

The Corporation of the City of Richmond Hill

By-Law 06-24

A By-Law to enact a City-wide Engineering Services Development Charges By-law for the City of Richmond Hill

Whereas Section 2 of the *Development Charges Act*, 1997, S.O. 1997, c. 27 ("the Act") provides that the council of a municipality may pass a by-law 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 Section 10 of the Act, the Council of the City of Richmond Hill has received and considered a Development Charges Study dated December 22, 2023 respecting the imposition of development charges in the City of Richmond Hill;

And Whereas the Council of the City of Richmond Hill has given notice and held a public meeting on the 13th day of February, 2024 in accordance with Section 12 of the Act and the regulations thereto;

And Whereas any person who attended the public meeting was afforded an opportunity to make representations and the public generally were afforded an opportunity to make written submissions relating to the proposed bylaw;

And Whereas the Council of the City of Richmond Hill resolved on March 5, 2024 that it is the intention of the Council of the City of Richmond Hill to ensure that the increase in need for services identified in connection with the enactment of the by-law will be met;

And Whereas the Council of the City of Richmond Hill resolved on March 5, 2024 that no further public meeting be required and that this by-law be brought forward for enactment.

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

1. Definitions

1.1. In this by-law, the following definitions apply:

- a. "accessory use" means where used to describe a use, building, or structure, that the use, building or structure is naturally and normally incidental, or subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;
- b. "Act" means the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended, or any successor thereto;
- c. "affordable residential unit" means a residential unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the Act;
- d. "agricultural use" means lands, buildings or structures, excluding any portion thereof used as a dwelling unit, used or designed or intended for use for the purpose of a *bona fide* farming operation including, but not limited to, animal husbandry, dairying, livestock, fallow, field crops, removal of sod, forestry, fruit farming, horticulture, market gardening, pasturage, poultry keeping, equestrian facilities and any other activities customarily carried on in the field of agriculture;
- e. "ancillary residential building" means a residential building that would be accessory to a detached dwelling, semi-detached dwelling, or townhouse;

- f. "apartment building" means any residential building, or the residential portion of a mixed-use building, including stacked townhouse dwellings, consisting of more than three (3) 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;
- g. "attainable residential unit" means a residential unit that meets the criteria set out in subsection 4.1(4) of the Act;
- h. "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;
- i. "bedroom" means a habitable room larger than seven square metres or seventy five square feet, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
- j. "benefitting area" means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
- k. "board of education" means a board defined in subsection 1(1) of the *Education Act, R.S.O. 1990, c. E.2* or any successor thereto;
- l. "Building Code Act" means the *Building Code Act, 1992 S.O. , c.23*, as amended, or any successor thereto;
- m. "building permit" means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure or, which permits the construction of the foundation of a building or structure;
- n. "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 Act;
- o. "capital cost" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of and as authorized by the municipality or local board;
 - i. to acquire land or an interest in land, including a leasehold interest;
 - ii. to improve land;
 - iii. to acquire, lease, construct or improve buildings and structures;
 - iv. to acquire, construct or improve facilities including:
 - A. furniture and equipment other than computer equipment;
 - B. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act, R.S.O. 1990, c. P.44* ; and
 - C. rolling stock with an estimated useful life of seven years or more, and;
 - v. interest on money borrowed for those expenditures under clauses (i) to (iv) above that are growth-related;
- p. "city" means the City of Richmond Hill.
- q. "council" means the Council of the City of Richmond Hill;
- r. "development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment;

- s. "development charge" means a charge imposed pursuant to this By-law, adjusted in accordance with Section 5;
- t. "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;
- u. "duplex" means a building comprising, by horizontal division, two (2) dwelling units, each of which has a separate entrance to grade;
- v. "dwelling room" means either:
 - i. each bedroom used, designed, or intended for use by one or more persons living together in a lodging home, dormitories, excluding hotels; or
 - ii. in the case of a special care/special dwelling unit/room, each individual room or suite of rooms used, designed, or intended for use by one or two persons with or without exclusive sanitary and/or culinary facilities;
- w. "dwelling unit" means a room or suite of rooms used, or designed or intended for use by one (1) person or persons living together, , in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- x. "future development" means a block identified within a plan of subdivision which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- y. "farm building" means that part of a bona fide farm operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;
- z. "grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- aa. "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;
- bb. "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;
- cc. "high rise residential" means an apartment building that is four (4) or more storeys above grade, consisting of four (4) or more dwelling units and shall not include a stacked townhouse, which is less than four (4) dwelling units and four (4) storeys above-grade;
- dd. "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, 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;
- ee. "institutional" means lands, buildings or structures used or designed or intended for use by an organized body, society or religious groups for promoting a public or non-profit purpose;
- ff. "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 *Fixing Long-Term Care Act*, 2007;
 - ii. as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act*, S.O. 2010 c.11;
 - iii. by any of the following post-secondary institutions for the objects of the institution:
 - A. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 - B. a college or university federated or affiliated with a university described in sub-clause (a), or
 - C. an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act*, 2017;
 - D. as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or

- E. as a hospice to provide end of life care. O. Reg. 454/19, s. 3 (1); O. Reg. 284/22, s. 1.
- gg. "interest rate" means the annual rate of interest calculated as per the applicable City's Development Charges Interest Policy, as may be revised from time to time;
- hh. "large apartment" means a dwelling unit in an apartment building, plex or stacked townhouse that is 700 square feet or larger in size;
- ii. "live-work unit" means a unit intended for both residential and non-residential uses concurrently;
- jj. "local board" has the same definition as defined in Section 1 of the Act;
- kk. "mixed-use" means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- ll. "multiple unit dwellings" includes townhouses, back-to-back townhouses, stacked townhouses, and all other residential uses that are not included in the definition of "apartment building", "small apartment", "large apartment", "single detached dwelling" or "semi-detached dwelling";
- mm. "municipality" means The Corporation of the City of Richmond Hill;
- nn. "non-profit housing development" has the same definition as defined in Section 4.2 of the Act.
- oo. "non-residential use" means a building or structure or portion thereof used, designed or intended to be used for other than a residential use and shall include retail use;
- pp. "non-retail use" means all non-residential use other than retail use and shall include offices;
- qq. "office" 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 non-profit 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, land developer;
- rr. "other multiple" means all dwellings other than single detached dwellings, semi-detached dwellings, apartment building, ancillary residential dwellings, a special care/special dwelling unit, and includes but is not limited to: townhouses, back-to-back townhouse dwellings, and the residential portion of the live work unit;
- ss. "owner" means the registered owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;
- tt. "place of worship" means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act*, as amended or any successor thereto;
- uu. "plex" means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;
- vv. "regulation" means any regulation made pursuant to the Act;
- ww. "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;

- xx. "residential use" means lands, buildings or structures used, or designed or intended for use as a residence for one (1) or more individuals, and shall include, but is not limited to, a single-detached dwelling, a semi-detached dwelling, a townhouse, a stacked townhouse, a plex, an apartment building, a group home, a mobile home and a residential dwelling unit accessory to a non-residential use but shall not include a lodging house licensed by a municipality;
- yy. "retail" means lands, buildings or structures used or designed or intended for use for the sale or rental or offer for 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, a funeral home, but shall exclude office;
- zz. "semi-detached duplex" means one (1) of a pair of attached duplexes, each duplex divided vertically from the other by a party wall.
- aaa. "semi-detached dwelling" means a building divided vertically into and comprising two (2) dwelling units;
- bbb. "semi-detached triplex" means one (1) of a pair of triplexes divided vertically one (1) from the other by a party wall;
- ccc. "services" (or "service") means those services set out in Schedule "A" to this By-law;
- ddd. "single-detached dwelling" and "single-detached" means a residential building consisting of one (1) dwelling unit that is not attached to another structure above grade. For greater certainty, a residential building consisting of one (1) dwelling unit that is attached to another structure by footings only shall be considered a single family dwelling for purposes of this bylaw;;
- eee. "small apartment" means a dwelling unit in an apartment building, a plex or a stacked townhouse that is less than 700 square feet in size;
- fff. "special care/special dwelling" means a residence
- i. containing two or more dwelling rooms, which rooms have common entrance from street level;
 - ii. where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room and accessory buildings; and
 - iii. that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where support services, such as meal preparation, grocery shopping, laundry, housing, nursing, respite care and attending services are provided at various levels; and includes but is not limited to retirement homes or lodges, group homes, dormitories, and hospices;
- ggg. "stacked townhouse dwelling" means a building, other than a plex, townhouse or apartment building, containing at least three (3) dwelling units, being separated from the other vertically and/or horizontally, each dwelling unit having an entrance to grade or where the entrance is shared with no more than two (2) other units at grade.
- hhh. "townhouse" means a building, other than a plex, stacked townhouse or apartment building, containing at least three (3) dwelling units, each dwelling unit separated vertically from the other by a party wall and each dwelling unit having a separate entrance to grade;
- iii. "triplex" means a building comprising three (3) dwelling units, each of which has a separate entrance to grade; and
- jjj. "zoning by-law" means the current Zoning By-Laws of the City of Richmond Hill, or any successor thereof.

2. DESIGNATION OF SERVICES / CLASS OF SERVICES

- 2.1. The categories of services / classes of services for which development charges are imposed under this by-law is Engineering Services;
- 2.2. Components of the services designated in subsection 2.1 are described in Schedule "A".

3. APPLICATION OF BY-LAW RULES

- 3.1. Development charges shall be payable in the amounts set out in this by-law where:
 - a. the lands are located in the area described in subsection 3.2; and
 - b. the development of the lands requires any of the approvals set out in subsection 3.4 (a).

Area to Which By-law Applies

- 3.2. Subject to subsection 3.3, this by-law applies to all lands in the geographic area of the City of Richmond Hill.
- 3.3. This by-law shall not apply to lands that are owned by and used for the purposes of:
 - a. the City of Richmond Hill or a "local board" thereof;
 - b. a "board of education" as defined in Section 1(1) of the *Education Act*, R.S.O. 1990;
 - c. the Regional Municipality of York Region or a "local board" thereof;
 - d. Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Act if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

Approvals for Development

- 3.4. Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires,
 - a. the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the *Planning Act*, R.S.O. 1990;
 - b. the approval of a minor variance under Section 45 of the *Planning Act*, R.S.O. 1990;
 - c. a conveyance of land to which a by-law passed under Subsection 50(7) of the *Planning Act*, R.S.O. 1990, applies;
 - d. the approval of a plan of subdivision under Section 51 of the *Planning Act*, R.S.O. 1990;
 - e. a consent under Section 53 of the *Planning Act*, R.S.O. 1990;
 - f. the approval of a description under Section 9 of the *Condominium Act*, R.S.O. 1990; or
 - g. the issuing of a permit under the *Building Code Act* S. 0. 1990, in relation to a building or structure.
- 3.5. No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this by-law applies even though two or more of the actions described in subsection 3.4 are required before the lands, buildings or structures can be developed.

- 3.6. Despite subsection 3.5, if two or more of the actions described in subsection 3.4 occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.
- 3.7. Subsection 3.4 shall not apply in respect of an action mentioned in subsection 3.4 (a) to (g), if the only effect of the action is to:
- a. permit the enlargement of an existing dwelling unit; or
 - b. permit the creation of additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings or prescribed structures ancillary to existing residential buildings.
- 3.8. The creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, is, subject to the prescribed restrictions, exempt from development charges.
- 3.9. For greater clarity, prescribed under subsections 3.7 and 3.8 of this by-law as prescribed in the Regulation under the Act.

Exemptions for Additional Dwelling Unit

- 3.10. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
- a. an enlargement to an existing dwelling unit;
 - b. the creation of additional dwelling units in existing rental housing equal to the greater of one or 1% of the existing dwelling units;
- 3.11. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to the creation of any of the following in certain existing dwelling units:
- a. A second dwelling unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one dwelling unit.
 - b. A third dwelling unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any dwelling units.
 - c. One dwelling unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any dwelling units.
- 3.12. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to the creation of any of the following in new residential buildings:
- a. A second dwelling unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one dwelling unit;

- b. A third dwelling unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any dwelling units;
- c. One dwelling unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any dwelling units.

3.13. Exemption for Industrial Development:

- a. Notwithstanding any other provision of this by-law, there shall be an exemption from the payment of development charges for one or more enlargements of an existing industrial building on its site, whether attached or separate from the existing industrial building, up to a maximum of fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Act or this subsection. Development charges shall be imposed in accordance with this by-law with respect to the amount of the gross floor area of an enlargement that results in the gross floor area of the industrial building being increase by greater than fifty percent (50%) of the gross floor area of the existing industrial building.
- b. If the gross floor area of an existing industrial building is enlarged by greater than 50 percent (50%) before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Act or this subsection, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
 - i. determine the amount by which the enlargement exceeds fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Act or this subsection;
 - ii. divide the amount determined under subsection (i) by the amount of the enlargement.

3.14. Other Exemption / Reduction:

- a. Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:
 - i. the gross floor area of a place of worship to a maximum of 5,000 square feet (or 464.5 square metres) 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 lesser;
 - ii. a public hospital receiving aid under the *Public Hospitals Act, R.S.O., 1990, c. P.40* or any successor thereto;
 - iii. non-residential uses permitted pursuant to Section 39 of the *Planning Act, R.S.O. 1990, c. P.13* or any successor thereto;
 - iv. the relocation of a heritage building;
 - v. lands, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto;

- vi. development creating or adding an accessory use or structure not exceeding 100 square metres (or 1,076 square feet) of gross floor area, save and except for any live work units with a retail component; for such units development charges will be payable pursuant to subsection 3.17 on the retail component;
 - vii. non-profit housing development; or
 - viii. Affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the *Planning Act* to give effect to the policies described in subsection 16 (4) of the *Planning Act*.
- b. The following shall be exempt from development charges:
- i. Affordable residential units as defined in the Act; or
 - ii. Attainable residential units as defined in the Act.

3.15. Discounts for Rental Housing (for profit)

- a. Pursuant to section 26.2 of the Act, the development charge payable for rental housing developments, where the residential units are intended to be used as a rented residential premises will be reduced based on the number of bedrooms in each unit as follows:
- i. Three or more bedrooms – twenty-five percent (25%) reduction;
 - ii. Two bedrooms – twenty percent (20%) reduction; and
 - iii. All other bedroom quantities – fifteen percent (15%) reduction.

Amount of Charges

Residential

- 3.16. The development charges described in Schedule B to this by-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential uses in the mixed-use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential Uses

- 3.17. The development charges described in Schedule C to this by-law shall be imposed on non-residential uses of lands, buildings or structures.

Multiple Non-retail and Retail Uses

- 3.18. In the case of lands, buildings or structures used or designed or intended for use for both non-retail uses and retail uses, the development charges otherwise applicable to such development under subsections 3.17 shall be determined on the following basis:
- a. 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, such principal use being the use of 55% or greater of the total gross floor area. If no single use has 55% or greater of the total gross floor area, then the development charge payable on the total gross floor area shall be the average of the non-residential charges payable;
 - b. the development charges under either subsection 3.17 applicable to such principal use as determined under paragraph (a), provided that there is a principal use determined under paragraph (a), shall be applied to the total non-residential gross floor area of the development;

- c. Notwithstanding this subsection 3.18, if any building or structure designed or intended for use for both non-retail uses and retail uses, and, where such building or structure contains multiple individually owned units, each unit's payable development charges will be assessed individually based on the predominant use of that unit;

Credit for Provision of Services

- 3.19. Council may, by agreement entered into with the Owner, accept the provision of Services in full or partial satisfaction of the Development Charges otherwise payable. Such agreement shall further specify that where the Municipality agrees to allow the performance of work that relates to a Service, the Municipality shall give to the Owner a credit equal to the reasonable cost of doing the work against the Development Charge otherwise applicable to the Development, without interest, unless such interest is specifically authorized by Council, provided such credit shall not exceed the total amount of Development Charges payable by an owner to the Municipality and provided that no such credit shall be given for any part of the cost of services 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.

Mandatory Phase-in

- 3.20. The amount of the development charges described in Schedules B and C to this by-law shall be reduced in accordance with section 5(8) of the Act.

Reduction of Development Charges Where Redevelopment

- 3.21. Despite any other provision of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within forty-eight (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 principal use on the same land, 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 3.16 and 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 provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.
 - 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 3.17 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.
- 3.22. 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 redevelopment charge credits in accordance with subsection 3.23.

- 3.23. Any building or structure deemed derelict, or the equivalent of derelict in accordance with subsection 3.22 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 subsection 3.21, 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.

Time of Payment of Development Charges

- 3.24. Development charges imposed under this section are payable upon issuance of the first building permit with respect to each dwelling unit, building or structure.
- 3.25. Notwithstanding subsection 3.23 of this by-law, where Section 26.1 of the Act applies in respect of any part of a development, the development charges imposed under this by-law, in respect that part of the development to which Section 26.1 of the Act applies only, shall be payable in annual installments in accordance with the requirements of subsection 26.1(3) of the Act, and shall be subject to interest in accordance with City's Development Charge Interest Policy - Under sections 26.1 and 26.2 of the Act, 1997, as may be amended by City Council.
- 3.26. 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 subsections 3.16 and 3.17 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest in accordance with the City's Development Charges Interest Policy. Where both planning applications apply, development charges under subsections 3.16 and 3.17 shall be calculated on the rates, including interest in accordance with 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.
- 3.27. Despite subsections 3.24 to 3.26, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

4. RESERVE FUNDS

- 4.1. 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.

5. INTEREST ON REFUNDS

- 5.1. Where this by-law, in whole or in part, or any development charge prescribed hereunder is amended or repealed by Order of the Ontario Land Tribunal, 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 Land Tribunal 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.
- 5.2. Refunds that are required to be paid under subsection 5.1 shall be paid to the owner who made the payment.
- 5.3. Refunds that are required to be paid under subsection 5.1 shall be paid with interest to be calculated as follows:

- a. 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;
- b. Interest on refunds for the period for which interest is payable pursuant to subsection 6.1 shall be calculated and paid on a fluctuating basis in accordance with the quarter-yearly adjustment of the interest rate as established in subsection c;
- c. 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.

6. INDEXING

- 6.1. Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, commencing on July 1, 2024 and each July 1 annually thereafter, in accordance with the Statistics Canada Quarterly Construction Price Statistics.

7. SCHEDULES

The following schedules to this by-law form an integral part thereof:

Schedule "A" - Designated Municipal Services and Classes of Services

Schedule "B" - City-wide Engineering Services Development Charges:

Residential Development Charges by Unit Type

Schedule "C" - City-wide Engineering Services 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

8. DATE BY-LAW IN FORCE

- 8.1. This by-law shall come into force upon passage.

9. DATE BY-LAW EXPIRES

- 9.1. This by-law will expire as of ten (10) years from the date of passage, unless it is repealed at an earlier date.

10. REPEAL

10.1. Upon the coming into force of this by-law, By-law 47-19 and Amending By-law 34-21 are hereby repealed.

Passed this 5th day of March, 2024.

David West
Mayor

Stephen M.A. Huycke
City Clerk

DRAFT

SCHEDULE "A" TO BY-LAW NO. 06-24

**DESIGNATED MUNICIPAL SERVICES AND CLASSES OF SERVICE UNDER THIS
BY-LAW**

City-Wide Classes of Services:

Engineering

- Services Related to a Highway
- Water Services
- Wastewater Services
- Stormwater Services

DRAFT

SCHEDULE "B" TO BY-LAW NO. 06-24

CITY-WIDE ENGINEERING SERVICES DEVELOPMENT CHARGES:

RESIDENTIAL DEVELOPMENT CHARGES BY UNIT TYPE

<i>Rates presented in 2023 \$</i>					
Service / Class of Service	Single and Semi-Detached Dwelling	Multiple	Apartments - Large (>=700 sq.ft.)	Apartments - Small (<700 sq.ft.)	Special Care / Special Dwelling Units
Engineering Services	\$15,885	\$13,207	\$10,032	\$7,121	\$5,018

DRAFT

SCHEDULE "C" TO BY-LAW NO. 06-24

CITY-WIDE ENGINEERING SERVICES DEVELOPMENT CHARGES:

**NON-RESIDENTIAL DEVELOPMENT CHARGES BY SQUARE METRE OF GROSS
FLOOR AREA BY RETAIL USES AND NON-RETIAL USES**

<i>Rates presented in 2023 \$</i>				
Service / Class of Service	Retail (per sq.m. of Gross Floor Area)	Non-Retail (per sq.m. of Gross Floor Area)	Retail (per sq.ft. of Gross Floor Area)	Non-Retail (per sq.ft. of Gross Floor Area)
Engineering Services	\$106.13	\$87.83	\$9.86	\$8.16

DRAFT

SCHEDULE "D" TO BY-LAW NO. 06-24

**CALCULATION OF DEVELOPMENT CHARGES CREDITS PROVIDED TO
DERELICT BUILDINGS**

Number of Months From Date of Demolition Permit Issuance 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

DRAFT

The Corporation of the City of Richmond Hill

By-Law 07-24

A By-Law to enact a City-wide Public Works Development Charges By-law for the City of Richmond Hill

Whereas Section 2 of the *Development Charges Act*, 1997, S.O. 1997, c. 27 ("the Act") provides that the council of a municipality may pass a by-law 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 Section 10 of the Act, the Council of the City of Richmond Hill has received and considered a Development Charges Study dated December 22, 2023 respecting the imposition of development charges in the City of Richmond Hill;

And Whereas the Council of the City of Richmond Hill has given notice and held a public meeting on the 13th day of February, 2024 in accordance with Section 12 of the Act and the regulations thereto;

And Whereas any person who attended the public meeting was afforded an opportunity to make representations and the public generally were afforded an opportunity to make written submissions relating to the proposed bylaw;

And Whereas the Council of the City of Richmond Hill resolved on March 5, 2024 that it is the intention of the Council of the City of Richmond Hill to ensure that the increase in need for services identified in connection with the enactment of the by-law will be met;

And Whereas the Council of the City of Richmond Hill resolved on March 5, 2024 that no further public meeting be required and that this by-law be brought forward for enactment.

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

1. Definitions

1.1. In this by-law, the following definitions apply:

- a. "accessory use" means where used to describe a use, building, or structure, that the use, building or structure is naturally and normally incidental, or subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;
- b. "Act" means the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended, or any successor thereto;
- c. "affordable residential unit" means a residential unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the Act;
- d. "agricultural use" means lands, buildings or structures, excluding any portion thereof used as a dwelling unit, used or designed or intended for use for the purpose of a *bona fide* farming operation including, but not limited to, animal husbandry, dairying, livestock, fallow, field crops, removal of sod, forestry, fruit farming, horticulture, market gardening, pasturage, poultry keeping, equestrian facilities and any other activities customarily carried on in the field of agriculture;
- e. "ancillary residential building" means a residential building that would be accessory to a detached dwelling, semi-detached dwelling, or townhouse;

- f. "apartment building" means any residential building, or the residential portion of a mixed-use building, including stacked townhouse dwellings, consisting of more than three (3) 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;
- g. "attainable residential unit" means a residential unit that meets the criteria set out in subsection 4.1(4) of the Act;
- h. "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;
- i. "bedroom" means a habitable room larger than seven square metres or seventy five square feet, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
- j. "benefitting area" means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
- k. "board of education" means a board defined in subsection 1(1) of the *Education Act, R.S.O. 1990, c. E.2* or any successor thereto;
- l. "Building Code Act" means the *Building Code Act, 1992 S.O. , c.23*, as amended, or any successor thereto;
- m. "building permit" means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure or, which permits the construction of the foundation of a building or structure;
- n. "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 Act;
- o. "capital cost" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of and as authorized by the municipality or local board;
 - i. to acquire land or an interest in land, including a leasehold interest;
 - ii. to improve land;
 - iii. to acquire, lease, construct or improve buildings and structures;
 - iv. to acquire, construct or improve facilities including:
 - A. furniture and equipment other than computer equipment;
 - B. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act, R.S.O. 1990, c. P.44* ; and
 - C. rolling stock with an estimated useful life of seven years or more, and;
 - v. interest on money borrowed for those expenditures under clauses (i) to (iv) above that are growth-related;
- p. "city" means the City of Richmond Hill.
- q. "council" means the Council of the City of Richmond Hill;
- r. "development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment;

- s. "development charge" means a charge imposed pursuant to this By-law, adjusted in accordance with Section 5;
- t. "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;
- u. "duplex" means a building comprising, by horizontal division, two (2) dwelling units, each of which has a separate entrance to grade;
- v. "dwelling room" means either:
 - i. each bedroom used, designed, or intended for use by one or more persons living together in a lodging home, dormitories, excluding hotels; or
 - ii. in the case of a special care/special dwelling unit/room, each individual room or suite of rooms used, designed, or intended for use by one or two persons with or without exclusive sanitary and/or culinary facilities;
- w. "dwelling unit" means a room or suite of rooms used, or designed or intended for use by one (1) person or persons living together, , in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- x. "future development" means a block identified within a plan of subdivision which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- y. "farm building" means that part of a bona fide farm operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;
- z. "grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- aa. "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;
- bb. "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;
- cc. "high rise residential" means an apartment building that is four (4) or more storeys above grade, consisting of four (4) or more dwelling units and shall not include a stacked townhouse, which is less than four (4) dwelling units and four (4) storeys above-grade;
- dd. "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, 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;
- ee. "institutional" means lands, buildings or structures used or designed or intended for use by an organized body, society or religious groups for promoting a public or non-profit purpose;
- ff. "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 *Fixing Long-Term Care Act*, 2007;
 - ii. as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act*, S.O. 2010 c.11;
 - iii. by any of the following post-secondary institutions for the objects of the institution:
 - A. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 - B. a college or university federated or affiliated with a university described in sub-clause (a), or
 - C. an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act*, 2017;
 - D. as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or

- E. as a hospice to provide end of life care. O. Reg. 454/19, s. 3 (1); O. Reg. 284/22, s. 1.
- gg. "interest rate" means the annual rate of interest calculated as per the applicable City's Development Charges Interest Policy, as may be revised from time to time;
- hh. "large apartment" means a dwelling unit in an apartment building, plex or stacked townhouse that is 700 square feet or larger in size;
- ii. "live-work unit" means a unit intended for both residential and non-residential uses concurrently;
- jj. "local board" has the same definition as defined in Section 1 of the Act;
- kk. "mixed-use" means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- ll. "multiple unit dwellings" includes townhouses, back-to-back townhouses, stacked townhouses, and all other residential uses that are not included in the definition of "apartment building", "small apartment", "large apartment", "single detached dwelling" or "semi-detached dwelling";
- mm. "municipality" means The Corporation of the City of Richmond Hill;
- nn. "non-profit housing development" has the same definition as defined in Section 4.2 of the Act.
- oo. "non-residential use" means a building or structure or portion thereof used, designed or intended to be used for other than a residential use and shall include retail use;
- pp. "non-retail use" means all non-residential use other than retail use and shall include offices;
- qq. "office" 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 non-profit 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, land developer;
- rr. "other multiple" means all dwellings other than single detached dwellings, semi-detached dwellings, apartment building, ancillary residential dwellings, a special care/special dwelling unit, and includes but is not limited to: townhouses, back-to-back townhouse dwellings, and the residential portion of the live work unit;
- ss. "owner" means the registered owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;
- tt. "place of worship" means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act*, as amended or any successor thereto;
- uu. "plex" means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;
- vv. "regulation" means any regulation made pursuant to the Act;
- ww. "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;

- xx. "residential use" means lands, buildings or structures used, or designed or intended for use as a residence for one (1) or more individuals, and shall include, but is not limited to, a single-detached dwelling, a semi-detached dwelling, a townhouse, a stacked townhouse, a plex, an apartment building, a group home, a mobile home and a residential dwelling unit accessory to a non-residential use but shall not include a lodging house licensed by a municipality;
- yy. "retail" means lands, buildings or structures used or designed or intended for use for the sale or rental or offer for 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, a funeral home, but shall exclude office;
- zz. "semi-detached duplex" means one (1) of a pair of attached duplexes, each duplex divided vertically from the other by a party wall.
- aaa. "semi-detached dwelling" means a building divided vertically into and comprising two (2) dwelling units;
- bbb. "semi-detached triplex" means one (1) of a pair of triplexes divided vertically one (1) from the other by a party wall;
- ccc. "services" (or "service") means those services set out in Schedule "A" to this By-law;
- ddd. "single-detached dwelling" and "single-detached" means a residential building consisting of one (1) dwelling unit that is not attached to another structure above grade. For greater certainty, a residential building consisting of one (1) dwelling unit that is attached to another structure by footings only shall be considered a single family dwelling for purposes of this bylaw;;
- eee. "small apartment" means a dwelling unit in an apartment building, a plex or a stacked townhouse that is less than 700 square feet in size;
- fff. "special care/special dwelling" means a residence
- i. containing two or more dwelling rooms, which rooms have common entrance from street level;
 - ii. where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room and accessory buildings; and
 - iii. that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where support services, such as meal preparation, grocery shopping, laundry, housing, nursing, respite care and attending services are provided at various levels; and includes but is not limited to retirement homes or lodges, group homes, dormitories, and hospices;
- ggg. "stacked townhouse dwelling" means a building, other than a plex, townhouse or apartment building, containing at least three (3) dwelling units, being separated from the other vertically and/or horizontally, each dwelling unit having an entrance to grade or where the entrance is shared with no more than two (2) other units at grade.
- hhh. "townhouse" means a building, other than a plex, stacked townhouse or apartment building, containing at least three (3) dwelling units, each dwelling unit separated vertically from the other by a party wall and each dwelling unit having a separate entrance to grade;
- iii. "triplex" means a building comprising three (3) dwelling units, each of which has a separate entrance to grade; and
- jjj. "zoning by-law" means the current Zoning By-Laws of the City of Richmond Hill, or any successor thereof.

2. DESIGNATION OF SERVICES / CLASS OF SERVICES

- 2.1. The categories of services / classes of services for which development charges are imposed under this by-law is Public Works;
- 2.2. Components of the services designated in subsection 2.1 are described in Schedule "A".

3. APPLICATION OF BY-LAW RULES

- 3.1. Development charges shall be payable in the amounts set out in this by-law where:
 - a. the lands are located in the area described in subsection 3.2; and
 - b. the development of the lands requires any of the approvals set out in subsection 3.4 (a).

Area to Which By-law Applies

- 3.2. Subject to subsection 3.3, this by-law applies to all lands in the geographic area of the City of Richmond Hill.
- 3.3. This by-law shall not apply to lands that are owned by and used for the purposes of:
 - a. the City of Richmond Hill or a "local board" thereof;
 - b. a "board of education" as defined in Section 1(1) of the *Education Act*, R.S.O. 1990;
 - c. the Regional Municipality of York Region or a "local board" thereof;
 - d. Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Act if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

Approvals for Development

- 3.4. Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires,
 - a. the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the *Planning Act*, R.S.O. 1990;
 - b. the approval of a minor variance under Section 45 of the *Planning Act*, R.S.O. 1990;
 - c. a conveyance of land to which a by-law passed under Subsection 50(7) of the *Planning Act*, R.S.O. 1990, applies;
 - d. the approval of a plan of subdivision under Section 51 of the *Planning Act*, R.S.O. 1990;
 - e. a consent under Section 53 of the *Planning Act*, R.S.O. 1990;
 - f. the approval of a description under Section 9 of the *Condominium Act*, R.S.O. 1990; or
 - g. the issuing of a permit under the *Building Code Act* S. 0. 1990, in relation to a building or structure.
- 3.5. No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this by-law applies even though two or more of the actions described in subsection 3.4 are required before the lands, buildings or structures can be developed.

- 3.6. Despite subsection 3.5, if two or more of the actions described in subsection 3.4 occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.
- 3.7. Subsection 3.4 shall not apply in respect of an action mentioned in subsection 3.4 (a) to (g), if the only effect of the action is to:
- a. permit the enlargement of an existing dwelling unit; or
 - b. permit the creation of additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings or prescribed structures ancillary to existing residential buildings.
- 3.8. The creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, is, subject to the prescribed restrictions, exempt from development charges.
- 3.9. For greater clarity, prescribed under subsections 3.7 and 3.8 of this by-law as prescribed in the Regulation under the Act.

Exemptions for Additional Dwelling Unit

- 3.10. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
- a. an enlargement to an existing dwelling unit;
 - b. the creation of additional dwelling units in existing rental housing equal to the greater of one or 1% of the existing dwelling units;
- 3.11. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to the creation of any of the following in certain existing dwelling units:
- a. A second dwelling unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one dwelling unit.
 - b. A third dwelling unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any dwelling units.
 - c. One dwelling unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any dwelling units.
- 3.12. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to the creation of any of the following in new residential buildings:
- a. A second dwelling unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one dwelling unit;

- b. A third dwelling unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any dwelling units;
- c. One dwelling unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any dwelling units.

3.13. Exemption for Industrial Development:

- a. Notwithstanding any other provision of this by-law, there shall be an exemption from the payment of development charges for one or more enlargements of an existing industrial building on its site, whether attached or separate from the existing industrial building, up to a maximum of fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Act or this subsection. Development charges shall be imposed in accordance with this by-law with respect to the amount of the gross floor area of an enlargement that results in the gross floor area of the industrial building being increase by greater than fifty percent (50%) of the gross floor area of the existing industrial building.
- b. If the gross floor area of an existing industrial building is enlarged by greater than 50 percent (50%) before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Act or this subsection, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
 - i. determine the amount by which the enlargement exceeds fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Act or this subsection;
 - ii. divide the amount determined under subsection (i) by the amount of the enlargement.

3.14. Other Exemption / Reduction:

- a. Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:
 - i. the gross floor area of a place of worship to a maximum of 5,000 square feet (or 464.5 square metres) 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 lesser;
 - ii. a public hospital receiving aid under the *Public Hospitals Act, R.S.O., 1990, c. P.40* or any successor thereto;
 - iii. non-residential uses permitted pursuant to Section 39 of the *Planning Act, R.S.O. 1990, c. P.13* or any successor thereto;
 - iv. the relocation of a heritage building;
 - v. lands, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto;

- vi. development creating or adding an accessory use or structure not exceeding 100 square metres (or 1,076 square feet) of gross floor area, save and except for any live work units with a retail component; for such units development charges will be payable pursuant to subsection 3.17 on the retail component;
 - vii. non-profit housing development; or
 - viii. Affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the *Planning Act* to give effect to the policies described in subsection 16 (4) of the *Planning Act*.
- b. The following shall be exempt from development charges:
- i. Affordable residential units as defined in the Act; or
 - ii. Attainable residential units as defined in the Act.

3.15. Discounts for Rental Housing (for profit)

- a. Pursuant to section 26.2 of the Act, the development charge payable for rental housing developments, where the residential units are intended to be used as a rented residential premises will be reduced based on the number of bedrooms in each unit as follows:
- i. Three or more bedrooms – twenty-five percent (25%) reduction;
 - ii. Two bedrooms – twenty percent (20%) reduction; and
 - iii. All other bedroom quantities – fifteen percent (15%) reduction.

Amount of Charges

Residential

- 3.16. The development charges described in Schedule B to this by-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential uses in the mixed-use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential Uses

- 3.17. The development charges described in Schedule C to this by-law shall be imposed on non-residential uses of lands, buildings or structures.

Multiple Non-retail and Retail Uses

- 3.18. In the case of lands, buildings or structures used or designed or intended for use for both non-retail uses and retail uses, the development charges otherwise applicable to such development under subsections 3.17 shall be determined on the following basis:
- a. 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, such principal use being the use of 55% or greater of the total gross floor area. If no single use has 55% or greater of the total gross floor area, then the development charge payable on the total gross floor area shall be the average of the non-residential charges payable;
 - b. the development charges under either subsection 3.17 applicable to such principal use as determined under paragraph (a), provided that there is a principal use determined under paragraph (a), shall be applied to the total non-residential gross floor area of the development;

- c. Notwithstanding this subsection 3.18, if any building or structure designed or intended for use for both non-retail uses and retail uses, and, where such building or structure contains multiple individually owned units, each unit's payable development charges will be assessed individually based on the predominant use of that unit;

Credit for Provision of Services

- 3.19. Council may, by agreement entered into with the Owner, accept the provision of Services in full or partial satisfaction of the Development Charges otherwise payable. Such agreement shall further specify that where the Municipality agrees to allow the performance of work that relates to a Service, the Municipality shall give to the Owner a credit equal to the reasonable cost of doing the work against the Development Charge otherwise applicable to the Development, without interest, unless such interest is specifically authorized by Council, provided such credit shall not exceed the total amount of Development Charges payable by an owner to the Municipality and provided that no such credit shall be given for any part of the cost of services 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.

Mandatory Phase-in

- 3.20. The amount of the development charges described in Schedules B and C to this by-law shall be reduced in accordance with section 5(8) of the Act.

Reduction of Development Charges Where Redevelopment

- 3.21. Despite any other provision of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within forty-eight (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 principal use on the same land, 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 3.16 and 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 provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.
 - 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 3.17 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.
- 3.22. 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 redevelopment charge credits in accordance with subsection 3.23.

- 3.23. Any building or structure deemed derelict, or the equivalent of derelict in accordance with subsection 3.22 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 subsection 3.21, 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.

Time of Payment of Development Charges

- 3.24. Development charges imposed under this section are payable upon issuance of the first building permit with respect to each dwelling unit, building or structure.
- 3.25. Notwithstanding subsection 3.23 of this by-law, where Section 26.1 of the Act applies in respect of any part of a development, the development charges imposed under this by-law, in respect that part of the development to which Section 26.1 of the Act applies only, shall be payable in annual installments in accordance with the requirements of subsection 26.1(3) of the Act, and shall be subject to interest in accordance with City's Development Charge Interest Policy - Under sections 26.1 and 26.2 of the Act, 1997, as may be amended by City Council.
- 3.26. 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 subsections 3.16 and 3.17 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest in accordance with the City's Development Charges Interest Policy. Where both planning applications apply, development charges under subsections 3.16 and 3.17 shall be calculated on the rates, including interest in accordance with 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.
- 3.27. Despite subsections 3.24 to 3.26, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

4. RESERVE FUNDS

- 4.1. 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.

5. INTEREST ON REFUNDS

- 5.1. Where this by-law, in whole or in part, or any development charge prescribed hereunder is amended or repealed by Order of the Ontario Land Tribunal, 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 Land Tribunal 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.
- 5.2. Refunds that are required to be paid under subsection 5.1 shall be paid to the owner who made the payment.
- 5.3. Refunds that are required to be paid under subsection 5.1 shall be paid with interest to be calculated as follows:

- a. 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;
- b. Interest on refunds for the period for which interest is payable pursuant to subsection 6.1 shall be calculated and paid on a fluctuating basis in accordance with the quarter-yearly adjustment of the interest rate as established in subsection c;
- c. 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.

6. INDEXING

- 6.1. Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, commencing on July 1, 2024 and each July 1 annually thereafter, in accordance with the Statistics Canada Quarterly Construction Price Statistics.

7. SCHEDULES

The following schedules to this by-law form an integral part thereof:

Schedule "A" - Designated Municipal Services and Classes of Services

Schedule "B" - City-wide Public Works Development Charges:

Residential Development Charges by Unit Type

Schedule "C" - City-wide Public Works 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

8. DATE BY-LAW IN FORCE

- 8.1. This by-law shall come into force upon passage.

9. DATE BY-LAW EXPIRES

- 9.1. This by-law will expire as of ten (10) years from the date of passage, unless it is repealed at an earlier date.

10. REPEAL

10.1. Upon the coming into force of this by-law, By-law 47-19 and Amending By-law 34-21 are hereby repealed.

Passed this 5th day of March, 2024.

David West
Mayor

Stephen M.A. Huycke
City Clerk

DRAFT

SCHEDULE "A" TO BY-LAW NO. 07-24

**DESIGNATED MUNICIPAL SERVICES AND CLASSES OF SERVICE UNDER THIS
BY-LAW**

City-Wide Classes of Services:

Public Works

- Facilities
 - Services Related to a Highway
 - Water Services
 - Wastewater Services
 - Stormwater Services
 - Parks and Recreation Services
 - Fire Projection Services
- Vehicles
 - Services Related to a Highway
 - Water Services
 - Wastewater Services
 - Stormwater Services

DRAFT

SCHEDULE "B" TO BY-LAW NO. 07-24

CITY-WIDE PUBLIC WORKS DEVELOPMENT CHARGES:

RESIDENTIAL DEVELOPMENT CHARGES BY UNIT TYPE

<i>Rates presented in 2023 \$</i>					
Service / Class of Service	Single and Semi-Detached Dwelling	Multiple	Apartments - Large (>=700 sq.ft.)	Apartments - Small (<700 sq.ft.)	Special Care / Special Dwelling Units
Public Works	\$1,849	\$1,537	\$1,168	\$829	\$584

DRAFT

SCHEDULE "C" TO BY-LAW NO. 07-24

CITY-WIDE PUBLIC WORKS DEVELOPMENT CHARGES:

NON-RESIDENTIAL DEVELOPMENT CHARGES BY SQUARE METRE OF GROSS FLOOR AREA BY RETAIL USES AND NON-RETIAL USES

<i>Rates presented in 2023 \$</i>				
Service / Class of Service	Retail (per sq.m. of Gross Floor Area)	Non-Retail (per sq.m. of Gross Floor Area)	Retail (per sq.ft. of Gross Floor Area)	Non-Retail (per sq.ft. of Gross Floor Area)
Public Works	\$12.92	\$9.80	\$1.20	\$0.91

DRAFT

SCHEDULE "D" TO BY-LAW NO. 07-24

**CALCULATION OF DEVELOPMENT CHARGES CREDITS PROVIDED TO
DERELICT BUILDINGS**

Number of Months From Date of Demolition Permit Issuance 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

DRAFT

The Corporation of the City of Richmond Hill

By-Law 08-24

A By-Law to enact a City-wide Fire Protection Services Development Charges By-law for the City of Richmond Hill

Whereas Section 2 of the *Development Charges Act, 1997*, S.O. 1997, c. 27 ("the Act") provides that the council of a municipality may pass a by-law 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 Section 10 of the Act, the Council of the City of Richmond Hill has received and considered a Development Charges Study dated December 22, 2023 respecting the imposition of development charges in the City of Richmond Hill;

And Whereas the Council of the City of Richmond Hill has given notice and held a public meeting on the 13th day of February, 2024 in accordance with Section 12 of the Act and the regulations thereto;

And Whereas any person who attended the public meeting was afforded an opportunity to make representations and the public generally were afforded an opportunity to make written submissions relating to the proposed bylaw;

And Whereas the Council of the City of Richmond Hill resolved on March 5, 2024 that it is the intention of the Council of the City of Richmond Hill to ensure that the increase in need for services identified in connection with the enactment of the by-law will be met;

And Whereas the Council of the City of Richmond Hill resolved on March 5, 2024 that no further public meeting be required and that this by-law be brought forward for enactment.

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

1. Definitions

1.1. In this by-law, the following definitions apply:

- a. "accessory use" means where used to describe a use, building, or structure, that the use, building or structure is naturally and normally incidental, or subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;
- b. "Act" means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, or any successor thereto;
- c. "affordable residential unit" means a residential unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the Act;
- d. "agricultural use" means lands, buildings or structures, excluding any portion thereof used as a dwelling unit, used or designed or intended for use for the purpose of a *bona fide* farming operation including, but not limited to, animal husbandry, dairying, livestock, fallow, field crops, removal of sod, forestry, fruit farming, horticulture, market gardening, pasturage, poultry keeping, equestrian facilities and any other activities customarily carried on in the field of agriculture;
- e. "ancillary residential building" means a residential building that would be accessory to a detached dwelling, semi-detached dwelling, or townhouse;

- f. "apartment building" means any residential building, or the residential portion of a mixed-use building, including stacked townhouse dwellings, consisting of more than three (3) 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;
- g. "attainable residential unit" means a residential unit that meets the criteria set out in subsection 4.1(4) of the Act;
- h. "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;
- i. "bedroom" means a habitable room larger than seven square metres or seventy five square feet, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
- j. "benefitting area" means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
- k. "board of education" means a board defined in subsection 1(1) of the *Education Act, R.S.O. 1990, c. E.2* or any successor thereto;
- l. "Building Code Act" means the *Building Code Act, 1992 S.O. , c.23*, as amended, or any successor thereto;
- m. "building permit" means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure or, which permits the construction of the foundation of a building or structure;
- n. "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 Act;
- o. "capital cost" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of and as authorized by the municipality or local board;
 - i. to acquire land or an interest in land, including a leasehold interest;
 - ii. to improve land;
 - iii. to acquire, lease, construct or improve buildings and structures;
 - iv. to acquire, construct or improve facilities including:
 - A. furniture and equipment other than computer equipment;
 - B. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act, R.S.O. 1990, c. P.44* ; and
 - C. rolling stock with an estimated useful life of seven years or more, and;
 - v. interest on money borrowed for those expenditures under clauses (i) to (iv) above that are growth-related;
- p. "city" means the City of Richmond Hill.
- q. "council" means the Council of the City of Richmond Hill;
- r. "development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment;

- s. "development charge" means a charge imposed pursuant to this By-law, adjusted in accordance with Section 5;
- t. "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;
- u. "duplex" means a building comprising, by horizontal division, two (2) dwelling units, each of which has a separate entrance to grade;
- v. "dwelling room" means either:
 - i. each bedroom used, designed, or intended for use by one or more persons living together in a lodging home, dormitories, excluding hotels; or
 - ii. in the case of a special care/special dwelling unit/room, each individual room or suite of rooms used, designed, or intended for use by one or two persons with or without exclusive sanitary and/or culinary facilities;
- w. "dwelling unit" means a room or suite of rooms used, or designed or intended for use by one (1) person or persons living together, , in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- x. "future development" means a block identified within a plan of subdivision which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- y. "farm building" means that part of a bona fide farm operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;
- z. "grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- aa. "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;
- bb. "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;
- cc. "high rise residential" means an apartment building that is four (4) or more storeys above grade, consisting of four (4) or more dwelling units and shall not include a stacked townhouse, which is less than four (4) dwelling units and four (4) storeys above-grade;
- dd. "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, 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;
- ee. "institutional" means lands, buildings or structures used or designed or intended for use by an organized body, society or religious groups for promoting a public or non-profit purpose;
- ff. "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 *Fixing Long-Term Care Act*, 2007;
 - ii. as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act*, S.O. 2010 c.11;
 - iii. by any of the following post-secondary institutions for the objects of the institution:
 - A. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 - B. a college or university federated or affiliated with a university described in sub-clause (a), or
 - C. an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act*, 2017;
 - D. as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or

- E. as a hospice to provide end of life care. O. Reg. 454/19, s. 3 (1); O. Reg. 284/22, s. 1.
- gg. "interest rate" means the annual rate of interest calculated as per the applicable City's Development Charges Interest Policy, as may be revised from time to time;
- hh. "large apartment" means a dwelling unit in an apartment building, plex or stacked townhouse that is 700 square feet or larger in size;
- ii. "live-work unit" means a unit intended for both residential and non-residential uses concurrently;
- jj. "local board" has the same definition as defined in Section 1 of the Act;
- kk. "mixed-use" means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- ll. "multiple unit dwellings" includes townhouses, back-to-back townhouses, stacked townhouses, and all other residential uses that are not included in the definition of "apartment building", "small apartment", "large apartment", "single detached dwelling" or "semi-detached dwelling";
- mm. "municipality" means The Corporation of the City of Richmond Hill;
- nn. "non-profit housing development" has the same definition as defined in Section 4.2 of the Act.
- oo. "non-residential use" means a building or structure or portion thereof used, designed or intended to be used for other than a residential use and shall include retail use;
- pp. "non-retail use" means all non-residential use other than retail use and shall include offices;
- qq. "office" 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 non-profit 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, land developer;
- rr. "other multiple" means all dwellings other than single detached dwellings, semi-detached dwellings, apartment building, ancillary residential dwellings, a special care/special dwelling unit, and includes but is not limited to: townhouses, back-to-back townhouse dwellings, and the residential portion of the live work unit;
- ss. "owner" means the registered owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;
- tt. "place of worship" means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act*, as amended or any successor thereto;
- uu. "plex" means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;
- vv. "regulation" means any regulation made pursuant to the Act;
- ww. "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;

- xx. "residential use" means lands, buildings or structures used, or designed or intended for use as a residence for one (1) or more individuals, and shall include, but is not limited to, a single-detached dwelling, a semi-detached dwelling, a townhouse, a stacked townhouse, a plex, an apartment building, a group home, a mobile home and a residential dwelling unit accessory to a non-residential use but shall not include a lodging house licensed by a municipality;
- yy. "retail" means lands, buildings or structures used or designed or intended for use for the sale or rental or offer for 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, a funeral home, but shall exclude office;
- zz. "semi-detached duplex" means one (1) of a pair of attached duplexes, each duplex divided vertically from the other by a party wall.
- aaa. "semi-detached dwelling" means a building divided vertically into and comprising two (2) dwelling units;
- bbb. "semi-detached triplex" means one (1) of a pair of triplexes divided vertically one (1) from the other by a party wall;
- ccc. "services" (or "service") means those services set out in Schedule "A" to this By-law;
- ddd. "single-detached dwelling" and "single-detached" means a residential building consisting of one (1) dwelling unit that is not attached to another structure above grade. For greater certainty, a residential building consisting of one (1) dwelling unit that is attached to another structure by footings only shall be considered a single family dwelling for purposes of this bylaw;;
- eee. "small apartment" means a dwelling unit in an apartment building, a plex or a stacked townhouse that is less than 700 square feet in size;
- fff. "special care/special dwelling" means a residence
- i. containing two or more dwelling rooms, which rooms have common entrance from street level;
 - ii. where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room and accessory buildings; and
 - iii. that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where support services, such as meal preparation, grocery shopping, laundry, housing, nursing, respite care and attending services are provided at various levels; and includes but is not limited to retirement homes or lodges, group homes, dormitories, and hospices;
- ggg. "stacked townhouse dwelling" means a building, other than a plex, townhouse or apartment building, containing at least three (3) dwelling units, being separated from the other vertically and/or horizontally, each dwelling unit having an entrance to grade or where the entrance is shared with no more than two (2) other units at grade.
- hhh. "townhouse" means a building, other than a plex, stacked townhouse or apartment building, containing at least three (3) dwelling units, each dwelling unit separated vertically from the other by a party wall and each dwelling unit having a separate entrance to grade;
- iii. "triplex" means a building comprising three (3) dwelling units, each of which has a separate entrance to grade; and
- jjj. "zoning by-law" means the current Zoning By-Laws of the City of Richmond Hill, or any successor thereof.

2. DESIGNATION OF SERVICES / CLASS OF SERVICES

- 2.1. The categories of services / classes of services for which development charges are imposed under this by-law is Fire Protection Services;
- 2.2. Components of the services designated in subsection 2.1 are described in Schedule "A".

3. APPLICATION OF BY-LAW RULES

- 3.1. Development charges shall be payable in the amounts set out in this by-law where:
 - a. the lands are located in the area described in subsection 3.2; and
 - b. the development of the lands requires any of the approvals set out in subsection 3.4 (a).

Area to Which By-law Applies

- 3.2. Subject to subsection 3.3, this by-law applies to all lands in the geographic area of the City of Richmond Hill.
- 3.3. This by-law shall not apply to lands that are owned by and used for the purposes of:
 - a. the City of Richmond Hill or a "local board" thereof;
 - b. a "board of education" as defined in Section 1(1) of the *Education Act*, R.S.O. 1990;
 - c. the Regional Municipality of York Region or a "local board" thereof;
 - d. Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Act if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

Approvals for Development

- 3.4. Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires,
 - a. the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the *Planning Act*, R.S.O. 1990;
 - b. the approval of a minor variance under Section 45 of the *Planning Act*, R.S.O. 1990;
 - c. a conveyance of land to which a by-law passed under Subsection 50(7) of the *Planning Act*, R.S.O. 1990, applies;
 - d. the approval of a plan of subdivision under Section 51 of the *Planning Act*, R.S.O. 1990;
 - e. a consent under Section 53 of the *Planning Act*, R.S.O. 1990;
 - f. the approval of a description under Section 9 of the *Condominium Act*, R.S.O. 1990; or
 - g. the issuing of a permit under the *Building Code Act* S. 0. 1990, in relation to a building or structure.
- 3.5. No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this by-law applies even though two or more of the actions described in subsection 3.4 are required before the lands, buildings or structures can be developed.

- 3.6. Despite subsection 3.5, if two or more of the actions described in subsection 3.4 occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.
- 3.7. Subsection 3.4 shall not apply in respect of an action mentioned in subsection 3.4 (a) to (g), if the only effect of the action is to:
- a. permit the enlargement of an existing dwelling unit; or
 - b. permit the creation of additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings or prescribed structures ancillary to existing residential buildings.
- 3.8. The creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, is, subject to the prescribed restrictions, exempt from development charges.
- 3.9. For greater clarity, prescribed under subsections 3.7 and 3.8 of this by-law as prescribed in the Regulation under the Act.

Exemptions for Additional Dwelling Unit

- 3.10. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
- a. an enlargement to an existing dwelling unit;
 - b. the creation of additional dwelling units in existing rental housing equal to the greater of one or 1% of the existing dwelling units;
- 3.11. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to the creation of any of the following in certain existing dwelling units:
- a. A second dwelling unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one dwelling unit.
 - b. A third dwelling unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any dwelling units.
 - c. One dwelling unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any dwelling units.
- 3.12. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to the creation of any of the following in new residential buildings:
- a. A second dwelling unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one dwelling unit;

- b. A third dwelling unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any dwelling units;
- c. One dwelling unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any dwelling units.

3.13. Exemption for Industrial Development:

- a. Notwithstanding any other provision of this by-law, there shall be an exemption from the payment of development charges for one or more enlargements of an existing industrial building on its site, whether attached or separate from the existing industrial building, up to a maximum of fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Act or this subsection. Development charges shall be imposed in accordance with this by-law with respect to the amount of the gross floor area of an enlargement that results in the gross floor area of the industrial building being increase by greater than fifty percent (50%) of the gross floor area of the existing industrial building.
- b. If the gross floor area of an existing industrial building is enlarged by greater than 50 percent (50%) before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Act or this subsection, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
 - i. determine the amount by which the enlargement exceeds fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Act or this subsection;
 - ii. divide the amount determined under subsection (i) by the amount of the enlargement.

3.14. Other Exemption / Reduction:

- a. Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:
 - i. the gross floor area of a place of worship to a maximum of 5,000 square feet (or 464.5 square metres) 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 lesser;
 - ii. a public hospital receiving aid under the *Public Hospitals Act, R.S.O., 1990, c. P.40* or any successor thereto;
 - iii. non-residential uses permitted pursuant to Section 39 of the *Planning Act, R.S.O. 1990, c. P.13* or any successor thereto;
 - iv. the relocation of a heritage building;
 - v. lands, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto;

- vi. development creating or adding an accessory use or structure not exceeding 100 square metres (or 1,076 square feet) of gross floor area, save and except for any live work units with a retail component; for such units development charges will be payable pursuant to subsection 3.17 on the retail component;
 - vii. non-profit housing development; or
 - viii. Affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the *Planning Act* to give effect to the policies described in subsection 16 (4) of the *Planning Act*.
- b. The following shall be exempt from development charges:
- i. Affordable residential units as defined in the Act; or
 - ii. Attainable residential units as defined in the Act.

3.15. Discounts for Rental Housing (for profit)

- a. Pursuant to section 26.2 of the Act, the development charge payable for rental housing developments, where the residential units are intended to be used as a rented residential premises will be reduced based on the number of bedrooms in each unit as follows:
- i. Three or more bedrooms – twenty-five percent (25%) reduction;
 - ii. Two bedrooms – twenty percent (20%) reduction; and
 - iii. All other bedroom quantities – fifteen percent (15%) reduction.

Amount of Charges

Residential

- 3.16. The development charges described in Schedule B to this by-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential uses in the mixed-use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential Uses

- 3.17. The development charges described in Schedule C to this by-law shall be imposed on non-residential uses of lands, buildings or structures.

Multiple Non-retail and Retail Uses

- 3.18. In the case of lands, buildings or structures used or designed or intended for use for both non-retail uses and retail uses, the development charges otherwise applicable to such development under subsections 3.17 shall be determined on the following basis:
- a. 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, such principal use being the use of 55% or greater of the total gross floor area. If no single use has 55% or greater of the total gross floor area, then the development charge payable on the total gross floor area shall be the average of the non-residential charges payable;
 - b. the development charges under either subsection 3.17 applicable to such principal use as determined under paragraph (a), provided that there is a principal use determined under paragraph (a), shall be applied to the total non-residential gross floor area of the development;

- c. Notwithstanding this subsection 3.18, if any building or structure designed or intended for use for both non-retail uses and retail uses, and, where such building or structure contains multiple individually owned units, each unit's payable development charges will be assessed individually based on the predominant use of that unit;

Credit for Provision of Services

- 3.19. Council may, by agreement entered into with the Owner, accept the provision of Services in full or partial satisfaction of the Development Charges otherwise payable. Such agreement shall further specify that where the Municipality agrees to allow the performance of work that relates to a Service, the Municipality shall give to the Owner a credit equal to the reasonable cost of doing the work against the Development Charge otherwise applicable to the Development, without interest, unless such interest is specifically authorized by Council, provided such credit shall not exceed the total amount of Development Charges payable by an owner to the Municipality and provided that no such credit shall be given for any part of the cost of services 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.

Mandatory Phase-in

- 3.20. The amount of the development charges described in Schedules B and C to this by-law shall be reduced in accordance with section 5(8) of the Act.

Reduction of Development Charges Where Redevelopment

- 3.21. Despite any other provision of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within forty-eight (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 principal use on the same land, 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 3.16 and 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 provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.
 - 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 3.17 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.
- 3.22. 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 redevelopment charge credits in accordance with subsection 3.23.

- 3.23. Any building or structure deemed derelict, or the equivalent of derelict in accordance with subsection 3.22 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 subsection 3.21, 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.

Time of Payment of Development Charges

- 3.24. Development charges imposed under this section are payable upon issuance of the first building permit with respect to each dwelling unit, building or structure.
- 3.25. Notwithstanding subsection 3.23 of this by-law, where Section 26.1 of the Act applies in respect of any part of a development, the development charges imposed under this by-law, in respect that part of the development to which Section 26.1 of the Act applies only, shall be payable in annual installments in accordance with the requirements of subsection 26.1(3) of the Act, and shall be subject to interest in accordance with City's Development Charge Interest Policy - Under sections 26.1 and 26.2 of the Act, 1997, as may be amended by City Council.
- 3.26. 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 subsections 3.16 and 3.17 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest in accordance with the City's Development Charges Interest Policy. Where both planning applications apply, development charges under subsections 3.16 and 3.17 shall be calculated on the rates, including interest in accordance with 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.
- 3.27. Despite subsections 3.24 to 3.26, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

4. RESERVE FUNDS

- 4.1. 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.

5. INTEREST ON REFUNDS

- 5.1. Where this by-law, in whole or in part, or any development charge prescribed hereunder is amended or repealed by Order of the Ontario Land Tribunal, 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 Land Tribunal 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.
- 5.2. Refunds that are required to be paid under subsection 5.1 shall be paid to the owner who made the payment.
- 5.3. Refunds that are required to be paid under subsection 5.1 shall be paid with interest to be calculated as follows:

- a. 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;
- b. Interest on refunds for the period for which interest is payable pursuant to subsection 6.1 shall be calculated and paid on a fluctuating basis in accordance with the quarter-yearly adjustment of the interest rate as established in subsection c;
- c. 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.

6. INDEXING

- 6.1. Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, commencing on July 1, 2024 and each July 1 annually thereafter, in accordance with the Statistics Canada Quarterly Construction Price Statistics.

7. SCHEDULES

The following schedules to this by-law form an integral part thereof:

Schedule "A" - Designated Municipal Services and Classes of Services

Schedule "B" - City-wide Fire Protection Services Development Charges:

Residential Development Charges by Unit Type

Schedule "C" - City-wide Fire Protection Services 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

8. DATE BY-LAW IN FORCE

- 8.1. This by-law shall come into force upon passage.

9. DATE BY-LAW EXPIRES

- 9.1. This by-law will expire as of ten (10) years from the date of passage, unless it is repealed at an earlier date.

10. REPEAL

10.1. Upon the coming into force of this by-law, By-law 47-19 and Amending By-law 34-21 are hereby repealed.

Passed this 5th day of March, 2024.

David West
Mayor

Stephen M.A. Huycke
City Clerk

DRAFT

SCHEDULE "A" TO BY-LAW NO. 08-24

**DESIGNATED MUNICIPAL SERVICES AND CLASSES OF SERVICE UNDER THIS
BY-LAW**

City-Wide Services:

Fire Protection Service

- Fire Facilities
- Fire Vehicles
- Small Equipment and Gear

DRAFT

SCHEDULE "B" TO BY-LAW NO. 08-24

CITY-WIDE FIRE PROTECTION SERVICES DEVELOPMENT CHARGES:

RESIDENTIAL DEVELOPMENT CHARGES BY UNIT TYPE

<i>Rates presented in 2023 \$</i>					
Service / Class of Service	Single and Semi-Detached Dwelling	Multiple	Apartments - Large (>=700 sq.ft.)	Apartments - Small (<700 sq.ft.)	Special Care / Special Dwelling Units
Fire Protection Services	\$1,297	\$1,078	\$819	\$581	\$410

DRAFT

SCHEDULE "C" TO BY-LAW NO. 08-24

CITY-WIDE FIRE PROTECTION SERVICES DEVELOPMENT CHARGES:

NON-RESIDENTIAL DEVELOPMENT CHARGES BY SQUARE METRE OF GROSS FLOOR AREA BY RETAIL USES AND NON-RETIAL USES

<i>Rates presented in 2023 \$</i>				
Service / Class of Service	Retail (per sq.m. of Gross Floor Area)	Non-Retail (per sq.m. of Gross Floor Area)	Retail (per sq.ft. of Gross Floor Area)	Non-Retail (per sq.ft. of Gross Floor Area)
Fire Protection Services	\$8.81	\$7.21	\$0.80	\$0.67

DRAFT

SCHEDULE "D" TO BY-LAW NO. 08-24

**CALCULATION OF DEVELOPMENT CHARGES CREDITS PROVIDED TO
DERELICT BUILDINGS**

Number of Months From Date of Demolition Permit Issuance 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

DRAFT

The Corporation of the City of Richmond Hill

By-Law 09-24

A By-Law to enact a City-wide Parks and Recreation Services Development Charges By-law for the City of Richmond Hill

Whereas Section 2 of the *Development Charges Act, 1997*, S.O. 1997, c. 27 ("the Act") provides that the council of a municipality may pass a by-law 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 Section 10 of the Act, the Council of the City of Richmond Hill has received and considered a Development Charges Study dated December 22, 2023 respecting the imposition of development charges in the City of Richmond Hill;

And Whereas the Council of the City of Richmond Hill has given notice and held a public meeting on the 13th day of February, 2024 in accordance with Section 12 of the Act and the regulations thereto;

And Whereas any person who attended the public meeting was afforded an opportunity to make representations and the public generally were afforded an opportunity to make written submissions relating to the proposed bylaw;

And Whereas the Council of the City of Richmond Hill resolved on March 5, 2024 that it is the intention of the Council of the City of Richmond Hill to ensure that the increase in need for services identified in connection with the enactment of the by-law will be met;

And Whereas the Council of the City of Richmond Hill resolved on March 5, 2024 that no further public meeting be required and that this by-law be brought forward for enactment.

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

1. Definitions

1.1. In this by-law, the following definitions apply:

- a. "accessory use" means where used to describe a use, building, or structure, that the use, building or structure is naturally and normally incidental, or subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;
- b. "Act" means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, or any successor thereto;
- c. "affordable residential unit" means a residential unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the Act;
- d. "agricultural use" means lands, buildings or structures, excluding any portion thereof used as a dwelling unit, used or designed or intended for use for the purpose of a *bona fide* farming operation including, but not limited to, animal husbandry, dairying, livestock, fallow, field crops, removal of sod, forestry, fruit farming, horticulture, market gardening, pasturage, poultry keeping, equestrian facilities and any other activities customarily carried on in the field of agriculture;
- e. "ancillary residential building" means a residential building that would be accessory to a detached dwelling, semi-detached dwelling, or townhouse;

- f. "apartment building" means any residential building, or the residential portion of a mixed-use building, including stacked townhouse dwellings, consisting of more than three (3) 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;
- g. "attainable residential unit" means a residential unit that meets the criteria set out in subsection 4.1(4) of the Act;
- h. "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;
- i. "bedroom" means a habitable room larger than seven square metres or seventy five square feet, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
- j. "benefitting area" means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
- k. "board of education" means a board defined in subsection 1(1) of the *Education Act, R.S.O. 1990, c. E.2* or any successor thereto;
- l. "Building Code Act" means the *Building Code Act, 1992 S.O. , c.23*, as amended, or any successor thereto;
- m. "building permit" means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure or, which permits the construction of the foundation of a building or structure;
- n. "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 Act;
- o. "capital cost" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of and as authorized by the municipality or local board;
 - i. to acquire land or an interest in land, including a leasehold interest;
 - ii. to improve land;
 - iii. to acquire, lease, construct or improve buildings and structures;
 - iv. to acquire, construct or improve facilities including:
 - A. furniture and equipment other than computer equipment;
 - B. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act, R.S.O. 1990, c. P.44* ; and
 - C. rolling stock with an estimated useful life of seven years or more, and;
 - v. interest on money borrowed for those expenditures under clauses (i) to (iv) above that are growth-related;
- p. "city" means the City of Richmond Hill.
- q. "council" means the Council of the City of Richmond Hill;
- r. "development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment;

- s. "development charge" means a charge imposed pursuant to this By-law, adjusted in accordance with Section 5;
- t. "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;
- u. "duplex" means a building comprising, by horizontal division, two (2) dwelling units, each of which has a separate entrance to grade;
- v. "dwelling room" means either:
 - i. each bedroom used, designed, or intended for use by one or more persons living together in a lodging home, dormitories, excluding hotels; or
 - ii. in the case of a special care/special dwelling unit/room, each individual room or suite of rooms used, designed, or intended for use by one or two persons with or without exclusive sanitary and/or culinary facilities;
- w. "dwelling unit" means a room or suite of rooms used, or designed or intended for use by one (1) person or persons living together, , in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- x. "future development" means a block identified within a plan of subdivision which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- y. "farm building" means that part of a bona fide farm operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;
- z. "grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- aa. "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;
- bb. "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;
- cc. "high rise residential" means an apartment building that is four (4) or more storeys above grade, consisting of four (4) or more dwelling units and shall not include a stacked townhouse, which is less than four (4) dwelling units and four (4) storeys above-grade;
- dd. "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, 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;
- ee. "institutional" means lands, buildings or structures used or designed or intended for use by an organized body, society or religious groups for promoting a public or non-profit purpose;
- ff. "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 *Fixing Long-Term Care Act*, 2007;
 - ii. as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act*, S.O. 2010 c.11;
 - iii. by any of the following post-secondary institutions for the objects of the institution:
 - A. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 - B. a college or university federated or affiliated with a university described in sub-clause (a), or
 - C. an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act*, 2017;
 - D. as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or

- E. as a hospice to provide end of life care. O. Reg. 454/19, s. 3 (1); O. Reg. 284/22, s. 1.
- gg. "interest rate" means the annual rate of interest calculated as per the applicable City's Development Charges Interest Policy, as may be revised from time to time;
- hh. "large apartment" means a dwelling unit in an apartment building, plex or stacked townhouse that is 700 square feet or larger in size;
- ii. "live-work unit" means a unit intended for both residential and non-residential uses concurrently;
- jj. "local board" has the same definition as defined in Section 1 of the Act;
- kk. "mixed-use" means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- ll. "multiple unit dwellings" includes townhouses, back-to-back townhouses, stacked townhouses, and all other residential uses that are not included in the definition of "apartment building", "small apartment", "large apartment", "single detached dwelling" or "semi-detached dwelling";
- mm. "municipality" means The Corporation of the City of Richmond Hill;
- nn. "non-profit housing development" has the same definition as defined in Section 4.2 of the Act.
- oo. "non-residential use" means a building or structure or portion thereof used, designed or intended to be used for other than a residential use and shall include retail use;
- pp. "non-retail use" means all non-residential use other than retail use and shall include offices;
- qq. "office" 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 non-profit 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, land developer;
- rr. "other multiple" means all dwellings other than single detached dwellings, semi-detached dwellings, apartment building, ancillary residential dwellings, a special care/special dwelling unit, and includes but is not limited to: townhouses, back-to-back townhouse dwellings, and the residential portion of the live work unit;
- ss. "owner" means the registered owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;
- tt. "place of worship" means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act*, as amended or any successor thereto;
- uu. "plex" means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;
- vv. "regulation" means any regulation made pursuant to the Act;
- ww. "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;

- xx. "residential use" means lands, buildings or structures used, or designed or intended for use as a residence for one (1) or more individuals, and shall include, but is not limited to, a single-detached dwelling, a semi-detached dwelling, a townhouse, a stacked townhouse, a plex, an apartment building, a group home, a mobile home and a residential dwelling unit accessory to a non-residential use but shall not include a lodging house licensed by a municipality;
- yy. "retail" means lands, buildings or structures used or designed or intended for use for the sale or rental or offer for 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, a funeral home, but shall exclude office;
- zz. "semi-detached duplex" means one (1) of a pair of attached duplexes, each duplex divided vertically from the other by a party wall.
- aaa. "semi-detached dwelling" means a building divided vertically into and comprising two (2) dwelling units;
- bbb. "semi-detached triplex" means one (1) of a pair of triplexes divided vertically one (1) from the other by a party wall;
- ccc. "services" (or "service") means those services set out in Schedule "A" to this By-law;
- ddd. "single-detached dwelling" and "single-detached" means a residential building consisting of one (1) dwelling unit that is not attached to another structure above grade. For greater certainty, a residential building consisting of one (1) dwelling unit that is attached to another structure by footings only shall be considered a single family dwelling for purposes of this bylaw;;
- eee. "small apartment" means a dwelling unit in an apartment building, a plex or a stacked townhouse that is less than 700 square feet in size;
- fff. "special care/special dwelling" means a residence
- i. containing two or more dwelling rooms, which rooms have common entrance from street level;
 - ii. where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room and accessory buildings; and
 - iii. that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where support services, such as meal preparation, grocery shopping, laundry, housing, nursing, respite care and attending services are provided at various levels; and includes but is not limited to retirement homes or lodges, group homes, dormitories, and hospices;
- ggg. "stacked townhouse dwelling" means a building, other than a plex, townhouse or apartment building, containing at least three (3) dwelling units, being separated from the other vertically and/or horizontally, each dwelling unit having an entrance to grade or where the entrance is shared with no more than two (2) other units at grade.
- hhh. "townhouse" means a building, other than a plex, stacked townhouse or apartment building, containing at least three (3) dwelling units, each dwelling unit separated vertically from the other by a party wall and each dwelling unit having a separate entrance to grade;
- iii. "triplex" means a building comprising three (3) dwelling units, each of which has a separate entrance to grade; and
- jjj. "zoning by-law" means the current Zoning By-Laws of the City of Richmond Hill, or any successor thereof.

2. DESIGNATION OF SERVICES / CLASS OF SERVICES

- 2.1. The categories of services / classes of services for which development charges are imposed under this by-law is Parks and Recreation Services;
- 2.2. Components of the services designated in subsection 2.1 are described in Schedule "A".

3. APPLICATION OF BY-LAW RULES

- 3.1. Development charges shall be payable in the amounts set out in this by-law where:
 - a. the lands are located in the area described in subsection 3.2; and
 - b. the development of the lands requires any of the approvals set out in subsection 3.4 (a).

Area to Which By-law Applies

- 3.2. Subject to subsection 3.3, this by-law applies to all lands in the geographic area of the City of Richmond Hill.
- 3.3. This by-law shall not apply to lands that are owned by and used for the purposes of:
 - a. the City of Richmond Hill or a "local board" thereof;
 - b. a "board of education" as defined in Section 1(1) of the *Education Act*, R.S.O. 1990;
 - c. the Regional Municipality of York Region or a "local board" thereof;
 - d. Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Act if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

Approvals for Development

- 3.4. Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires,
 - a. the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the *Planning Act*, R.S.O. 1990;
 - b. the approval of a minor variance under Section 45 of the *Planning Act*, R.S.O. 1990;
 - c. a conveyance of land to which a by-law passed under Subsection 50(7) of the *Planning Act*, R.S.O. 1990, applies;
 - d. the approval of a plan of subdivision under Section 51 of the *Planning Act*, R.S.O. 1990;
 - e. a consent under Section 53 of the *Planning Act*, R.S.O. 1990;
 - f. the approval of a description under Section 9 of the *Condominium Act*, R.S.O. 1990; or
 - g. the issuing of a permit under the *Building Code Act* S. 0. 1990, in relation to a building or structure.
- 3.5. No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this by-law applies even though two or more of the actions described in subsection 3.4 are required before the lands, buildings or structures can be developed.

- 3.6. Despite subsection 3.5, if two or more of the actions described in subsection 3.4 occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.
- 3.7. Subsection 3.4 shall not apply in respect of an action mentioned in subsection 3.4 (a) to (g), if the only effect of the action is to:
- a. permit the enlargement of an existing dwelling unit; or
 - b. permit the creation of additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings or prescribed structures ancillary to existing residential buildings.
- 3.8. The creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, is, subject to the prescribed restrictions, exempt from development charges.
- 3.9. For greater clarity, prescribed under subsections 3.7 and 3.8 of this by-law as prescribed in the Regulation under the Act.

Exemptions for Additional Dwelling Unit

- 3.10. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
- a. an enlargement to an existing dwelling unit;
 - b. the creation of additional dwelling units in existing rental housing equal to the greater of one or 1% of the existing dwelling units;
- 3.11. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to the creation of any of the following in certain existing dwelling units:
- a. A second dwelling unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one dwelling unit.
 - b. A third dwelling unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any dwelling units.
 - c. One dwelling unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any dwelling units.
- 3.12. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to the creation of any of the following in new residential buildings:
- a. A second dwelling unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one dwelling unit;

- b. A third dwelling unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any dwelling units;
- c. One dwelling unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any dwelling units.

3.13. Exemption for Industrial Development:

- a. Notwithstanding any other provision of this by-law, there shall be an exemption from the payment of development charges for one or more enlargements of an existing industrial building on its site, whether attached or separate from the existing industrial building, up to a maximum of fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Act or this subsection. Development charges shall be imposed in accordance with this by-law with respect to the amount of the gross floor area of an enlargement that results in the gross floor area of the industrial building being increase by greater than fifty percent (50%) of the gross floor area of the existing industrial building.
- b. If the gross floor area of an existing industrial building is enlarged by greater than 50 percent (50%) before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Act or this subsection, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
 - i. determine the amount by which the enlargement exceeds fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Act or this subsection;
 - ii. divide the amount determined under subsection (i) by the amount of the enlargement.

3.14. Other Exemption / Reduction:

- a. Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:
 - i. the gross floor area of a place of worship to a maximum of 5,000 square feet (or 464.5 square metres) 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 lesser;
 - ii. a public hospital receiving aid under the *Public Hospitals Act, R.S.O., 1990, c. P.40* or any successor thereto;
 - iii. non-residential uses permitted pursuant to Section 39 of the *Planning Act, R.S.O. 1990, c. P.13* or any successor thereto;
 - iv. the relocation of a heritage building;
 - v. lands, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto;

- vi. development creating or adding an accessory use or structure not exceeding 100 square metres (or 1,076 square feet) of gross floor area, save and except for any live work units with a retail component; for such units development charges will be payable pursuant to subsection 3.17 on the retail component;
 - vii. non-profit housing development; or
 - viii. Affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the *Planning Act* to give effect to the policies described in subsection 16 (4) of the *Planning Act*.
- b. The following shall be exempt from development charges:
- i. Affordable residential units as defined in the Act; or
 - ii. Attainable residential units as defined in the Act.

3.15. Discounts for Rental Housing (for profit)

- a. Pursuant to section 26.2 of the Act, the development charge payable for rental housing developments, where the residential units are intended to be used as a rented residential premises will be reduced based on the number of bedrooms in each unit as follows:
- i. Three or more bedrooms – twenty-five percent (25%) reduction;
 - ii. Two bedrooms – twenty percent (20%) reduction; and
 - iii. All other bedroom quantities – fifteen percent (15%) reduction.

Amount of Charges

Residential

- 3.16. The development charges described in Schedule B to this by-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential uses in the mixed-use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential Uses

- 3.17. The development charges described in Schedule C to this by-law shall be imposed on non-residential uses of lands, buildings or structures.

Multiple Non-retail and Retail Uses

- 3.18. In the case of lands, buildings or structures used or designed or intended for use for both non-retail uses and retail uses, the development charges otherwise applicable to such development under subsections 3.17 shall be determined on the following basis:
- a. 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, such principal use being the use of 55% or greater of the total gross floor area. If no single use has 55% or greater of the total gross floor area, then the development charge payable on the total gross floor area shall be the average of the non-residential charges payable;
 - b. the development charges under either subsection 3.17 applicable to such principal use as determined under paragraph (a), provided that there is a principal use determined under paragraph (a), shall be applied to the total non-residential gross floor area of the development;

- c. Notwithstanding this subsection 3.18, if any building or structure designed or intended for use for both non-retail uses and retail uses, and, where such building or structure contains multiple individually owned units, each unit's payable development charges will be assessed individually based on the predominant use of that unit;

Credit for Provision of Services

- 3.19. Council may, by agreement entered into with the Owner, accept the provision of Services in full or partial satisfaction of the Development Charges otherwise payable. Such agreement shall further specify that where the Municipality agrees to allow the performance of work that relates to a Service, the Municipality shall give to the Owner a credit equal to the reasonable cost of doing the work against the Development Charge otherwise applicable to the Development, without interest, unless such interest is specifically authorized by Council, provided such credit shall not exceed the total amount of Development Charges payable by an owner to the Municipality and provided that no such credit shall be given for any part of the cost of services 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.

Mandatory Phase-in

- 3.20. The amount of the development charges described in Schedules B and C to this by-law shall be reduced in accordance with section 5(8) of the Act.

Reduction of Development Charges Where Redevelopment

- 3.21. Despite any other provision of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within forty-eight (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 principal use on the same land, 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 3.16 and 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 provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.
 - 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 3.17 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.
- 3.22. 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 redevelopment charge credits in accordance with subsection 3.23.

- 3.23. Any building or structure deemed derelict, or the equivalent of derelict in accordance with subsection 3.22 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 subsection 3.21, 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.

Time of Payment of Development Charges

- 3.24. Development charges imposed under this section are payable upon issuance of the first building permit with respect to each dwelling unit, building or structure.
- 3.25. Notwithstanding subsection 3.23 of this by-law, where Section 26.1 of the Act applies in respect of any part of a development, the development charges imposed under this by-law, in respect that part of the development to which Section 26.1 of the Act applies only, shall be payable in annual installments in accordance with the requirements of subsection 26.1(3) of the Act, and shall be subject to interest in accordance with City's Development Charge Interest Policy - Under sections 26.1 and 26.2 of the Act, 1997, as may be amended by City Council.
- 3.26. 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 subsections 3.16 and 3.17 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest in accordance with the City's Development Charges Interest Policy. Where both planning applications apply, development charges under subsections 3.16 and 3.17 shall be calculated on the rates, including interest in accordance with 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.
- 3.27. Despite subsections 3.24 to 3.26, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

4. RESERVE FUNDS

- 4.1. 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.

5. INTEREST ON REFUNDS

- 5.1. Where this by-law, in whole or in part, or any development charge prescribed hereunder is amended or repealed by Order of the Ontario Land Tribunal, 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 Land Tribunal 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.
- 5.2. Refunds that are required to be paid under subsection 5.1 shall be paid to the owner who made the payment.
- 5.3. Refunds that are required to be paid under subsection 5.1 shall be paid with interest to be calculated as follows:

- a. 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;
- b. Interest on refunds for the period for which interest is payable pursuant to subsection 6.1 shall be calculated and paid on a fluctuating basis in accordance with the quarter-yearly adjustment of the interest rate as established in subsection c;
- c. 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.

6. INDEXING

- 6.1. Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, commencing on July 1, 2024 and each July 1 annually thereafter, in accordance with the Statistics Canada Quarterly Construction Price Statistics.

7. SCHEDULES

The following schedules to this by-law form an integral part thereof:

Schedule "A" - Designated Municipal Services and Classes of Services

Schedule "B" - City-wide Parks and Recreation Services Development Charges:

Residential Development Charges by Unit Type

Schedule "C" - City-wide Parks and Recreation Services 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

8. DATE BY-LAW IN FORCE

- 8.1. This by-law shall come into force upon passage.

9. DATE BY-LAW EXPIRES

- 9.1. This by-law will expire as of ten (10) years from the date of passage, unless it is repealed at an earlier date.

10. REPEAL

10.1. Upon the coming into force of this by-law, By-law 47-19 and Amending By-law 34-21 are hereby repealed.

Passed this 5th day of March, 2024.

David West
Mayor

Stephen M.A. Huycke
City Clerk

DRAFT

SCHEDULE "A" TO BY-LAW NO. 09-24

**DESIGNATED MUNICIPAL SERVICES AND CLASSES OF SERVICE UNDER THIS
BY-LAW**

City-Wide Services:

Parks and Recreation Services

- Outdoor Recreation and Park Development, Amenities and Trails
- Parks and Recreation Vehicles and Equipment
- Indoor Recreation Facilities

DRAFT

SCHEDULE "B" TO BY-LAW NO. 09-24

CITY-WIDE PARKS AND RECREATION SERVICES DEVELOPMENT CHARGES:

RESIDENTIAL DEVELOPMENT CHARGES BY UNIT TYPE

<i>Rates presented in 2023 \$</i>					
Service / Class of Service	Single and Semi-Detached Dwelling	Multiple	Apartments - Large (>=700 sq.ft.)	Apartments - Small (<700 sq.ft.)	Special Care / Special Dwelling Units
Parks and Recreation Services	\$22,750	\$18,915	\$14,367	\$10,199	\$7,187

DRAFT

SCHEDULE "C" TO BY-LAW NO. 09-24

CITY-WIDE PARKS AND RECREATION SERVICES DEVELOPMENT CHARGES:

**NON-RESIDENTIAL DEVELOPMENT CHARGES BY SQUARE METRE OF GROSS
FLOOR AREA BY RETAIL USES AND NON-RETIAL USES**

<i>Rates presented in 2023 \$</i>				
Service / Class of Service	Retail (per sq.m. of Gross Floor Area)	Non-Retail (per sq.m. of Gross Floor Area)	Retail (per sq.ft. of Gross Floor Area)	Non-Retail (per sq.ft. of Gross Floor Area)
Parks and Recreation Services	\$43.81	\$33.15	\$4.07	\$3.08

DRAFT

SCHEDULE "D" TO BY-LAW NO. 09-24

**CALCULATION OF DEVELOPMENT CHARGES CREDITS PROVIDED TO
DERELICT BUILDINGS**

Number of Months From Date of Demolition Permit Issuance 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

DRAFT

The Corporation of the City of Richmond Hill

By-Law 10-24

A By-Law to enact a City-wide Library Services Development Charges By-law for the City of Richmond Hill

Whereas Section 2 of the *Development Charges Act*, 1997, S.O. 1997, c. 27 ("the Act") provides that the council of a municipality may pass a by-law 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 Section 10 of the Act, the Council of the City of Richmond Hill has received and considered a Development Charges Study dated December 22, 2023 respecting the imposition of development charges in the City of Richmond Hill;

And Whereas the Council of the City of Richmond Hill has given notice and held a public meeting on the 13th day of February, 2024 in accordance with Section 12 of the Act and the regulations thereto;

And Whereas any person who attended the public meeting was afforded an opportunity to make representations and the public generally were afforded an opportunity to make written submissions relating to the proposed bylaw;

And Whereas the Council of the City of Richmond Hill resolved on March 5, 2024 that it is the intention of the Council of the City of Richmond Hill to ensure that the increase in need for services identified in connection with the enactment of the by-law will be met;

And Whereas the Council of the City of Richmond Hill resolved on March 5, 2024 that no further public meeting be required and that this by-law be brought forward for enactment.

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

1. Definitions

1.1. In this by-law, the following definitions apply:

- a. "accessory use" means where used to describe a use, building, or structure, that the use, building or structure is naturally and normally incidental, or subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure;
- b. "Act" means the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended, or any successor thereto;
- c. "affordable residential unit" means a residential unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the Act;
- d. "agricultural use" means lands, buildings or structures, excluding any portion thereof used as a dwelling unit, used or designed or intended for use for the purpose of a *bona fide* farming operation including, but not limited to, animal husbandry, dairying, livestock, fallow, field crops, removal of sod, forestry, fruit farming, horticulture, market gardening, pasturage, poultry keeping, equestrian facilities and any other activities customarily carried on in the field of agriculture;
- e. "ancillary residential building" means a residential building that would be accessory to a detached dwelling, semi-detached dwelling, or townhouse;

- f. "apartment building" means any residential building, or the residential portion of a mixed-use building, including stacked townhouse dwellings, consisting of more than three (3) 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;
- g. "attainable residential unit" means a residential unit that meets the criteria set out in subsection 4.1(4) of the Act;
- h. "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;
- i. "bedroom" means a habitable room larger than seven square metres or seventy five square feet, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
- j. "benefitting area" means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
- k. "board of education" means a board defined in subsection 1(1) of the *Education Act, R.S.O. 1990, c. E.2* or any successor thereto;
- l. "Building Code Act" means the *Building Code Act, 1992 S.O. , c.23*, as amended, or any successor thereto;
- m. "building permit" means a permit issued under the *Building Code Act, 1992*, which permits the construction of a building or structure or, which permits the construction of the foundation of a building or structure;
- n. "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 Act;
- o. "capital cost" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of and as authorized by the municipality or local board;
 - i. to acquire land or an interest in land, including a leasehold interest;
 - ii. to improve land;
 - iii. to acquire, lease, construct or improve buildings and structures;
 - iv. to acquire, construct or improve facilities including:
 - A. furniture and equipment other than computer equipment;
 - B. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act, R.S.O. 1990, c. P.44* ; and
 - C. rolling stock with an estimated useful life of seven years or more, and;
 - v. interest on money borrowed for those expenditures under clauses (i) to (iv) above that are growth-related;
- p. "city" means the City of Richmond Hill.
- q. "council" means the Council of the City of Richmond Hill;
- r. "development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment;

- s. "development charge" means a charge imposed pursuant to this By-law, adjusted in accordance with Section 5;
- t. "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;
- u. "duplex" means a building comprising, by horizontal division, two (2) dwelling units, each of which has a separate entrance to grade;
- v. "dwelling room" means either:
 - i. each bedroom used, designed, or intended for use by one or more persons living together in a lodging home, dormitories, excluding hotels; or
 - ii. in the case of a special care/special dwelling unit/room, each individual room or suite of rooms used, designed, or intended for use by one or two persons with or without exclusive sanitary and/or culinary facilities;
- w. "dwelling unit" means a room or suite of rooms used, or designed or intended for use by one (1) person or persons living together, , in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- x. "future development" means a block identified within a plan of subdivision which requires a subsequent planning approval, in addition to a building permit, which planning approval shall include a site plan approval or the approval of a plan of condominium;
- y. "farm building" means that part of a bona fide farm operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;
- z. "grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- aa. "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;
- bb. "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;
- cc. "high rise residential" means an apartment building that is four (4) or more storeys above grade, consisting of four (4) or more dwelling units and shall not include a stacked townhouse, which is less than four (4) dwelling units and four (4) storeys above-grade;
- dd. "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, 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;
- ee. "institutional" means lands, buildings or structures used or designed or intended for use by an organized body, society or religious groups for promoting a public or non-profit purpose;
- ff. "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 *Fixing Long-Term Care Act*, 2007;
 - ii. as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act*, S.O. 2010 c.11;
 - iii. by any of the following post-secondary institutions for the objects of the institution:
 - A. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 - B. a college or university federated or affiliated with a university described in sub-clause (a), or
 - C. an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act*, 2017;
 - D. as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion; or

- E. as a hospice to provide end of life care. O. Reg. 454/19, s. 3 (1); O. Reg. 284/22, s. 1.
- gg. "interest rate" means the annual rate of interest calculated as per the applicable City's Development Charges Interest Policy, as may be revised from time to time;
- hh. "large apartment" means a dwelling unit in an apartment building, plex or stacked townhouse that is 700 square feet or larger in size;
- ii. "live-work unit" means a unit intended for both residential and non-residential uses concurrently;
- jj. "local board" has the same definition as defined in Section 1 of the Act;
- kk. "mixed-use" means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- ll. "multiple unit dwellings" includes townhouses, back-to-back townhouses, stacked townhouses, and all other residential uses that are not included in the definition of "apartment building", "small apartment", "large apartment", "single detached dwelling" or "semi-detached dwelling";
- mm. "municipality" means The Corporation of the City of Richmond Hill;
- nn. "non-profit housing development" has the same definition as defined in Section 4.2 of the Act.
- oo. "non-residential use" means a building or structure or portion thereof used, designed or intended to be used for other than a residential use and shall include retail use;
- pp. "non-retail use" means all non-residential use other than retail use and shall include offices;
- qq. "office" 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 non-profit 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, land developer;
- rr. "other multiple" means all dwellings other than single detached dwellings, semi-detached dwellings, apartment building, ancillary residential dwellings, a special care/special dwelling unit, and includes but is not limited to: townhouses, back-to-back townhouse dwellings, and the residential portion of the live work unit;
- ss. "owner" means the registered owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;
- tt. "place of worship" means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act*, as amended or any successor thereto;
- uu. "plex" means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;
- vv. "regulation" means any regulation made pursuant to the Act;
- ww. "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;

- xx. "residential use" means lands, buildings or structures used, or designed or intended for use as a residence for one (1) or more individuals, and shall include, but is not limited to, a single-detached dwelling, a semi-detached dwelling, a townhouse, a stacked townhouse, a plex, an apartment building, a group home, a mobile home and a residential dwelling unit accessory to a non-residential use but shall not include a lodging house licensed by a municipality;
- yy. "retail" means lands, buildings or structures used or designed or intended for use for the sale or rental or offer for 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, a funeral home, but shall exclude office;
- zz. "semi-detached duplex" means one (1) of a pair of attached duplexes, each duplex divided vertically from the other by a party wall.
- aaa. "semi-detached dwelling" means a building divided vertically into and comprising two (2) dwelling units;
- bbb. "semi-detached triplex" means one (1) of a pair of triplexes divided vertically one (1) from the other by a party wall;
- ccc. "services" (or "service") means those services set out in Schedule "A" to this By-law;
- ddd. "single-detached dwelling" and "single-detached" means a residential building consisting of one (1) dwelling unit that is not attached to another structure above grade. For greater certainty, a residential building consisting of one (1) dwelling unit that is attached to another structure by footings only shall be considered a single family dwelling for purposes of this bylaw;;
- eee. "small apartment" means a dwelling unit in an apartment building, a plex or a stacked townhouse that is less than 700 square feet in size;
- fff. "special care/special dwelling" means a residence
- i. containing two or more dwelling rooms, which rooms have common entrance from street level;
 - ii. where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room and accessory buildings; and
 - iii. that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where support services, such as meal preparation, grocery shopping, laundry, housing, nursing, respite care and attending services are provided at various levels; and includes but is not limited to retirement homes or lodges, group homes, dormitories, and hospices;
- ggg. "stacked townhouse dwelling" means a building, other than a plex, townhouse or apartment building, containing at least three (3) dwelling units, being separated from the other vertically and/or horizontally, each dwelling unit having an entrance to grade or where the entrance is shared with no more than two (2) other units at grade.
- hhh. "townhouse" means a building, other than a plex, stacked townhouse or apartment building, containing at least three (3) dwelling units, each dwelling unit separated vertically from the other by a party wall and each dwelling unit having a separate entrance to grade;
- iii. "triplex" means a building comprising three (3) dwelling units, each of which has a separate entrance to grade; and
- jjj. "zoning by-law" means the current Zoning By-Laws of the City of Richmond Hill, or any successor thereof.

2. DESIGNATION OF SERVICES / CLASS OF SERVICES

- 2.1. The categories of services / classes of services for which development charges are imposed under this by-law is Library Services;
- 2.2. Components of the services designated in subsection 2.1 are described in Schedule "A".

3. APPLICATION OF BY-LAW RULES

- 3.1. Development charges shall be payable in the amounts set out in this by-law where:
 - a. the lands are located in the area described in subsection 3.2; and
 - b. the development of the lands requires any of the approvals set out in subsection 3.4 (a).

Area to Which By-law Applies

- 3.2. Subject to subsection 3.3, this by-law applies to all lands in the geographic area of the City of Richmond Hill.
- 3.3. This by-law shall not apply to lands that are owned by and used for the purposes of:
 - a. the City of Richmond Hill or a "local board" thereof;
 - b. a "board of education" as defined in Section 1(1) of the *Education Act*, R.S.O. 1990;
 - c. the Regional Municipality of York Region or a "local board" thereof;
 - d. Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Act if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

Approvals for Development

- 3.4. Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires,
 - a. the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the *Planning Act*, R.S.O. 1990;
 - b. the approval of a minor variance under Section 45 of the *Planning Act*, R.S.O. 1990;
 - c. a conveyance of land to which a by-law passed under Subsection 50(7) of the *Planning Act*, R.S.O. 1990, applies;
 - d. the approval of a plan of subdivision under Section 51 of the *Planning Act*, R.S.O. 1990;
 - e. a consent under Section 53 of the *Planning Act*, R.S.O. 1990;
 - f. the approval of a description under Section 9 of the *Condominium Act*, R.S.O. 1990; or
 - g. the issuing of a permit under the *Building Code Act* S. 0. 1990, in relation to a building or structure.
- 3.5. No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings or structures to which this by-law applies even though two or more of the actions described in subsection 3.4 are required before the lands, buildings or structures can be developed.

- 3.6. Despite subsection 3.5, if two or more of the actions described in subsection 3.4 occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.
- 3.7. Subsection 3.4 shall not apply in respect of an action mentioned in subsection 3.4 (a) to (g), if the only effect of the action is to:
- a. permit the enlargement of an existing dwelling unit; or
 - b. permit the creation of additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings or prescribed structures ancillary to existing residential buildings.
- 3.8. The creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, is, subject to the prescribed restrictions, exempt from development charges.
- 3.9. For greater clarity, prescribed under subsections 3.7 and 3.8 of this by-law as prescribed in the Regulation under the Act.

Exemptions for Additional Dwelling Unit

- 3.10. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to:
- a. an enlargement to an existing dwelling unit;
 - b. the creation of additional dwelling units in existing rental housing equal to the greater of one or 1% of the existing dwelling units;
- 3.11. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to the creation of any of the following in certain existing dwelling units:
- a. A second dwelling unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one dwelling unit.
 - b. A third dwelling unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any dwelling units.
 - c. One dwelling unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any dwelling units.
- 3.12. Notwithstanding the provisions of this by-law, development charges shall not be imposed with respect to the creation of any of the following in new residential buildings:
- a. A second dwelling unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one dwelling unit;

- b. A third dwelling unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any dwelling units;
- c. One dwelling unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any dwelling units.

3.13. Exemption for Industrial Development:

- a. Notwithstanding any other provision of this by-law, there shall be an exemption from the payment of development charges for one or more enlargements of an existing industrial building on its site, whether attached or separate from the existing industrial building, up to a maximum of fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Act or this subsection. Development charges shall be imposed in accordance with this by-law with respect to the amount of the gross floor area of an enlargement that results in the gross floor area of the industrial building being increase by greater than fifty percent (50%) of the gross floor area of the existing industrial building.
- b. If the gross floor area of an existing industrial building is enlarged by greater than 50 percent (50%) before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Act or this subsection, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
 - i. determine the amount by which the enlargement exceeds fifty percent (50%) of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Act or this subsection;
 - ii. divide the amount determined under subsection (i) by the amount of the enlargement.

3.14. Other Exemption / Reduction:

- a. Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:
 - i. the gross floor area of a place of worship to a maximum of 5,000 square feet (or 464.5 square metres) 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 lesser;
 - ii. a public hospital receiving aid under the *Public Hospitals Act, R.S.O., 1990, c. P.40* or any successor thereto;
 - iii. non-residential uses permitted pursuant to Section 39 of the *Planning Act, R.S.O. 1990, c. P.13* or any successor thereto;
 - iv. the relocation of a heritage building;
 - v. lands, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act or any successor thereto;

- vi. development creating or adding an accessory use or structure not exceeding 100 square metres (or 1,076 square feet) of gross floor area, save and except for any live work units with a retail component; for such units development charges will be payable pursuant to subsection 3.17 on the retail component;
 - vii. non-profit housing development; or
 - viii. Affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the *Planning Act* to give effect to the policies described in subsection 16 (4) of the *Planning Act*.
- b. The following shall be exempt from development charges:
- i. Affordable residential units as defined in the Act; or
 - ii. Attainable residential units as defined in the Act.

3.15. Discounts for Rental Housing (for profit)

- a. Pursuant to section 26.2 of the Act, the development charge payable for rental housing developments, where the residential units are intended to be used as a rented residential premises will be reduced based on the number of bedrooms in each unit as follows:
- i. Three or more bedrooms – twenty-five percent (25%) reduction;
 - ii. Two bedrooms – twenty percent (20%) reduction; and
 - iii. All other bedroom quantities – fifteen percent (15%) reduction.

Amount of Charges

Residential

- 3.16. The development charges described in Schedule B to this by-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential uses in the mixed-use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential Uses

- 3.17. The development charges described in Schedule C to this by-law shall be imposed on non-residential uses of lands, buildings or structures.

Multiple Non-retail and Retail Uses

- 3.18. In the case of lands, buildings or structures used or designed or intended for use for both non-retail uses and retail uses, the development charges otherwise applicable to such development under subsections 3.17 shall be determined on the following basis:
- a. 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, such principal use being the use of 55% or greater of the total gross floor area. If no single use has 55% or greater of the total gross floor area, then the development charge payable on the total gross floor area shall be the average of the non-residential charges payable;
 - b. the development charges under either subsection 3.17 applicable to such principal use as determined under paragraph (a), provided that there is a principal use determined under paragraph (a), shall be applied to the total non-residential gross floor area of the development;

- c. Notwithstanding this subsection 3.18, if any building or structure designed or intended for use for both non-retail uses and retail uses, and, where such building or structure contains multiple individually owned units, each unit's payable development charges will be assessed individually based on the predominant use of that unit;

Credit for Provision of Services

- 3.19. Council may, by agreement entered into with the Owner, accept the provision of Services in full or partial satisfaction of the Development Charges otherwise payable. Such agreement shall further specify that where the Municipality agrees to allow the performance of work that relates to a Service, the Municipality shall give to the Owner a credit equal to the reasonable cost of doing the work against the Development Charge otherwise applicable to the Development, without interest, unless such interest is specifically authorized by Council, provided such credit shall not exceed the total amount of Development Charges payable by an owner to the Municipality and provided that no such credit shall be given for any part of the cost of services 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.

Mandatory Phase-in

- 3.20. The amount of the development charges described in Schedules B and C to this by-law shall be reduced in accordance with section 5(8) of the Act.

Reduction of Development Charges Where Redevelopment

- 3.21. Despite any other provision of this by-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within forty-eight (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 principal use on the same land, 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 3.16 and 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 provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.
 - 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 3.17 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.
- 3.22. 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 redevelopment charge credits in accordance with subsection 3.23.

- 3.23. Any building or structure deemed derelict, or the equivalent of derelict in accordance with subsection 3.22 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 subsection 3.21, 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.

Time of Payment of Development Charges

- 3.24. Development charges imposed under this section are payable upon issuance of the first building permit with respect to each dwelling unit, building or structure.
- 3.25. Notwithstanding subsection 3.23 of this by-law, where Section 26.1 of the Act applies in respect of any part of a development, the development charges imposed under this by-law, in respect that part of the development to which Section 26.1 of the Act applies only, shall be payable in annual installments in accordance with the requirements of subsection 26.1(3) of the Act, and shall be subject to interest in accordance with City's Development Charge Interest Policy - Under sections 26.1 and 26.2 of the Act, 1997, as may be amended by City Council.
- 3.26. 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 subsections 3.16 and 3.17 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest in accordance with the City's Development Charges Interest Policy. Where both planning applications apply, development charges under subsections 3.16 and 3.17 shall be calculated on the rates, including interest in accordance with 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.
- 3.27. Despite subsections 3.24 to 3.26, Council from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable, in accordance with section 27 of the Act.

4. RESERVE FUNDS

- 4.1. 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.

5. INTEREST ON REFUNDS

- 5.1. Where this by-law, in whole or in part, or any development charge prescribed hereunder is amended or repealed by Order of the Ontario Land Tribunal, 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 Land Tribunal 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.
- 5.2. Refunds that are required to be paid under subsection 5.1 shall be paid to the owner who made the payment.
- 5.3. Refunds that are required to be paid under subsection 5.1 shall be paid with interest to be calculated as follows:

- a. 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;
- b. Interest on refunds for the period for which interest is payable pursuant to subsection 6.1 shall be calculated and paid on a fluctuating basis in accordance with the quarter-yearly adjustment of the interest rate as established in subsection c;
- c. 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.

6. INDEXING

- 6.1. Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, commencing on July 1, 2024 and each July 1 annually thereafter, in accordance with the Statistics Canada Quarterly Construction Price Statistics.

7. SCHEDULES

The following schedules to this by-law form an integral part thereof:

Schedule "A" - Designated Municipal Services and Classes of Services

Schedule "B" - City-wide Library Services Development Charges:

Residential Development Charges by Unit Type

Schedule "C" - City-wide Library Services 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

8. DATE BY-LAW IN FORCE

- 8.1. This by-law shall come into force upon passage.

9. DATE BY-LAW EXPIRES

- 9.1. This by-law will expire as of ten (10) years from the date of passage, unless it is repealed at an earlier date.

10. REPEAL

10.1. Upon the coming into force of this by-law, By-law 47-19 and Amending By-law 34-21 are hereby repealed.

Passed this 5th day of March, 2024.

David West
Mayor

Stephen M.A. Huycke
City Clerk

DRAFT

SCHEDULE "A" TO BY-LAW NO. 10-24

**DESIGNATED MUNICIPAL SERVICES AND CLASSES OF SERVICE UNDER THIS
BY-LAW**

City-Wide Services:

Library Services

- Library Facilities
- Library Materials

DRAFT

SCHEDULE "B" TO BY-LAW NO. 10-24

CITY-WIDE LIBRARY SERVICES DEVELOPMENT CHARGES:

RESIDENTIAL DEVELOPMENT CHARGES BY UNIT TYPE

<i>Rates presented in 2023 \$</i>					
Service / Class of Service	Single and Semi-Detached Dwelling	Multiple	Apartments - Large (>=700 sq.ft.)	Apartments - Small (<700 sq.ft.)	Special Care / Special Dwelling Units
Library Services	\$3,169	\$2,635	\$2,001	\$1,421	\$1,001

DRAFT

SCHEDULE "C" TO BY-LAW NO. 10-24

CITY-WIDE LIBRARY SERVICES DEVELOPMENT CHARGES:

NON-RESIDENTIAL DEVELOPMENT CHARGES BY SQUARE METRE OF GROSS FLOOR AREA BY RETAIL USES AND NON-RETIAL USES

<i>Rates presented in 2023 \$</i>				
Service / Class of Service	Retail (per sq.m. of Gross Floor Area)	Non-Retail (per sq.m. of Gross Floor Area)	Retail (per sq.ft. of Gross Floor Area)	Non-Retail (per sq.ft. of Gross Floor Area)
Library Services	\$6.14	\$4.63	\$0.57	\$0.43

DRAFT

SCHEDULE "D" TO BY-LAW NO. 10-24

**CALCULATION OF DEVELOPMENT CHARGES CREDITS PROVIDED TO
DERELICT BUILDINGS**

Number of Months From Date of Demolition Permit Issuance 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

DRAFT