	\$82.0		\$10.0	\$72.0	
Active Transportation Projects	\$57.0		\$0.1	\$56.9	
Active Transportation Infrastructure	\$65.2		\$5.3	\$59.9	
Other Transportation Related Infrastructure	\$81.3		\$3.2	\$74.1	\$4.1
Growth Related Studies	\$16.7		\$0.7	\$16.1	
City Wide Watermain	\$74.4		\$2.9	\$53.1	\$19.1
Urban Design Streetscape Projects	\$14.2			\$14.2	
Projects Post Period Beyond 2031	\$361.4				\$361.4
Total	\$2,095.5		\$87.8	\$1,340.7	\$667.0

Section E – Proposed City-Wide DC Rates

Residential Rates

In order to provide sufficient DC funding for the forecasted growth-related capital program, the DC charge for all residential types have increased. For a Single/Semi Detached home, the overall DC charge is required to increase by 97%. This is comprised of an increase of 133% for the city-wide engineering charge, which reflects significant cost increases being experienced for roads and related projects, and an increase of 55% for the general services charge, which reflects land and construction cost increases in excess of the legislated indexing rate.

For other residential types, the overall DC charge is required to increase by 91% for Towns & Multiples, 96% for Large Apartments, and 97% for Small Apartments. The difference in the increases over the different residential types is due to the change in the forecasted residential housing mix from the 2013 Background Study.

Figure 7 presents the 2018 proposed rates as compared to the 2013 rates (indexed to January 1, 2018).

Figure 7: City-Wide Residential DCs (Single/Semi by Service, Other types by total)

Service	2018 Proposed DC Per Unit	2013 DC Per Unit (Indexed to January 1, 2018)	% Change
General Government	\$1,026	\$353	190%
Library Services	\$1,390	\$1,053	32%
Fire & Rescue Services	\$998	\$679	47%
Community Services	\$13,319	\$8,833	51%
Public Works: Buildings & Roads Fleet	\$1,036	\$563	84%
Sub-Total General Services	\$17,769	\$11,481	55%
City-Wide Engineering	\$31,539	\$13,517	133%
Total City-Wide Charge Single/Semi	\$49,308	\$24,998	97%
<u>Other Unit Types</u>			
Total Charge – Towns & Multiples	\$40,671	\$21,290	91%
Total Charge – Large Apartments	\$30,071	\$15,315	96%
Total Charge – Small Apartments	\$21,674	\$10,988	97%

Non-Residential Rates

Non-Residential rates per square metre are required to increase by 151% owing mainly due to the larger impact that engineering services has on the overall charge. Services for libraries, indoor recreation and parks development are not included in the non-residential rate and therefore the mitigating impacts they have on the residential rates

are not seen on the non-residential rate. Figure 8 presents the 2018 proposed rates as compared to the 2013 rates (indexed to January 1, 2018).

Figure 8: City-Wide Non-Residential DCs

Service	2018 Proposed DC Per Sq.M.	2013 DC Per Sq.M. (Indexed to January 1, 2018)	% Change
General Government	\$4.38	\$1.35	224%
Library Services			
Fire & Rescue Services	\$4.28	\$2.80	53%
Community Services			
Public Works: Buildings & Roads Fleet	\$4.46	\$2.28	96%
Sub-Total General Services	\$13.12	\$6.43	104%
City-Wide Engineering	\$130.88	\$50.99	157%
Total City-Wide Charge Non-Residential	\$144.00	\$57.42	151%

Comparisons to Other Municipalities

Figures 9 and 10 show the comparison between the City's current and proposed rates for single detached homes and retail space as compared to municipalities in York and Peel Regions. It should be noted that the majority of these municipalities are also undergoing development charge by-law reviews and their rates may be increasing. Furthermore, municipalities within York are not fully comparable due to variations in the usage of area specific charges (ASDCs). Peel municipalities are also not perfectly comparable due to differences in upper/lower tier service division.

Figure 9: Inter-Municipal Comparison of DCs for a Single Detached Home

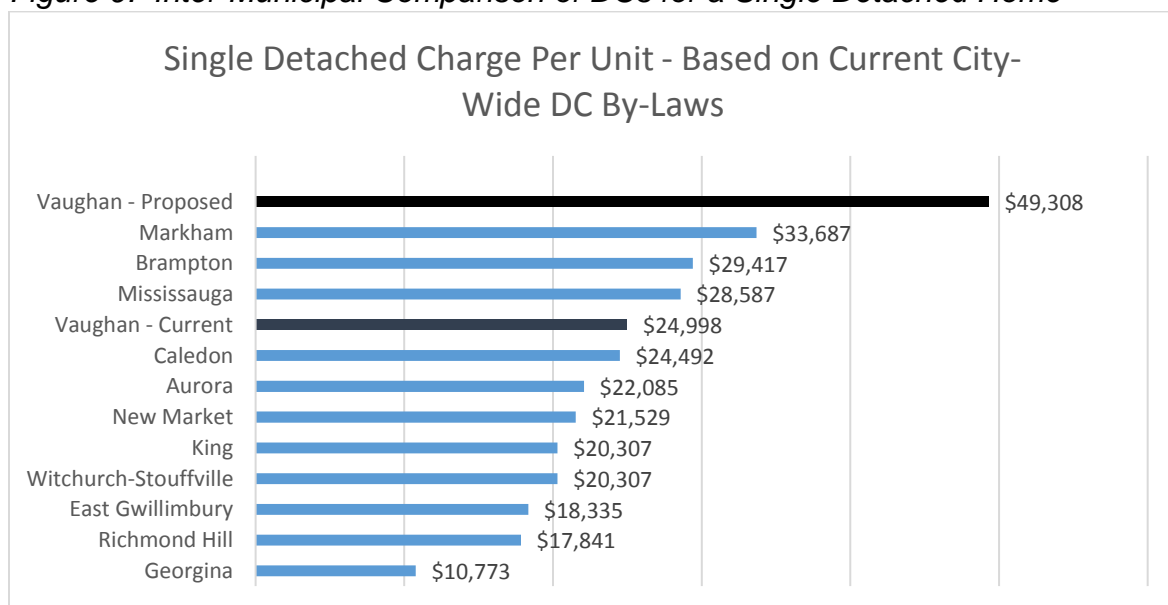
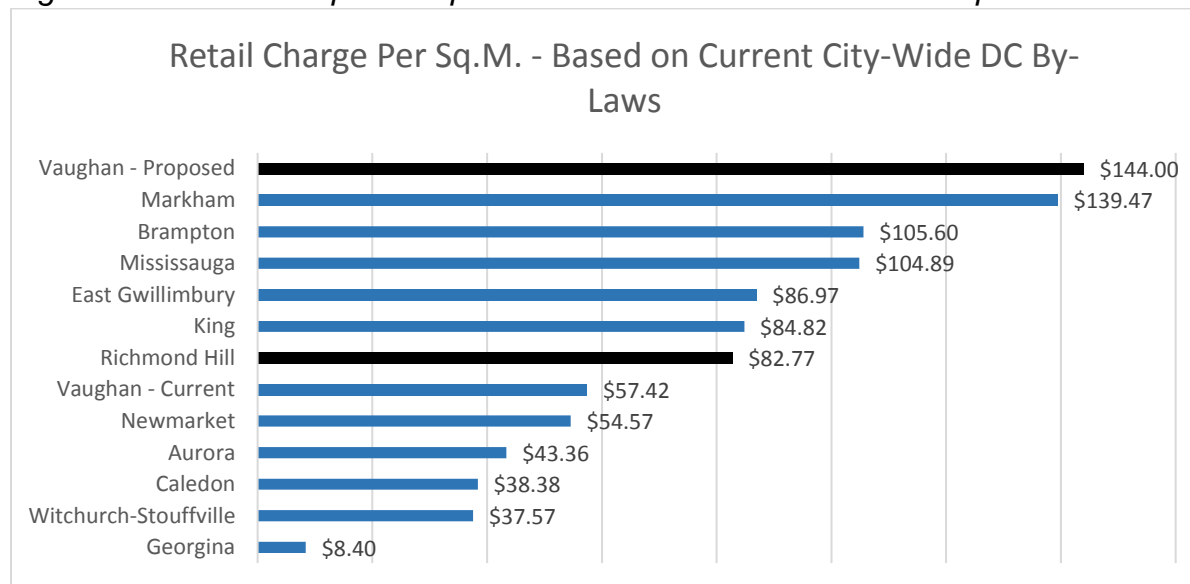


Figure 10: Inter-Municipal Comparison of DCs for Non-Residential Space



Section F – Proposed Area Specific Development Charge DC Rates

Continuation of Existing Area Specific Development Charges

Several existing Area Specific Development Charges (ASDCs) are proposed to continue. Collection continues in each of the existing benefiting areas to recover the cost of the front ended infrastructure. Minor variations in the rates are shown in Figure 11 and are attributable to modifications in net developable area remaining within the individual benefiting areas. For the purposes of this DC update, the Black Creek Channel and Edgeley Pond ASDCs have been excluded as there were just established in May 2016.

In accordance with the Bill 73 update to the DCA, municipalities must consider ASDCs as part of the development charges background study. Although the City of Vaughan has continued to use ASDCs in the preparation of this study and has historically been considered a leader in this practice amongst its peers, there could be additional opportunities for ASDCs, which can result in further alignment of the costs and benefits.

Figure 11: Continuation of Existing ASDCs

Service	Reference Code	2013 Charge Per Hectare (Indexed to January 1, 2018)	2018 Proposed Charge Per Hectare
Rainbow Creek Drainage Works	D-8	\$2,517	\$2,809
Pressure District 5 West Woodbridge Watermain	D-15	\$10,058	\$8,033
Pressure District 7 Watermain West	D-20	\$12,748	\$2,788
Highway 27 South Servicing Works	D-26	\$190,043	\$172,589
Zenway/Huntington Road Sanitary Sub-Trunk	D-25	\$11,055	\$11,213
Huntington Road Sanitary Sewer (Trade Valley to Rutherford)	D-27	\$10,631	\$8,805

There are several ASDCs that have been proposed to be discontinued. This is because the works have been deemed to be substantially completed and no further reimbursements to front ending developers are required. Any remaining funds will then be transferred to the Engineering Services City-Wide Development Charge Reserve and the completed ASDCs will be closed.

New Proposed ASDCs

Several new ASDCs are proposed to be enacted for the recovery of funds related to several stormwater management and sanitary sewer projects at various locations throughout the City. The BILD Sub-Committee has been given an opportunity to review the ASDCs, including both the costs and the net benefitting areas. A list of the new proposed ASDCs based on net developable is listed in Figure 12 below.

Figure 12: New Proposed ASDCs based on Net Developable Hectare

Service	New Reference Code	2018 Proposed Charge Per Hectare
Block 55 Sanitary Pumping Station & Forcemain Works	D-29	\$106,755
VMC - Interchange SWM Pond Retrofit Works	D-30	\$718,253
Steeles West Sanitary Sewer Improvement Works	D-31	\$60,583
Steeles West SWM Works	D-32	\$944,982
Woodbridge Avenue Sanitary Sewer Improvements	D-33	\$12,357

The remaining proposed ASDCs are based on dwelling unit and square meters of gross floor area and are listed in Figure 13 below.

Figure 13: New Proposed ASDCs based on Dwelling Unit and GFA

Service	Reference Code	2018 Proposed Charge – Singles and Semis	2018 Proposed Charge – Townhouses & Multiples	2018 Proposed Charge – Large & Small Apartments	2018 Proposed Charge – Per M ² Non-Residential GFA
VMC West - Interchange Sanitary Sewer Improvements	D-34	\$705	\$581	Lg - \$430 Sm - \$310	\$6.80
VMC SE Doughton Sanitary Sewer Improvements	D-35	\$948	\$782	Lg - \$578 Sm - \$417	\$9.15
Pine Valley North SPS and Forcemain (Block 40) – Area 1	D-36-1	\$3,400	\$2,805	Lg - \$2,074 Sm - \$1,495	\$19.10
Pine Valley North SPS and	D-36-2	\$4,927	\$4,064	Lg - \$3,005	\$27.68

Forcemain (Block 40) – Area 2				Sm - \$2,166	
Pine Valley North SPS and Forcemain (Block 40) – Area 3	D-36-3	\$3,836	\$3,164	Lg - \$2,339 Sm - \$1,686	\$21.55
Pine Valley North SPS and Forcemain (Block 40) – Area 4	D-36-4	\$3,534	\$2,915	Lg - \$2,156 Sm - \$1,554	\$19.85
Pine Valley North SPS and Forcemain (Block 40) – Area 5	D-36-5	\$4,778	\$3,941	Lg - \$2,914 Sm - \$2,100	\$26.84

Section G – Minor Policy Issues and Proposed Revisions to By-Law

Definition of a Commercial Parking Garage

Through the regular administration of the 2013 DC City-Wide By-law staff have identified that the existing by-law may not have been clear with regards to the exemptions surrounding commercial parking structures and to avoid the potential for misinterpretations by parties seeking to have developments exempted that are not intended to be exempted, staff have included a new definition for “Commercial Parking Garage” in the by-laws which further defines the criteria under which DCs would be applicable.

The new definition will result in an exemption for any parking spaces that are provided as an accessory use to the principle use on the lands and which fall within the minimum or maximum requirements, as laid out in the City's current Comprehensive Zoning By-Law (By-Law 1-88). Since developments within the VMC are not allowed to exceed the maximum requirements, the new definition will result in no DC charges for all accessory use parking garage space for development types that are subject to a maximum requirement. Outside of the VMC parking may exceed the minimum parking requirements in which case they will attract development charges. All parking spaces, as defined in the City's zoning bylaw that are not accessory to a principal use (is stand-alone) will continue to attract development charges.

Definition of Net Area

As a part of discussions with the development industry it was determined that in the calculation for the establishment of an ASDC rate staff would begin to include schools and community facilities (containing buildings) in the net developable area used to determine the ASDC rate. This is to bring the City of Vaughan into alignment with a settlement that was reached on the issue between the development industry and the Town of Richmond Hill.

Housekeeping Amendments to the By-laws

It should be noted that a few very minor housekeeping amendments have been made to the by-laws to ensure consistency with the Region of York by-law and to draw clarity to a few definitions. Furthermore, these changes do not materially affect the content of the by-laws, nor should they have an adverse effect on the development industry. The housekeeping amendments apply to the following definitions/sections:

- Definition of “building or structure” – defined to clarify DC treatment, particularly around industrial tents, air-supported structures, and canopies
- Definition of “building permit” – addition to align with Regional by-law
- Definition of “future development” – addition to align with Regional by-law
- Definition of “live-work-unit” – addition to align with Regional by-law
- Definition of “funeral homes” - defined to clarify DC treatment of funeral homes (DCs payable)
- In list of exceptions, added clause to exempt cemeteries or burial grounds, including mausoleums and columbariums
- In list of exceptions, added clause to exempt temporary sales centres
- In list of exceptions, added clause to exempt any land or buildings owned by Metrolinx

Section H – Local Service Policy

A local service policy defines which infrastructure would be considered DC eligible versus what would be considered the responsibility of individual developers. Although the City has followed a set of guidelines and common practices over the years, a formal policy has never been put into place.

As a part of the 2018 DC By-Law update the City has formalized a local service policy. This policy provides the structure under which City staff determine what will be included within a DC Background Study vs. what will be considered a local cost to the developer as a condition of development.

The Local Service Policy does not propose any substantive changes from what has been current practice at the City and therefore should not have any adverse effects on the development industry.

Section I – Proposed Transition Measures

Proposed Effective Date of By-laws

The DCA allows a municipality to pass a new by-law anytime within the 5-year period after the passage of the last by-law. The City passed its last by-laws on May 14, 2013, with an effective date of September 21, 2013. As a part of the transition measures to aid developments already in progress, staff are recommending that although the new by-laws may be passed on May 23, 2018, the effective dates of the by-laws (both city wide and ASDCs) be set as September 21, 2018 to coincide with the 5-year passage date of the previous by-law in 2013. The rates passed on May 23, 2018 would still be subject to indexing, as per normal practice, on July 1, 2018 and would come in to force on September 21, 2018. Until that time, the current rates will apply (inclusive of indexing).

Discontinuance of Engineering “Top Ups”

The City’s current practice is to charge a “top-up” to Engineering Services DCs at Building Permit issuance for the DCs that were paid at registration for subdivisions. For instance, if a DC was paid on a set of Single Detached homes at a particular rate that was in effect at registration and then 6 months later, when a Building Permit is issued for those units, the DC rate had increased due to indexing, the developer would be responsible for paying the percentage increase in the DC rate. Given the sometimes lengthy time lags between subdivision registration and building permit issuance and because some subdivisions that are already registered would be subject to large top-ups associated with the large increase in rates, staff are proposing an end to Engineering Service DC “top-ups”. There is nothing requiring this practice in the DCA. Although this change would result in lower collections during the by-law period, they can be fully collected in future by-law periods.

Pre-Payment Agreement Proposal

Through consultation with the development industry, City staff have recognized that many commitments and existing agreements may be adversely effected by a potential increase in rates. Given that many developments that are “in the development pipe” may take up to two years to proceed, staff are recommending that Council enter in to pre-payment agreements with landowners who meet certain criteria and achieve certain milestones in the development process as described below.

These pre-payment agreements are authorized under the DCA and would not be included in the by-laws, but rather would be a delegated authority given to the City Treasurer and City Solicitor based on a strict set of criteria and for a limited time period. The pre-payment agreements would essentially see any developers who anticipate registering or completing a site plan agreement within approximately two years, pre-

paying their estimated DCs in early September 2018 at the current rates. They will be required to execute a pre-payment agreement and should they not meet the conditions of that agreement, will have to pay to difference between the current rate and the future rate at the time of building permit issuance.

The criteria for qualifying for and maintaining status under the pre-payment agreement is proposed to be as follows:

Criteria applicable to all pre-payments:

- Pre-pay on estimated units / square footage
- No refunds – If Overestimation is made then dollar based credit will apply against new square footage/units at the rates current as of Building Permit issuance on the same Site Plan or Plan of Subdivision, as applicable
- Letter of intention to pre-pay is received by August 20, 2018
- Pre-payment agreement is executed and applicable pre-payment is received, together within 30 calendar days after receipt of the agreement from the City but no later than September 20, 2018 (The City will initiate the agreement upon receipt of letter of intent)
- Fees associated with registering the agreement on title shall be borne by the owner/applicant and are considered to be over and above the administration fees stated below.

Additional Criteria for Residential Developments by Subdivision:

- Pre-payment applies to Total DC
- Pay \$2,000 administration fee
- Signed and dated M-Plan received by September 20, 2018
- Subdivision agreement registration achieved by March 20, 2020
- Building permits issued after the earlier of September 20, 2021 or the enactment of a new City-Wide DC by-law will be subject to a top up of General Services DCs to the Current rates

Additional Criteria for Non-High Density Residential Developments by Site Plan:

- Pre-payment applies to Total DC
- Pay \$2,000 administration fee
- Submit a Site Plan Application by September 20, 2018
- Execute a Site Plan Agreement or Letter of Undertaking (as applicable) by December 20, 2019
- Building Permit Issuance by March 20, 2020

Additional Criteria for Non-Residential Developments:

- Pre-payment applies to Total DC
- Pay \$2,000 administration fee
- Submit a Site Plan Application by September 20, 2018
- Execute a Site Plan Agreement or Letter of Undertaking (as applicable) by June 20, 2020
- Building Permit Issuance by December 20, 2020

Additional Criteria for High-Density Residential, Mixed-Use High Density Residential and High-Density Office Developments:

- Pre-payment applies to Total DC
- Pay \$2,000 administration fee
- Submit a Site Plan Application by September 20, 2018
- Execute a Site Plan Agreement by June 20, 2020
- Building Permit Issuance by December 20, 2020

Cost of Transition Measures

It is anticipated that many developers will take advantage of the pre-payment agreement proposal; so much so that up to one to two thirds of the development occurring over the next twenty-six (26) months may prepay in September 2018. This will serve to boost the City's cashflow in the interim. Pre-payment agreements are specifically allowed by the DCA and there is nothing prohibiting a municipality from collecting DCs earlier (or later) than the normal process specified under the DCA. As pre-paid DCs are not considered to be a discount, like phase-ins, the foregone revenue attributed to pre-payment agreements during this by-law period may be collected for through future by-laws.

The potential impacts of the pre-payment agreements could result in deferred revenue of \$32M to \$63M. Additionally, the City will receive the added benefit of receiving an influx of cash flow in September 2018 that it otherwise would not have received.

Section J – Proposed Review of DC Rate Methodology

Staff have identified that the methodology to calculate DCs, while common practice across Ontario, may contain some inherent and unintentional incentives to promote inefficient use of land or infrastructure.

The City has historically, and currently still does, use Area Specific DCs for the recovery of Wastewater and Stormwater infrastructure. Vaughan is one of very few municipalities to have this practice in place, which is now formally promoted as an endorsed methodology by the Province through the Bill 73 changes last year.

Other methodologies exist that reduce the effect of cross subsidization between greenfield and intensification development, to varying degrees. The City already uses ASDCs, one of these methodologies, for its Wastewater and Stormwater infrastructure, but staff are committed to exploring the potential for other methodological changes in future updates of the DC Background Study and by-laws in order to further mitigate this issue.

City staff intend to bring forward a recommendation to Council as a part of the May 7, 2018 final report that staff be directed to establish a work plan which will span from the enactment of the 2018 DC by-law to the enactment of the next future DC by-law. This will include an internal review of the City's rate calculation practices and consideration will be made towards other methods of allocating growth related costs across the City and across various types of development.

The review will include an evaluation of the use of area specific development charges versus city-wide charges to ensure a fair and equitable allocation of cost. Additionally, the use of a single non-residential rate versus a differentiated rate will be evaluated. This review will also include updating or developing relevant policies to support the framework once established. City staff would also commit to extensive consultation and collaboration with the development industry to ensure appropriate feedback. The intent would be to form a City/Industry working group which would include representatives from across the various sectors of development.

Previous Reports/Authority

http://www.vaughan.ca/council/minutes_agendas/Extracts/01Finance0116_17ex_3.pdf

Financial Impact

The 2018-2027 growth-related capital program for general services including General Government, Library, Fire & Rescue, Community Services, and Public Works Buildings & Fleet, totals \$720.5 million. The City-wide Engineering net capital program totals an additional \$2.1 billion. This amount is estimated to provide for growth-related infrastructure required to 2031.

The Development Charges Act, 1997 (DCA) requires that municipalities reduce the growth-related net capital costs associated with the "soft services" (general services) by 10%. Additionally, infrastructure that is emplaced that will provide benefits to the existing population must also be funded from a source other than DCs. This is commonly known as a "benefit to existing" apportionment. Combined, non-DC funding of \$77.5 million will be required over the 2018-2027 period to support the growth-related capital program; typically, these costs are funded through property tax revenues or user rates.

Furthermore, the 2018 DC Background Study identified approximately \$667 million of post-period benefits in the City-Wide engineering program and approximately \$160 million of post-period benefits in the general services capital programs. Conceptually, these costs may be recovered from future DC by-laws; however non-DC funding will be needed to pay for any costs that cannot be recovered from future development charge revenues.

Section 10 of the DCA requires the development charge background study to include an asset management plan that demonstrates that all of the assets in the DC Study are financial sustainable over their full life cycle. It is estimated that annual capital provision will reach \$10.2 million by 2028 for general services and \$24.8 million by 2032 for city-wide engineering services.

Furthermore, the planned infrastructure within the growth-related capital program will come with operating costs requirements associated with maintaining or providing service through that infrastructure. It is estimated that by 2027, the City's net operating costs are estimated to increase by \$32.9 million for general services and \$6.3 million for City-wide engineering services. Based on the 2018 DC Background Study provided by Hemson Consulting Ltd., the calculated annual capital provisions identified are considered to be financially sustainable as it is expected that the increased capital asset management requirements can be absorbed by the tax and user base over the long-term.

Staff anticipate that growth assessment and growth-related revenues will be positively affected by the City's ability to strategically and prudently manage growth, and shall, in turn, be fully utilized to fund growth infrastructures and services. The City is working to complete a long term fiscal plan that would take consider the City's Term of Council strategic plan, growth plans, asset management plan, development charge study, and its treasury management strategy. This long term fiscal plan would be used to discuss and recommend funding strategies, spending capacities, tax levy implications and the City's financial affordability/resiliency and it will be used to further inform the City's annual budgeting processes and related financial policies to ensure financial decisions are mindful of short-term and long-term financial impacts from the City's growth.

Broader Regional Impacts/Considerations

Regional Council approved a Development Charge By-law on June 17, 2017 and a subsequent update currently underway and proposed for approval in June 2018. City staff provided significant feedback throughout the course of this Study and the update. In addition to these meetings, City staff has engaged with Regional staff during the City-Wide By-law update to ensure coordination and cohesiveness between the approach of the Region and the City.

Conclusion

The proposed rate for a single detached home is increasing by 97% and the tentative rate for non-residential space is increasing by 151%. Council and the public were presented with the Development Charge Background Study on March 9, 2018. A further report will be brought to Finance, Administration and Audit Committee on May 7, 2018 to provide final recommendations for by-law passage.

The development industry has been consulted with and BILD has provided a letter stating that they will not appeal the city-wide by-law based on Council adopting the proposal within this report. Various policy and transition measure issues have been considered in further depth to ensure that Council is presented with a by-law that is fiscally responsible, protects existing taxpayers, but that also responds to the evolving environment and economy surrounding the development industry.

Section K – Next Steps

The next steps in the process are as follows:

Final Report on DC By-Law Review	May 7, 2018	FA&A Committee
By-Law Passage & Enactment	May 23, 2018	City Council

For more information, please contact: Brianne Clace, Project Manager, Financial Sustainability at ext. 8284

Attachments

1. City Wide Residential and Non-Residential Development Charges
2. Area Specific Development Charges
3. BILD Letter of Non-Objection
4. Communication C1 from the Finance, Administration and Audit Committee meeting of April 3, 2018 - Confidential memorandum from the City Solicitor and the Chief Financial Officer and City Treasurer, dated April 3, 2018 (under separate cover).
5. Communication C2 from the Finance, Administration and Audit Committee meeting of April 3, 2018 - Mr. Jay Claggett, dated April 2, 2018.
6. Communication C3 from the Finance, Administration and Audit Committee meeting of April 3, 2018 - Mr. Matthew A. Di Vona, dated April 2, 2018.
7. Communication C4 from the Finance, Administration and Audit Committee meeting of April 3, 2018 - presentation material entitled, "City of Vaughan Development Charges Study Finance, Administration and Audit Committee Public Meeting".

Prepared by

Brianne Clace, Project Manager, Financial Sustainability, ext. 8284



c <u>1</u>
Communication
COUNCIL: <u>May 23/18</u>
FAA Rpt. No. <u>5</u> Item <u>6.1.2</u>

DATE: May 15, 2018

TO: Honourable Mayor and Members of Council

FROM: Laura Mirabella, Chief Financial Officer and City Treasurer

RE: **ITEM #2 – FINANCE, ADMINISTRATION AND AUDIT COMMITTEE MEETING – MAY 7, 2018 – 2018 CITY-WIDE AND AREA SPECIFIC DEVELOPMENT CHARGE BACKGROUND STUDY AND BY-LAWS REVIEW**

Purpose

To seek Council's approval to remove two (2) proposed Area-Specific Development Charges (ASDC) from the Draft 2018 Development Charges Background Study.

Recommendations

1. That the Draft 2018 Development Charges Background Study that was recommended for approval in the communication titled "Item #2 – Finance, Administration and Audit Committee Meeting – 2018 City-wide and Area Specific Development Charge Background Study and By-laws Review" to Finance, Administration and Audit Committee on May 7, 2018 be updated to remove the two (2) proposed Area-Specific Development Charges outlined below:
 - a. Block 55 Sanitary Pumping Station & Forcemain Works;
 - b. Pine Valley North SPS and Forcemain (Block 40); and
2. That the City-Wide Development Charge By-law and all Area Specific Development Charge By-laws incorporating the development charge rates, as set out in the attachments accompanying this memorandum, be approved, and that the by-laws come in to force on September 21, 2018.

Background

A Public Statutory Meeting was held concurrent to the Finance, Administration and Audit Committee Meeting on April 3, 2018, where one (1) deputation and two (2) written communications were received from stakeholders. Through further consultation and review with said stakeholders, staff proposed an amended Draft 2018 Development Charges Background Study to the Finance, Administration and Audit Committee on May 7, 2018.

Subsequent to the Finance, Administration and Audit Committee on May 7, 2018, staff received additional communications from Castlepoint Investments Inc. and The Municipal Infrastructure Group Ltd., requesting that the proposed ASDCs for the Block 55 Sanitary Pumping Station and Forcemain Works and the Pine Valley North SPS and Forcemain Works respectively (Attachments 3 & 4) be withdrawn.

Analysis and Options

Block 55 Sanitary Pumping Station and Forcemain Works Proposed ASDC

On May 10, 2018, the City received a letter from Castlepoint Investments Inc. (Attachment 3), requesting that the proposed ASDC for the Block 55 Wastewater Pumping Station and Forcemain Works be withdrawn from the 2018 DC Background Study and By-laws update. Castlepoint Investments Inc. had originally requested that staff include the ASDC as a part of the 2018 DC update, but upon further review have determined that it may be unnecessary as they are able pursue reimbursement of the works from the benefitting lands in accordance with the provisions in Section 16.17 of the Block 55 East External Servicing Agreement, dated July 20, 2016. Staff have considered this request and recommend removing the proposed ASDC for Block 55 Sanitary Pumping Station & Forcemain Works at this time.

Pine Valley North SPS and Forcemain (Block 40) Proposed ASDC

On May 14, 2018, the City received a letter from The Municipal Infrastructure Group Ltd. (Attachment 4), the consultant representing the Pine Valley North SPS Landowners Group, requesting that the proposed ASDC for the works related to the Pine Valley North Sanitary Pumping Station and Forcemain be withdrawn from the 2018 DC Background Study and By-laws update. The Landowners Group had originally requested that staff include the ASDC as a part of the 2018 DC update, but upon further review have determined that it may be premature to pass an ASDC. The Landowners Group will continue to pursue reimbursement of the works in accordance with the provisions in Section 15.2.1 of the Pine Valley North Spine Services Agreement, dated May 15, 2017. They also stated their intention to revisit the ASDCs once the final as-constructed costs have been determined.

Staff have considered this request and recommend removing the proposed ASDC for Pine Valley North SPS and Forcemain (Block 40) at this time. Staff will have the opportunity to review the necessity of this ASDC again as part of the next DC Bylaws update, which is anticipated to occur in advance of the 5-year statutory requirement.



memorandum

Conclusion

It is recommended that the Block 55 Sanitary Pumping Station and Forcemain Works and Pine Valley North SPS and Forcemain (Block 40) ASDCs be removed from the Draft 2018 Development Charges Background Study and By-laws. The updates do not impact the proposed City-wide DC by-law or other ASDC by-laws.

Attachments

Attachment 1: City Wide Residential and Non-Residential Development Charges
Attachment 2-A: Area Specific Development Charges Based on Net Developable Hectare
Attachment 2-B: Area Specific Development Charges Based on Dwelling Unit and GFA
Attachment 3: Letter from Castlepoint Investments Inc., dated May 10, 2018
Attachment 4: Letter from The Municipal Infrastructure Group Ltd., dated May 14, 2018

Sincerely,

Laura Mirabella
Chief Financial Officer and City Treasurer

Copy to: Daniel Kostopoulos
City Manager

Stephen Collins
Deputy City Manager, Public Works

Jason Schmidt-Shoukri
Deputy City Manager, Planning and Growth Management

Mary Reali
Deputy City Manager, Community Services

Vince Musacchio
Director, Infrastructure Planning & Corporate Asset Management

Michael Toshakovski
Director, Legal Services

Rita Selvaggi
Interim Director, Financial Planning & Development Finance

Andrew Pearce
Director, Development Engineering

Attachment 1

City of Vaughan City Wide Development Charges¹
Effective from September 21, 2018

Residential Use Development Charges			
	Engineering Services²	General Services³	Total Per Unit Development Charge
Single & Semi-Detached Dwellings	\$31,536	\$17,769	\$49,305
Multiple Unit Dwellings	\$26,013	\$14,656	\$40,669
Large Apartments	\$19,233	\$10,836	\$30,069
Small Apartments	\$13,862	\$7,811	\$21,673
Non-Residential Use Development Charges⁴			
	Total Per Square Metre of GFA		
Non-Residential	\$143.92		

¹ All rates subject to normal indexing - rates shown are current as of May 23, 2018

² Engineering Services portion of Residential Development Charge paid at Subdivision Agreement execution

³ General Services portion of Residential Development Charge paid at Building Permit issuance

⁴ Total Non-Residential Development Charges paid at Building Permit issuance

Attachment 2-A

City of Vaughan Area Specific Development Charges¹
Based on Net Developable Hectare
(Effective from September 21, 2018)

Service	Reference Code	2018 Proposed Charge Per Hectare
Rainbow Creek Drainage Works	D-8	\$2,809
Pressure District 5 West Woodbridge Watermain	D-15	\$8,033
Pressure District 7 Watermain West	D-20	\$2,788
Highway 27 South Servicing Works	D-26	\$172,589
Zenway/Huntington Road Sanitary Sub-Trunk	D-25	\$11,213
Huntington Road Sanitary Sewer (Trade Valley to Rutherford)	D-27	\$8,805
VMC - Interchange SWM Pond Retrofit Works	D-30	\$718,253
Steeles West Sanitary Sewer Improvement Works	D-31	\$60,583
Steeles West SWM Works	D-32	\$944,982
Woodbridge Avenue Sanitary Sewer Improvements	D-33	\$12,357

¹ All rates subject to normal indexing – rates shown are current as of May 23, 2018

Attachment 2-B

City of Vaughan Area Specific Development Charges¹
Based on Dwelling Unit and GFA
(Effective from September 21, 2018)

Service	Reference Code	2018 Proposed Charge			
		Singles and Semis	Townhouses & Multiples	Large & Small Apartments	Per M ² Non-Residential GFA
VMC West - Interchange Sanitary Sewer Improvements	D-34	\$514	\$424	Lg - \$313 Sm - \$226	\$4.96
VMC SE Doughton Sanitary Sewer Improvements	D-35	\$765	\$631	Lg - \$467 Sm - \$336	\$7.39

¹ All rates subject to normal indexing – rates shown are current as of May 23, 2018



May 10, 2018

Ms. Laura Mirabella, Chief Financial Officer & City Treasurer
And
Mr. Todd Coles, City Clerk

City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Re: City of Vaughan 2018 DC By-Law Review
Block 55 External Services Agreement File # BL55.2013
Block 55 Sanitary Pumping Station & Forcemain Works Proposed ASDC

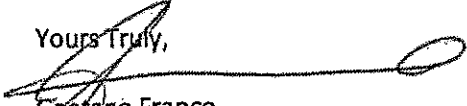
Dear Ms. Mirabella and Mr. Coles,

Further to my letter dated June 14, 2017 (copy attached) in which we were seeking the City to pursue implementation of either; a City-Wide Development Charge, or an Area Specific Development Charge as part of the 2018 City DC By-Law process. We have reviewed certain issues related to the implementation of this approach for reimbursement of the Block 55 sanitary pumping station and sanitary forcemain works, and therefore wish to request the City of Vaughan to remove the proposed area specific development charge identified as ASDC Charge D-29 as shown on Attachment 2 of the F.A.A committee report dated May 7, 2018 (excerpt attached) from the 2018 DC By-Law which has been scheduled for the May 23, 2018 Council meeting.

Based on this request to withdraw the ASDC D-29 for the Block 55 sanitary pumping station and forcemain works we would revert to and continue to pursue reimbursement of these works from the benefitting lands in accordance with the provisions of Section 16.17 of the Block 55 East External Servicing Agreement dated July 20, 2016 (excerpt attached).

Please feel free to contact me at (416) 728-4840 if there are any questions regarding this submission.

Yours Truly,


Gaetano Franco
Encl.

cc. Mr. Andrew Pearce, City of Vaughan
Mr. Michael Frieri, City of Vaughan



May 14th, 2018

Project 11118

City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

**Attention: Ms. Laura Mirabella, Chief Financial Officer & City Treasurer
Mr. Todd Coles, City Clerk**

Subject: Response to Preliminary Comments
Pedestrian Bridges
O.Reg.166/06 – Block 40/47

Dear Ms. Mirabella and Mr. Coles,

Further to my letter dated September 29, 2017 (copy attached) in which we were seeking the City to pursue implementation of either; a City-Wide Development Charge, or an Area Specific Development Charge as part of the 2018 City DC By-Law process. We have reviewed certain issues related to the implementation of this project for the reimbursement of the Pine Valley North sanitary pumping station and sanitary forcemain works, and therefore wish to request the City of Vaughan to remove the proposed area specific development charge identified as ASDC Charges D-36-1, D-36-2, D-36-3, D-36-4, and D-36-5 as shown on Attachment 2 of the F.A.A committee report dated May 7, 2018 (excerpt attached) from the 2018 DC By-Law which has been scheduled for the May 23, 2018 Council meeting.

Based on this request to withdraw the ASDC Charges D-36-1, D-36-2, D-36-3, D-36-4, and D-36-5 for the Pine Valley North sanitary pumping station and forcemain works we intend on continuing to pursue reimbursement of these works from the benefitting lands in accordance with the provisions of Section 15.2.1 of the Pine Valley North Spine Services Agreement dated May 15, 2017 (excerpt attached). Once the final as-constructed costs have been determined we will contact the City to reinstate the process to enact the ASDC's for the benefitting lands.

Please feel free to contact me at (905) 738-5700 x.246 if there are any questions regarding this submission.

Yours truly,
The Municipal Infrastructure Group Ltd.

A handwritten signature in black ink, appearing to read "Derek Smith", is written over a light blue horizontal line.

Derek Smith, P.Eng.
cc: Myron Pestaluky, Delta Urban

Subject:

FW: Pine Valley North ASDC Withdrawal Letter

Attachments:

2018 05 14-11118-DC Withdrawal SPS & Forcemain External.pdf; 20180511095616.pdf

c <u>4</u>
Communication
COUNCIL: <u>May 23 / 18</u>
FAA Rpt. No. <u>5</u> Item <u>b.1.2</u>

From: Derek Smith [mailto:dsmith@tmig.ca]

Sent: Monday, May 14, 2018 3:51 PM

To: Mirabella, Laura <Laura.Mirabella@vaughan.ca>; Coles, Todd <Todd.Coles@vaughan.ca>

Cc: Frieri, Michael <Michael.Frieri@vaughan.ca>; Pearce, Andrew <Andrew.Pearce@vaughan.ca>; Gaetano Franco <gaetano.franco@castlepointinvestments.ca>; Myron Pestaluky <myronp@deltaurban.com>

Subject: Pine Valley North ASDC Withdrawal Letter

Good afternoon Laura & Todd,

Please accept the attached letter as our request to remove ASDC for the Block 40/47 sanitary pumping station, forcemain and associated sanitary infrastructure from the City of Vaughan 2018 DC By-Law prior to Council's approval on May 23, 2018.

Please don't hesitate to contact me if you have any questions.

Thank you.

Derek Smith, P.Eng.
Director of Land Development

TMIG | The Municipal Infrastructure Group Ltd.
8800 Dufferin Street, Suite 200 | Vaughan, Ontario L4K 0C5
| c: 416-918-7264 | f: 905.738.0065 | tmig.ca

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THE MUNICIPAL INFRASTRUCTURE GROUP LTD.

8800 Dufferin Street, Suite 200
Vaughan, Ontario L4K 0C5

T 905.738.5700
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May 14th, 2018

Project 11118

City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

**Attention: Ms. Laura Mirabella, Chief Financial Officer & City Treasurer
Mr. Todd Coles, City Clerk**

Subject: Response to Preliminary Comments
Pedestrian Bridges
O.Reg.166/06 – Block 40/47

Dear Ms. Mirabella and Mr. Coles,

Further to my letter dated September 29, 2017 (copy attached) in which we were seeking the City to pursue implementation of either; a City-Wide Development Charge, or an Area Specific Development Charge as part of the 2018 City DC By-Law process. We have reviewed certain issues related to the implementation of this project for the reimbursement of the Pine Valley North sanitary pumping station and sanitary forcemain works, and therefore wish to request the City of Vaughan to remove the proposed area specific development charge identified as ASDC Charges D-36-1, D-36-2, D-36-3, D-36-4, and D-36-5 as shown on Attachment 2 of the F.A.A committee report dated May 7, 2018 (excerpt attached) from the 2018 DC By-Law which has been scheduled for the May 23, 2018 Council meeting.

Based on this request to withdraw the ASDC Charges D-36-1, D-36-2, D-36-3, D-36-4, and D-36-5 for the Pine Valley North sanitary pumping station and forcemain works we intend on continuing to pursue reimbursement of these works from the benefitting lands in accordance with the provisions of Section 15.2.1 of the Pine Valley North Spine Services Agreement dated May 15, 2017 (excerpt attached). Once the final as-constructed costs have been determined we will contact the City to reinstate the process to enact the ASDC's for the benefitting lands.

Please feel free to contact me at (905) 738-5700 x.246 if there are any questions regarding this submission.

Yours truly,
The Municipal Infrastructure Group Ltd.

Derek Smith, P.Eng.
cc: Myron Pestaluky, Delta Urban

Excerpt

TMIG letter dated September 29, 2017
City-Wide / ASDC Request Submission



THE MUNICIPAL INFRASTRUCTURE GROUP LTD.

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Vaughan, Ontario L4K 0C5

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September 29, 2017

PROJECT NUMBER 11118

Mr. Michael Frieri
Manager of Engineering Planning & Studies
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Dear Mr. Frieri

**Re: City of Vaughan 2018 DC By-Law Review
Pine Valley North Spine Services Agreement
Pine Valley North Wastewater Pumping Station & Sanitary Drainage Works DC Reimbursement**

We wish to request that the Pine Valley North Wastewater Pumping Station and Sanitary Drainage Works project contained within the Pine Valley North Spine Services Agreement be considered for inclusion in the 2018 City-Wide DC By-Law and included in the DC budget funding for 2018/2019.

The Pine Valley North Wastewater Pumping Station and Sanitary Drainage Works have been included in the Pine Valley North Spine Services Agreement dated May 15, 2017. These works have been designed and constructed to accommodate the sanitary drainage from Blocks 40/47, 41, 48, and 55 and have been contemplated in the Spine Services Agreement under Section 15.2.1 to be recovered through a future Area-Specific Development Charge (A.S.D.C) for development areas and/or special local municipal levies/fees for existing estate residential areas. These works are not currently in the 2013 City-Wide DC By-Law or A.S.D.C By-Laws and we request that the City of Vaughan make the appropriate consideration and provisions for inclusion of these works in the 2018 City-Wide DC By-Law, or failing that, a new Area Specific Development Charge By-Law, and the 2018/2019 DC funding for the reimbursement of these works. These works have been designed and are currently under construction by the Pine Valley North SPS Landowners Group through the Spine Servicing agreement.

The Pine Valley North Spine Services Agreement dated May 15, 2017 contains these works under Section 15.2.1, 15.6.1, Schedule M1 and Schedule N which outline the reimbursement provisions and costs for the Pine Valley North Wastewater Pumping Station and Sanitary Drainage Works. The total cost included in the spine servicing agreement is \$13,497,201 (excluding HST).

Please note that 10% contingencies, 15% soft costs, 7.5% city project management fee, and 3% city administration fee have been included in the above noted cost estimates for reimbursement, HST has been excluded.

Please feel free to contact me at 905-738-5700 if there are any questions regarding this submission.

Sincerely,

THE MUNICIPAL INFRASTRUCTURE GROUP LTD.

Derek Smith, P.Eng.
Director of Land Development
dsmith@tmig.ca

cc: Mr. Andrew Pearce, C.E.T., City of Vaughan
Mr. Myron Pestaluky, P.Eng., Delta Urban Inc.
Mr. Daniel Steinberg, Davies Howe LLP

Excerpt
Attachment 2
F.A.A. Committee report dated May 7, 2018

ASDC Charges Based on Dwelling Unit and GFA

Service	Reference Code	2018 Proposed Charge – Singles and Semis	2018 Proposed Charge – Townhouses & Multiples	2018 Proposed Charge – Large & Small Apartments	2018 Proposed Charge – Per M ² Non-Residential GFA
VMC West - Interchange Sanitary Sewer Improvements	D-34	\$705	\$581	Lg - \$430 Sm - \$310	\$6.80
VMC SE Doughton Sanitary Sewer Improvements	D-35	\$948	\$782	Lg - \$578 Sm - \$417	\$9.15
Pine Valley North SPS and Forcemain (Block 40) – Area 1	D-36-1	\$3,400	\$2,805	Lg - \$2,074 Sm - \$1,495	\$19.10
Pine Valley North SPS and Forcemain (Block 40) – Area 2	D-36-2	\$4,927	\$4,064	Lg - \$3,005 Sm - \$2,166	\$27.68
Pine Valley North SPS and Forcemain (Block 40) – Area 3	D-36-3	\$3,836	\$3,164	Lg - \$2,339 Sm - \$1,686	\$21.55
Pine Valley North SPS and Forcemain (Block 40) – Area 4	D-36-4	\$3,534	\$2,915	Lg - \$2,156 Sm - \$1,554	\$19.85
Pine Valley North SPS and Forcemain (Block 40) – Area 5	D-36-5	\$4,778	\$3,941	Lg - \$2,914 Sm - \$2,100	\$26.84

¹All rates subject to normal indexing - rates shown are current as of May 23, 2018

Excerpt
Section 15.2

Pine Valley North Spine Services Agreement dated May 15, 2017

- 15.1.10 The Trustee and the Participating Owners shall indemnify and save harmless the City and the Region of York from any claim or action resulting from municipal water or sewer services not being available when anticipated.
- 15.1.11 The Trustee and/or applicable Participating Owner shall install anti-tampering devices on all hydrants along the watermain forming part of the Spine Services to the satisfaction of the City. Prior to Assumption of the municipal services by the City, each applicable Participating Owner and/or the Trustee shall have the anti-tampering devices removed.
- 15.1.12 Upon commissioning (inclusive of pressure testing and chlorination in accordance with Section 7) of any watermain constructed under this Agreement, a watermain flushing program shall be implemented to ensure chlorine residuals meet all applicable standards to the satisfaction of the City's Environmental Services Department. The extent and duration of the flushing program will be determined by the City. The Trustee and each of the Participating Owners forming part of the Block 40/47 Landowners Group acknowledge they shall be responsible for all costs associated with the ongoing watermain flushing program as required by the City and until the City confirms the flushing program may be terminated. The Trustee and the Participating Owners hereby acknowledge that all costs incurred for the watermain flushing program shall be paid for by the Block 40/47 Landowners Group.

15.2 SANITARY DRAINAGE WORKS

- 15.2.1 The Trustee, on behalf of the Participating Owners, acknowledges that the design and construction of all necessary Sanitary Drainage Works (SDW) including but not limited to the Pine Valley North Sanitary Pumping Station (SPS) and associated access road, forcemain, sanitary sewers and all related appurtenances; will be carried out solely at its/their risk and expense, and as a component of the Spine Services for the Lands in accordance with the approved Construction Drawings listed on Schedule "B" and to the satisfaction of the City, the Toronto and Region Conservation Authority, the Ministry of Natural Resources and Forestry, and the Region of York.

The Trustee shall let all contracts, ensure adequate supervision of all construction activity is provided, and ensure all necessary certifications are provided by the Consultant to the satisfaction of the City. The City acknowledges the Trustee has provided information indicating the total estimated value for construction of the SDW is \$13,497,201 (excluding applicable taxes) inclusive of all construction costs, engineering, surveying, obtaining approvals and permits, construction supervision, City fees, and all costs reasonably relating to the SDW as outlined on Schedule "M1".

When construction of the SDW has been substantially completed to the satisfaction of the City, the Trustee shall provide the City with a final as-constructed cost report that details the components that have been designed to accommodate all benefitting lands and their respective cost. The report shall include a detailed breakdown of the final as-constructed costs of the SDW certified by a professional engineer and copies of all final executed construction contracts, approved contract extras and change orders related to the construction of the SDW, all to the satisfaction of the City. The City shall review this information and determine the applicable/as-constructed costs attributable to the servicing of all benefitting areas/lands. The decision of the City for the final value of servicing costs and the proportionate share applicable to any and all benefitting areas/lands shall be final.

The City acknowledges that the SDW are designed to accommodate the servicing of external benefitting lands that may develop in the future as illustrated on Schedule "N". The owners of external benefitting land areas are not party to this Agreement, nor are they party to the Cost Sharing Agreement, and are therefore not part of the Participating Owners group financing the construction of the SDW.

The Trustee acknowledges that the SDW outlined in this Agreement are not included in the City's current Development Charges Background Study or associated By-Laws, and there is no commitment on the part of the City to include these works as a growth related

project in a future Development Charge By-Law or Background Study. The City and the Trustee acknowledge and agree that:

- a) the Trustee may provide the City with a formal request to include the SDW works in a future Area-Specific Development Charge By-Law. Upon receipt of the Trustee's request, the City shall use its reasonable best efforts to include the SDW works in an Area-Specific Development Charge By-Law Project (ASDC). The Trustee acknowledges that there is no guaranteeing that the SDW works will be included in an ASDC. In the event the works are permitted by legislation to be included as an Area-Specific Development Charge Project and subject to no outstanding Ontario Municipal Board appeals, the City and the Trustee may amend this Agreement to include the specific terms and conditions of any reimbursement to the Trustee; and
- b) In the event the external benefitting lands identified as Existing Estate Residential on Schedule "N" utilize the SDW paid for by the Trustee, the City, so far as it is legally empowered to do, shall use its reasonable efforts to collect a proportionate share of the cost of the SDW as determined by the City from the owner of the benefitting lands through the use of a by-law for special services enacted to collect a special local municipal levy pursuant to the Municipal Act, and/or a Fees and Charges By-law enacted pursuant to the Municipal Act.

This arrangement shall apply for a period of only five years after execution of this Agreement and shall then cease and be of no effect. The City will however support an amendment to the Agreement should the Trustee require an extension to this recovery and reasonable efforts by the City. The City may use its reasonable efforts to collect the servicing costs from an owner within the external Existing Estate Residential benefitting lands but shall not be required to institute any action.

Should the Trustee and/or Participating Owners not be able to recover in whole or in part from any of the external benefitting landowners, the City will not assume any liability for the cost of the SDW and will have no obligation to reimburse the Trustee or the Participating Owners for any expenses incurred for which recoveries were not received.

- 15.2.2 The Trustee shall design and construct the SPS, associated forcemain, water meter and all appurtenances, and shall commission the SPS to the satisfaction of the City including payment of all hydro, water and wastewater charges associated with commissioning of the SPS.
- 15.2.3 The Trustee shall equip the SPS with a Supervisory Control and Data Acquisition (SCADA) system satisfactory to the City's Environmental Services Department. The Trustee shall work with the City to finalize all necessary SCADA system standards and specifications to the satisfaction of the City's Environmental Services Department and prior to commissioning of the SPS. The Trustee shall be responsible for all costs associated with the SCADA system implementation and integration.
- 15.2.4 The SPS shall be commissioned to the satisfaction of the City prior to receiving sewage flows from the service/drainage area as identified in Schedule "N". A written acknowledgement may be issued by the City upon satisfactory commissioning of the SPS once the Trustee has:
 - a) Successfully conducted all necessary testing and applicable commissioning procedures to confirm the SPS is functioning as designed and to the satisfaction of the City;
 - b) Provided the City with certification from a professional consulting engineer confirming the SPS, associated forcemain and all appurtenances have been constructed in accordance with the approved Construction Drawings, City Standards and Specifications and sound engineering practices;

CP

- c) Transferred to the City all manufacturers' warranties associated with all applicable equipment and mechanical components of the SPS;
- d) Provided the City with a comprehensive operating and maintenance manual for the SPS to the satisfaction of the City; and
- e) Provided a certification from the Consultant that the SPS and associated forcemain and appurtenances have been constructed in accordance with the approved construction drawings, city standards and good engineering practices; and
- f) Equipped the SPS with a connected SCADA system to the satisfaction of the City.

15.2.5 Once the SPS has been commissioned to the satisfaction of the City, the City shall operate and maintain the SPS at the expense of the Trustee until Assumption. The City shall invoice the Trustee on a semi-annual basis for the total costs incurred in operating and maintaining the SPS, including hydro charges and any extra or non-standard costs incurred until Assumption. If payment of the invoices is not made within thirty (30) days, the City may draw upon the MSLC for the required sum.

15.2.6 The Trustee shall undertake performance monitoring of the SPS upon commissioning and report to the City at least annually thereafter until the facility is fully assumed by the City. Such performance monitoring shall include flow monitoring, background and transient pressure monitoring, pump performance testing, system curve testing and other related testing and inspection to ensure the appropriate operation of the facility and its components. Results of the performance monitoring shall include data analysis and interpretation, the identification of any issues of concern, and the development of recommendations for operational and related improvements. This work shall be conducted by an independent, qualified and experienced firm acceptable to the City. The performance monitoring program shall be at the expense of the Trustee.

15.2.7 The Trustee shall undertake regular flow monitoring of the incoming flows to the SPS until assumption of the SPS by the City. The flow monitoring program shall assess wet weather flows entering the SPS for a minimum period of sixteen (16) months (April to November inclusive and for 2 consecutive years). The scope of the flow monitoring program shall be to the satisfaction of the City. This work shall be conducted by an independent, qualified and experienced firm acceptable to the City. The flow monitoring program shall be at the expense of the Trustee.

15.3 PEDESTRIAN-UTILITY BRIDGE STRUCTURES / VALLEY CROSSINGS

15.3.1 The Trustee, on behalf of the Participating Owners, acknowledges that the design and construction of the Pedestrian-Utility Bridge Structures/Valley Crossings (PUBS) in Block 40 inclusive of all associated utilities, infrastructure and related appurtenances; will be carried out solely at its/their risk and expense, and as a component of the Spine Services for the Lands in accordance with the approved Construction Drawings listed on Schedule "B" and to the satisfaction of the City, the Toronto and Region Conservation Authority and the Ministry of Natural Resources and Forestry.

The Trustee shall let all contracts, ensure adequate supervision of all construction activity is provided, and ensure all necessary certifications are provided by the Consultant to the satisfaction of the City. The City acknowledges the Trustee has provided information indicating the total estimated value for construction of the PUBS and all related appurtenances is \$17,839,599 (excluding applicable taxes); inclusive of all construction costs, engineering, surveying, obtaining approvals and permits, construction supervision, City fees, and all costs reasonably relating to the PUBS as outlined on Schedule "M2".

The Trustee acknowledges the PUBS outlined in this Agreement are not included in the City's current Development Charges Background Study or associated By-Laws; and there is no commitment on the part of the City to include these works as a growth related project in a future Development Charge By-law or Background Study.

BS
D

AIRD BERLIS

Leo F. Longo
Partner
Direct: 416.865.7778
E-mail: llongo@airdberlis.com

c <u>9</u>
Communication
COUNCIL: <u>May 23/18</u>
FAA Rpt. No. <u>5</u> Item <u>6.1.2</u>

May 7, 2018

BY EMAIL: clerks@vaughan.ca

F. 136522

Finance Administration and Audit Committee
City of Vaughan
Vaughan City Hall
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

Dear Sirs/Mesdames:

**Re: Committee Meeting, Report No. 5
Agenda Item No. 2
2018 Development Charge By-law**

We represent a number of car dealership groups owning dealerships throughout the City.

Our clients have been actively engaged in development charge matters at the Regional level, having both appealed the 2017 Regional development charge by-law, and more recently making submissions respecting revisions to that by-law to lessen the impact of those Regional charges on matters related to structured parking at car dealerships. The Region has proposed significant revisions to its 2017 development charge by-law, which will be considered at this Thursday's Committee of the Whole meeting (see Agenda Item F.2.8 and the related staff report) and the May 17 Regional Council meeting.

It is respectfully requested that the Vaughan development charge by-law mirror the proposed revisions being made at the Regional level concerning the treatment of parking spaces at car dealerships.

We will provide a follow-up to this letter after the Regional Council meeting but before the Vaughan Council meeting of May 23, 2018.

Yours truly,

AIRD & BERLIS LLP

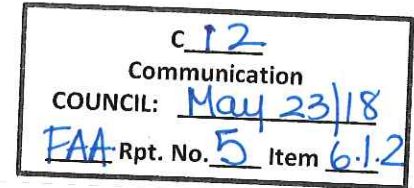

Leo F. Longo

LFL/ly

cc. Clients
GWD Planning
32527286.1

AIRD BERLIS

Leo F. Longo
Partner
Direct: 416.865.7778
E-mail: llongo@airdberlis.com



May 22, 2018

BY EMAIL: clerks@vaughan.ca

F. 136522

City Council
City of Vaughan
Vaughan City Hall
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

Dear Mr. Mayor and Council Members:

**Re: May 23, 2018 Council Meeting
Report No. 5, Item No. 2, FAAC
2018 Development Charge By-law**

This is further to my May 7, 2018 letter addressed to the Finance Administration and Audit Committee.

We represent a number of ownership groups owning car dealerships throughout the City; please see the attachment indicating the 37 car dealership locations which we represent in Vaughan.

At its meeting last Thursday, Regional Council adopted an amending by-law to its 2017 Development Charges By-law. This amendment addressed, in particular, the treatment of structured parking spaces in car dealerships and the treatment of stand-alone, open parking structures in a way to properly consider and assess the effect of such spaces on the increased need for capital facilities from a development charges perspective. Below is a link to the background report leading to the action taken by Regional Council last week.

<https://www.york.ca/wps/wcm/connect/yorkpublic/342a3b73-4437-43b1-b5d7-ca5324639ef3/may+10+DC.pdf?MOD=AJPERES>

On behalf of our clients, we respectfully request that Council incorporate similar exemptions and deferrals into its new development charge by-law. Parking spaces for staff and customers ought not to be included in any calculation of development charges. The development charges on open parking structures used to store vehicle inventory ought to be deferred while those structures serve that purpose.

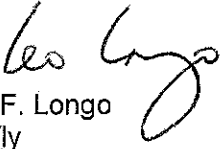
I would be please to elaborate upon this request at your convenience.

Thank you for your consideration of this request.

May 22, 2018
Page 2

Yours truly,

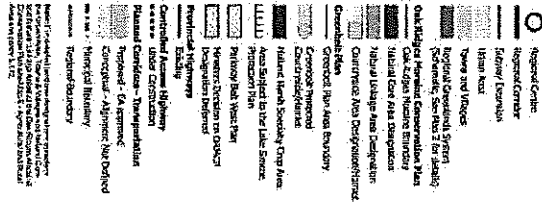
AIRD & BERLIS LLP


Leo F. Longo
LFL/ly
Encl.

c. Clients
GWD Planning

32662490.1

AIRD BERLIS

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**LOCATION MAP
EXISTING
AUTOMOBILE DEALERSHIPS
REGION of YORK**



**AUTOMOBILE
DEALERSHIP
LOCATION**

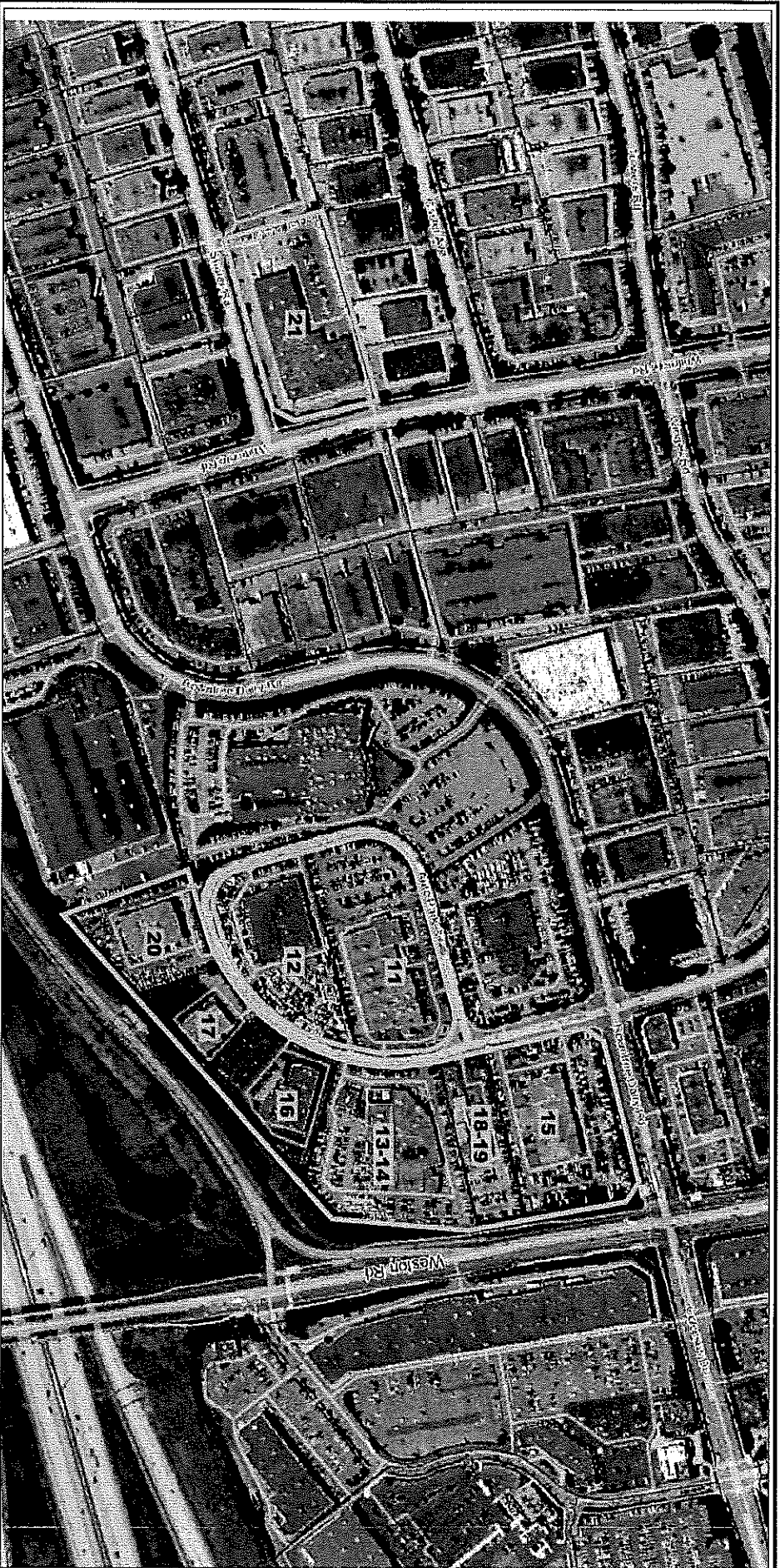
EXISTING AUTOMOTIVE DEALERSHIPS	WILLOWDALE SUBURNU
No. ADDRESS	22 1222 Steeles Ave West
1 NUMBER 7 HONDA	1 VOLVO VILVA
1 5555 Highway 7 West	23 120 Steeles Avenue West
PRIMA MAZDA	VOUSWAGEN VILVA
2 7663 Martin Grove Road	24 121 Steeles Avenue West
KATA MARTINI	BMW AUTOPLAS
3 5555 Highway 7 West	25 1680 Steeles Avenue West
ALTA NISSAN	LAND ROVER/JAGUAR THORNHILL
4 7825 Martin Grove Road	26 434 Steeles Avenue West
WOODBRIDGE TOYOTA	SUBARU OF MARK
5 7868 Martin Grove Road	27 1250 Snowberry Boulevard
MARKIN GROVE VW	MARKLE HONDA
6 1773 Martin Grove Road	28 859 Auto Vaughan Drive
VENICE LEASING	MARKLE TOYOTA
7 1597 Highway 7 West	29 188 Auto Vaughan Drive
INTERNAZIONALE AUTO DEPOT	MARKLE HUYNDAI
8 139 Woodstream Boulevard	30 233 Sheppard Boulevard
NUMBER 7 REPAIR BODY SHOP	MARKLE MAZDA
9 5 Woodstream Boulevard	31 1110 Auto Vaughan Drive
JUSTUS CAR & TRUCK RENTALS	MARKLE NISSAN
10 17700 Martin Grove Road	32 100 Auto Vaughan Drive
FERRARI MASPATI OF ONTARIO	MARKLE VOLKSWAGEN
MARKENELLO ALFA ROMEO	33 1260 Sheppard Boulevard
MARKENELLO MOTO SPORT	MARKLE ACURA
R. FERRI MOTORSPORT	34 111 Auto Vaughan Drive
11 230 Auto Park Circle	PPAFF ALDI
PINE TREE FORD LINCOLN	35 1968 Lane Street
12 1100 Auto Park Circle	PPAFF AUTO WORKS
MARKENELLO BMW	36 214 Courtland Ave
13 555 Auto Park Circle	PPAFF LEASING
DAINI VAUGHAN WEST	PPAFF PORSCHE SERVICE
14 55 Auto Park Circle	37 618 Cheshire Rd
VAUGHAN CHRYSLER	PPAFF MARLEY DAVISON
15 1 Auto Park Circle	38 8723 Yonge Street
PPAFF PORSCHE	ALTA NISSAN RICHMOND HILL
16 101 Auto Park Circle	39 11567 Yonge Street
PPAFF PORSCHE PRE OWNED	H.L. PFAFF AUTO
17 115 Auto Park Circle	40 1875 Leslie Street
PPAFF TUNING	VOLVO OF UOXBOROUGH
18 32 Auto Park Circle	41 16028 Highway 27 East
MARKENELLO TOYOTA	
19 33 Auto Park Circle	
COVENTRY NORTH JAGUAR	
LAND ROVER	
20 123 Auto Park Circle	
LEINROSEIN AUTOBODY	
21 171 Whitmore Road	



**AERIAL PHOTOGRAPH
EXISTING
AUTOMOTIVE
DEALERSHIPS 1-10**

SHEET 2 of 7

LEGEND	
## DEALERSHIP LOCATION	
	
Scale: N.T.S.	Date: May 8, 2018
Drawn By: D.S.	Revised:
File No: 2318_Location Map	
 <p>311 Queen Street East Suite 500 Toronto, ON M5H 2N2 P (416) 796-3799 www.gwd.ca</p> <p>2001 Highway 7 East Suite 100 Markham, ON L3R 9V7 P (905) 477-4006</p>	



**AERIAL PHOTOGRAPH
EXISTING
AUTOMOTIVE
DEALERSHIPS 11-21**

SHEET 3 of 7

LEGEND

**#

DEALERSHIP
LOCATION**

P.N.: 172918

Scale: N.T.S.

Drawn By: D.S.

Date: May 9, 2018

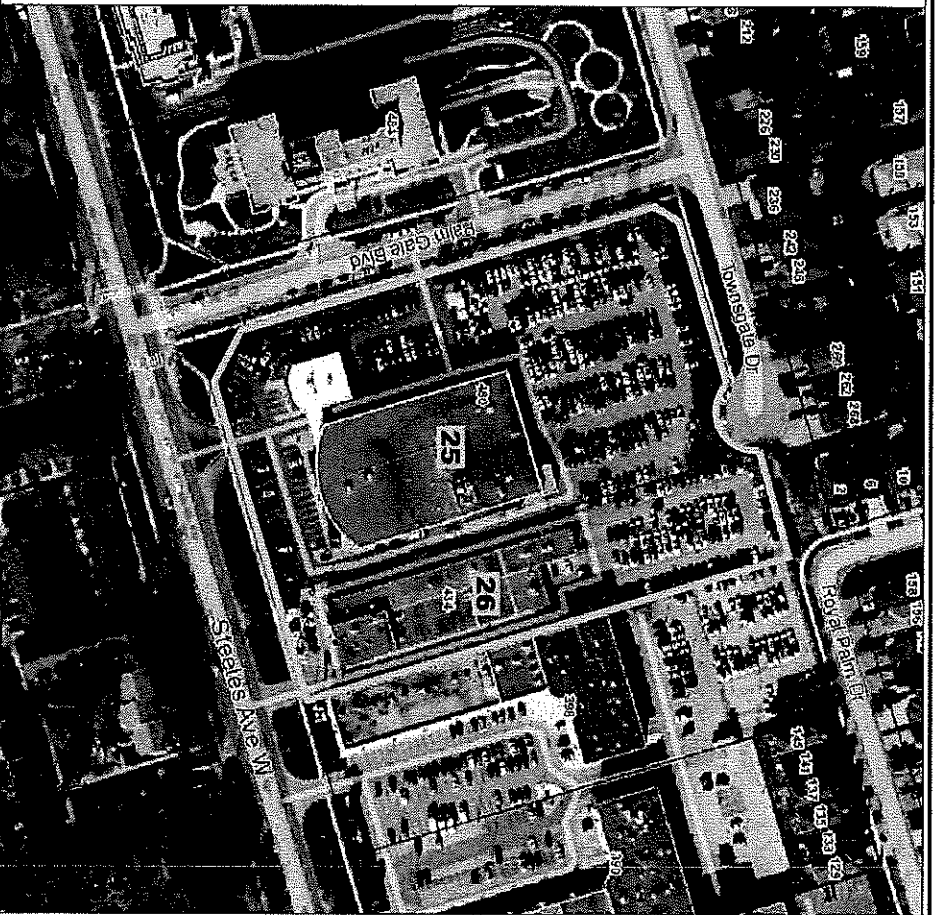
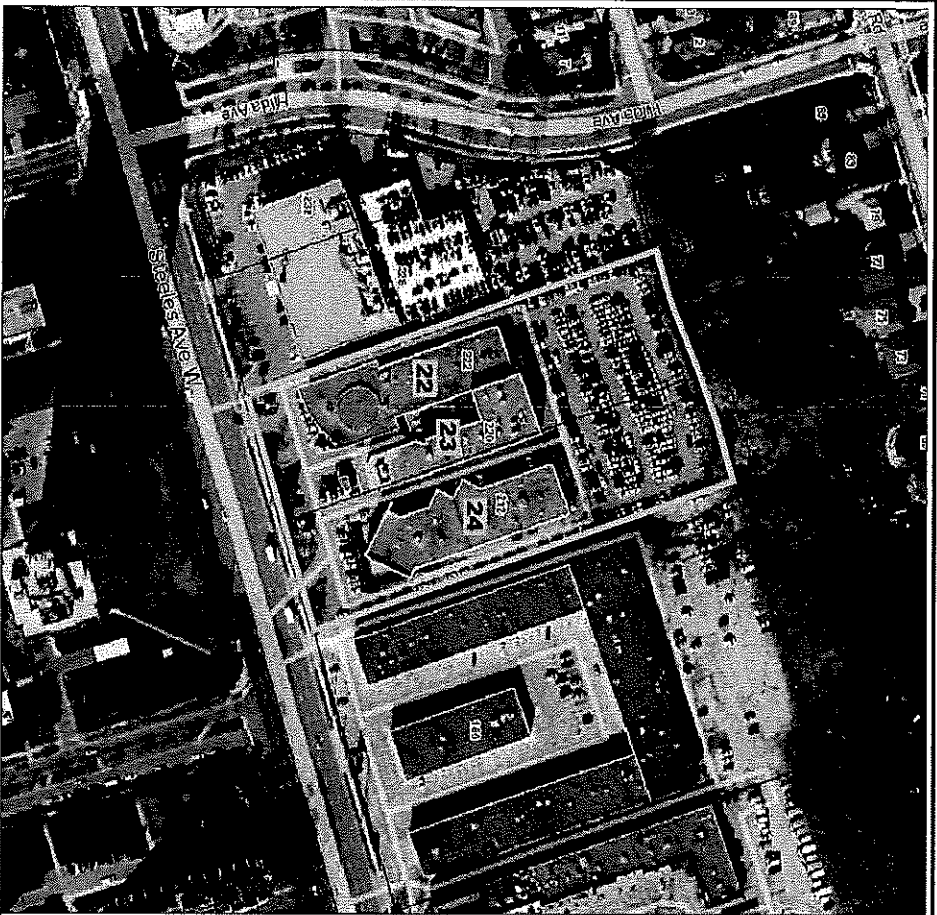
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File No: 2318 Location Map





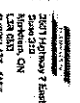
21 Queen Street East
Suite 400 ON
L9M 5P1
P (905) 796-5790

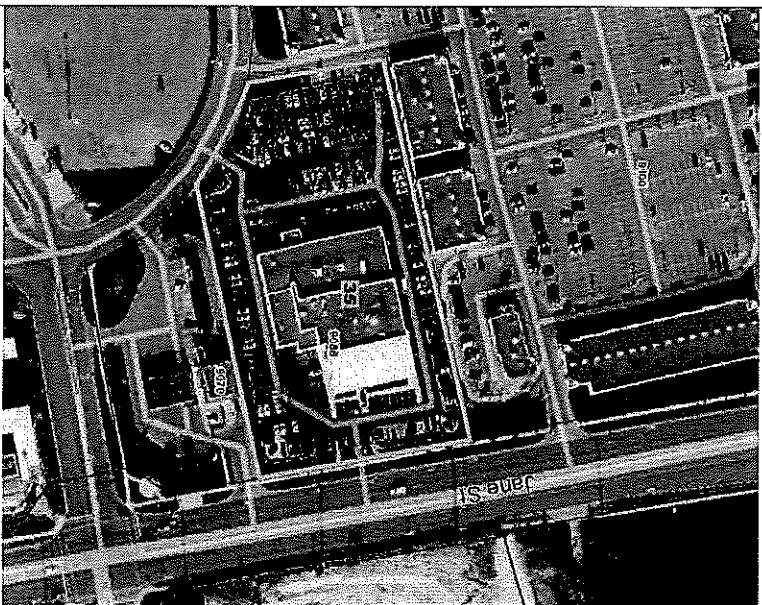
GWD
Geomatics
3001 Highway 7 East
Suite 310 ON
L3R 9K2
P (905) 277-0285



**AERIAL PHOTOGRAPH
EXISTING
AUTOMOTIVE
DEALERSHIPS 22-26**

SHEET 4 of 7

LEGEND	
# # AUTOMOBILE DEALERSHIP LOCATION	P.N.: 17/2318
Scale: N.T.S.	Date: May 8, 2018
Drawn By: D.S.	Revised:
File No. 2318_Location Map	
  	



**AERIAL PHOTOGRAPH
EXISTING
AUTOMOTIVE
DEALERSHIPS 22-26**

SHEET 5 of 7

LEGEND

**AUTOMOBILE
DEALERSHIP
LOCATION**
#37 not shown on map

P.N.: 172918

Date: May 9, 2018

Scale: N.T.S.

Revised:

Drawn By: D.S.

File No: 2318_Location Map



21 Queen Street East
Suite 400, ON
L4N 5P7
P (905) 706-5700

CWD
Civil & Surveying
1100 Highway 7 East
Unit 1010
L4W 0A3
P (905) 477-0000



c. <u>17</u>
Communication
COUNCIL: <u>May 23/18</u>
FAA Rpt. No. <u>5</u> Item <u>6.1.2</u>

DATE: May 23, 2018

TO: Mayor and Members of Council

FROM: Claudia Storto, City Solicitor

RE: **Finance, Administration and Audit Committee**
Report No. 5, Item No. 2
2018 City-Wide and Area Specific Development Charge Background Study
and By-Laws Review Highlight Report (Referred)

At the Finance, Administration and Audit Committee meeting on May 7, 2018, the Committee inquired about the applicability of a development charge by-law where an appeal to the by-law has been filed. Pursuant to the *Development Charges Act, 1997*, S.O. 1997, c. 27, a development charge by-law comes into force on the day that it is passed or the day specified in the by-law, whichever is later. Individuals can file an appeal to a development charge by-law within forty days of its passing. Where a development charge by-law has been appealed, the amounts set out in the by-law continue to be applicable and individuals with amounts owing under the by-law may make payments under protest.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Claudia Storto', written over a horizontal line.

Claudia Storto
City Solicitor

Copy to: Corporate Management Team
Michael Toshakovski, Director, Legal Services

C 2
COMMUNICATION
FAA - May 7/2018
ITEM - 2

DATE: May 7, 2018

TO: Honourable Mayor and Members of Council

FROM: Laura Mirabella, Chief Financial Officer and City Treasurer

RE: **ITEM #2 – FINANCE, ADMINISTRATION AND AUDIT COMMITTEE MEETING – MAY 7, 2018 – 2018 CITY-WIDE AND AREA SPECIFIC DEVELOPMENT CHARGE BACKGROUND STUDY AND BY-LAWS REVIEW**

Purpose

The purpose of this communication is to seek Council's approval of the final staff recommendations related to the enactment of the Development Charge (DC) by-laws.

Recommendations

1. That the Draft 2018 Development Charges Background Study, be approved subject to the inclusion of the changes detailed in this communication;
2. That the City-Wide Development Charge By-law and all Area Specific Development Charge By-laws incorporating the development charge rates, as set out in the attachments accompanying this memorandum, be approved, and that the by-laws come in to force on September 21, 2018;
3. That the Draft Local Service Policy included with the March 9, 2018 release of the Development Charge Background Study, as amended to include the changes detailed in this communication, and other policy changes as outlined in the April 3, 2018 report to Finance, Administration and Audit Committee, titled "2018 City-Wide and Area Specific Development Charge Background Study and By-Laws Review Highlight Report", be approved;
4. That the 10-year growth-related capital forecast for general services and the growth-related capital forecast to 2031 for engineered services, included in the Background Study, subject to maintenance of service levels, the availability of funding, and Council policies, be approved;
5. That staff be authorized to close the Area Specific Development Charge reserves that have been deemed to be substantially completed, as outlined in this report, and that any remaining balances within the reserves that are not required for further developer

reimbursement be transferred to the City-Wide Engineering Development Charge reserve;

6. That staff be authorized to merge the City-Wide Park Development DC reserve and the City-Wide Recreation DC reserve to create a new reserve titled "City-Wide Community Services DC Reserve" to bring the reserves into alignment with the 2018 DC Background Study;
7. That the proposed transition measures as outlined in April 3, 2018 report to Finance, Administration and Audit Committee, titled "2018 City-Wide and Area Specific Development Charge Background Study and By-Laws Review Highlight Report", be approved;
8. That staff be directed to cease collecting the difference between Engineering Development Charges paid at registration of a subdivision, and those owing, calculated at rates in effect at building permit issuance, on the same registered units;
9. That the City Treasurer and City Solicitor be delegated joint authority to execute Development Charge Pre-Payment Agreements, under Section 27 of the Development Charges Act and in accordance with the criteria set out in this report and any additional administrative and legal criteria deemed necessary by the City Treasurer and City Solicitor to protect the interests of the City, and such authority be limited to the period beginning on May 24, 2018 and ending on September 20, 2018;
10. That Council commit to funding the future operating costs associated with the growth-related capital forecast contained in the Development Charge Background Study, which is estimated to reach \$32.9 million for general services and \$6.3 million for City-Wide Engineering Services by 2027;
11. That Council commit to funding the full life-cycle costs associated with the growth-related capital forecast contained in the Development Charge Background Study, which are estimated to reach \$10.2 million by 2028 for general services, \$24.8 million by 2032 for city-wide engineering services, and \$1.7 million for related assets covered by the Area-Specific Development Charges;
12. That Council commit to funding the capital costs that require funding from non-development charge sources associated with the growth-related capital forecast contained in the Development Charge Background Study, which is estimated to be a total of \$77.5 million over the next ten years;

13. That staff be directed to establish a work plan from the enactment of the 2018 DC by-laws to the enactment of the next DC-by-laws, which will include an internal review of the City's DC rate calculation practices and DC related policies;
14. That Council confirm that no further public meetings pursuant to the Development Charges Act, 1997 are required prior to the enactment of the new Development Charge by-laws; and
15. That notice of adoption of the by-laws be given as required under the Development Charges Act, 1997.

Background

Communications

Since September 2017, a total of seven (7) workshops and two (2) technical meetings have taken place with the development industry, represented by members of a Sub-Committee of the Building Industry and Land Development Association (BILD). On March 8, 2018, the City received a letter from BILD stating that if all proposals as generally outlined in the report of the April 3, 2018 Finance Administration and Audit Committee are adopted, then they do not intend to appeal the City-Wide DC By-law to the Local Planning Appeal Tribunal. This does not, however, preclude any individual member or non-member from appealing, nor does it preclude Council from assuming a different position than what is proposed by staff in this communication.

A Public Statutory Meeting was held concurrent to the Finance, Administration and Audit Committee on April 3, 2018. One (1) deputation and two (2) communications were received from the following interested parties who were not involved in the workshops with the aforementioned BILD Sub-Committee:

- Deputation from Ian Andres, Goodmans LLP, on behalf of SmartCentres
- Communication from Jay Claggett, IBI Group, on behalf of Quadreal Property Group and Toromont Industries Ltd.
- Communication from Matthew A. Di Vona, Di Vona Law Professional Corporation, on behalf of The Milani Group

Analysis and Options

Revised City-Wide Engineering Program

Subsequent to the Public Statutory Meeting, staff have further consulted with each of the interested parties. Through further consultation and review, staff have refined the City-Wide Engineering Program, predominantly where more detailed information was available to update the road network, particularly within the southwest quadrant of the VMC. This has resulted in a reduction of the overall program cost by \$4.2 million.

The following projects and/or assumptions have been amended in the Draft 2018 DC Background Study:

- Revised upsizing factor assumption – increased width right-of-way divided by new ultimate right-of-way
- Edgeley Boulevard – Interchange Way to Exchange Avenue
- Interchange Way – Highway 400 to Jane Street
- Commerce Way – Commerce St to Exchange Avenue
- Vaughan Healthcare Precinct Streetscape – Adjustment to protect timing
- Woodbridge Avenue Construction (Streetscape) – Adjustment to project timing
- Ortona Court – 340M South Rivermede to 490M South Rivermede
- Ortona Court – 490M South Rivermede to Highway 7

The following projects have been added or removed in the Draft 2018 DC Background Study as a result of a more detailed review of the project list:

- Removed Concord GO EW at Grade Crossing
- Removed CN Rail Pedestrian Connection / Overpass (Yonge Steeles Corridor)
- Added Riverrock Gate – Jane Street to Caldari (related to Caldari Road project)

Revised Residential Rates

The changes to the City-Wide Engineering Program have resulted in a slight decrease to the proposed City-Wide DC rates. Figure 1 below reflects the revised residential rates as they compare to the rates proposed at the April 3rd, 2018 Finance, Administration and Audit meeting.

Figure 1: City-Wide Residential DCs (Single/Semi by Service, Other types by total)

Service	Revised 2018 Proposed DC Per Unit	2018 Proposed DC Per Unit as at April 3, 2018 FAA
General Government	\$1,026	\$1,026
Library Services	\$1,390	\$1,390
Fire & Rescue Services	\$998	\$998
Community Services	\$13,319	\$13,319
Public Works: Buildings & Roads Fleet	\$1,036	\$1,036
Sub-Total General Services	\$17,769	\$17,769
City-Wide Engineering	\$31,536	\$31,539
Total City-Wide Charge Single/Semi	\$49,305	\$49,308
Total Charge – Towns & Multiples	\$40,669	\$40,671
Total Charge – Large Apartments	\$30,069	\$30,071
Total Charge – Small Apartments	\$21,673	\$21,674

Revised Non-Residential Rates

The changes made to the City-Wide Engineering Program have also caused a slight reduction in the non-residential DC rates. Figure 2 presents the revised 2018 proposed rates as compared to the rates proposed at the Finance, Administration and Audit Committee meeting on April 3, 2018.

Figure 2: City-Wide Non-Residential DCs

Service	Revised 2018 Proposed DC Per Sq.M.	2018 Proposed DC Per Sq.M. as at April 3, 2018 FAA
General Government	\$4.38	\$4.38
Library Services	-	-
Fire & Rescue Services	\$4.28	\$4.28
Community Services	-	-
Public Works: Buildings & Roads Fleet	\$4.46	\$4.46
Sub-Total General Services	\$13.12	\$13.12
City-Wide Engineering	\$130.80	\$130.88
Total City-Wide Charge Non-Residential	\$143.92	\$144.00

Revised Area Specific Development Charges

After further review with affected landowners, it was determined that the Area Specific Development Charges in the VMC that are based on dwelling unit and GFA should be adjusted slightly to account for the average floor space index permissions within the VMC Secondary Plan as construction on the ground to date has surpassed the minimum permissions in the area. This has resulted in a change to the population and jobs per hectare figure from 200 to approximately 250. The adjustments to the rates are shown in Figure 3 below.

Figure 3: VMC ASDCs based on Dwelling Unit and GFA

Service	Ref. Code	Rate	2018 Proposed Charge – Singles and Semis	2018 Proposed Charge – Townhouse & Multiples	2018 Proposed Charge – Large & Small Apartments	2018 Proposed Charge – Per M ² Non-Residential GFA
VMC West - Interchange Sanitary Sewer Improvements	D-34	Revised 2018 Proposed	\$514	\$424	Lg - \$313 Sm - \$226	\$4.96
		Proposed at April 3, 2018 FAA	\$705	\$581	Lg - \$430 Sm - \$310	\$6.80
VMC SE Doughton Sanitary Sewer Improvements	D-35	Revised 2018 Proposed	\$765	\$631	Lg - \$467 Sm - \$336	\$7.39
		Proposed at April 3, 2018 FAA	\$948	\$782	Lg - \$578 Sm - \$417	\$9.15

Local Service Policy

Through further review and consultation, staff have amended the Draft Local Service Policy to provide more clarity regarding the ineligibility of DCs for parkland dedicated to the City.

Conclusion

The proposed rate is increasing by 97% for a single/semi detached home and 151% for non-residential development. A draft of the draft 2018 DC Background Study was made available to the public on March 9, 2018 and a Public Statutory Meeting was held on April 3, 2018 in accordance with the DC Act requirements.

Staff have consulted with the development industry and reviewed policies and transition measures to ensure that Council is presented with a by-law that is fiscally responsible and protects existing taxpayers, but also responds to the evolving economy surrounding the development industry.

Next Steps

The following are key dates regarding the passage of the 2018 DC by-laws:

- | | |
|--------------|--|
| May 23, 2018 | City Council Meeting: Council to enact new DC by-laws (effective as of September 21, 2018) |
| July 3, 2018 | Last Day to Appeal: Shortly after this date, Council will be provided with an update regarding any appeals filed with the Local Planning Appeal Tribunal regarding to the new DC by-laws |

Additionally, through the update of the 2018 DC Background Study and By-laws, staff have identified a need to undertake a more thorough review of the policies and practices associated with the methodology used to allocate costs across the Development Charge rate structure, to ensure equitability and fairness across the various types of development. As part of the review process, staff will continue consultations with the development industry, consider the extent of the use of ASDCs, and determine whether the current rate structure is aligned to the City's strategic objectives. This review will support the update of the next DC Background Study and By-laws, which is anticipated to occur in advance of the 5-year statutory requirement.

Attachments

- Attachment 1: City Wide Residential and Non-Residential Development Charges
- Attachment 2-A: Area Specific Development Charges Based on Net Developable Hectare
- Attachment 2-B: Area Specific Development Charges Based on Dwelling Unit and GFA

Attachments (under separate cover):

Attachment 3: 2018 Development Charge Background Study
Attachment 4: City-Wide DC By-Law
Attachment 5: Area Specific Development Charge By-Laws and associated maps
Attachment 6: Local Service Policy

Members of the public can access the Development Charges Background Study, Local Service Policy and all DC By-laws on the City's website.

Sincerely,



Laura Mirabella
Chief Financial Officer and City Treasure

Copy to: Daniel Kostopoulos
City Manager

Stephen Collins
Deputy City Manager, Public Works

Jason Schmidt-Shoukri
Deputy City Manager, Planning and Growth Management

Mary Reali
Deputy City Manager, Community Services

Michael Toshakovski
Director, Legal Services

Rita Selvaggi
Interim Director, Financial Planning & Development Finance

Andrew Pearce
Director, Development Engineering

Vince Musacchio
Director, Infrastructure Planning & Corporate Asset Management

Attachment 1

City of Vaughan City Wide Development Charges¹
Effective from September 21, 2018

Residential Use Development Charges			
	<i>Engineering Services²</i>	<i>General Services³</i>	<i>Total Per Unit Development Charge</i>
Single & Semi-Detached Dwellings	\$31,536	\$17,769	\$49,305
Multiple Unit Dwellings	\$26,013	\$14,656	\$40,669
Large Apartments	\$19,233	\$10,836	\$30,069
Small Apartments	\$13,862	\$7,811	\$21,673
Non-Residential Use Development Charges⁴			
			<i>Total Per Square Metre of GFA</i>
Non-Residential			\$143.92

¹ All rates subject to normal indexing - rates shown are current as of May 23, 2018

² Engineering Services portion of Residential Development Charge paid at Subdivision Agreement execution

³ General Services portion of Residential Development Charge paid at Building Permit issuance

⁴ Total Non-Residential Development Charges paid at Building Permit issuance

Attachment 2-A

City of Vaughan Area Specific Development Charges¹
Based on Net Developable Hectare
(Effective from September 21, 2018)

Service	Reference Code	2018 Proposed Charge Per Hectare
Rainbow Creek Drainage Works	D-8	\$2,809
Pressure District 5 West Woodbridge Watermain	D-15	\$8,033
Pressure District 7 Watermain West	D-20	\$2,788
Highway 27 South Servicing Works	D-26	\$172,589
Zenway/Huntington Road Sanitary Sub-Trunk	D-25	\$11,213
Huntington Road Sanitary Sewer (Trade Valley to Rutherford)	D-27	\$8,805
Block 55 Sanitary Pumping Station & Forcemain Works	D-29	\$106,755
VMC - Interchange SWM Pond Retrofit Works	D-30	\$718,253
Steeles West Sanitary Sewer Improvement Works	D-31	\$60,583
Steeles West SWM Works	D-32	\$944,982
Woodbridge Avenue Sanitary Sewer Improvements	D-33	\$12,357

¹ All rates subject to normal indexing – rates shown are current as of May 23, 2018

Attachment 2-B

City of Vaughan Area Specific Development Charges¹
Based on Dwelling Unit and GFA
(Effective from September 21, 2018)

Service	Reference Code	2018 Proposed Charge			
		Singles and Semis	Townhouses & Multiples	Large & Small Apartments	Per M ² Non-Residential GFA
VMC West - Interchange Sanitary Sewer Improvements	D-34	\$514	\$424	Lg - \$313 Sm - \$226	\$4.96
VMC SE Doughton Sanitary Sewer Improvements	D-35	\$765	\$631	Lg - \$467 Sm - \$336	\$7.39
Pine Valley North SPS and Forcemain (Block 40) – Area 1	D-36-1	\$3,400	\$2,805	Lg - \$2,074 Sm - \$1,495	\$19.10
Pine Valley North SPS and Forcemain (Block 40) – Area 2	D-36-2	\$4,927	\$4,064	Lg - \$3,005 Sm - \$2,166	\$27.68
Pine Valley North SPS and Forcemain (Block 40) – Area 3	D-36-3	\$3,836	\$3,164	Lg - \$2,339 Sm - \$1,686	\$21.55
Pine Valley North SPS and Forcemain (Block 40) – Area 4	D-36-4	\$3,534	\$2,915	Lg - \$2,156 Sm - \$1,554	\$19.85
Pine Valley North SPS and Forcemain (Block 40) – Area 5	D-36-5	\$4,778	\$3,941	Lg - \$2,914 Sm - \$2,100	\$26.84

¹ All rates subject to normal indexing – rates shown are current as of May 23, 2018

2018 Development Charges Review

Finance, Administration and Audit Committee

May 7, 2018



Background

- The existing City-wide Development Charge (DC) by-law (By-law 045-2013) and most Area-specific Development Charge (ASDC) by-laws expire on September 22, 2018
- Black Creek ASDCs are not being updated as part of the 2018 DC review
- Council must pass new development charge by-law(s) before this expiry date in order to continue to levy charges

Overview of the Public Consultation Process

- Consultation with development industry initiated in September 2017
 - Letter of non-objection from BILD received March 8th
- Public Statutory Meeting held on April 3rd
 - 1 deputation and 2 communications received from interested parties

Updates since the Public Statutory Meeting

- Refined City-Wide Engineering Program, particularly within the southwest quadrant of the VMC, resulting in overall program cost reduction of **\$4.2 million**
 - Cost assumptions
 - Technical assumptions
 - Project timing assumptions
 - Project listing adjustments
 - Other minor adjustments
- Adjustments made to the population and employment assumptions used to calculate ASDCs in the VMC
- Minor refinements to the draft Local Service Policy to provide clarity on DC eligibility considerations

Key Upcoming Dates

- May 23, 2018: Anticipated Council passage of new by-laws
- July 3, 2018: Last day to appeal to the Local Planning Appeal Tribunal
- September 21, 2018: By-laws effective date

Next Steps After DC By-law Passage

- Implementation of transition measures
- Review of DC rate structure, calculation methodology, and policies
- Continued consultation with the development industry
- Next DC update anticipated to occur in advance of 5-year statutory requirement

Item:



Finance, Administration and Audit Committee Report

DATE: Monday, May 07, 2018

WARD(S): ALL

TITLE: 2018 City-Wide and Area Specific Development Charge Background Study and By-Laws Review Highlight Report
(Referred)

FROM:

Laura Mirabella, Chief Financial Officer and City Treasurer

ACTION: FOR INFORMATION

Council, at its meeting of April 11, 2018, adopted the following recommendation (Item 1, Report No. 4, Finance, Administration and Audit, April 3, 2018):

- 1) That the following report and recommendations of the Chief Financial Officer and City Treasurer, dated April 3, 2018, be referred to the Finance, Administration and Audit Committee meeting of May 7, 2018, for consideration;
- 2) That the presentation and Communication C4, presentation material entitled, *"City of Vaughan Development Charges Study Finance, Administration and Audit Committee Public Meeting"*, be received;
- 3) That confidential Communication C1, memorandum from the City Solicitor and the Chief Financial Officer and City Treasurer, dated April 3, 2018, be received and referred to the Committee of the Whole (Closed Session) meeting of April 3, 2018 for the purpose of receiving legal advice;
- 4) That the deputation of Mr. Ian Andres, Goodmans, LLP, Bay Street, Toronto, on behalf of Smart Centres, be received; and

- 5) That the following Communications be received:
- C2. Mr. Jay Claggett, IBI Group, St. Clair Avenue West, Toronto, dated April 2, 2018; and
 - C3. Mr. Matthew A. Di Vona, Di Vona Law, Bloor Street West, Toronto, dated April 2, 2018.

Report of the Chief Financial Officer and City Treasurer dated April 3, 2018:

Purpose

The purpose of this report is to present the 2018 City-wide and Area Specific Development Charges Background Study and By-Laws and to seek feedback from Council, the general public, and the development industry.

Recommendations

1. That the following report, presentation and confidential memo (provided under separate cover) be received;
2. That the 2018 Development Charges Background Study, subject to input from the public statutory meeting, and appropriate by-laws incorporating the development charge rates in:

Attachment 1: City Wide Residential and Non-Residential Development Charges
Attachment 2: Area Specific Development Charges

Be forwarded to the Finance, Administration and Audit Committee meeting of May 7, 2018 for adoption;

3. That the 10-year growth-related capital forecast for general services and the growth-related capital forecast to 2031 for engineered services, included in the Background Study, subject to maintenance of service levels, the availability of funding, Council policies and input from the Statutory Public Meeting, be forwarded to the Finance, Administration and Audit Committee meeting on May 7, 2018 for endorsement;
4. That the proposed transition measures as outlined in this report and subject to input from the Statutory Public Meeting, be forwarded to the Finance, Administration and Audit Committee meeting on May 7, 2018 for endorsement; and
5. That the input from the public at the Statutory Public Meeting of April 3, 2018, be received

Report Highlights

- This report provides a high-level overview of pertinent aspects of the 2018 DC Background Study and By-Law Update.
- To fund the capital forecasts outlined in the Background Study, the single and semi-detached residential rates would increase by 97% and the Non-Residential Rate would increase by 151%.
- These rate increases are a result several factors including the high cost of land in Vaughan and inflationary increases in hard service construction costs.

Background

The purpose of this report is to highlight for Members of Council pertinent aspects of the DC by-law review and staff's associated proposals to be brought forward at Finance, Administration and Audit Committee on May 7, 2018, subject to input received and incorporated from the public statutory meeting. The report is divided into the following sub-sections:

Section A – Chronology of By-law Review

Section B – Summary of Growth Forecast

Section C – Summary of Historic Service Levels

Section D – Summary of City Wide Growth-Related Capital Program

Section E – Proposed City-Wide DC Rates

Section F – Proposed Special Area Charge DC Rates

Section G – Minor Policy Issues and Proposed Revisions to the By-laws

Section H – Local Service Policy

Section I – Proposed Transition Measures

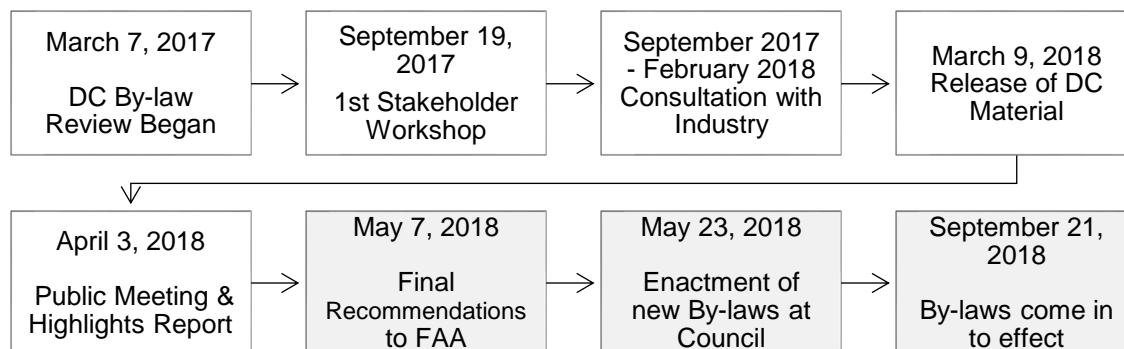
Section J – Proposed Review of DC Rate Methodology

Section K – Next Steps

Section A – Chronology of By-Law Review

Figure 1 below depicts some of the major by-law review process milestones since March 2017. The boxes shaded in grey are subject to Council approval.

Figure 1: Flowchart of DC By-law Review Process



Communications

Statutory Communication Requirements

The Development Charges Act (DCA) has mandatory communication requirements around advertising of at least one public meeting. The Clerk is mandated to carry out such advertising at least 20 days in advance of the meeting date. The Public Statutory Meeting has been scheduled to run concurrent to the FAA meeting on April 3, 2018 and was advertised in the Vaughan Citizen and the Thornhill Liberal on March 15, 2018. Furthermore, advertising of the meeting as well as pertinent information to the by-law review was also posted to the City's website on March 9, 2018. Subsequent to Council approval of the DC Background Study and the DC by-laws, appropriate notices will be advertised as prescribed by the DCA.

Stakeholder Communications

A total of seven (7) workshops and two (2) technical meetings have taken place with the development industry:

1. Workshop #1 – September 19th, 2017
2. Workshop #2 – October 23rd, 2017
3. Workshop #3 – December 5th, 2017
4. Workshop #4 – December 12th, 2017
5. Workshop #5 – January 15th, 2018
6. Technical Meeting #1 – January 29th, 2018
7. Technical Meeting #2 – February 1st, 2018
8. Workshop #6 – February 6th, 2018
9. Workshop #7 – February 22th, 2018

The workshops included members of a Sub-Committee of the Building Industry and Land Development Association (BILD) constituted for the purpose. In between these workshops, the parties exchanged detailed supporting background information and several clarification memos on a without prejudice basis. Additionally, two technical meetings took place to discuss the technical aspects of the draft calculations. It is anticipated that ongoing correspondence, meetings and collaboration will continue until the finalization of the new by-laws.

On March 8, 2018, the City received a letter from BILD (Attachment 3) stating that if all proposals as generally outlined in this report are adopted then they do not intend to appeal the City-Wide DC by-law to the Local Planning Appeal Tribunal. This does not, however, preclude any individual member or non-member from appealing, nor does it preclude Council from assuming a different position than what is proposed by staff through this report.

Stakeholder engagement on the Area Specific Development Charges (ASDCs) with affected landowners is ongoing and is also expected to conclude before the enactment of the by-laws scheduled for May 23, 2018.

Analysis and Options

Section B – Summary of Growth Forecast

A growth forecast for both the ten-year period from 2018 – 2027 and ultimate development (2031 for the purpose of this study) was completed by Hemson Consulting Ltd. The 2031 targets are consistent with the Region's DC Study.

In February 2015, the Province initiated a comprehensive review of all growth plans. As a part of this review the Province proposed changes to the Growth Plan including a change to the minimum residential intensification target from 45 percent to 60 percent of all new growth to be located in the existing built-up area and a minimum Designated Greenfield Area (DGA) density target increase from 50 to 80 residents and jobs per hectare. As these proposed changes need to first flow through the Municipal Comprehensive Review (MCR) at the Regional level before City Staff can complete the Official Plan (OP) update, it was determined that maintaining alignment with the Region's Background Study was the best approach for this study. It is anticipated that this study will be updated again in less than the 5-year requirement once work has progressed with the MCR and OP updates.

Some key highlights of Hemson's findings are as follows:

- Estimates place the City's net population growth* at 67,000 people by 2027 and about 102,000 to 2031.
- Population growth in new housing units is expected to add 71,000 people by 2027 and about 104,000 to 2031.
- The City's employment is forecasted to grow by approximately 42,000 employees by 2027 and 56,000 to 2031.
- This employment growth is projected to generate about 2.8 million square meters of new non-residential building space by 2027 and 3.6 million square meters to 2031.

**The increased need for service required to service the anticipated development is based on the "net" population and employment growth in the City. This is the increase after taking into account the expected continuation of the decline in occupancy factors in existing housing units.*

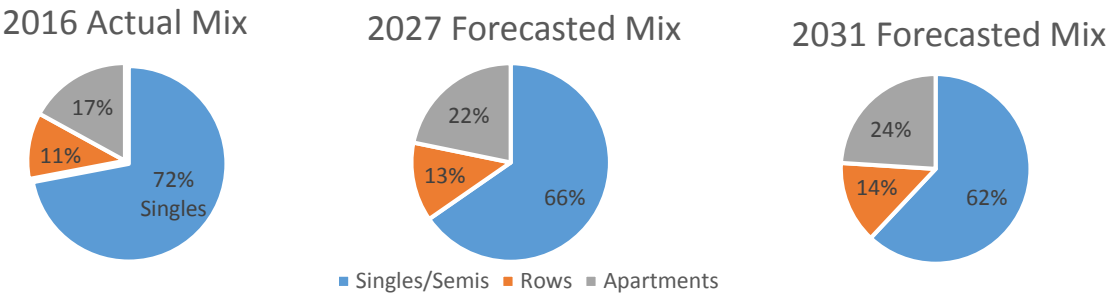
Residential Housing Mix

Figure 2 below compares the breakdown of housing unit mix in 2017 and those forecasted by 2027 and 2031.

The charts below illustrate that it is anticipated that over this study period there will be a decline in single and semi-detached homes and an increase in rows and apartments.

This is due to the shift that is occurring to smaller unit sizes due to intensification. After the Region and City complete their MCR and OP updates, it is anticipated that this shift in unit types will be even more pronounced in the next DC Study Update due to the increase in intensification targets that has been identified in the Provinces Growth Plan Update.

Figure 2: Changing Residential Housing Mix

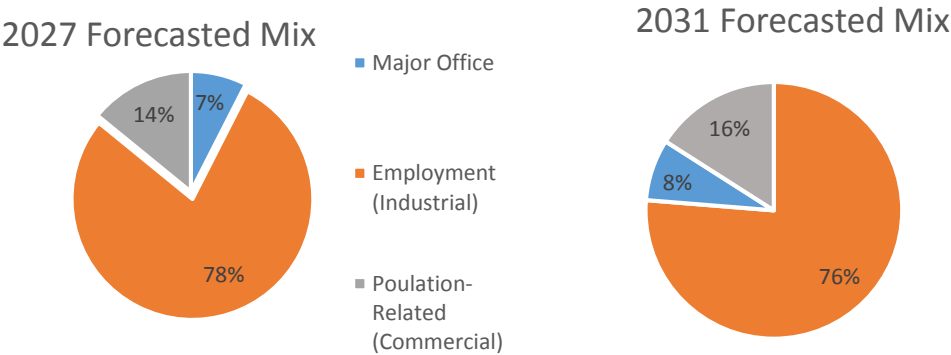


Non-Residential Type Mix

Figure 3 depicts the non-residential type mix which is forecasted to remain relatively stable until ultimate development.

The non-residential space forecast is based on the forecast of employment, since most new non-residential space is required to support new employment growth. The major share of space that is forecasted to be added over the next 14 years to 2031 is anticipated to be in the employment lands category, but a slight shift is see across the period to Major Office and Population related employment (such as retail and institutional).

Figure 3: Average Stable Non-Residential Type Growth



Section C – Summary of Historic Service Levels

The Development Charges Act, 1997 (DCA) requires that the DCs be set at a level no higher than the average service level provided in the municipality over the 10-year period immediately preceding the preparation of the background study, on a service by service basis. The service levels for the general (non-engineering related) services are typically measured as a ratio of inputs per capita (or per population plus employment). With engineered services such as roads, engineering and legislated environmental and health standards are used in lieu of inputs per capita.

Figure 4 below shows a table of the non-engineering related service levels measured in the current Background Study and compares them to those measured in the 2013 study. In all categories service levels have increased except for waste diversion which was added as a new DC recoverable service as a part of the Bill 73 update to the DCA.

Figure 4: Comparison of 2013 vs. 2017 Service Levels

Service	Average Service Level (2002 – 2011)	Average Service Level (2008 – 2017)	Indicator Type
General Government	N/A	N/A	
Library Services	\$316.54	\$431.33	\$/Capita
Fire & Rescue Services	\$170.67	\$279.95	\$/ (pop + Empl)
Community Services	\$2,605.95	\$4,038.72	\$/Capita
Public Works: Buildings & Roads Fleet	\$140.78	\$248.48	\$/ (pop + Empl)
City-Wide Engineering	N/A	\$11,312.15	\$/ (pop + Empl)

Section D – Summary of City-Wide Growth-Related Capital Program

The DCA requires that Council express its intent to provide future capital facilities at the level incorporated in the development charges calculation. The growth-related capital forecast was developed through collaboration between the service Departments, staff of the Library Board and Finance staff. The growth-related capital forecast is aligned to the strategic direction of the City, as represented by the City's various master plans. The costing of the forecast is as of December 2017, the time at which service levels were measured. The costing was further adjusted to align with the 2018 budget process. Patterns of cash flows in the Background Study are also aligned with published master plans. It should be acknowledged that changes to timing of the forecast presented in the Background Study may occur through the City's normal capital budget process.

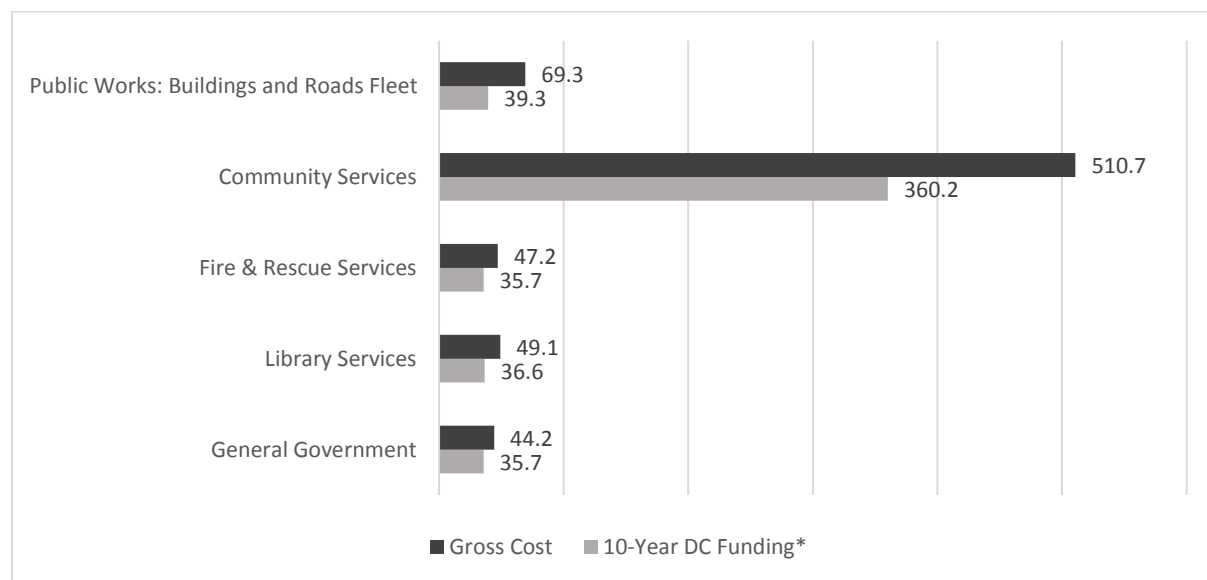
General Services

Figure 5 presents a summary of the growth-related capital programs related to the general services. As demonstrated in the graph, only a portion of the gross cost of \$720.5 million may be recovered through DCs collected over the next 10-year period (inclusive of reserve balances as of December 31, 2011). The remainder of the gross cost is attributable as follows:

- 10% Co-funding (tax-based funding) - \$59.1 million
- Benefit to Existing (tax-based funding) - \$18.4 million
- Post Period Benefit Allocation (future DC funding) - \$135.5 million

For general services, the post period benefit allocation is automatically calculated by limiting the 10-year period DC funding to the average service level over the last 10 years as per the DCA. Any funding required over and above that level is automatically allocated as a post period benefit. Over time, service levels, planned capital expenditures and actual revenues may change, which will affect the post period benefit allocation and would be reflected in future by-law background studies. Careful planning and prioritization of projects is required to ensure that growth related capital expenditures do not exceed the revenues collected as their funding source.

Figure 5: Summary of General Service Growth Related Capital Programs (2018-2027) (\$ Millions)



**10-year funding amount includes reserve balances as of December 31, 2017*

Engineered Services

The city-wide engineered services program to ultimate development (2031) totals \$2.10 billion, \$1.43 billion of this will be funded by DC collections through 2031, including DCs

already collected and in the reserve as of December 31, 2017. The entire engineering services capital program is growth-related and no projects benefiting the existing community have been included. The remaining \$667 million has been deemed to be of post 2031 benefit and is therefore not included in the collections over the next by-law period.

By the time of the next by-law review (potentially as early as 2021) it is expected that the Official Plan (OP), Transportation Master Plan (TMP) and therefore the DC Background Study will all deem 2041 as the new “ultimate development” year. Once this occurs, then most, if not all, of the \$667 million post period benefit would be moved “in-period” and would be collected for beginning in 2021. Figure 6 presents a table that provides a high-level summary of the engineered services program.

Figure 6: City Wide Engineering Services Program to Ultimate Development (\$ Millions)

Project Summary Description	Net Project Cost	Benefit to Existing	DC Reserve Funding (As of Dec 31, 2017)	2018 - 2031 DC Funding	Post 2031
Vaughan Metropolitan Centre	\$383.5		\$37.1	\$322.5	\$23.5
Black Creek Channel Renewal	\$32.9		\$6.1	\$26.8	
Steeles West	\$28.8		\$1.8	\$27.1	
West Vaughan Employment Area	\$147.1		\$8.6	\$80.1	\$58.3
Kleinburg Nashville	\$26.0		\$1.1	\$25.0	
Kipling Avenue Corridor	\$10.2		\$1.9	\$8.3	
Yonge Steeles Corridor	\$27.3		\$0.9	\$26.4	
Block 40 / 47	\$13.8		\$0.3	\$13.5	
Block 61	\$16.8		\$2.3	\$14.5	
Vaughan Mills Secondary Plan	\$21.5		\$1.5	\$20.0	
North Vaughan Employment Area (Blocks 34 + 35)	\$55.1			\$22.1	\$33.1
Maple GO Station Secondary Plan	\$4.5		\$0.3	\$4.2	
Barrie GO Grade-Separated Railway Crossings (RER)	\$183.9			\$111.3	\$72.6
Jog Elimination	\$2.0		\$0.1	\$1.9	
North Vaughan + Northern Communities TMP (Blocks 27, 41, and 55)	\$389.7		\$3.9	\$291.0	\$94.9
Additional Transportation Infrastructure Projects	\$82.0		\$10.0	\$72.0	
Active Transportation Projects	\$57.0		\$0.1	\$56.9	
Active Transportation Infrastructure	\$65.2		\$5.3	\$59.9	
Other Transportation Related Infrastructure	\$81.3		\$3.2	\$74.1	\$4.1
Growth Related Studies	\$16.7		\$0.7	\$16.1	
City Wide Watermain	\$74.4		\$2.9	\$53.1	\$19.1
Urban Design Streetscape Projects	\$14.2			\$14.2	
Projects Post Period Beyond 2031	\$361.4				\$361.4
Total	\$2,095.5		\$87.8	\$1,340.7	\$667.0

Section E – Proposed City-Wide DC Rates

Residential Rates

In order to provide sufficient DC funding for the forecasted growth-related capital program, the DC charge for all residential types have increased. For a Single/Semi Detached home, the overall DC charge is required to increase by 97%. This is comprised of an increase of 133% for the city-wide engineering charge, which reflects significant cost increases being experienced for roads and related projects, and an increase of 55% for the general services charge, which reflects land and construction cost increases in excess of the legislated indexing rate.

For other residential types, the overall DC charge is required to increase by 91% for Towns & Multiples, 96% for Large Apartments, and 97% for Small Apartments. The difference in the increases over the different residential types is due to the change in the forecasted residential housing mix from the 2013 Background Study.

Figure 7 presents the 2018 proposed rates as compared to the 2013 rates (indexed to January 1, 2018).

Figure 7: City-Wide Residential DCs (Single/Semi by Service, Other types by total)

Service	2018 Proposed DC Per Unit	2013 DC Per Unit (Indexed to January 1, 2018)	% Change
General Government	\$1,026	\$353	190%
Library Services	\$1,390	\$1,053	32%
Fire & Rescue Services	\$998	\$679	47%
Community Services	\$13,319	\$8,833	51%
Public Works: Buildings & Roads Fleet	\$1,036	\$563	84%
Sub-Total General Services	\$17,769	\$11,481	55%
City-Wide Engineering	\$31,539	\$13,517	133%
Total City-Wide Charge Single/Semi	\$49,308	\$24,998	97%
<u>Other Unit Types</u>			
Total Charge – Towns & Multiples	\$40,671	\$21,290	91%
Total Charge – Large Apartments	\$30,071	\$15,315	96%
Total Charge – Small Apartments	\$21,674	\$10,988	97%

Non-Residential Rates

Non-Residential rates per square metre are required to increase by 151% owing mainly due to the larger impact that engineering services has on the overall charge. Services for libraries, indoor recreation and parks development are not included in the non-residential rate and therefore the mitigating impacts they have on the residential rates

are not seen on the non-residential rate. Figure 8 presents the 2018 proposed rates as compared to the 2013 rates (indexed to January 1, 2018).

Figure 8: City-Wide Non-Residential DCs

Service	2018 Proposed DC Per Sq.M.	2013 DC Per Sq.M. (Indexed to January 1, 2018)	% Change
General Government	\$4.38	\$1.35	224%
Library Services			
Fire & Rescue Services	\$4.28	\$2.80	53%
Community Services			
Public Works: Buildings & Roads Fleet	\$4.46	\$2.28	96%
Sub-Total General Services	\$13.12	\$6.43	104%
City-Wide Engineering	\$130.88	\$50.99	157%
Total City-Wide Charge Non-Residential	\$144.00	\$57.42	151%

Comparisons to Other Municipalities

Figures 9 and 10 show the comparison between the City's current and proposed rates for single detached homes and retail space as compared to municipalities in York and Peel Regions. It should be noted that the majority of these municipalities are also undergoing development charge by-law reviews and their rates may be increasing. Furthermore, municipalities within York are not fully comparable due to variations in the usage of area specific charges (ASDCs). Peel municipalities are also not perfectly comparable due to differences in upper/lower tier service division.

Figure 9: Inter-Municipal Comparison of DCs for a Single Detached Home

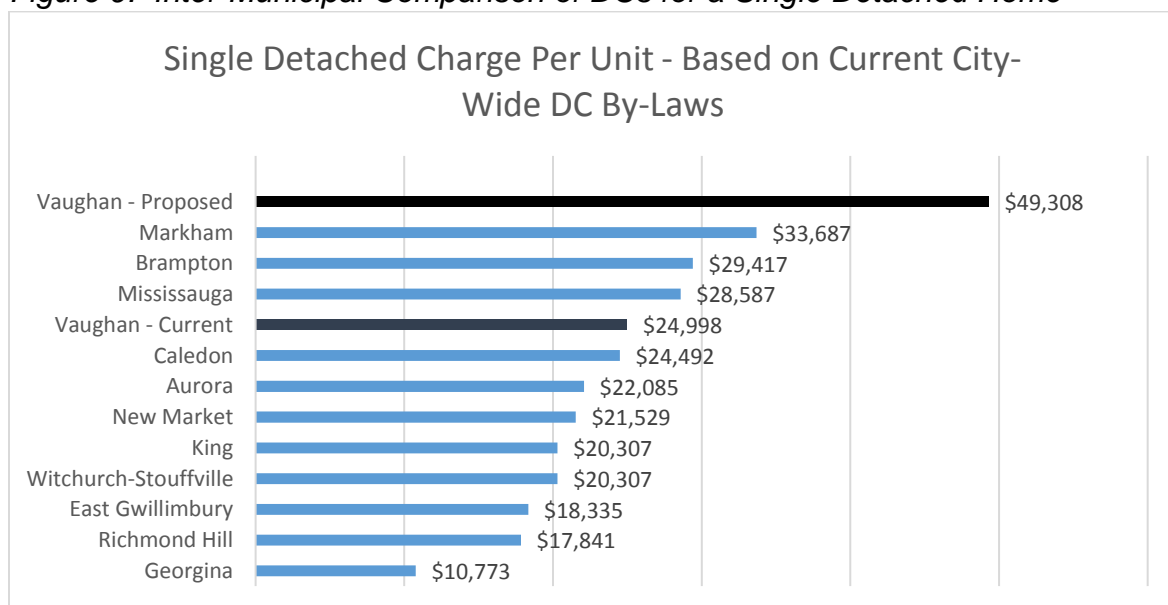
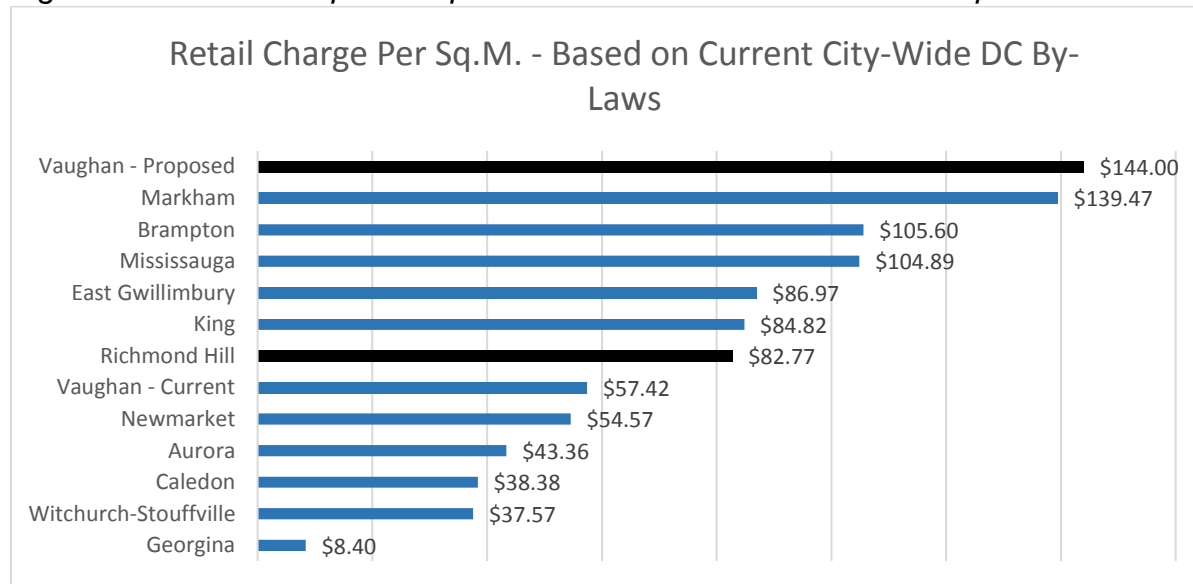


Figure 10: Inter-Municipal Comparison of DCs for Non-Residential Space



Section F – Proposed Area Specific Development Charge DC Rates

Continuation of Existing Area Specific Development Charges

Several existing Area Specific Development Charges (ASDCs) are proposed to continue. Collection continues in each of the existing benefiting areas to recover the cost of the front ended infrastructure. Minor variations in the rates are shown in Figure 11 and are attributable to modifications in net developable area remaining within the individual benefiting areas. For the purposes of this DC update, the Black Creek Channel and Edgeley Pond ASDCs have been excluded as there were just established in May 2016.

In accordance with the Bill 73 update to the DCA, municipalities must consider ASDCs as part of the development charges background study. Although the City of Vaughan has continued to use ASDCs in the preparation of this study and has historically been considered a leader in this practice amongst its peers, there could be additional opportunities for ASDCs, which can result in further alignment of the costs and benefits.

Figure 11: Continuation of Existing ASDCs

Service	Reference Code	2013 Charge Per Hectare (Indexed to January 1, 2018)	2018 Proposed Charge Per Hectare
Rainbow Creek Drainage Works	D-8	\$2,517	\$2,809
Pressure District 5 West Woodbridge Watermain	D-15	\$10,058	\$8,033
Pressure District 7 Watermain West	D-20	\$12,748	\$2,788
Highway 27 South Servicing Works	D-26	\$190,043	\$172,589
Zenway/Huntington Road Sanitary Sub-Trunk	D-25	\$11,055	\$11,213
Huntington Road Sanitary Sewer (Trade Valley to Rutherford)	D-27	\$10,631	\$8,805

There are several ASDCs that have been proposed to be discontinued. This is because the works have been deemed to be substantially completed and no further reimbursements to front ending developers are required. Any remaining funds will then be transferred to the Engineering Services City-Wide Development Charge Reserve and the completed ASDCs will be closed.

New Proposed ASDCs

Several new ASDCs are proposed to be enacted for the recovery of funds related to several stormwater management and sanitary sewer projects at various locations throughout the City. The BILD Sub-Committee has been given an opportunity to review the ASDCs, including both the costs and the net benefitting areas. A list of the new proposed ASDCs based on net developable is listed in Figure 12 below.

Figure 12: New Proposed ASDCs based on Net Developable Hectare

Service	New Reference Code	2018 Proposed Charge Per Hectare
Block 55 Sanitary Pumping Station & Forcemain Works	D-29	\$106,755
VMC - Interchange SWM Pond Retrofit Works	D-30	\$718,253
Steeles West Sanitary Sewer Improvement Works	D-31	\$60,583
Steeles West SWM Works	D-32	\$944,982
Woodbridge Avenue Sanitary Sewer Improvements	D-33	\$12,357

The remaining proposed ASDCs are based on dwelling unit and square meters of gross floor area and are listed in Figure 13 below.

Figure 13: New Proposed ASDCs based on Dwelling Unit and GFA

Service	Reference Code	2018 Proposed Charge – Singles and Semis	2018 Proposed Charge – Townhouses & Multiples	2018 Proposed Charge – Large & Small Apartments	2018 Proposed Charge – Per M ² Non-Residential GFA
VMC West - Interchange Sanitary Sewer Improvements	D-34	\$705	\$581	Lg - \$430 Sm - \$310	\$6.80
VMC SE Doughton Sanitary Sewer Improvements	D-35	\$948	\$782	Lg - \$578 Sm - \$417	\$9.15
Pine Valley North SPS and Forcemain (Block 40) – Area 1	D-36-1	\$3,400	\$2,805	Lg - \$2,074 Sm - \$1,495	\$19.10
Pine Valley North SPS and	D-36-2	\$4,927	\$4,064	Lg - \$3,005	\$27.68

Forcemain (Block 40) – Area 2				Sm - \$2,166	
Pine Valley North SPS and Forcemain (Block 40) – Area 3	D-36-3	\$3,836	\$3,164	Lg - \$2,339 Sm - \$1,686	\$21.55
Pine Valley North SPS and Forcemain (Block 40) – Area 4	D-36-4	\$3,534	\$2,915	Lg - \$2,156 Sm - \$1,554	\$19.85
Pine Valley North SPS and Forcemain (Block 40) – Area 5	D-36-5	\$4,778	\$3,941	Lg - \$2,914 Sm - \$2,100	\$26.84

Section G – Minor Policy Issues and Proposed Revisions to By-Law

Definition of a Commercial Parking Garage

Through the regular administration of the 2013 DC City-Wide By-law staff have identified that the existing by-law may not have been clear with regards to the exemptions surrounding commercial parking structures and to avoid the potential for misinterpretations by parties seeking to have developments exempted that are not intended to be exempted, staff have included a new definition for “Commercial Parking Garage” in the by-laws which further defines the criteria under which DCs would be applicable.

The new definition will result in an exemption for any parking spaces that are provided as an accessory use to the principle use on the lands and which fall within the minimum or maximum requirements, as laid out in the City's current Comprehensive Zoning By-Law (By-Law 1-88). Since developments within the VMC are not allowed to exceed the maximum requirements, the new definition will result in no DC charges for all accessory use parking garage space for development types that are subject to a maximum requirement. Outside of the VMC parking may exceed the minimum parking requirements in which case they will attract development charges. All parking spaces, as defined in the City's zoning bylaw that are not accessory to a principal use (is stand-alone) will continue to attract development charges.

Definition of Net Area

As a part of discussions with the development industry it was determined that in the calculation for the establishment of an ASDC rate staff would begin to include schools and community facilities (containing buildings) in the net developable area used to determine the ASDC rate. This is to bring the City of Vaughan into alignment with a settlement that was reached on the issue between the development industry and the Town of Richmond Hill.

Housekeeping Amendments to the By-laws

It should be noted that a few very minor housekeeping amendments have been made to the by-laws to ensure consistency with the Region of York by-law and to draw clarity to a few definitions. Furthermore, these changes do not materially affect the content of the by-laws, nor should they have an adverse effect on the development industry. The housekeeping amendments apply to the following definitions/sections:

- Definition of “building or structure” – defined to clarify DC treatment, particularly around industrial tents, air-supported structures, and canopies
- Definition of “building permit” – addition to align with Regional by-law
- Definition of “future development” – addition to align with Regional by-law
- Definition of “live-work-unit” – addition to align with Regional by-law
- Definition of “funeral homes” - defined to clarify DC treatment of funeral homes (DCs payable)
- In list of exceptions, added clause to exempt cemeteries or burial grounds, including mausoleums and columbariums
- In list of exceptions, added clause to exempt temporary sales centres
- In list of exceptions, added clause to exempt any land or buildings owned by Metrolinx

Section H – Local Service Policy

A local service policy defines which infrastructure would be considered DC eligible versus what would be considered the responsibility of individual developers. Although the City has followed a set of guidelines and common practices over the years, a formal policy has never been put into place.

As a part of the 2018 DC By-Law update the City has formalized a local service policy. This policy provides the structure under which City staff determine what will be included within a DC Background Study vs. what will be considered a local cost to the developer as a condition of development.

The Local Service Policy does not propose any substantive changes from what has been current practice at the City and therefore should not have any adverse effects on the development industry.

Section I – Proposed Transition Measures

Proposed Effective Date of By-laws

The DCA allows a municipality to pass a new by-law anytime within the 5-year period after the passage of the last by-law. The City passed its last by-laws on May 14, 2013, with an effective date of September 21, 2013. As a part of the transition measures to aid developments already in progress, staff are recommending that although the new by-laws may be passed on May 23, 2018, the effective dates of the by-laws (both city wide and ASDCs) be set as September 21, 2018 to coincide with the 5-year passage date of the previous by-law in 2013. The rates passed on May 23, 2018 would still be subject to indexing, as per normal practice, on July 1, 2018 and would come in to force on September 21, 2018. Until that time, the current rates will apply (inclusive of indexing).

Discontinuance of Engineering “Top Ups”

The City’s current practice is to charge a “top-up” to Engineering Services DCs at Building Permit issuance for the DCs that were paid at registration for subdivisions. For instance, if a DC was paid on a set of Single Detached homes at a particular rate that was in effect at registration and then 6 months later, when a Building Permit is issued for those units, the DC rate had increased due to indexing, the developer would be responsible for paying the percentage increase in the DC rate. Given the sometimes lengthy time lags between subdivision registration and building permit issuance and because some subdivisions that are already registered would be subject to large top-ups associated with the large increase in rates, staff are proposing an end to Engineering Service DC “top-ups”. There is nothing requiring this practice in the DCA. Although this change would result in lower collections during the by-law period, they can be fully collected in future by-law periods.

Pre-Payment Agreement Proposal

Through consultation with the development industry, City staff have recognized that many commitments and existing agreements may be adversely effected by a potential increase in rates. Given that many developments that are “in the development pipe” may take up to two years to proceed, staff are recommending that Council enter in to pre-payment agreements with landowners who meet certain criteria and achieve certain milestones in the development process as described below.

These pre-payment agreements are authorized under the DCA and would not be included in the by-laws, but rather would be a delegated authority given to the City Treasurer and City Solicitor based on a strict set of criteria and for a limited time period. The pre-payment agreements would essentially see any developers who anticipate registering or completing a site plan agreement within approximately two years, pre-

paying their estimated DCs in early September 2018 at the current rates. They will be required to execute a pre-payment agreement and should they not meet the conditions of that agreement, will have to pay to difference between the current rate and the future rate at the time of building permit issuance.

The criteria for qualifying for and maintaining status under the pre-payment agreement is proposed to be as follows:

Criteria applicable to all pre-payments:

- Pre-pay on estimated units / square footage
- No refunds – If Overestimation is made then dollar based credit will apply against new square footage/units at the rates current as of Building Permit issuance on the same Site Plan or Plan of Subdivision, as applicable
- Letter of intention to pre-pay is received by August 20, 2018
- Pre-payment agreement is executed and applicable pre-payment is received, together within 30 calendar days after receipt of the agreement from the City but no later than September 20, 2018 (The City will initiate the agreement upon receipt of letter of intent)
- Fees associated with registering the agreement on title shall be borne by the owner/applicant and are considered to be over and above the administration fees stated below.

Additional Criteria for Residential Developments by Subdivision:

- Pre-payment applies to Total DC
- Pay \$2,000 administration fee
- Signed and dated M-Plan received by September 20, 2018
- Subdivision agreement registration achieved by March 20, 2020
- Building permits issued after the earlier of September 20, 2021 or the enactment of a new City-Wide DC by-law will be subject to a top up of General Services DCs to the Current rates

Additional Criteria for Non-High Density Residential Developments by Site Plan:

- Pre-payment applies to Total DC
- Pay \$2,000 administration fee
- Submit a Site Plan Application by September 20, 2018
- Execute a Site Plan Agreement or Letter of Undertaking (as applicable) by December 20, 2019
- Building Permit Issuance by March 20, 2020

Additional Criteria for Non-Residential Developments:

- Pre-payment applies to Total DC
- Pay \$2,000 administration fee
- Submit a Site Plan Application by September 20, 2018
- Execute a Site Plan Agreement or Letter of Undertaking (as applicable) by June 20, 2020
- Building Permit Issuance by December 20, 2020

Additional Criteria for High-Density Residential, Mixed-Use High Density Residential and High-Density Office Developments:

- Pre-payment applies to Total DC
- Pay \$2,000 administration fee
- Submit a Site Plan Application by September 20, 2018
- Execute a Site Plan Agreement by June 20, 2020
- Building Permit Issuance by December 20, 2020

Cost of Transition Measures

It is anticipated that many developers will take advantage of the pre-payment agreement proposal; so much so that up to one to two thirds of the development occurring over the next twenty-six (26) months may prepay in September 2018. This will serve to boost the City's cashflow in the interim. Pre-payment agreements are specifically allowed by the DCA and there is nothing prohibiting a municipality from collecting DCs earlier (or later) than the normal process specified under the DCA. As pre-paid DCs are not considered to be a discount, like phase-ins, the foregone revenue attributed to pre-payment agreements during this by-law period may be collected for through future by-laws.

The potential impacts of the pre-payment agreements could result in deferred revenue of \$32M to \$63M. Additionally, the City will receive the added benefit of receiving an influx of cash flow in September 2018 that it otherwise would not have received.

Section J – Proposed Review of DC Rate Methodology

Staff have identified that the methodology to calculate DCs, while common practice across Ontario, may contain some inherent and unintentional incentives to promote inefficient use of land or infrastructure.

The City has historically, and currently still does, use Area Specific DCs for the recovery of Wastewater and Stormwater infrastructure. Vaughan is one of very few municipalities to have this practice in place, which is now formally promoted as an endorsed methodology by the Province through the Bill 73 changes last year.

Other methodologies exist that reduce the effect of cross subsidization between greenfield and intensification development, to varying degrees. The City already uses ASDCs, one of these methodologies, for its Wastewater and Stormwater infrastructure, but staff are committed to exploring the potential for other methodological changes in future updates of the DC Background Study and by-laws in order to further mitigate this issue.

City staff intend to bring forward a recommendation to Council as a part of the May 7, 2018 final report that staff be directed to establish a work plan which will span from the enactment of the 2018 DC by-law to the enactment of the next future DC by-law. This will include an internal review of the City's rate calculation practices and consideration will be made towards other methods of allocating growth related costs across the City and across various types of development.

The review will include an evaluation of the use of area specific development charges versus city-wide charges to ensure a fair and equitable allocation of cost. Additionally, the use of a single non-residential rate versus a differentiated rate will be evaluated. This review will also include updating or developing relevant policies to support the framework once established. City staff would also commit to extensive consultation and collaboration with the development industry to ensure appropriate feedback. The intent would be to form a City/Industry working group which would include representatives from across the various sectors of development.

Previous Reports/Authority

http://www.vaughan.ca/council/minutes_agendas/Extracts/01Finance0116_17ex_3.pdf

Financial Impact

The 2018-2027 growth-related capital program for general services including General Government, Library, Fire & Rescue, Community Services, and Public Works Buildings & Fleet, totals \$720.5 million. The City-wide Engineering net capital program totals an additional \$2.1 billion. This amount is estimated to provide for growth-related infrastructure required to 2031.

The Development Charges Act, 1997 (DCA) requires that municipalities reduce the growth-related net capital costs associated with the "soft services" (general services) by 10%. Additionally, infrastructure that is emplaced that will provide benefits to the existing population must also be funded from a source other than DCs. This is commonly known as a "benefit to existing" apportionment. Combined, non-DC funding of \$77.5 million will be required over the 2018-2027 period to support the growth-related capital program; typically, these costs are funded through property tax revenues or user rates.

Furthermore, the 2018 DC Background Study identified approximately \$667 million of post-period benefits in the City-Wide engineering program and approximately \$160 million of post-period benefits in the general services capital programs. Conceptually, these costs may be recovered from future DC by-laws; however non-DC funding will be needed to pay for any costs that cannot be recovered from future development charge revenues.

Section 10 of the DCA requires the development charge background study to include an asset management plan that demonstrates that all of the assets in the DC Study are financial sustainable over their full life cycle. It is estimated that annual capital provision will reach \$10.2 million by 2028 for general services and \$24.8 million by 2032 for city-wide engineering services.

Furthermore, the planned infrastructure within the growth-related capital program will come with operating costs requirements associated with maintaining or providing service through that infrastructure. It is estimated that by 2027, the City's net operating costs are estimated to increase by \$32.9 million for general services and \$6.3 million for City-wide engineering services. Based on the 2018 DC Background Study provided by Hemson Consulting Ltd., the calculated annual capital provisions identified are considered to be financially sustainable as it is expected that the increased capital asset management requirements can be absorbed by the tax and user base over the long-term.

Staff anticipate that growth assessment and growth-related revenues will be positively affected by the City's ability to strategically and prudently manage growth, and shall, in turn, be fully utilized to fund growth infrastructures and services. The City is working to complete a long term fiscal plan that would take consider the City's Term of Council strategic plan, growth plans, asset management plan, development charge study, and its treasury management strategy. This long term fiscal plan would be used to discuss and recommend funding strategies, spending capacities, tax levy implications and the City's financial affordability/resiliency and it will be used to further inform the City's annual budgeting processes and related financial policies to ensure financial decisions are mindful of short-term and long-term financial impacts from the City's growth.

Broader Regional Impacts/Considerations

Regional Council approved a Development Charge By-law on June 17, 2017 and a subsequent update currently underway and proposed for approval in June 2018. City staff provided significant feedback throughout the course of this Study and the update. In addition to these meetings, City staff has engaged with Regional staff during the City-Wide By-law update to ensure coordination and cohesiveness between the approach of the Region and the City.

Conclusion

The proposed rate for a single detached home is increasing by 97% and the tentative rate for non-residential space is increasing by 151%. Council and the public were presented with the Development Charge Background Study on March 9, 2018. A further report will be brought to Finance, Administration and Audit Committee on May 7, 2018 to provide final recommendations for by-law passage.

The development industry has been consulted with and BILD has provided a letter stating that they will not appeal the city-wide by-law based on Council adopting the proposal within this report. Various policy and transition measure issues have been considered in further depth to ensure that Council is presented with a by-law that is fiscally responsible, protects existing taxpayers, but that also responds to the evolving environment and economy surrounding the development industry.

Section K – Next Steps

The next steps in the process are as follows:

Final Report on DC By-Law Review	May 7, 2018	FA&A Committee
By-Law Passage & Enactment	May 23, 2018	City Council

For more information, please contact: Brianne Clace, Project Manager, Financial Sustainability at ext. 8284

Attachments

1. City Wide Residential and Non-Residential Development Charges
2. Area Specific Development Charges
3. BILD Letter of Non-Objection
4. Communication C1 from the Finance, Administration and Audit Committee meeting of April 3, 2018 - Confidential memorandum from the City Solicitor and the Chief Financial Officer and City Treasurer, dated April 3, 2018 (under separate cover).
5. Communication C2 from the Finance, Administration and Audit Committee meeting of April 3, 2018 - Mr. Jay Claggett, dated April 2, 2018.
6. Communication C3 from the Finance, Administration and Audit Committee meeting of April 3, 2018 - Mr. Matthew A. Di Vona, dated April 2, 2018.
7. Communication C4 from the Finance, Administration and Audit Committee meeting of April 3, 2018 - presentation material entitled, "City of Vaughan Development Charges Study Finance, Administration and Audit Committee Public Meeting".

Prepared by

Brianne Clace, Project Manager, Financial Sustainability, ext. 8284

Attachment 1

Draft City of Vaughan City Wide Development Charges¹

(Effective from September 21, 2018 to September 20, 2023)

Residential Use Development Charges

	<i>Engineering Services²</i>	<i>General Services³</i>	<i>Total Per Unit Development Charge</i>
Single & Semi-Detached Dwellings	\$31,539	\$17,769	\$49,308
Multiple Unit Dwellings	\$26,015	\$14,656	\$40,671
Large Apartments	\$19,235	\$10,836	\$30,071
Small Apartments	\$13,863	\$7,811	\$21,674

Non-Residential Use Development Charges⁴

***Total Per
Square Metre
of GFA
Development
Charge***

\$144.00

Non-Residential⁵

¹All rates subject to normal indexing - rates shown are current as of May 23, 2018

²Engineering Services portion of Residential Development Charge paid at Subdivision Agreement execution

³General Services portion of Residential Development Charge paid at Building Permit issuance

⁴Total Non-Residential Development Charges paid at Building Permit issuance

Attachment 2

Draft City of Vaughan Area Specific Development Charges¹

(Effective from September 21, 2018)

ASDC Charges Based on Net Developable Hectare

Service	Reference Code	2018 Proposed Charge Per Hectare
Rainbow Creek Drainage Works	D-8	\$2,809
Pressure District 5 West Woodbridge Watermain	D-15	\$8,033
Pressure District 7 Watermain West	D-20	\$2,788
Highway 27 South Servicing Works	D-26	\$172,589
Zenway/Huntington Road Sanitary Sub-Trunk	D-25	\$11,213
Huntington Road Sanitary Sewer (Trade Valley to Rutherford)	D-27	\$8,805
Block 55 Sanitary Pumping Station & Forcemain Works	D-29	\$106,755
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Steeles West SWM Works	D-32	\$944,982
Woodbridge Avenue Sanitary Sewer Improvements	D-33	\$12,357

ASDC Charges Based on Dwelling Unit and GFA

Service	Reference Code	2018 Proposed Charge – Singles and Semis	2018 Proposed Charge – Townhouses & Multiples	2018 Proposed Charge – Large & Small Apartments	2018 Proposed Charge – Per M ² Non-Residential GFA
VMC West - Interchange Sanitary Sewer Improvements	D-34	\$705	\$581	Lg - \$430 Sm - \$310	\$6.80
VMC SE Doughton Sanitary Sewer Improvements	D-35	\$948	\$782	Lg - \$578 Sm - \$417	\$9.15
Pine Valley North SPS and Forcemain (Block 40) – Area 1	D-36-1	\$3,400	\$2,805	Lg - \$2,074 Sm - \$1,495	\$19.10
Pine Valley North SPS and Forcemain (Block 40) – Area 2	D-36-2	\$4,927	\$4,064	Lg - \$3,005 Sm - \$2,166	\$27.68
Pine Valley North SPS and Forcemain (Block 40) – Area 3	D-36-3	\$3,836	\$3,164	Lg - \$2,339 Sm - \$1,686	\$21.55
Pine Valley North SPS and Forcemain (Block 40) – Area 4	D-36-4	\$3,534	\$2,915	Lg - \$2,156 Sm - \$1,554	\$19.85
Pine Valley North SPS and Forcemain (Block 40) – Area 5	D-36-5	\$4,778	\$3,941	Lg - \$2,914 Sm - \$2,100	\$26.84

¹All rates subject to normal indexing - rates shown are current as of May 23, 2018

Attachment 3



March 8, 2018

Ms. Laura Mirabella
Chief Financial Officer and City Treasurer
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Sent via email to: Laura.Mirabella@vaughan.ca

Dear Ms. Mirabella,

RE: *Without Prejudice – City of Vaughan Development Charges By-law Review (City-Wide)*

On behalf of the BILD working group for the City of Vaughan's Development Charges By-law review, we are writing to confirm our agreement with the proposal outlined in your memo of March 6, 2018 to Maurice Stevens, Chair of the BILD Vaughan DC Working Group.

With respect to the proposed changes in the memo, and the subsequent transition clarification emails received through yourself, Steve Collins, Deputy City Manager, Jason Schmidt-Shoukri, Deputy City Manager on March 6th and Brianne Clace, Project Manager on March 7th, at the recommendation of the BILD Vaughan DC working group, BILD can confirm that it will not object to the proposed City-Wide Development Charges By-law, provided that the by-law and any associated policies/staff reporting conform to the proposal as circulated to our working group.

We must also advise you that this does not preclude individual landowners from responding to this proposal based on their own site-specific matters. Therefore, the agreement of BILD not to appeal the proposed City-wide by-law would in no way prohibit any individual landowner's right to appeal.

Please confirm that based on this letter, you will be recommending to Council all of the items detailed in your March 6, 2018 proposal. Should Council concur with your proposals, we would be prepared to have a formal letter of agreement prepared to be executed by BILD and the City.

If further changes to the by-law, rates or transition provisions are proposed by staff or considered by Council (or by the Ontario Municipal Board on appeal), BILD reserves the right to review and respond to such proposed changes as it deems appropriate in its sole discretion.

We thank you and all of the city staff members involved for their efforts to reach this agreement. Please feel free to contact the undersigned if you have any questions.

Sincerely,

Danielle Chin MCIP RPP
Senior Manager, Policy & Government Relations

Cc: *Maurice Stevens, Chair of the BILD Vaughan DC Working Group*
Michael Pozzebon, Chair of the BILD York Chapter
Paula Tenuta, Vice President, Policy & Government Relations, BILD
BILD Vaughan DC working group members



IBI GROUP
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Toronto ON M4V 2Y7 Canada
tel 416 596 1930 fax 416 596 0644
ibigroup.com

c 2
COMMUNICATION
FAA - April 3, 2018
ITEM - 1

April 2, 2018

Mayor and Members of Council
c/o City Clerk

City of Vaughan
City Hall, Level 200
2141 Major Mackenzie Drive
Vaughan, Ontario, L6A 1T1

Dear Mayor and Members of Council:

**CITY-WIDE AND AREA SPECIFIC DEVELOPMENT CHARGES 2018
FINANCE, ADMINISTRATION AND AUDIT COMMITTEE**

APRIL 3, 2018 – AGENDA ITEM #1

Our clients, Toromont Industries and 2748355 Canada (Quadreal Property Group) are the majority landowners within the southwest quadrant of the Vaughan Metropolitan Centre. On behalf of our clients we submit the following comments related to the draft 2018 Development Charges By-law update.

City-Wide Development Charges By-law

We continue to work with City Staff to ensure the roads identified within the SW quadrant of the VMC appropriately reflect the VMC Secondary Plan. Subject to the successful update of the schedule and costs as it relates to these roads we have no further concerns related to the city-wide DC update.

Area-Specific Development Charges By-law (VMC – Interchange SWM Pond Retrofit)

Our clients continue to have significant concerns related to the feasibility and ultimate design for the SWM pond to service the SW quadrant of the VMC. These concerns, which include the need to remove both an operating hotel and office building in order to facilitate the retrofit pond, have been articulated to staff. There are significant design issues with the currently proposed retrofit and this will ultimately impact the cost of the retrofit. Accordingly, our clients object to the draft ASDC bylaw related to this item.

Transition Policies

Our clients have reviewed the transition policies related to proposed implementation of the new development charge rates. We have identified a potential issue related to the application of these transition policies within the VMC. Specifically, the majority of development within the VMC is proposed via the site plan approval process. However, in some circumstances, in order to implement the road network, the site plan process may be paralleled with the subdivision approval process. Given the intent of the transition policies appears to be to recognize pending high density residential development applications prior to September 2018, we submit that a

IBI GROUP

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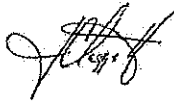
Mayor and Members of Council — April 2, 2018

difference between a subdivision and site plan application in terms of implementation date should not matter within the VMC.

Our clients look forward to continue to work with City Staff to resolve and clarify the items outlined in this letter.

IBI GROUP

on behalf of Quadreal Property Group and Toromont Industries Ltd.



Jay Claggett, MBA, MCIP, RPP
Director



77 Bloor Street West, Suite 600
Toronto, ON, M5S 1M2
www.divonalaw.com
T 416-562-9729
matthew@divonalaw.com

Delivered by E-Mail to clerks@vaughan.ca

April 2, 2018

C 3
COMMUNICATION
FAA - April 3/2018
ITEM - 1

Ms. Barbara McEwan
Office of the City Clerk
Vaughan City Hall, Level 100
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Ms. McEwan:

**Re: 2018 City-Wide and Area Specific Development Charge
Background Study and By-Laws Review Highlight Report**

I am counsel to The Milani Group, the owner of various landholdings in the City of Vaughan.

On behalf of The Milani Group, I am writing to object to the proposed City-Wide Development Charge By-Law (the "DCBL"), in its current form. Importantly, the proposed DCBL is premised on unreasonable assumptions and allocations relating to interest rates, post-period benefits, and benefits to existing, as set out in the Background Study prepared by Hemson Consulting Ltd. ("Hemson"), dated March 9, 2018.

In its determination of development charge rates reflecting borrowing and earnings necessary to support the net growth-related funding requirement, Hemson made certain assumptions for inflation rate and interest rate; however, the interest rate assumptions, particularly in early years, are inaccurate and unreasonably high. Furthermore, the proposed interest rate assumptions cannot be reconciled with the Region of York's previous work and position on this matter.

In addition, Hemson does not attribute sufficient, if any, post-period benefit and/or benefit to existing for a number of City-wide engineering projects. We submit that this position is untenable and unreasonable.

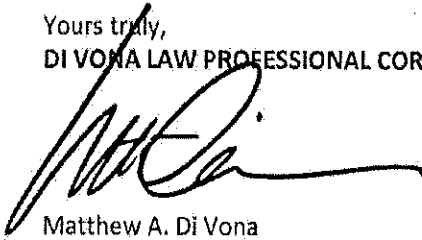
Lastly, The Milani Group would like to discuss the potential to enter into agreement(s) with the City pursuant to sections 27 and/or 38 of the *Development Charges Act, 1997*, in relation to its intended construction of the future Kirby Road Extension, following the completion of the Environmental Assessment. As such, we request a meeting with staff in advance of City Council's consideration of the proposed DCBL.



Please forward this correspondence to the Finance, Administration and Audit Committee, in advance of its consideration of this item on April 3, 2018, and subsequently to City Council. Please provide notice of all municipal decisions relating to this matter to the undersigned.

Please feel free to contact the undersigned if you require any further information.

Yours truly,
DI VONA LAW PROFESSIONAL CORPORATION



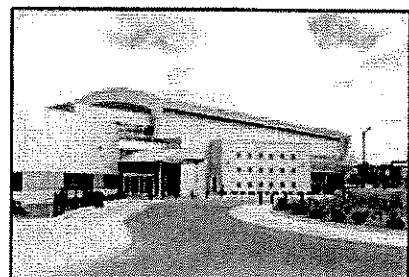
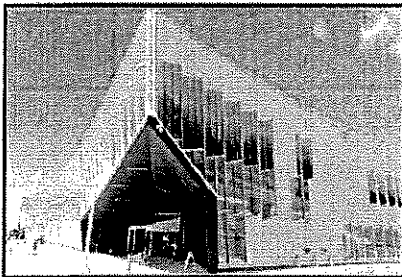
Matthew A. Di Vona

copy: Client
A. Steedman, Schaeffers & Associates Ltd.

ATTACHMENT # 7

C 4
COMMUNICATION
FAA - April 3, 2018
ITEM - 1

**City of Vaughan
Development Charges Study
Finance, Administration and Audit Committee
Public Meeting**



Tuesday, April 3rd, 2018

HEMSON
Consulting Ltd.



Today we will discuss...

- Background and Study Process
- What are Development Charges?
- Development Forecast
- Capital Program Summary
- Calculated Development Charges
- Next Steps

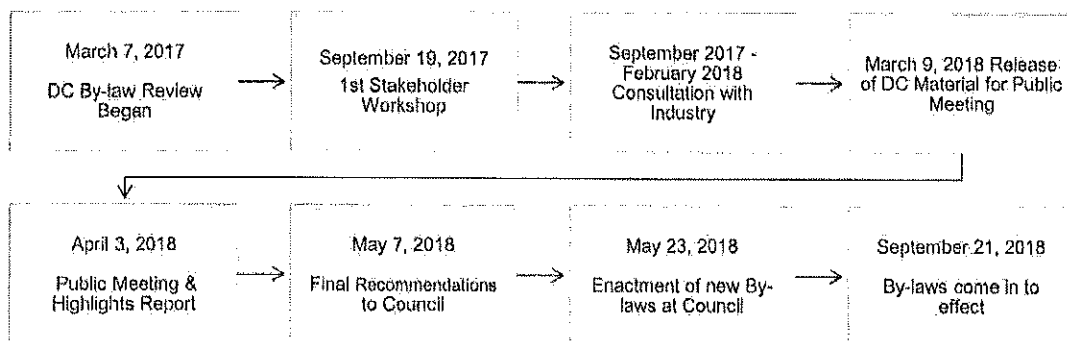
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Background

- The existing City-wide DC by-law (By-law 045-2013) expires on September 22, 2018
 - Area-specific charges also expire on September 22, 2018
- Black Creek ASDCs are not being updated as part of the 2018 DC review
- Council must pass new development charges by-law(s) before this expiry date in order to continue to levy charges

HEMSON

Process to Date



- A total of seven (7) workshops and two (2) technical meetings have taken place with the development industry
- Some ongoing discussions related to the ASDCs

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What Are Development Charges?

- Fees imposed on development to fund "growth-related" capital costs
 - Paid at Building Permit issuance for General Services and Subdivision Agreement execution for Engineered Services
- DCs pay for new infrastructure and facilities to maintain service levels
- Principle is "growth pays for growth" so that financial burden is not borne by existing tax/rate payers

HEMSON

Population & Household Forecast

	2017 Estimate	Soft Services Planning Period		Hard Services Planning Period	
		2018 - 2027		2018 - 2031	
		Growth	Total at 2027	Growth	Total at 2031
Residential					
Total Occupied Dwellings	96,400	25,200	121,600	37,900	134,300
- Singles & Semis		10,200		14,000	
- Rows & Other Multiples		4,700		7,900	
- Apartments		10,200		16,000	
Total Population					
Census	312,900	66,900	379,800	101,800	414,600
Population In New Dwellings		70,500		104,100	

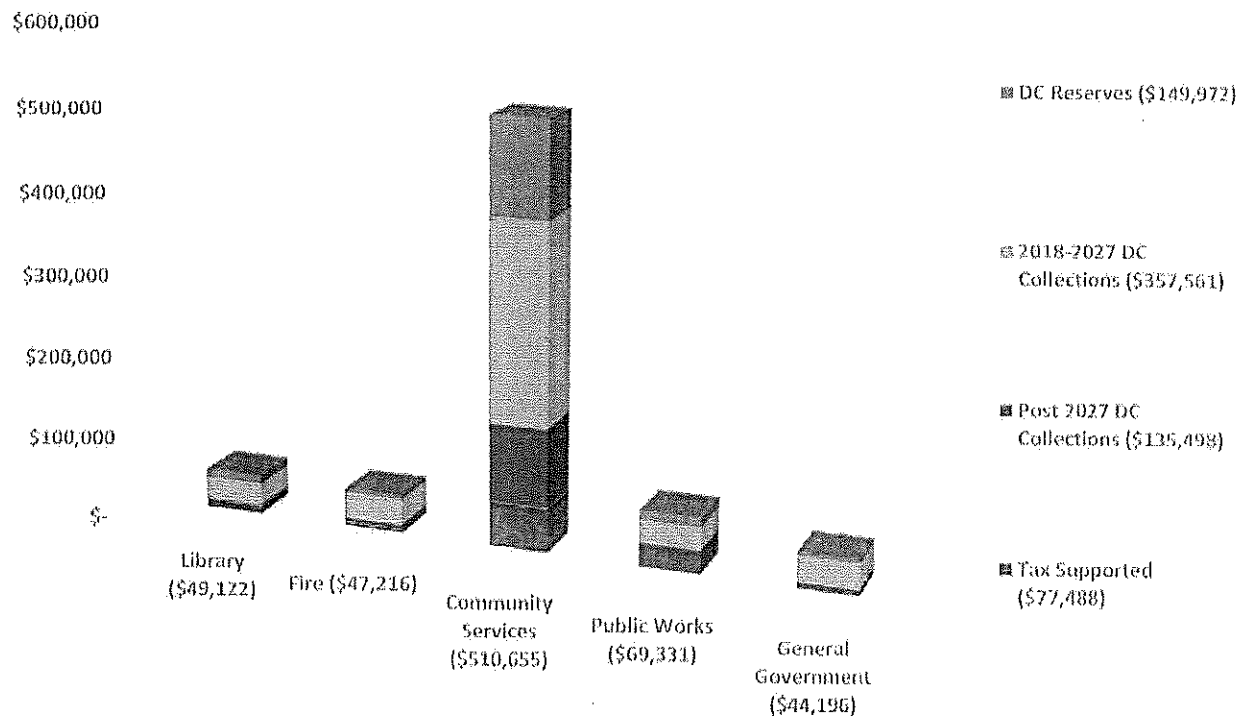
HEMSON

Employment & Non-Residential Space Forecast

	2017 Estimate	Soft Services Planning Period		Hard Services Planning Period	
		2018 - 2027		2018 - 2031	
		Growth	Total at 2027	Growth	Total at 2031
Non-Residential					
Place of Work Employment	214,700	42,200	256,900	55,800	270,500
- <i>Population Related</i>		8,100		11,900	
- <i>Employment Land</i>		25,000		31,600	
- <i>Major Office</i>		9,100		12,300	
Non-Residential Building Space (sq.m.)		2,803,000		3,647,000	
- <i>Population Related</i>		395,500		582,400	
- <i>Employment Land</i>		2,197,300		2,781,900	
- <i>Major Office</i>		210,200		282,700	

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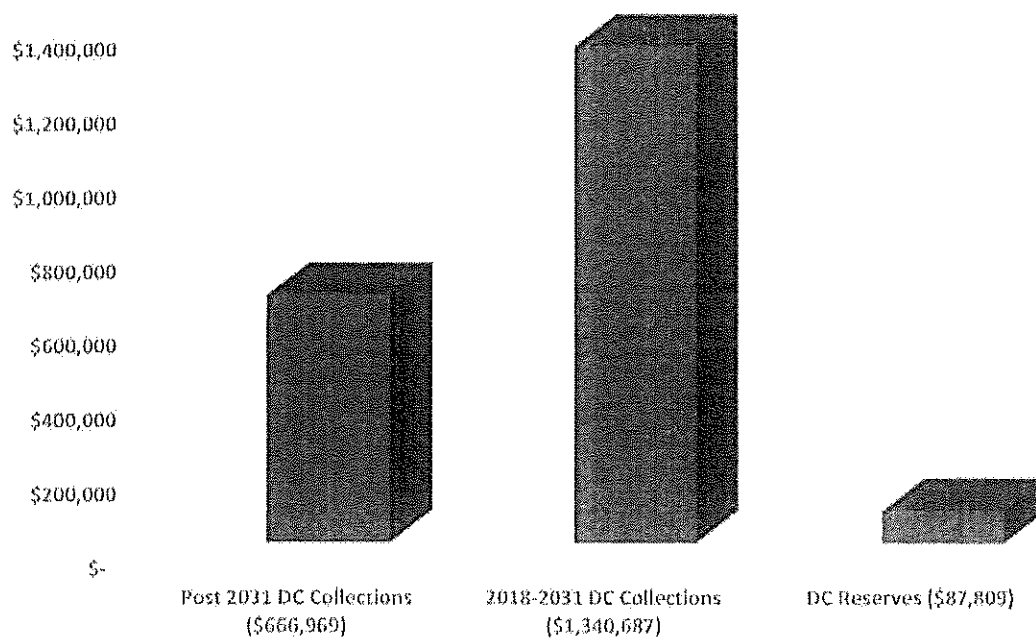
General Service Capital Program (to 2027) Totals \$720.5 Million



HEMSON

*Note: Values shown in \$000's

Engineered Services Capital Program (to 2031) totals \$2.1 Billion

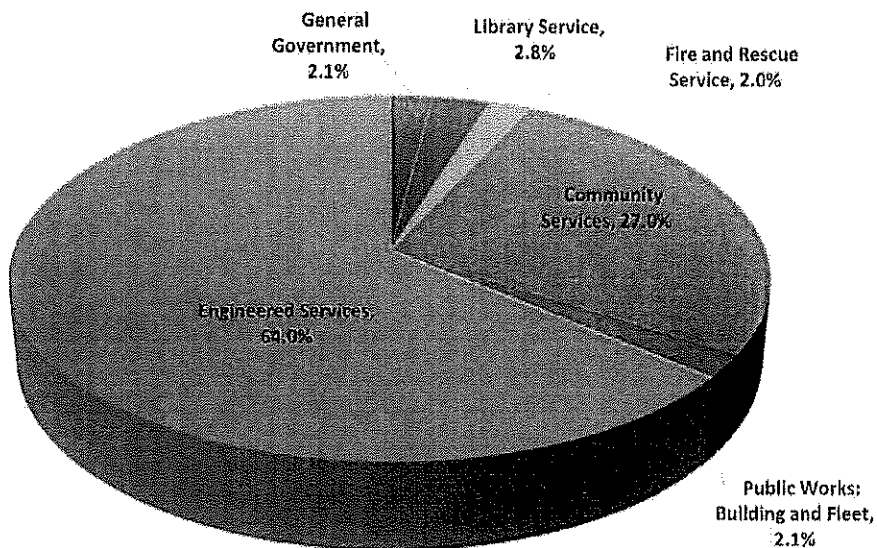


\$2.1 Billion represents the net project costs after grants/subsidy considerations.

**Note: Values shown in \$000's*

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Engineering Services

Residential Development Charges (City Wide)

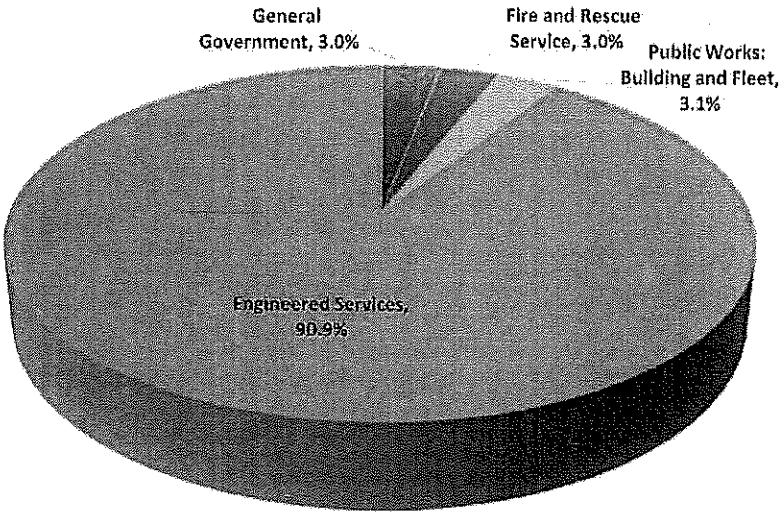


Residential Charges Per Unit
Single/Semi-Detached \$49,308
Townhouses & Multiples \$40,671
Large Units (700 sq. ft. or more) \$30,071
Small Units (Less than 700 sq. ft.) \$21,674

Total DC Percent Breakdown	
Engineered Services	General Services
64%	36%

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Non-Residential Development Charges (City Wide)



Non-Residential Charge Per Sq. M.
\$144.00

Total DC Percent Breakdown	
Engineered Services	General Services
91%	9%

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Area-Specific Development Charges

- Applicable to wastewater and storm infrastructure
- ASDCs are based on build-out of each of the individual servicing areas
 - Reflect development activity since by-law passage
- Multiple ASDCs could apply to a given area

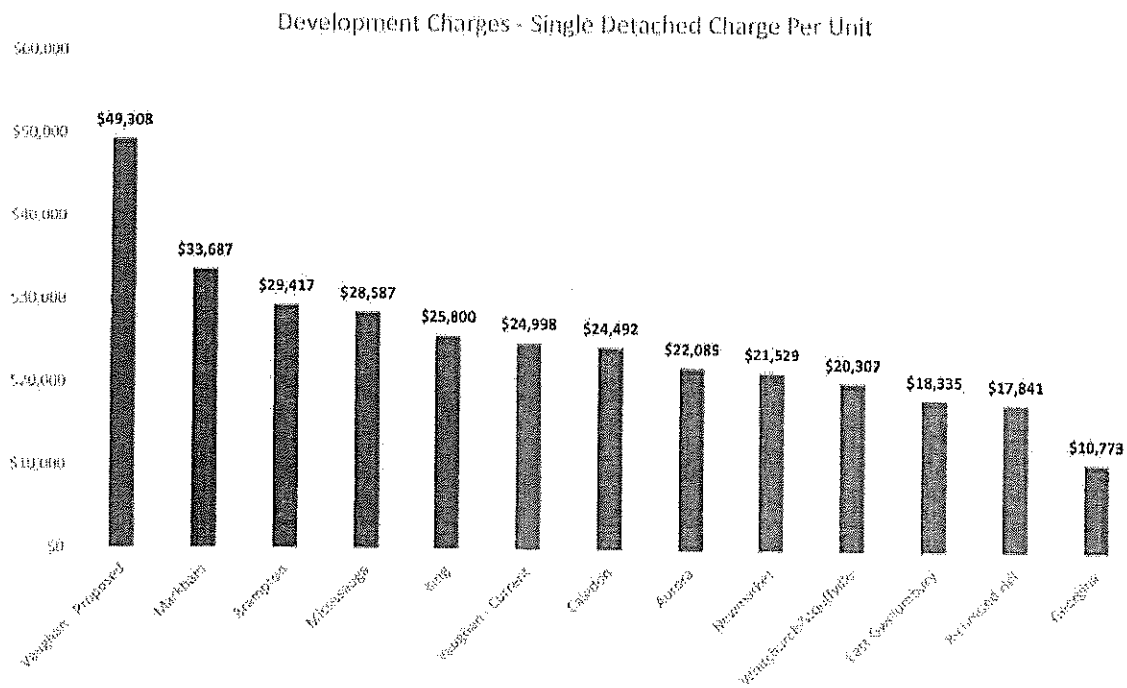
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WATER & WASTEWATER SERVICES

Area-Specific Development Charges

- Carry forward 6 ASDCs from 2013 and 8 new ASDCs
 - Block 55 Sanitary Pumping Station and Forcemain works
 - VMC – Interchange Storm Water
 - VMC SE Doughton Sanitary Sewer
 - VMC West Interchange Sanitary Sewer
 - Steeles West Sanitary Sewer Improvement Works
 - Steeles West SWM Works
 - Woodbridge Avenue Sanitary Sewer Improvements
 - Pine Valley North Sewage Pumping Station
- See Page 41 of DC Background Study for ASDC rates (and Appendix H)

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Engineering & Construction

DC Rate Comparison Residential SFD

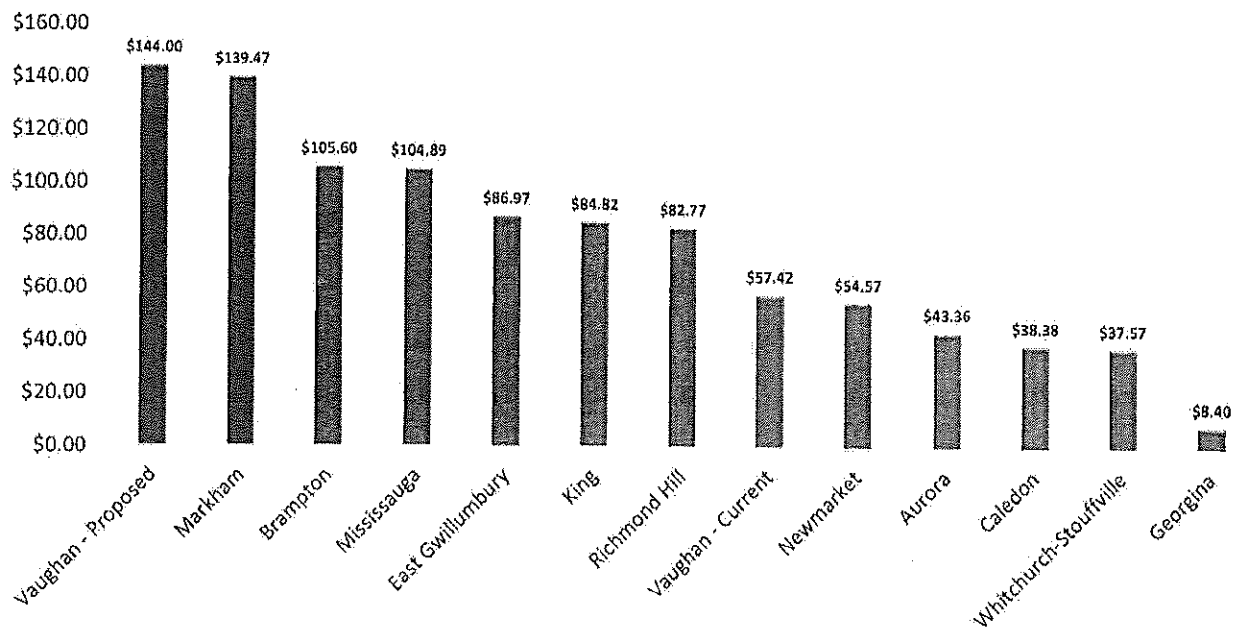


*Does not include ASDCs

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DC Rate Comparison Non-Residential

Development Charges - Retail Charge Per Sq. M.



*Does not include ASDCs

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Pre-Payment Agreement Proposal

- Identified through consultation with development industry
- Any developers who anticipate registering or completing a site plan agreement within approximately two years can pre-pay their estimated DCs in early September 2018 at the current rates
- They will be required to execute a pre-payment agreement and should they not meet the conditions of that agreement, will have to pay to difference between the current rate and the future rate at the time of building permit issuance
- Further details identified in City staff report

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A CH2M HILL COMPANY

11

Next Steps

- Make refinements based on feedback from stakeholders, Council and the Public
 - We are already aware of some minor downward cost adjustments for engineered services
- Council passage of new by-law by May 23, 2018
 - By-laws come into effect September 21st 2018

HEMSON

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 083-2018

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 April 3, 2018 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 9, 2018 and amended on May 16, 2018, 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 March 9, 2018 in accordance with Section 12 of the Act;

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

DEFINITIONS

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

- (1) **“accessory use”** means the use of any building or structure that is naturally and normally:
 - (a) incidental;
 - (b) subordinate to; and
 - (c) 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;
- (2) **“agreement”** means a contract between the City and an owner and any amendment thereto;
- (3) **“agricultural use”** means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, 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; but does not include a commercial use or a medical marijuana operation;
- (4) **“air supported structure”** means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (5) **“apartment building”** means a residential use building, or the residential use portion of a mixed-use building, other than a townhouse or stacked townhouse containing four or more dwelling units each of which shall have access to above grade common halls, stairs, elevators, and yards;
- (6) **“area specific development charge”** and **“special service area development charge”** mean a charge imposed with respect to growth-related net capital costs against a defined land area for specified services under the applicable by-law;
- (7) **“atrium”** means a large open space extending through several floors in a building that is open to the ceiling;
- (8) **“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 of the underside of the floor joist is below the finished grade;

- (9) **“building or structure”** means a permanent enclosed structure occupying an area greater than 10 square metres, consisting of a wall, roof, and/or floor, or any of them, or a structural system serving the function thereof, which includes, but is not limited to, air-supported structures or industrial tents; a canopy however shall not be considered a building or structure for the purpose of this By-law and shall not attract development charges;
- (10) **“building permit”** means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure, or which permits the construction of the foundation of a building or structure;
- (11) **“canopy”** means an overhanging, projection, or covering connected to a principal use on the lands, such as over a gas bar or outdoor storage;
- (12) **“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:
- (a) to acquire land or an interest in land, including a leasehold interest;
 - (b) to improve land;
 - (c) to acquire, lease, construct, or improve buildings and structures;
 - (d) to acquire, lease, construct, or improve facilities including:
 - (i) rolling stock with an estimated useful life of seven (7) years or more years;
 - (ii) furniture and equipment, other than computer equipment; and
 - (iii) 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;
 - (e) to undertake studies in connection with any of the matters in clauses (a) to (d);
 - (f) of the development charge background study required before enactment of this by-law; and
 - (g) of interest on money borrowed to pay for costs described in any of the matters in clauses (a) to (d);

- (13) **“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;
- (14) **“City”** means the Corporation of the City of Vaughan;
- (15) **“commercial parking garage”** means a building or structure, or any part thereof, whose principal use is for the parking of motor vehicles for remuneration, or in the case where parking is provided as an accessory to a principal use on the lands, where such parking is provided in a building or structure, or part thereof, whether or not there is remuneration paid by the owner or user for the motor vehicle, the portion of parking as required by the Zoning By-law shall not attract development charges for the purpose of this By-law;
- (16) **“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;
- (17) **“development charge”** means a charge imposed with respect to growth-related net capital costs against land under this by-law;
- (18) **“duplex”** means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;
- (19) **“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;
- (20) **“engineering services”** means services related to a highway, and may include water supply services, waste water services, and storm water drainage and control services;
- (21) **“existing industrial building”** means an existing building or structure to be used, or designed or intended for:
- (a) manufacturing, producing, processing, storing, or distributing something;
 - (b) research or development in connection with manufacturing, producing, or processing something;
 - (c) 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;

- (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage, or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- (22) **“funeral home”** means a building or structure with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- (23) **“future development”** means development which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- (24) **“grade finished”** means the average elevation of the finished ground level at the wall(s);
- (25) **“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:
 - (a) includes the floor area of a mezzanine and the space occupied by interior walls and partitions; and
 - (b) 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
 - (c) excludes the area of any self-contained structural shelf and rack storage facility approved by the Building Materials Evaluation Commission; and
 - (d) includes any part of a building or structure above or below grade used as a commercial parking garage; and
 - (e) for the purposes of this definition, the non-residential 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;
- (26) **“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;

- (27) **“heritage property”** means a property that contains cultural heritage value as defined under the Ontario Heritage Act;
- (28) **“home occupation”** means an occupation permitted in a dwelling unit and which:
- (a) is clearly secondary to the use of the dwelling unit;
 - (b) does not change the external character of the dwelling unit; and
 - (c) does not create or become a public nuisance, in particular in respect to noise, traffic, or parking;
- (29) **“household”** means one or more persons occupying or sharing all areas of the dwelling unit;
- (30) **“large apartment”** means a dwelling unit in an apartment building or plex that is 700 square feet or larger in size;
- (31) **“live-work unit”** means a unit intended for both residential and non-residential uses concurrently;
- (32) **“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;
- (33) **“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;
- (34) **“medical marijuana operation”** means the cultivation, growth, harvesting, processing, composting, destruction, packaging, storage and distribution of plants or parts of plants of the genus *Cannabis* (marijuana) as lawfully permitted and authorized under the Government of Canada’s Marijuana for Medical Purposes Regulations;
- (35) **“mid-high density mixed-use”** means a building or structure used, designed, or intended for residential and non-residential uses, where:
- (a) the non-residential uses comprise not more than fifty percent (50%) of the gross floor area of the building;
 - (b) the non-residential uses comprise a minimum of five percent (5%) of the gross floor area of the building; and

- (c) the residential portion of the building or structure is over five (5) storeys in height;
- (36) **“mixed-use building”** means a building or structure containing a residential and non-residential use other than a home occupation;
- (37) **“mezzanine”** means a mezzanine as defined in the Building Code Act;
- (38) **“multiple unit dwelling”** includes stacked townhouses, and all other residential uses that are not included in the definition of apartment, single detached dwelling, or semi-detached dwelling;
- (39) **“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, 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;
- (40) **“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;
- (41) **“non-commercial parking garage”** means a building or structure, or any part thereof, that is not a commercial parking garage;
- (42) **“owner”** means the owner of the land or a person who has made an application for an approval of the development of the land upon which a development charge or an area specific development charge is imposed;
- (43) **“plex”** means a duplex, a semi-detached duplex, a triplex, or a semi-detached triplex;
- (44) **“re-development”** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use from a residential to non-residential use or from a non-residential to residential use or from one residential use to another form of residential use;
- (45) **“semi-detached duplex”** means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- (46) **“semi-detached dwelling”** means a building divided vertically into two dwelling units;

- (47) **“semi-detached triplex”** means one of a pair of triplexes divided vertically one from the other by a party wall;
- (48) **“services”** means services designated in this by-law;
- (49) **“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 the purposes of this by-law;
- (50) **“small apartment”** means a dwelling unit in an apartment building or a plex that is less than 700 square feet in size;
- (51) **“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;
- (52) **“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;
- (53) **“subdivision”** includes condominium;
- (54) **“Temporary Sales Centre”** means a Building, including a trailer, that is designed or intended to be temporary, or intended to be removed from the land or demolished after use and which is used exclusively as an Office or presentation centre, or both, for new building sales;
- (55) **“triplex”** means a building comprising 3 dwelling units, each of which has a separate entrance to grade;
- (56) **“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;
- (57) **“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;

- (58) **“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 in part by public funds;
- (59) **“use, non-residential”** means the use of any land, building or structure, or any part thereof, for use other than a residential use, and shall include commercial use, industrial use, and institutional use;
- (60) **“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;

RULES – APPLICATION, EXEMPTIONS, AND EXCEPTIONS

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) a board of education as defined in Section 1(1) of the Education Act;
 - (c) 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;
 - (d) lands, buildings or structures owned by Metrolinx and used for transit related purposes;
 - (e) any area municipality within the Regional Municipality of York;
 - (f) the Regional Municipality of York or any local board thereof; and
 - (g) a public hospital receiving aid under the Public Hospitals Act;
- (3) 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 residential use or non-residential use purposes;

- (4) Development charges provided for in subsection (3) 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; or
 - (g) the issuing of a permit under the Building Code Act, 1992, S.O. 1992 c.23 in relation to a building or structure;
- (5) 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 2(4)(a) to (g) are required before the land can be developed;
- (6) Despite subsection (5), if two or more of the actions described in paragraphs 2(4)(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 (3) limited to the increase;
- (7) Notwithstanding any other provisions of this by-law, a building or structure shall be exempt from the payment of development charges provided that it 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 canopy used on a temporary or seasonal basis;

- (c) a home occupation;
 - (d) an agricultural use;
 - (e) a 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;
 - (f) a Temporary Sales Centre;
 - (g) the relocation of a built heritage structure that is listed under Section 27 of the Ontario Heritage Act or designated under Part IV or V of the Ontario Heritage Act;
 - (h) Land, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto, including mausoleums and columbariums, but excluding funeral homes; or
 - (i) Buildings or structures owned by and used for the purpose of a conservation authority, unless such buildings or structures are used primarily for or in connection with (i) recreational purposes for which the conservation authority charges admission, or (ii) any commercial use.
- (8) Subsection (3) shall not apply in respect of an action mentioned in subsection 2(4)(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 in an existing dwelling as set out in the following table:

Name of Class of Residential Building	Description of Class of Residential Building	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.

- (9) Subject to paragraph (c) of this subsection (9), 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 the following:
- (a) 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. 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;
 - (b) if the gross floor area is enlarged by more than 50 per cent, the development charges are payable on the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement. 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) the exemption for industrial enlargement provided for in this Subsection 2(9) 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 2(9), the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, shared below-grade connection, foundation, footing, shared connected roof, or parking facility;
 - (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 per cent of the gross floor area of the existing industrial building while this by-law remains in force;

Mixed Use

- (10) 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;
- (11) Live-Work units will be assessed at the residential rate based on the assigned class and the non-residential rate for the gross floor area related to the non-residential use.

ADMINISTRATION

Payment

- 3.
 - (1) Unless otherwise provided by agreement, all development charges payable shall be paid by certified funds to the City Treasurer;
 - (2) 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;
 - (3) 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 subsection (2) unless such a plan of subdivision includes blocks intended for future development, in which case development charges payable for such blocks shall be determined at building permit issuance. For the purpose of this subsection, 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;
 - (4) For a non-residential use, the development charge payable shall be calculated on the basis of the gross floor area applied for pursuant to subsection (2);
 - (5) If a use of any land, building or structure that constitutes development but does not require the issuing of a building permit but requires one or more of the actions listed in subsection 2(4)(a) to (g) inclusive, a development charge shall be payable and shall

be calculated and collected on the earliest of any of the actions listed in subsection 2(4)(a) to (g) required, or on a date set by agreement;

Credits

4.

- (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

5.

- (1) Unless otherwise provided, where development is to replace in whole or in part a building or structure that exists or has existed on the land 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, and a building permit is issued within 48 months from the date of issuance of the demolition permit, 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;
 - (c) all at the development charge applicable to such dwelling units or gross floor area pursuant to subsection 2(3), 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. For further clarity, where there is a redevelopment that includes a change

of use of all or part of a residential building or structure to a non-residential use, the amount of the reduction will be equal to the amount of the development charge under the service categories: General Government, Fire and Rescue Services, Public Works, and City-Wide Engineering, for the number and type of units being converted to non-residential use;

- (2) Despite subsection 5(1), no redevelopment allowances shall be made in excess of the development charge payable;

GENERAL

Semi-Annual Adjustment

6.
 - (1) The development charges established pursuant to Section 2 of this by-law shall 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, 2018, 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

7.
 - (1) This By-law shall come into force on September 21, 2018;
 - (2) Nothing in this 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;
 - (3) 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;
 - (4) Schedules A and B are attached hereto and form part of this by-law;

TRANSITIONAL PROVISIONS

8.
 - (1) If before the coming into force of this by-law an owner or previous owner(s) 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, 2013, being By-law 045-2013, 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;

- (2) By-law 045-2013 is hereby repealed as of September 21, 2018;
- (3) This by-law may be cited as the City-Wide Vaughan Development Charges By-law, 2018.

Enacted by City of Vaughan Council this 23rd day of May, 2018.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 2 of Report No. 5
of the Finance, Administration and Audit Committee
Adopted by Vaughan City Council on
May 23, 2018.

Schedule A: Services

Engineering Services

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

Public Works

- public works facilities
- acquisition of land for public works facilities
- city fleet (roads)
- public works equipment

Community Services

- indoor recreation, animal services, and park operation facilities
- acquisition of lands for facilities
- equipment for indoor recreation, animal services, and park operations
- activity spaces and special facilities
- sports fields and courts
- outdoor water facilities and rinks
- playground equipment
- parkland and trail development
- City Fleet (non-roads)

Library Services

- library facilities
- acquisition of land for library buildings
- library circulation material
- facility furniture, equipment, and communication/hardware

Fire & Rescue Services

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

General Government

- management studies

Schedule B: City-Wide Development Charges

City of Vaughan City Wide Development Charges¹

Effective from September 21, 2018

Residential Use Development Charges			
	<i>Engineering Services²</i>	<i>General Services³</i>	<i>Total Per Unit Development Charge</i>
Single & Semi-Detached Dwellings	\$31,536	\$17,769	\$49,305
Multiple Unit Dwellings	\$26,013	\$14,656	\$40,669
Large Apartments	\$19,233	\$10,836	\$30,069
Small Apartments	\$13,862	\$7,811	\$21,673
Non-Residential Use Development Charges⁴			
	<i>Total Per Square Metre of GFA</i>		
Non-Residential	\$143.92		

¹ All rates subject to normal indexing - rates shown are current as of May 23, 2018

² Engineering Services portion of Residential Development Charge paid at Subdivision Agreement execution

³ General Services portion of Residential Development Charge paid at Building Permit issuance

⁴ Total Non-Residential Development Charges paid at Building Permit issuance

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 084-2018

A By-Law to impose Area Specific Development Charges – Rainbow Creek Drainage Works.

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 3, 2018 to consider the enactment of an Area Specific 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 9, 2018 and amended on May 16, 2018, 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 March 9, 2018 in accordance with Section 12 of the Act;

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

DEFINITIONS

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

- (1) **“accessory use”** means the use of any building or structure that is naturally and normally:
 - (a) incidental;
 - (b) subordinate to; and
 - (c) 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;
- (2) **“agreement”** means a contract between the City and an owner and any amendment thereto;
- (3) **“agricultural use”** means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, 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; but does not include a commercial use or a medical marijuana operation;
- (4) **“air supported structure”** means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (5) **“apartment building”** means a residential use building, or the residential use portion of a mixed-use building, other than a townhouse or stacked townhouse containing four or more dwelling units each of which shall have access to above grade common halls, stairs, elevators, and yards;
- (6) **“area specific development charge”** and **“special service area development charge”** mean a charge imposed with respect to growth-related net capital costs against a defined land area for specified services under the applicable by-law;
- (7) **“atrium”** means a large open space extending through several floors in a building that is open to the ceiling;
- (8) **“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 of the underside of the floor joist is below the finished grade;

- (9) **“building or structure”** means a permanent enclosed structure occupying an area greater than 10 square metres, consisting of a wall, roof, and/or floor, or any of them, or a structural system serving the function thereof, which includes, but is not limited to, air-supported structures or industrial tents; a canopy however shall not be considered a building or structure for the purpose of this By-law and shall not attract development charges;
- (10) **“building permit”** means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure, or which permits the construction of the foundation of a building or structure;
- (11) **“canopy”** means an overhanging, projection, or covering connected to a principal use on the lands, such as over a gas bar or outdoor storage;
- (12) **“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:
- (a) to acquire land or an interest in land, including a leasehold interest;
 - (b) to improve land;
 - (c) to acquire, lease, construct, or improve buildings and structures;
 - (d) to acquire, lease, construct, or improve facilities including:
 - (i) rolling stock with an estimated useful life of seven (7) years or more years;
 - (ii) furniture and equipment, other than computer equipment; and
 - (iii) 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;
 - (e) to undertake studies in connection with any of the matters in clauses (a) to (d);
 - (f) of the development charge background study required before enactment of this by-law; and
 - (g) of interest on money borrowed to pay for costs described in any of the matters in clauses (a) to (d);

- (13) **“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;
- (14) **“City”** means the Corporation of the City of Vaughan;
- (15) **“commercial parking garage”** means a building or structure, or any part thereof, whose principal use is for the parking of motor vehicles for remuneration, or in the case where parking is provided as an accessory to a principal use on the lands, where such parking is provided in a building or structure, or part thereof, whether or not there is remuneration paid by the owner or user for the motor vehicle, the portion of parking as required by the Zoning By-law shall not attract development charges for the purpose of this By-law;
- (16) **“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;
- (17) **“development charge”** means a charge imposed with respect to growth-related net capital costs against land under this by-law;
- (18) **“duplex”** means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;
- (19) **“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;
- (20) **“engineering services”** means services related to a highway, and may include water supply services, waste water services, and storm water drainage and control services;
- (21) **“existing industrial building”** means an existing building or structure to be used, or designed or intended for:
- (a) manufacturing, producing, processing, storing, or distributing something;
 - (b) research or development in connection with manufacturing, producing, or processing something;
 - (c) 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;

- (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage, or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- (22) **“funeral home”** means a building or structure with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- (23) **“future development”** means development which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- (24) **“grade finished”** means the average elevation of the finished ground level at the wall(s);
- (25) **“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:
 - (a) includes the floor area of a mezzanine and the space occupied by interior walls and partitions; and
 - (b) 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
 - (c) excludes the area of any self-contained structural shelf and rack storage facility approved by the Building Materials Evaluation Commission; and
 - (d) includes any part of a building or structure above or below grade used as a commercial parking garage; and
 - (e) for the purposes of this definition, the non-residential 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;
- (26) **“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;

- (27) **“heritage property”** means a property that contains cultural heritage value as defined under the Ontario Heritage Act;
- (28) **“home occupation”** means an occupation permitted in a dwelling unit and which:
- (a) is clearly secondary to the use of the dwelling unit;
 - (b) does not change the external character of the dwelling unit; and
 - (c) does not create or become a public nuisance, in particular in respect to noise, traffic, or parking;
- (29) **“household”** means one or more persons occupying or sharing all areas of the dwelling unit;
- (30) **“large apartment”** means a dwelling unit in an apartment building or plex that is 700 square feet or larger in size;
- (31) **“live-work unit”** means a unit intended for both residential and non-residential uses concurrently;
- (32) **“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;
- (33) **“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;
- (34) **“medical marijuana operation”** means the cultivation, growth, harvesting, processing, composting, destruction, packaging, storage and distribution of plants or parts of plants of the genus *Cannabis* (marijuana) as lawfully permitted and authorized under the Government of Canada’s Marijuana for Medical Purposes Regulations;
- (35) **“mid-high density mixed-use”** means a building or structure used, designed, or intended for residential and non-residential uses, where:
- (a) the non-residential uses comprise not more than fifty percent (50%) of the gross floor area of the building;
 - (b) the non-residential uses comprise a minimum of five percent (5%) of the gross floor area of the building; and

- (c) the residential portion of the building or structure is over five (5) storeys in height;
- (36) **“mixed-use building”** means a building or structure containing a residential and non-residential use other than a home occupation;
- (37) **“mezzanine”** means a mezzanine as defined in the Building Code Act;
- (38) **“multiple unit dwelling”** includes stacked townhouses, and all other residential uses that are not included in the definition of apartment, single detached dwelling, or semi-detached dwelling;
- (39) **“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, 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;
- (40) **“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;
- (41) **“non-commercial parking garage”** means a building or structure, or any part thereof, that is not a commercial parking garage;
- (42) **“owner”** means the owner of the land or a person who has made an application for an approval of the development of the land upon which a development charge or an area specific development charge is imposed;
- (43) **“plex”** means a duplex, a semi-detached duplex, a triplex, or a semi-detached triplex;
- (44) **“re-development”** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use from a residential to non-residential use or from a non-residential to residential use or from one residential use to another form of residential use;
- (45) **“semi-detached duplex”** means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- (46) **“semi-detached dwelling”** means a building divided vertically into two dwelling units;

- (47) **“semi-detached triplex”** means one of a pair of triplexes divided vertically one from the other by a party wall;
- (48) **“services”** means services designated in this by-law;
- (49) **“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 the purposes of this by-law;
- (50) **“small apartment”** means a dwelling unit in an apartment building or a plex that is less than 700 square feet in size;
- (51) **“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;
- (52) **“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;
- (53) **“subdivision”** includes condominium;
- (54) **“Temporary Sales Centre”** means a Building, including a trailer, that is designed or intended to be temporary, or intended to be removed from the land or demolished after use and which is used exclusively as an Office or presentation centre, or both, for new building sales;
- (55) **“triplex”** means a building comprising 3 dwelling units, each of which has a separate entrance to grade;
- (56) **“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;
- (57) **“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;

- (58) **“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 in part by public funds;
- (59) **“use, non-residential”** means the use of any land, building or structure, or any part thereof, for use other than a residential use, and shall include commercial use, industrial use, and institutional use;
- (60) **“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;

RULES – APPLICATION, EXEMPTIONS, AND EXCEPTIONS

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) a board of education as defined in section 1(1) of the *Education Act*
 - (c) 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;
 - (d) lands, buildings or structures owned by Metrolinx and used for transit related purposes;
 - (e) any area municipality within the Regional Municipality of York;
 - (f) the Regional Municipality of York or any local board thereof; and
 - (g) a public hospital receiving aid under the Public Hospitals Act;
- (3) Development charges for the services designated in Schedule A shall be imposed upon the service area in Schedule B, specified in Schedule A, and shall be collected

in accordance with this by-law on development for residential use or non-residential use purposes;

- (4) Development charges provided for in subsection (3) 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; or
 - (g) the issuing of a permit under the Building Code Act, 1992, S.O. 1992 c.23 in relation to a building or structure;
- (5) 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 2(4)(a) to (g) are required before the land can be developed;
- (6) Despite subsection (5), if two or more of the actions described in paragraphs 3(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 (3) limited to the increase;
- (7) Notwithstanding any other provisions of this by-law, a building or structure shall be exempt from the payment of development charges provided that it 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 canopy used on a temporary or seasonal basis;

- (c) a home occupation;
 - (d) an agricultural use;
 - (e) a 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;
 - (f) a temporary sales centre;
 - (g) the relocation of a built heritage structure that is listed under Section 27 of the Ontario Heritage Act or designated under Part IV or V of the Ontario Heritage Act;
or
 - (h) Land, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto, including mausoleums and columbariums, but excluding funeral homes;
or
 - (i) Buildings or structures owned by and used for the purpose of a conservation authority, unless such buildings or structures are used primarily for, or in connection with (i) recreational purposes for which the conservation authority charges admission, or (ii) any commercial use.
- (8) Area specific development charges paid hereunder shall be maintained in a separate reserve fund or funds and shall be used only for the services specified in Schedule A.

ADMINISTRATION

Payment

- 3.
- (1) Unless otherwise provided by agreement, all development charges payable shall be paid by certified funds to the City Treasurer;
 - (2) 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;
 - (3) 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 area specific development charge as provided on Schedule A immediately upon entering into the subdivision agreement;

- (4) 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 subsection 2(4)(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 subsection 2(4)(a) to (f) required, or on a date set by agreement;

Credits

4.

- (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;

GENERAL

Semi-Annual Adjustment

5.

- (1) The development charges established pursuant to Section 2 of this by-law shall 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, 2018, 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

6.

- (1) This By-law shall come into force on September 21, 2018;
- (2) Nothing in this 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;

- (3) 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;
- (4) Schedules A and B are attached hereto and form part of this by-law;

TRANSITIONAL PROVISIONS

7.

- (1) 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, no payment as required under this by-law and no credits or refunds shall apply;
- (2) By-law 046-2013 is hereby repealed as of September 21, 2018;
- (3) This by-law may be cited as the Area Specific Development Charges By-law, 2018.

Enacted by City of Vaughan Council this 23rd day of May, 2018.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 2 of Report No. 5
of the Finance, Administration and Audit Committee
Adopted by Vaughan City Council on
May 23, 2018

Schedule A:

Area Specific Development Charge Calculation

Service	Net Capital Cost	Net Area (ha)	Rate per Net Area (\$/ha)
Rainbow Creek Drainage Works	\$1,861,629	662.71	\$2,809

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 085-2018

A By-Law to impose Area Specific 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 3, 2018 to consider the enactment of an Area Specific 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 9, 2018 and amended on May 16, 2018, 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 March 9, 2018 in accordance with Section 12 of the Act;

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

DEFINITIONS

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

- (1) **“accessory use”** means the use of any building or structure that is naturally and normally:
 - (a) incidental;
 - (b) subordinate to; and
 - (c) 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;
- (2) **“agreement”** means a contract between the City and an owner and any amendment thereto;
- (3) **“agricultural use”** means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, 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; but does not include a commercial use or a medical marijuana operation;
- (4) **“air supported structure”** means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (5) **“apartment building”** means a residential use building, or the residential use portion of a mixed-use building, other than a townhouse or stacked townhouse containing four or more dwelling units each of which shall have access to above grade common halls, stairs, elevators, and yards;
- (6) **“area specific development charge”** and **“special service area development charge”** mean a charge imposed with respect to growth-related net capital costs against a defined land area for specified services under the applicable by-law;
- (7) **“atrium”** means a large open space extending through several floors in a building that is open to the ceiling;
- (8) **“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 of the underside of the floor joist is below the finished grade;

- (9) **“building or structure”** means a permanent enclosed structure occupying an area greater than 10 square metres, consisting of a wall, roof, and/or floor, or any of them, or a structural system serving the function thereof, which includes, but is not limited to, air-supported structures or industrial tents; a canopy however shall not be considered a building or structure for the purpose of this By-law and shall not attract development charges;
- (10) **“building permit”** means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure, or which permits the construction of the foundation of a building or structure;
- (11) **“canopy”** means an overhanging, projection, or covering connected to a principal use on the lands, such as over a gas bar or outdoor storage;
- (12) **“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:
- (a) to acquire land or an interest in land, including a leasehold interest;
 - (b) to improve land;
 - (c) to acquire, lease, construct, or improve buildings and structures;
 - (d) to acquire, lease, construct, or improve facilities including:
 - (i) rolling stock with an estimated useful life of seven (7) years or more years;
 - (ii) furniture and equipment, other than computer equipment; and
 - (iii) 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;
 - (e) to undertake studies in connection with any of the matters in clauses (a) to (d);
 - (f) of the development charge background study required before enactment of this by-law; and
 - (g) of interest on money borrowed to pay for costs described in any of the matters in clauses (a) to (d);

- (13) **“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;
- (14) **“City”** means the Corporation of the City of Vaughan;
- (15) **“commercial parking garage”** means a building or structure, or any part thereof, whose principal use is for the parking of motor vehicles for remuneration, or in the case where parking is provided as an accessory to a principal use on the lands, where such parking is provided in a building or structure, or part thereof, whether or not there is remuneration paid by the owner or user for the motor vehicle, the portion of parking as required by the Zoning By-law shall not attract development charges for the purpose of this By-law;
- (16) **“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;
- (17) **“development charge”** means a charge imposed with respect to growth-related net capital costs against land under this by-law;
- (18) **“duplex”** means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;
- (19) **“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;
- (20) **“engineering services”** means services related to a highway, and may include water supply services, waste water services, and storm water drainage and control services;
- (21) **“existing industrial building”** means an existing building or structure to be used, or designed or intended for:
- (a) manufacturing, producing, processing, storing, or distributing something;
 - (b) research or development in connection with manufacturing, producing, or processing something;
 - (c) 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;

- (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage, or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- (22) **“funeral home”** means a building or structure with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- (23) **“future development”** means development which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- (24) **“grade finished”** means the average elevation of the finished ground level at the wall(s);
- (25) **“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:
 - (a) includes the floor area of a mezzanine and the space occupied by interior walls and partitions; and
 - (b) 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
 - (c) excludes the area of any self-contained structural shelf and rack storage facility approved by the Building Materials Evaluation Commission; and
 - (d) includes any part of a building or structure above or below grade used as a commercial parking garage; and
 - (e) for the purposes of this definition, the non-residential 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;
- (26) **“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;

- (27) **“heritage property”** means a property that contains cultural heritage value as defined under the Ontario Heritage Act;
- (28) **“home occupation”** means an occupation permitted in a dwelling unit and which:
- (a) is clearly secondary to the use of the dwelling unit;
 - (b) does not change the external character of the dwelling unit; and
 - (c) does not create or become a public nuisance, in particular in respect to noise, traffic, or parking;
- (29) **“household”** means one or more persons occupying or sharing all areas of the dwelling unit;
- (30) **“large apartment”** means a dwelling unit in an apartment building or plex that is 700 square feet or larger in size;
- (31) **“live-work unit”** means a unit intended for both residential and non-residential uses concurrently;
- (32) **“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;
- (33) **“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;
- (34) **“medical marijuana operation”** means the cultivation, growth, harvesting, processing, composting, destruction, packaging, storage and distribution of plants or parts of plants of the genus *Cannabis* (marijuana) as lawfully permitted and authorized under the Government of Canada’s Marijuana for Medical Purposes Regulations;
- (35) **“mid-high density mixed-use”** means a building or structure used, designed, or intended for residential and non-residential uses, where:
- (a) the non-residential uses comprise not more than fifty percent (50%) of the gross floor area of the building;
 - (b) the non-residential uses comprise a minimum of five percent (5%) of the gross floor area of the building; and

- (c) the residential portion of the building or structure is over five (5) storeys in height;
- (36) **“mixed-use building”** means a building or structure containing a residential and non-residential use other than a home occupation;
- (37) **“mezzanine”** means a mezzanine as defined in the Building Code Act;
- (38) **“multiple unit dwelling”** includes stacked townhouses, and all other residential uses that are not included in the definition of apartment, single detached dwelling, or semi-detached dwelling;
- (39) **“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, 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;
- (40) **“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;
- (41) **“non-commercial parking garage”** means a building or structure, or any part thereof, that is not a commercial parking garage;
- (42) **“owner”** means the owner of the land or a person who has made an application for an approval of the development of the land upon which a development charge or an area specific development charge is imposed;
- (43) **“plex”** means a duplex, a semi-detached duplex, a triplex, or a semi-detached triplex;
- (44) **“re-development”** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use from a residential to non-residential use or from a non-residential to residential use or from one residential use to another form of residential use;
- (45) **“semi-detached duplex”** means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- (46) **“semi-detached dwelling”** means a building divided vertically into two dwelling units;

- (47) **“semi-detached triplex”** means one of a pair of triplexes divided vertically one from the other by a party wall;
- (48) **“services”** means services designated in this by-law;
- (49) **“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 the purposes of this by-law;
- (50) **“small apartment”** means a dwelling unit in an apartment building or a plex that is less than 700 square feet in size;
- (51) **“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;
- (52) **“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;
- (53) **“subdivision”** includes condominium;
- (54) **“Temporary Sales Centre”** means a Building, including a trailer, that is designed or intended to be temporary, or intended to be removed from the land or demolished after use and which is used exclusively as an Office or presentation centre, or both, for new building sales;
- (55) **“triplex”** means a building comprising 3 dwelling units, each of which has a separate entrance to grade;
- (56) **“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;
- (57) **“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;

- (58) **“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 in part by public funds;
- (59) **“use, non-residential”** means the use of any land, building or structure, or any part thereof, for use other than a residential use, and shall include commercial use, industrial use, and institutional use;
- (60) **“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;

RULES – APPLICATION, EXEMPTIONS, AND EXCEPTIONS

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- (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) a board of education as defined in section 1(1) of the *Education Act*
 - (c) 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;
 - (d) lands, buildings or structures owned by Metrolinx and used for transit related purposes;
 - (e) any area municipality within the Regional Municipality of York;
 - (f) the Regional Municipality of York or any local board thereof; and
 - (g) a public hospital receiving aid under the Public Hospitals Act;
- (3) Development charges for the services designated in Schedule A shall be imposed upon the service area in Schedule B, specified in Schedule A, and shall be collected

in accordance with this by-law on development for residential use or non-residential use purposes;

- (4) Development charges provided for in subsection (3) 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; or
 - (g) the issuing of a permit under the Building Code Act, 1992, S.O. 1992 c.23 in relation to a building or structure;
- (5) 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 2(4)(a) to (g) are required before the land can be developed;
- (6) Despite subsection (5), if two or more of the actions described in paragraphs 3(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 (3) limited to the increase;
- (7) Notwithstanding any other provisions of this by-law, a building or structure shall be exempt from the payment of development charges provided that it 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 canopy used on a temporary or seasonal basis;

- (c) a home occupation;
 - (d) an agricultural use;
 - (e) a 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;
 - (f) a temporary sales centre;
 - (g) the relocation of a built heritage structure that is listed under Section 27 of the Ontario Heritage Act or designated under Part IV or V of the Ontario Heritage Act; or
 - (h) Land, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto, including mausoleums and columbariums, but excluding funeral homes; or
 - (i) Buildings or structures owned by and used for the purpose of a conservation authority, unless such buildings or structures are used primarily for, or in connection with (i) recreational purposes for which the conservation authority charges admission, or (ii) any commercial use.
- (8) Area specific development charges paid hereunder shall be maintained in a separate reserve fund or funds and shall be used only for the services specified in Schedule A.

ADMINISTRATION

Payment

- 3.
- (1) Unless otherwise provided by agreement, all development charges payable shall be paid by certified funds to the City Treasurer;
 - (2) 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;
 - (3) 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 area specific development charge as provided on Schedule A immediately upon entering into the subdivision agreement;

- (4) 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 subsection 2(4)(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 subsection 2(4)(a) to (f) required, or on a date set by agreement;

Credits

4.

- (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;

GENERAL

Semi-Annual Adjustment

5.

- (1) The development charges established pursuant to Section 2 of this by-law shall 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, 2018, 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

6.

- (1) This By-law shall come into force on September 21, 2018;
- (2) Nothing in this 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;

- (3) 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;
- (4) Schedules A and B are attached hereto and form part of this by-law;

TRANSITIONAL PROVISIONS

7.

- (1) 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, no payment as required under this by-law and no credits or refunds shall apply;
- (2) By-law 047-2013 is hereby repealed as of September 21, 2018;
- (3) This by-law may be cited as the Area Specific Development Charges By-law, 2018.

Enacted by City of Vaughan Council this 23rd day of May, 2018.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 2 of Report No. 5
of the Finance, Administration and Audit Committee
Adopted by Vaughan City Council on
May 23, 2018

Schedule A:

Area Specific Development Charge Calculation

Service	Net Capital Cost	Net Area (ha)	Rate per Net Area (\$/ha)
PD5 West Woodbridge Watermain	\$1,245,243	155.01	\$8,033

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 086-2018

A By-Law to impose Area Specific Development Charges – Pressure District 7 Watermain West.

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 3, 2018 to consider the enactment of an Area Specific 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 9, 2018 and amended on May 16, 2018, 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 March 9, 2018 in accordance with Section 12 of the Act;

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

DEFINITIONS

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

- (1) **“accessory use”** means the use of any building or structure that is naturally and normally:
 - (a) incidental;
 - (b) subordinate to; and
 - (c) 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;
- (2) **“agreement”** means a contract between the City and an owner and any amendment thereto;
- (3) **“agricultural use”** means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, 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; but does not include a commercial use or a medical marijuana operation;
- (4) **“air supported structure”** means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (5) **“apartment building”** means a residential use building, or the residential use portion of a mixed-use building, other than a townhouse or stacked townhouse containing four or more dwelling units each of which shall have access to above grade common halls, stairs, elevators, and yards;
- (6) **“area specific development charge”** and **“special service area development charge”** mean a charge imposed with respect to growth-related net capital costs against a defined land area for specified services under the applicable by-law;
- (7) **“atrium”** means a large open space extending through several floors in a building that is open to the ceiling;
- (8) **“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 of the underside of the floor joist is below the finished grade;

- (9) **“building or structure”** means a permanent enclosed structure occupying an area greater than 10 square metres, consisting of a wall, roof, and/or floor, or any of them, or a structural system serving the function thereof, which includes, but is not limited to, air-supported structures or industrial tents; a canopy however shall not be considered a building or structure for the purpose of this By-law and shall not attract development charges;
- (10) **“building permit”** means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure, or which permits the construction of the foundation of a building or structure;
- (11) **“canopy”** means an overhanging, projection, or covering connected to a principal use on the lands, such as over a gas bar or outdoor storage;
- (12) **“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:
- (a) to acquire land or an interest in land, including a leasehold interest;
 - (b) to improve land;
 - (c) to acquire, lease, construct, or improve buildings and structures;
 - (d) to acquire, lease, construct, or improve facilities including:
 - (i) rolling stock with an estimated useful life of seven (7) years or more years;
 - (ii) furniture and equipment, other than computer equipment; and
 - (iii) 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;
 - (e) to undertake studies in connection with any of the matters in clauses (a) to (d);
 - (f) of the development charge background study required before enactment of this by-law; and
 - (g) of interest on money borrowed to pay for costs described in any of the matters in clauses (a) to (d);

- (13) **“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;
- (14) **“City”** means the Corporation of the City of Vaughan;
- (15) **“commercial parking garage”** means a building or structure, or any part thereof, whose principal use is for the parking of motor vehicles for remuneration, or in the case where parking is provided as an accessory to a principal use on the lands, where such parking is provided in a building or structure, or part thereof, whether or not there is remuneration paid by the owner or user for the motor vehicle, the portion of parking as required by the Zoning By-law shall not attract development charges for the purpose of this By-law;
- (16) **“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;
- (17) **“development charge”** means a charge imposed with respect to growth-related net capital costs against land under this by-law;
- (18) **“duplex”** means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;
- (19) **“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;
- (20) **“engineering services”** means services related to a highway, and may include water supply services, waste water services, and storm water drainage and control services;
- (21) **“existing industrial building”** means an existing building or structure to be used, or designed or intended for:
- (a) manufacturing, producing, processing, storing, or distributing something;
 - (b) research or development in connection with manufacturing, producing, or processing something;
 - (c) 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;

- (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage, or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- (22) **“funeral home”** means a building or structure with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- (23) **“future development”** means development which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- (24) **“grade finished”** means the average elevation of the finished ground level at the wall(s);
- (25) **“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:
 - (a) includes the floor area of a mezzanine and the space occupied by interior walls and partitions; and
 - (b) 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
 - (c) excludes the area of any self-contained structural shelf and rack storage facility approved by the Building Materials Evaluation Commission; and
 - (d) includes any part of a building or structure above or below grade used as a commercial parking garage; and
 - (e) for the purposes of this definition, the non-residential 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;
- (26) **“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;

- (27) **“heritage property”** means a property that contains cultural heritage value as defined under the Ontario Heritage Act;
- (28) **“home occupation”** means an occupation permitted in a dwelling unit and which:
- (a) is clearly secondary to the use of the dwelling unit;
 - (b) does not change the external character of the dwelling unit; and
 - (c) does not create or become a public nuisance, in particular in respect to noise, traffic, or parking;
- (29) **“household”** means one or more persons occupying or sharing all areas of the dwelling unit;
- (30) **“large apartment”** means a dwelling unit in an apartment building or plex that is 700 square feet or larger in size;
- (31) **“live-work unit”** means a unit intended for both residential and non-residential uses concurrently;
- (32) **“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;
- (33) **“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;
- (34) **“medical marijuana operation”** means the cultivation, growth, harvesting, processing, composting, destruction, packaging, storage and distribution of plants or parts of plants of the genus *Cannabis* (marijuana) as lawfully permitted and authorized under the Government of Canada’s Marijuana for Medical Purposes Regulations;
- (35) **“mid-high density mixed-use”** means a building or structure used, designed, or intended for residential and non-residential uses, where:
- (a) the non-residential uses comprise not more than fifty percent (50%) of the gross floor area of the building;
 - (b) the non-residential uses comprise a minimum of five percent (5%) of the gross floor area of the building; and

- (c) the residential portion of the building or structure is over five (5) storeys in height;
- (36) **“mixed-use building”** means a building or structure containing a residential and non-residential use other than a home occupation;
- (37) **“mezzanine”** means a mezzanine as defined in the Building Code Act;
- (38) **“multiple unit dwelling”** includes stacked townhouses, and all other residential uses that are not included in the definition of apartment, single detached dwelling, or semi-detached dwelling;
- (39) **“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, 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;
- (40) **“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;
- (41) **“non-commercial parking garage”** means a building or structure, or any part thereof, that is not a commercial parking garage;
- (42) **“owner”** means the owner of the land or a person who has made an application for an approval of the development of the land upon which a development charge or an area specific development charge is imposed;
- (43) **“plex”** means a duplex, a semi-detached duplex, a triplex, or a semi-detached triplex;
- (44) **“re-development”** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use from a residential to non-residential use or from a non-residential to residential use or from one residential use to another form of residential use;
- (45) **“semi-detached duplex”** means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- (46) **“semi-detached dwelling”** means a building divided vertically into two dwelling units;

- (47) **“semi-detached triplex”** means one of a pair of triplexes divided vertically one from the other by a party wall;
- (48) **“services”** means services designated in this by-law;
- (49) **“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 the purposes of this by-law;
- (50) **“small apartment”** means a dwelling unit in an apartment building or a plex that is less than 700 square feet in size;
- (51) **“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;
- (52) **“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;
- (53) **“subdivision”** includes condominium;
- (54) **“Temporary Sales Centre”** means a Building, including a trailer, that is designed or intended to be temporary, or intended to be removed from the land or demolished after use and which is used exclusively as an Office or presentation centre, or both, for new building sales;
- (55) **“triplex”** means a building comprising 3 dwelling units, each of which has a separate entrance to grade;
- (56) **“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;
- (57) **“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;

- (58) **“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 in part by public funds;
- (59) **“use, non-residential”** means the use of any land, building or structure, or any part thereof, for use other than a residential use, and shall include commercial use, industrial use, and institutional use;
- (60) **“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;

RULES – APPLICATION, EXEMPTIONS, AND EXCEPTIONS

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) a board of education as defined in section 1(1) of the *Education Act*
 - (c) 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;
 - (d) lands, buildings or structures owned by Metrolinx and used for transit related purposes;
 - (e) any area municipality within the Regional Municipality of York;
 - (f) the Regional Municipality of York or any local board thereof; and
 - (g) a public hospital receiving aid under the Public Hospitals Act;
- (3) Development charges for the services designated in Schedule A shall be imposed upon the service area in Schedule B, specified in Schedule A, and shall be collected

in accordance with this by-law on development for residential use or non-residential use purposes;

- (4) Development charges provided for in subsection (3) 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; or
 - (g) the issuing of a permit under the Building Code Act, 1992, S.O. 1992 c.23 in relation to a building or structure;
- (5) 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 2(4)(a) to (g) are required before the land can be developed;
- (6) Despite subsection (5), if two or more of the actions described in paragraphs 3(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 (3) limited to the increase;
- (7) Notwithstanding any other provisions of this by-law, a building or structure shall be exempt from the payment of development charges provided that it 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 canopy used on a temporary or seasonal basis;

- (c) a home occupation;
 - (d) an agricultural use;
 - (e) a 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;
 - (f) a temporary sales centre;
 - (g) the relocation of a built heritage structure that is listed under Section 27 of the Ontario Heritage Act or designated under Part IV or V of the Ontario Heritage Act; or
 - (h) Land, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto, including mausoleums and columbariums, but excluding funeral homes; or
 - (i) Buildings or structures owned by and used for the purpose of a conservation authority, unless such buildings or structures are used primarily for, or in connection with (i) recreational purposes for which the conservation authority charges admission, or (ii) any commercial use.
- (8) Area specific development charges paid hereunder shall be maintained in a separate reserve fund or funds and shall be used only for the services specified in Schedule A.

ADMINISTRATION

Payment

- 3.
- (1) Unless otherwise provided by agreement, all development charges payable shall be paid by certified funds to the City Treasurer;
 - (2) 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;
 - (3) 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 area specific development charge as provided on Schedule A immediately upon entering into the subdivision agreement;

- (4) 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 subsection 2(4)(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 subsection 2(4)(a) to (f) required, or on a date set by agreement;

Credits

4.

- (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;

GENERAL

Semi-Annual Adjustment

5.

- (1) The development charges established pursuant to Section 2 of this by-law shall 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, 2018, 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

6.

- (1) This By-law shall come into force on September 21, 2018;
- (2) Nothing in this 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;

- (3) 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;
- (4) Schedules A and B are attached hereto and form part of this by-law;

TRANSITIONAL PROVISIONS

7.

- (1) 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, no payment as required under this by-law and no credits or refunds shall apply;
- (2) By-law 050-2013 is hereby repealed as of September 21, 2018;
- (3) This by-law may be cited as the Area Specific Development Charges By-law, 2018.

Enacted by City of Vaughan Council this 23rd day of May, 2018.

Hon. Maurizio Bevilacqua, Mayor

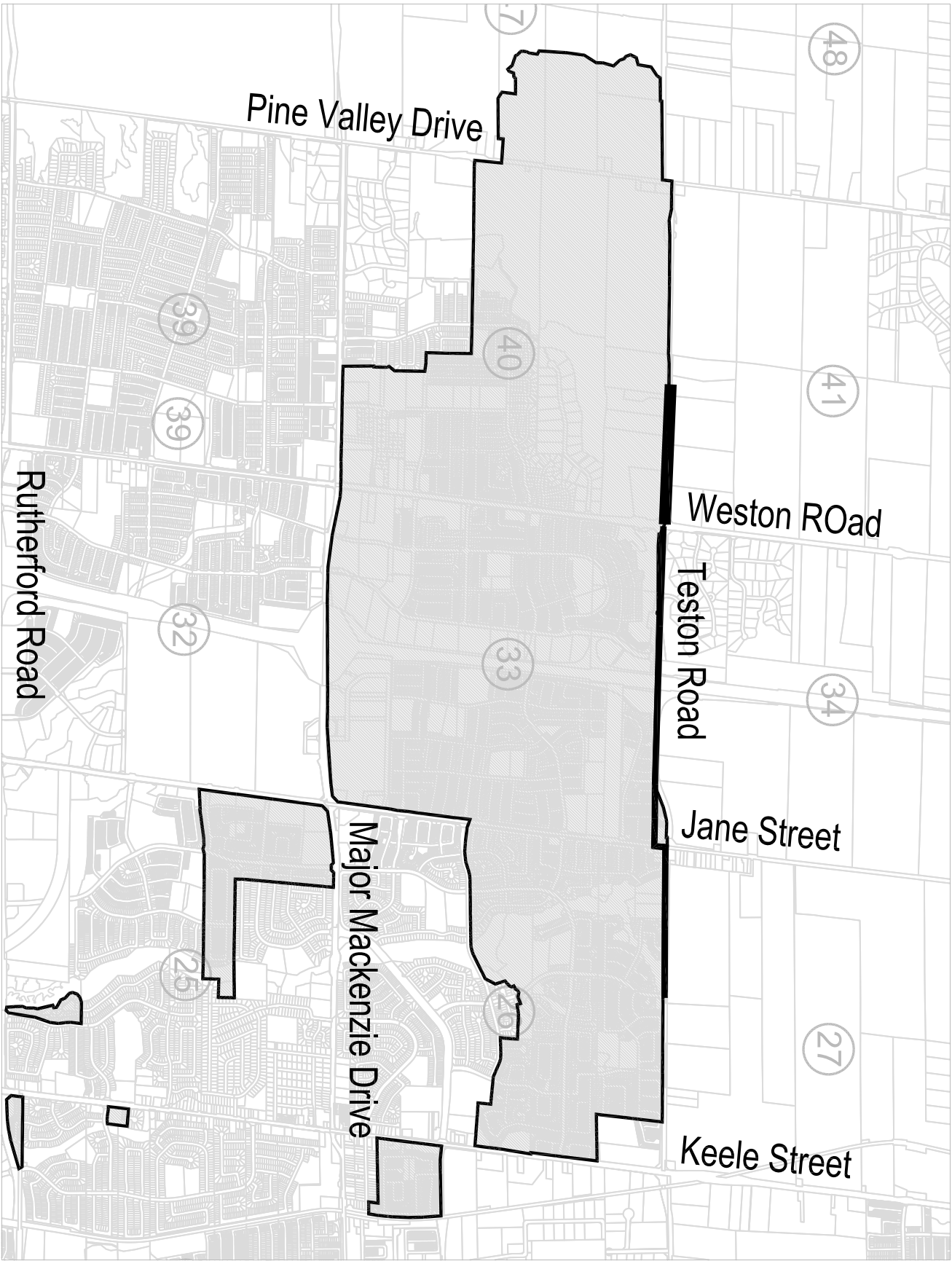
Todd Coles, City Clerk

Authorized by Item No. 2 of Report No. 5
of the Finance, Administration and Audit Committee
Adopted by Vaughan City Council on
May 23, 2018.

Schedule A:

Area Specific Development Charge Calculation

Service	Net Capital Cost	Net Area (ha)	Rate per Net Area (\$/ha)
PD7 Watermain West	\$568,340	203.83	\$2,788



SCHEDULE "B"
AREA SPECIFIC
DEVELOPMENT CHARGES

BY-LAW NUMBER _____ -2018 _____

PASSED THE ____ DAY OF _____, 2018

SIGNING OFFICERS


MAYOR


CLERK

PRESSURE DISTRICT 7 WEST
TESTON WATERMAIN

 **PROPOSED WATERMAIN WORKS**

 **EXISTING WATERMAIN WORKS**

 **SERVICE AREA**

 **CITY BLOCK**



NOT TO SCALE



THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 087-018

A By-Law to impose Area Specific Development Charges – Zenway/Huntington Road Sanitary Sub-Trunk.

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 3, 2018 to consider the enactment of an Area Specific 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 9, 2018 and amended on May 16, 2018, 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 March 9, 2018 in accordance with Section 12 of the Act;

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

DEFINITIONS

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

- (1) **“accessory use”** means the use of any building or structure that is naturally and normally:
 - (a) incidental;
 - (b) subordinate to; and
 - (c) 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;
- (2) **“agreement”** means a contract between the City and an owner and any amendment thereto;
- (3) **“agricultural use”** means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, 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; but does not include a commercial use or a medical marijuana operation;
- (4) **“air supported structure”** means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (5) **“apartment building”** means a residential use building, or the residential use portion of a mixed-use building, other than a townhouse or stacked townhouse containing four or more dwelling units each of which shall have access to above grade common halls, stairs, elevators, and yards;
- (6) **“area specific development charge”** and **“special service area development charge”** mean a charge imposed with respect to growth-related net capital costs against a defined land area for specified services under the applicable by-law;
- (7) **“atrium”** means a large open space extending through several floors in a building that is open to the ceiling;
- (8) **“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 of the underside of the floor joist is below the finished grade;

- (9) **“building or structure”** means a permanent enclosed structure occupying an area greater than 10 square metres, consisting of a wall, roof, and/or floor, or any of them, or a structural system serving the function thereof, which includes, but is not limited to, air-supported structures or industrial tents; a canopy however shall not be considered a building or structure for the purpose of this By-law and shall not attract development charges;
- (10) **“building permit”** means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure, or which permits the construction of the foundation of a building or structure;
- (11) **“canopy”** means an overhanging, projection, or covering connected to a principal use on the lands, such as over a gas bar or outdoor storage;
- (12) **“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:
- (a) to acquire land or an interest in land, including a leasehold interest;
 - (b) to improve land;
 - (c) to acquire, lease, construct, or improve buildings and structures;
 - (d) to acquire, lease, construct, or improve facilities including:
 - (i) rolling stock with an estimated useful life of seven (7) years or more years;
 - (ii) furniture and equipment, other than computer equipment; and
 - (iii) 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;
 - (e) to undertake studies in connection with any of the matters in clauses (a) to (d);
 - (f) of the development charge background study required before enactment of this by-law; and
 - (g) of interest on money borrowed to pay for costs described in any of the matters in clauses (a) to (d);

- (13) **“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;
- (14) **“City”** means the Corporation of the City of Vaughan;
- (15) **“commercial parking garage”** means a building or structure, or any part thereof, whose principal use is for the parking of motor vehicles for remuneration, or in the case where parking is provided as an accessory to a principal use on the lands, where such parking is provided in a building or structure, or part thereof, whether or not there is remuneration paid by the owner or user for the motor vehicle, the portion of parking as required by the Zoning By-law shall not attract development charges for the purpose of this By-law;
- (16) **“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;
- (17) **“development charge”** means a charge imposed with respect to growth-related net capital costs against land under this by-law;
- (18) **“duplex”** means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;
- (19) **“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;
- (20) **“engineering services”** means services related to a highway, and may include water supply services, waste water services, and storm water drainage and control services;
- (21) **“existing industrial building”** means an existing building or structure to be used, or designed or intended for:
- (a) manufacturing, producing, processing, storing, or distributing something;
 - (b) research or development in connection with manufacturing, producing, or processing something;
 - (c) 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;

- (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage, or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- (22) **“funeral home”** means a building or structure with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- (23) **“future development”** means development which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- (24) **“grade finished”** means the average elevation of the finished ground level at the wall(s);
- (25) **“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:
 - (a) includes the floor area of a mezzanine and the space occupied by interior walls and partitions; and
 - (b) 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
 - (c) excludes the area of any self-contained structural shelf and rack storage facility approved by the Building Materials Evaluation Commission; and
 - (d) includes any part of a building or structure above or below grade used as a commercial parking garage; and
 - (e) for the purposes of this definition, the non-residential 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;
- (26) **“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;

- (27) **“heritage property”** means a property that contains cultural heritage value as defined under the Ontario Heritage Act;
- (28) **“home occupation”** means an occupation permitted in a dwelling unit and which:
- (a) is clearly secondary to the use of the dwelling unit;
 - (b) does not change the external character of the dwelling unit; and
 - (c) does not create or become a public nuisance, in particular in respect to noise, traffic, or parking;
- (29) **“household”** means one or more persons occupying or sharing all areas of the dwelling unit;
- (30) **“large apartment”** means a dwelling unit in an apartment building or plex that is 700 square feet or larger in size;
- (31) **“live-work unit”** means a unit intended for both residential and non-residential uses concurrently;
- (32) **“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;
- (33) **“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;
- (34) **“medical marijuana operation”** means the cultivation, growth, harvesting, processing, composting, destruction, packaging, storage and distribution of plants or parts of plants of the genus *Cannabis* (marijuana) as lawfully permitted and authorized under the Government of Canada’s Marijuana for Medical Purposes Regulations;
- (35) **“mid-high density mixed-use”** means a building or structure used, designed, or intended for residential and non-residential uses, where:
- (a) the non-residential uses comprise not more than fifty percent (50%) of the gross floor area of the building;
 - (b) the non-residential uses comprise a minimum of five percent (5%) of the gross floor area of the building; and

- (c) the residential portion of the building or structure is over five (5) storeys in height;
- (36) **“mixed-use building”** means a building or structure containing a residential and non-residential use other than a home occupation;
- (37) **“mezzanine”** means a mezzanine as defined in the Building Code Act;
- (38) **“multiple unit dwelling”** includes stacked townhouses, and all other residential uses that are not included in the definition of apartment, single detached dwelling, or semi-detached dwelling;
- (39) **“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, 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;
- (40) **“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;
- (41) **“non-commercial parking garage”** means a building or structure, or any part thereof, that is not a commercial parking garage;
- (42) **“owner”** means the owner of the land or a person who has made an application for an approval of the development of the land upon which a development charge or an area specific development charge is imposed;
- (43) **“plex”** means a duplex, a semi-detached duplex, a triplex, or a semi-detached triplex;
- (44) **“re-development”** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use from a residential to non-residential use or from a non-residential to residential use or from one residential use to another form of residential use;
- (45) **“semi-detached duplex”** means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- (46) **“semi-detached dwelling”** means a building divided vertically into two dwelling units;

- (47) **“semi-detached triplex”** means one of a pair of triplexes divided vertically one from the other by a party wall;
- (48) **“services”** means services designated in this by-law;
- (49) **“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 the purposes of this by-law;
- (50) **“small apartment”** means a dwelling unit in an apartment building or a plex that is less than 700 square feet in size;
- (51) **“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;
- (52) **“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;
- (53) **“subdivision”** includes condominium;
- (54) **“Temporary Sales Centre”** means a Building, including a trailer, that is designed or intended to be temporary, or intended to be removed from the land or demolished after use and which is used exclusively as an Office or presentation centre, or both, for new building sales;
- (55) **“triplex”** means a building comprising 3 dwelling units, each of which has a separate entrance to grade;
- (56) **“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;
- (57) **“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;

- (58) **“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 in part by public funds;
- (59) **“use, non-residential”** means the use of any land, building or structure, or any part thereof, for use other than a residential use, and shall include commercial use, industrial use, and institutional use;
- (60) **“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;

RULES – APPLICATION, EXEMPTIONS, AND EXCEPTIONS

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) a board of education as defined in section 1(1) of the *Education Act*
 - (c) 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;
 - (d) lands, buildings or structures owned by Metrolinx and used for transit related purposes;
 - (e) any area municipality within the Regional Municipality of York;
 - (f) the Regional Municipality of York or any local board thereof; and
 - (g) a public hospital receiving aid under the Public Hospitals Act;
- (3) Development charges for the services designated in Schedule A shall be imposed upon the service area in Schedule B, specified in Schedule A, and shall be collected

in accordance with this by-law on development for residential use or non-residential use purposes;

- (4) Development charges provided for in subsection (3) 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; or
 - (g) the issuing of a permit under the Building Code Act, 1992, S.O. 1992 c.23 in relation to a building or structure;
- (5) 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 2(4)(a) to (g) are required before the land can be developed;
- (6) Despite subsection (5), if two or more of the actions described in paragraphs 3(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 (3) limited to the increase;
- (7) Notwithstanding any other provisions of this by-law, a building or structure shall be exempt from the payment of development charges provided that it 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 canopy used on a temporary or seasonal basis;

- (c) a home occupation;
 - (d) an agricultural use;
 - (e) a 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;
 - (f) a temporary sales centre;
 - (g) the relocation of a built heritage structure that is listed under Section 27 of the Ontario Heritage Act or designated under Part IV or V of the Ontario Heritage Act; or
 - (h) Land, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto, including mausoleums and columbariums, but excluding funeral homes; or
 - (i) Buildings or structures owned by and used for the purpose of a conservation authority, unless such buildings or structures are used primarily for, or in connection with (i) recreational purposes for which the conservation authority charges admission, or (ii) any commercial use.
- (8) Area specific development charges paid hereunder shall be maintained in a separate reserve fund or funds and shall be used only for the services specified in Schedule A.

ADMINISTRATION

Payment

- 3.
- (1) Unless otherwise provided by agreement, all development charges payable shall be paid by certified funds to the City Treasurer;
 - (2) 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;
 - (3) 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 area specific development charge as provided on Schedule A immediately upon entering into the subdivision agreement;

- (4) 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 subsection 2(4)(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 subsection 2(4)(a) to (f) required, or on a date set by agreement;

Credits

4.

- (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;

GENERAL

Semi-Annual Adjustment

5.

- (1) The development charges established pursuant to Section 2 of this by-law shall 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, 2018, 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

6.

- (1) This By-law shall come into force on September 21, 2018;
- (2) Nothing in this 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;

- (3) 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;
- (4) Schedules A and B are attached hereto and form part of this by-law;

TRANSITIONAL PROVISIONS

7.

- (1) 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, no payment as required under this by-law and no credits or refunds shall apply;
- (2) By-law 052-2013 is hereby repealed as of September 21, 2018;
- (3) This by-law may be cited as the Area Specific Development Charges By-law, 2018.

Enacted by City of Vaughan Council this 23rd day of May, 2018.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 2 of Report No. 5
of the Finance, Administration and Audit Committee
Adopted by Vaughan City Council on
May 23, 2018.

Schedule A:

Area Specific Development Charge Calculation

Service	Net Capital Cost	Net Area (ha)	Rate per Net Area (\$/ha)
Zenway/Huntington Road Sanitary Sub-Trunk	\$4,224,249	376.74	\$11,213

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 088-2018

A By-Law to impose Area Specific Development Charges – Highway 27 South Servicing Works.

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 3, 2018 to consider the enactment of an Area Specific 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 9, 2018 and amended on May 16, 2018, 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 March 9, 2018 in accordance with Section 12 of the Act;

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

DEFINITIONS

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

- (1) **“accessory use”** means the use of any building or structure that is naturally and normally:
 - (a) incidental;
 - (b) subordinate to; and
 - (c) 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;
- (2) **“agreement”** means a contract between the City and an owner and any amendment thereto;
- (3) **“agricultural use”** means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, 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; but does not include a commercial use or a medical marijuana operation;
- (4) **“air supported structure”** means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (5) **“apartment building”** means a residential use building, or the residential use portion of a mixed-use building, other than a townhouse or stacked townhouse containing four or more dwelling units each of which shall have access to above grade common halls, stairs, elevators, and yards;
- (6) **“area specific development charge”** and **“special service area development charge”** mean a charge imposed with respect to growth-related net capital costs against a defined land area for specified services under the applicable by-law;
- (7) **“atrium”** means a large open space extending through several floors in a building that is open to the ceiling;
- (8) **“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 of the underside of the floor joist is below the finished grade;

- (9) **“building or structure”** means a permanent enclosed structure occupying an area greater than 10 square metres, consisting of a wall, roof, and/or floor, or any of them, or a structural system serving the function thereof, which includes, but is not limited to, air-supported structures or industrial tents; a canopy however shall not be considered a building or structure for the purpose of this By-law and shall not attract development charges;
- (10) **“building permit”** means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure, or which permits the construction of the foundation of a building or structure;
- (11) **“canopy”** means an overhanging, projection, or covering connected to a principal use on the lands, such as over a gas bar or outdoor storage;
- (12) **“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:
- (a) to acquire land or an interest in land, including a leasehold interest;
 - (b) to improve land;
 - (c) to acquire, lease, construct, or improve buildings and structures;
 - (d) to acquire, lease, construct, or improve facilities including:
 - (i) rolling stock with an estimated useful life of seven (7) years or more years;
 - (ii) furniture and equipment, other than computer equipment; and
 - (iii) 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;
 - (e) to undertake studies in connection with any of the matters in clauses (a) to (d);
 - (f) of the development charge background study required before enactment of this by-law; and
 - (g) of interest on money borrowed to pay for costs described in any of the matters in clauses (a) to (d);

- (13) **“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;
- (14) **“City”** means the Corporation of the City of Vaughan;
- (15) **“commercial parking garage”** means a building or structure, or any part thereof, whose principal use is for the parking of motor vehicles for remuneration, or in the case where parking is provided as an accessory to a principal use on the lands, where such parking is provided in a building or structure, or part thereof, whether or not there is remuneration paid by the owner or user for the motor vehicle, the portion of parking as required by the Zoning By-law shall not attract development charges for the purpose of this By-law;
- (16) **“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;
- (17) **“development charge”** means a charge imposed with respect to growth-related net capital costs against land under this by-law;
- (18) **“duplex”** means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;
- (19) **“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;
- (20) **“engineering services”** means services related to a highway, and may include water supply services, waste water services, and storm water drainage and control services;
- (21) **“existing industrial building”** means an existing building or structure to be used, or designed or intended for:
- (a) manufacturing, producing, processing, storing, or distributing something;
 - (b) research or development in connection with manufacturing, producing, or processing something;
 - (c) 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;

- (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage, or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- (22) **“funeral home”** means a building or structure with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- (23) **“future development”** means development which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- (24) **“grade finished”** means the average elevation of the finished ground level at the wall(s);
- (25) **“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:
 - (a) includes the floor area of a mezzanine and the space occupied by interior walls and partitions; and
 - (b) 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
 - (c) excludes the area of any self-contained structural shelf and rack storage facility approved by the Building Materials Evaluation Commission; and
 - (d) includes any part of a building or structure above or below grade used as a commercial parking garage; and
 - (e) for the purposes of this definition, the non-residential 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;
- (26) **“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;

- (27) **“heritage property”** means a property that contains cultural heritage value as defined under the Ontario Heritage Act;
- (28) **“home occupation”** means an occupation permitted in a dwelling unit and which:
- (a) is clearly secondary to the use of the dwelling unit;
 - (b) does not change the external character of the dwelling unit; and
 - (c) does not create or become a public nuisance, in particular in respect to noise, traffic, or parking;
- (29) **“household”** means one or more persons occupying or sharing all areas of the dwelling unit;
- (30) **“large apartment”** means a dwelling unit in an apartment building or plex that is 700 square feet or larger in size;
- (31) **“live-work unit”** means a unit intended for both residential and non-residential uses concurrently;
- (32) **“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;
- (33) **“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;
- (34) **“medical marijuana operation”** means the cultivation, growth, harvesting, processing, composting, destruction, packaging, storage and distribution of plants or parts of plants of the genus *Cannabis* (marijuana) as lawfully permitted and authorized under the Government of Canada’s Marijuana for Medical Purposes Regulations;
- (35) **“mid-high density mixed-use”** means a building or structure used, designed, or intended for residential and non-residential uses, where:
- (a) the non-residential uses comprise not more than fifty percent (50%) of the gross floor area of the building;
 - (b) the non-residential uses comprise a minimum of five percent (5%) of the gross floor area of the building; and

- (c) the residential portion of the building or structure is over five (5) storeys in height;
- (36) **“mixed-use building”** means a building or structure containing a residential and non-residential use other than a home occupation;
- (37) **“mezzanine”** means a mezzanine as defined in the Building Code Act;
- (38) **“multiple unit dwelling”** includes stacked townhouses, and all other residential uses that are not included in the definition of apartment, single detached dwelling, or semi-detached dwelling;
- (39) **“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, 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;
- (40) **“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;
- (41) **“non-commercial parking garage”** means a building or structure, or any part thereof, that is not a commercial parking garage;
- (42) **“owner”** means the owner of the land or a person who has made an application for an approval of the development of the land upon which a development charge or an area specific development charge is imposed;
- (43) **“plex”** means a duplex, a semi-detached duplex, a triplex, or a semi-detached triplex;
- (44) **“re-development”** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use from a residential to non-residential use or from a non-residential to residential use or from one residential use to another form of residential use;
- (45) **“semi-detached duplex”** means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- (46) **“semi-detached dwelling”** means a building divided vertically into two dwelling units;

- (47) **“semi-detached triplex”** means one of a pair of triplexes divided vertically one from the other by a party wall;
- (48) **“services”** means services designated in this by-law;
- (49) **“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 the purposes of this by-law;
- (50) **“small apartment”** means a dwelling unit in an apartment building or a plex that is less than 700 square feet in size;
- (51) **“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;
- (52) **“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;
- (53) **“subdivision”** includes condominium;
- (54) **“Temporary Sales Centre”** means a Building, including a trailer, that is designed or intended to be temporary, or intended to be removed from the land or demolished after use and which is used exclusively as an Office or presentation centre, or both, for new building sales;
- (55) **“triplex”** means a building comprising 3 dwelling units, each of which has a separate entrance to grade;
- (56) **“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;
- (57) **“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;

- (58) **“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 in part by public funds;
- (59) **“use, non-residential”** means the use of any land, building or structure, or any part thereof, for use other than a residential use, and shall include commercial use, industrial use, and institutional use;
- (60) **“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;

RULES – APPLICATION, EXEMPTIONS, AND EXCEPTIONS

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) a board of education as defined in section 1(1) of the *Education Act*
 - (c) 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;
 - (d) lands, buildings or structures owned by Metrolinx and used for transit related purposes;
 - (e) any area municipality within the Regional Municipality of York;
 - (f) the Regional Municipality of York or any local board thereof; and
 - (g) a public hospital receiving aid under the Public Hospitals Act;
- (3) Development charges for the services designated in Schedule A shall be imposed upon the service area in Schedule B, specified in Schedule A, and shall be collected

in accordance with this by-law on development for residential use or non-residential use purposes;

- (4) Development charges provided for in subsection (3) 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; or
 - (g) the issuing of a permit under the Building Code Act, 1992, S.O. 1992 c.23 in relation to a building or structure;
- (5) 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 2(4)(a) to (g) are required before the land can be developed;
- (6) Despite subsection (5), if two or more of the actions described in paragraphs 3(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 (3) limited to the increase;
- (7) Notwithstanding any other provisions of this by-law, a building or structure shall be exempt from the payment of development charges provided that it 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 canopy used on a temporary or seasonal basis;

- (c) a home occupation;
 - (d) an agricultural use;
 - (e) a 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;
 - (f) a temporary sales centre;
 - (g) the relocation of a built heritage structure that is listed under Section 27 of the Ontario Heritage Act or designated under Part IV or V of the Ontario Heritage Act; or
 - (h) Land, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto, including mausoleums and columbariums, but excluding funeral homes; or
 - (i) Buildings or structures owned by and used for the purpose of a conservation authority, unless such buildings or structures are used primarily for, or in connection with (i) recreational purposes for which the conservation authority charges admission, or (ii) any commercial use.
- (8) Area specific development charges paid hereunder shall be maintained in a separate reserve fund or funds and shall be used only for the services specified in Schedule A.

ADMINISTRATION

Payment

- 3.
- (1) Unless otherwise provided by agreement, all development charges payable shall be paid by certified funds to the City Treasurer;
 - (2) 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;
 - (3) 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 area specific development charge as provided on Schedule A immediately upon entering into the subdivision agreement;

- (4) 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 subsection 2(4)(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 subsection 2(4)(a) to (f) required, or on a date set by agreement;

Credits

4.

- (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;

GENERAL

Semi-Annual Adjustment

5.

- (1) The development charges established pursuant to Section 2 of this by-law shall 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, 2018, 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

6.

- (1) This By-law shall come into force on September 21, 2018;
- (2) Nothing in this 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;

- (3) 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;
- (4) Schedules A and B are attached hereto and form part of this by-law;

TRANSITIONAL PROVISIONS

7.

- (1) 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, no payment as required under this by-law and no credits or refunds shall apply;
- (2) By-law 053-2013 is hereby repealed as of September 21, 2018;
- (3) This by-law may be cited as the Area Specific Development Charges By-law, 2018.

Enacted by City of Vaughan Council this 23rd day of May, 2018.

Hon. Maurizio Bevilacqua, Mayor

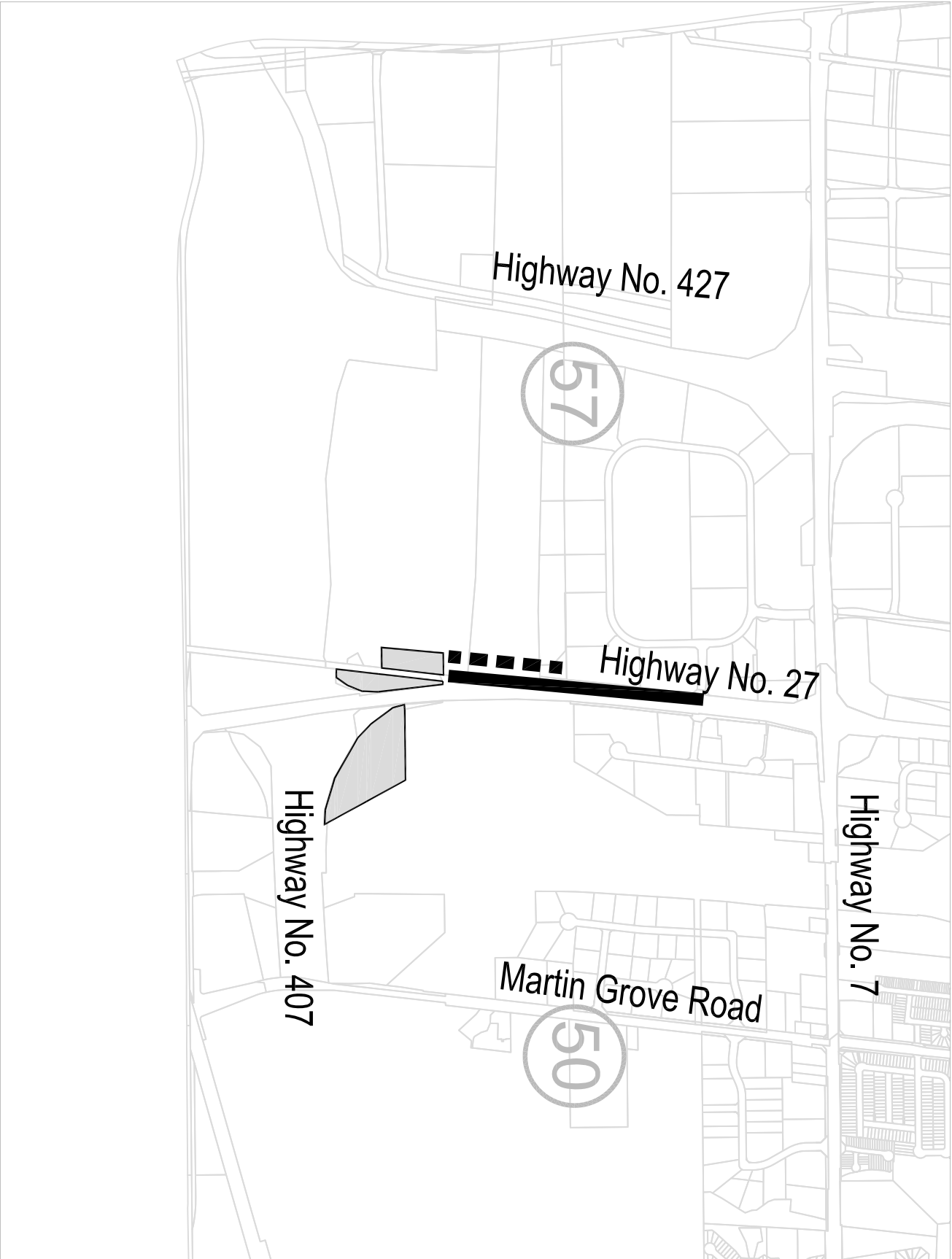
Todd Coles, City Clerk

Authorized by Item No. 2 of Report No. 5
of the Finance, Administration and Audit Committee
Adopted by Vaughan City Council on
May 23, 2018.

Schedule A:

Area Specific Development Charge Calculation

Service	Net Capital Cost	Net Area (ha)	Rate per Net Area (\$/ha)
Highway 27 South Servicing Works	\$881,929	5.11	\$172,589



SCHEDULE "B"
AREA SPECIFIC
DEVELOPMENT CHARGES

BY-LAW NUMBER: _____ -2018

PASSED THE ____ DAY OF _____, 2018

SIGNING OFFICERS

MAYOR

CLERK

HIGHWAY 27 SOUTH
SERVICING WORKS

————— EXISTING WATERMAIN WORKS

- - - - - EXISTING SEWERAGE WORKS

■ SERVICE AREA

④1 CITY BLOCK



NOT TO SCALE



THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 089-2018

A By-Law to impose Area Specific Development Charges – Huntington Road Sanitary Sewer (Trade Valley to Rutherford).

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 3, 2018 to consider the enactment of an Area Specific 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 9, 2018 and amended on May 16, 2018, 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 March 9, 2018 in accordance with Section 12 of the Act;

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

DEFINITIONS

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

- (1) **“accessory use”** means the use of any building or structure that is naturally and normally:
 - (a) incidental;
 - (b) subordinate to; and
 - (c) 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;
- (2) **“agreement”** means a contract between the City and an owner and any amendment thereto;
- (3) **“agricultural use”** means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, 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; but does not include a commercial use or a medical marijuana operation;
- (4) **“air supported structure”** means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (5) **“apartment building”** means a residential use building, or the residential use portion of a mixed-use building, other than a townhouse or stacked townhouse containing four or more dwelling units each of which shall have access to above grade common halls, stairs, elevators, and yards;
- (6) **“area specific development charge”** and **“special service area development charge”** mean a charge imposed with respect to growth-related net capital costs against a defined land area for specified services under the applicable by-law;
- (7) **“atrium”** means a large open space extending through several floors in a building that is open to the ceiling;
- (8) **“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 of the underside of the floor joist is below the finished grade;

- (9) **“building or structure”** means a permanent enclosed structure occupying an area greater than 10 square metres, consisting of a wall, roof, and/or floor, or any of them, or a structural system serving the function thereof, which includes, but is not limited to, air-supported structures or industrial tents; a canopy however shall not be considered a building or structure for the purpose of this By-law and shall not attract development charges;
- (10) **“building permit”** means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure, or which permits the construction of the foundation of a building or structure;
- (11) **“canopy”** means an overhanging, projection, or covering connected to a principal use on the lands, such as over a gas bar or outdoor storage;
- (12) **“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:
- (a) to acquire land or an interest in land, including a leasehold interest;
 - (b) to improve land;
 - (c) to acquire, lease, construct, or improve buildings and structures;
 - (d) to acquire, lease, construct, or improve facilities including:
 - (i) rolling stock with an estimated useful life of seven (7) years or more years;
 - (ii) furniture and equipment, other than computer equipment; and
 - (iii) 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;
 - (e) to undertake studies in connection with any of the matters in clauses (a) to (d);
 - (f) of the development charge background study required before enactment of this by-law; and
 - (g) of interest on money borrowed to pay for costs described in any of the matters in clauses (a) to (d);

- (13) **“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;
- (14) **“City”** means the Corporation of the City of Vaughan;
- (15) **“commercial parking garage”** means a building or structure, or any part thereof, whose principal use is for the parking of motor vehicles for remuneration, or in the case where parking is provided as an accessory to a principal use on the lands, where such parking is provided in a building or structure, or part thereof, whether or not there is remuneration paid by the owner or user for the motor vehicle, the portion of parking as required by the Zoning By-law shall not attract development charges for the purpose of this By-law;
- (16) **“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;
- (17) **“development charge”** means a charge imposed with respect to growth-related net capital costs against land under this by-law;
- (18) **“duplex”** means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;
- (19) **“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;
- (20) **“engineering services”** means services related to a highway, and may include water supply services, waste water services, and storm water drainage and control services;
- (21) **“existing industrial building”** means an existing building or structure to be used, or designed or intended for:
- (a) manufacturing, producing, processing, storing, or distributing something;
 - (b) research or development in connection with manufacturing, producing, or processing something;
 - (c) 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;

- (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage, or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- (22) **“funeral home”** means a building or structure with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- (23) **“future development”** means development which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- (24) **“grade finished”** means the average elevation of the finished ground level at the wall(s);
- (25) **“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:
 - (a) includes the floor area of a mezzanine and the space occupied by interior walls and partitions; and
 - (b) 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
 - (c) excludes the area of any self-contained structural shelf and rack storage facility approved by the Building Materials Evaluation Commission; and
 - (d) includes any part of a building or structure above or below grade used as a commercial parking garage; and
 - (e) for the purposes of this definition, the non-residential 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;
- (26) **“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;

- (27) **“heritage property”** means a property that contains cultural heritage value as defined under the Ontario Heritage Act;
- (28) **“home occupation”** means an occupation permitted in a dwelling unit and which:
- (a) is clearly secondary to the use of the dwelling unit;
 - (b) does not change the external character of the dwelling unit; and
 - (c) does not create or become a public nuisance, in particular in respect to noise, traffic, or parking;
- (29) **“household”** means one or more persons occupying or sharing all areas of the dwelling unit;
- (30) **“large apartment”** means a dwelling unit in an apartment building or plex that is 700 square feet or larger in size;
- (31) **“live-work unit”** means a unit intended for both residential and non-residential uses concurrently;
- (32) **“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;
- (33) **“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;
- (34) **“medical marijuana operation”** means the cultivation, growth, harvesting, processing, composting, destruction, packaging, storage and distribution of plants or parts of plants of the genus *Cannabis* (marijuana) as lawfully permitted and authorized under the Government of Canada’s Marijuana for Medical Purposes Regulations;
- (35) **“mid-high density mixed-use”** means a building or structure used, designed, or intended for residential and non-residential uses, where:
- (a) the non-residential uses comprise not more than fifty percent (50%) of the gross floor area of the building;
 - (b) the non-residential uses comprise a minimum of five percent (5%) of the gross floor area of the building; and

- (c) the residential portion of the building or structure is over five (5) storeys in height;
- (36) **“mixed-use building”** means a building or structure containing a residential and non-residential use other than a home occupation;
- (37) **“mezzanine”** means a mezzanine as defined in the Building Code Act;
- (38) **“multiple unit dwelling”** includes stacked townhouses, and all other residential uses that are not included in the definition of apartment, single detached dwelling, or semi-detached dwelling;
- (39) **“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, 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;
- (40) **“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;
- (41) **“non-commercial parking garage”** means a building or structure, or any part thereof, that is not a commercial parking garage;
- (42) **“owner”** means the owner of the land or a person who has made an application for an approval of the development of the land upon which a development charge or an area specific development charge is imposed;
- (43) **“plex”** means a duplex, a semi-detached duplex, a triplex, or a semi-detached triplex;
- (44) **“re-development”** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use from a residential to non-residential use or from a non-residential to residential use or from one residential use to another form of residential use;
- (45) **“semi-detached duplex”** means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- (46) **“semi-detached dwelling”** means a building divided vertically into two dwelling units;

- (47) **“semi-detached triplex”** means one of a pair of triplexes divided vertically one from the other by a party wall;
- (48) **“services”** means services designated in this by-law;
- (49) **“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 the purposes of this by-law;
- (50) **“small apartment”** means a dwelling unit in an apartment building or a plex that is less than 700 square feet in size;
- (51) **“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;
- (52) **“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;
- (53) **“subdivision”** includes condominium;
- (54) **“Temporary Sales Centre”** means a Building, including a trailer, that is designed or intended to be temporary, or intended to be removed from the land or demolished after use and which is used exclusively as an Office or presentation centre, or both, for new building sales;
- (55) **“triplex”** means a building comprising 3 dwelling units, each of which has a separate entrance to grade;
- (56) **“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;
- (57) **“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;

- (58) **“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 in part by public funds;
- (59) **“use, non-residential”** means the use of any land, building or structure, or any part thereof, for use other than a residential use, and shall include commercial use, industrial use, and institutional use;
- (60) **“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;

RULES – APPLICATION, EXEMPTIONS, AND EXCEPTIONS

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) a board of education as defined in section 1(1) of the *Education Act*
 - (c) 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;
 - (d) lands, buildings or structures owned by Metrolinx and used for transit related purposes;
 - (e) any area municipality within the Regional Municipality of York;
 - (f) the Regional Municipality of York or any local board thereof; and
 - (g) a public hospital receiving aid under the Public Hospitals Act;
- (3) Development charges for the services designated in Schedule A shall be imposed upon the service area in Schedule B, specified in Schedule A, and shall be collected

in accordance with this by-law on development for residential use or non-residential use purposes;

- (4) Development charges provided for in subsection (3) 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; or
 - (g) the issuing of a permit under the Building Code Act, 1992, S.O. 1992 c.23 in relation to a building or structure;
- (5) 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 2(4)(a) to (g) are required before the land can be developed;
- (6) Despite subsection (5), if two or more of the actions described in paragraphs 3(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 (3) limited to the increase;
- (7) Notwithstanding any other provisions of this by-law, a building or structure shall be exempt from the payment of development charges provided that it 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 canopy used on a temporary or seasonal basis;

- (c) a home occupation;
 - (d) an agricultural use;
 - (e) a 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;
 - (f) a temporary sales centre;
 - (g) the relocation of a built heritage structure that is listed under Section 27 of the Ontario Heritage Act or designated under Part IV or V of the Ontario Heritage Act;
or
 - (h) Land, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto, including mausoleums and columbariums, but excluding funeral homes;
or
 - (i) Buildings or structures owned by and used for the purpose of a conservation authority, unless such buildings or structures are used primarily for, or in connection with (i) recreational purposes for which the conservation authority charges admission, or (ii) any commercial use.
- (8) Area specific development charges paid hereunder shall be maintained in a separate reserve fund or funds and shall be used only for the services specified in Schedule A.

ADMINISTRATION

Payment

- 3.
- (1) Unless otherwise provided by agreement, all development charges payable shall be paid by certified funds to the City Treasurer;
 - (2) 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;
 - (3) 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 area specific development charge as provided on Schedule A immediately upon entering into the subdivision agreement;

- (4) 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 subsection 2(4)(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 subsection 2(4)(a) to (f) required, or on a date set by agreement;

Credits

4.

- (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;

GENERAL

Semi-Annual Adjustment

5.

- (1) The development charges established pursuant to Section 2 of this by-law shall 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, 2018, 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

6.

- (1) This By-law shall come into force on September 21, 2018;
- (2) Nothing in this 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;

- (3) 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;
- (4) Schedules A and B are attached hereto and form part of this by-law;

TRANSITIONAL PROVISIONS

7.

- (1) 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, no payment as required under this by-law and no credits or refunds shall apply;
- (2) By-law 054-2013 is hereby repealed as of September 21, 2018;
- (3) This by-law may be cited as the Area Specific Development Charges By-law, 2018.

Enacted by City of Vaughan Council this 23rd day of May, 2018.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 2 of Report No. 5
of the Finance, Administration and Audit Committee
Adopted by Vaughan City Council on
May 23, 2018.

Schedule A:

Area Specific Development Charge Calculation

Service	Net Capital Cost	Net Area (ha)	Rate per Net Area (\$/ha)
Huntington Road Sanitary Sewer (Trade Valley to Rutherford Road)	\$2,719,025	308.80	\$8,805

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 090-2018

A By-Law to impose Area Specific Development Charges – VMC – Interchange SWM Pond Retrofit Works.

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 3, 2018 to consider the enactment of an Area Specific 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 9, 2018 and amended on May 16, 2018, 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 March 9, 2018 in accordance with Section 12 of the Act;

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

DEFINITIONS

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

- (1) **“accessory use”** means the use of any building or structure that is naturally and normally:
 - (a) incidental;
 - (b) subordinate to; and
 - (c) 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;
- (2) **“agreement”** means a contract between the City and an owner and any amendment thereto;
- (3) **“agricultural use”** means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, 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; but does not include a commercial use or a medical marijuana operation;
- (4) **“air supported structure”** means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (5) **“apartment building”** means a residential use building, or the residential use portion of a mixed-use building, other than a townhouse or stacked townhouse containing four or more dwelling units each of which shall have access to above grade common halls, stairs, elevators, and yards;
- (6) **“area specific development charge”** and **“special service area development charge”** mean a charge imposed with respect to growth-related net capital costs against a defined land area for specified services under the applicable by-law;
- (7) **“atrium”** means a large open space extending through several floors in a building that is open to the ceiling;
- (8) **“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 of the underside of the floor joist is below the finished grade;

- (9) **“building or structure”** means a permanent enclosed structure occupying an area greater than 10 square metres, consisting of a wall, roof, and/or floor, or any of them, or a structural system serving the function thereof, which includes, but is not limited to, air-supported structures or industrial tents; a canopy however shall not be considered a building or structure for the purpose of this By-law and shall not attract development charges;
- (10) **“building permit”** means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure, or which permits the construction of the foundation of a building or structure;
- (11) **“canopy”** means an overhanging, projection, or covering connected to a principal use on the lands, such as over a gas bar or outdoor storage;
- (12) **“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:
- (a) to acquire land or an interest in land, including a leasehold interest;
 - (b) to improve land;
 - (c) to acquire, lease, construct, or improve buildings and structures;
 - (d) to acquire, lease, construct, or improve facilities including:
 - (i) rolling stock with an estimated useful life of seven (7) years or more years;
 - (ii) furniture and equipment, other than computer equipment; and
 - (iii) 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;
 - (e) to undertake studies in connection with any of the matters in clauses (a) to (d);
 - (f) of the development charge background study required before enactment of this by-law; and
 - (g) of interest on money borrowed to pay for costs described in any of the matters in clauses (a) to (d);

- (13) **“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;
- (14) **“City”** means the Corporation of the City of Vaughan;
- (15) **“commercial parking garage”** means a building or structure, or any part thereof, whose principal use is for the parking of motor vehicles for remuneration, or in the case where parking is provided as an accessory to a principal use on the lands, where such parking is provided in a building or structure, or part thereof, whether or not there is remuneration paid by the owner or user for the motor vehicle, the portion of parking as required by the Zoning By-law shall not attract development charges for the purpose of this By-law;
- (16) **“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;
- (17) **“development charge”** means a charge imposed with respect to growth-related net capital costs against land under this by-law;
- (18) **“duplex”** means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;
- (19) **“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;
- (20) **“engineering services”** means services related to a highway, and may include water supply services, waste water services, and storm water drainage and control services;
- (21) **“existing industrial building”** means an existing building or structure to be used, or designed or intended for:
- (a) manufacturing, producing, processing, storing, or distributing something;
 - (b) research or development in connection with manufacturing, producing, or processing something;
 - (c) 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;

- (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage, or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- (22) **“funeral home”** means a building or structure with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- (23) **“future development”** means development which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- (24) **“grade finished”** means the average elevation of the finished ground level at the wall(s);
- (25) **“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:
 - (a) includes the floor area of a mezzanine and the space occupied by interior walls and partitions; and
 - (b) 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
 - (c) excludes the area of any self-contained structural shelf and rack storage facility approved by the Building Materials Evaluation Commission; and
 - (d) includes any part of a building or structure above or below grade used as a commercial parking garage; and
 - (e) for the purposes of this definition, the non-residential 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;
- (26) **“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;

- (27) **“heritage property”** means a property that contains cultural heritage value as defined under the Ontario Heritage Act;
- (28) **“home occupation”** means an occupation permitted in a dwelling unit and which:
- (a) is clearly secondary to the use of the dwelling unit;
 - (b) does not change the external character of the dwelling unit; and
 - (c) does not create or become a public nuisance, in particular in respect to noise, traffic, or parking;
- (29) **“household”** means one or more persons occupying or sharing all areas of the dwelling unit;
- (30) **“large apartment”** means a dwelling unit in an apartment building or plex that is 700 square feet or larger in size;
- (31) **“live-work unit”** means a unit intended for both residential and non-residential uses concurrently;
- (32) **“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;
- (33) **“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;
- (34) **“medical marijuana operation”** means the cultivation, growth, harvesting, processing, composting, destruction, packaging, storage and distribution of plants or parts of plants of the genus *Cannabis* (marijuana) as lawfully permitted and authorized under the Government of Canada’s Marijuana for Medical Purposes Regulations;
- (35) **“mid-high density mixed-use”** means a building or structure used, designed, or intended for residential and non-residential uses, where:
- (a) the non-residential uses comprise not more than fifty percent (50%) of the gross floor area of the building;
 - (b) the non-residential uses comprise a minimum of five percent (5%) of the gross floor area of the building; and

- (c) the residential portion of the building or structure is over five (5) storeys in height;
- (36) **“mixed-use building”** means a building or structure containing a residential and non-residential use other than a home occupation;
- (37) **“mezzanine”** means a mezzanine as defined in the Building Code Act;
- (38) **“multiple unit dwelling”** includes stacked townhouses, and all other residential uses that are not included in the definition of apartment, single detached dwelling, or semi-detached dwelling;
- (39) **“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, 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;
- (40) **“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;
- (41) **“non-commercial parking garage”** means a building or structure, or any part thereof, that is not a commercial parking garage;
- (42) **“owner”** means the owner of the land or a person who has made an application for an approval of the development of the land upon which a development charge or an area specific development charge is imposed;
- (43) **“plex”** means a duplex, a semi-detached duplex, a triplex, or a semi-detached triplex;
- (44) **“re-development”** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use from a residential to non-residential use or from a non-residential to residential use or from one residential use to another form of residential use;
- (45) **“semi-detached duplex”** means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- (46) **“semi-detached dwelling”** means a building divided vertically into two dwelling units;

- (47) **“semi-detached triplex”** means one of a pair of triplexes divided vertically one from the other by a party wall;
- (48) **“services”** means services designated in this by-law;
- (49) **“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 the purposes of this by-law;
- (50) **“small apartment”** means a dwelling unit in an apartment building or a plex that is less than 700 square feet in size;
- (51) **“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;
- (52) **“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;
- (53) **“subdivision”** includes condominium;
- (54) **“Temporary Sales Centre”** means a Building, including a trailer, that is designed or intended to be temporary, or intended to be removed from the land or demolished after use and which is used exclusively as an Office or presentation centre, or both, for new building sales;
- (55) **“triplex”** means a building comprising 3 dwelling units, each of which has a separate entrance to grade;
- (56) **“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;
- (57) **“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;

- (58) **“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 in part by public funds;
- (59) **“use, non-residential”** means the use of any land, building or structure, or any part thereof, for use other than a residential use, and shall include commercial use, industrial use, and institutional use;
- (60) **“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;

RULES – APPLICATION, EXEMPTIONS, AND EXCEPTIONS

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) a board of education as defined in section 1(1) of the *Education Act*
 - (c) 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;
 - (d) lands, buildings or structures owned by Metrolinx and used for transit related purposes;
 - (e) any area municipality within the Regional Municipality of York;
 - (f) the Regional Municipality of York or any local board thereof; and
 - (g) a public hospital receiving aid under the Public Hospitals Act;
- (3) Development charges for the services designated in Schedule A shall be imposed upon the service area in Schedule B, specified in Schedule A, and shall be collected

in accordance with this by-law on development for residential use or non-residential use purposes;

- (4) Development charges provided for in subsection (3) 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; or
 - (g) the issuing of a permit under the Building Code Act, 1992, S.O. 1992 c.23 in relation to a building or structure;
- (5) 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 2(4)(a) to (g) are required before the land can be developed;
- (6) Despite subsection (5), if two or more of the actions described in paragraphs 3(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 (3) limited to the increase;
- (7) Notwithstanding any other provisions of this by-law, a building or structure shall be exempt from the payment of development charges provided that it 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 canopy used on a temporary or seasonal basis;

- (c) a home occupation;
 - (d) an agricultural use;
 - (e) a 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;
 - (f) a temporary sales centre;
 - (g) the relocation of a built heritage structure that is listed under Section 27 of the Ontario Heritage Act or designated under Part IV or V of the Ontario Heritage Act; or
 - (h) Land, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto, including mausoleums and columbariums, but excluding funeral homes; or
 - (i) Buildings or structures owned by and used for the purpose of a conservation authority, unless such buildings or structures are used primarily for, or in connection with (i) recreational purposes for which the conservation authority charges admission, or (ii) any commercial use.
- (8) Area specific development charges paid hereunder shall be maintained in a separate reserve fund or funds and shall be used only for the services specified in Schedule A.

ADMINISTRATION

Payment

- 3.
- (1) Unless otherwise provided by agreement, all development charges payable shall be paid by certified funds to the City Treasurer;
 - (2) 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;
 - (3) 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 area specific development charge as provided on Schedule A immediately upon entering into the subdivision agreement;

- (4) 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 subsection 2(4)(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 subsection 2(4)(a) to (f) required, or on a date set by agreement;

Credits

4.

- (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;

GENERAL

Semi-Annual Adjustment

5.

- (1) The development charges established pursuant to Section 2 of this by-law shall 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, 2018, 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

6.

- (1) This By-law shall come into force on September 21, 2018;
- (2) Nothing in this 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;

- (3) 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;
- (4) Schedules A and B are attached hereto and form part of this by-law;

TRANSITIONAL PROVISIONS

7.

- (1) 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, no payment as required under this by-law and no credits or refunds shall apply;
- (2) This by-law may be cited as the Area Specific Development Charges By-law, 2018.

Enacted by City of Vaughan Council this 23rd day of May, 2018.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 2 of Report No. 5
of the Finance, Administration and Audit Committee
Adopted by Vaughan City Council on
May 23, 2018.

Schedule A:

Area Specific Development Charge Calculation

Service	Net Capital Cost	Net Area (ha)	Rate per Net Area (\$/ha)
VMC – Interchange SWM Pond Retrofit Works	\$39,032,598	54.34	\$718,253

BY-LAW NUMBER: -2018

PASSED THE _____ DAY OF _____, 2018


SIGNING OFFICERS

MAYOR

CLERK

VMC - INTERCHANGE SWM POND RETROFIT WORKS

 SERVICE AREA



PROPOSED SWM POND

39 CITY BLOCK NUMBER



THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 091-2018

A By-Law to impose Area Specific Development Charges – Steeles West Sanitary Sewer Improvement Works.

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 3, 2018 to consider the enactment of an Area Specific 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 9, 2018 and amended on May 16, 2018, 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 March 9, 2018 in accordance with Section 12 of the Act;

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

DEFINITIONS

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

- (1) **“accessory use”** means the use of any building or structure that is naturally and normally:
 - (a) incidental;
 - (b) subordinate to; and
 - (c) 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;
- (2) **“agreement”** means a contract between the City and an owner and any amendment thereto;
- (3) **“agricultural use”** means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, 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; but does not include a commercial use or a medical marijuana operation;
- (4) **“air supported structure”** means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (5) **“apartment building”** means a residential use building, or the residential use portion of a mixed-use building, other than a townhouse or stacked townhouse containing four or more dwelling units each of which shall have access to above grade common halls, stairs, elevators, and yards;
- (6) **“area specific development charge”** and **“special service area development charge”** mean a charge imposed with respect to growth-related net capital costs against a defined land area for specified services under the applicable by-law;
- (7) **“atrium”** means a large open space extending through several floors in a building that is open to the ceiling;
- (8) **“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 of the underside of the floor joist is below the finished grade;

- (9) **“building or structure”** means a permanent enclosed structure occupying an area greater than 10 square metres, consisting of a wall, roof, and/or floor, or any of them, or a structural system serving the function thereof, which includes, but is not limited to, air-supported structures or industrial tents; a canopy however shall not be considered a building or structure for the purpose of this By-law and shall not attract development charges;
- (10) **“building permit”** means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure, or which permits the construction of the foundation of a building or structure;
- (11) **“canopy”** means an overhanging, projection, or covering connected to a principal use on the lands, such as over a gas bar or outdoor storage;
- (12) **“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:
- (a) to acquire land or an interest in land, including a leasehold interest;
 - (b) to improve land;
 - (c) to acquire, lease, construct, or improve buildings and structures;
 - (d) to acquire, lease, construct, or improve facilities including:
 - (i) rolling stock with an estimated useful life of seven (7) years or more years;
 - (ii) furniture and equipment, other than computer equipment; and
 - (iii) 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;
 - (e) to undertake studies in connection with any of the matters in clauses (a) to (d);
 - (f) of the development charge background study required before enactment of this by-law; and
 - (g) of interest on money borrowed to pay for costs described in any of the matters in clauses (a) to (d);

- (13) **“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;
- (14) **“City”** means the Corporation of the City of Vaughan;
- (15) **“commercial parking garage”** means a building or structure, or any part thereof, whose principal use is for the parking of motor vehicles for remuneration, or in the case where parking is provided as an accessory to a principal use on the lands, where such parking is provided in a building or structure, or part thereof, whether or not there is remuneration paid by the owner or user for the motor vehicle, the portion of parking as required by the Zoning By-law shall not attract development charges for the purpose of this By-law;
- (16) **“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;
- (17) **“development charge”** means a charge imposed with respect to growth-related net capital costs against land under this by-law;
- (18) **“duplex”** means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;
- (19) **“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;
- (20) **“engineering services”** means services related to a highway, and may include water supply services, waste water services, and storm water drainage and control services;
- (21) **“existing industrial building”** means an existing building or structure to be used, or designed or intended for:
- (a) manufacturing, producing, processing, storing, or distributing something;
 - (b) research or development in connection with manufacturing, producing, or processing something;
 - (c) 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;

- (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage, or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- (22) **“funeral home”** means a building or structure with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- (23) **“future development”** means development which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- (24) **“grade finished”** means the average elevation of the finished ground level at the wall(s);
- (25) **“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:
 - (a) includes the floor area of a mezzanine and the space occupied by interior walls and partitions; and
 - (b) 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
 - (c) excludes the area of any self-contained structural shelf and rack storage facility approved by the Building Materials Evaluation Commission; and
 - (d) includes any part of a building or structure above or below grade used as a commercial parking garage; and
 - (e) for the purposes of this definition, the non-residential 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;
- (26) **“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;

- (27) **“heritage property”** means a property that contains cultural heritage value as defined under the Ontario Heritage Act;
- (28) **“home occupation”** means an occupation permitted in a dwelling unit and which:
- (a) is clearly secondary to the use of the dwelling unit;
 - (b) does not change the external character of the dwelling unit; and
 - (c) does not create or become a public nuisance, in particular in respect to noise, traffic, or parking;
- (29) **“household”** means one or more persons occupying or sharing all areas of the dwelling unit;
- (30) **“large apartment”** means a dwelling unit in an apartment building or plex that is 700 square feet or larger in size;
- (31) **“live-work unit”** means a unit intended for both residential and non-residential uses concurrently;
- (32) **“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;
- (33) **“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;
- (34) **“medical marijuana operation”** means the cultivation, growth, harvesting, processing, composting, destruction, packaging, storage and distribution of plants or parts of plants of the genus *Cannabis* (marijuana) as lawfully permitted and authorized under the Government of Canada’s Marijuana for Medical Purposes Regulations;
- (35) **“mid-high density mixed-use”** means a building or structure used, designed, or intended for residential and non-residential uses, where:
- (a) the non-residential uses comprise not more than fifty percent (50%) of the gross floor area of the building;
 - (b) the non-residential uses comprise a minimum of five percent (5%) of the gross floor area of the building; and

- (c) the residential portion of the building or structure is over five (5) storeys in height;
- (36) **“mixed-use building”** means a building or structure containing a residential and non-residential use other than a home occupation;
- (37) **“mezzanine”** means a mezzanine as defined in the Building Code Act;
- (38) **“multiple unit dwelling”** includes stacked townhouses, and all other residential uses that are not included in the definition of apartment, single detached dwelling, or semi-detached dwelling;
- (39) **“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, 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;
- (40) **“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;
- (41) **“non-commercial parking garage”** means a building or structure, or any part thereof, that is not a commercial parking garage;
- (42) **“owner”** means the owner of the land or a person who has made an application for an approval of the development of the land upon which a development charge or an area specific development charge is imposed;
- (43) **“plex”** means a duplex, a semi-detached duplex, a triplex, or a semi-detached triplex;
- (44) **“re-development”** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use from a residential to non-residential use or from a non-residential to residential use or from one residential use to another form of residential use;
- (45) **“semi-detached duplex”** means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- (46) **“semi-detached dwelling”** means a building divided vertically into two dwelling units;

- (47) **“semi-detached triplex”** means one of a pair of triplexes divided vertically one from the other by a party wall;
- (48) **“services”** means services designated in this by-law;
- (49) **“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 the purposes of this by-law;
- (50) **“small apartment”** means a dwelling unit in an apartment building or a plex that is less than 700 square feet in size;
- (51) **“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;
- (52) **“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;
- (53) **“subdivision”** includes condominium;
- (54) **“Temporary Sales Centre”** means a Building, including a trailer, that is designed or intended to be temporary, or intended to be removed from the land or demolished after use and which is used exclusively as an Office or presentation centre, or both, for new building sales;
- (55) **“triplex”** means a building comprising 3 dwelling units, each of which has a separate entrance to grade;
- (56) **“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;
- (57) **“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;

- (58) **“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 in part by public funds;
- (59) **“use, non-residential”** means the use of any land, building or structure, or any part thereof, for use other than a residential use, and shall include commercial use, industrial use, and institutional use;
- (60) **“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;

RULES – APPLICATION, EXEMPTIONS, AND EXCEPTIONS

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) a board of education as defined in section 1(1) of the *Education Act*
 - (c) 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;
 - (d) lands, buildings or structures owned by Metrolinx and used for transit related purposes;
 - (e) any area municipality within the Regional Municipality of York;
 - (f) the Regional Municipality of York or any local board thereof; and
 - (g) a public hospital receiving aid under the Public Hospitals Act;
- (3) Development charges for the services designated in Schedule A shall be imposed upon the service area in Schedule B, specified in Schedule A, and shall be collected

in accordance with this by-law on development for residential use or non-residential use purposes;

- (4) Development charges provided for in subsection (3) 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; or
 - (g) the issuing of a permit under the Building Code Act, 1992, S.O. 1992 c.23 in relation to a building or structure;
- (5) 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 2(4)(a) to (g) are required before the land can be developed;
- (6) Despite subsection (5), if two or more of the actions described in paragraphs 3(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 (3) limited to the increase;
- (7) Notwithstanding any other provisions of this by-law, a building or structure shall be exempt from the payment of development charges provided that it 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 canopy used on a temporary or seasonal basis;

- (c) a home occupation;
 - (d) an agricultural use;
 - (e) a 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;
 - (f) a temporary sales centre;
 - (g) the relocation of a built heritage structure that is listed under Section 27 of the Ontario Heritage Act or designated under Part IV or V of the Ontario Heritage Act; or
 - (h) Land, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto, including mausoleums and columbariums, but excluding funeral homes; or
 - (i) Buildings or structures owned by and used for the purpose of a conservation authority, unless such buildings or structures are used primarily for, or in connection with (i) recreational purposes for which the conservation authority charges admission, or (ii) any commercial use.
- (8) Area specific development charges paid hereunder shall be maintained in a separate reserve fund or funds and shall be used only for the services specified in Schedule A.

ADMINISTRATION

Payment

- 3.
- (1) Unless otherwise provided by agreement, all development charges payable shall be paid by certified funds to the City Treasurer;
 - (2) 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;
 - (3) 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 area specific development charge as provided on Schedule A immediately upon entering into the subdivision agreement;

- (4) 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 subsection 2(4)(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 subsection 2(4)(a) to (f) required, or on a date set by agreement;

Credits

4.

- (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;

GENERAL

Semi-Annual Adjustment

5.

- (1) The development charges established pursuant to Section 2 of this by-law shall 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, 2018, 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

6.

- (1) This By-law shall come into force on September 21, 2018;
- (2) Nothing in this 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;

- (3) 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;
- (4) Schedules A and B are attached hereto and form part of this by-law;

TRANSITIONAL PROVISIONS

7.

- (1) 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, no payment as required under this by-law and no credits or refunds shall apply;
- (2) This by-law may be cited as the Area Specific Development Charges By-law, 2018.

Enacted by City of Vaughan Council this 23rd day of May, 2018.

Hon. Maurizio Bevilacqua, Mayor

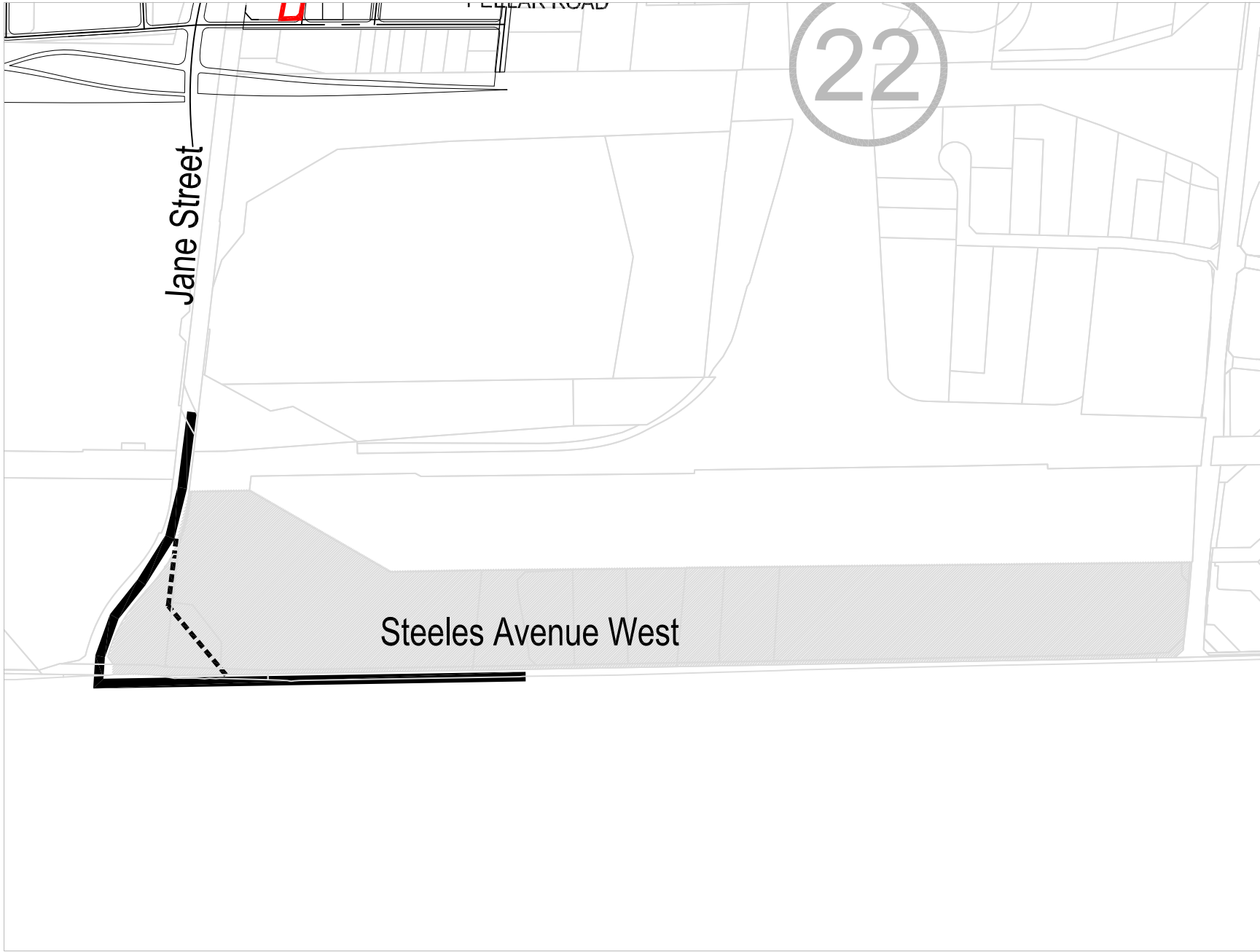
Todd Coles, City Clerk

Authorized by Item No. 2 of Report No. 5
of the Finance, Administration and Audit Committee
Adopted by Vaughan City Council on
May 23, 2018

Schedule A:

Area Specific Development Charge Calculation

Service	Net Capital Cost	Net Area (ha)	Rate per Net Area (\$/ha)
Steeles West Sanitary Sewer Improvement Works	\$2,277,898	37.60	\$60,583



SCHEDULE "B"
AREA SPECIFIC
DEVELOPMENT CHARGES

BY-LAW NUMBER: -2018




PASSED THE ____ DAY OF _____, 2018

SIGNING OFFICERS

MAYOR

CLERK

STEELES WEST SANITARY
SEWER IMPROVEMENT
WORKS

-  SERVICE AREA
-  PROPOSED SANITARY SEWER UPGRADE WORKS
-  EXISTING SANITARY SEWER TO BE ABANDONED
- 39** CITY BLOCK NUMBER



NOT TO SCALE



THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 092-2018

A By-Law to impose Area Specific Development Charges – Steeles West SWM Works.

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;

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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 9, 2018 and amended on May 16, 2018, 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 March 9, 2018 in accordance with Section 12 of the Act;

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

- (1) **“accessory use”** means the use of any building or structure that is naturally and normally:
 - (a) incidental;
 - (b) subordinate to; and
 - (c) 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;
- (2) **“agreement”** means a contract between the City and an owner and any amendment thereto;
- (3) **“agricultural use”** means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, 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; but does not include a commercial use or a medical marijuana operation;
- (4) **“air supported structure”** means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (5) **“apartment building”** means a residential use building, or the residential use portion of a mixed-use building, other than a townhouse or stacked townhouse containing four or more dwelling units each of which shall have access to above grade common halls, stairs, elevators, and yards;
- (6) **“area specific development charge”** and **“special service area development charge”** mean a charge imposed with respect to growth-related net capital costs against a defined land area for specified services under the applicable by-law;
- (7) **“atrium”** means a large open space extending through several floors in a building that is open to the ceiling;
- (8) **“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 of the underside of the floor joist is below the finished grade;

- (9) **“building or structure”** means a permanent enclosed structure occupying an area greater than 10 square metres, consisting of a wall, roof, and/or floor, or any of them, or a structural system serving the function thereof, which includes, but is not limited to, air-supported structures or industrial tents; a canopy however shall not be considered a building or structure for the purpose of this By-law and shall not attract development charges;
- (10) **“building permit”** means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure, or which permits the construction of the foundation of a building or structure;
- (11) **“canopy”** means an overhanging, projection, or covering connected to a principal use on the lands, such as over a gas bar or outdoor storage;
- (12) **“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:
- (a) to acquire land or an interest in land, including a leasehold interest;
 - (b) to improve land;
 - (c) to acquire, lease, construct, or improve buildings and structures;
 - (d) to acquire, lease, construct, or improve facilities including:
 - (i) rolling stock with an estimated useful life of seven (7) years or more years;
 - (ii) furniture and equipment, other than computer equipment; and
 - (iii) 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;
 - (e) to undertake studies in connection with any of the matters in clauses (a) to (d);
 - (f) of the development charge background study required before enactment of this by-law; and
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- (13) **“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;
- (14) **“City”** means the Corporation of the City of Vaughan;
- (15) **“commercial parking garage”** means a building or structure, or any part thereof, whose principal use is for the parking of motor vehicles for remuneration, or in the case where parking is provided as an accessory to a principal use on the lands, where such parking is provided in a building or structure, or part thereof, whether or not there is remuneration paid by the owner or user for the motor vehicle, the portion of parking as required by the Zoning By-law shall not attract development charges for the purpose of this By-law;
- (16) **“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;
- (17) **“development charge”** means a charge imposed with respect to growth-related net capital costs against land under this by-law;
- (18) **“duplex”** means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;
- (19) **“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;
- (20) **“engineering services”** means services related to a highway, and may include water supply services, waste water services, and storm water drainage and control services;
- (21) **“existing industrial building”** means an existing building or structure to be used, or designed or intended for:
- (a) manufacturing, producing, processing, storing, or distributing something;
 - (b) research or development in connection with manufacturing, producing, or processing something;
 - (c) 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;

- (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage, or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- (22) **“funeral home”** means a building or structure with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- (23) **“future development”** means development which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- (24) **“grade finished”** means the average elevation of the finished ground level at the wall(s);
- (25) **“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:
 - (a) includes the floor area of a mezzanine and the space occupied by interior walls and partitions; and
 - (b) 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
 - (c) excludes the area of any self-contained structural shelf and rack storage facility approved by the Building Materials Evaluation Commission; and
 - (d) includes any part of a building or structure above or below grade used as a commercial parking garage; and
 - (e) for the purposes of this definition, the non-residential 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;
- (26) **“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;

- (27) **“heritage property”** means a property that contains cultural heritage value as defined under the Ontario Heritage Act;
- (28) **“home occupation”** means an occupation permitted in a dwelling unit and which:
- (a) is clearly secondary to the use of the dwelling unit;
 - (b) does not change the external character of the dwelling unit; and
 - (c) does not create or become a public nuisance, in particular in respect to noise, traffic, or parking;
- (29) **“household”** means one or more persons occupying or sharing all areas of the dwelling unit;
- (30) **“large apartment”** means a dwelling unit in an apartment building or plex that is 700 square feet or larger in size;
- (31) **“live-work unit”** means a unit intended for both residential and non-residential uses concurrently;
- (32) **“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;
- (33) **“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;
- (34) **“medical marijuana operation”** means the cultivation, growth, harvesting, processing, composting, destruction, packaging, storage and distribution of plants or parts of plants of the genus *Cannabis* (marijuana) as lawfully permitted and authorized under the Government of Canada’s Marijuana for Medical Purposes Regulations;
- (35) **“mid-high density mixed-use”** means a building or structure used, designed, or intended for residential and non-residential uses, where:
- (a) the non-residential uses comprise not more than fifty percent (50%) of the gross floor area of the building;
 - (b) the non-residential uses comprise a minimum of five percent (5%) of the gross floor area of the building; and

- (c) the residential portion of the building or structure is over five (5) storeys in height;
- (36) **“mixed-use building”** means a building or structure containing a residential and non-residential use other than a home occupation;
- (37) **“mezzanine”** means a mezzanine as defined in the Building Code Act;
- (38) **“multiple unit dwelling”** includes stacked townhouses, and all other residential uses that are not included in the definition of apartment, single detached dwelling, or semi-detached dwelling;
- (39) **“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, 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;
- (40) **“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;
- (41) **“non-commercial parking garage”** means a building or structure, or any part thereof, that is not a commercial parking garage;
- (42) **“owner”** means the owner of the land or a person who has made an application for an approval of the development of the land upon which a development charge or an area specific development charge is imposed;
- (43) **“plex”** means a duplex, a semi-detached duplex, a triplex, or a semi-detached triplex;
- (44) **“re-development”** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use from a residential to non-residential use or from a non-residential to residential use or from one residential use to another form of residential use;
- (45) **“semi-detached duplex”** means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- (46) **“semi-detached dwelling”** means a building divided vertically into two dwelling units;

- (47) **“semi-detached triplex”** means one of a pair of triplexes divided vertically one from the other by a party wall;
- (48) **“services”** means services designated in this by-law;
- (49) **“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 the purposes of this by-law;
- (50) **“small apartment”** means a dwelling unit in an apartment building or a plex that is less than 700 square feet in size;
- (51) **“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;
- (52) **“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;
- (53) **“subdivision”** includes condominium;
- (54) **“Temporary Sales Centre”** means a Building, including a trailer, that is designed or intended to be temporary, or intended to be removed from the land or demolished after use and which is used exclusively as an Office or presentation centre, or both, for new building sales;
- (55) **“triplex”** means a building comprising 3 dwelling units, each of which has a separate entrance to grade;
- (56) **“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;
- (57) **“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;

- (58) **“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 in part by public funds;
- (59) **“use, non-residential”** means the use of any land, building or structure, or any part thereof, for use other than a residential use, and shall include commercial use, industrial use, and institutional use;
- (60) **“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;

RULES – APPLICATION, EXEMPTIONS, AND EXCEPTIONS

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) a board of education as defined in section 1(1) of the *Education Act*
 - (c) 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;
 - (d) lands, buildings or structures owned by Metrolinx and used for transit related purposes;
 - (e) any area municipality within the Regional Municipality of York;
 - (f) the Regional Municipality of York or any local board thereof; and
 - (g) a public hospital receiving aid under the Public Hospitals Act;
- (3) Development charges for the services designated in Schedule A shall be imposed upon the service area in Schedule B, specified in Schedule A, and shall be collected

in accordance with this by-law on development for residential use or non-residential use purposes;

- (4) Development charges provided for in subsection (3) 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; or
 - (g) the issuing of a permit under the Building Code Act, 1992, S.O. 1992 c.23 in relation to a building or structure;
- (5) 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 2(4)(a) to (g) are required before the land can be developed;
- (6) Despite subsection (5), if two or more of the actions described in paragraphs 3(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 (3) limited to the increase;
- (7) Notwithstanding any other provisions of this by-law, a building or structure shall be exempt from the payment of development charges provided that it 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 canopy used on a temporary or seasonal basis;

- (c) a home occupation;
 - (d) an agricultural use;
 - (e) a 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;
 - (f) a temporary sales centre;
 - (g) the relocation of a built heritage structure that is listed under Section 27 of the Ontario Heritage Act or designated under Part IV or V of the Ontario Heritage Act;
or
 - (h) Land, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto, including mausoleums and columbariums, but excluding funeral homes;
or
 - (i) Buildings or structures owned by and used for the purpose of a conservation authority, unless such buildings or structures are used primarily for, or in connection with (i) recreational purposes for which the conservation authority charges admission, or (ii) any commercial use.
- (8) Area specific development charges paid hereunder shall be maintained in a separate reserve fund or funds and shall be used only for the services specified in Schedule A.

ADMINISTRATION

Payment

- 3.
- (1) Unless otherwise provided by agreement, all development charges payable shall be paid by certified funds to the City Treasurer;
 - (2) 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;
 - (3) 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 area specific development charge as provided on Schedule A immediately upon entering into the subdivision agreement;

- (4) 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 subsection 2(4)(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 subsection 2(4)(a) to (f) required, or on a date set by agreement;

Credits

4.

- (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;

GENERAL

Semi-Annual Adjustment

5.

- (1) The development charges established pursuant to Section 2 of this by-law shall 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, 2018, 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

6.

- (1) This By-law shall come into force on September 21, 2018;
- (2) Nothing in this 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;

- (3) 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;
- (4) Schedules A and B are attached hereto and form part of this by-law;

TRANSITIONAL PROVISIONS

7.

- (1) 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, no payment as required under this by-law and no credits or refunds shall apply;
- (2) This by-law may be cited as the Area Specific Development Charges By-law, 2018.

Enacted by City of Vaughan Council this 23rd day of May, 2018.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 2 of Report No. 5
of the Finance, Administration and Audit Committee
Adopted by Vaughan City Council on
May 23, 2018

Schedule A:

Area Specific Development Charge Calculation

Service	Net Capital Cost	Net Area (ha)	Rate per Net Area (\$/ha)
Steeles West SWM Works	\$35,530,895	37.60	\$944,982

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 093-2018

A By-Law to impose Area Specific Development Charges – Woodbridge Avenue Sanitary Sewer Improvements.

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 3, 2018 to consider the enactment of an Area Specific 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 9, 2018 and amended on May 16, 2018, 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 March 9, 2018 in accordance with Section 12 of the Act;

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

DEFINITIONS

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

- (1) **“accessory use”** means the use of any building or structure that is naturally and normally:
 - (a) incidental;
 - (b) subordinate to; and
 - (c) 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;
- (2) **“agreement”** means a contract between the City and an owner and any amendment thereto;
- (3) **“agricultural use”** means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, 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; but does not include a commercial use or a medical marijuana operation;
- (4) **“air supported structure”** means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (5) **“apartment building”** means a residential use building, or the residential use portion of a mixed-use building, other than a townhouse or stacked townhouse containing four or more dwelling units each of which shall have access to above grade common halls, stairs, elevators, and yards;
- (6) **“area specific development charge”** and **“special service area development charge”** mean a charge imposed with respect to growth-related net capital costs against a defined land area for specified services under the applicable by-law;
- (7) **“atrium”** means a large open space extending through several floors in a building that is open to the ceiling;
- (8) **“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 of the underside of the floor joist is below the finished grade;

- (9) **“building or structure”** means a permanent enclosed structure occupying an area greater than 10 square metres, consisting of a wall, roof, and/or floor, or any of them, or a structural system serving the function thereof, which includes, but is not limited to, air-supported structures or industrial tents; a canopy however shall not be considered a building or structure for the purpose of this By-law and shall not attract development charges;
- (10) **“building permit”** means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure, or which permits the construction of the foundation of a building or structure;
- (11) **“canopy”** means an overhanging, projection, or covering connected to a principal use on the lands, such as over a gas bar or outdoor storage;
- (12) **“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:
- (a) to acquire land or an interest in land, including a leasehold interest;
 - (b) to improve land;
 - (c) to acquire, lease, construct, or improve buildings and structures;
 - (d) to acquire, lease, construct, or improve facilities including:
 - (i) rolling stock with an estimated useful life of seven (7) years or more years;
 - (ii) furniture and equipment, other than computer equipment; and
 - (iii) 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;
 - (e) to undertake studies in connection with any of the matters in clauses (a) to (d);
 - (f) of the development charge background study required before enactment of this by-law; and
 - (g) of interest on money borrowed to pay for costs described in any of the matters in clauses (a) to (d);

- (13) **“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;
- (14) **“City”** means the Corporation of the City of Vaughan;
- (15) **“commercial parking garage”** means a building or structure, or any part thereof, whose principal use is for the parking of motor vehicles for remuneration, or in the case where parking is provided as an accessory to a principal use on the lands, where such parking is provided in a building or structure, or part thereof, whether or not there is remuneration paid by the owner or user for the motor vehicle, the portion of parking as required by the Zoning By-law shall not attract development charges for the purpose of this By-law;
- (16) **“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;
- (17) **“development charge”** means a charge imposed with respect to growth-related net capital costs against land under this by-law;
- (18) **“duplex”** means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;
- (19) **“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;
- (20) **“engineering services”** means services related to a highway, and may include water supply services, waste water services, and storm water drainage and control services;
- (21) **“existing industrial building”** means an existing building or structure to be used, or designed or intended for:
- (a) manufacturing, producing, processing, storing, or distributing something;
 - (b) research or development in connection with manufacturing, producing, or processing something;
 - (c) 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;

- (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage, or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- (22) **“funeral home”** means a building or structure with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- (23) **“future development”** means development which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- (24) **“grade finished”** means the average elevation of the finished ground level at the wall(s);
- (25) **“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:
 - (a) includes the floor area of a mezzanine and the space occupied by interior walls and partitions; and
 - (b) 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
 - (c) excludes the area of any self-contained structural shelf and rack storage facility approved by the Building Materials Evaluation Commission; and
 - (d) includes any part of a building or structure above or below grade used as a commercial parking garage; and
 - (e) for the purposes of this definition, the non-residential 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;
- (26) **“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;

- (27) **“heritage property”** means a property that contains cultural heritage value as defined under the Ontario Heritage Act;
- (28) **“home occupation”** means an occupation permitted in a dwelling unit and which:
- (a) is clearly secondary to the use of the dwelling unit;
 - (b) does not change the external character of the dwelling unit; and
 - (c) does not create or become a public nuisance, in particular in respect to noise, traffic, or parking;
- (29) **“household”** means one or more persons occupying or sharing all areas of the dwelling unit;
- (30) **“large apartment”** means a dwelling unit in an apartment building or plex that is 700 square feet or larger in size;
- (31) **“live-work unit”** means a unit intended for both residential and non-residential uses concurrently;
- (32) **“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;
- (33) **“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;
- (34) **“medical marijuana operation”** means the cultivation, growth, harvesting, processing, composting, destruction, packaging, storage and distribution of plants or parts of plants of the genus *Cannabis* (marijuana) as lawfully permitted and authorized under the Government of Canada’s Marijuana for Medical Purposes Regulations;
- (35) **“mid-high density mixed-use”** means a building or structure used, designed, or intended for residential and non-residential uses, where:
- (a) the non-residential uses comprise not more than fifty percent (50%) of the gross floor area of the building;
 - (b) the non-residential uses comprise a minimum of five percent (5%) of the gross floor area of the building; and

- (c) the residential portion of the building or structure is over five (5) storeys in height;
- (36) **“mixed-use building”** means a building or structure containing a residential and non-residential use other than a home occupation;
- (37) **“mezzanine”** means a mezzanine as defined in the Building Code Act;
- (38) **“multiple unit dwelling”** includes stacked townhouses, and all other residential uses that are not included in the definition of apartment, single detached dwelling, or semi-detached dwelling;
- (39) **“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, 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;
- (40) **“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;
- (41) **“non-commercial parking garage”** means a building or structure, or any part thereof, that is not a commercial parking garage;
- (42) **“owner”** means the owner of the land or a person who has made an application for an approval of the development of the land upon which a development charge or an area specific development charge is imposed;
- (43) **“plex”** means a duplex, a semi-detached duplex, a triplex, or a semi-detached triplex;
- (44) **“re-development”** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use from a residential to non-residential use or from a non-residential to residential use or from one residential use to another form of residential use;
- (45) **“semi-detached duplex”** means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- (46) **“semi-detached dwelling”** means a building divided vertically into two dwelling units;

- (47) **“semi-detached triplex”** means one of a pair of triplexes divided vertically one from the other by a party wall;
- (48) **“services”** means services designated in this by-law;
- (49) **“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 the purposes of this by-law;
- (50) **“small apartment”** means a dwelling unit in an apartment building or a plex that is less than 700 square feet in size;
- (51) **“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;
- (52) **“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;
- (53) **“subdivision”** includes condominium;
- (54) **“Temporary Sales Centre”** means a Building, including a trailer, that is designed or intended to be temporary, or intended to be removed from the land or demolished after use and which is used exclusively as an Office or presentation centre, or both, for new building sales;
- (55) **“triplex”** means a building comprising 3 dwelling units, each of which has a separate entrance to grade;
- (56) **“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;
- (57) **“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;

- (58) **“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 in part by public funds;
- (59) **“use, non-residential”** means the use of any land, building or structure, or any part thereof, for use other than a residential use, and shall include commercial use, industrial use, and institutional use;
- (60) **“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;

RULES – APPLICATION, EXEMPTIONS, AND EXCEPTIONS

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) a board of education as defined in section 1(1) of the *Education Act*
 - (c) 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;
 - (d) lands, buildings or structures owned by Metrolinx and used for transit related purposes;
 - (e) any area municipality within the Regional Municipality of York;
 - (f) the Regional Municipality of York or any local board thereof; and
 - (g) a public hospital receiving aid under the Public Hospitals Act;
- (3) Development charges for the services designated in Schedule A shall be imposed upon the service area in Schedule B, specified in Schedule A, and shall be collected

in accordance with this by-law on development for residential use or non-residential use purposes;

- (4) Development charges provided for in subsection (3) 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; or
 - (g) the issuing of a permit under the Building Code Act, 1992, S.O. 1992 c.23 in relation to a building or structure;
- (5) 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 2(4)(a) to (g) are required before the land can be developed;
- (6) Despite subsection (5), if two or more of the actions described in paragraphs 3(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 (3) limited to the increase;
- (7) Notwithstanding any other provisions of this by-law, a building or structure shall be exempt from the payment of development charges provided that it 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 canopy used on a temporary or seasonal basis;

- (c) a home occupation;
 - (d) an agricultural use;
 - (e) a 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;
 - (f) a temporary sales centre;
 - (g) the relocation of a built heritage structure that is listed under Section 27 of the Ontario Heritage Act or designated under Part IV or V of the Ontario Heritage Act; or
 - (h) Land, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto, including mausoleums and columbariums, but excluding funeral homes; or
 - (i) Buildings or structures owned by and used for the purpose of a conservation authority, unless such buildings or structures are used primarily for, or in connection with (i) recreational purposes for which the conservation authority charges admission, or (ii) any commercial use.
- (8) Area specific development charges paid hereunder shall be maintained in a separate reserve fund or funds and shall be used only for the services specified in Schedule A.

ADMINISTRATION

Payment

- 3.
- (1) Unless otherwise provided by agreement, all development charges payable shall be paid by certified funds to the City Treasurer;
 - (2) 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;
 - (3) 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 area specific development charge as provided on Schedule A immediately upon entering into the subdivision agreement;

- (4) 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 subsection 2(4)(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 subsection 2(4)(a) to (f) required, or on a date set by agreement;

Credits

4.

- (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;

GENERAL

Semi-Annual Adjustment

5.

- (1) The development charges established pursuant to Section 2 of this by-law shall 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, 2018, 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

6.

- (1) This By-law shall come into force on September 21, 2018;
- (2) Nothing in this 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;

- (3) 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;
- (4) Schedules A and B are attached hereto and form part of this by-law;

TRANSITIONAL PROVISIONS

7.

- (1) 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, no payment as required under this by-law and no credits or refunds shall apply;
- (2) This by-law may be cited as the Area Specific Development Charges By-law, 2018.

Enacted by City of Vaughan Council this 23rd day of May, 2018.

Hon. Maurizio Bevilacqua, Mayor

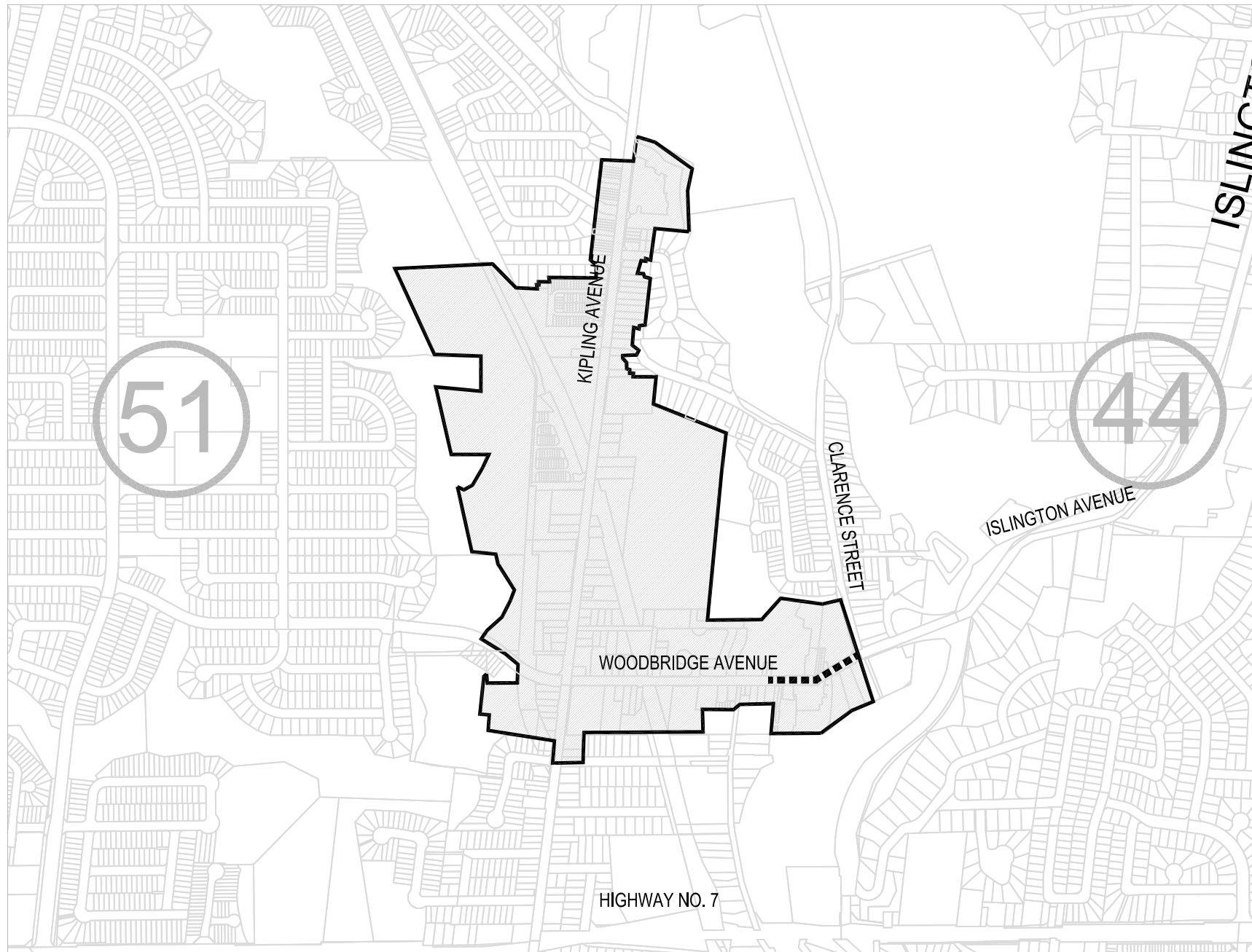
Todd Coles, City Clerk

Authorized by Item No. 2 of Report No. 5
of the Finance, Administration and Audit Committee
Adopted by Vaughan City Council on
May 23, 2018

Schedule A:

Area Specific Development Charge Calculation

Service	Net Capital Cost	Net Area (ha)	Rate per Net Area (\$/ha)
Woodbridge Avenue Sanitary Sewer Improvements	\$322,732	26.12	\$12,357



SCHEDULE "B" **AREA SPECIFIC** **DEVELOPMENT CHARGES**

BY-LAW NUMBER: -2018



PASSED THE ____ DAY OF _____, 2018

SIGNING OFFICERS

MAYOR

CLERK

WOODBIDGE AVENUE **SANITARY SEWER** **IMPROVEMENT WORKS**

-  SERVICE AREA
-  PROPOSED SANITARY SEWER IMPROVEMENTS WORKS
- 51** CITY BLOCK NUMBER



NOT TO SCALE



THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 094-2018

A By-Law to impose Area Specific Development Charges – VMC West – Interchange Sanitary Sewer Improvements.

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 3, 2018 to consider the enactment of an Area Specific 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 9, 2018 and amended on May 16, 2018, 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 March 9, 2018 in accordance with Section 12 of the Act;

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

DEFINITIONS

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

- (1) **“accessory use”** means the use of any building or structure that is naturally and normally:
 - (a) incidental;
 - (b) subordinate to; and
 - (c) 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;
- (2) **“agreement”** means a contract between the City and an owner and any amendment thereto;
- (3) **“agricultural use”** means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, 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; but does not include a commercial use or a medical marijuana operation;
- (4) **“air supported structure”** means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (5) **“apartment building”** means a residential use building, or the residential use portion of a mixed-use building, other than a townhouse or stacked townhouse containing four or more dwelling units each of which shall have access to above grade common halls, stairs, elevators, and yards;
- (6) **“area specific development charge”** and **“special service area development charge”** mean a charge imposed with respect to growth-related net capital costs against a defined land area for specified services under the applicable by-law;
- (7) **“atrium”** means a large open space extending through several floors in a building that is open to the ceiling;
- (8) **“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 of the underside of the floor joist is below the finished grade;

- (9) **“building or structure”** means a permanent enclosed structure occupying an area greater than 10 square metres, consisting of a wall, roof, and/or floor, or any of them, or a structural system serving the function thereof, which includes, but is not limited to, air-supported structures or industrial tents; a canopy however shall not be considered a building or structure for the purpose of this By-law and shall not attract development charges;
- (10) **“building permit”** means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure, or which permits the construction of the foundation of a building or structure;
- (11) **“canopy”** means an overhanging, projection, or covering connected to a principal use on the lands, such as over a gas bar or outdoor storage;
- (12) **“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:
- (a) to acquire land or an interest in land, including a leasehold interest;
 - (b) to improve land;
 - (c) to acquire, lease, construct, or improve buildings and structures;
 - (d) to acquire, lease, construct, or improve facilities including:
 - (i) rolling stock with an estimated useful life of seven (7) years or more years;
 - (ii) furniture and equipment, other than computer equipment; and
 - (iii) 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;
 - (e) to undertake studies in connection with any of the matters in clauses (a) to (d);
 - (f) of the development charge background study required before enactment of this by-law; and
 - (g) of interest on money borrowed to pay for costs described in any of the matters in clauses (a) to (d);

- (13) **“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;
- (14) **“City”** means the Corporation of the City of Vaughan;
- (15) **“commercial parking garage”** means a building or structure, or any part thereof, whose principal use is for the parking of motor vehicles for remuneration, or in the case where parking is provided as an accessory to a principal use on the lands, where such parking is provided in a building or structure, or part thereof, whether or not there is remuneration paid by the owner or user for the motor vehicle, the portion of parking as required by the Zoning By-law shall not attract development charges for the purpose of this By-law;
- (16) **“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;
- (17) **“development charge”** means a charge imposed with respect to growth-related net capital costs against land under this by-law;
- (18) **“duplex”** means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;
- (19) **“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;
- (20) **“engineering services”** means services related to a highway, and may include water supply services, waste water services, and storm water drainage and control services;
- (21) **“existing industrial building”** means an existing building or structure to be used, or designed or intended for:
- (a) manufacturing, producing, processing, storing, or distributing something;
 - (b) research or development in connection with manufacturing, producing, or processing something;
 - (c) 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;

- (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage, or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- (22) **“funeral home”** means a building or structure with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- (23) **“future development”** means development which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- (24) **“grade finished”** means the average elevation of the finished ground level at the wall(s);
- (25) **“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:
 - (a) includes the floor area of a mezzanine and the space occupied by interior walls and partitions; and
 - (b) 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
 - (c) excludes the area of any self-contained structural shelf and rack storage facility approved by the Building Materials Evaluation Commission; and
 - (d) includes any part of a building or structure above or below grade used as a commercial parking garage; and
 - (e) for the purposes of this definition, the non-residential 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;
- (26) **“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;

- (27) **“heritage property”** means a property that contains cultural heritage value as defined under the Ontario Heritage Act;
- (28) **“home occupation”** means an occupation permitted in a dwelling unit and which:
- (a) is clearly secondary to the use of the dwelling unit;
 - (b) does not change the external character of the dwelling unit; and
 - (c) does not create or become a public nuisance, in particular in respect to noise, traffic, or parking;
- (29) **“household”** means one or more persons occupying or sharing all areas of the dwelling unit;
- (30) **“large apartment”** means a dwelling unit in an apartment building or plex that is 700 square feet or larger in size;
- (31) **“live-work unit”** means a unit intended for both residential and non-residential uses concurrently;
- (32) **“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;
- (33) **“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;
- (34) **“medical marijuana operation”** means the cultivation, growth, harvesting, processing, composting, destruction, packaging, storage and distribution of plants or parts of plants of the genus *Cannabis* (marijuana) as lawfully permitted and authorized under the Government of Canada’s Marijuana for Medical Purposes Regulations;
- (35) **“mid-high density mixed-use”** means a building or structure used, designed, or intended for residential and non-residential uses, where:
- (a) the non-residential uses comprise not more than fifty percent (50%) of the gross floor area of the building;
 - (b) the non-residential uses comprise a minimum of five percent (5%) of the gross floor area of the building; and

- (c) the residential portion of the building or structure is over five (5) storeys in height;
- (36) **“mixed-use building”** means a building or structure containing a residential and non-residential use other than a home occupation;
- (37) **“mezzanine”** means a mezzanine as defined in the Building Code Act;
- (38) **“multiple unit dwelling”** includes stacked townhouses, and all other residential uses that are not included in the definition of apartment, single detached dwelling, or semi-detached dwelling;
- (39) **“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, 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;
- (40) **“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;
- (41) **“non-commercial parking garage”** means a building or structure, or any part thereof, that is not a commercial parking garage;
- (42) **“owner”** means the owner of the land or a person who has made an application for an approval of the development of the land upon which a development charge or an area specific development charge is imposed;
- (43) **“plex”** means a duplex, a semi-detached duplex, a triplex, or a semi-detached triplex;
- (44) **“re-development”** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use from a residential to non-residential use or from a non-residential to residential use or from one residential use to another form of residential use;
- (45) **“semi-detached duplex”** means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- (46) **“semi-detached dwelling”** means a building divided vertically into two dwelling units;

- (47) **“semi-detached triplex”** means one of a pair of triplexes divided vertically one from the other by a party wall;
- (48) **“services”** means services designated in this by-law;
- (49) **“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 the purposes of this by-law;
- (50) **“small apartment”** means a dwelling unit in an apartment building or a plex that is less than 700 square feet in size;
- (51) **“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;
- (52) **“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;
- (53) **“subdivision”** includes condominium;
- (54) **“Temporary Sales Centre”** means a Building, including a trailer, that is designed or intended to be temporary, or intended to be removed from the land or demolished after use and which is used exclusively as an Office or presentation centre, or both, for new building sales;
- (55) **“triplex”** means a building comprising 3 dwelling units, each of which has a separate entrance to grade;
- (56) **“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;
- (57) **“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;

- (58) **“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 in part by public funds;
- (59) **“use, non-residential”** means the use of any land, building or structure, or any part thereof, for use other than a residential use, and shall include commercial use, industrial use, and institutional use;
- (60) **“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;

RULES – APPLICATION, EXEMPTIONS, AND EXCEPTIONS

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) a board of education as defined in section 1(1) of the *Education Act*
 - (c) 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;
 - (d) lands, buildings or structures owned by Metrolinx and used for transit related purposes;
 - (e) any area municipality within the Regional Municipality of York;
 - (f) the Regional Municipality of York or any local board thereof; and
 - (g) a public hospital receiving aid under the Public Hospitals Act;
- (3) Development charges for the services designated in Schedule A shall be imposed upon the service area in Schedule B, specified in Schedule A, and shall be collected

in accordance with this by-law on development for residential use or non-residential use purposes;

- (4) Development charges provided for in subsection (3) 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; or
 - (g) the issuing of a permit under the Building Code Act, 1992, S.O. 1992 c.23 in relation to a building or structure;
- (5) 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 2(4)(a) to (g) are required before the land can be developed;
- (6) Despite subsection (5), if two or more of the actions described in paragraphs 3(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 (3) limited to the increase;
- (7) Notwithstanding any other provisions of this by-law, a building or structure shall be exempt from the payment of development charges provided that it 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 canopy used on a temporary or seasonal basis;

- (c) a home occupation;
 - (d) an agricultural use;
 - (e) a 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;
 - (f) a temporary sales centre;
 - (g) the relocation of a built heritage structure that is listed under Section 27 of the Ontario Heritage Act or designated under Part IV or V of the Ontario Heritage Act; or
 - (h) Land, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto, including mausoleums and columbariums, but excluding funeral homes; or
 - (i) Buildings or structures owned by and used for the purpose of a conservation authority, unless such buildings or structures are used primarily for, or in connection with (i) recreational purposes for which the conservation authority charges admission, or (ii) any commercial use.
- (8) Area specific development charges paid hereunder shall be maintained in a separate reserve fund or funds and shall be used only for the services specified in Schedule A.

ADMINISTRATION

Payment

- 3.
- (1) Unless otherwise provided by agreement, all development charges payable shall be paid by certified funds to the City Treasurer;
 - (2) 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;
 - (3) 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 area specific development charge as provided on Schedule A immediately upon entering into the subdivision agreement;

- (4) 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 subsection 2(4)(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 subsection 2(4)(a) to (f) required, or on a date set by agreement;

Credits

4.

- (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;

GENERAL

Semi-Annual Adjustment

5.

- (1) The development charges established pursuant to Section 2 of this by-law shall 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, 2018, 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

6.

- (1) This By-law shall come into force on September 21, 2018;
- (2) Nothing in this 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;

- (3) 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;
- (4) Schedules A and B are attached hereto and form part of this by-law;

TRANSITIONAL PROVISIONS

7.

- (1) 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, no payment as required under this by-law and no credits or refunds shall apply;
- (2) This by-law may be cited as the Area Specific Development Charges By-law, 2018.

Enacted by City of Vaughan Council this 23rd day of May, 2018.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 2 of Report No. 5
of the Finance, Administration and Audit Committee
Adopted by Vaughan City Council on
May 23, 2018

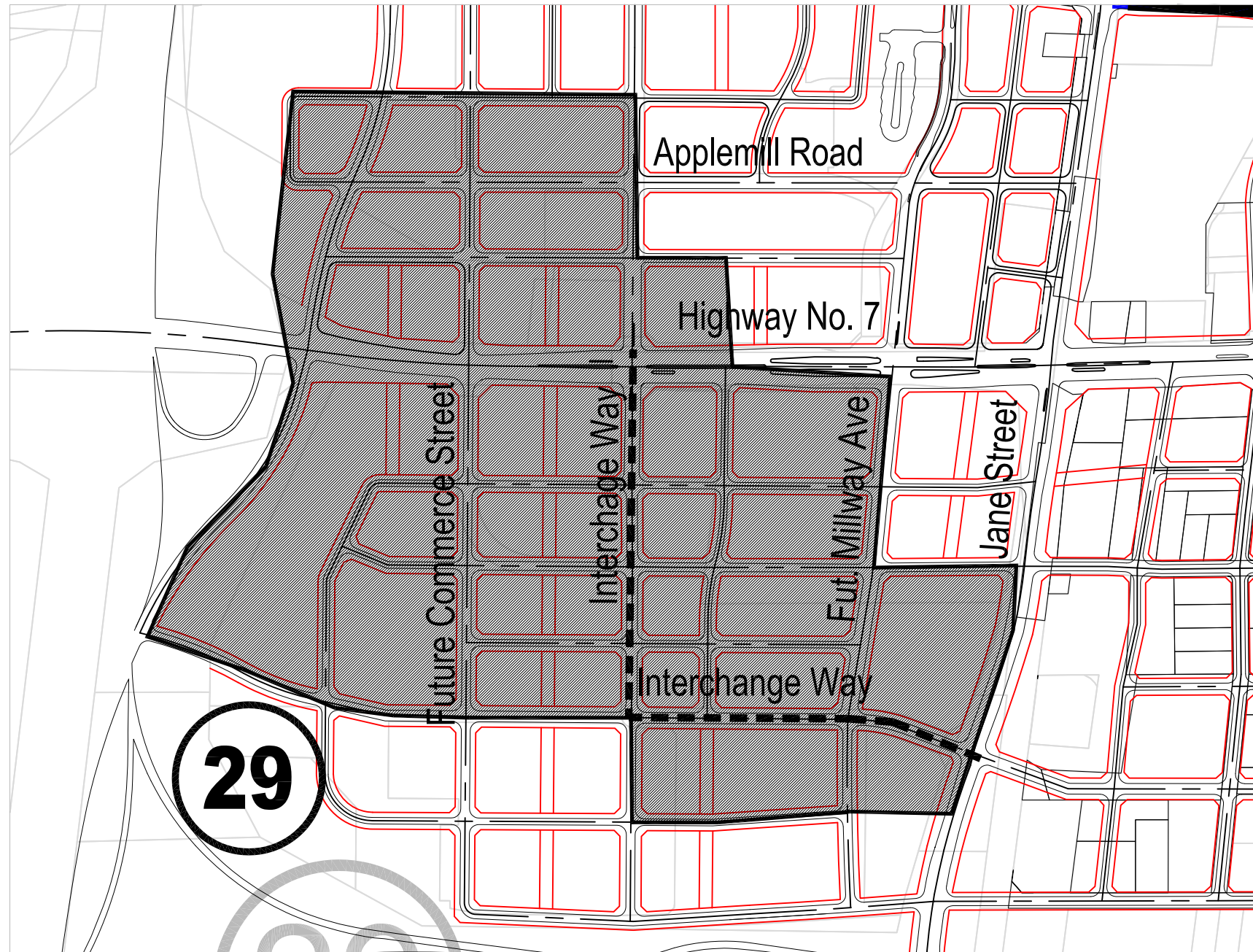
Schedule A:

Area Specific Development Charge Calculation

Service	Net Capital Cost
VMC West – Interchange Sanitary Sewer Improvements	\$1,803,260

Rate per Singles/Semis	Rate Per Townhouses & Multiples	Rate Per Large Apt	Rate Per Small Apt	Rate Per M² Non- Residential
\$514	\$424	\$313	\$226	\$4.96

Academy File: U.S. Dev. Eng. & Int'l Finl. Serv. Planning and Studies / US-Developmental Studies / 2010-2019 / 2018-2019 / 2018-2019



THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 095-2018

A By-Law to impose Area Specific Development Charges – VMC SE Doughton Sanitary Sewer Improvements.

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 3, 2018 to consider the enactment of an Area Specific 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 9, 2018 and amended on May 16, 2018, 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 March 9, 2018 in accordance with Section 12 of the Act;

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

DEFINITIONS

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

- (1) **“accessory use”** means the use of any building or structure that is naturally and normally:
 - (a) incidental;
 - (b) subordinate to; and
 - (c) 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;
- (2) **“agreement”** means a contract between the City and an owner and any amendment thereto;
- (3) **“agricultural use”** means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, 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; but does not include a commercial use or a medical marijuana operation;
- (4) **“air supported structure”** means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (5) **“apartment building”** means a residential use building, or the residential use portion of a mixed-use building, other than a townhouse or stacked townhouse containing four or more dwelling units each of which shall have access to above grade common halls, stairs, elevators, and yards;
- (6) **“area specific development charge”** and **“special service area development charge”** mean a charge imposed with respect to growth-related net capital costs against a defined land area for specified services under the applicable by-law;
- (7) **“atrium”** means a large open space extending through several floors in a building that is open to the ceiling;
- (8) **“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 of the underside of the floor joist is below the finished grade;

- (9) **“building or structure”** means a permanent enclosed structure occupying an area greater than 10 square metres, consisting of a wall, roof, and/or floor, or any of them, or a structural system serving the function thereof, which includes, but is not limited to, air-supported structures or industrial tents; a canopy however shall not be considered a building or structure for the purpose of this By-law and shall not attract development charges;
- (10) **“building permit”** means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure, or which permits the construction of the foundation of a building or structure;
- (11) **“canopy”** means an overhanging, projection, or covering connected to a principal use on the lands, such as over a gas bar or outdoor storage;
- (12) **“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:
- (a) to acquire land or an interest in land, including a leasehold interest;
 - (b) to improve land;
 - (c) to acquire, lease, construct, or improve buildings and structures;
 - (d) to acquire, lease, construct, or improve facilities including:
 - (i) rolling stock with an estimated useful life of seven (7) years or more years;
 - (ii) furniture and equipment, other than computer equipment; and
 - (iii) 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;
 - (e) to undertake studies in connection with any of the matters in clauses (a) to (d);
 - (f) of the development charge background study required before enactment of this by-law; and
 - (g) of interest on money borrowed to pay for costs described in any of the matters in clauses (a) to (d);

- (13) **“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;
- (14) **“City”** means the Corporation of the City of Vaughan;
- (15) **“commercial parking garage”** means a building or structure, or any part thereof, whose principal use is for the parking of motor vehicles for remuneration, or in the case where parking is provided as an accessory to a principal use on the lands, where such parking is provided in a building or structure, or part thereof, whether or not there is remuneration paid by the owner or user for the motor vehicle, the portion of parking as required by the Zoning By-law shall not attract development charges for the purpose of this By-law;
- (16) **“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;
- (17) **“development charge”** means a charge imposed with respect to growth-related net capital costs against land under this by-law;
- (18) **“duplex”** means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;
- (19) **“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;
- (20) **“engineering services”** means services related to a highway, and may include water supply services, waste water services, and storm water drainage and control services;
- (21) **“existing industrial building”** means an existing building or structure to be used, or designed or intended for:
- (a) manufacturing, producing, processing, storing, or distributing something;
 - (b) research or development in connection with manufacturing, producing, or processing something;
 - (c) 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;

- (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage, or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage, or distribution;
- (22) **“funeral home”** means a building or structure with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- (23) **“future development”** means development which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- (24) **“grade finished”** means the average elevation of the finished ground level at the wall(s);
- (25) **“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:
 - (a) includes the floor area of a mezzanine and the space occupied by interior walls and partitions; and
 - (b) 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
 - (c) excludes the area of any self-contained structural shelf and rack storage facility approved by the Building Materials Evaluation Commission; and
 - (d) includes any part of a building or structure above or below grade used as a commercial parking garage; and
 - (e) for the purposes of this definition, the non-residential 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;
- (26) **“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;

- (27) **“heritage property”** means a property that contains cultural heritage value as defined under the Ontario Heritage Act;
- (28) **“home occupation”** means an occupation permitted in a dwelling unit and which:
- (a) is clearly secondary to the use of the dwelling unit;
 - (b) does not change the external character of the dwelling unit; and
 - (c) does not create or become a public nuisance, in particular in respect to noise, traffic, or parking;
- (29) **“household”** means one or more persons occupying or sharing all areas of the dwelling unit;
- (30) **“large apartment”** means a dwelling unit in an apartment building or plex that is 700 square feet or larger in size;
- (31) **“live-work unit”** means a unit intended for both residential and non-residential uses concurrently;
- (32) **“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;
- (33) **“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;
- (34) **“medical marijuana operation”** means the cultivation, growth, harvesting, processing, composting, destruction, packaging, storage and distribution of plants or parts of plants of the genus *Cannabis* (marijuana) as lawfully permitted and authorized under the Government of Canada’s Marijuana for Medical Purposes Regulations;
- (35) **“mid-high density mixed-use”** means a building or structure used, designed, or intended for residential and non-residential uses, where:
- (a) the non-residential uses comprise not more than fifty percent (50%) of the gross floor area of the building;
 - (b) the non-residential uses comprise a minimum of five percent (5%) of the gross floor area of the building; and

- (c) the residential portion of the building or structure is over five (5) storeys in height;
- (36) **“mixed-use building”** means a building or structure containing a residential and non-residential use other than a home occupation;
- (37) **“mezzanine”** means a mezzanine as defined in the Building Code Act;
- (38) **“multiple unit dwelling”** includes stacked townhouses, and all other residential uses that are not included in the definition of apartment, single detached dwelling, or semi-detached dwelling;
- (39) **“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, 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;
- (40) **“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;
- (41) **“non-commercial parking garage”** means a building or structure, or any part thereof, that is not a commercial parking garage;
- (42) **“owner”** means the owner of the land or a person who has made an application for an approval of the development of the land upon which a development charge or an area specific development charge is imposed;
- (43) **“plex”** means a duplex, a semi-detached duplex, a triplex, or a semi-detached triplex;
- (44) **“re-development”** means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use from a residential to non-residential use or from a non-residential to residential use or from one residential use to another form of residential use;
- (45) **“semi-detached duplex”** means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- (46) **“semi-detached dwelling”** means a building divided vertically into two dwelling units;

- (47) **“semi-detached triplex”** means one of a pair of triplexes divided vertically one from the other by a party wall;
- (48) **“services”** means services designated in this by-law;
- (49) **“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 the purposes of this by-law;
- (50) **“small apartment”** means a dwelling unit in an apartment building or a plex that is less than 700 square feet in size;
- (51) **“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;
- (52) **“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;
- (53) **“subdivision”** includes condominium;
- (54) **“Temporary Sales Centre”** means a Building, including a trailer, that is designed or intended to be temporary, or intended to be removed from the land or demolished after use and which is used exclusively as an Office or presentation centre, or both, for new building sales;
- (55) **“triplex”** means a building comprising 3 dwelling units, each of which has a separate entrance to grade;
- (56) **“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;
- (57) **“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;

- (58) **“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 in part by public funds;
- (59) **“use, non-residential”** means the use of any land, building or structure, or any part thereof, for use other than a residential use, and shall include commercial use, industrial use, and institutional use;
- (60) **“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;

RULES – APPLICATION, EXEMPTIONS, AND EXCEPTIONS

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) a board of education as defined in section 1(1) of the *Education Act*
 - (c) 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;
 - (d) lands, buildings or structures owned by Metrolinx and used for transit related purposes;
 - (e) any area municipality within the Regional Municipality of York;
 - (f) the Regional Municipality of York or any local board thereof; and
 - (g) a public hospital receiving aid under the Public Hospitals Act;
- (3) Development charges for the services designated in Schedule A shall be imposed upon the service area in Schedule B, specified in Schedule A, and shall be collected

in accordance with this by-law on development for residential use or non-residential use purposes;

- (4) Development charges provided for in subsection (3) 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; or
 - (g) the issuing of a permit under the Building Code Act, 1992, S.O. 1992 c.23 in relation to a building or structure;
- (5) 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 2(4)(a) to (g) are required before the land can be developed;
- (6) Despite subsection (5), if two or more of the actions described in paragraphs 3(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 (3) limited to the increase;
- (7) Notwithstanding any other provisions of this by-law, a building or structure shall be exempt from the payment of development charges provided that it 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 canopy used on a temporary or seasonal basis;

- (c) a home occupation;
 - (d) an agricultural use;
 - (e) a 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;
 - (f) a temporary sales centre;
 - (g) the relocation of a built heritage structure that is listed under Section 27 of the Ontario Heritage Act or designated under Part IV or V of the Ontario Heritage Act;
or
 - (h) Land, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto, including mausoleums and columbariums, but excluding funeral homes;
or
 - (i) Buildings or structures owned by and used for the purpose of a conservation authority, unless such buildings or structures are used primarily for, or in connection with (i) recreational purposes for which the conservation authority charges admission, or (ii) any commercial use.
- (8) Area specific development charges paid hereunder shall be maintained in a separate reserve fund or funds and shall be used only for the services specified in Schedule A.

ADMINISTRATION

Payment

- 3.
- (1) Unless otherwise provided by agreement, all development charges payable shall be paid by certified funds to the City Treasurer;
 - (2) 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;
 - (3) 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 area specific development charge as provided on Schedule A immediately upon entering into the subdivision agreement;

- (4) 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 subsection 2(4)(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 subsection 2(4)(a) to (f) required, or on a date set by agreement;

Credits

4.

- (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;

GENERAL

Semi-Annual Adjustment

5.

- (1) The development charges established pursuant to Section 2 of this by-law shall 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, 2018, 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

6.

- (1) This By-law shall come into force on September 21, 2018;
- (2) Nothing in this 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;

- (3) 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;
- (4) Schedules A and B are attached hereto and form part of this by-law;

TRANSITIONAL PROVISIONS

7.

- (1) 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, no payment as required under this by-law and no credits or refunds shall apply;
- (2) This by-law may be cited as the Area Specific Development Charges By-law, 2018.

Enacted by City of Vaughan Council this 23rd day of May, 2018.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

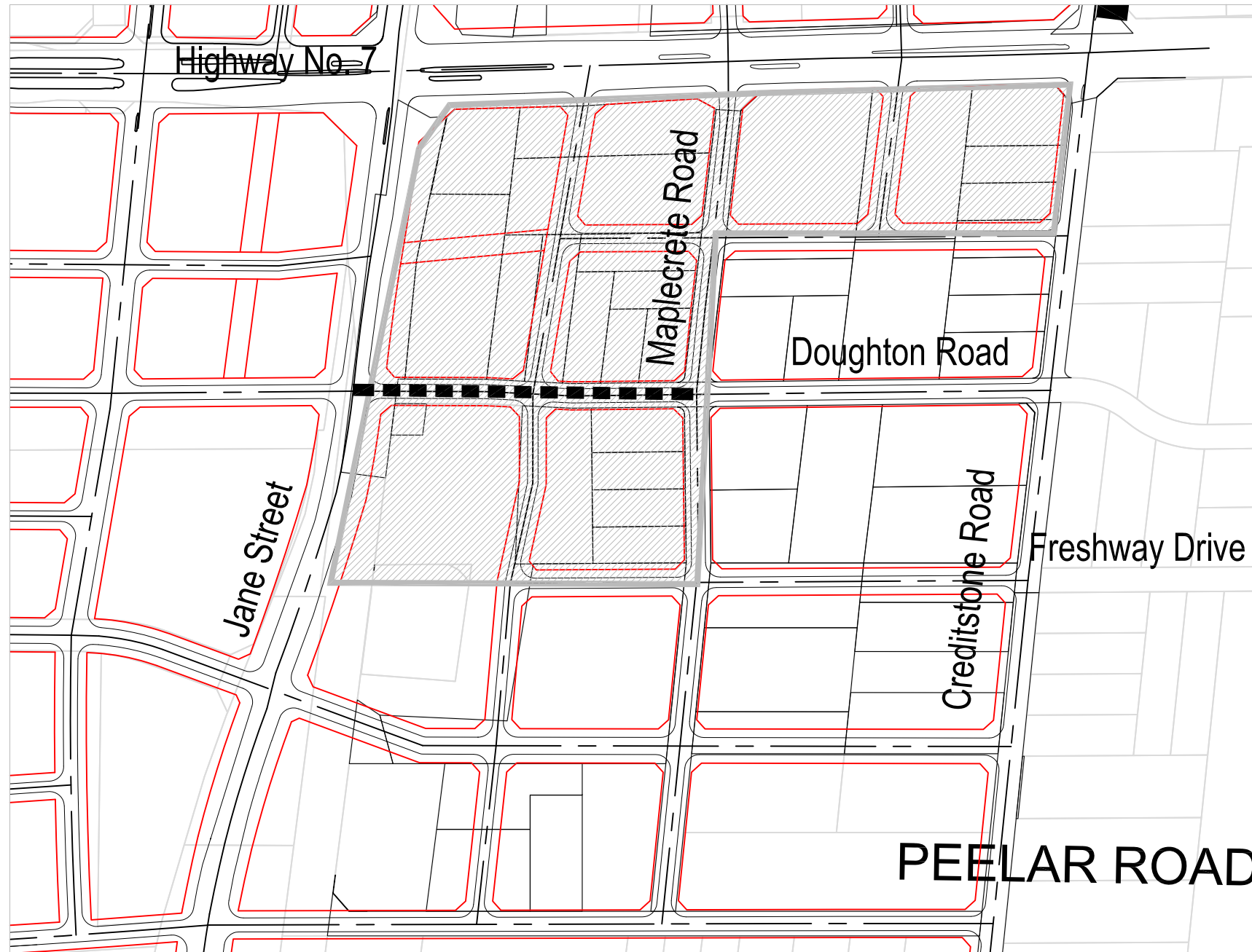
Authorized by Item No. 2 of Report No. 5
of the Finance, Administration and Audit Committee
Adopted by Vaughan City Council on
May 23, 2018

Schedule A:

Area Specific Development Charge Calculation

Service	Net Capital Cost
VMC SE Doughton Sanitary Sewer Improvements	\$615,480

Rate per Singles/Semis	Rate Per Townhouses & Multiples	Rate Per Large Apt	Rate Per Small Apt	Rate Per M² Non- Residential
\$765	\$631	\$467	\$336	\$7.39



SCHEDULE "B"

AREA SPECIFIC DEVELOPMENT CHARGES

BY-LAW NUMBER: -2018

PASSED THE _____ DAY OF _____, 2018

SIGNING OFFICERS

MAYOR

CLERK

VMC SE - DOUGHTON
SANITARY SEWER
IMPROVEMENT WORKS

 SERVICE AREA

 PROPOSED SANITARY SEWER
IMPROVEMENT WORKS

39 CITY BLOCK NUMBER



NOT TO SCALE

