

THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2018-42

A bylaw to amend Bylaw 2017-35, being a bylaw to impose development charges against lands to pay for increased capital costs required because of increased needs for services arising from development within The Regional Municipality of York

WHEREAS Section 2 of the Development Charges Act, S.O. 1997, ch. 27 (the "Act") authorizes the Council of the Regional Corporation to enact a bylaw to impose development charges required because of increased needs for services arising from development;

WHEREAS Section 19 of the Act provides for amendments to development charge bylaws;

AND WHEREAS the Council of The Regional Municipality of York requires certain amendments to Bylaw No. 2017-35;

AND WHEREAS a background study dated February 15, 2018 required by Section 10 of the Act was presented to Regional Council along with a draft of this bylaw as then proposed on May 17, 2018 and was completed within a one-year period prior to the enactment of this bylaw;

AND WHEREAS Regional Council directed that the background study and draft proposed bylaw be made available to the public and such documents were made available to the public 60 days prior to the passage of the bylaw and at least two weeks prior to the public meeting required pursuant to Section 12 of the Act;

AND WHEREAS notice of the public meeting was provided in accordance with the requirements of Section 12 of the Act and in accordance with the Regulations under the Act, and such public meeting was held on March 22, 2018;

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 Regional Council resolved on May 17, 2018 that it is the intention of Regional Council to ensure that the increase in need for services identified in connection with the enactment of the bylaw will be met;

AND WHEREAS Regional Council resolved on May 17, 2018 that no further public meeting be required and that this bylaw be brought forward for enactment;

NOW THEREFORE, the Council of The Regional Municipality of York hereby enacts as follows:

1. Section 1.1 of Bylaw No. 2017-35 is amended by replacing the definition of gross floor area with the following definition:

"gross floor area" means, in the case of a non-residential building or structure or the non-residential portion of a mixed-use building or structure, the aggregate of the areas of each floor, whether above or below grade, measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating a non-residential and a residential use, 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 the sum of the areas of each floor used, or designed or intended for use for the parking of motor vehicles unless the building or structure, or any part thereof, is a retail motor vehicle establishment or a standalone motor vehicle storage facility or a commercial public parking structure, and, for the purposes of this definition, notwithstanding any other section of this bylaw, the non-residential portion of a mixed-use building is deemed to include one-half of any area common to the residential and non-residential portions of such mixed-use building or structure, and gross floor area shall not include the surface area of swimming pools or the playing surfaces of indoor sport fields including hockey arenas, and basketball courts;

2. Section 1.1 of Bylaw No. 2017-35 is amended by deleting the definition of parking structure.

3. Section 1.1 of Bylaw No. 2017-35 is amended by adding the following definition:

"retail motor vehicle establishment" means a building or structure used or designed or intended to be used for the sale, rental or servicing of motor vehicles, or any other function associated with the sale, rental or servicing of motor vehicles including but not limited to detailing, leasing and brokerage of motor vehicles, and short or long-term storage of customer motor vehicles. For a retail motor vehicle establishment, gross floor area includes the sum of the areas of each floor used, or designed or intended for use for the parking or storage of motor vehicles, including customer and employee motor vehicles. An exemption may be granted to exclude the sum of the areas for customer and employee motor vehicles on terms and conditions to the satisfaction of the Region;

4. Section 1.1 of Bylaw No. 2017-35 is amended by adding the following definition:

"standalone motor vehicle storage facility" means a building or structure used or designed or intended for use for the storage or warehousing of motor vehicles that is separate from a retail motor vehicle establishment. For a standalone motor vehicle storage facility, gross floor area includes the sum of the areas of each floor used, or designed or intended for use for the parking or storage of motor vehicles, including customer and employee motor vehicles. An exemption may be granted to exclude

the sum of the areas for customer and employee motor vehicles on terms and conditions to the satisfaction of the Region;

5. Section 3.12 of Bylaw No. 2017-35 is amended by adding the following subsection (d):
 - (d) Subsections 3.12 (a) and 3.12(b) do not apply to a retail motor vehicle establishment or a standalone motor vehicle storage facility. Where a retail motor vehicle establishment is one of multiple industrial/office/institutional uses and retail uses in a building or structure, the development charge payable shall be the retail charge. For a retail motor vehicle establishment, where the sum of the areas used, or designed or intended for use for the parking or storage of motor vehicles, excluding the sum of the areas for customer and employee motor vehicles, as determined by the Region, is more than two times greater than the remaining area, the retail rate shall be applied to two times the difference between the gross floor area of the entire retail motor vehicle establishment and the gross floor area of the area used for parking or storage, and any gross floor area above that shall be levied the industrial/office/institutional rate.
6. Schedule "B" of Bylaw No. 2017-35 is amended by adding to those rates, the increases set out Schedule "A" of this bylaw.
7. Schedule "F" of Bylaw No. 2017-35 is amended by adding to those rates, the increases set out in Schedule "B" of this bylaw.
8. Schedule "G" of Bylaw No. 2017-35 is amended by deleting Part B from the list of Contingent Residential and Non-Residential Development Charges.

This bylaw shall come into force on the 1st day of July, 2018

ENACTED AND PASSED on May 17, 2018.

CHRISTOPHER RAYNOR

WAYNE EMMERSON

Regional Clerk

Regional Chair

Authorized by Clause 13, Report 9 of the Committee of the Whole, adopted by Regional Council at its meeting on May 17, 2018

SCHEDULE "A"

Residential Development Charges Increase

July 1, 2018 to June 16, 2022				
Service	Residential Development Charges Increase (\$ per Unit)			
	Single & Semi-detached	Multiple Unit Dwelling	Apartments (>= 700 sqft)	Apartments (< 700 Sqft)
Roads	\$9,195	\$7,402	\$5,379	\$3,930

SCHEDULE "B"

Non-Residential Development Charges Increase

July 1, 2018 to June 16, 2022						
Service	Non-residential Development Charges Increase (\$ per Sqft)			Non-residential Development Charges Increase (\$ per Sqm)		
	Retail	Industrial/Office/ Institutional	Hotel	Retail	Industrial/Office/ Institutional	Hotel
Roads	\$11.23	\$3.29	\$2.10	\$120.90	\$35.37	\$22.57