

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 112-2022**

**A By-law to impose Area Specific Development Charges – Zenway/Huntington Road Sanitary Sub-Trunk repealing and replacing By-law 087-2018.**

**WHEREAS** subsection 2(1) of the *Development Charges Act, 1997*, S.O. 1997, c.27 (the “**Act**”) provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from the development of the area for which the by-law applies;

**AND WHEREAS**, at the direction of Council of The Corporation of the City of Vaughan (the “**Council**”), Hemson Consulting Ltd. has prepared a Development Charge Background Study entitled “2022 City-Wide Development Charges Background Study”, dated March 29, 2022 (the “**Background Study**”), which indicated that the development of any land within the City of Vaughan will increase the need for services as defined therein;

**AND WHEREAS** as of April 12, 2022, Council made the Background Study and draft version of this By-law available to the public in accordance with the Act;

**AND WHEREAS** on May 10, 2022, Council held a public meeting at which all persons in attendance were provided with an opportunity to make representations relating to the draft By-law in respect of the 2022 City-Wide Development Charges Background Study in accordance with the Act;

**AND WHEREAS** notice of the public meeting was given on April 20, 2022 in accordance with the Act and Ontario Regulation 82/98;

**AND WHEREAS** on June 28, 2022, Council by resolution adopted the Background Study and determined that it was not necessary to hold any further public meetings in respect of this By-law;

**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 marijuana operation.
- (4) **“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 or per unit for specified services under the applicable By-law.
- (5) **“atrium”** means a large open space extending through several floors in a building that is open to the ceiling.
- (6) **“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.

- (7) **“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.
- (8) **“canopy”** means an overhanging, projection, or covering connected to a principal use on the lands, such as over a gas bar or outdoor storage.
- (9) **“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*, RSO 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).
- (10) **“City”** means The Corporation of the City of Vaughan.
- (11) **“college”** means an institution established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*, SO 2002, c 8, Sched F.
- (12) **“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.

- (13) “**development charge**” means a charge imposed with respect to growth-related net capital costs against land under this By-law.
- (14) “**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.
- (15) “**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.
- (16) “**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.
- (17) “**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;
  - (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;
  - (c) excludes the area of any self-contained structural self and rack storage facility approved by the Building Materials Commission under the *Building Code Act, 1992*, SO 1992, c 23;
  - (d) excludes the sum of the areas of each floor used, or designed or intended for use for the parking of motor vehicles unless the building or structure, or any part thereof, is a retail motor vehicle

establishment or a standalone motor vehicle storage facility or a commercial public parking structure;

- (e) exclude the surface area of swimming pools or the playing surfaces of indoor sport fields including but not limited to hockey arenas, and basketball courts; and
  - (f) for the purposes of this definition, notwithstanding any other section of this By-law, 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.
- (18) **“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.
- (19) **“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.
- (20) **“local board”** means a local board as defined in section 1 of the *Municipal Affairs Act*, RSO 1990, c M.46 other than a board as defined in subsection 1(1) of the *Education Act* RSO 1990, c E.2.
- (21) **“lot”** means a parcel of land which can be conveyed as a separate parcel pursuant to the provisions of the *Planning Act*, RSO, 1990 c P.13.
- (22) **“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) with a license for sale as authorized under the *Cannabis Act*, SC 2018, c. 16.
- (23) **“mixed-use building”** means a building or structure containing a residential and non-residential use other than a home occupation.

- (24) “**mezzanine**” means a mezzanine as defined in the *Building Code Act, 1992*, SO 1992 c 23.
- (25) “**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.
- (26) “**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*, RSO 1990, c P.13 in respect of the capital cost.
- (27) “**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.
- (28) “**redevelopment**” 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.
- (29) “**retail motor vehicle establishment**” means a building or structure used or designed or intended to be used for the sale, rental or servicing of motor vehicles, or any other function associated with the sale, rental or servicing of motor vehicles including but not limited to detailing, leasing and brokerage of motor vehicles, and short or long-term storage of customer motor vehicles. For a retail motor vehicle establishment, gross floor area includes the sum of the areas of each floor used or designed or intended for use for the parking or storage of motor vehicles, including customer and employee motor vehicles. An exemption may be granted to exclude the sum

of the areas for customer and employee motor vehicles on terms and conditions to the satisfaction of the City.

- (30) **“services”** means services designated in this By-law.
- (31) **“standalone motor vehicle storage facility”** means a building or structure used or designed or intended for use for the storage or warehousing of motor vehicles that is separate from a retail motor vehicle establishment. For a standalone motor vehicle storage facility, gross floor area includes the sum of the areas of each floor used or designed or intended for use for the parking or storage of motor vehicles, including customer and employee motor vehicles. An exemption may be granted to exclude the sum of the areas for customer and employee motor vehicles on terms and conditions to the satisfaction of the City.
- (32) **“subdivision”** includes condominium.
- (33) **“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.
- (34) **“university”** has the same meaning as defined in Section 171.1 of the *Education Act*, RSO 1990 c E.2.
- (35) **“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.
- (36) **“use, residential”** means the use of any land, building or structure for human habitation.

### **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 Service Area in Schedule “B” whether or not the land, building or structure, or use thereof, is exempt from taxation under Section 3 of the *Assessment Act*, RSO 1990, c A.31.

- (2) Despite subsection 2(1), this By-law does not apply to any land, building or structure within the Service Area in Schedule “B” 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*, RSO 1990, c E.2;
  - (c) the City or any of its local boards including land leased by these entities from the Crown in right of Canada or Ontario;
  - (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 of its local boards;
  - (g) a public hospital receiving aid under the *Public Hospitals Act* RSO 1990 c P.40; and
  - (h) lands vested in or leased to a university/college that receives regular and ongoing operating funds from the government for the purposes of post-secondary education, if the development in respect for which charges under this By-law would otherwise be payable is intended to be occupied and used by the university or college.
- (3) Development charges for the services designated in Schedule “A” shall be imposed upon all development in the Service Area in Schedule “B”, at the rate specified in Schedule “A”.
- (4) Development charges provided for in subsection 2(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*, RSO 1990, c.P.13;
  - (b) the approval of a minor variance under Section 45 of the *Planning Act*, RSO 1990, c.P.13;
  - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act*, RSO 1990, c.P.13 applies;



- (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*, RSO 1990, c.P.13;
  - (e) a consent under Section 53 of the *Planning Act*, RSO 1990, c.P.13;
  - (f) the approval of a description under Section 50 of the *Condominium Act*, 1998, SO 1998, c.19; or
  - (g) the issuing of a permit under the *Building Code Act, 1992*, SO 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 subsection 2(4) are required before the land can be developed.
- (6) 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*, RSO 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*, RSO 1990 c O.18 or designated under Part IV or V of the *Ontario Heritage Act*, RSO 1990 c O.18; 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*, RSO 1990, c A.31 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.
- (7) 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**

### **Development Charge Payment and Calculation Date**

- 3.
- (1) All development charges payable shall be paid by certified funds to the City Treasurer.
  - (2) Subject to subsections 3(3), 3(4), 3(5), and 3(6) of this By-law, development charges imposed shall be calculated as of, and shall be payable on, the date a building permit is issued in respect of a building or structure on land to which a development charge applies, and no building permit shall be issued until the development charge is paid in full.
  - (3) Notwithstanding subsection 3(2) of this By-law and provided that the City and the owner(s) of the land have not entered into an agreement pursuant to subsection 3(4) of this By-law, the development charge shall be payable, subject to any applicable exemptions or reductions contained in this By-law:
    - (a) In respect of an approval of a plan of subdivision pursuant to section 51 of the *Planning Act*, RSO 1990, c.P.13, immediately upon entering into the subdivision agreement; and
    - (b) In respect of the granting of a consent pursuant to section 53 of the *Planning Act*, RSO 1990, c.P.13, immediately upon entering into an agreement made as a condition of the granting of such consent.
  - (4) Where the City and owner(s) of the land have entered into an agreement pursuant to section 27 of the Act in respect of the timing of the payment of

a development charge or a portion thereof, the terms of such agreement shall prevail over all other provisions in this By-law Section.

- (5) Notwithstanding subsections 3(2) and 3(3) of this By-law and provided that the City and the owner(s) of the land have not entered into an agreement pursuant to subsection 3(4) of this By-law, where section 26.1 of the Act applies to a development, development charges will be payable in installments as provided by sections 26.1 of the Act with related interest calculated and payable in accordance with the City's "DC Interest Policy Under Sections 26.1 and 26.2 of the Development Charges Act, 1997", as amended.
- (6) Notwithstanding subsections 3(2) and 3(3) of this By-law and provided that the City and the owner(s) of the land have not entered into an agreement pursuant to subsection 3(4) of this By-law, where paragraph s.26.2(1)(a) or s. 26.2(1)(b) of the Act applies to a development, the calculation day for development charges will be per section 26.2 of the Act with related interest calculated and payable in accordance with the City's "DC Interest Policy Under Sections 26.1 and 26.2 of the Development Charges Act, 1997", as amended.
- (7) If a use of any land, building or structure that constitutes development does not require the issuing of a building permit but requires one or more of the actions listed in subsection 2(4), 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) required, or on a date set by agreement.
- (8) Nothing in this By-law shall prevent Council from requiring, as a condition of any approval pursuant to the *Planning Act*, RSO 1990, c.P.13, that the owner(s) of land install such local services as Council may require in accordance with the City's policy in respect of local services.

#### **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 Act.

### **Annual Adjustment**

5. The development charges established pursuant to Section 2 of this By-law shall be adjusted annually, without amendment to this By-law, as of the 1<sup>st</sup> day of July in each year, commencing on July 1, 2023, in accordance with the most recent change in the Statistics Canada Quarterly, Non-Residential Building Construction Price Index for Toronto (Table 18-10-0135-01 or any successor table).

### **GENERAL**

#### **Term**

6.
  - (1) This By-law shall come into force and effect on July 1, 2022.
  - (2) This By-law shall expire five years from the date that it comes into force and effect, unless it is repealed at an earlier date by a subsequent By-law.
  - (3) 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.

#### **Transitional Provisions**

7. 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.

#### **Schedules**

8. Schedules "A" and "B" are attached hereto and form part of this By-law.

## **Repeal**

9. By-law 087-2018 shall be and is hereby repealed effective on the date that this By-law comes into force and effect.

## **Registration**

10. A certified copy of this By-law may be registered in the By-law register in the York Region Land Registry Office and/or against the title to any land to which this By-law applies.

## **Severability**

11. Should any section or part of a section of this By-law be determined by a court or tribunal of competent jurisdiction to be invalid or of no force and effect, that section or part shall be severable and the remainder of this By-law will continue to operate in full force and effect

## **Headings**

12. The headings inserted in this By-law are for convenience of reference only and shall not affect the interpretation of this By-law.

## **Short Title**

13. This By-law may be cited as the “Area Specific Development Charges By-law – Zenway/Huntington Road Sanitary Sub-Trunk”.

Enacted by City of Vaughan Council this 28<sup>th</sup> day of June, 2022.

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Hon. Maurizio Bevilacqua, Mayor

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Todd Coles, City Clerk

**Schedule "A":**

**Area Specific Development Charge Calculation**

<b>Service</b>	<b>Net Capital Cost</b>	<b>Net Area (ha)</b>	<b>Rate Per Net Area (\$/ha)</b>
Zenway/Huntington Sanitary Sub-Trunk Extension	\$3,411,627	322.46	\$10,580

