

# The Corporation of the City of Richmond Hill

## By-Law Number 41-19

### Purpose:

A By-law to Establish an Area Specific Development Charges By-law for the City of Richmond Hill **Oak Ridges – Lake Wilcox Greenfield Development Area**

### Background:

**Whereas** subsection 2(l) of the *Development Charges Act*, 1997, S.O. 1997, c.27, ("the Act") provides that the council of a municipality may pass by-laws for the imposition of development charges against land if the development of the land would increase the need for services arising from development of the area to which the by-law applies;

**And Whereas** the Council of the City of Richmond Hill has received and considered a Development Charges Study dated March 26, 2019, respecting the imposition of new development charges for the City of Richmond Hill Oak Ridges – Lake Wilcox Greenfield Development Area which reflect the servicing scheme provided for in the said Study;

**And Whereas** subsection 9(1) of the Act provides that a development charge by-law expires five years after the day it comes into force unless it expires or is repealed earlier;

**And Whereas** the Council of the City of Richmond Hill held a public meeting on the 17<sup>th</sup> day of April, 2019 to consider the enactment of this By-law, and has given appropriate notice in accordance with the Act;

### Enactments

The Council of The Corporation of The City of Richmond Hill enacts as follows:

#### Definitions

1. In this By-law,
  - (a) "Act" means the *Development Charges Act*, 1997, S.O. 1997, c. 27;
  - (b) "accessory building" means a building or structure that is naturally and normally incidental to or subordinate in purpose or both, and exclusively devoted to a principal use, building or structure;
  - (c) "apartment building" means any residential building containing two or more dwelling units where the residential units are connected by an interior corridor whether or not any of the units have an independent entrance either directly or through a common vestibule;
  - (d) "banquet hall" means buildings or structures or any part of a building or structure used or designed or intended for use primarily for the purpose of catering to banquets, weddings, receptions or similar social functions for which food and beverages are served;
  - (e) "*Building Code Act*" means the *Building Code Act*, 1992, S.O. 1992, c.23;
  - (f) "development" means any activity or proposed activity in respect of land that requires one or more of the approvals referred to in section 3 of this By-law and includes the development or redevelopment of land or the redevelopment, expansion, extension or alteration of use of a building or structure;
  - (g) "development charge" means a charge imposed pursuant to this By-law;

- (h) “*Development Charges Act*” means the *Development Charges Act*, 1997, S.O. 1997, Chapter 27;
- (i) "derelict building" means a building or structure that is vacant, neglected, poorly maintained, and unsuitable for occupancy which may include a building or structure that: (a) is in a ruinous or dilapidated condition; (b) the condition of which seriously depreciates the value of land or buildings in the vicinity; (c) is in such a state of non-repair as to be no longer suitable for human habitation or business purposes; (d) is an allurements to children who may play there to their danger; (e) constitutes a hazard to the health or safety of the public; (f) is unsightly in relation to neighboring properties because the exterior finish of the building or structure is not maintained, or; (g) is a fire hazard to itself or to surrounding lands or buildings;
- (j) "dwelling unit" means any part of a building or structure used, designed or intended to be used as a domestic residence in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;
- (k) “existing industrial building” has the meaning set out in the *Development Charges Act*;
- (l) "grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- (m) "gross floor area" means,
  - (i) in the case of a residential building or structure, or in the case of a mixed-use building or structure with respect to the residential portion thereof, the aggregate of the areas of each floor above grade of a dwelling unit measured between the exterior faces of the exterior walls of the building or structure or from the center line of a common wall separating a dwelling unit from another dwelling unit or other portion of a building;
  - (ii) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure with respect to the non-residential use portion thereof, 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 center line of a common wall separating a non-residential use and a residential use, excluding, 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 excluding, in the case of a building containing parking spaces other than a parking structure, the sum of the areas of each floor used, or designated or intended for use for the parking of motor vehicles unless the parking of motor vehicles is the principal use of the building or structure, and, for the purposes of this definition, the non-residential use portion of a mixed-use building is deemed to include one-half of any area common to the residential use and non-residential use portions of such mixed-use building or structure but shall not include any common area used exclusively by or for the residential use portion of such mixed-use buildings or structures;
- (n) “heritage building” means a building or structure which is designated to be of cultural heritage value or interest, or that is included in the register as a property of cultural value or interest, pursuant to the *Ontario Heritage Act*, as amended;

- (o) "hotel" means a commercial establishment offering lodging mainly to travelers and sometimes to permanent residents, and may include other services such as restaurants, meeting rooms and stores, that are available to the general public;
- (p) "institution" means buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public or non-profit purpose and shall include, but without limiting the generality of the foregoing, places of worship;
- (q) "live work unit" means any part of a building or structure that includes a dwelling unit as well as a space intended for non-residential use;
- (r) "local board" has the meaning set out in Section 1 of the *Development Charges Act*;
- (s) "low density multiple building" means any residential building containing two or more dwelling units other than a row dwelling or semi-detached dwelling, where the residential units are not connected by an interior corridor and each unit has an independent entrance either directly or through a common vestibule;
- (t) "mixed-use buildings" means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- (u) "net hectare" means the area of land in hectares net of:
  - (i) all lands conveyed or to be conveyed without the payment or provision of valuable consideration pursuant to Sections 42, 51.1 and 53 of the *Planning Act*, R.S.O. 1990, c. P.13;
  - (ii) all lands conveyed or to be conveyed to the City or any local board thereof, to the Regional Municipality of York or any local board thereof without the payment or provision of valuable consideration;
  - (iii) all lands conveyed or to be conveyed to the Ministry of Transportation for the construction of provincial highways, and
  - (iv) all lands conveyed or to be conveyed to and to be used by a school board for the purposes of such school board,

and, for greater particularity, "to be conveyed" when used aforesaid means that such lands are to be conveyed to the specified entity forthwith following the applicable approval referred to in Section 3 and that such conveyance is secured by an unconditional agreement with the specified entity and "to be conveyed" does not mean or include a situation where the conveyance of such lands is secured by a conditional agreement or by an option in favour of such entity. Notwithstanding the foregoing and for greater particularity, where the development of land is by way of an approval of a plan of subdivision under Section 51 of the *Planning Act*, such lands shall be deemed not to be lands to be conveyed to the applicable entity unless such conveyance is secured by the subdivision agreement; and where the development of land is by way of a consent under Section 53 of the *Planning Act*, such lands shall be deemed not to be lands to be conveyed to the applicable entity unless such conveyance is secured by the conditions of the provisional consent and the condition is satisfied prior to the giving of the consent;

- (v) "non-residential use" means a building or structure used for other than a residential use and shall include retail uses;
- (w) "non-retail uses" means all non-residential uses other than retail uses and shall include offices;

- (x) "offices" means lands, buildings or structures used or designed or intended for use for the practice of a profession, the carrying on of a business or occupation or the conduct of a nonprofit organization and shall include but not be limited to the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, veterinarian, surveyor, appraiser, financial institution, contractor, builder, and developer;
- (y) "owner" means the owner of land or a person who has made application for an approval for the development of land;
- (z) "parking structure" means a building or structure principally used for the parking of motor vehicles and shall include a building or structure, or any part thereof, where motor vehicles are stored prior to being sold or rented to the general public;
- (aa) "place of worship" means a building or structure, or that part thereof, that would be exempt from taxation as a place of worship pursuant to the *Assessment Act*, R.S.O. 1990, c. A.31, as amended or superseded;
- (bb) "*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or superseded;
- (cc) "public hospital" means a hospital governed by the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended;
- (dd) "Region" means the Regional Municipality of York;
- (ee) "residential use" includes all buildings or structures or portions thereof used for residential occupancy and includes buildings or structures used for single detached dwellings, semi-detached dwellings, low density multiple and apartment units;
- (ff) "retail uses" means all buildings or structures used for the sale or rental or offer for the sale or rental of goods or services to the general public for consumption or use and shall include but not be limited to a banquet hall, parking structure and a hotel, as well as any building or structure used for the sale or rental of goods or services where membership is a precondition to a person being able to acquire the goods or services at that place, but shall exclude an office;
- (gg) "row dwelling" means a dwelling unit in a residential building consisting of more than two dwelling units having one or two vertical walls, but no other parts, attached to another dwelling;
- (hh) "school board" means a board as defined in Section 1(1) of the *Education Act*;
- (ii) "semi-detached dwelling" means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall, but no other parts, attached to another dwelling unit, where the residential units are not connected by an interior corridor;
- (jj) "services" means services designated in this By-law;
- (kk) "single detached dwelling" means a residential building consisting of one dwelling unit that is not attached to another structure; and
- (ll) "City" means the Corporation of the City of Richmond Hill.

### **Designation of Services**

2. The categories of services for which development charges are imposed under this by-law are described in Schedule "C".

### **Lands Affected**

3. This By-law applies to all land within the Oak Ridges – Lake Wilcox Greenfield Development Area of the City, as shown on Schedule "A" to this By-law.

### **Approvals for Development**

4. A development charge is payable by the owner pursuant to this By-law in connection with the following approvals for the development of land:
  - (a) the passing of a zoning by-law or of an amendment thereto under Section 34 of the *Planning Act*;
  - (b) the approval of a minor variance under Section 45 of the *Planning Act*;
  - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
  - (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
  - (e) a consent under Section 53 of the *Planning Act*;
  - (f) the approval of a description under Section 9 of the *Condominium Act*, 1998 S.O. 1998, c. 19; or
  - (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

### **Multiple Approvals**

5.
  - (a) Where two or more of the actions described in subsections 4(a) to (g) inclusive, are required before land to which a development charge applies can be developed, only one development charge shall be levied in accordance with the provisions of this By-law.
  - (b) Notwithstanding subsection (a) above, if two or more of the actions described in subsections 4(a) to (g) inclusive occur at different times with respect to the same lands and result in additional development of those lands, an additional development charge in respect of such additional development shall be calculated and paid in accordance with the provisions of this By-law provided that provisions of Sections 6, 8, 10, 11, 12, 13 and 14 shall be applicable in calculating the additional development charge.

### **Calculation of Development Charges**

6.
  - (a) The development charge with respect to the development of any land, buildings or structures shall be calculated in the case of a residential use and a non-residential use development, based upon the number of net hectares of land related to the development.
  - (b) Notwithstanding subsection (a) where the proposed development is one single detached dwelling and the land related to that development is greater than .0929 net hectares, that portion of the land area greater than .0929 net hectares shall be exempt from the development charge calculation.
  - (c) Notwithstanding subsection (a), where:

- (i) the development is for any lot created prior to November 21, 1991;
  - (ii) there is on the lot, immediately prior to the development, a non-residential use; and
  - (iii) the development is for a non-residential use,
- the development charge with respect to the development of the lot, shall be calculated according to the following formula:

$$\frac{A}{(A + B)} \times C$$

And, for the purposes of this formula, the following definitions shall apply:

- A = The gross floor area of the development
- B = The gross floor area of the non-residential use on the lot immediately prior to the development
- C = The development charge as otherwise determined in accordance with subsection 5(a)

For the purposes of this subsection, “lot” shall mean a parcel or tract of land:

- (i) which is a whole lot as shown on a registered plan of subdivision, but a registered plan of subdivision for the purpose of this definition does not include a registered plan of subdivision which has been deemed not to be a registered plan of subdivision under a By-law passed pursuant to the *Planning Act*, or
- (ii) is a separate parcel of land without any adjoining lands being owned by the same owner or owners, or
- (iii) the description of which is the same as that for which a consent as defined in Section 50(1) of the *Planning Act* has been given, provided that, for the purposes of this definition no parcel or tract of land ceases to be a lot by reason only of the fact that part or parts of it has or have been conveyed to or acquired by the City, Her Majesty in the Right of Canada, or the Region.

**Schedule of Services for Development Charges**

- 7. (a) The services for which the development charge is imposed and the amount of the development charge payable with respect to any of the approvals mentioned in subsections (a) to (g) of Section 4 of this By-law shall be calculated in accordance with Schedule “B” to this By-law, subject to any exemptions, reductions, credits and other qualifications provided in this By-law.
- (b) Development Charges shall be imposed under this by-law for category of services as set out in Schedule “C”.

**Indexing of Development Charges**

- 8. Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, commencing on the first day of July in the year following the enactment of this By-law and every subsequent year, in accordance with the Act.

### **Timing of Calculation and Payment**

9. (a) The development charge shall be calculated as of, and shall be payable, on the date a building permit is issued in relation to a building or structure on land to which the development charge applies.
- (b) Notwithstanding subsection (a), and provided that the owner and the City have not entered into an agreement pursuant to subsection (c), the development charge identified in Schedule “B” to this By-law shall be payable, subject to any applicable exemptions or reductions contained in this By-law:
- (i) with respect to an approval of a plan of subdivision under Section 51 of the *Planning Act* immediately upon entering into the subdivision agreement;
- (ii) with respect to the granting of a consent under Section 53 of the *Planning Act* immediately upon entering into an agreement made as a condition of the granting of such consent.
- (c) Notwithstanding subsections (a) and (b) an owner and the City may enter into an agreement respecting the timing of the payment of a development charge, or a portion thereof, and the terms of such agreement shall then prevail over the provisions of this By-law.

### **Exemptions for Intensification of Residential Land Uses and Enlargement of Existing Industrial Buildings**

10. (a) This By-law does not apply with respect to approvals related to the residential use of land, buildings or structures that would have the effect only:
- (i) of permitting the enlargement of an existing dwelling unit; or
- (ii) of creating one or two additional dwelling units in an existing residential building as prescribed, and subject to the prescribed restrictions, in prescribed classes of buildings, pursuant to regulations made under the Act.
- (b) 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:
- (i) Subject to subsection 10(b)(iii), if the gross floor area is enlarged by 50 per cent or less of the lesser of:
- (A) the gross floor area of the existing industrial building, or
- (B) the gross floor area of the existing industrial building before the first enlargement for which:
- (i) an exemption from the payment of development charges was granted, or
- (ii) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,
- pursuant to Section 4 of the Act and this subsection,
- the amount of the development charge in respect of the enlargement is zero;
- (ii) Subject to subsection 10(b)(iii), if the gross floor area is enlarged by more than 50 per cent of the lesser of:

- (A) the gross floor area of the existing industrial building, or
- (B) the gross floor area of the existing industrial building before the first enlargement for which:
  - (i) an exemption from the payment of development charges was granted, or
  - (ii) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

- (A) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and
  - (B) divide the amount determined under subsection (A) by the amount of the enlargement.
- (iii) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsections 9(b)(i) and 9(b)(ii), the cumulative gross floor area of any previous enlargements for which:
- (A) an exemption from the payment of development charges was granted, or
  - (B) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

shall be added to the calculation of the gross floor area of the proposed enlargement.

- (iv) For the purposes of this subsection (b), the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.
- (v) Notwithstanding the definition of “gross floor area” set out in Section 1 of this By-law, for the purposes of this subsection (b) only, “gross floor area” shall have the meaning set out in Ontario Regulation 82/98 made pursuant to the *Development Charges Act*.

### **Reduction of Charges for Redevelopment and Change of Use**

11. Where, as a result of the redevelopment of land, a building or structure existing on the land within 48 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:



- (a) in the case of a residential building or structure, or in the case of a mixed- use building or structure, the residential uses in the mixed- use building or structure, an amount calculated by multiplying the applicable development charge under subsection 6 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
  - (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed use building or structure, an amount calculated by multiplying the applicable development charges under subsection 6 of this by-law by the gross floor area that has been or will be demolished or converted to another principal use; provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment. The 48 month time frame shall be calculated from the date of the issuance of the demolition permit.
- 12. For the purposes of subsection 11, the onus is on the applicant to produce evidence to the satisfaction of the City, acting reasonably, to establish the following:
  - (a) the number of dwelling units that have been or will be demolished or converted to another principal use; or
  - (b) the non-residential gross floor area that has been or will be demolished or converted to another principal use; and
  - (c) in the case of a demolition, that the dwelling units and/or non-residential gross floor area were demolished within 48 months prior to the date of the payment of development charges in regard to the redevelopment.
- 13. Any building or structure, that is determined to be derelict, or the equivalent of derelict by the Council of the City, shall be eligible for development charge credits in accordance with section 14.
- 14. Any building or structure deemed derelict, or the equivalent of derelict in accordance with subsection 13 shall be eligible for development charge credits if a building permit is issued for a building or structure on the lands previously occupied by the deemed derelict residential building or structure within 120 months or less of the issuance of demolition permit for the deemed derelict building or structure. The calculation of the development charge credit shall be made in accordance with Section 11, the total amount of which shall be based on the time that has passed between the date of issuance of the demolition permit and the date of issuance of the building permit as set out in Schedule D.

### **No Refunds Arising Out of Reductions or Credits**

15. Notwithstanding anything in this By-law to the contrary, whenever a reduction or credit is allowed against a development charge otherwise payable pursuant to this By-law and the total of such amounts exceeds the amount of the development charge payable pursuant to this By-law, no further reduction(s) or credit(s) shall be allowed and no refund shall be payable.
16. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
  - (a) buildings or structures to be owned by and used for the purposes of the City, the Region or a local board;
  - (b) buildings or structures to be owned by a school board and used for school board purposes;
  - (c) buildings or structures to be used as a public hospital;
  - (d) the gross floor area of a place of worship up to a maximum of 464.5 square metres (or 5,000 square feet) or in respect of that portion of the gross floor area of a place of worship which is used as an area for worship, whichever is greater;
  - (e) the relocation of a residential heritage building within the boundaries of the City of Richmond Hill; and
  - (f) the creation or addition of an accessory building not exceeding 100 square metres (1,076.39 square feet) of gross floor area save and except for any live work units with a retail component, for which development charges will be payable on the retail portion.

### **Payment By Money Or Credits for The Provision of Services**

17.
  - (a) Payment of development charges shall be by cash or by certified cheque.
  - (b) Where any development charge, or any part thereof, remains unpaid after the date on which it is payable, the amount unpaid shall be added to the tax roll and collected in the same manner as taxes.
  - (c) In the alternative to payment by the means provided in subsection (a), the City may, by an agreement entered into with the owner, accept the provision of services in lieu of the payment of all or any portion of a development charge pursuant to subsection (1) of Section 38 of the Act.
  - (d) If, pursuant to an agreement, the City allows an owner to perform work that relates to a service to which a development charge relates, the amount of the credit towards the development charge for such work shall be the reasonable cost of doing such work as agreed by the City and the owner, provided however, that no credit may be given for any part of the cost of the 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.
  - (e) In any agreement made in accordance with subsection 17(c) of this By-law, the City may agree to give a credit in relation to another service to which this By-law relates.
  - (f) In any agreement respecting credits arising from a development charge payable under any other development charge by-law, the City may agree to give a credit related to a development charge payable under this By-law.

### **Reserve Funds**

18. Development charge payments received by the City pursuant to this By-law shall be maintained in a separate reserve fund or funds for each service to which the development charge relates and shall be spent only for the capital costs determined under paragraphs 2 to 8 of subsection 5(1) of the Act.

### **Interest on Refunds**

19. (a) Where this By-law, in whole or in part, or any development charge prescribed hereunder is amended or repealed by Order of the Ontario Municipal Board, or if a development charge that has already been paid is reduced by the Council of the City pursuant to Section 20 of the Act, or by the Ontario Municipal Board pursuant to Section 24 of the Act, the Treasurer for the City shall calculate forthwith the amount of any refund or overpayment to be refunded as a result of the said amendment or repeal.
- (b) Refunds that are required to be paid under subsection (a) shall be paid to the owner who made the payment.
- (c) Refunds that are required to be paid under subsection (a) shall be paid with interest to be calculated as follows:
- (i) Interest shall be calculated in accordance with the Bank of Canada rate from the date on which the overpayment was collected to the date on which the refund is paid;
  - (ii) Interest on refunds for the period for which interest is payable pursuant to subsection (i) shall be calculated and paid on a fluctuating basis in accordance with the quarter-yearly adjustment of the interest rate as established in subsection (iii);
  - (iii) The Bank of Canada interest rate in effect on the date of coming into force of this By-law shall be adjusted quarter-yearly thereafter on the first business day of January, April, July and October in each year to the rate established by the Bank of Canada on that date of the adjustment.

### **Exemption Where Development Charge Paid in Full**

20. (a) Subject to subsection (b), notwithstanding any other provision in this By-law, no development charge shall be payable where the full amount of a development charge imposed pursuant to this By-law or a predecessor thereof has previously been paid on the net hectares of land related to the development.
- (b) Where,
- (i) the proposed development is related to land for which a development charge imposed pursuant to this By-law, or a predecessor thereof, has been paid and in the calculation of that development charge, the reduction provided for in subsection 6(b), or predecessor thereof, was applied, and
  - (ii) subsequent to the payment of the development charge provided for in subsection (i), the land related to the development was the subject of a plan of subdivision pursuant to section 51 of the *Planning Act*, or a consent pursuant to section 53 of the *Planning Act*,

the exemption provided for in subsection (a) shall not apply to any area of the land determined to be in excess of .0929 hectares in calculating the development charges paid previously.

### **Schedules**

21. The following Schedules to this By-law form an integral part of this By-law:

Schedule "A": Map Showing Boundary of Oak Ridges – Lake Wilcox  
Greenfield Development Area

Schedule "B": Area Specific Development Charge:  
Oak Ridges – Lake Wilcox Greenfield Development  
Area

Schedule "C": Category of Services

Schedule "D": Calculation of Development Charges Credits provided  
to Derelict Buildings

### **Date By-law Effective**

22. This By-law shall come into force and effect on the date of enactment.

### **Repeal of Existing By-law**

23. By-law No.57-14 is hereby repealed.

### **Short Title**

24. The short title of this By-law is the "City of Richmond Hill Area Specific  
Development Charge By-law, 2019 – Oak Ridges – Lake Wilcox Greenfield  
Development Area".

Passed this 28th day of May, 2019.

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Dave Barrow  
Mayor

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Stephen M.A. Huycke  
City Clerk

**SCHEDULE “A” TO BY-LAW NO. 41-19**

**CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
OAK RIDGES – LAKE WILCOX GREENFIELD DEVELOPMENT AREA**



DEVELOPMENT CHARGES

Oak Ridges – Lake Wilcox Green Field Area

Water Supply, Sanitary Sewerage, Storm Drainage

Sheet 1 of 3

Block No. 1

LEGEND

Boundary of Lands Included in By-Law

Water Course

Existing Roads

Proposed Roads

Node number and location

Service Route and Length in metres

Bundry Rd/service Sidewalk-Lighting-Landscape

Road Reconstruction

Collector Rd/ ROW width in metres

Watermain/ size in mm

Sanitary Sewer/ size in mm

Storm Sewer/ size in mm

Stormwater Facility

Stormwater Management Facility/retrofit

Grit / Oil Removal

Bridge or Culvert

Traffic Signals

Intersection Improvements

Intersection Works

BR/SW-LT-LS

RR

CR/23

WM/300

SA/300

ST/750

S

R

G

B

T

I

W

File: dcb\_01\_2019.dgn

Date: 3/4/2019

Drawn by: HL

PLANNING & REGULATORY SERVICES DEPARTMENT

Chkd: JW

Municipal Services

Node Location Plan

SCALE

0 100 200 300 400

metres

The Town of Richmond Hill

253 East Beaver Creek Road

Richmond Hill, Ontario

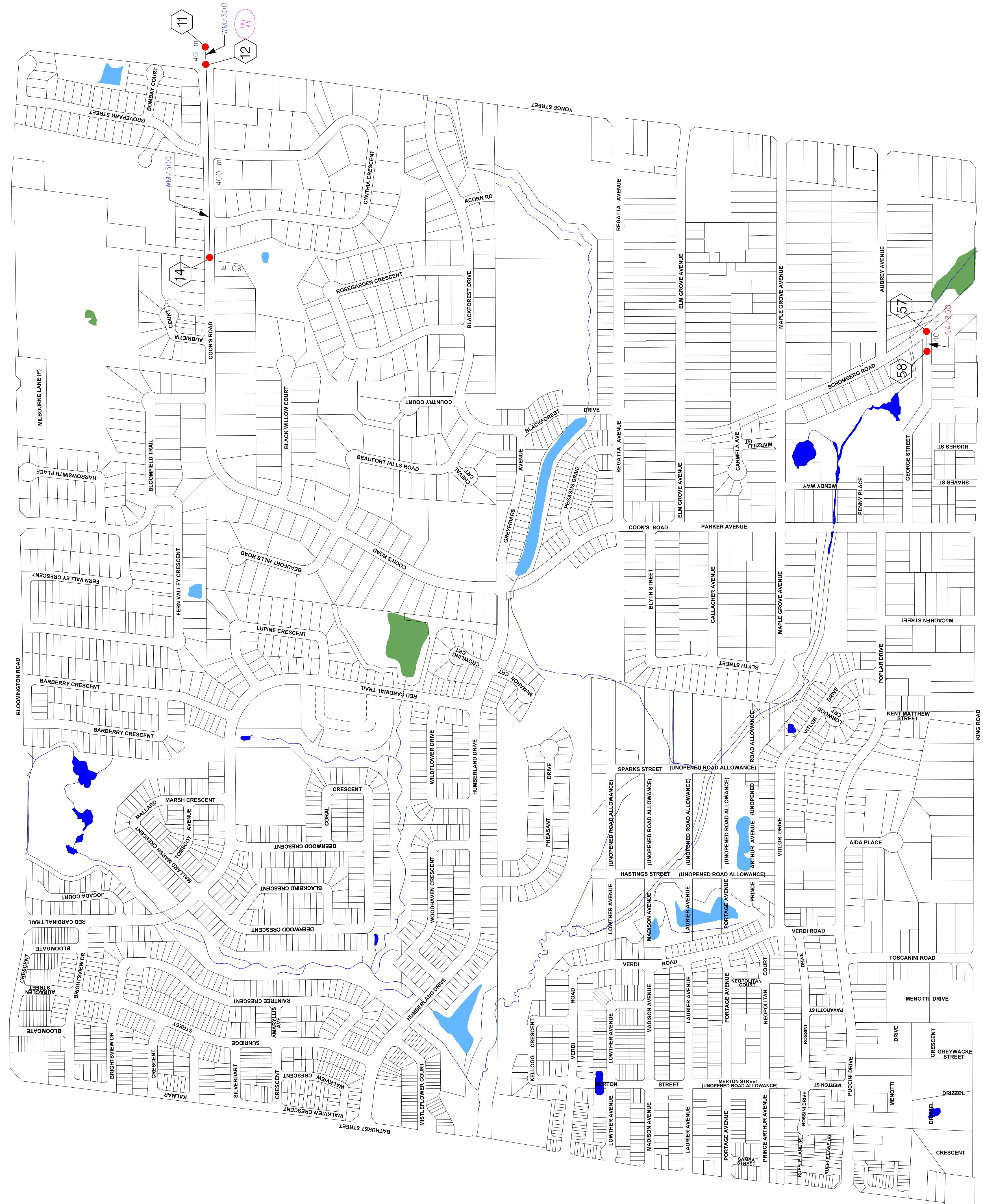
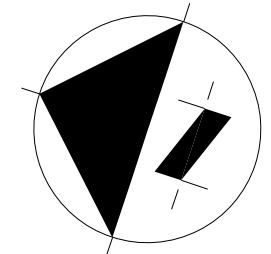
Canada L4B 3P4

Telephone: 905.709.1000

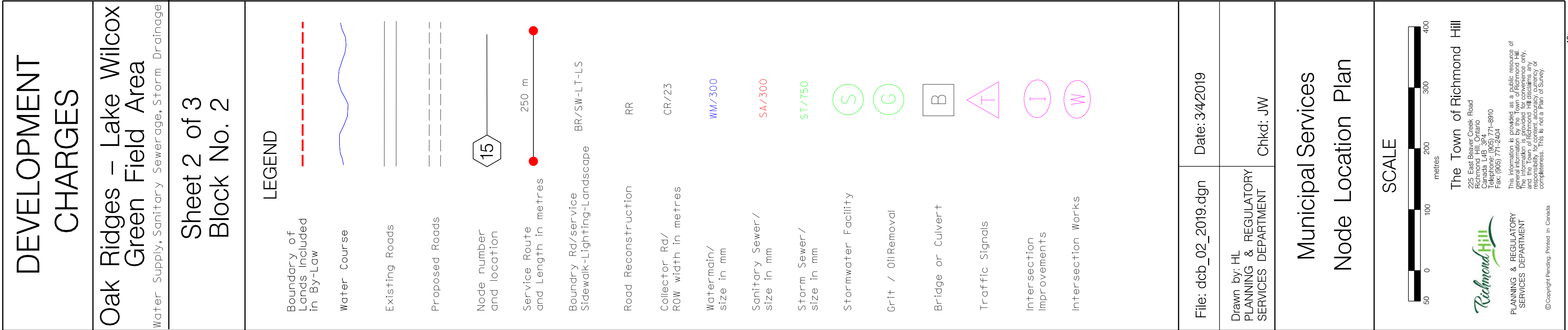
Fax: 905.709.2404

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DEVELOPMENT  
CHARGES

## Oak Ridges – Lake Wilcox Green Field Area

Water Supply, Sanitary Sewerage, Storm Drainage

Sheet 3 of 3  
Block No. 8

## LEGEND

Boundary of  
Lands Included  
in By-Law

Water Course


Existing Roads

Proposed Roads

Node number and location

15

Service Route  
and Length in metres



250 m

Boundry Rd/service  
Sidewalk-Lighting-Landscape  
BR/SW-LT-LS

Road Reconstruction RR

Collector Rd/  
ROW width in metres  
CR/23Watermain/  
size in mmSanitary Sewer/  
size in mm

Storm Sewer/  
size in mm

Stormwater Facility (S)

Grit / Oil Removal (C)

Bridge or Culvert

## Traffic Signals

## Intersection Improvements

Intersection Works

File: dcb\_08\_2019.dgn Date: 3/4/2019

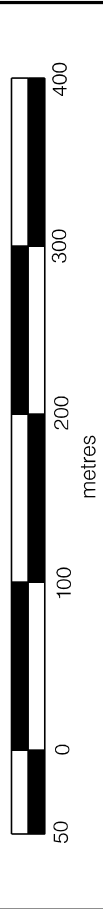
File: dcb\_08\_2019.dgn Date: 3/4/2019

Drawn by: HL  
PLANNING & REGULATORY  
SERVICES DEPARTMENT  
Chkd: JW

PLANNING & REGULATORY  
SERVICES DEPARTMENT

Municipal Services  
Node Location Plan

SCALE



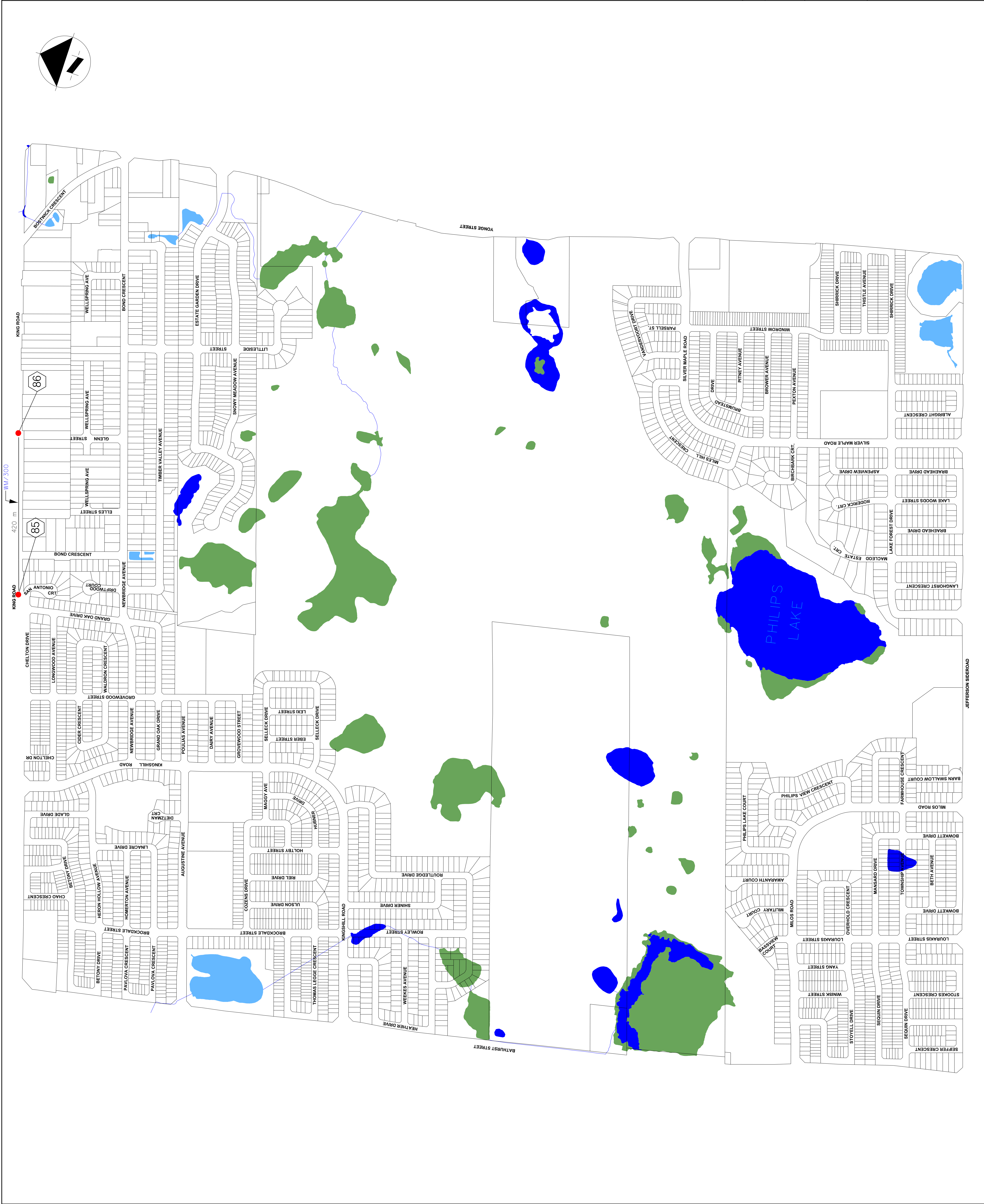
The Town of Richmond Hill

225 East Beaver Creek Road  
Richmond Hill, Ontario

**Richmond Hill**  
Canada L4B 3P4  
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**PLANNING & REGULATORY  
SERVICES DEPARTMENT**

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**SCHEDULE “B” TO BY-LAW NO. 41-19**

**CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
OAK RIDGES – LAKE WILCOX GREENFIELD DEVELOPMENT AREA**

| <b>AREA SPECIFIC SERVICES:</b>                            | <b>COST</b>             |
|---|-------------------------|
|   | <b>(\$000)</b>          |
|   |                         |
| Collector Roads   | \$0.0                   |
| Watermains and Appurtenances                              | \$1,294.6               |
| Sanitary Sewers and Appurtenances                         | \$288.9                 |
| Storm Sewers and Appurtenances                            | \$5,624.5               |
| Boundary Roads  | \$0.0                   |
| Valley Land Improvements                                  | \$0.0                   |
| Consulting Studies  | \$0.0                   |
| Credit Carryforwards                                      | \$0.0                   |
|   |                         |
| <b>Total Costs before allocation of Existing Reserves</b> | <b><u>\$7,208.0</u></b> |
| Existing Reserves   | \$2,379.5               |
| <b>TOTAL COSTS AFTER ALLOCATION OF EXISTING RESERVES</b>  | <b><u>\$4,828.5</u></b> |

Benefiting Area – 22.556 Net Hectares

Development Charge - \$214,100 Per Net Hectare

**NOTES:**

All charges are subject to adjustment in accordance with the terms of Section 8 of this By-law.

Additional development charges may be imposed pursuant to other development charge by-laws.

**SCHEDULE “C” TO BY-LAW NO. 41-19**

**CITY OF RICHMOND HILL**

**AREA SPECIFIC DEVELOPMENT CHARGES**

**OAK RIDGES – LAKE WILCOX GREENFIELD DEVELOPMENT AREA**

| <b>CATEGORY OF SERVICES</b>       |
|-----------------------------------|
| Water Mains and Appurtenances     |
| Sanitary Sewers and Appurtenances |
| Storm Sewers and Appurtenances    |
| Credit Carryforwards              |

**SCHEDULE “D” TO BY-LAW NO. 41-19**

**CITY OF RICHMOND HILL**  
**AREA SPECIFIC DEVELOPMENT CHARGES**  
**OAK RIDGES – LAKE WILCOX GREENFIELD DEVELOPMENT AREA**  
**CALCULATION OF DEVELOPMENT CHARGES CREDITS PROVIDED TO**  
**DERELICT BUILDINGS**

| <b>Number of Months From Date of Demolition Permit<br/>to Date of Building Permit Issuance</b> | <b>Credit Provided<br/>(%)</b> |
|--|--------------------------------|
| Up to and including 48 months  | 100                            |
| Greater than 48 months up to and including 72 months   | 75                             |
| Greater than 72 months up to and including 96 months   | 50                             |
| Greater than 96 months up to and including 120 months  | 25                             |
| Greater than 120 months  | 0                              |

# The Corporation of the City of Richmond Hill

## By-Law Number 42-19

### Purpose:

A By-law to Establish an Area Specific Development Charges By-law for the City of Richmond Hill **North Leslie West Development Area**

### Background:

**Whereas** subsection 2(l) of the *Development Charges Act*, 1997, S.O. 1997, c.27, as amended ("the Act") provides that the council of a municipality may pass by-laws for the imposition of development charges against land if the development of the land would increase the need for services arising from development of the area to which the by-law applies;

**And Whereas** the Council of the City of Richmond Hill has received and considered a Development Charges Study dated May 26, 2019, respecting the imposition of new development charges for the City of Richmond Hill North Leslie West Development Area which reflect the servicing scheme provided for in the said Study;

**And Whereas** subsection 9(1) of the Act provides that a development charge by-law expires five years after the day it comes into force unless it expires or is repealed earlier;

**And Whereas** the Council of the City of Richmond Hill held a public meeting on the 17<sup>th</sup> day of April, 2019 to consider the enactment of this By-law, and has given appropriate notice in accordance with the Act;

### Enactments

The Council of The Corporation of The City of Richmond Hill enacts as follows:

#### Definitions

1. In this By-law,
  - (a) "Act" means the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended or superseded;
  - (b) "accessory building" means a building or structure that is naturally and normally incidental to or subordinate in purpose or both, and exclusively devoted to a principal use, building or structure;
  - (c) "apartment building" means any residential building containing two or more dwelling units where the residential units are connected by an interior corridor whether or not any of the units have an independent entrance either directly or through a common vestibule;
  - (d) "banquet hall" means buildings or structures or any part of a building or structure used or designed or intended for use primarily for the purpose of catering to banquets, weddings, receptions or similar social functions for which food and beverages are served;
  - (e) "*Building Code Act*" means the *Building Code Act*, 1992, S.O. 1992, c.23;
  - (f) "development" means any activity or proposed activity in respect of land that requires one or more of the approvals referred to in section 3 of this By-law and includes the development or redevelopment of land or the redevelopment, expansion, extension or alteration of use of a building or structure;
  - (g) "development charge" means a charge imposed pursuant to this By-law;
  - (h) "*Development Charges Act*" means the *Development Charges Act*, 1997, S.O. 1997, Chapter 27, as amended;

- (i) "derelict building" means a building or structure that is vacant, neglected, poorly maintained, and unsuitable for occupancy which may include a building or structure that: (a) is in a ruinous or dilapidated condition; (b) the condition of which seriously depreciates the value of land or buildings in the vicinity; (c) is in such a state of non-repair as to be no longer suitable for human habitation or business purposes; (d) is an allurement to children who may play there to their danger; (e) constitutes a hazard to the health or safety of the public; (f) is unsightly in relation to neighboring properties because the exterior finish of the building or structure is not maintained, or; (g) is a fire hazard to itself or to surrounding lands or buildings;
- (j) "dwelling unit" means any part of a building or structure used, designed or intended to be used as a domestic residence in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;
- (k) "existing industrial building" has the meaning set out in the *Development Charges Act*;
- (l) "grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- (m) "gross floor area" means,
  - (i) in the case of a residential building or structure, or in the case of a mixed-use building or structure with respect to the residential portion thereof, the aggregate of the areas of each floor above grade of a dwelling unit measured between the exterior faces of the exterior walls of the building or structure or from the center line of a common wall separating a dwelling unit from another dwelling unit or other portion of a building;
  - (ii) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure with respect to the non-residential use portion thereof, 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 center line of a common wall separating a non-residential use and a residential use, excluding, 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 excluding, in the case of a building containing parking spaces other than a parking structure, the sum of the areas of each floor used, or designated or intended for use for the parking of motor vehicles unless the parking of motor vehicles is the principal use of the building or structure, and, for the purposes of this definition, the non-residential use portion of a mixed-use building is deemed to include one-half of any area common to the residential use and non-residential use portions of such mixed-use building or structure but shall not include any common area used exclusively by or for the residential use portion of such mixed-use buildings or structures;
- (n) "heritage building" means a building or structure which is designated to be of cultural heritage value or interest, or that is included in the register as a property of cultural value or interest, pursuant to the *Ontario Heritage Act*, as amended;
- (o) "hotel" means a commercial establishment offering lodging mainly to travelers and sometimes to permanent residents, and may include other services such as restaurants, meeting rooms and stores, that are available to the general public;
- (p) "institution" means buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public

or non-profit purpose and shall include, but without limiting the generality of the foregoing, places of worship;

- (q) “live work unit” means any part of a building or structure that includes a dwelling unit as well as a space intended for non-residential use;
- (r) "local board" has the meaning set out in Section 1 of the *Development Charges Act*;
- (s) “low density multiple building” means any residential building containing two or more dwelling units other than a row dwelling or semi-detached dwelling, where the residential units are not connected by an interior corridor and each unit has an independent entrance either directly or through a common vestibule;
- (t) “mixed-use buildings” means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- (u) "net hectare" means the area of land in hectares net of:
  - (i) all lands conveyed or to be conveyed without the payment or provision of valuable consideration pursuant to Sections 42, 51.1 and 53 of the *Planning Act*, R.S.O. 1990, c. P.13;
  - (ii) all lands conveyed or to be conveyed to the City or any local board thereof, to the Regional Municipality of York or any local board thereof without the payment or provision of valuable consideration;
  - (iii) all lands conveyed or to be conveyed to the Ministry of Transportation for the construction of provincial highways, and
  - (iv) all lands conveyed or to be conveyed to and to be used by a school board for the purposes of such school board,

and, for greater particularity, “to be conveyed” when used aforesaid means that such lands are to be conveyed to the specified entity forthwith following the applicable approval referred to in Section 3 and that such conveyance is secured by an unconditional agreement with the specified entity and “to be conveyed” does not mean or include a situation where the conveyance of such lands is secured by a conditional agreement or by an option in favour of such entity. Notwithstanding the foregoing and for greater particularity, where the development of land is by way of an approval of a plan of subdivision under Section 51 of the *Planning Act*, such lands shall be deemed not to be lands to be conveyed to the applicable entity unless such conveyance is secured by the subdivision agreement; and where the development of land is by way of a consent under Section 53 of the *Planning Act*, such lands shall be deemed not to be lands to be conveyed to the applicable entity unless such conveyance is secured by the conditions of the provisional consent and the condition is satisfied prior to the giving of the consent;

- (v) "non-residential use" means a building or structure used for other than a residential use and shall include retail uses;
- (w) "non-retail uses" means all non-residential uses other than retail uses and shall include offices;
- (x) "offices" means lands, buildings or structures used or designed or intended for use for the practice of a profession, the carrying on of a business or occupation or the conduct of a nonprofit organization and shall include but not be limited to the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, veterinarian, surveyor, appraiser, financial institution, contractor, builder, and developer;
- (y) "owner" means the owner of land or a person who has made application for an approval for the development of land;

- (z) “parking structure” means a building or structure principally used for the parking of motor vehicles and shall include a building or structure, or any part thereof, where motor vehicles are stored prior to being sold or rented to the general public;
- (aa) “place of worship” means a building or structure, or that part thereof, that would be exempt from taxation as a place of worship pursuant to the *Assessment Act*, R.S.O. 1990, c. A.31, as amended or superseded;
- (bb) “*Planning Act*” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or superseded;
- (cc) “public hospital” means a hospital governed by the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended;
- (dd) "Region" means the Regional Municipality of York;
- (ee) "residential use" includes all buildings or structures or portions thereof used for residential occupancy and includes buildings or structures used for single detached dwellings, semi-detached dwellings, low density multiple and apartment units;
- (ff) "retail uses" means all buildings or structures used for the sale or rental or offer for the sale or rental of goods or services to the general public for consumption or use and shall include but not be limited to a banquet hall, parking structure and a hotel, as well as any building or structure used for the sale or rental of goods or services where membership is a precondition to a person being able to acquire the goods or services at that place, but shall exclude an office;
- (gg) “row dwelling” means a dwelling unit in a residential building consisting of more than two dwelling units having one or two vertical walls, but no other parts, attached to another dwelling;
- (hh) "school board" means a board as defined in Section 1(1) of the *Education Act*;
- (ii) “semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall, but no other parts, attached to another dwelling unit, where the residential units are not connected by an interior corridor;
- (jj) "services" means services designated in this By-law;
- (kk) “single detached dwelling” means a residential building consisting of one dwelling unit that is not attached to another structure; and
- (ll) "City" means the Corporation of the City of Richmond Hill.

### **Designation of Services**

2. The categories of services for which development charges are imposed under this by-law are described in Schedule “C”.

### **Lands Affected**

3. This By-law applies to all land within the North Leslie West Development Area of the City, as shown on Schedule “A” to this By-law.

### **Approvals for Development**

4. A development charge is payable by the owner pursuant to this By-law in connection with the following approvals for the development of land:
  - (a) the passing of a zoning by-law or of an amendment thereto under Section 34 of the *Planning Act*;

- (b) the approval of a minor variance under Section 45 of the *Planning Act*;
- (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
- (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
- (e) a consent under Section 53 of the *Planning Act*;
- (f) the approval of a description under Section 9 of the *Condominium Act*, 1998 S.O. 1998, c. 19; or
- (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

### **Multiple Approvals**

5. (a) Where two or more of the actions described in subsections 4(a) to (g) inclusive, are required before land to which a development charge applies can be developed, only one development charge shall be levied in accordance with the provisions of this By-law.
- (b) Notwithstanding subsection (a) above, if two or more of the actions described in subsections 4(a) to (g) inclusive occur at different times with respect to the same lands and result in additional development of those lands, an additional development charge in respect of such additional development shall be calculated and paid in accordance with the provisions of this By-law and the provisions of Sections 6, 8, 10, 11, 12, 13 and 14 shall be applicable in calculating the additional development charge.

### **Calculation of Development Charges**

6. (a) The development charge with respect to the development of any land, buildings or structures shall be calculated in the case of a residential use and a non-residential use development, based upon the number of net hectares of land related to the development.
- (b) Notwithstanding subsection (a) where the proposed development is one single detached dwelling and the land related to that development is greater than .0929 net hectares, that portion of the land area greater than .0929 net hectares shall be exempt from the development charge calculation.
- (c) Notwithstanding subsection (a), where:
  - (i) the development is for any lot created prior to November 21, 1991;
  - (ii) there is on the lot, immediately prior to the development, a non-residential use; and
  - (iii) the development is for a non-residential use,
 the development charge with respect to the development of the lot, shall be calculated according to the following formula:

$$\frac{A}{(A + B)} \times C$$

And, for the purposes of this formula, the following definitions shall apply:

- A = The gross floor area of the development
- B = The gross floor area of the non-residential use on the lot immediately prior to the development
- C = The development charge as otherwise determined in accordance with subsection 6(a)



For the purposes of this subsection, “lot” shall mean a parcel or tract of land:

- (i) which is a whole lot as shown on a registered plan of subdivision, but a registered plan of subdivision for the purpose of this definition does not include a registered plan of subdivision which has been deemed not to be a registered plan of subdivision under a By-law passed pursuant to the *Planning Act*, or
- (ii) is a separate parcel of land without any adjoining lands being owned by the same owner or owners, or
- (iii) the description of which is the same as that for which a consent as defined in Section 50(1) of the *Planning Act* has been given,

provided that, for the purposes of this definition no parcel or tract of land ceases to be a lot by reason only of the fact that part or parts of it has or have been conveyed to or acquired by the City, Her Majesty in the Right of Canada, or the Region.

### **Schedule of Services for Development Charges**

- 7. (a) The services for which the development charge is imposed and the amount of the development charge payable with respect to any of the approvals mentioned in subsections (a) to (g) of Section 4 of this By-law shall be calculated in accordance with Schedule “B” to this By-law, subject to any exemptions, reductions, credits and other qualifications provided in this By-law.
- (b) Development Charges shall be imposed under this by-law for category of services as set out in Schedule “C”.

### **Indexing of Development Charges**

- 8. Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, commencing on the first day of July in the year following the enactment of this By-law and every subsequent year, in accordance with the Act.

### **Timing of Calculation and Payment**

- 9. (a) The development charge shall be calculated as of, and shall be payable, on the date a building permit is issued in relation to a building or structure on land to which the development charge applies.
- (b) Notwithstanding subsection (a), and provided that the owner and the City have not entered into an agreement pursuant to subsection (c), the development charge identified in Schedule “B” to this By-law shall be payable, subject to any applicable exemptions or reductions contained in this By-law:
  - (i) with respect to an approval of a plan of subdivision under Section 51 of the *Planning Act*, immediately upon entering into the subdivision agreement;
  - (ii) with respect to the granting of a consent under Section 53 of the *Planning Act*, immediately upon entering into an agreement made as a condition of the granting of such consent.
- (c) Notwithstanding subsections (a) and (b) an owner and the City may enter into an agreement respecting the timing of the payment of a development charge, or a portion thereof, and the terms of such agreement shall then prevail over the provisions of this By-law.

## **Exemptions for Intensification of Residential Land Uses and Enlargement of Existing Industrial Buildings**

10. (a) This By-law does not apply with respect to approvals related to the residential use of land, buildings or structures that would have the effect only:
- (i) of permitting the enlargement of an existing dwelling unit; or
  - (ii) of creating one or two additional dwelling units in an existing residential building as prescribed, and subject to the prescribed restrictions, in prescribed classes of buildings, pursuant to regulations made under the Act.
- (b) 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:
- (i) Subject to subsection 10(b)(iii), if the gross floor area is enlarged by 50 per cent or less of the lesser of:
    - (A) the gross floor area of the existing industrial building, or
    - (B) the gross floor area of the existing industrial building before the first enlargement for which:
      - (i) an exemption from the payment of development charges was granted, or
      - (ii) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is zero;
  - (ii) Subject to subsection 10(b)(iii), if the gross floor area is enlarged by more than 50 per cent of the lesser of:
    - (A) the gross floor area of the existing industrial building, or
    - (B) the gross floor area of the existing industrial building before the first enlargement for which:
      - (i) an exemption from the payment of development charges was granted, or
      - (ii) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

    - (A) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and
    - (B) divide the amount determined under subsection (A) by the amount of the enlargement.
  - (iii) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsections 10(b)(i) and 10(b)(ii), the cumulative gross floor area of any previous enlargements for which:

- (A) an exemption from the payment of development charges was granted, or
- (B) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection,

shall be added to the calculation of the gross floor area of the proposed enlargement.

- (iv) For the purposes of this subsection (b), the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.
- (v) Notwithstanding the definition of “gross floor area” set out in Section 1 of this By-law, for the purposes of this subsection (b) only, “gross floor area” shall have the meaning set out in Ontario Regulation 82/98 made pursuant to the *Development Charges Act*.

### **Reduction of Charges for Redevelopment and Change of Use**

11. Where, as a result of the redevelopment of land, a building or structure existing on the land within 48 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
  - (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 6 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
  - (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed use building or structure, an amount calculated by multiplying the applicable development charges under subsection 6 of this by-law by the gross floor area that has been or will be demolished or converted to another principal use; provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment. The 48 month time frame shall be calculated from the date of the issuance of the demolition permit.
12. For the purposes of subsection 11, the onus is on the applicant to produce evidence to the satisfaction of the City, acting reasonably, to establish the following:
  - (a) the number of dwelling units that have been or will be demolished or converted to another principal use; or
  - (b) the non-residential gross floor area that has been or will be demolished or converted to another principal use; and

- (c) in the case of a demolition, that the dwelling units and/or non-residential gross floor area were demolished within 48 months prior to the date of the payment of development charges in regard to the redevelopment.
13. Any building or structure, that is determined to be derelict, or the equivalent of derelict by the Council of the City, shall be eligible for development charge credits in accordance with section 14.
14. Any building or structure deemed derelict, or the equivalent of derelict in accordance with subsection 13 shall be eligible for development charge credits if a building permit is issued for a building or structure on the lands previously occupied by the deemed derelict residential building or structure within 120 months or less of the issuance of demolition permit for the deemed derelict building or structure. The calculation of the development charge credit shall be made in accordance with Section 11, the total amount of which shall be based on the time that has passed between the date of issuance of the demolition permit and the date of issuance of the building permit as set out in Schedule D.

#### **No Refunds Arising Out of Reductions or Credits**

15. Notwithstanding anything in this By-law to the contrary, whenever a reduction or credit is allowed against a development charge otherwise payable pursuant to this By-law and the total of such amounts exceeds the amount of the development charge payable pursuant to this By-law, no further reduction(s) or credit(s) shall be allowed and no refund shall be payable.

#### **Exemptions**

16. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
- (a) buildings or structures to be owned by and used for the purposes of the City, the Region or a local board;
  - (b) buildings or structures to be owned by a school board and used for school board purposes;
  - (c) buildings or structures to be used as a public hospital;
  - (d) the gross floor area of a place of worship up to a maximum of 464.5 square metres (or 5,000 square feet) or in respect of that portion of the gross floor area of a place of worship which is used as an area for worship, whichever is greater;
  - (e) the relocation of a residential heritage building within the boundaries of the City of Richmond Hill; and
  - (f) the creation or addition of an accessory building not exceeding 100 square metres (1,076.39 square feet) of gross floor area save and except for any live work units with a retail component, for which development charges will be payable on the retail portion.

#### **Payment By Money Or Credits for The Provision of Services**

17. (a) Payment of development charges shall be by cash or by certified cheque.
- (b) Where any development charge, or any part thereof, remains unpaid after the date on which it is payable, the amount unpaid shall be added to the tax roll and collected in the same manner as taxes.

- (c) In the alternative to payment by the means provided in subsection (a), the City may, by an agreement entered into with the owner, accept the provision of services in lieu of the payment of all or any portion of a development charge pursuant to subsection (1) of Section 38 of the Act.
- (d) If, pursuant to an agreement, the City allows an owner to perform work that relates to a service to which a development charge relates, the amount of the credit towards the development charge for such work shall be the reasonable cost of doing such work as agreed by the City and the owner, provided however, that no credit may be given for any part of the cost of the 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.
- (e) In any agreement made in accordance with subsection 17(c) of this By-law, the City may agree to give a credit in relation to another service to which this By-law relates.
- (f) In any agreement respecting credits arising from a development charge payable under any other development charge by-law, the City may agree to give a credit related to a development charge payable under this By-law.

### **Reserve Funds**

- 18. Development charge payments received by the City pursuant to this By-law shall be maintained in a separate reserve fund or funds for each service to which the development charge relates and shall be spent only for the capital costs determined under paragraphs 2 to 8 of subsection 5(1) of the Act.

### **Interest on Refunds**

- 19. (a) Where this By-law, in whole or in part, or any development charge prescribed hereunder is amended or repealed by Order of the Ontario Municipal Board, or if a development charge that has already been paid is reduced by the Council of the City pursuant to Section 20 of the Act, or by the Ontario Municipal Board pursuant to Section 24 of the Act, the Treasurer for the City shall calculate forthwith the amount of any refund or overpayment to be refunded as a result of the said amendment or repeal.
- (b) Refunds that are required to be paid under subsection (a) shall be paid to the owner who made the payment.
- (c) Refunds that are required to be paid under subsection (a) shall be paid with interest to be calculated as follows:
  - (i) Interest shall be calculated in accordance with the Bank of Canada rate from the date on which the overpayment was collected to the date on which the refund is paid;
  - (ii) Interest on refunds for the period for which interest is payable pursuant to subsection (i) shall be calculated and paid on a fluctuating basis in accordance with the quarter-yearly adjustment of the interest rate as established in subsection (iii);
  - (iii) The Bank of Canada interest rate in effect on the date of coming into force of this By-law shall be adjusted quarter-yearly thereafter on the first business day of January, April, July and October in each year to the rate established by the Bank of Canada on that date of the adjustment.

### **Exemption Where Development Charge Paid in Full**

- 20. (a) Subject to subsection (b), notwithstanding any other provision in this By-law, no development charge shall be payable where the full amount of a development charge imposed pursuant to this By-law or a predecessor thereof has previously been paid on the net hectares of land related to the development.

- (b) Where,
- (i) the proposed development is related to land for which a development charge imposed pursuant to this By-law, or a predecessor thereof, has been paid and in the calculation of that development charge, the reduction provided for in subsection 6(b), or predecessor thereof, was applied, and
  - (ii) subsequent to the payment of the development charge provided for in subsection (i), the land related to the development was the subject of a plan of subdivision pursuant to section 51 of the *Planning Act*, or a consent pursuant to section 53 of the *Planning Act*,

the exemption provided for in subsection (a) shall not apply to any area of the land determined to be in excess of .0929 hectares in calculating the development charges paid previously.

### **Schedules**

21. The following Schedules to this By-law form an integral part of this By-law:

- |               |  |
|---------------|--|
| Schedule "A": | Map Showing Boundary of North Leslie West Development Area                   |
| Schedule "B": | Area Specific Development Charges:<br>North Leslie West Development Area     |
| Schedule "C": | Category of Services   |
| Schedule "D": | Calculation of Development Charges Credits provided to<br>Derelict Buildings |

**Date By-law Effective**

22. This By-law shall come into force and effect on the date of enactment.

**Repeal of Existing By-law**

23. By-law No.33-16 is hereby repealed.

**Short Title**

24. The short title of this By-law is the "City of Richmond Hill Area Specific Development Charges By-law, 2019 – North Leslie West Development Area".

Passed this 28th day of May, 2019.

---

Dave Barrow  
Mayor

---

Stephen M.A. Huycke  
City Clerk

**SCHEDULE “A” TO BY-LAW NO. 42-19**

**CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
NORTH LESLIE WEST DEVELOPMENT AREA**



## DEVELOPMENT CHARGES

# North Leslie – West Site Specific Area

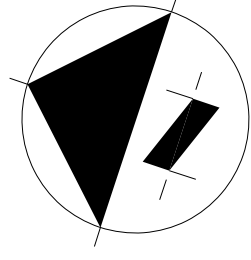
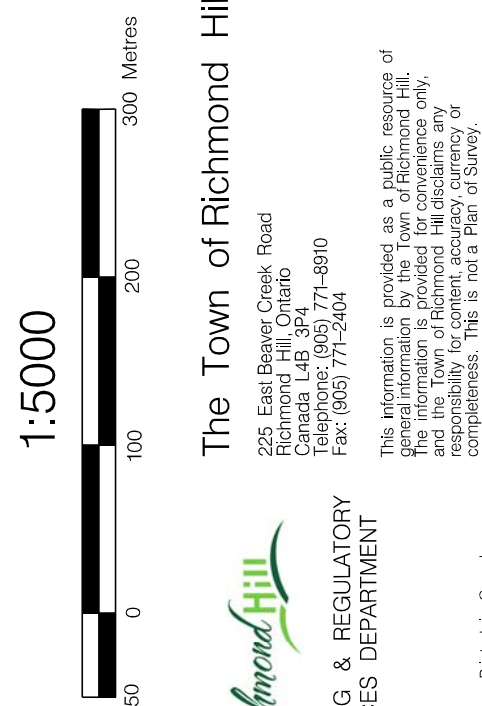
Sheet 1 of 2  
Block No. 11

**LEGEND**

- Boundary of Lands Included In By-Law (Red dashed line)
- Water: Course (Blue wavy line)
- Existing Roads (Solid black line)
- Proposed Roads (Dashed black line)
- Note number and location (Hexagon with number 15)
- Service Route and Length in metres (Line with red dots and text: 250 m BR/SW-LT-LS)
- Boundary Rd/service Sidewalk-Lighting-Landscape (Text: BR/SW-LT-LS)
- Road Reconstruction (Text: RR)
- Collector Rd/ ROW width in metres (Text: CR/23)
- Watermain/ size in mm (Text: WM/300)
- Sanitary Sewer/ size in mm (Text: SA/300)
- Storm Sewer/ size in mm (Text: ST/150)
- Stormwater Facility (Green circle with S)
- Grit / Oil Removal (Green circle with G)
- Bridge or Culvert (Text: B in a box)
- Traffic Signals (Triangle with T)
- Intersection Improvements (Purple circle with I)
- Intersection Works (Purple circle with W)

|                       |                |
|-----------------------|----------------|
| File: dcb_11_2016.dgn | Date: 3/4/2019 |
| Drawn by: HL          | Chkd: JW       |

Municipal Services  
Node Location Plan



## DEVELOPMENT CHARGES

### North Leslie – West Site Specific Area

## Partial Services

Sheet 2 of 2  
Block No. 14

## LEGEND

Boundary of  
Lands Included  
in By-Law

Water Course

## Existing Roads

Proposed Roads

Node number  
and locationService Route  
and Length in metresBR/SW-LT-LS  
Boundry Rd/service  
Sidewalk-Lighting-Landscape

Road Reconstruction

Collector Rd/  
ROW width in metresWatermain/  
size in mmSanitary Sewer/  
size in mmStorm Sewer/  
size in mm

Stormwater Facility

Grit / Oil Removal

Bridge or Culvert

## Traffic Signals

Intersection

Intersection Works

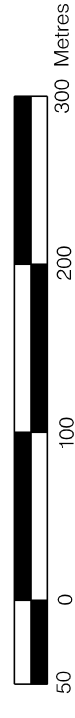
File: dcb\_14\_2019.dgn Date: 3/8/2019

Chkd: JW

Municipal Services

Node Location Plan

SCALE



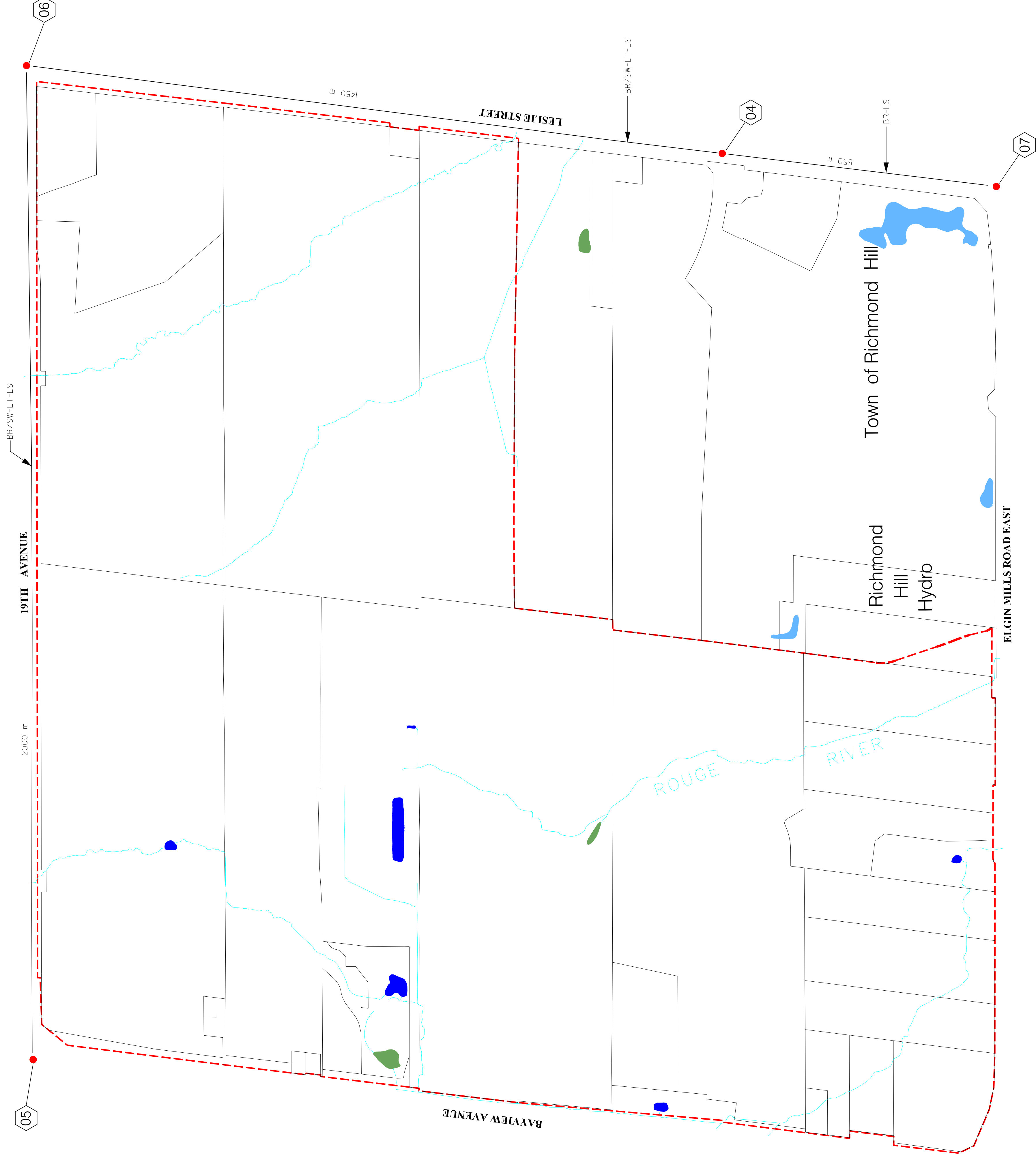
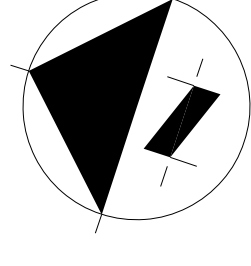
The Town of Richmond Hill

Richmond Hill

PLANNING & REGULATORY  
SERVICES DEPARTMENT

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**SCHEDULE “B”  
TO BY-LAW NO. 42-19**

**TOWN OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
NORTH LESLIE WEST DEVELOPMENT AREA**

| <b>AREA SPECIFIC SERVICES</b>                             | <b>COST</b>                    |
|---|--------------------------------|
|   | (\$000)                        |
|   |                                |
| Collector Roads   | \$0.0                          |
| Watermains and Appurtenances                              | \$0.0                          |
| Sanitary Sewers and Appurtenances                         | \$865.4                        |
| Storm Sewers and Appurtenances                            | \$0.0                          |
| Boundary Roads  | \$3,694.8                      |
| Valley Land Improvements                                  | \$0.0                          |
| Consulting Studies  | \$0.0                          |
| Credit Carryforwards                                      | \$0.0                          |
|   |                                |
| <b>Total Costs before allocation of Existing Reserves</b> | <b><u>\$4,560.2</u></b>        |
| Existing Reserves   | <u>\$0.0</u>                   |
| <b>TOTAL COSTS AFTER ALLOCATION OF EXISTING RESERVES</b>  | <b><u><u>\$4,560.2</u></u></b> |

Benefiting Area – 129.084 Net Hectares

Development Charge - \$35,300 Per Net Hectare

NOTES:

All charges are subject to adjustment in accordance with the terms of Section 8 of this By-law.

Additional development charges may be imposed pursuant to other development charge by-laws.

**SCHEDULE “C” - TO BY-LAW NO. 42-19**

**CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
NORTH LESLIE WEST DEVELOPMENT AREA**

|                                   |
|-----------------------------------|
| <b>CATEGORY OF SERVICES</b>       |
| Sanitary Sewers and Appurtenances |
| Boundary Roads                    |

**SCHEDULE “D” - TO BY-LAW NO. 42-19**

**CITY OF RICHMOND HILL**  
**AREA SPECIFIC DEVELOPMENT CHARGES**  
**NORTH LESLIE WEST DEVELOPMENT AREA**  
**CALCULATION OF DEVELOPMENT CHARGES CREDITS PROVIDED TO**  
**DERELICT BUILDINGS**

| <b>Number of Months From Date of Demolition Permit<br/>to Date of Building Permit Issuance</b> | <b>Credit Provided<br/>(%)</b> |
|--|--------------------------------|
| Up to and including 48 months  | 100                            |
| Greater than 48 months up to and including 72 months   | 75                             |
| Greater than 72 months up to and including 96 months   | 50                             |
| Greater than 96 months up to and including 120 months  | 25                             |
| Greater than 120 months  | 0                              |

# The Corporation of the City of Richmond Hill

## By-Law Number 43-19

### Purpose:

A By-law to Establish an Area Specific Development Charges By-law for the City of Richmond Hill **North Leslie East Development Area**

### Background:

**Whereas** subsection 2(l) of the *Development Charges Act*, 1997, S.O. 1997, c.27, as amended ("the Act") provides that the council of a municipality may pass by-laws for the imposition of development charges against land if the development of the land would increase the need for services arising from development of the area to which the by-law applies;

**And Whereas** the Council of the City of Richmond Hill has received and considered a Development Charges Study dated March 26, 2019, respecting the imposition of new development charges for the City of Richmond Hill North Leslie East Development Area which reflect the servicing scheme provided for in the said Study;

**And Whereas** subsection 9(1) of the Act provides that a development charge by-law expires five years after the day it comes into force unless it expires or is repealed earlier;

**And Whereas** the Council of the City of Richmond Hill held a public meeting on the 17<sup>th</sup> day of April, 2019 to consider the enactment of this By-law, and has given appropriate notice in accordance with the Act;

### Enactments

The Council of The Corporation of The City of Richmond Hill enacts as follows:

#### Definitions

1. In this By-law,
  - (a) "Act" means the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended or superseded;
  - (b) "accessory building" means a building or structure that is naturally and normally incidental to or subordinate in purpose or both, and exclusively devoted to a principal use, building or structure;
  - (c) "apartment building" means any residential building containing two or more dwelling units where the residential units are connected by an interior corridor whether or not any of the units have an independent entrance either directly or through a common vestibule;
  - (d) "banquet hall" means buildings or structures or any part of a building or structure used or designed or intended for use primarily for the purpose of catering to banquets, weddings, receptions or similar social functions for which food and beverages are served;
  - (e) "*Building Code Act*" means the *Building Code Act*, 1992, S.O. 1992, c.23;
  - (f) "development" means any activity or proposed activity in respect of land that requires one or more of the approvals referred to in section 3 of this By-law and includes the development or redevelopment of land or the redevelopment, expansion, extension or alteration of use of a building or structure;
  - (g) "development charge" means a charge imposed pursuant to this By-law;
  - (h) "*Development Charges Act*" means the *Development Charges Act*, 1997, S.O. 1997, Chapter 27, as amended;

- (i) "derelict building" means a building or structure that is vacant, neglected, poorly maintained, and unsuitable for occupancy which may include a building or structure that: (a) is in a ruinous or dilapidated condition; (b) the condition of which seriously depreciates the value of land or buildings in the vicinity; (c) is in such a state of non-repair as to be no longer suitable for human habitation or business purposes; (d) is an allurement to children who may play there to their danger; (e) constitutes a hazard to the health or safety of the public; (f) is unsightly in relation to neighboring properties because the exterior finish of the building or structure is not maintained, or; (g) is a fire hazard to itself or to surrounding lands or buildings;
- (j) "dwelling unit" means any part of a building or structure used, designed or intended to be used as a domestic residence in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;
- (k) "existing industrial building" has the meaning set out in the *Development Charges Act*;
- (l) "grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- (m) "gross floor area" means,
  - (i) in the case of a residential building or structure, or in the case of a mixed-use building or structure with respect to the residential portion thereof, the aggregate of the areas of each floor above grade of a dwelling unit measured between the exterior faces of the exterior walls of the building or structure or from the center line of a common wall separating a dwelling unit from another dwelling unit or other portion of a building;
  - (ii) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure with respect to the non-residential use portion thereof, 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 center line of a common wall separating a non-residential use and a residential use, excluding, 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 excluding, in the case of a building containing parking spaces other than a parking structure, the sum of the areas of each floor used, or designated or intended for use for the parking of motor vehicles unless the parking of motor vehicles is the principal use of the building or structure, and, for the purposes of this definition, the non-residential use portion of a mixed-use building is deemed to include one-half of any area common to the residential use and non-residential use portions of such mixed-use building or structure but shall not include any common area used exclusively by or for the residential use portion of such mixed-use buildings or structures;
- (n) "heritage building" means a building or structure which is designated to be of cultural heritage value or interest, or that is included in the register as a property of cultural value or interest, pursuant to the *Ontario Heritage Act*, as amended;
- (o) "hotel" means a commercial establishment offering lodging mainly to travelers and sometimes to permanent residents, and may include other services such as restaurants, meeting rooms and stores, that are available to the general public;
- (p) "institution" means buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public

or non-profit purpose and shall include, but without limiting the generality of the foregoing, places of worship;

- (q) “live work unit” means any part of a building or structure that includes a dwelling unit as well as a space intended for non-residential use;
- (r) "local board" has the meaning set out in Section 1 of the *Development Charges Act*;
- (s) “low density multiple building” means any residential building containing two or more dwelling units other than a row dwelling or semi-detached dwelling, where the residential units are not connected by an interior corridor and each unit has an independent entrance either directly or through a common vestibule;
- (t) “mixed-use buildings” means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- (u) "net hectare" means the area of land in hectares net of:
  - (i) all lands conveyed or to be conveyed without the payment or provision of valuable consideration pursuant to Sections 42, 51.1 and 53 of the *Planning Act*, R.S.O. 1990, c. P.13;
  - (ii) all lands conveyed or to be conveyed to the City or any local board thereof, to the Regional Municipality of York or any local board thereof without the payment or provision of valuable consideration;
  - (iii) all lands conveyed or to be conveyed to the Ministry of Transportation for the construction of provincial highways, and
  - (iv) all lands conveyed or to be conveyed to and to be used by a school board for the purposes of such school board,

and, for greater particularity, “to be conveyed” when used aforesaid means that such lands are to be conveyed to the specified entity forthwith following the applicable approval referred to in Section 3 and that such conveyance is secured by an unconditional agreement with the specified entity and “to be conveyed” does not mean or include a situation where the conveyance of such lands is secured by a conditional agreement or by an option in favour of such entity. Notwithstanding the foregoing and for greater particularity, where the development of land is by way of an approval of a plan of subdivision under Section 51 of the *Planning Act*, such lands shall be deemed not to be lands to be conveyed to the applicable entity unless such conveyance is secured by the subdivision agreement; and where the development of land is by way of a consent under Section 53 of the *Planning Act*, such lands shall be deemed not to be lands to be conveyed to the applicable entity unless such conveyance is secured by the conditions of the provisional consent and the condition is satisfied prior to the giving of the consent;

- (v) "non-residential use" means a building or structure used for other than a residential use and shall include retail uses;
- (w) "non-retail uses" means all non-residential uses other than retail uses and shall include offices;
- (x) "offices" means lands, buildings or structures used or designed or intended for use for the practice of a profession, the carrying on of a business or occupation or the conduct of a nonprofit organization and shall include but not be limited to the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, veterinarian, surveyor, appraiser, financial institution, contractor, builder, and developer;
- (y) "owner" means the owner of land or a person who has made application for an approval for the development of land;



- (z) "parking structure" means a building or structure principally used for the parking of motor vehicles and shall include a building or structure, or any part thereof, where motor vehicles are stored prior to being sold or rented to the general public;
- (aa) "place of worship" means a building or structure, or that part thereof, that would be exempt from taxation as a place of worship pursuant to the *Assessment Act*, R.S.O. 1990, c. A.31, as amended or superseded;
- (bb) "*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or superseded;
- (cc) "public hospital" means a hospital governed by the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended;
- (dd) "Region" means the Regional Municipality of York;
- (ee) "residential use" includes all buildings or structures or portions thereof used for residential occupancy and includes buildings or structures used for single detached dwellings, semi-detached dwellings, low density multiple and apartment units;
- (ff) "retail uses" means all buildings or structures used for the sale or rental or offer for the sale or rental of goods or services to the general public for consumption or use and shall include but not be limited to a banquet hall, parking structure and a hotel, as well as any building or structure used for the sale or rental of goods or services where membership is a precondition to a person being able to acquire the goods or services at that place, but shall exclude an office;
- (gg) "row dwelling" means a dwelling unit in a residential building consisting of more than two dwelling units having one or two vertical walls, but no other parts, attached to another dwelling;
- (hh) "school board" means a board as defined in Section 1(1) of the *Education Act*;
- (ii) "semi-detached dwelling" means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall, but no other parts, attached to another dwelling unit, where the residential units are not connected by an interior corridor;
- (jj) "services" means services designated in this By-law;
- (kk) "single detached dwelling" means a residential building consisting of one dwelling unit that is not attached to another structure; and
- (ll) "City" means the Corporation of the City of Richmond Hill.

### **Designation of Services**

2. The categories of services for which development charges are imposed under this by-law are described in Schedule "C".

### **Lands Affected**

3. This By-law applies to all land within the North Leslie East Development Area of the City, as shown on Schedule "A" to this By-law.

**Approvals for Development**

4. A development charge is payable by the owner pursuant to this By-law in connection with the following approvals for the development of land:
- (a) the passing of a zoning by-law or of an amendment thereto under Section 34 of the *Planning Act*;
  - (b) the approval of a minor variance under Section 45 of the *Planning Act*;
  - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
  - (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
  - (e) a consent under Section 53 of the *Planning Act*;
  - (f) the approval of a description under Section 9 of the *Condominium Act*, 1998 S.O. 1998, c. 19; or
  - (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

**Multiple Approvals**

5. (a) Where two or more of the actions described in subsections 4(a) to (g) inclusive, are required before land to which a development charge applies can be developed, only one development charge shall be levied in accordance with the provisions of this By-law.
- (b) Notwithstanding subsection (a) above, if two or more of the actions described in subsections 4(a) to (g) inclusive occur at different times with respect to the same lands and result in additional development of those lands, an additional development charge in respect of such additional development shall be calculated and paid in accordance with the provisions of this By-law and the provisions of Sections 6, 8, 10, 11, 12, 13 and 14 shall be applicable in calculating the additional development charge.

**Calculation of Development Charges**

6. (a) The development charge with respect to the development of any land, buildings or structures shall be calculated in the case of a residential use and a non-residential use development, based upon the number of net hectares of land related to the development.
- (b) Notwithstanding subsection (a) where the proposed development is one single detached dwelling and the land related to that development is greater than .0929 net hectares, that portion of the land area greater than .0929 net hectares shall be exempt from the development charge calculation.
- (c) Notwithstanding subsection (a), where:
- (i) the development is for any lot created prior to November 21, 1991;
  - (ii) there is on the lot, immediately prior to the development, a non-residential use; and
  - (iii) the development is for a non-residential use,
- the development charge with respect to the development of the lot, shall be calculated according to the following formula:

$$\frac{A}{(A + B)} \times C$$

And, for the purposes of this formula, the following definitions shall apply:

- A = The gross floor area of the development
- B = The gross floor area of the non-residential use on the lot immediately prior to the development
- C = The development charge as otherwise determined in accordance with subsection 6(a)

For the purposes of this subsection, “lot” shall mean a parcel or tract of land:

- (i) which is a whole lot as shown on a registered plan of subdivision, but a registered plan of subdivision for the purpose of this definition does not include a registered plan of subdivision which has been deemed not to be a registered plan of subdivision under a By-law passed pursuant to the *Planning Act*, or
- (ii) is a separate parcel of land without any adjoining lands being owned by the same owner or owners, or
- (iii) the description of which is the same as that for which a consent as defined in Section 50(1) of the *Planning Act* has been given, provided that, for the purposes of this definition no parcel or tract of land ceases to be a lot by reason only of the fact that part or parts of it has or have been conveyed to or acquired by the City, Her Majesty in the Right of Canada, or the Region.

#### **Schedule of Services for Development Charges**

- 7. (a) The services for which the development charge is imposed and the amount of the development charge payable with respect to any of the approvals mentioned in subsections (a) to (g) of Section 4 of this By-law shall be calculated in accordance with Schedule “B” to this By-law, subject to any exemptions, reductions, credits and other qualifications provided in this By-law.
- (b) Development Charges shall be imposed under this by-law for category of services as set out in Schedule “C”.

#### **Indexing of Development Charges**

- 8. Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, commencing on the first day of July in the year following the enactment of this By-law and every subsequent year, in accordance with the Act.

#### **Timing of Calculation and Payment**

- 9. (a) The development charge shall be calculated as of, and shall be payable, on the date a building permit is issued in relation to a building or structure on land to which the development charge applies.
- (b) Notwithstanding subsection (a), and provided that the owner and the City have not entered into an agreement pursuant to subsection (c), the development charge identified in Schedule “B” to this By-law shall be payable, subject to any applicable exemptions or reductions contained in this By-law:
  - (i) with respect to an approval of a plan of subdivision under Section 51 of the *Planning Act*, immediately upon entering into the subdivision agreement;
  - (ii) with respect to the granting of a consent under Section 53 of the *Planning Act*, immediately upon entering into an agreement made as a condition of the granting of such consent.
- (c) Notwithstanding subsections (a) and (b) an owner and the City may enter into an agreement respecting the timing of the payment of a development

charge, or a portion thereof, and the terms of such agreement shall then prevail over the provisions of this By-law.

**Exemptions for Intensification of Residential Land Uses and Enlargement of Existing Industrial Buildings**

10. (a) This By-law does not apply with respect to approvals related to the residential use of land, buildings or structures that would have the effect only:
- (i) of permitting the enlargement of an existing dwelling unit; or
  - (ii) of creating one or two additional dwelling units in an existing residential building as prescribed, and subject to the prescribed restrictions, in prescribed classes of buildings, pursuant to regulations made under the Act.
- (b) 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:
- (i) Subject to subsection 10(b)(iii), if the gross floor area is enlarged by 50 per cent or less of the lesser of:
    - (A) the gross floor area of the existing industrial building, or
    - (B) the gross floor area of the existing industrial building before the first enlargement for which:
      - (i) an exemption from the payment of development charges was granted, or
      - (ii) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is zero;
  - (ii) Subject to subsection 10(b)(iii), if the gross floor area is enlarged by more than 50 per cent of the lesser of:
    - (A) the gross floor area of the existing industrial building, or
    - (B) the gross floor area of the existing industrial building before the first enlargement for which:
      - (i) an exemption from the payment of development charges was granted, or
      - (ii) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

    - (A) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and
    - (B) divide the amount determined under subsection (A) by the amount of the enlargement.
  - (iii) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsections

10(b)(i) and 10(b)(ii), the cumulative gross floor area of any previous enlargements for which:

- (A) an exemption from the payment of development charges was granted, or
  - (B) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,
- pursuant to Section 4 of the Act and this subsection,

shall be added to the calculation of the gross floor area of the proposed enlargement.

- (iv) For the purposes of this subsection (b), the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.
- (v) Notwithstanding the definition of “gross floor area” set out in Section 1 of this By-law, for the purposes of this subsection (b) only, “gross floor area” shall have the meaning set out in Ontario Regulation 82/98 made pursuant to the *Development Charges Act*.

#### **Reduction of Charges for Redevelopment and Change of Use**

11. Where, as a result of the redevelopment of land, a building or structure existing on the land within 48 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
  - (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 6 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
  - (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed use building or structure, an amount calculated by multiplying the applicable development charges under subsection 6 of this by-law by the gross floor area that has been or will be demolished or converted to another principal use; provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment. The 48 month time frame shall be calculated from the date of the issuance of the demolition permit.
12. For the purposes of subsection 11, the onus is on the applicant to produce evidence to the satisfaction of the City, acting reasonably, to establish the following:
  - (a) the number of dwelling units that have been or will be demolished or converted to another principal use; or

- (b) the non-residential gross floor area that has been or will be demolished or converted to another principal use; and
  - (c) in the case of a demolition, that the dwelling units and/or non-residential gross floor area were demolished within 48 months prior to the date of the payment of development charges in regard to the redevelopment.
13. Any building or structure, that is determined to be derelict, or the equivalent of derelict by the Council of the City, shall be eligible for development charge credits in accordance with section 14.
14. Any building or structure deemed derelict, or the equivalent of derelict in accordance with subsection 13 shall be eligible for development charge credits if a building permit is issued for a building or structure on the lands previously occupied by the deemed derelict residential building or structure within 120 months or less of the issuance of demolition permit for the deemed derelict building or structure. The calculation of the development charge credit shall be made in accordance with Section 11, the total amount of which shall be based on the time that has passed between the date of issuance of the demolition permit and the date of issuance of the building permit as set out in Schedule D.

#### **No Refunds Arising Out of Reductions or Credits**

15. Notwithstanding anything in this By-law to the contrary, whenever a reduction or credit is allowed against a development charge otherwise payable pursuant to this By-law and the total of such amounts exceeds the amount of the development charge payable pursuant to this By-law, no further reduction(s) or credit(s) shall be allowed and no refund shall be payable.

#### **Exemptions**

16. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
- (a) buildings or structures to be owned by and used for the purposes of the City, the Region or a local board;
  - (b) buildings or structures to be owned by a school board and used for school board purposes;
  - (c) buildings or structures to be used as a public hospital;
  - (d) the gross floor area of a place of worship up to a maximum of 464.5 square metres (or 5,000 square feet) or in respect of that portion of the gross floor area of a place of worship which is used as an area for worship, whichever is greater;
  - (e) the relocation of a residential heritage building within the boundaries of the City of Richmond Hill; and
  - (f) the creation or addition of an accessory building not exceeding 100 square metres (1,076.39 square feet) of gross floor area save and except for any live work units with a retail component, for which development charges will be payable on the retail portion.

### **Payment By Money Or Credits for The Provision of Services**

17. (a) Payment of development charges shall be by cash or by certified cheque.
- (b) Where any development charge, or any part thereof, remains unpaid after the date on which it is payable, the amount unpaid shall be added to the tax roll and collected in the same manner as taxes.
- (c) In the alternative to payment by the means provided in subsection (a), the City may, by an agreement entered into with the owner, accept the provision of services in lieu of the payment of all or any portion of a development charge pursuant to subsection (1) of Section 38 of the Act.
- (d) If, pursuant to an agreement, the City allows an owner to perform work that relates to a service to which a development charge relates, the amount of the credit towards the development charge for such work shall be the reasonable cost of doing such work as agreed by the City and the owner, provided however, that no credit may be given for any part of the cost of the 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.
- (e) In any agreement made in accordance with subsection 17(c) of this By-law, the City may agree to give a credit in relation to another service to which this By-law relates.
- (f) In any agreement respecting credits arising from a development charge payable under any other development charge by-law, the City may agree to give a credit related to a development charge payable under this By-law.

### **Reserve Funds**

18. Development charge payments received by the City pursuant to this By-law shall be maintained in a separate reserve fund or funds for each service to which the development charge relates and shall be spent only for the capital costs determined under paragraphs 2 to 8 of subsection 5(1) of the Act.

### **Interest on Refunds**

19. (a) Where this By-law, in whole or in part, or any development charge prescribed hereunder is amended or repealed by Order of the Ontario Municipal Board, or if a development charge that has already been paid is reduced by the Council of the City pursuant to Section 20 of the Act, or by the Ontario Municipal Board pursuant to Section 24 of the Act, the Treasurer for the City shall calculate forthwith the amount of any refund or overpayment to be refunded as a result of the said amendment or repeal.
- (b) Refunds that are required to be paid under subsection (a) shall be paid to the owner who made the payment.
- (c) Refunds that are required to be paid under subsection (a) shall be paid with interest to be calculated as follows:
- (i) Interest shall be calculated in accordance with the Bank of Canada rate from the date on which the overpayment was collected to the date on which the refund is paid;
- (ii) Interest on refunds for the period for which interest is payable pursuant to subsection (i) shall be calculated and paid on a fluctuating basis in accordance with the quarter-yearly adjustment of the interest rate as established in subsection (iii);

- (iii) The Bank of Canada interest rate in effect on the date of coming into force of this By-law shall be adjusted quarter-yearly thereafter on the first business day of January, April, July and October in each year to the rate established by the Bank of Canada on that date of the adjustment.

#### **Exemption Where Development Charge Paid in Full**

- 20. (a) Subject to subsection (b), notwithstanding any other provision in this By-law, no development charge shall be payable where the full amount of a development charge imposed pursuant to this By-law or a predecessor thereof has previously been paid on the net hectares of land related to the development.
  - (b) Where,
    - (i) the proposed development is related to land for which a development charge imposed pursuant to this By-law, or a predecessor thereof, has been paid and in the calculation of that development charge, the reduction provided for in subsection 6(b), or predecessor thereof, was applied, and
    - (ii) subsequent to the payment of the development charge provided for in subsection (i), the land related to the development was the subject of a plan of subdivision pursuant to section 51 of the *Planning Act*, or a consent pursuant to section 53 of the *Planning Act*,
- the exemption provided for in subsection (a) shall not apply to any area of the land determined to be in excess of .0929 hectares in calculating the development charges paid previously.



### **Schedules**

21. The following Schedules to this By-law form an integral part of this By-law:

|               |  |
|---------------|--|
| Schedule "A": | Map Showing Boundary of North Leslie East Development Area                   |
| Schedule "B": | Area Specific Development Charges:<br>North Leslie East Development Area     |
| Schedule "C": | Category of Services   |
| Schedule "D": | Calculation of Development Charges Credits provided to<br>Derelict Buildings |

### **Date By-law Effective**

22. This By-law shall come into force and effect on the date of enactment.

### **Repeal of Existing By-law**

23. By-law No.34-16 is hereby repealed.

### **Short Title**

24. The short title of this By-law is the "City of Richmond Hill Area Specific Development Charges By-law, 2019 – North Leslie East Development Area".

Passed this 28th day of May, 2019.

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Dave Barrow  
Mayor

---

Stephen M.A. Huycke  
City Clerk

**SCHEDULE “A” TO BY-LAW NO. 43-19**

**CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
NORTH LESLIE EAST DEVELOPMENT AREA**

## DEVELOPMENT CHARGES

# North Leslie – East Site Specific Area

Sheet 1 of 1  
Block No. 13

## LEGEND

Boundary of  
Lands Included  
in By-Law

Water Course

## Existing Roads

Proposed Roads

Node number and location 15

Service Route  
and Length in metres

BR/SW-LT-LS  
Boundry Rd/service  
Sidewalk-Lighting-Landscape

Road Reconstruction

Collector Rd/  
ROW width in metres

Watermain/WM/300

Sanitary Sewer/  
size in mmStorm Sewe  
size in mm

Stormwater Facility

Grit / Oil Removal

Bridge or Culvert

Traffic Signals

Intersection Improvements

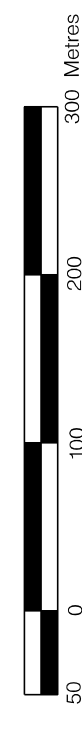
Intersection Works

File: dcb 13 2019.dgn Date: 3/4/2019

Drawn by: HL

# Municipal Services Node Location Plan

SCALE



The Town of Richmond Hill

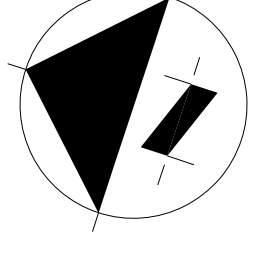
*Richmond Hill*

PLANNING & REGULATORY  
SERVICES DEPARTMENT

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T-Mass/Miso Plan and Plannet De reboonment Final nee (not yet) Done it come! Characters DEVC-HA RG does not come at all as we see 2018-9-6 13:2019 Jan 3, 2019 11:54:48 AM VZMCCOE -Bikes 13 - Sheet 1 of 1



**SCHEDULE “B” TO BY-LAW NO. 43-19**

**CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
NORTH LESLIE EAST DEVELOPMENT AREA**

| <b>AREA SPECIFIC SERVICES</b>                             | <b>COST</b>             |
|---|-------------------------|
|   | (\$000)                 |
|   |                         |
| Collector Roads   | \$0.0                   |
| Watermains and Appurtenances                              | \$0.0                   |
| Sanitary Sewers and Appurtenances                         | \$0.0                   |
| Storm Sewers and Appurtenances                            | \$0.0                   |
| Boundary Roads  | \$1,480.1               |
| Valley Land Improvements                                  | \$0.0                   |
| Consulting Studies  | \$0.0                   |
| Credit Carryforwards                                      | \$0.0                   |
|   |                         |
| <b>Total Costs before allocation of Existing Reserves</b> | <b><u>\$1,480.1</u></b> |
| Existing Reserves   | <u>\$959.4</u>          |
| <b>TOTAL COSTS AFTER ALLOCATION OF EXISTING RESERVES</b>  | <b><u>\$520.7</u></b>   |

Benefiting Area – 31.19 Net Hectares

Development Charge - \$16,700 Per Net Hectare

**NOTES:**

All charges are subject to adjustment in accordance with the terms of Section 8 of this By-law.

Additional development charges may be imposed pursuant to other development charge by-laws.

SCHEDULE “C” TO BY-LAW NO. 43-19

CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
NORTH LESLIE EAST DEVELOPMENT AREA

| CATEGORY OF SERVICES |
|----------------------|
| Boundary Roads       |

**SCHEDULE “D” TO BY-LAW NO. 43-19**

**CITY OF RICHMOND HILL**  
**AREA SPECIFIC DEVELOPMENT CHARGES**  
**NORTH LESLIE EAST DEVELOPMENT AREA**  
**CALCULATION OF DEVELOPMENT CHARGES CREDITS PROVIDED TO**  
**DERELICT BUILDINGS**

| <b>Number of Months From Date of Demolition Permit<br/>to Date of Building Permit Issuance</b> | <b>Credit Provided<br/>(%)</b> |
|--|--------------------------------|
| Up to and including 48 months  | 100                            |
| Greater than 48 months up to and including 72 months   | 75                             |
| Greater than 72 months up to and including 96 months   | 50                             |
| Greater than 96 months up to and including 120 months  | 25                             |
| Greater than 120 months  | 0                              |

# The Corporation of the City of Richmond Hill

## By-Law Number 44-19

### Purpose:

A By-law to Establish an Area Specific Development Charges By-law for the City of Richmond Hill **West Gormley Development Area**

### Background:

**Whereas** subsection 2(l) of the *Development Charges Act*, 1997, S.O. 1997, c.27, as amended ("the Act") provides that the council of a municipality may pass by-laws for the imposition of development charges against land if the development of the land would increase the need for services arising from development of the area to which the by-law applies;

**And Whereas** the Council of the City of Richmond Hill has received and considered a Development Charges Study dated March 26, 2019, respecting the imposition of new development charges for the City of Richmond Hill West Gormley Development Area which reflect the servicing scheme provided for in the said Study;

**And Whereas** subsection 9(1) of the Act provides that a development charge by-law expires five years after the day it comes into force unless it expires or is repealed earlier;

**And Whereas** the Council of the City of Richmond Hill held a public meeting on the 17<sup>th</sup> day of April, 2019 to consider the enactment of this By-law, and has given appropriate notice in accordance with the Act;

### Enactments

The Council of The Corporation of The City of Richmond Hill enacts as follows:

#### Definitions

1. In this By-law,
  - (a) "Act" means the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended or superseded;
  - (b) "accessory building" means a building or structure that is naturally and normally incidental to or subordinate in purpose or both, and exclusively devoted to a principal use, building or structure;
  - (c) "apartment building" means any residential building containing two or more dwelling units where the residential units are connected by an interior corridor whether or not any of the units have an independent entrance either directly or through a common vestibule;
  - (d) "banquet hall" means buildings or structures or any part of a building or structure used or designed or intended for use primarily for the purpose of catering to banquets, weddings, receptions or similar social functions for which food and beverages are served;
  - (e) "*Building Code Act*" means the *Building Code Act*, 1992, S.O. 1992, c.23;
  - (f) "development" means any activity or proposed activity in respect of land that requires one or more of the approvals referred to in section 3 of this By-law and includes the development or redevelopment of land or the redevelopment, expansion, extension or alteration of use of a building or structure;
  - (g) "development charge" means a charge imposed pursuant to this By-law;
  - (h) "*Development Charges Act*" means the *Development Charges Act*, 1997, S.O. 1997, Chapter 27, as amended;

- (i) "derelict building" means a building or structure that is vacant, neglected, poorly maintained, and unsuitable for occupancy which may include a building or structure that: (a) is in a ruinous or dilapidated condition; (b) the condition of which seriously depreciates the value of land or buildings in the vicinity; (c) is in such a state of non-repair as to be no longer suitable for human habitation or business purposes; (d) is an allurement to children who may play there to their danger; (e) constitutes a hazard to the health or safety of the public; (f) is unsightly in relation to neighboring properties because the exterior finish of the building or structure is not maintained, or; (g) is a fire hazard to itself or to surrounding lands or buildings;
- (j) "dwelling unit" means any part of a building or structure used, designed or intended to be used as a domestic residence in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;
- (k) "existing industrial building" has the meaning set out in the *Development Charges Act*;
- (l) "grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- (m) "gross floor area" means,
  - (i) in the case of a residential building or structure, or in the case of a mixed-use building or structure with respect to the residential portion thereof, the aggregate of the areas of each floor above grade of a dwelling unit measured between the exterior faces of the exterior walls of the building or structure or from the center line of a common wall separating a dwelling unit from another dwelling unit or other portion of a building;
  - (ii) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure with respect to the non-residential use portion thereof, 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 center line of a common wall separating a non-residential use and a residential use, excluding, 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 excluding, in the case of a building containing parking spaces other than a parking structure, the sum of the areas of each floor used, or designated or intended for use for the parking of motor vehicles unless the parking of motor vehicles is the principal use of the building or structure, and, for the purposes of this definition, the non-residential use portion of a mixed-use building is deemed to include one-half of any area common to the residential use and non-residential use portions of such mixed-use building or structure but shall not include any common area used exclusively by or for the residential use portion of such mixed-use buildings or structures;
- (n) "heritage building" means a building or structure which is designated to be of cultural heritage value or interest, or that is included in the register as a property of cultural value or interest, pursuant to the *Ontario Heritage Act*, as amended;
- (o) "hotel" means a commercial establishment offering lodging mainly to travelers and sometimes to permanent residents, and may include other services such as restaurants, meeting rooms and stores, that are available to the general public;
- (p) "institution" means buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public



or non-profit purpose and shall include, but without limiting the generality of the foregoing, places of worship;

- (q) “live work unit” means any part of a building or structure that includes a dwelling unit as well as a space intended for non-residential use;
- (r) "local board" has the meaning set out in Section 1 of the *Development Charges Act*;
- (s) “low density multiple building” means any residential building containing two or more dwelling units other than a row dwelling or semi-detached dwelling, where the residential units are not connected by an interior corridor and each unit has an independent entrance either directly or through a common vestibule;
- (t) “mixed-use buildings” means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- (u) "net hectare" means the area of land in hectares net of:
  - (i) all lands conveyed or to be conveyed without the payment or provision of valuable consideration pursuant to Sections 42, 51.1 and 53 of the *Planning Act*, R.S.O. 1990, c. P.13;
  - (ii) all lands conveyed or to be conveyed to the City or any local board thereof, to the Regional Municipality of York or any local board thereof without the payment or provision of valuable consideration;
  - (iii) all lands conveyed or to be conveyed to the Ministry of Transportation for the construction of provincial highways, and
  - (iv) all lands conveyed or to be conveyed to and to be used by a school board for the purposes of such school board,

and, for greater particularity, “to be conveyed” when used aforesaid means that such lands are to be conveyed to the specified entity forthwith following the applicable approval referred to in Section 3 and that such conveyance is secured by an unconditional agreement with the specified entity and “to be conveyed” does not mean or include a situation where the conveyance of such lands is secured by a conditional agreement or by an option in favour of such entity. Notwithstanding the foregoing and for greater particularity, where the development of land is by way of an approval of a plan of subdivision under Section 51 of the *Planning Act*, such lands shall be deemed not to be lands to be conveyed to the applicable entity unless such conveyance is secured by the subdivision agreement; and where the development of land is by way of a consent under Section 53 of the *Planning Act*, such lands shall be deemed not to be lands to be conveyed to the applicable entity unless such conveyance is secured by the conditions of the provisional consent and the condition is satisfied prior to the giving of the consent;

- (v) "non-residential use" means a building or structure used for other than a residential use and shall include retail uses;
- (w) "non-retail uses" means all non-residential uses other than retail uses and shall include offices;
- (x) "offices" means lands, buildings or structures used or designed or intended for use for the practice of a profession, the carrying on of a business or occupation or the conduct of a nonprofit organization and shall include but not be limited to the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, veterinarian, surveyor, appraiser, financial institution, contractor, builder, and developer;
- (y) "owner" means the owner of land or a person who has made application for an approval for the development of land;

- (z) “parking structure” means a building or structure principally used for the parking of motor vehicles and shall include a building or structure, or any part thereof, where motor vehicles are stored prior to being sold or rented to the general public;
- (aa) “place of worship” means a building or structure, or that part thereof, that would be exempt from taxation as a place of worship pursuant to the *Assessment Act*, R.S.O. 1990, c. A.31, as amended or superseded;
- (bb) “*Planning Act*” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or superseded;
- (cc) “public hospital” means a hospital governed by the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended;
- (dd) “Region” means the Regional Municipality of York;
- (ee) “residential use” includes all buildings or structures or portions thereof used for residential occupancy and includes buildings or structures used for single detached dwellings, semi-detached dwellings, low density multiple and apartment units;
- (ff) “retail uses” means all buildings or structures used for the sale or rental or offer for the sale or rental of goods or services to the general public for consumption or use and shall include but not be limited to a banquet hall, parking structure and a hotel, as well as any building or structure used for the sale or rental of goods or services where membership is a precondition to a person being able to acquire the goods or services at that place, but shall exclude an office;
- (gg) “row dwelling” means a dwelling unit in a residential building consisting of more than two dwelling units having one or two vertical walls, but no other parts, attached to another dwelling;
- (hh) “school board” means a board as defined in Section 1(1) of the *Education Act*;
- (ii) “semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall, but no other parts, attached to another dwelling unit, where the residential units are not connected by an interior corridor;
- (jj) “services” means services designated in this By-law;
- (kk) “single detached dwelling” means a residential building consisting of one dwelling unit that is not attached to another structure; and
- (ll) “City” means the Corporation of the City of Richmond Hill.

### **Designation of Services**

- 2. The categories of services for which development charges are imposed under this by-law are described in Schedule “C”.

### **Lands Affected**

- 3. This By-law applies to all land within the West Gormley Development Area of the City, as shown on Schedule “A” to this By-law.

### **Approvals for Development**

- 4. A development charge is payable by the owner pursuant to this By-law in connection with the following approvals for the development of land:

- (a) the passing of a zoning by-law or of an amendment thereto under Section 34 of the *Planning Act*;
- (b) the approval of a minor variance under Section 45 of the *Planning Act*;
- (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
- (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
- (e) a consent under Section 53 of the *Planning Act*;
- (f) the approval of a description under Section 9 of the *Condominium Act*, 1998 S.O. 1998, c. 19; or
- (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

### **Multiple Approvals**

- 5. (a) Where two or more of the actions described in subsections 4(a) to (g) inclusive, are required before land to which a development charge applies can be developed, only one development charge shall be levied in accordance with the provisions of this By-law.
- (b) Notwithstanding subsection (a) above, if two or more of the actions described in subsections 4(a) to (g) inclusive occur at different times with respect to the same lands and result in additional development of those lands, an additional development charge in respect of such additional development shall be calculated and paid in accordance with the provisions of this By-law and the provisions of Sections 6, 8, 10, 11, 12, 13 and 14 shall be applicable in calculating the additional development charge.

### **Calculation of Development Charges**

- 6. (a) The development charge with respect to the development of any land, buildings or structures shall be calculated in the case of a residential use and a non-residential use development, based upon the number of net hectares of land related to the development.
- (b) Notwithstanding subsection (a) where the proposed development is one single detached dwelling and the land related to that development is greater than .0929 net hectares, that portion of the land area greater than .0929 net hectares shall be exempt from the development charge calculation.
- (c) Notwithstanding subsection (a), where:
  - (i) the development is for any lot created prior to November 21, 1991;
  - (ii) there is on the lot, immediately prior to the development, a non-residential use; and
  - (iii) the development is for a non-residential use,

the development charge with respect to the development of the lot, shall be calculated according to the following formula:

$$\frac{A}{(A + B)} \times C$$

And, for the purposes of this formula, the following definitions shall apply:

- A = The gross floor area of the development
- B = The gross floor area of the non-residential use on the lot immediately prior to the development

C = The development charge as otherwise determined in accordance with subsection 6(a)

For the purposes of this subsection, “lot” shall mean a parcel or tract of land:

- (i) which is a whole lot as shown on a registered plan of subdivision, but a registered plan of subdivision for the purpose of this definition does not include a registered plan of subdivision which has been deemed not to be a registered plan of subdivision under a By-law passed pursuant to the *Planning Act*, or
- (ii) is a separate parcel of land without any adjoining lands being owned by the same owner or owners, or
- (iii) the description of which is the same as that for which a consent as defined in Section 50(1) of the *Planning Act* has been given,

provided that, for the purposes of this definition no parcel or tract of land ceases to be a lot by reason only of the fact that part or parts of it has or have been conveyed to or acquired by the City, Her Majesty in the Right of Canada, or the Region.

#### **Schedule of Services for Development Charges**

- 7. (a) The services for which the development charge is imposed and the amount of the development charge payable with respect to any of the approvals mentioned in subsections (a) to (g) of Section 4 of this By-law shall be calculated in accordance with Schedule “B” to this By-law, subject to any exemptions, reductions, credits and other qualifications provided in this By-law.
- (b) Development Charges shall be imposed under this by-law for category of services as set out in Schedule “C”.

#### **Indexing of Development Charges**

- 8. Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, commencing on the first day of July in the year following the enactment of this By-law and every subsequent year, in accordance with the Act.

#### **Timing of Calculation and Payment**

- 9. (a) The development charge shall be calculated as of, and shall be payable, on the date a building permit is issued in relation to a building or structure on land to which the development charge applies.
- (b) Notwithstanding subsection (a), and provided that the owner and the City have not entered into an agreement pursuant to subsection (c), the development charge identified in Schedule “B” to this By-law shall be payable, subject to any applicable exemptions or reductions contained in this By-law:
  - (i) with respect to an approval of a plan of subdivision under Section 51 of the *Planning Act*, immediately upon entering into the subdivision agreement;
  - (ii) with respect to the granting of a consent under Section 53 of the *Planning Act*, immediately upon entering into an agreement made as a condition of the granting of such consent.
- (c) Notwithstanding subsections (a) and (b) an owner and the City may enter into an agreement respecting the timing of the payment of a development charge, or a portion thereof, and the terms of such agreement shall then prevail over the provisions of this By-law.

**Exemptions for Intensification of Residential Land Uses and Enlargement of Existing Industrial Buildings**

10. (a) This By-law does not apply with respect to approvals related to the residential use of land, buildings or structures that would have the effect only:
- (i) of permitting the enlargement of an existing dwelling unit; or
  - (ii) of creating one or two additional dwelling units in an existing residential building as prescribed, and subject to the prescribed restrictions, in prescribed classes of buildings, pursuant to regulations made under the Act.
- (b) 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:
- (i) Subject to subsection 10(b)(iii), if the gross floor area is enlarged by 50 per cent or less of the lesser of:
    - (A) the gross floor area of the existing industrial building, or
    - (B) the gross floor area of the existing industrial building before the first enlargement for which:
      - (i) an exemption from the payment of development charges was granted, or
      - (ii) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is zero;
  - (ii) Subject to subsection 10(b)(iii), if the gross floor area is enlarged by more than 50 per cent of the lesser of:
    - (A) the gross floor area of the existing industrial building, or
    - (B) the gross floor area of the existing industrial building before the first enlargement for which:
      - (i) an exemption from the payment of development charges was granted, or
      - (ii) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

    - (A) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and
    - (B) divide the amount determined under subsection (A) by the amount of the enlargement.
  - (iii) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsections

10(b)(i) and 10(b)(ii), the cumulative gross floor area of any previous enlargements for which:

- (A) an exemption from the payment of development charges was granted, or
- (B) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection,

shall be added to the calculation of the gross floor area of the proposed enlargement.

- (iv) For the purposes of this subsection (b), the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.
- (v) Notwithstanding the definition of “gross floor area” set out in Section 1 of this By-law, for the purposes of this subsection (b) only, “gross floor area” shall have the meaning set out in Ontario Regulation 82/98 made pursuant to the *Development Charges Act*.

#### **Reduction of Charges for Redevelopment and Change of Use**

11. Where, as a result of the redevelopment of land, a building or structure existing on the land within 48 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
  - (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 6 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
  - (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed use building or structure, an amount calculated by multiplying the applicable development charges under subsection 6 of this by-law by the gross floor area that has been or will be demolished or converted to another principal use; provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment. The 48 month time frame shall be calculated from the date of the issuance of the demolition permit.
12. For the purposes of subsection 11, the onus is on the applicant to produce evidence to the satisfaction of the City, acting reasonably, to establish the following:
  - (a) the number of dwelling units that have been or will be demolished or converted to another principal use; or

- (b) the non-residential gross floor area that has been or will be demolished or converted to another principal use; and
  - (c) in the case of a demolition, that the dwelling units and/or non-residential gross floor area were demolished within 48 months prior to the date of the payment of development charges in regard to the redevelopment.
13. Any building or structure, that is determined to be derelict, or the equivalent of derelict by the Council of the City, shall be eligible for development charge credits in accordance with section 14.
14. Any building or structure deemed derelict, or the equivalent of derelict in accordance with subsection 13 shall be eligible for development charge credits if a building permit is issued for a building or structure on the lands previously occupied by the deemed derelict residential building or structure within 120 months or less of the issuance of demolition permit for the deemed derelict building or structure. The calculation of the development charge credit shall be made in accordance with Section 11, the total amount of which shall be based on the time that has passed between the date of issuance of the demolition permit and the date of issuance of the building permit as set out in Schedule D.

#### **No Refunds Arising Out of Reductions or Credits**

15. Notwithstanding anything in this By-law to the contrary, whenever a reduction or credit is allowed against a development charge otherwise payable pursuant to this By-law and the total of such amounts exceeds the amount of the development charge payable pursuant to this By-law, no further reduction(s) or credit(s) shall be allowed and no refund shall be payable.

#### **Exemptions**

16. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
- (a) buildings or structures to be owned by and used for the purposes of the City, the Region or a local board;
  - (b) buildings or structures to be owned by a school board and used for school board purposes;
  - (c) buildings or structures to be used as a public hospital;
  - (d) the gross floor area of a place of worship up to a maximum of 464.5 square metres (or 5,000 square feet) or in respect of that portion of the gross floor area of a place of worship which is used as an area for worship, whichever is greater;
  - (e) the relocation of a residential heritage building within the boundaries of the City of Richmond Hill; and
  - (f) the creation or addition of an accessory building not exceeding 100 square metres (1,076.39 square feet) of gross floor area save and except for any live work units with a retail component, for which development charges will be payable on the retail portion.

#### **Payment By Money Or Credits for The Provision of Services**

17. (a) Payment of development charges shall be by cash or by certified cheque.

- (b) Where any development charge, or any part thereof, remains unpaid after the date on which it is payable, the amount unpaid shall be added to the tax roll and collected in the same manner as taxes.
- (c) In the alternative to payment by the means provided in subsection (a), the City may, by an agreement entered into with the owner, accept the provision of services in lieu of the payment of all or any portion of a development charge pursuant to subsection (1) of Section 38 of the Act.
- (d) If, pursuant to an agreement, the City allows an owner to perform work that relates to a service to which a development charge relates, the amount of the credit towards the development charge for such work shall be the reasonable cost of doing such work as agreed by the City and the owner, provided however, that no credit may be given for any part of the cost of the 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.
- (e) In any agreement made in accordance with subsection 17(c) of this By-law, the City may agree to give a credit in relation to another service to which this By-law relates.
- (f) In any agreement respecting credits arising from a development charge payable under any other development charge by-law, the City may agree to give a credit related to a development charge payable under this By-law.

### **Reserve Funds**

- 18. Development charge payments received by the City pursuant to this By-law shall be maintained in a separate reserve fund or funds for each service to which the development charge relates and shall be spent only for the capital costs determined under paragraphs 2 to 8 of subsection 5(1) of the Act.

### **Interest on Refunds**

- 19. (a) Where this By-law, in whole or in part, or any development charge prescribed hereunder is amended or repealed by Order of the Ontario Municipal Board, or if a development charge that has already been paid is reduced by the Council of the City pursuant to Section 20 of the Act, or by the Ontario Municipal Board pursuant to Section 24 of the Act, the Treasurer for the City shall calculate forthwith the amount of any refund or overpayment to be refunded as a result of the said amendment or repeal.
- (b) Refunds that are required to be paid under subsection (a) shall be paid to the owner who made the payment.
- (c) Refunds that are required to be paid under subsection (a) shall be paid with interest to be calculated as follows:
  - (i) Interest shall be calculated in accordance with the Bank of Canada rate from the date on which the overpayment was collected to the date on which the refund is paid;
  - (ii) Interest on refunds for the period for which interest is payable pursuant to subsection (i) shall be calculated and paid on a fluctuating basis in accordance with the quarter-yearly adjustment of the interest rate as established in subsection (iii);
  - (iii) The Bank of Canada interest rate in effect on the date of coming into force of this By-law shall be adjusted quarter-yearly thereafter on the first business day of January, April, July and October in each year to the rate established by the Bank of Canada on that date of the adjustment.



### **Exemption Where Development Charge Paid in Full**

20. (a) Subject to subsection (b), notwithstanding any other provision in this By-law, no development charge shall be payable where the full amount of a development charge imposed pursuant to this By-law or a predecessor thereof has previously been paid on the net hectares of land related to the development.
- (b) Where,
- (i) the proposed development is related to land for which a development charge imposed pursuant to this By-law, or a predecessor thereof, has been paid and in the calculation of that development charge, the reduction provided for in subsection 6(b), or predecessor thereof, was applied, and
- (ii) subsequent to the payment of the development charge provided for in subsection (i), the land related to the development was the subject of a plan of subdivision pursuant to section 51 of the *Planning Act*, or a consent pursuant to section 53 of the *Planning Act*,

the exemption provided for in subsection (a) shall not apply to any area of the land determined to be in excess of .0929 hectares in calculating the development charges paid previously.

### **Schedules**

21. The following Schedules to this By-law form an integral part of this By-law:
- |               |  |
|---------------|--|
| Schedule "A": | Map Showing Boundary of West Gormley Development Area                        |
| Schedule "B": | Area Specific Development Charges:<br>West Gormley Development Area          |
| Schedule "C": | Category of Services   |
| Schedule "D": | Calculation of Development Charges Credits provided to<br>Derelict Buildings |

**Date By-law Effective**

22. This By-law shall come into force and effect on the date of enactment.

**Repeal of Existing By-law**

23. By-law No.35-16 is hereby repealed.

**Short Title**

24. The short title of this By-law is the "City of Richmond Hill Area Specific Development Charges By-law, 2019 – West Gormley Development Area".

Passed this 28th day of May, 2019.

---

Dave Barrow  
Mayor

---

Stephen M.A. Huycke  
City Clerk

**SCHEDULE “A” TO BY-LAW NO. 44-19**

**CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
WEST GORMLEY DEVELOPMENT AREA**

## DEVELOPMENT CHARGES

# West Gormley-Rouge Site Specific Area

Sheet 1 of 1  
Block No. 6

## LEGEND

Boundary of  
Lands Included  
in By-Law

Water Course

Existing Roads

Proposed Roads

Node number  
and locationService Route  
and Length in metresBR/SW-LT-LS  
Boundry Rd/service  
Sidewalk-Lighting-Landscape

Road Reconstruction

Collector Rd/  
ROW width in metresWatermain/  
size in mmSanitary Sewer/  
size in mmStorm Sewer/  
size in mm

Stormwater Facility

Grit / Oil Removal

Bridge or Culvert

Traffic Signals

Intersection Improvements

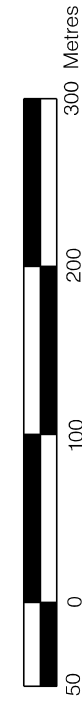
Intersection Works

File: dcb 06 2019.dgn Date: 3/4/2019

Drawn by: HL  
Chkd: JW

Municipal Services  
Node Location Plan

SCALE



The Town of Richmond Hill

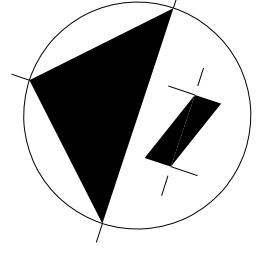


**Greenleaf Group**  
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**SERVICES DEPARTMENT**

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**SCHEDULE "B" TO BY-LAW NO. 44-19**

**CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
WEST GORMLEY DEVELOPMENT AREA**

| <b>AREA SPECIFIC SERVICES</b>                             | <b>COST</b>             |
|---|-------------------------|
|   | (\$000)                 |
| Collector Roads   | \$0.0                   |
| Watermains and Appurtenances                              | \$0.0                   |
| Sanitary Sewers and Appurtenances                         | \$0.0                   |
| Storm Sewers and Appurtenances                            | \$0.0                   |
| Boundary Roads  | \$2,515.3               |
| Valley Land Improvements                                  | \$0.0                   |
| Consulting Studies  | \$0.0                   |
| Credit Carryforwards                                      | \$0.0                   |
|   |                         |
| <b>Total Costs before allocation of Existing Reserves</b> | <b><u>\$2,515.3</u></b> |
| Existing Reserves   | <u>\$481.1</u>          |
| <b>TOTAL COSTS AFTER ALLOCATION OF EXISTING RESERVES</b>  | <b><u>\$2,034.1</u></b> |

Benefiting Area – 46.22 Net Hectares

Development Charge - \$44,000 Per Net Hectare

**NOTES:**

All charges are subject to adjustment in accordance with the terms of Section 8 of this By-law.

Additional development charges may be imposed pursuant to other development charge by-laws.

**SCHEDULE "C" TO BY-LAW NO. 44-19**

**CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
WEST GORMLEY DEVELOPMENT AREA**

| <b>CATEGORY OF SERVICES</b> |
|-----------------------------|
| Boundary Roads              |

**SCHEDULE “D” TO BY-LAW NO. 44-19**

**CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
WEST GORMLEY DEVELOPMENT AREA  
CALCULATION OF DEVELOPMENT CHARGES CREDITS PROVIDED TO  
DERELICT BUILDINGS**

| <b>Number of Months From Date of Demolition Permit<br/>to Date of Building Permit Issuance</b> | <b>Credit Provided<br/>(%)</b> |
|--|--------------------------------|
| Up to and including 48 months  | 100                            |
| Greater than 48 months up to and including 72 months   | 75                             |
| Greater than 72 months up to and including 96 months   | 50                             |
| Greater than 96 months up to and including 120 months  | 25                             |
| Greater than 120 months  | 0                              |

# The Corporation of the City of Richmond Hill

## By-Law Number 45-19

### Purpose:

A By-law to Establish an Area Specific Development Charges By-law for the City of Richmond Hill **Elgin West Development Area**

### Background:

**Whereas** subsection 2(l) of the *Development Charges Act*, 1997, S.O. 1997, c.27, ("the Act") provides that the council of a municipality may pass by-laws for the imposition of development charges against land if the development of the land would increase the need for services arising from development of the area to which the by-law applies;

**And Whereas** the Council of the City of Richmond Hill has received and considered a Development Charges Study dated March 26, 2019, respecting the imposition of new development charges for the City of Richmond Hill Elgin West Development Area which reflect the servicing scheme provided for in the said Study;

**And Whereas** subsection 9(1) of the Act provides that a development charge by-law expires five years after the day it comes into force unless it expires or is repealed earlier;

**And Whereas** the Council of the City of Richmond Hill held a public meeting on the 17th day of April, 2019 to consider the enactment of this By-law, and has given appropriate notice in accordance with the Act;

### Enactments

The Council of The Corporation of The City of Richmond Hill enacts as follows:

#### Definitions

1. In this By-law,
  - (a) "Act" means the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended or superseded;
  - (b) "accessory building" means a building or structure that is naturally and normally incidental to or subordinate in purpose or both, and exclusively devoted to a principal use, building or structure;
  - (c) "apartment building" means any residential building containing two or more dwelling units where the residential units are connected by an interior corridor whether or not any of the units have an independent entrance either directly or through a common vestibule;
  - (d) "banquet hall" means buildings or structures or any part of a building or structure used or designed or intended for use primarily for the purpose of catering to banquets, weddings, receptions or similar social functions for which food and beverages are served;
  - (e) "*Building Code Act*" means the *Building Code Act*, 1992, S.O. 1992, c.23;
  - (f) "development" means any activity or proposed activity in respect of land that requires one or more of the approvals referred to in section 3 of this By-law and includes the development or redevelopment of land or the redevelopment, expansion, extension or alteration of use of a building or structure;
  - (g) "development charge" means a charge imposed pursuant to this By-law;
  - (h) "*Development Charges Act*" means the *Development Charges Act*, 1997, S.O. 1997, Chapter 27;
  - (i) "derelict building" means a building or structure that is vacant, neglected, poorly maintained, and unsuitable for occupancy which may include a



building or structure that: (a) is in a ruinous or dilapidated condition; (b) the condition of which seriously depreciates the value of land or buildings in the vicinity; (c) is in such a state of non-repair as to be no longer suitable for human habitation or business purposes; (d) is an allurements to children who may play there to their danger; (e) constitutes a hazard to the health or safety of the public; (f) is unsightly in relation to neighboring properties because the exterior finish of the building or structure is not maintained, or; (g) is a fire hazard to itself or to surrounding lands or buildings;

- (j) "dwelling unit" means any part of a building or structure used, designed or intended to be used as a domestic residence in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;
- (k) "existing industrial building" has the meaning set out in the *Development Charges Act*;
- (l) "grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- (m) "gross floor area" means,
  - (i) in the case of a residential building or structure, or in the case of a mixed-use building or structure with respect to the residential portion thereof, the aggregate of the areas of each floor above grade of a dwelling unit measured between the exterior faces of the exterior walls of the building or structure or from the center line of a common wall separating a dwelling unit from another dwelling unit or other portion of a building;
  - (ii) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure with respect to the non-residential use portion thereof, 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 center line of a common wall separating a non-residential use and a residential use, excluding, 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 excluding, in the case of a building containing parking spaces other than a parking structure, the sum of the areas of each floor used, or designated or intended for use for the parking of motor vehicles unless the parking of motor vehicles is the principal use of the building or structure, and, for the purposes of this definition, the non-residential use portion of a mixed-use building is deemed to include one-half of any area common to the residential use and non-residential use portions of such mixed-use building or structure but shall not include any common area used exclusively by or for the residential use portion of such mixed-use buildings or structures;
- (n) "heritage building" means a building or structure which is designated to be of cultural heritage value or interest, or that is included in the register as a property of cultural value or interest, pursuant to the *Ontario Heritage Act*, as amended;
- (o) "hotel" means a commercial establishment offering lodging mainly to travelers and sometimes to permanent residents, and may include other services such as restaurants, meeting rooms and stores, that are available to the general public;
- (p) "institution" means buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public or non-profit purpose and shall include, but without limiting the generality of the foregoing, places of worship;

- (q) "live work unit" means any part of a building or structure that includes a dwelling unit as well as a space intended for non-residential use;
- (r) "local board" has the meaning set out in Section 1 of the *Development Charges Act*;
- (s) "low density multiple building" means any residential building containing two or more dwelling units other than a row dwelling or semi-detached dwelling, where the residential units are not connected by an interior corridor and each unit has an independent entrance either directly or through a common vestibule;
- (t) "mixed-use buildings" means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- (u) "net hectare" means the area of land in hectares net of:
  - (i) all lands conveyed or to be conveyed without the payment or provision of valuable consideration pursuant to Sections 42, 51.1 and 53 of the *Planning Act*, R.S.O. 1990, c. P.13;
  - (ii) all lands conveyed or to be conveyed to the City or any local board thereof, to the Regional Municipality of York or any local board thereof without the payment or provision of valuable consideration;
  - (iii) all lands conveyed or to be conveyed to the Ministry of Transportation for the construction of provincial highways, and
  - (iv) all lands conveyed or to be conveyed to and to be used by a school board for the purposes of such school board,

and, for greater particularity, "to be conveyed" when used aforesaid means that such lands are to be conveyed to the specified entity forthwith following the applicable approval referred to in Section 3 and that such conveyance is secured by an unconditional agreement with the specified entity and "to be conveyed" does not mean or include a situation where the conveyance of such lands is secured by a conditional agreement or by an option in favour of such entity. Notwithstanding the foregoing and for greater particularity, where the development of land is by way of an approval of a plan of subdivision under Section 51 of the *Planning Act*, such lands shall be deemed not to be lands to be conveyed to the applicable entity unless such conveyance is secured by the subdivision agreement; and where the development of land is by way of a consent under Section 53 of the *Planning Act*, such lands shall be deemed not to be lands to be conveyed to the applicable entity unless such conveyance is secured by the conditions of the provisional consent and the condition is satisfied prior to the giving of the consent;

- (v) "non-residential use" means a building or structure used for other than a residential use and shall include retail uses;
- (w) "non-retail uses" means all non-residential uses other than retail uses and shall include offices;
- (x) "offices" means lands, buildings or structures used or designed or intended for use for the practice of a profession, the carrying on of a business or occupation or the conduct of a nonprofit organization and shall include but not be limited to the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, veterinarian, surveyor, appraiser, financial institution, contractor, builder, and developer;
- (y) "owner" means the owner of land or a person who has made application for an approval for the development of land;
- (z) "parking structure" means a building or structure principally used for the parking of motor vehicles and shall include a building or structure, or any

part thereof, where motor vehicles are stored prior to being sold or rented to the general public;

- (aa) “place of worship” means a building or structure, or that part thereof, that would be exempt from taxation as a place of worship pursuant to the *Assessment Act*, R.S.O. 1990, c. A.31, as amended or superseded;
- (bb) “*Planning Act*” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or superseded;
- (cc) “public hospital” means a hospital governed by the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended;
- (dd) “Region” means the Regional Municipality of York;
- (ee) “residential use” includes all buildings or structures or portions thereof used for residential occupancy and includes buildings or structures used for single detached dwellings, semi-detached dwellings, low density multiple and apartment units;
- (ff) “retail uses” means all buildings or structures used for the sale or rental or offer for the sale or rental of goods or services to the general public for consumption or use and shall include but not be limited to a banquet hall, parking structure and a hotel, as well as any building or structure used for the sale or rental of goods or services where membership is a precondition to a person being able to acquire the goods or services at that place, but shall exclude an office;
- (gg) “row dwelling” means a dwelling unit in a residential building consisting of more than two dwelling units having one or two vertical walls, but no other parts, attached to another dwelling;
- (hh) “school board” means a board as defined in Section 1(1) of the *Education Act*;
- (ii) “semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall, but no other parts, attached to another dwelling unit, where the residential units are not connected by an interior corridor;
- (jj) “services” means services designated in this By-law;
- (kk) “single detached dwelling” means a residential building consisting of one dwelling unit that is not attached to another structure; and
- (ll) “City” means the Corporation of the City of Richmond Hill.

### **Designation of Services**

2. The categories of services for which development charges are imposed under this by-law are described in Schedule “C”.

### **Lands Affected**

3. This By-law applies to all land within the Elgin West Development Area of the City, as shown on Schedule “A” to this By-law.

### **Approvals for Development**

4. A development charge is payable by the owner pursuant to this By-law in connection with the following approvals for the development of land:
  - (a) the passing of a zoning by-law or of an amendment thereto under Section 34 of the *Planning Act*;

- (b) the approval of a minor variance under Section 45 of the *Planning Act*;
- (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
- (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
- (e) a consent under Section 53 of the *Planning Act*;
- (f) the approval of a description under Section 9 of the *Condominium Act*, 1998 S.O. 1998, c. 19; or
- (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

### **Multiple Approvals**

- 5. (a) Where two or more of the actions described in subsections 4(a) to (g) inclusive, are required before land to which a development charge applies can be developed, only one development charge shall be levied in accordance with the provisions of this By-law.
- (b) Notwithstanding subsection (a) above, if two or more of the actions described in subsections 4(a) to (g) inclusive occur at different times with respect to the same lands and result in additional development of those lands, an additional development charge in respect of such additional development shall be calculated and paid in accordance with the provisions of this By-law and the provisions of Sections 6, 8, 10, 11, 12, 13 and 14 shall be applicable in calculating the additional development charge.

### **Calculation of Development Charges**

- 6. (a) The development charge with respect to the development of any land, buildings or structures shall be calculated in the case of a residential use and a non-residential use development, based upon the number of net hectares of land related to the development.
- (b) Notwithstanding subsection (a) where the proposed development is one single detached dwelling and the land related to that development is greater than .0929 net hectares, that portion of the land area greater than .0929 net hectares shall be exempt from the development charge calculation.
- (c) Notwithstanding subsection (a), where:
  - (i) the development is for any lot created prior to November 21, 1991;
  - (ii) there is on the lot, immediately prior to the development, a non-residential use; and
  - (iii) the development is for a non-residential use,

the development charge with respect to the development of the lot, shall be calculated according to the following formula:

$$\frac{A}{(A + B)} \times C$$

And, for the purposes of this formula, the following definitions shall apply:

- A = The gross floor area of the development
- B = The gross floor area of the non-residential use on the lot immediately prior to the development

C = The development charge as otherwise determined in accordance with subsection 5(a)

For the purposes of this subsection, “lot” shall mean a parcel or tract of land:

- (i) which is a whole lot as shown on a registered plan of subdivision, but a registered plan of subdivision for the purpose of this definition does not include a registered plan of subdivision which has been deemed not to be a registered plan of subdivision under a By-law passed pursuant to the *Planning Act*, or
- (ii) is a separate parcel of land without any adjoining lands being owned by the same owner or owners, or
- (iii) the description of which is the same as that for which a consent as defined in Section 50(1) of the *Planning Act* has been given,

provided that, for the purposes of this definition no parcel or tract of land ceases to be a lot by reason only of the fact that part or parts of it has or have been conveyed to or acquired by the City, Her Majesty in the Right of Canada, or the Region.

#### **Schedule of Services for Development Charges**

- 7. (a) The services for which the development charge is imposed and the amount of the development charge payable with respect to any of the approvals mentioned in subsections (a) to (g) of Section 4 of this By-law shall be calculated in accordance with Schedule “B” to this By-law, subject to any exemptions, reductions, credits and other qualifications provided in this By-law.
- (b) Development Charges shall be imposed under this by-law for category of services as set out in Schedule “C”.

#### **Indexing of Development Charges**

- 8. Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, commencing on the first day of July in the year following the enactment of this By-law and every subsequent year, in accordance with the Act.

#### **Timing of Calculation and Payment**

- 9. (a) The development charge shall be calculated as of, and shall be payable, on the date a building permit is issued in relation to a building or structure on land to which the development charge applies.
- (b) Notwithstanding subsection (a), and provided that the owner and the City have not entered into an agreement pursuant to subsection (c), the development charge identified in Schedule “B” to this By-law shall be payable, subject to any applicable exemptions or reductions contained in this By-law:
  - (i) with respect to an approval of a plan of subdivision under Section 51 of the *Planning Act*, immediately upon entering into the subdivision agreement;
  - (ii) with respect to the granting of a consent under Section 53 of the *Planning Act*, immediately upon entering into an agreement made as a condition of the granting of such consent.
- (c) Notwithstanding subsections (a) and (b) an owner and the City may enter into an agreement respecting the timing of the payment of a development charge, or a portion thereof, and the terms of such agreement shall then prevail over the provisions of this By-law.

**Exemptions for Intensification of Residential Land Uses and Enlargement of Existing Industrial Buildings**

10. (a) This By-law does not apply with respect to approvals related to the residential use of land, buildings or structures that would have the effect only:
- (i) of permitting the enlargement of an existing dwelling unit; or
  - (ii) of creating one or two additional dwelling units in an existing residential building as prescribed, and subject to the prescribed restrictions, in prescribed classes of buildings, pursuant to regulations made under the Act.
- (b) 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:
- (i) Subject to subsection 10(b)(iii), if the gross floor area is enlarged by 50 per cent or less of the lesser of:
    - (A) the gross floor area of the existing industrial building, or
    - (B) the gross floor area of the existing industrial building before the first enlargement for which:
      - (i) an exemption from the payment of development charges was granted, or
      - (ii) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is zero;
  - (ii) Subject to subsection 10(b)(iii), if the gross floor area is enlarged by more than 50 per cent of the lesser of:
    - (A) the gross floor area of the existing industrial building, or
    - (B) the gross floor area of the existing industrial building before the first enlargement for which:
      - (i) an exemption from the payment of development charges was granted, or
      - (ii) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

    - (A) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and
    - (B) divide the amount determined under subsection (A) by the amount of the enlargement.
  - (iii) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsections

10(b)(i) and 10(b)(ii), the cumulative gross floor area of any previous enlargements for which:

(A) an exemption from the payment of development charges was granted, or

(B) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

shall be added to the calculation of the gross floor area of the proposed enlargement.

(iv) For the purposes of this subsection (b), the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.

(v) Notwithstanding the definition of “gross floor area” set out in Section 1 of this By-law, for the purposes of this subsection (b) only, “gross floor area” shall have the meaning set out in Ontario Regulation 82/98 made pursuant to the *Development Charges Act*.

#### **Reduction of Charges for Redevelopment and Change of Use**

11. Where, as a result of the redevelopment of land, a building or structure existing on the land within 48 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

(a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 6 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and

(b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed use building or structure, an amount calculated by multiplying the applicable development charges under subsection 6 of this by-law by the gross floor area that has been or will be demolished or converted to another principal use; provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment. The 48 month time frame shall be calculated from the date of the issuance of the demolition permit.

12. For the purposes of subsection 11, the onus is on the applicant to produce evidence to the satisfaction of the City, acting reasonably, to establish the following:

(a) the number of dwelling units that have been or will be demolished or converted to another principal use; or

- (b) the non-residential gross floor area that has been or will be demolished or converted to another principal use; and
  - (c) in the case of a demolition, that the dwelling units and/or non-residential gross floor area were demolished within 48 months prior to the date of the payment of development charges in regard to the redevelopment.
- 13. Any building or structure, that is determined to be derelict, or the equivalent of derelict by the Council of the City, shall be eligible for development charge credits in accordance with section 14.
- 14. Any building or structure deemed derelict, or the equivalent of derelict in accordance with subsection 13 shall be eligible for development charge credits if a building permit is issued for a building or structure on the lands previously occupied by the deemed derelict residential building or structure within 120 months or less of the issuance of demolition permit for the deemed derelict building or structure. The calculation of the development charge credit shall be made in accordance with Section 11, the total amount of which shall be based on the time that has passed between the date of issuance of the demolition permit and the date of issuance of the building permit as set out in Schedule D.

#### **No Refunds Arising Out of Reductions or Credits**

- 15. Notwithstanding anything in this By-law to the contrary, whenever a reduction or credit is allowed against a development charge otherwise payable pursuant to this By-law and the total of such amounts exceeds the amount of the development charge payable pursuant to this By-law, no further reduction(s) or credit(s) shall be allowed and no refund shall be payable.

#### **Exemptions**

- 16. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
  - (a) buildings or structures to be owned by and used for the purposes of the City, the Region or a local board;
  - (b) buildings or structures to be owned by a school board and used for school board purposes;
  - (c) buildings or structures to be used as a public hospital;
  - (d) the gross floor area of a place of worship up to a maximum of 464.5 square metres (or 5,000 square feet) or in respect of that portion of the gross floor area of a place of worship which is used as an area for worship, whichever is greater;
  - (e) the relocation of a residential heritage building within the boundaries of the City of Richmond Hill; and
  - (f) the creation or addition of an accessory building not exceeding 100 square metres (1,076.39 square feet) of gross floor area save and except for any live work units with a retail component, for which development charges will be payable on the retail portion.



### **Payment By Money Or Credits for The Provision of Services**

17. (a) Payment of development charges shall be by cash or by certified cheque.
- (b) Where any development charge, or any part thereof, remains unpaid after the date on which it is payable, the amount unpaid shall be added to the tax roll and collected in the same manner as taxes.
- (c) In the alternative to payment by the means provided in subsection (a), the City may, by an agreement entered into with the owner, accept the provision of services in lieu of the payment of all or any portion of a development charge pursuant to subsection (1) of Section 38 of the Act.
- (d) If, pursuant to an agreement, the City allows an owner to perform work that relates to a service to which a development charge relates, the amount of the credit towards the development charge for such work shall be the reasonable cost of doing such work as agreed by the City and the owner, provided however, that no credit may be given for any part of the cost of the 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.
- (e) In any agreement made in accordance with subsection 17(c) of this By-law, the City may agree to give a credit in relation to another service to which this By-law relates.
- (f) In any agreement respecting credits arising from a development charge payable under any other development charge by-law, the City may agree to give a credit related to a development charge payable under this By-law.

### **Reserve Funds**

18. Development charge payments received by the City pursuant to this By-law shall be maintained in a separate reserve fund or funds for each service to which the development charge relates and shall be spent only for the capital costs determined under paragraphs 2 to 8 of subsection 5(1) of the Act.

### **Interest on Refunds**

19. (a) Where this By-law, in whole or in part, or any development charge prescribed hereunder is amended or repealed by Order of the Ontario Municipal Board, or if a development charge that has already been paid is reduced by the Council of the City pursuant to Section 20 of the Act, or by the Ontario Municipal Board pursuant to Section 24 of the Act, the Treasurer for the City shall calculate forthwith the amount of any refund or overpayment to be refunded as a result of the said amendment or repeal.
- (b) Refunds that are required to be paid under subsection (a) shall be paid to the owner who made the payment.
- (c) Refunds that are required to be paid under subsection (a) shall be paid with interest to be calculated as follows:
- (i) Interest shall be calculated in accordance with the Bank of Canada rate from the date on which the overpayment was collected to the date on which the refund is paid;
- (ii) Interest on refunds for the period for which interest is payable pursuant to subsection (i) shall be calculated and paid on a fluctuating basis in accordance with the quarter-yearly adjustment of the interest rate as established in subsection (iii);
- (iii) The Bank of Canada interest rate in effect on the date of coming into force of this By-law shall be adjusted quarter-yearly thereafter on the first business day of January, April, July and October in each year to the rate established by the Bank of Canada on that date of the adjustment.

### **Exemption Where Development Charge Paid in Full**

20. (a) Subject to subsection (b), notwithstanding any other provision in this By-law, no development charge shall be payable where the full amount of a development charge imposed pursuant to this By-law or a predecessor thereof has previously been paid on the net hectares of land related to the development.
- (b) Where,
- (i) the proposed development is related to land for which a development charge imposed pursuant to this By-law, or a predecessor thereof, has been paid and in the calculation of that development charge, the reduction provided for in subsection 6(b), or predecessor thereof, was applied, and
- (ii) subsequent to the payment of the development charge provided for in subsection (i), the land related to the development was the subject of a plan of subdivision pursuant to section 51 of the *Planning Act*, or a consent pursuant to section 53 of the *Planning Act*,

the exemption provided for in subsection (a) shall not apply to any area of the land determined to be in excess of .0929 hectares in calculating the development charges paid previously.

### **Schedules**

21. The following Schedules to this By-law form an integral part of this By-law:
- |               |  |
|---------------|--|
| Schedule "A": | Map Showing Boundary of Elgin West Development Area                          |
| Schedule "B": | Area Specific Development Charges:<br>Elgin West Development Area            |
| Schedule "C": | Category of Services   |
| Schedule "D": | Calculation of Development Charges Credits provided to<br>Derelict Buildings |

**Date By-law Effective**

22. This By-law shall come into force and effect on the date of enactment.

**Repeal of Existing By-law**

23. By-law No.53-14 is hereby repealed.

**Short Title**

24. The short title of this By-law is the "City of Richmond Hill Area Specific Development Charges By-law, 2019 – Elgin West Development Area".

Passed this 28th day of May, 2019.

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Dave Barrow  
Mayor

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Stephen M.A. Huycke  
City Clerk

**SCHEDULE “A” TO BY-LAW NO. 45-19**

**CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
ELGIN WEST DEVELOPMENT AREA**

## DEVELOPMENT CHARGES

Elgin West  
Site Specific Area  
All Services

Sheet 1 of 1  
Block No. 16

## LEGEND

### Boundary of Lands Included in By-Law

Water Course

### Existing Roads

Proposed Roads

15

Service Route  
and Length in metres

BR/SW-LT-LS  
Boundry Rd/service  
Sidewalk-Lighting-Landscape

Road Reconstruction

Collector Rd/  
ROW width in metresWatermain/  
size in mmSanitary Sewer/  
size in mmstorm sewer/  
size in mm

Stormwater Facility

Grit / Oil Removal

Bridge or Culvert

Traffic Signals

Intersection

Intersection Wor

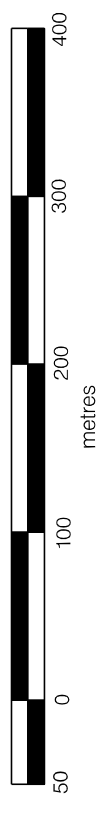
File: dcb\_16\_2019.dgn Date: 3/4/2019

Drawn by: HL  
PLANNING & REGULATORY  
SERVICES DEPARTMENT

Chkd: JW

Municipal Services  
Node Location Plan

SCALE



The Town of Richmond Hill



**PLANNING & REGULATORY  
SERVICES DEPARTMENT**

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**SCHEDULE “B” TO BY-LAW NO. 53-19**

**CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
ELGIN WEST DEVELOPMENT AREA**

| <b>AREA SPECIFIC SERVICES</b>                             | <b>COST</b>             |
|---|-------------------------|
|   | (\$000)                 |
|   |                         |
| Collector Roads   | \$258.5                 |
| Watermains and Appurtenances                              | \$122.7                 |
| Sanitary Sewers and Appurtenances                         | \$0.0                   |
| Storm Sewers and Appurtenances                            | \$239.7                 |
| Boundary Roads  | \$636.0                 |
| Valley Land Improvements                                  | \$0.0                   |
| Consulting Studies  | \$0.0                   |
| Credit Carryforwards                                      | \$1,035.2               |
|   |                         |
| <b>Total Costs before allocation of Existing Reserves</b> | <b><u>\$2,312.1</u></b> |
| Existing Reserves   | <u>\$836.5</u>          |
| <b>TOTAL COSTS AFTER ALLOCATION OF EXISTING RESERVES</b>  | <b><u>\$1,475.6</u></b> |

Benefiting Area – 9.320 Net Hectares

Development Charge - \$158,300 Per Net Hectare

**NOTES:**

All charges are subject to adjustment in accordance with the terms of Section 8 of this By-law.

Additional development charges may be imposed pursuant to other development charge by-laws.

SCHEDULE “C” TO BY-LAW NO. 45-19

CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
ELGIN WEST DEVELOPMENT AREA

| CATEGORY OF SERVICES           |
|--------------------------------|
| Collector Roads                |
| Water Mains and Appurtenances  |
| Storm Sewers and Appurtenances |
| Boundary Roads                 |
| Credit Carryforwards           |

**SCHEDULE “D” TO BY-LAW NO. 45-19**

**CITY OF RICHMOND HILL**  
**AREA SPECIFIC DEVELOPMENT CHARGES**  
**ELGIN WEST DEVELOPMENT AREA**  
**CALCULATION OF DEVELOPMENT CHARGES CREDITS PROVIDED TO**  
**DERELICT BUILDINGS**

| <b>Number of Months From Date of Demolition Permit<br/>to Date of Building Permit Issuance</b> | <b>Credit Provided<br/>(%)</b> |
|--|--------------------------------|
| Up to and including 48 months  | 100                            |
| Greater than 48 months up to and including 72 months   | 75                             |
| Greater than 72 months up to and including 96 months   | 50                             |
| Greater than 96 months up to and including 120 months  | 25                             |
| Greater than 120 months  | 0                              |



# The Corporation of the City of Richmond Hill

## By-Law Number 46-19

### Purpose:

A By-law to Establish an Area Specific Development Charges By-law for the City of Richmond Hill **Headford Storm North of Rouge Development Area**

### Background:

**Whereas** subsection 2(l) of the *Development Charges Act*, 1997, S.O. 1997, c.27, ("the Act") provides that the council of a municipality may pass by-laws for the imposition of development charges against land if the development of the land would increase the need for services arising from development of the area to which the by-law applies;

**And Whereas** the Council of the City of Richmond Hill has received and considered a Development Charges Study dated March 26, 2019, respecting the imposition of new development charges for the City of Richmond Hill Headford Storm North of Rouge Development Area which reflect the servicing scheme provided for in the said Study;

**And Whereas** subsection 9(1) of the Act provides that a development charge by-law expires five years after the day it comes into force unless it expires or is repealed earlier.

**And Whereas** the Council of the City of Richmond Hill held a public meeting on the 17<sup>th</sup> day of April, 2019 to consider the enactment of this By-law, and has given appropriate notice in accordance with the Act;

### Enactments

The Council of The Corporation of The City of Richmond Hill enacts as follows:

#### Definitions

1. In this By-law,
  - (a) "Act" means the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended or superseded;
  - (b) "accessory building" means a building or structure that is naturally and normally incidental to or subordinate in purpose or both, and exclusively devoted to a principal use, building or structure;
  - (c) "apartment building" means any residential building containing two or more dwelling units where the residential units are connected by an interior corridor whether or not any of the units have an independent entrance either directly or through a common vestibule;
  - (d) "banquet hall" means buildings or structures or any part of a building or structure used or designed or intended for use primarily for the purpose of catering to banquets, weddings, receptions or similar social functions for which food and beverages are served;
  - (e) "*Building Code Act*" means the *Building Code Act*, 1992, S.O. 1992, c.23;
  - (f) "development" means any activity or proposed activity in respect of land that requires one or more of the approvals referred to in section 3 of this By-law and includes the development or redevelopment of land or the redevelopment, expansion, extension or alteration of use of a building or structure;

- (i) "derelict building" means a building or structure that is vacant, neglected, poorly maintained, and unsuitable for occupancy which may include a building or structure that: (a) is in a ruinous or dilapidated condition; (b) the condition of which seriously depreciates the value of land or buildings in the vicinity; (c) is in such a state of non-repair as to be no longer suitable for human habitation or business purposes; (d) is an allurements to children who may play there to their danger; (e) constitutes a hazard to the health or safety of the public; (f) is unsightly in relation to neighboring properties because the exterior finish of the building or structure is not maintained, or; (g) is a fire hazard to itself or to surrounding lands or buildings;
- (j) "dwelling unit" means any part of a building or structure used, designed or intended to be used as a domestic residence in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;
- (k) "existing industrial building" has the meaning set out in the *Development Charges Act*;
- (l) "grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- (m) "gross floor area" means,
  - (i) in the case of a residential building or structure, or in the case of a mixed-use building or structure with respect to the residential portion thereof, the aggregate of the areas of each floor above grade of a dwelling unit measured between the exterior faces of the exterior walls of the building or structure or from the center line of a common wall separating a dwelling unit from another dwelling unit or other portion of a building;
  - (ii) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure with respect to the non-residential use portion thereof, 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 center line of a common wall separating a non-residential use and a residential use, excluding, 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 excluding, in the case of a building containing parking spaces other than a parking structure, the sum of the areas of each floor used, or designated or intended for use for the parking of motor vehicles unless the parking of motor vehicles is the principal use of the building or structure, and, for the purposes of this definition, the non-residential use portion of a mixed-use building is deemed to include one-half of any area common to the residential use and non-residential use portions of such mixed-use building or structure but shall not include any common area used exclusively by or for the residential use portion of such mixed-use buildings or structures;
- (n) "heritage building" means a building or structure which is designated to be of cultural heritage value or interest, or that is included in the register as a property of cultural value or interest, pursuant to the *Ontario Heritage Act*, as amended;
- (o) "hotel" means a commercial establishment offering lodging mainly to travelers and sometimes to permanent residents, and may include

other services such as restaurants, meeting rooms and stores, that are available to the general public;

- (p) “institution” means buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public or non-profit purpose and shall include, but without limiting the generality of the foregoing, places of worship;
- (q) “live work unit” means any part of a building or structure that includes a dwelling unit as well as a space intended for non-residential use;
- (r) “local board” has the meaning set out in Section 1 of the *Development Charges Act*;
- (s) “low density multiple building” means any residential building containing two or more dwelling units other than a row dwelling or semi-detached dwelling, where the residential units are not connected by an interior corridor and each unit has an independent entrance either directly or through a common vestibule;
- (t) “mixed-use buildings” means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- (u) “net hectare” means the area of land in hectares net of:
  - (i) all lands conveyed or to be conveyed without the payment or provision of valuable consideration pursuant to Sections 42, 51.1 and 53 of the *Planning Act*, R.S.O. 1990, c. P.13;
  - (ii) all lands conveyed or to be conveyed to the City or any local board thereof, to the Regional Municipality of York or any local board thereof without the payment or provision of valuable consideration;
  - (iii) all lands conveyed or to be conveyed to the Ministry of Transportation for the construction of provincial highways, and
  - (iv) all lands conveyed or to be conveyed to and to be used by a school board for the purposes of such school board,

and, for greater particularity, “to be conveyed” when used aforesaid means that such lands are to be conveyed to the specified entity forthwith following the applicable approval referred to in Section 3 and that such conveyance is secured by an unconditional agreement with the specified entity and “to be conveyed” does not mean or include a situation where the conveyance of such lands is secured by a conditional agreement or by an option in favour of such entity. Notwithstanding the foregoing and for greater particularity, where the development of land is by way of an approval of a plan of subdivision under Section 51 of the *Planning Act*, such lands shall be deemed not to be lands to be conveyed to the applicable entity unless such conveyance is secured by the subdivision agreement; and where the development of land is by way of a consent under Section 53 of the *Planning Act*, such lands shall be deemed not to be lands to be conveyed to the applicable entity unless such conveyance is secured by the conditions of the provisional consent and the condition is satisfied prior to the giving of the consent;

- (v) “non-residential use” means a building or structure used for other than a residential use and shall include retail uses;
- (w) “non-retail uses” means all non-residential uses other than retail uses and shall include offices;
- (x) “offices” means lands, buildings or structures used or designed or intended for use for the practice of a profession, the carrying on of a business or occupation or the conduct of a nonprofit organization and

shall include but not be limited to the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, veterinarian, surveyor, appraiser, financial institution, contractor, builder, and developer;

- (y) "owner" means the owner of land or a person who has made application for an approval for the development of land;
- (z) "parking structure" means a building or structure principally used for the parking of motor vehicles and shall include a building or structure, or any part thereof, where motor vehicles are stored prior to being sold or rented to the general public;
- (aa) "place of worship" means a building or structure, or that part thereof, that would be exempt from taxation as a place of worship pursuant to the *Assessment Act*, R.S.O. 1990, c. A.31, as amended or superseded;
- (bb) "*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or superseded;
- (cc) "public hospital" means a hospital governed by the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended;
- (dd) "Region" means the Regional Municipality of York;
- (ee) "residential use" includes all buildings or structures or portions thereof used for residential occupancy and includes buildings or structures used for single detached dwellings, semi-detached dwellings, low density multiple and apartment units;
- (ff) "retail uses" means all buildings or structures used for the sale or rental or offer for the sale or rental of goods or services to the general public for consumption or use and shall include but not be limited to a banquet hall, parking structure and a hotel, as well as any building or structure used for the sale or rental of goods or services where membership is a precondition to a person being able to acquire the goods or services at that place, but shall exclude an office;
- (gg) "row dwelling" means a dwelling unit in a residential building consisting of more than two dwelling units having one or two vertical walls, but no other parts, attached to another dwelling;
- (hh) "school board" means a board as defined in Section 1(1) of the *Education Act*;
- (ii) "semi-detached dwelling" means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall, but no other parts, attached to another dwelling unit, where the residential units are not connected by an interior corridor;
- (jj) "services" means services designated in this By-law;
- (kk) "single detached dwelling" means a residential building consisting of one dwelling unit that is not attached to another structure; and
- (ll) "City" means the Corporation of the City of Richmond Hill.

### **Designation of Services**

2. The categories of services for which development charges are imposed under this by-law are described in Schedule "C".

### **Lands Affected**

3. This By-law applies to all land within the Headford Storm North of Rouge Development Area of the City, as shown on Schedule "A" to this By-law.

### **Approvals for Development**

4. A development charge is payable by the owner pursuant to this By-law in connection with the following approvals for the development of land:
  - (a) the passing of a zoning by-law or of an amendment thereto under Section 34 of the *Planning Act*;
  - (b) the approval of a minor variance under Section 45 of the *Planning Act*;
  - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
  - (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
  - (e) a consent under Section 53 of the *Planning Act*;
  - (f) the approval of a description under Section 9 of the *Condominium Act*, 1998 S.O. 1998, c. 19; or
  - (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

### **Multiple Approvals**

5.
  - (a) Where two or more of the actions described in subsections 4(a) to (g) inclusive, are required before land to which a development charge applies can be developed, only one development charge shall be levied in accordance with the provisions of this By-law.
  - (b) Notwithstanding subsection (a) above, if two or more of the actions described in subsections 4(a) to (g) inclusive occur at different times with respect to the same lands and result in additional development of those lands, an additional development charge in respect of such additional development shall be calculated and paid in accordance with the provisions of this By-law provided that provisions of Sections 6, 8, 10, 11, 12, 13 and 14 shall be applicable in calculating the additional development charge.

### **Calculation of Development Charges**

6.
  - (a) The development charges with respect to the development of any land, buildings or structures shall be calculated in the case of a residential use and a non-residential use development, based upon the number of net hectares of land related to the development.
  - (b) Notwithstanding subsection (a) where the proposed development is one single detached dwelling and the land related to that development is greater than .0929 net hectares, that portion of the land area greater than .0929 net hectares shall be exempt from the development charge calculation.
  - (c) Notwithstanding subsection (a), where:
    - (i) the development is for any lot created prior to November 21, 1991;

- (ii) there is on the lot, immediately prior to the development, a non-residential use; and
  - (iii) the development is for a non-residential use,
- the development charges with respect to the development of the lot, shall be calculated according to the following formula:

$$\frac{A}{(A + B)} \times C$$

And, for the purposes of this formula, the following definitions shall apply:

- A = The gross floor area of the development
- B = The gross floor area of the non-residential use on the lot immediately prior to the development
- C = The development charges as otherwise determined in accordance with subsection 5(a)

For the purposes of this subsection, “lot” shall mean a parcel or tract of land:

- (i) which is a whole lot as shown on a registered plan of subdivision, but a registered plan of subdivision for the purpose of this definition does not include a registered plan of subdivision which has been deemed not to be a registered plan of subdivision under a By-law passed pursuant to the *Planning Act*, or
- (ii) is a separate parcel of land without any adjoining lands being owned by the same owner or owners, or
- (iii) the description of which is the same as that for which a consent as defined in Section 50(1) of the *Planning Act* has been given,

provided that, for the purposes of this definition no parcel or tract of land ceases to be a lot by reason only of the fact that part or parts of it has or have been conveyed to or acquired by the City, Her Majesty in the Right of Canada, or the Region.

#### **Schedule of Services for Development Charges**

- 7. (a) The services for which the development charge is imposed and the amount of the development charge payable with respect to any of the approvals mentioned in subsections (a) to (g) of Section 4 of this By-law shall be calculated in accordance with Schedule “B” to this By-law, subject to any exemptions, reductions, credits and other qualifications provided in this By-law.
- (b) Development Charges shall be imposed under this by-law for category of services as set out in Schedule “C”.

#### **Indexing of Development Charges**

- 8. Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, commencing on the first day of July in the year following the enactment of this By-law and every subsequent year, in accordance with the Act.

#### **Timing of Calculation and Payment**

- 9. (a) The development charge shall be calculated as of, and shall be payable, on the date a building permit is issued in relation to a building or structure on land to which the development charge applies.

- (b) Notwithstanding subsection (a), and provided that the owner and the City have not entered into an agreement pursuant to subsection (c), the development charge identified in Schedule “B” to this By-law shall be payable, subject to any applicable exemptions or reductions contained in this By-law:
  - (i) with respect to an approval of a plan of subdivision under Section 51 of the *Planning Act*, immediately upon entering into the subdivision agreement;
  - (ii) with respect to the granting of a consent under Section 53 of the *Planning Act*, immediately upon entering into an agreement made as a condition of the granting of such consent.
- (c) Notwithstanding subsections (a) and (b) an owner and the City may enter into an agreement respecting the timing of the payment of a development charge, or a portion thereof, and the terms of such agreement shall then prevail over the provisions of this By-law.

**Exemptions for Intensification of Residential Land Uses and Enlargement of Existing Industrial Buildings**

- 10. (a) This By-law does not apply with respect to approvals related to the residential use of land, buildings or structures that would have the effect only:
  - (i) of permitting the enlargement of an existing dwelling unit; or
  - (ii) of creating one or two additional dwelling units in an existing residential building as prescribed, and subject to the prescribed restrictions, in prescribed classes of buildings, pursuant to regulations made under the Act.
- (b) 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:
  - (i) Subject to subsection 10(b)(iii), if the gross floor area is enlarged by 50 per cent or less of the lesser of:
    - (A) the gross floor area of the existing industrial building, or
    - (B) the gross floor area of the existing industrial building before the first enlargement for which:
      - (i) an exemption from the payment of development charges was granted, or
      - (ii) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is zero;
  - (ii) Subject to subsection 10(b)(iii), if the gross floor area is enlarged by more than 50 per cent of the lesser of:
    - (A) the gross floor area of the existing industrial building, or
    - (B) the gross floor area of the existing industrial building before the first enlargement for which:

- (i) an exemption from the payment of development charges was granted, or
- (ii) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

- (A) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and
  - (B) divide the amount determined under subsection (A) by the amount of the enlargement.
- (iii) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsections 10(b)(i) and 10(b)(ii), the cumulative gross floor area of any previous enlargements for which:
- (A) an exemption from the payment of development charges was granted, or
  - (B) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

shall be added to the calculation of the gross floor area of the proposed enlargement.

- (iv) For the purposes of this subsection (b), the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.
- (v) Notwithstanding the definition of “gross floor area” set out in Section 1 of this By-law, for the purposes of this subsection (b) only, “gross floor area” shall have the meaning set out in Ontario Regulation 82/98 made pursuant to the *Development Charges Act*.

### **Reduction of Charges for Redevelopment and Change of Use**

11. Where, as a result of the redevelopment of land, a building or structure existing on the land within 48 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:



- (a) in the case of a residential building or structure, or in the case of a mixed- use building or structure, the residential uses in the mixed- use building or structure, an amount calculated by multiplying the applicable development charge under subsection 6 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
  - (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed use building or structure, an amount calculated by multiplying the applicable development charges under subsection 6 of this by-law by the gross floor area that has been or will be demolished or converted to another principal use; provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment. The 48 month time frame shall be calculated from the date of the issuance of the demolition permit.
- 12. For the purposes of subsection 11, the onus is on the applicant to produce evidence to the satisfaction of the City, acting reasonably, to establish the following:
  - (a) the number of dwelling units that have been or will be demolished or converted to another principal use; or
  - (b) the non-residential gross floor area that has been or will be demolished or converted to another principal use; and
  - (c) in the case of a demolition, that the dwelling units and/or non-residential gross floor area were demolished within 48 months prior to the date of the payment of development charges in regard to the redevelopment.
- 13. Any building or structure, that is determined to be derelict, or the equivalent of derelict by the Council of the City, shall be eligible for development charge credits in accordance with section 14.
- 14. Any building or structure deemed derelict, or the equivalent of derelict in accordance with subsection 13 shall be eligible for development charge credits if a building permit is issued for a building or structure on the lands previously occupied by the deemed derelict residential building or structure within 120 months or less of the issuance of demolition permit for the deemed derelict building or structure. The calculation of the development charge credit shall be made in accordance with Section 11, the total amount of which shall be based on the time that has passed between the date of issuance of the demolition permit and the date of issuance of the building permit as set out in Schedule D.

#### **No Refunds Arising Out of Reductions or Credits**

- 15. Notwithstanding anything in this By-law to the contrary, whenever a reduction or credit is allowed against a development charge otherwise payable pursuant to this By-law and the total of such amounts exceeds the amount of the development charge payable pursuant to this By-law, no further reduction(s) or credit(s) shall be allowed and no refund shall be payable.

### **Exemptions**

16. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
- (a) buildings or structures to be owned by and used for the purposes of the City, the Region or a local board;
  - (b) buildings or structures to be owned by a school board and used for school board purposes;
  - (c) buildings or structures to be used as a public hospital;
  - (d) the gross floor area of a place of worship up to a maximum of 464.5 square metres (or 5,000 square feet) or in respect of that portion of the gross floor area of a place of worship which is used as an area for worship, whichever is greater;
  - (e) the relocation of a residential heritage building within the boundaries of the City of Richmond Hill; and
  - (f) the creation or addition of an accessory building not exceeding 100 square metres (1,076.39 square feet) of gross floor area save and except for any live work units with a retail component, for which development charges will be payable on the retail portion.

### **Payment By Money Or Credits for The Provision of Services**

17. (a) Payment of development charges shall be by cash or by certified cheque.
- (b) Where any development charge, or any part thereof, remains unpaid after the date on which it is payable, the amount unpaid shall be added to the tax roll and collected in the same manner as taxes.
- (c) In the alternative to payment by the means provided in subsection (a), the City may, by an agreement entered into with the owner, accept the provision of services in lieu of the payment of all or any portion of a development charge pursuant to subsection (1) of Section 38 of the Act.
- (d) If, pursuant to an agreement, the City allows an owner to perform work that relates to a service to which a development charge relates, the amount of the credit towards the development charge for such work shall be the reasonable cost of doing such work as agreed by the City and the owner, provided however, that no credit may be given for any part of the cost of the 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.
- (e) In any agreement made in accordance with subsection 17(c) of this By-law, the City may agree to give a credit in relation to another service to which this By-law relates.
- (f) In any agreement respecting credits arising from a development charge payable under any other development charge by-law, the City may agree to give a credit related to a development charge payable under this By-law.

## **Reserve Funds**

18. Development charge payments received by the City pursuant to this By-law shall be maintained in a separate reserve fund or funds for each service to which the development charge relates and shall be spent only for the capital costs determined under paragraphs 2 to 8 of subsection 5(1) of the Act.

## **Interest on Refunds**

19. (a) Where this By-law, in whole or in part, or any development charge prescribed hereunder is amended or repealed by Order of the Ontario Municipal Board, or if a development charge that has already been paid is reduced by the Council of the City pursuant to Section 20 of the Act, or by the Ontario Municipal Board pursuant to Section 24 of the Act, the Treasurer for the City shall calculate forthwith the amount of any refund or overpayment to be refunded as a result of the said amendment or repeal.
- (b) Refunds that are required to be paid under subsection (a) shall be paid to the owner who made the payment.
- (c) Refunds that are required to be paid under subsection (a) shall be paid with interest to be calculated as follows:
- (i) Interest shall be calculated in accordance with the Bank of Canada rate from the date on which the overpayment was collected to the date on which the refund is paid;
  - (ii) Interest on refunds for the period for which interest is payable pursuant to subsection (i) shall be calculated and paid on a fluctuating basis in accordance with the quarter-yearly adjustment of the interest rate as established in subsection (iii);
  - (iii) The Bank of Canada interest rate in effect on the date of coming into force of this By-law shall be adjusted quarter-yearly thereafter on the first business day of January, April, July and October in each year to the rate established by the Bank of Canada on that date of the adjustment.

## **Exemption Where Development Charge Paid in Full**

20. (a) Subject to subsection (b), notwithstanding any other provision in this By-law, no development charge shall be payable where the full amount of a development charge imposed pursuant to this By-law or a predecessor thereof has previously been paid on the net hectares of land related to the development.
- (b) Where,
- (i) the proposed development is related to land for which a development charge imposed pursuant to this By-law, or a predecessor thereof, has been paid and in the calculation of that development charge, the reduction provided for in subsection 6(b), or predecessor thereof, was applied, and
  - (ii) subsequent to the payment of the development charge provided for in subsection (i), the land related to the development was the subject of a plan of subdivision pursuant to section 51 of the *Planning Act*, or a consent pursuant to section 53 of the *Planning Act*,

the exemption provided for in subsection (a) shall not apply to any area of the land determined to be in excess of .0929 hectares in calculating the development charges paid previously.

## **Schedules**

21. The following Schedules to this By-law form an integral part of this By-law:

- |               |  |
|---------------|--|
| Schedule "A": | Map Showing Boundary of Headford Storm North of Rouge Development Area             |
| Schedule "B": | Area Specific Development Charges: Headford Storm North of Rouge Development Area. |
| Schedule "C": | Category of Services   |
| Schedule "D": | Calculation of Development Charges Credits provided to Derelict Buildings          |

**Date By-law Effective**

22. This By-law shall come into force and effect on the date of enactment.

**Repeal of Existing By-law**

23. By-law No.54-14 is hereby repealed.

**Short Title**

24. The short title of this By-law is the "City of Richmond Hill Area Specific Development Charges By-law, 2019 - Headford Storm North of Rouge Development Area".

Passed this 28th day of May, 2019.

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Dave Barrow  
Mayor

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Stephen M.A. Huycke  
City Clerk

**SCHEDULE “A” TO BY-LAW NO. 46-19**

**CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
HEADFORD STORM NORTH OF ROUGE DEVELOPMENT AREA**



SCHEDULE “B” TO BY-LAW NO. 46-19

CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
HEADFORD STORM NORTH OF ROUGE DEVELOPMENT AREA

| AREA SPECIFIC SERVICES:                                   | COST                    |
|---|-------------------------|
|   | (\$000)                 |
|   |                         |
| Collector Roads   | \$0.0                   |
| Watermains and Appurtenances                              | \$0.0                   |
| Sanitary Sewers and Appurtenances                         | \$0.0                   |
| Storm Sewers and Appurtenances                            | \$1,205.3               |
| Boundary Roads  | \$0.0                   |
| Valley Land Improvements                                  | \$0.0                   |
| Consulting Studies  | \$0.0                   |
| Credit Carryforwards                                      | \$0.0                   |
|   |                         |
| <b>Total Costs before allocation of Existing Reserves</b> | <b><u>\$1,205.3</u></b> |
| Existing Reserves   | \$0.0                   |
| <b>TOTAL COSTS AFTER ALLOCATION OF EXISTING RESERVES</b>  | <b><u>\$1,205.3</u></b> |

Benefiting Area – 27.913 Net Hectares

Development Charge - \$43,200 Per Net Hectare

NOTES:

All charges are subject to adjustment in accordance with the terms of Section 8 of this By-law.

Additional development charges may be imposed pursuant to other development charge by-laws.

**SCHEDULE “C” TO BY-LAW NO. 46-19**

**CITY OF RICHMOND HILL  
AREA SPECIFIC DEVELOPMENT CHARGES  
HEADFORD STORM NORTH OF ROUGE DEVELOPMENT AREA**

| <b>CATEGORY OF SERVICES</b>    |
|--------------------------------|
| Storm Sewers and Appurtenances |



**SCHEDULE “D” TO BY-LAW NO. 46-19**

**CITY OF RICHMOND HILL**  
**AREA SPECIFIC DEVELOPMENT CHARGES**  
**HEADFORD STORM NORTH OF ROUGE DEVELOPMENT AREA**  
**CALCULATION OF DEVELOPMENT CHARGES CREDITS PROVIDED TO**  
**DERELICT BUILDINGS**

| <b>Number of Months From Date of Demolition Permit<br/>to Date of Building Permit Issuance</b> | <b>Credit Provided<br/>(%)</b> |
|--|--------------------------------|
| Up to and including 48 months  | 100                            |
| Greater than 48 months up to and including 72 months   | 75                             |
| Greater than 72 months up to and including 96 months   | 50                             |
| Greater than 96 months up to and including 120 months  | 25                             |
| Greater than 120 months  | 0                              |

# The Corporation of the City of Richmond Hill

## By-Law Number 47-19

### Purpose:

A By-law to Enact a City-Wide Development Charges By-Law for the City of Richmond Hill.

### Background:

**Whereas** subsection 2(l) of the *Development Charges Act*, 1997, S.O. 1997, c.27, (the "Act") provides that the council of a municipality may pass by-laws for the imposition of development charges against land if the development of the land would increase the need for services arising from development of the area to which the by-law applies;

**And Whereas** the Council of the City of Richmond Hill has received and considered a Development Charges Study dated March 26, 2019 respecting the imposition of development charges in the City of Richmond Hill;

**And Whereas** subsection 9(1) of the Act provides that a development charge by-law expires five years after the day it comes into force unless it expires or is repealed earlier;

**And Whereas** the Council of the City of Richmond Hill held a public meeting on the 17th day of April, 2019 to consider the enactment of this by-law, and has given appropriate notice in accordance with the Act.

### Enactments

The Council of The Corporation of The City of Richmond Hill enacts as follows:

### Definitions

1. In this By-law,
  - (a) "Act" means the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended or superseded;
  - (b) "accessory building" means a building or structure that is naturally and normally incidental to or subordinate in purpose or both, and exclusively devoted to a principal use, building or structure;
  - (c) "apartment building" means any residential building containing two or more dwelling units where the residential units are connected by an interior corridor whether or not any of the units have an independent entrance either directly or through a common vestibule;
  - (d) "banquet hall" means buildings or structures or any part of a building or structure used or designed or intended for use primarily for the purpose of catering to banquets, weddings, receptions or similar social functions for which food and beverages are served;
  - (e) "*Building Code Act*" means the *Building Code Act*, 1992, S.O. 1992, c.23;
  - (f) "development" means any activity or proposed activity in respect of land that requires one or more of the approvals referred to in section 3 of this By-law and includes the development or redevelopment of land or the redevelopment, expansion, extension or alteration of use of a building or structure;
  - (g) "development charge" means a charge imposed pursuant to this By-law;

- (h) “*Development Charges Act*” means the *Development Charges Act*, 1997, S.O. 1997, Chapter 27;
- (i) "derelict building" means a building or structure that is vacant, neglected, poorly maintained, and unsuitable for occupancy which may include a building or structure that: (a) is in a ruinous or dilapidated condition; (b) the condition of which seriously depreciates the value of land or buildings in the vicinity; (c) is in such a state of non-repair as to be no longer suitable for human habitation or business purposes; (d) is an allurement to children who may play there to their danger; (e) constitutes a hazard to the health or safety of the public; (f) is unsightly in relation to neighboring properties because the exterior finish of the building or structure is not maintained, or; (g) is a fire hazard to itself or to surrounding lands or buildings;
- (j) “dwelling unit” means any part of a building or structure used, designed or intended to be used as a domestic residence in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;
- (k) “existing industrial building” has the meaning set out in the *Development Charges Act*;
- (l) “grade” means the average level of finished ground adjoining a building or structure at all exterior walls;
- (m) “gross floor area” means,
  - (i) in the case of a residential building or structure or in the case of a mixed-use building or structure with respect to the residential portion thereof, the aggregate of the areas of each floor above grade of a dwelling unit 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 dwelling unit from another dwelling unit or other portion of a building;
  - (ii) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure with respect to the non-residential portion thereof, 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 use and a residential use, excluding, 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 excluding, in the case of a building containing parking spaces other than a parking structure, the sum of the areas of each floor used, or designated or intended for use for the parking of motor vehicles unless the parking of motor vehicles is the principal use of the building or structure, and, 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 use and non-residential use portions of such mixed-use building or structure but shall not include any common area used exclusively by or for the residential use portion of such mixed-use buildings or structures;
- (n) “heritage building” means a building or structure which is designated to be of cultural heritage value or interest, or that is included in the register as a property of cultural value or interest, pursuant to the *Ontario Heritage Act*, as amended;
- (o) “hotel” means a commercial establishment offering lodging mainly to travelers and sometimes to permanent residents, and may include other

services such as restaurants, meeting rooms and stores, that are available to the general public;

- (p) “institution” means lands, buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public or non-profit purpose and shall include, but without limiting the generality of the foregoing, places of worship;
- (q) “large apartment” means a row dwelling or a dwelling unit in a low density multiple building or an apartment building that is 700 square feet or larger in size;
- (r) “live work unit” means any part of a building or structure that includes a dwelling unit as well as a space intended for non-residential use;
- (s) “local board” has the meaning set out in Section 1 of the *Development Charges Act*;
- (t) “low density multiple building” means any residential building containing two or more dwelling units other than a row dwelling or semi-detached dwelling, where the residential units are not connected by an interior corridor and each unit has an independent entrance either directly or through a common vestibule;
- (u) “mixed-use buildings” means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- (v) “non-residential use” means a building or structure used for other than a residential use and shall include retail uses;
- (w) “non-retail uses” means all non-residential uses other than retail uses and shall include offices;
- (x) “offices” means lands, buildings or structures used or designed or intended for use for the practice of a profession, the carrying on of a business or occupation or the conduct of a nonprofit organization and shall include but not be limited to the office of a physician, lawyer, dentist, architect, engineer, accountant, real estate or insurance agency, veterinarian, surveyor, appraiser, financial institution, contractor, builder, and developer;
- (y) “owner” means the owner of land or a person who has made application for an approval for the development of land;
- (z) “parking structure” means a building or structure principally used for the parking of motor vehicles and shall include a building or structure, or any part thereof, where motor vehicles are stored prior to being sold or rented to the general public;
- (aa) “place of worship” means a building or structure, or that part thereof, that would be exempt from taxation as a place of worship pursuant to the Assessment Act, R.S.O. 1990, c. A.31, as amended or superseded;
- (bb) “*Planning Act*” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or superseded;
- (cc) “public hospital” means a hospital governed by the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended;
- (dd) “Region” means the Regional Municipality of York;
- (ee) “residential use” includes all buildings or structures or portions thereof used for residential occupancy and includes buildings or structures used for single detached dwellings, semi-detached dwellings, low density multiple and apartment units;

- (ff) "retail uses" means all buildings or structures used for the sale or rental or offer for the sale or rental of goods or services to the general public for consumption or use and shall include but not be limited to a banquet hall, parking structure and a hotel ,as well as any building or structure used for the sale or rental of goods or services where membership is a precondition to a person being able to acquire the goods or services at that place, but shall exclude an office;
- (gg) "row dwelling" means a dwelling unit in a residential building consisting of more than two dwelling units having one or two vertical walls, but no other parts, attached to another dwelling;
- (hh) "school board" means a board as defined in Section 1(1) of the *Education Act*;
- (ii) "semi-detached dwelling" means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall, but no other parts, attached to another dwelling unit, where the residential units are not connected by an interior corridor;
- (jj) "services" means services designated in this By-law;
- (kk) "small apartment" means a row dwelling or a dwelling unit in a low density multiple building an apartment building that is less than 700 square feet in size
- (ll) "single detached dwelling" means a residential building consisting of one dwelling unit that is not attached to another structure; and
- (mm) "City" means The Corporation of the City of Richmond Hill.

### **Designation of Services**

- 2. The categories of services for which development charges are imposed under this by-law are as follows:
  - (a) Engineering
  - (b) Public Works Facilities & Fleet
  - (c) Fire Protection Services
  - (d) Indoor Recreation Services
  - (e) Outdoor Recreation Services
  - (f) Library Services
  - (g) Administration

Components of the services designated in 2(a) through 2(g) are described in Schedule "A".

### **Lands Affected**

- 3. This By-law applies to all lands within the geographic boundaries of the municipality of the City of Richmond Hill in the Regional Municipality of York.

### **Approvals for Development**

- 4. A development charge is payable by the owner pursuant to this By-law in connection with the following approvals for the development of land:
  - (a) the passing of a zoning by-law or of an amendment thereto under Section 34 of the *Planning Act*;

- (b) the approval of a minor variance under Section 45 of the *Planning Act*;
- (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
- (d) the *approval* of a plan of subdivision under Section 51 of the *Planning Act*;
- (e) a consent under Section 53 of the *Planning Act*;
- (f) the approval of a description under Section 9 of the *Condominium Act*, 1998, S.O. 1998, c. 19; or
- (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

### **Multiple Approvals**

- 5. (a) Where two or more of the actions described in subsections 4(a) to (g) inclusive, are required before land to which a development charge applies can be developed, only one development charge shall be levied in accordance with the provisions of this By-law.
- (b) Notwithstanding subsection (a), if two or more of the actions described in subsections 4(a) to (g) inclusive occur at different times with respect to the same lands and result in additional development of those lands, an additional development charge in respect of such additional development shall be calculated and paid in accordance with the provisions of this By-Law and the provisions of Sections 6, 8, 10, 11 and 12 shall be applicable in calculating the additional development charge.

### **Calculation of Development Charges**

- 6. Except as otherwise set out in this By-law, the development charge with respect to the development of any land, buildings or structures shall be calculated as follows:
  - (a) in the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units to be constructed;
  - (b) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the gross floor area in square metres of the proposed building or structure or addition thereto.

### **Schedule of Services for Development Charges**

- 7. (a) The services for which the development charge is imposed, as designated in Section 2 of this By-law, and the amount of the development charge payable with respect to any of the approvals mentioned in subsections (a) to (g) of Section 4 of this By-law shall be calculated in accordance with Schedules "B" and "C" to this By-law, subject to any exemptions, reductions, credits and other qualifications provided in this By-law.

#### **(b) Non-Retail Uses and Retail Uses**

Notwithstanding any other provision in this By-law, in the case of lands, buildings or structures used, designed or intended to be used for both non-retail and retail uses, the development charges otherwise applicable to such development under subsection 7(a) shall be determined on the following basis:

- (i) as between the non-retail uses and the retail uses, the principal use of the development shall be that use which has the greater gross floor area;
- (ii) subject to (iii), the development charges under subsection 7(a) applicable to such principal use as determined under subsection (i)

shall be applied to the total non-residential gross floor area of the development; and

- (iii) if the principal use is for a hotel, the development charge shall be twenty-five (25%) percent of the prevailing retail rate for the total gross floor area of the hotel, and each suite to be used for the purposes of providing lodging shall be charged the prevailing small apartment rate.

### **Indexing of Development Charges**

- 8. Development charges imposed pursuant to this By-law shall be adjusted annually, without amendment to this By-law, commencing on the first day of July in the year following the enactment of this By-law and every subsequent year, in accordance with the Act.

### **Timing of Calculation and Payment**

- 9.
  - (a) The development charge shall be calculated as of, and shall be payable, on the date a building permit is issued in relation to a building or structure on land to which the development charge applies.
  - (b) Notwithstanding subsection (a) an owner and the City may enter into an agreement respecting the timing of the payment of a development charge, or a portion thereof, and the terms of such agreement shall then prevail over the provisions of this By-law.

### **Exemptions for Intensification of Residential Lands Uses and Enlargement of Existing Industrial Buildings**

- 10.
  - (a) This By-law does not apply with respect to approvals related to the residential use of land, buildings or structures that would have the effect only:
    - (i) of permitting the enlargement of an existing dwelling unit; or
    - (ii) of creating one or two additional dwelling units in an existing residential building as prescribed, and subject to the prescribed restrictions, in prescribed classes of buildings, pursuant to regulations made under the Act.
  - (b) 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:
    - (i) Subject to subsection 10(b)(iii), if the gross floor area is enlarged by 50 per cent or less of the lesser of:
      - (A) the gross floor area of the existing industrial building, or
      - (B) the gross floor area of the existing industrial building before the first enlargement for which:
        - (i) an exemption from the payment of development charges was granted, or
        - (ii) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is zero;

- (ii) Subject to subsection 10(b)(iii), if the gross floor area is enlarged by more than 50 per cent of the lesser of:
  - (A) the gross floor area of the existing industrial building, or
  - (B) the gross floor area of the existing industrial building before the first enlargement for which:
    - (i) an exemption from the payment of development charges was granted, or
    - (ii) lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

  - (A) determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the first enlargement, and
  - (B) divide the amount determined under subsection (A) by the amount of the enlargement.
- (iii) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsections 10(b)(i) and 10(b)(ii), the cumulative gross floor area of any previous enlargements for which:
  - (A) an exemption from the payment of development charges was granted, or
  - (B) a lesser development charge than would otherwise be payable under this By-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection,

shall be added to the calculation of the gross floor area of the proposed enlargement.
- (iv) For the purposes of this subsection (b), the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.
- (v) Notwithstanding the definition of “gross floor area” set out in Section 1 of this By-law, for the purposes of this subsection (b) only, “gross floor area” shall have the meaning set out in Ontario Regulation 82/98 made pursuant to the *Development Charges Act*.

### **Reduction of Charges for Redevelopment**

- 11. Where, as a result of the redevelopment of land, a building or structure existing on the land within 48 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:
  - (a) in the case of a residential building or structure, or in the case of a mixed- use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under



subsection 6 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and

- (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed use building or structure, an amount calculated by multiplying the applicable development charges under subsection 6 of this by-law by the gross floor area that has been or will be demolished or converted to another principal use; provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment. The 48 month time frame shall be calculated from the date of the issuance of the demolition permit.
12. For the purposes of subsection 11, the onus is on the applicant to produce evidence to the satisfaction of the City, acting reasonably, to establish the following:
- (a) the number of dwelling units that have been or will be demolished or converted to another principal use; or
  - (b) the non-residential gross floor area that has been or will be demolished or converted to another principal use; and
  - (c) in the case of a demolition, that the dwelling units and/or non-residential gross floor area were demolished within 48 months prior to the date of the payment of development charges in regard to the redevelopment.
13. Any building or structure, that is determined to be derelict, or the equivalent of derelict by the Council of the City, shall be eligible for development charge credits in accordance with section 14.
14. Any building or structure deemed derelict, or the equivalent of derelict in accordance with subsection 13 shall be eligible for development charge credits if a building permit is issued for a building or structure on the lands previously occupied by the deemed derelict residential building or structure within 120 months or less of the issuance of demolition permit for the deemed derelict building or structure. The calculation of the development charge credit shall be made in accordance with Section 11, the total amount of which shall be based on the time that has passed between the date of issuance of the demolition permit and the date of issuance of the building permit as set out in Schedule D.

#### **No Refunds Arising Out of Reductions or Credits**

15. Notwithstanding anything in this By-law to the contrary, whenever a reduction or credit is allowed against a development charge otherwise payable pursuant to this By-law and the total of such amounts exceeds the amount of the development charge payable pursuant to this By-law, no further reduction(s) or credit(s) shall be allowed and no refund shall be payable.

#### **Exemptions**

16. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
- (a) buildings or structures to be owned by and used for the purposes of the City, the Region or a local board;
  - (b) buildings or structures to be owned by a school board and used for school board purposes;
  - (c) buildings or structures to be used as a public hospital;
  - (d) the gross floor area of a place of worship up to a maximum of 464.5 square metres (5,000 square feet) or in respect of that portion of the gross floor area of a place of worship which is used as an area for worship, whichever is greater;

- (e) the relocation of a residential heritage building within the boundaries of the City of Richmond Hill; and
- (f) the creation or addition of an accessory building not exceeding 100 square metres (1,076.39 square feet) of gross floor area save and except for any live work units with a retail component, for which development charges will be payable on the retail portion.

#### **Payment By Money and Credits for the Provision of Services**

17. (a) Payment of development charges shall be by cash or by certified cheque.
- (b) Where any development charge, or any part thereof, remains unpaid after the date on which it is payable, the amount unpaid shall be added to the tax roll and collected in the same manner as taxes.
- (c) In the alternative to payment by the means provided in subsection (1), the City may, by an agreement entered into with the owner, accept the provision of services in lieu of the payment of all or any portion of a development charge pursuant to subsection (1) of Section 38 of the Act.
- (d) If, pursuant to an agreement, the City allows an owner to perform work that relates to a service to which a development charge relates, the amount of the credit towards the development charge for such work shall be the reasonable cost of doing such work as agreed by the City and the Owner, provided however, that no credit may be given for any part of the cost of the 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.
- (e) In any agreement made in accordance with subsection 15(c) of this by-law, the City may agree to give a credit in relation to another service to which this by-law relates.
- (f) In any agreement respecting credits arising from a development charge payable under any other development charge by-law, the City may agree to give a credit related to a development charge payable under this by-law.

#### **Reserve Funds**

18. Development charge payments received by the City pursuant to this by-law shall be maintained in a separate reserve fund or funds for each service to which the development charge relates and shall be spent only for the capital costs determined under paragraphs 2 to 8 of subsection 5(1) of the Act.

#### **Interest on Refunds**

19. (a) Where this By-law, in whole or in part, or any development charge prescribed hereunder is amended or repealed by Order of the Ontario Municipal Board, or if a development charge that has already been paid is reduced by the Council of the City pursuant to Section 20 of the Act, or by the Ontario Municipal Board pursuant to Section 24 of the Act, the Treasurer for the City shall calculate forthwith the amount of any refund or overpayment to be refunded as a result of the said amendment or repeal.
- (b) Refunds that are required to be paid under subsection (a) shall be paid to the owner who made the payment.
- (c) Refunds that are required to be paid under subsection (a) shall be paid with interest to be calculated as follows:
- (i) Interest shall be calculated in accordance with the Bank of Canada rate from the date on which the overpayment was collected to the date on which the refund is paid;

- (ii) Interest on refunds for the period for which interest is payable pursuant to subsection (a) shall be calculated and paid on a fluctuating basis in accordance with the quarter-yearly adjustment of the interest rate as established in subsection (iii);
- (iii) The Bank of Canada interest rate in effect on the date of coming into force of this By-law shall be adjusted quarter-yearly thereafter on the first business day of January, April, July and October in each year to the rate established by the Bank of Canada on that date of the adjustment.

### **Schedules**

20. The following Schedules to this By-law form an integral part of this By-law:

Schedule "A" - Designated Municipal Services Under this By-law

Schedule "B" - City-Wide Development Charges:

Residential Development Charges by Unit Type

Schedule "C" - City-Wide Development Charges:

Non-Residential Development Charges by Square Metre of  
Gross Floor Area by Retail Uses and Non-Retail Uses

Schedule "D": Calculation of Development Charges Credits provided to  
Derelict Buildings

### **Date By-law Effective**

21. This By-law shall come into force and effect on the date of enactment.

### **Repeal of Existing By-law**

22. By-law No. 52-14 is hereby repealed.

### **Short Title**

23. The short title of this By-law is the "City of Richmond Hill City-Wide Development Charges By-law, 2019".

Passed this 28th day of May, 2019.

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Dave Barrow  
Mayor

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Stephen M.A. Huycke  
City Clerk

## **SCHEDULE “A” TO BY-LAW NO. 47-19**

### **DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW**

#### **100% Eligible Services – City Wide Services**

##### Engineering

- Roads and Related
- Water

##### Public Works Facilities & Fleet

- Public Works Facilities
- Public Works Fleet

##### Fire Protection Services

- Fire Facilities
- Fire Vehicles
- Small Equipment and Gear

#### **90% Eligible Services – City Wide Services**

##### Outdoor Recreation Services

- Parkland Development, Amenities & Trails
- Park Vehicles

##### Indoor Recreation Services

- Recreation Facilities

##### Library Services

- Library Facilities
- Library Materials

##### Administration

- Studies

**SCHEDULE “B” TO BY-LAW NO. 47-19**

**CITY OF RICHMOND HILL  
CITY-WIDE DEVELOPMENT CHARGES  
RESIDENTIAL DEVELOPMENT CHARGES BY UNIT TYPE**

| <b>City-Wide Services</b>       | Single & Semi-detached Dwellings | Apartment – Large (> 700 sq. ft.) | Apartment – Small (< 700 sq. ft.) | Other Multiples |
|---------------------------------|----------------------------------|-----------------------------------|-----------------------------------|-----------------|
| Engineering                     | \$7,498                          | \$4,925                           | \$2,882                           | \$6,089         |
| Public Works Facilities & Fleet | \$856                            | \$562                             | \$330                             | \$694           |
| Fire Protection Services        | \$456                            | \$300                             | \$175                             | \$371           |
| Outdoor Recreation Services     | \$3,482                          | \$2,286                           | \$1,337                           | \$2,827         |
| Indoor Recreation Services      | \$4,652                          | \$3,055                           | \$1,788                           | \$3,777         |
| Library Services                | \$1,194                          | \$783                             | \$458                             | \$968           |
| Administration                  | \$292                            | \$190                             | \$112                             | \$237           |
| <b>TOTAL DEVELOPMENT CHARGE</b> | <b>\$18,430</b>                  | <b>\$12,102</b>                   | <b>\$7,081</b>                    | <b>\$14,963</b> |

**NOTE:**

All charges are subject to adjustment in accordance with the terms of Section 8 of this by-law.

Additional development charges applicable to other services and to specific areas may be imposed pursuant to other development charge by-laws.

SCHEDULE “C” TO BY-LAW NO. 47-19

CITY OF RICHMOND HILL  
CITY-WIDE DEVELOPMENT CHARGES  
NON-RESIDENTIAL DEVELOPMENT CHARGES BY  
SQUARE METRE OF GROSS FLOOR AREA

BY RETAIL USE AND NON-RETAIL USE

| RETAIL USES                             | Retail<br>(per sq.m.<br>of Gross<br>Floor Area) | Non-Retail<br>(per sq.m. of<br>Gross Floor<br>Area) | Retail<br>(per sq.ft.<br>of Gross<br>Floor Area) | Non-Retail<br>(per sq.ft. of<br>Gross Floor<br>Area) |
|---|---|---|--|--|
| <b>CITY-WIDE<br/>SERVICES</b>           |   |   |  |  |
| Engineering                             | \$60.12   | \$43.76   | \$5.59   | \$4.07   |
| Public Works<br>Facilities & Fleet      | \$6.3   | \$4.63  | \$0.59   | \$0.43   |
| Fire Protection<br>Services             | \$3.12  | \$2.15  | \$0.29   | \$0.2  |
| Outdoor Recreation<br>Services          | \$4.63  | \$3.44  | \$0.43   | \$0.32   |
| Indoor Recreation<br>Services           | \$6.19  | \$4.57  | \$0.57   | \$0.42   |
| Library Services                        | \$1.61  | \$1.18  | \$0.15   | \$0.11   |
| Administration                          | \$2.15  | \$1.61  | \$0.20   | \$0.15   |
| <b>TOTAL<br/>DEVELOPMENT<br/>CHARGE</b> | <b><u>\$84.12</u></b>                           | <b><u>\$61.35</u></b>                               | <b><u>\$7.81</u></b>                             | <b><u>\$5.70</u></b>                                 |

NOTE:  
All charges are subject to adjustment in accordance with the terms of Section 8 of this by-law.

Additional development charges applicable to other services and to specific areas may be imposed pursuant to other development charge by-laws.

**SCHEDULE “D” TO BY-LAW NO. 47-19**

**CITY OF RICHMOND HILL**  
**CITY-WIDE DEVELOPMENT CHARGES**  
**CALCULATION OF DEVELOPMENT CHARGES CREDITS PROVIDED TO**  
**DERELICT BUILDINGS**

| <b>Number of Months From Date of Demolition Permit to<br/>Date of Building Permit Issuance</b> | <b>Credit Provided (%)</b> |
|--|----------------------------|
| Up to and including 48 months  | 100                        |
| Greater than 48 months up to and including 72 months   | 75                         |
| Greater than 72 months up to and including 96 months   | 50                         |
| Greater than 96 months up to and including 120 months  | 25                         |
| Greater than 120 months  | 0                          |