

The Corporation of the City of Richmond Hill

By-Law 11-24

A By-Law to Establish an Area Specific Development

Charges By-law for the City of Richmond Hill

Bayview North East Development Area

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

And Whereas the Council of the City of Richmond Hill has received and considered a Development Charges Study dated December 22, 2023, respecting the imposition of new development charges for the City of Richmond Hill Bayview North East Development Area which reflect the servicing scheme provided for in the said Study;

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provides that a development charge by-law expires ten years after the day it comes into force unless it expires or is repealed earlier;

And Whereas the Council of the City of Richmond Hill held a public meeting on the 13th day of February, 2024 to consider the enactment of this By-law, and has given appropriate notice in accordance with the Act;

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;

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- 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 class/category of services for which development charges are imposed under this by-law are described in Schedule "C".

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

4. **Calculation of Development Charges**

- 4.1. The development charge with respect to the development of any land, buildings or structures shall be calculated in the case of a residential use and a non-residential use development, based upon the number of net hectares of land related to the development.
- 4.2. Notwithstanding subsection 4.1 where the proposed development is one single detached dwelling and the land related to that development is greater than .0929 net hectares, that portion of the land area greater than .0929 net hectares shall be exempt from the development charge calculation.
- 4.3. Notwithstanding subsection 4.1, where:
 - a. the development is for any lot created prior to November 21, 1991;
 - b. there is on the lot, immediately prior to the development, a non-residential use; and
 - c. the development is for a non-residential use,the development charge with respect to the development of the lot, shall be calculated according to the following formula:

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

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

A = The gross floor area of the development

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

C = The development charge as otherwise determined in accordance with subsection 4.1

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

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

5. Indexing of Development Charges

- 5.1. 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.

6. Timing of Calculation and Payment

- 6.1. The development charge shall be calculated as of, and shall be payable, on the date a building permit is issued in relation to a building or structure on land to which the development charge applies.
- 6.2. Notwithstanding subsection 6.1, certain types of development set out in section 26.1 of the Act are eligible for equal annual instalments beginning on the earlier of the date of the issuance of a permit under the *Building Code Act, 1992* authorizing occupation of the building and the date the building is first occupied, and continuing on the following five anniversaries of that date.
- 6.3. 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 latter application occurred within two years of building permit issuance, the development charges under section 4 shall be calculated based on the applicable rate at the date of the latter complete planning application, including accrued interest pursuant to the City’s Development Charges Interest Policy.
- 6.4. Notwithstanding subsections 6.1 – 6.3 an owner and the City may enter into an agreement respecting the timing of the payment of a development charge, or a portion thereof, and the terms of such agreement shall then prevail over the provisions of this By-law.

7. Exemption for Additional Dwelling Units

- 7.1. 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;
- 7.2. 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.
- 7.3. 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.

8. Exemption for Industrial Development:

- 8.1. 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.
- 8.2. 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:

- a. 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;
- b. divide the amount determined under subsection (i) by the amount of the enlargement.

9. Other Exemption / Reduction:

- 9.1. Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:
 - a. 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;
 - b. a public hospital receiving aid under the *Public Hospitals Act, R.S.O., 1990, c. P.40* or any successor thereto;
 - c. non-residential uses permitted pursuant to Section 39 of the *Planning Act, R.S.O. 1990, c. P.13* or any successor thereto;
 - d. the relocation of a heritage building;
 - e. 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;
 - f. non-profit housing development; or
 - g. 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*.
 - h. 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.

10. Discounts for Rental Housing (for profit)

- 10.1. 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:
 - a. Three or more bedrooms – twenty-five percent (25%) reduction;
 - b. Two bedrooms – twenty percent (20%) reduction; and
 - c. All other bedroom quantities – fifteen percent (15%) reduction.

11. Reduction of Charges for Redevelopment and Change of Use

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

- a. in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under section 4 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
 - b. in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed use building or structure, an amount calculated by multiplying the applicable development charges under section 4 of this by-law by the gross floor area that has been or will be demolished or converted to another principal use, provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment. The 48 month time frame shall be calculated from the date of the issuance of the demolition permit.
- 11.2. For the purposes of section 5, the onus is on the applicant to produce evidence to the satisfaction of the City, acting reasonably, to establish the following:
- a. The number of dwelling units that have been or will be demolished or converted to another principal use; or
 - b. The non-residential gross floor area that has been or will be demolished or converted to another principal use; and
 - c. in the case of a demolition, that the dwelling units and/or non-residential gross floor area were demolished within 48 months prior to the date of the payment of development charges in regard to the redevelopment.
- 11.3. Any building or structure, that is determined to be derelict, or the equivalent of derelict by the Council of the City, shall be eligible for development charge credits in accordance with section 11.4.
- 11.4. Any building or structure deemed derelict, or the equivalent of derelict in accordance with section 11.3 shall be eligible for development charge credits if a building permit is issued for a building or structure on the lands previously occupied by the deemed derelict residential building or structure within 120 months or less of the issuance of demolition permit for the deemed derelict building or structure. The calculation of the development charge credit shall be made in accordance with Section 11.1, 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.

15. No Refunds Arising Out of Reductions or Credits

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

16. Payment By Money Or Credits for The Provision of Services

- 16.1. Payment of development charges shall be by cash or by certified cheque.
- 16.2. Where any development charge, or any part thereof, remains unpaid after the date on which it is payable, the amount unpaid shall be added to the tax roll and collected in the same manner as taxes.
- 16.3. In the alternative to payment by the means provided in subsection 16.1, the City may, by an agreement entered with the owner, accept the provision of services in lieu of the payment of all or any portion of a development charge pursuant to subsection (1) of Section 38 of the Act.

- 16.4. If, pursuant to an agreement, the City allows an owner to perform work that relates to a service to which a development charge relates, the amount of the credit towards the development charge for such work shall be the reasonable cost of doing such work as agreed by the City and the owner, provided however, that no credit may be given for any part of the cost of the work that relates to an increase in the level of service that exceeds the average level of service described in paragraph 4 of subsection 5(1) of the Act.
- 16.5. In any agreement made in accordance with subsection 16.3 of this By-law, the City may agree to give a credit in relation to another service to which this By-law relates.
- 16.6. In any agreement respecting credits arising from a development charge payable under any other development charge by-law, the City may agree to give a credit related to a development charge payable under this By-law.

17. Reserve Funds

- 17.1. 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 7 of subsection 5(1) of the Act.

18. Interest on Refunds

- 18.1. 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.
- 18.2. Refunds that are required to be paid under subsection 18.1 shall be paid to the owner who made the payment.
- 18.3. Refunds that are required to be paid under subsection 18.1 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 18.3.a. shall be calculated and paid on a fluctuating basis in accordance with the quarter-yearly adjustment of the interest rate as established in subsection 18.3.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.

19. Exemption Where Development Charge Paid in Full

19.1. Subject to subsection 19.2, notwithstanding any other provision in this By-law, no development charge shall be payable where the full amount of a development charge imposed pursuant to this By-law or a predecessor thereof has previously been paid on the net hectares of land related to the development.

19.2. Where,

- (i) the proposed development is related to land for which a development charge imposed pursuant to this By-law, or a predecessor thereof, has been paid and in the calculation of that development charge, the reduction provided for in subsection 4.2, or predecessor thereof, was applied, and
- (ii) subsequent to the payment of the development charge provided for in subsection 19.2(i), the land related to the development was the subject of a plan of subdivision pursuant to section 51 of the *Planning Act*, or a consent pursuant to section 53 of the *Planning Act*,

the exemption provided for in subsection 19.1 shall not apply to any area of the land determined to be in excess of .0929 hectares in calculating the development charges paid previously.

20. Schedules

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

- Schedule "A": Map Showing Boundary of Bayview Northeast Development Area
- Schedule "B": Area Specific Development Charges:
Bayview Northeast Development Area
- Schedule "C": Category of Services
- Schedule "D": Calculation of Development Charges Credits provided to Derelict Buildings

21. Date By-law Effective

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

22. Repeal of Existing By-law

22.1. By-law No.32-21 is hereby repealed.

23. Short Title

23.1. The short title of this By-law is the "City of Richmond Hill Area Specific Development Charges By-law, 2023 – Bayview Northeast Development Area".

PASSED THIS 5TH DAY OF MARCH, 2024.

David West
Mayor

Stephen M.A. Huycke
City Clerk

DRAFT

SCHEDULE "A"

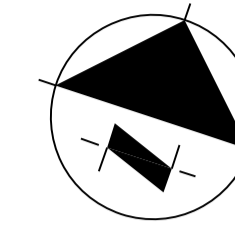
TO BY-LAW NO. 11-24

CITY OF RICHMOND HILL

AREA SPECIFIC DEVELOPMENT CHARGES

BAYVIEW NORTHEAST DEVELOPMENT AREA

DRAFT



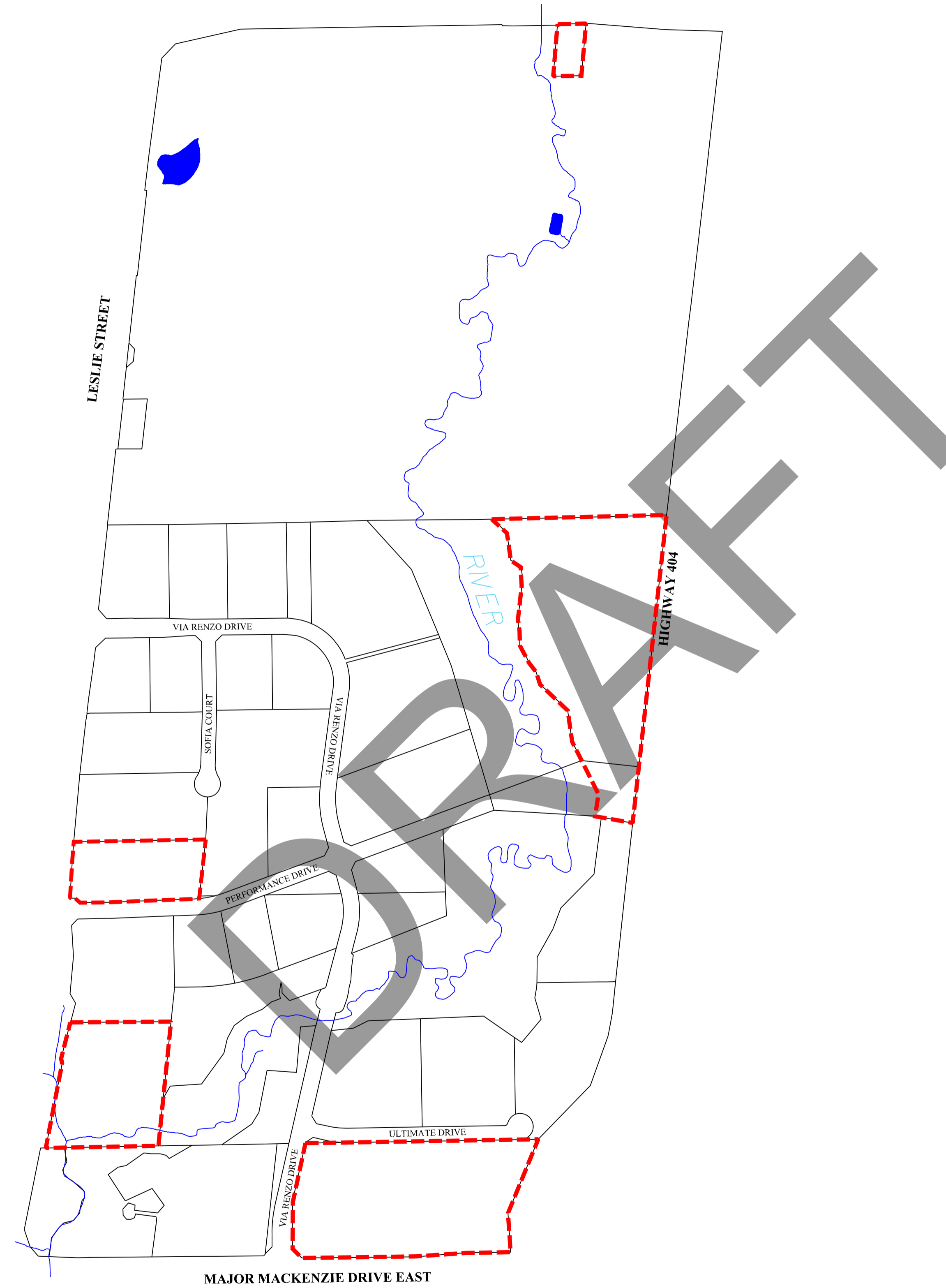
DEVELOPMENT CHARGES

Bayview North East
Site Specific Area
All Services

Sheet 1 of 1
Block No. 20

LEGEND

Boundary of Lands Included in By-Law -----



David West Mayor
Date: _____

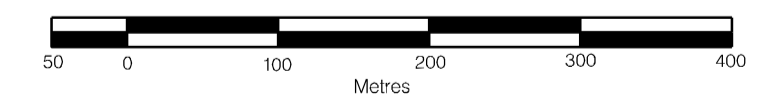
Stephen M.A. Huycke City Clerk
Date: _____

Schedule A To Area Specific Development Charges By-Law

Date: 2023-12-06

By-Law No: _____

SCALE



The City of Richmond Hill
 225 East Beaver Creek Road
 Richmond Hill, Ontario
 Canada L4B 3P4
 Telephone: (905) 771-8810
 Fax: (905) 771-2404



This information is provided as a public resource of general information to the City of Richmond Hill. The information is provided for convenience only and the City of Richmond Hill disclaims any responsibility for content, accuracy, currency or completeness. This is not a Plan of Survey.

SCHEDULE "B"

TO BY-LAW NO. 11-24

CITY OF RICHMOND HILL

AREA SPECIFIC DEVELOPMENT CHARGES

BAYVIEW NORTHEAST DEVELOPMENT AREA

AREA SPECIFIC SERVICES	COST (\$000)
Collector Roads	\$1,040.0
Watermains and Appurtenances	\$0.0
Sanitary Sewers and Appurtenances	\$0.0
Storm Sewers and Appurtenances	\$0.0
Boundary Roads	\$0.0
Valley Land Improvements	\$0.0
Consulting Studies	\$0.0
Credit Carryforwards	\$6,296.5
Total Costs before allocation of Existing Reserves	<u>\$7,336.5</u>
Existing Reserves	<u>\$887.5</u>
TOTAL COSTS AFTER ALLOCATION OF EXISTING RESERVES	<u>\$6,449.0</u>

Benefiting Area – 18.64 Net Hectares

Development Charge (in 2023 \$) - \$346,000 per Net Hectare

NOTES:

All charges are subject to adjustment in accordance with the terms of Section 5 of this By-law.

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

SCHEDULE "C"

TO BY-LAW NO. 11-24

CITY OF RICHMOND HILL

AREA SPECIFIC DEVELOPMENT CHARGES

BAYVIEW NORTHEAST DEVELOPMENT AREA

CLASS/CATEGORY OF SERVICES

- Road Works

DRAFT

SCHEDULE "D"

TO BY-LAW NO. 11-24

CITY OF RICHMOND HILL

AREA SPECIFIC DEVELOPMENT CHARGES

BAYVIEW NORTHEAST DEVELOPMENT AREA

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

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

DRAFT

The Corporation of the City of Richmond Hill

By-Law 12-24

A By-Law to Establish an Area Specific Development

Charges By-law for the City of Richmond Hill

Headford Excluding Storm Development Area

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

And Whereas the Council of the City of Richmond Hill has received and considered a Development Charges Study dated December 22, 2023, respecting the imposition of new development charges for the City of Richmond Hill Headford Excluding Storm Development Area which reflect the servicing scheme provided for in the said Study;

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

And Whereas the Council of the City of Richmond Hill held a public meeting on the 13th day of February, 2024 to consider the enactment of this By-law, and has given appropriate notice in accordance with the Act;

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;

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By-law 12-24

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- 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

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- 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 class/category of services for which development charges are imposed under this by-law are described in Schedule "C".

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

4. **Calculation of Development Charges**

- 4.1. The development charge with respect to the development of any land, buildings or structures shall be calculated in the case of a residential use and a non-residential use development, based upon the number of net hectares of land related to the development.
- 4.2. Notwithstanding subsection 4.1 where the proposed development is one single detached dwelling and the land related to that development is greater than .0929 net hectares, that portion of the land area greater than .0929 net hectares shall be exempt from the development charge calculation.
- 4.3. Notwithstanding subsection 4.1, where:
 - a. the development is for any lot created prior to November 21, 1991;
 - b. there is on the lot, immediately prior to the development, a non-residential use; and
 - c. the development is for a non-residential use,the development charge with respect to the development of the lot, shall be calculated according to the following formula:

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

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

A = The gross floor area of the development

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

C = The development charge as otherwise determined in accordance with subsection 4.1

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

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

5. Indexing of Development Charges

- 5.1. 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.

6. Timing of Calculation and Payment

- 6.1. The development charge shall be calculated as of, and shall be payable, on the date a building permit is issued in relation to a building or structure on land to which the development charge applies.
- 6.2. Notwithstanding subsection 6.1, certain types of development set out in section 26.1 of the Act are eligible for equal annual instalments beginning on the earlier of the date of the issuance of a permit under the *Building Code Act, 1992* authorizing occupation of the building and the date the building is first occupied, and continuing on the following five anniversaries of that date.
- 6.3. 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 latter application occurred within two years of building permit issuance, the development charges under section 4 shall be calculated based on the applicable rate at the date of the latter complete planning application, including accrued interest pursuant to the City’s Development Charges Interest Policy.
- 6.4. Notwithstanding subsections 6.1 – 6.3 an owner and the City may enter into an agreement respecting the timing of the payment of a development charge, or a portion thereof, and the terms of such agreement shall then prevail over the provisions of this By-law.

7. Exemption for Additional Dwelling Units

- 7.1. 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;
- 7.2. 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.
- 7.3. 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.

8. Exemption for Industrial Development:

- 8.1. 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.
- 8.2. 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:

- a. 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;
- b. divide the amount determined under subsection (i) by the amount of the enlargement.

9. Other Exemption / Reduction:

- 9.1. Notwithstanding the provision of this by-law, development charges shall not be imposed with respect to:
 - a. 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;
 - b. a public hospital receiving aid under the *Public Hospitals Act, R.S.O., 1990, c. P.40* or any successor thereto;
 - c. non-residential uses permitted pursuant to Section 39 of the *Planning Act, R.S.O. 1990, c. P.13* or any successor thereto;
 - d. the relocation of a heritage building;
 - e. 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;
 - f. non-profit housing development; or
 - g. 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*.
 - h. 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.

10. Discounts for Rental Housing (for profit)

- 10.1. 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:
 - a. Three or more bedrooms – twenty-five percent (25%) reduction;
 - b. Two bedrooms – twenty percent (20%) reduction; and
 - c. All other bedroom quantities – fifteen percent (15%) reduction.

11. Reduction of Charges for Redevelopment and Change of Use

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

- a. in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under section 4 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
 - b. in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed use building or structure, an amount calculated by multiplying the applicable development charges under section 4 of this by-law by the gross floor area that has been or will be demolished or converted to another principal use, provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment. The 48 month time frame shall be calculated from the date of the issuance of the demolition permit.
- 11.2. For the purposes of section 5, the onus is on the applicant to produce evidence to the satisfaction of the City, acting reasonably, to establish the following:
- a. The number of dwelling units that have been or will be demolished or converted to another principal use; or
 - b. The non-residential gross floor area that has been or will be demolished or converted to another principal use; and
 - c. in the case of a demolition, that the dwelling units and/or non-residential gross floor area were demolished within 48 months prior to the date of the payment of development charges in regard to the redevelopment.
- 11.3. Any building or structure, that is determined to be derelict, or the equivalent of derelict by the Council of the City, shall be eligible for development charge credits in accordance with section 11.4.
- 11.4. Any building or structure deemed derelict, or the equivalent of derelict in accordance with section 11.3 shall be eligible for development charge credits if a building permit is issued for a building or structure on the lands previously occupied by the deemed derelict residential building or structure within 120 months or less of the issuance of demolition permit for the deemed derelict building or structure. The calculation of the development charge credit shall be made in accordance with Section 11.1, 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.

15. No Refunds Arising Out of Reductions or Credits

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

16. Payment By Money Or Credits for The Provision of Services

- 16.1. Payment of development charges shall be by cash or by certified cheque.
- 16.2. Where any development charge, or any part thereof, remains unpaid after the date on which it is payable, the amount unpaid shall be added to the tax roll and collected in the same manner as taxes.
- 16.3. In the alternative to payment by the means provided in subsection 16.1, the City may, by an agreement entered with the owner, accept the provision of services in lieu of the payment of all or any portion of a development charge pursuant to subsection (1) of Section 38 of the Act.

- 16.4. If, pursuant to an agreement, the City allows an owner to perform work that relates to a service to which a development charge relates, the amount of the credit towards the development charge for such work shall be the reasonable cost of doing such work as agreed by the City and the owner, provided however, that no credit may be given for any part of the cost of the work that relates to an increase in the level of service that exceeds the average level of service described in paragraph 4 of subsection 5(1) of the Act.
- 16.5. In any agreement made in accordance with subsection 16.3 of this By-law, the City may agree to give a credit in relation to another service to which this By-law relates.
- 16.6. In any agreement respecting credits arising from a development charge payable under any other development charge by-law, the City may agree to give a credit related to a development charge payable under this By-law.

17. Reserve Funds

- 17.1. 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 7 of subsection 5(1) of the Act.

18. Interest on Refunds

- 18.1. 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.
- 18.2. Refunds that are required to be paid under subsection 18.1 shall be paid to the owner who made the payment.
- 18.3. Refunds that are required to be paid under subsection 18.1 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 18.3.a. shall be calculated and paid on a fluctuating basis in accordance with the quarter-yearly adjustment of the interest rate as established in subsection 18.3.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.

19. Exemption Where Development Charge Paid in Full

19.1. Subject to subsection 19.2, notwithstanding any other provision in this By-law, no development charge shall be payable where the full amount of a development charge imposed pursuant to this By-law or a predecessor thereof has previously been paid on the net hectares of land related to the development.

19.2. Where,

- (i) the proposed development is related to land for which a development charge imposed pursuant to this By-law, or a predecessor thereof, has been paid and in the calculation of that development charge, the reduction provided for in subsection 4.2, or predecessor thereof, was applied, and
- (ii) subsequent to the payment of the development charge provided for in subsection 19.2(i), the land related to the development was the subject of a plan of subdivision pursuant to section 51 of the *Planning Act*, or a consent pursuant to section 53 of the *Planning Act*,

the exemption provided for in subsection 19.1 shall not apply to any area of the land determined to be in excess of .0929 hectares in calculating the development charges paid previously.

20. Schedules

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

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

21. Date By-law Effective

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

22. Repeal of Existing By-law

22.1. By-law No.33-21 is hereby repealed.

23. Short Title

23.1. The short title of this By-law is the "City of Richmond Hill Area Specific Development Charges By-law, 2023 – Headford Excluding Storm Development Area".

PASSED THIS 5TH DAY OF MARCH, 2024.

David West
Mayor

Stephen M.A. Huycke
City Clerk

DRAFT

The Corporation of the City of Richmond Hill
By-law 12-24

Page 16

SCHEDULE "A"

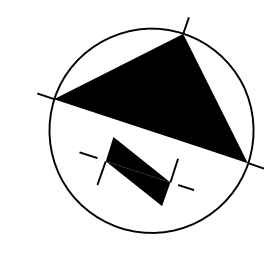
TO BY-LAW NO. 12-24

CITY OF RICHMOND HILL

AREA SPECIFIC DEVELOPMENT CHARGES

HEADFORD EXCLUDING STORM DEVELOPMENT AREA

DRAFT



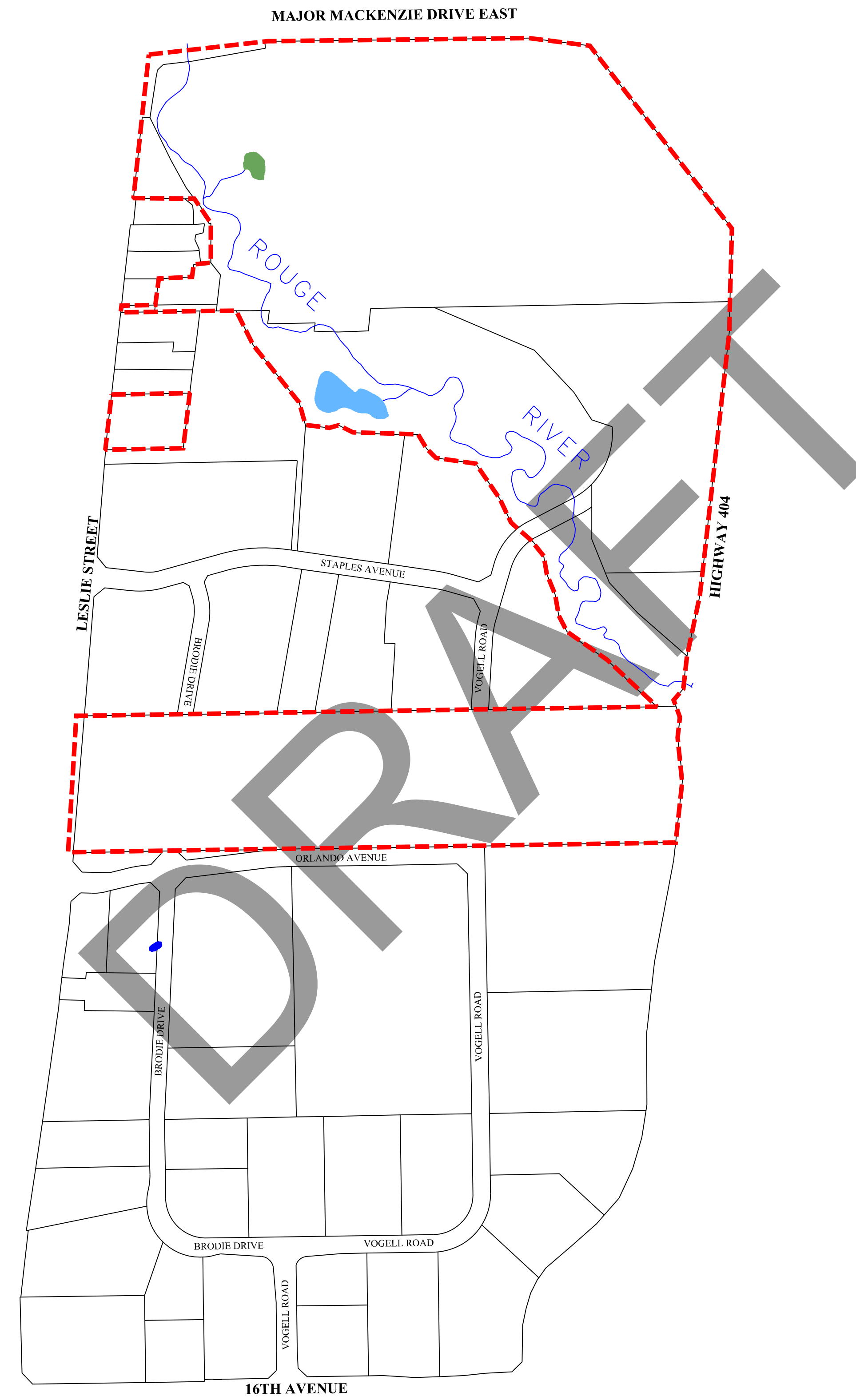
DEVELOPMENT CHARGES

Headford
Excluding Storm
All Services

Sheet 1 of 1
Block No. 21

LEGEND

Boundary of
Lands Included
in By-Law



J. DiPaola Acting Mayor

Date: _____

Stephen M.A. Huycke City Clerk

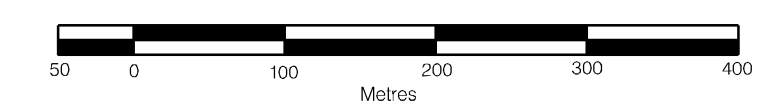
Date: _____

Schedule A To Area Specific Development Charges By-Law

Plot Date: 1/12/2021

By-Law No:

SCALE



The City of Richmond Hill



225 East Beaver Creek Road
Richmond Hill, Ontario
Canada L4B 3P4
Telephone: (905) 771-8900
Fax: (905) 771-2604

PLANNING & INFRASTRUCTURE DEPARTMENT
This information is provided as a public resource of general information to the City of Richmond Hill. The information is provided for convenience only and the City of Richmond Hill disclaims any responsibility for content, accuracy, currency or completeness. This is not a Plan of Survey.

SCHEDULE "B"

TO BY-LAW NO. 12-24

CITY OF RICHMOND HILL

AREA SPECIFIC DEVELOPMENT CHARGES

HEADFORD EXCLUDING STORM DEVELOPMENT AREA

AREA SPECIFIC SERVICES	COST (\$000)
Collector Roads	\$13,299.3
Watermains and Appurtenances	\$0.0
Sanitary Sewers and Appurtenances	\$0.0
Storm Sewers and Appurtenances	\$0.0
Boundary Roads	\$0.0
Valley Land Improvements	\$0.0
Consulting Studies	\$0.0
Credit Carryforwards	\$0.0
Total Costs before allocation of Existing Reserves	<u>\$13,299.3</u>
Existing Reserves	<u>\$1,454.4</u>
TOTAL COSTS AFTER ALLOCATION OF EXISTING RESERVES	<u>\$11,844.9</u>

Benefiting Area – 46.35 Net Hectares

Development Charge (in 2023 \$) - \$255,600 per Net Hectare

NOTES:

All charges are subject to adjustment in accordance with the terms of Section 5 of this By-law.

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

SCHEDULE "C"

TO BY-LAW NO. 12-24

CITY OF RICHMOND HILL

AREA SPECIFIC DEVELOPMENT CHARGES

HEADFORD EXCLUDING STORM DEVELOPMENT AREA

CLASS/CATEGORY OF SERVICES

- Road Works

DRAFT

SCHEDULE "D"

TO BY-LAW NO. 12-24

CITY OF RICHMOND HILL

AREA SPECIFIC DEVELOPMENT CHARGES

HEADFORD EXCLUDING STORM DEVELOPMENT AREA

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

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

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