The Corporation of the City of Richmond Hill

By-Law 33-21

A By-Law to Establish an Area Specific Development

Charges By-law for the City of Richmond Hill

Headford – Excluding Storm Development Area

WHEREAS subsection 2(1) 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 to pay for increased capital costs required because of increased needs 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 April 9, 2021, respecting the imposition of new development charges for the City of Richmond Hill Headford Excluding Storm 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provides that a development charge by-law expires five years after the day it comes into force unless it expires or is repealed earlier;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 5th day of May, 2021 to consider the enactment of this By-law, and has given appropriate notice in accordance with the Act;

Now Therefore The Council Of The Corporation Of The City Of Richmond Hill Enacts As Follows:

Definitions

1. In this By-law,

(b) "Act" means the Development Charges Act, 1997, S.O. 1997, c. 27, as amended or superseded;

(c) "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;

(d) "ancillary residential building" means a residential building that would be ancillary to a detached dwelling, semi-detached dwelling, or row dwelling and includes an accessory dwelling.

(e) "apartment building" means any residential building containing two or more dwelling units where the dwelling 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. Despite the foregoing, stacked townhouse dwellings are considered the same as an apartment building for the purposes of the applicable development charge;

(f) "back-to-back townhouse dwelling" means a building where each dwelling unit is divided vertically by common walls, including a common rear wall and common side wall, and has an independent entrance to the dwelling unit from grade level;

(g) "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;

(h) “Building Code Act” means the Building Code Act, 1992, S.O. 1992, c.23, as amended or superseded;

(i) "City" means the Corporation of the City of Richmond Hill;

(j) “class” means a grouping of services combined to create a single service for the purposes of this By-law and as provided in Section 7 of the Development Charges Act.

(k) "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;

(l) "development charge" means a charge imposed pursuant to this By-law;

(m) “*Development Charges Act*” means the *Development Charges Act*, 1997, S.O. 1997, Chapter 27, as amended or superseded;

(n) "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;

(o) "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;

(p) “existing industrial building” has the meaning set out in the *Ontario Regulation 82/98* under the *Development Charges Act*;

(q) "grade" means the average level of finished ground adjoining a building or structure at all exterior walls;

(r) "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;

(s) "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, R.S.O. 1990, c. O.18, as amended or superseded;

(t) "hospice" means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care.

(u) "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;

(v) "industrial" means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, includes cannabis production facilities, but does not include the sale of commodities and the supplying of personal services, self-storage facilities, or mini-self-storage facilities, or as otherwise defined in the zoning by-law;

(w) "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;

(x) "Interest Rate" means the annual rate of interest calculated as per the City's Development Charges Interest Policy (Attachment A – SRCFS.20.009), as may be revised from time to time.

(y) "Institutional Development" means development of a building or structure intended for use:

(i) as a long-term care home within the meaning of Subsection 2(1) of the Long-Term Care Homes Act, 2007, S.O. 2007, c. 8, as amended or superseded;

(ii) as a retirement home within the meaning of Subsection 2(1) of the Retirement Homes Act, 2010, S.O. 2010, c. 11, as amended or superseded;

(iii) by any of the following post-secondary institutions for the objects of the institution:

1. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,

2. a college or university federated or affiliated with a university described in subclause (1), or

3. an Indigenous Institute prescribed for the purposes of Section 6 of the Indigenous Institutes Act, 2017, S.O. 2017, c. 34, Sched. 20, as amended or superseded;

(iv) as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion; or

(v) as a hospice to provide end of life care;

(z) “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;

(aa) “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;

(bb) "local board" has the meaning set out in Section 1 of the Development Charges Act;

(cc) “other multiple dwelling” means all dwellings other than single detached dwellings, semi-detached dwellings, apartment building, ancillary residential dwellings, and includes but is not limited to: row dwellings, back-to-back townhouse dwellings, and the residential portion of the live work unit;

(dd) “mixed-use buildings” means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;

(ee) "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;

(ff) “non-profit housing development” means development of a building or structure intended for use as residential premises by,

(i) a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;

(ii) a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or

(iii) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation;

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

(hh) "non-retail uses" means all non-residential uses other than retail uses and shall include offices;

(ii) "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;

(jj) "owner" means the owner of land or a person who has made application for an approval for the development of land;

(kk) “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;

(ll) “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;

(mm) “Planning Act” means the Planning Act, R.S.O. 1990, c. P.13, as amended or superseded;

(nn) “public hospital” means a hospital governed by the Public Hospitals Act, R.S.O. 1990, c. P.40, as amended or superseded;

(oo) "Region" means the Regional Municipality of York;

(pp) “rental housing” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

(qq) "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, stacked townhouse dwelling units and back-to-back townhouse dwelling units;

(rr) "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;

(ss) “row dwelling” means a dwelling unit in a residential building consisting of more than two dwelling units having one or more vertical walls, but no other parts, attached to another dwelling;

(tt) "school board" means a board as defined in Section 1(1) of the Education Act, R.S.O. 1990, c. E.2, as amended or superseded;

(uu) “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;

(vv) "services" means services designated in this By-law;

(ww) “single detached dwelling” means a residential building consisting of one dwelling unit that is not attached to another structure; and

(xx) “stacked townhouse dwelling” means a building containing two or more dwelling units where each dwelling unit is separated horizontally and/or vertically from another dwelling unit by a common wall or floor;

(yy) "zoning by-law" means the current Zoning By-Laws of the City of Richmond Hill, or any successor thereof.

Designation of Services/Class of Services

2. The class/category 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 Excluding Storm 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 to a zoning by-law 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 5(a) above, if two or more of the actions described in subsections 4(a) to 4(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 and 13 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 6(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 6(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, the Province of Ontario, 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 Class/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 9(a), development charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest at a rate that is set out in the City’s Development Charges Interest Policy, payable on the anniversary date each year thereafter.

(c) Notwithstanding subsection 9(a), development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest at a rate that is set out in the City’s Development Charges Interest Policy, payable on the anniversary date each year thereafter.

(d) Where the development of land results from the approval of a site plan or zoning by-law amendment received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under subsection 6 shall be calculated on the rates set out in Schedule “B” on the date of the planning application, including interest. Where both planning applications apply development charges under subsection 6, shall be calculated on the rates, including interest rate set out in the City’s Development Charges Interest Policy, payable on the anniversary date each year thereafter, set out in Schedule “B” on the date of the later planning application, including interest.

(e) Notwithstanding subsections 9(a) - 9(d) 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 residential dwelling unit; or

(ii) of permitting one or two additional dwelling units in an existing residential building single as set out in the Regulations to the Development Charges Act, 1997;

(iii) of permitting the creation of additional dwelling units equal to the greater of one Dwelling Unit or one percent of the existing Dwelling Units in existing Rental Housing or a prescribed ancillary residential dwelling structure to the existing residential building;

(iv) of permitting the creation of one additional dwelling unit in any other existing residential building already containing at least one Dwelling Unit or prescribed ancillary residential dwelling structure to the existing residential building; or

(v) permit the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including residential dwelling structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units. The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
2	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units. The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit. The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.

(b) Notwithstanding subsection 10(a), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.

(c) 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. (a) 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:

(b) 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 section 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

(c) 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 section 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 section 11, the onus is on the applicant to produce evidence to the satisfaction of the City, acting reasonably, to establish the following:

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

(ii) the non-residential gross floor area that has been or will be demolished or converted to another principal use; and

(iii) 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 section 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 17(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 7 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 19(a) shall be paid to the owner who made the payment.

(c) Refunds that are required to be paid under subsection 19(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 19(c)(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 19(c)(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 20(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 20(b)(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 20(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 Excluding Storm Development Area

Schedule “B”: Area Specific Development Charges:

Headford Excluding Storm 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 32-16 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, 2021 – Headford Excluding Storm Development Area".

PASSED THIS 23rd DAY OF JUNE, 2021.

_____
Joe DiPaola
Acting Mayor

_____
Stephen M.A. Huycke
City Clerk

SCHEDULE “A”

TO BY-LAW 33-21

CITY OF RICHMOND HILL

AREA SPECIFIC DEVELOPMENT CHARGES

HEADFORD EXCLUDING STORM DEVELOPMENT AREA

SCHEDULE "B"

TO BY-LAW 33-21

CITY OF RICHMOND HILL

AREA SPECIFIC DEVELOPMENT CHARGES

HEADFORD EXCLUDING STORM DEVELOPMENT AREA

AREA SPECIFIC SERVICES	**COST** ($000)
Collector Roads	$11,365.7
Watermains and Appurtenances	$1,257.6
Sanitary Sewers and Appurtenances	$0.0
Storm Sewers and Appurtenances	$0.0
Boundary Roads	$386.2
Valley Land Improvements	$0.0
Consulting Studies	$0.0
Credit Carryforwards	$0.0
Total Costs before allocation of Existing Reserves	**$13,009.4**
Existing Reserves	$1,913.6
TOTAL COSTS AFTER ALLOCATION OF EXISTING RESERVES	**$11,095.8**

Benefiting Area – 46.84 Net Hectares

Development Charge - $236,900 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 33-21

CITY OF RICHMOND HILL

AREA SPECIFIC DEVELOPMENT CHARGES

HEADFORD EXCLUDING STORM DEVELOPMENT AREA

CLASS/CATEGORY OF SERVICES

- Boundary Roads
- Collector Roads
- Water Mains and Appurtenances
- Road Works
- Storm Sewers and Appurtenances

SCHEDULE "D"

TO BY-LAW 33-21

CITY OF RICHMOND HILL

AREA SPECIFIC DEVELOPMENT CHARGES

HEADFORD EXCLUDING STORM DEVELOPMENT AREA

CALCULATION OF DEVELOPMENT CHARGES CREDITS PROVIDED TO DERELICT BUILDINGS

Number of Months From Date of Demolition Permit to Date of Building Permit Issuance	**Credit Provided (%)**
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