

The Corporation of the Town of Aurora

By-law Number 6166-19

Being a By-law to establish development charges for the Town of Aurora and to repeal Development Charge By-law Number 5585-14.

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 by by-law impose 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 a Development Charges Background Study for the Town of Aurora, dated January 24, 2019 (the "Study") as required by section 10 of the Act was presented to Council along with a draft of this By-law as then proposed on March 19, 2019;

And whereas notice of a public meeting was given pursuant to subsection 12(1) of the Act, and in accordance with the regulations under the Act, on or before February 25, 2019, and copies of the Study and this proposed development charge by-law were made available to the public not later than January 24, 2019 in accordance with subsection 12(1) of the Act;

And whereas a public meeting was held on March 19, 2019 in accordance with the Act to hear comments and representations from all persons who applied to be heard (the "Public Meeting");

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 this proposed By-law;

And whereas the Town's Director of Financial Services/Treasurer and other Town staff have reviewed the Study in light of the public comments and representations and provided a report to Council dated March 19, 2019;

And whereas Council adopted the following recommendations at its March 26, 2019 meeting:

- (a) THAT Council confirms that it intends to ensure that the increase in the need for services attributable to the anticipated development will be met, subject to sufficient development charge revenues being generated and other Town affordability criteria being met;
- (b) THAT Council confirms that it intends that the future excess capacity identified in the Development Charges Background Study for the Town of Aurora dated January 24, 2019 shall be paid for by the development charges or other similar charges;
- (c) THAT Council adopts the capital forecasts prepared in conjunction with the Development Charges Background Study for the Town of Aurora dated January 24, 2019, subject to annual budget reviews; and

- (d) THAT Council confirms that no further public meetings are required under subsection 12(3) of the Development Charges Act, 1997;

Now therefore the Council of The Corporation of the Town of Aurora hereby enacts as follows:

1.0 Definitions

1.1 In this By-law,

- (a) **“Act”** means the Development Charges Act, 1997, S.O. 1997, c. 27, as amended, or any successor thereto;
- (b) **“agricultural use”** means land, 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, except the commercial storage, milling or processing of grains, seeds, livestock and products of other farming operations for the purposes of wholesaling such goods;
- (c) **“apartment building”** means a residential building, other than a motel, hotel, or townhouse of any type, which contains more than three (3) dwelling units, where access to each residential unit is obtained through a common entrance or entrances from the street level, and the residential units are connected by an interior corridor;
- (d) **“Assessment Act”** means the Assessment Act, R.S.O. 1990, c. A.31, as amended or any successor thereto;
- (e) **“benefiting 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;
- (f) **“board”** has the same meaning as that specified in the Education Act, R.S.O. 1990, c. E.2, as amended or any successor thereto;
- (g) **“Building Code Act”** means the Building Code Act, 1992, S.O. 1992, c. 23, as amended, and all Regulations made under it including the Building Code, as amended, or any successors thereto;
- (h) **“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,

- i. furniture and equipment other than computer equipment,
 - ii. 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, as amended or successor thereto, and
 - iii. rolling stock with an estimated useful life of seven (7) years or more; and
- (v) to undertake studies in connection with any matter under the Act and any of the matters in clauses (i), (ii), (iii) and (iv), including the development charge background study required for the provision of services designated in this By-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (i), (ii), (iii) and (iv) that are growth related;
- (i) “**commercial**” means any non-residential development not defined under “institutional” or “industrial”;
- (j) “**Council**” means the Council of the municipality;
- (k) “**development**” means the construction, erection or placing of one (1) 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;
- (l) “**development charge**” (or “development charges”) means a charge (or charges) imposed with respect to this By-law;
- (m) “**dwelling unit**” means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one (1) or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use, and shall include guest suites available for temporary use on any basis within any residential use development, but, for clarity, excludes suites contained within a motel or hotel;
- (n) “**Education Act**” means the Education Act, R.S.O. 1990, c. E.2, as amended or any successor thereto;
- (o) “**grade**” means the average level of finished ground adjoining a building or structure at all exterior walls;
- (p) “**gross floor area**” means:
- (i) 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, in the case of a building containing parking spaces, the sum of the areas of each floor used, or designed or intended for use for the parking of motor vehicles unless the parking or storage 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 and non-residential portions of such mixed-use building or structure, and

(ii) the floor area of any mezzanine or similar surface area,

however, notwithstanding any other section of this by-law, gross floor area shall not include the surface area of swimming pools or the playing surfaces of indoor sports fields, including hockey arenas and basketball courts;

- (q) **“hotel”** (and **“motel”**) means a commercial establishment offering lodging to travellers and sometimes to temporary residents, and may include other services such as restaurants, meeting rooms and stores that are available to the general public;
- (r) **“industrial”** means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or 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 to the general public through a warehouse club;
- (s) **“institutional”** means lands, buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public or non-profit purpose and shall include, without limiting the generality of the foregoing, places of worship, medical clinics, and special care facilities;
- (t) **“large apartment”** means a dwelling unit in an apartment building that is 700 square feet or larger in size;
- (u) **“local board”** has the same meaning as defined in section 1 of the Act;
- (v) **“local services”** means those services, facilities or things which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under sections 41, 51 or 53 of the Planning Act;
- (w) **“mixed use”** means land, buildings or structures used, or designed or intended for use, for a combination of residential and non-residential uses;
- (x) **“mobile home”** means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one (1) or more persons, but does not include a travel trailer or tent trailer;

- (y) **“multiple unit dwelling”** means a dwelling other than those dwellings defined herein as “apartment building”, “small apartment”, “large apartment”, “single detached dwelling”, or “semi-detached dwelling”;
- (z) **“municipality”** (or the **“Town”**) means The Corporation of the Town of Aurora;
- (aa) **“non-residential use”** means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use and includes all commercial, industrial and institutional uses;
- (bb) **“owner”** means the owner of land or a person who has made an application for approval for the development of land upon which a development charge is imposed;
- (cc) **“place of worship”** means a building or structure that is used primarily for worship and religious practices and purposes, including related administrative, teaching, assembly and associated spaces, but does not include portions of such building or structure used for any commercial use, including but not limited to daycare facilities;
- (dd) **“Planning Act”** means the Planning Act, R.S.O. 1990, c. P.13, as amended or any successor thereto;
- (ee) **“private school”** means an educational institution operated by a registered non-profit organization, excluding any dormitory or residence accessory to such private school, that is used primarily for the instruction of students in courses of study approved or authorized by the Minister of Education or successor thereto;
- (ff) **“redevelopment”** means the construction, erection or placing of one (1) or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure from residential to non-residential or from non-residential to residential;
- (gg) **“regulation”** means any regulation made under the Act;
- (hh) **“residential use”** means lands, buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodation for one (1) or more individuals, but shall not include institutional uses, a motel or hotel, or a lodging house licensed by the municipality;
- (ii) **“semi-detached dwelling”** means a building divided vertically into and comprising two (2) dwelling units;
- (jj) **“services”** (or **“service”**) means those services designated in Schedule “A” to this By-law;
- (kk) **“servicing agreement”** means an agreement between a landowner and the municipality relative to the provision of municipal services to specified lands within the municipality;

- (ll) **“single detached dwelling”** means a residential building consisting of one (1) dwelling unit and not attached to another structure above grade and includes a mobile home; 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 By-law;
- (mm) **“small apartment”** means a dwelling unit in an apartment building that is less than 700 square feet in size;
- (nn) **“special care facilities”** means lands, buildings or structures used or designed or intended for uses for the purpose of providing supervision, nursing care or medical treatment, which do not comprise dwelling units, that are licensed, approved or supervised under any special or general statute, and excludes the special care/special dwelling portions of the building; and
- (oo) **“special care/special dwelling”** means a residential portion of special care facilities containing rooms or suites of rooms designed or intended to be used for sleeping and living accommodation that have a common entrance from street level:
 - (i) Where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;
 - (ii) Which may or may not have exclusive sanitary and/or culinary facilities;
 - (iii) That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
 - (iv) Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services may be provided at various levels.

2.0 Designation of Services

2.1 The categories of services for which development charges are imposed under this By-law are as follows:

- a) Library Services;
- b) Fire Services;
- c) Indoor Recreation Services;
- d) Outdoor Recreation Services;
- e) Municipal Parking Spaces;
- f) General Government (Studies);
- g) Services Related to a Highway;
- h) Wastewater Services; and
- i) Water Supply and Distribution Services.

2.2 The components of the services designated in subsection 2.1 are described in Schedule “A” to this By-law.

3.0 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 clause 3.4(a).

Area to Which By-law Applies

3.2 Subject to subsection 3.3, this By-law applies to all lands in the geographic area of the Town of Aurora.

3.3 This By-law shall not apply to lands that are owned by and used for the purposes of:

- (a) the Town of Aurora or a local board thereof;
- (b) a board as defined in section 1(1) of the Education Act; or
- (c) the Regional Municipality of York or a local board thereof.

Approvals for Development

- 3.4 (a) A development charge shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
- i. the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the Planning Act;
 - ii. the approval of a minor variance under section 45 of the Planning Act;
 - iii. a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
 - iv. the approval of a plan of subdivision under section 51 of the Planning Act;
 - v. a consent under section 53 of the Planning Act;
 - vi. the approval of a description under section 9 of the Condominium Act, 1998, S.O. 1998, c. 19, as amended or any successor thereto; or
 - vii. the issuing of a permit under the Building Code Act, in relation to a building or structure.
- (b) No more than one (1) 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 (2) or more of the actions

described in clause 3.4(a) are required before the lands, building or structures can be developed.

- (c) Despite clause 3.4(b), if two (2) or more of the actions described in clause 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions

3.5 Notwithstanding the provisions of this By-law, a development charge may not be imposed or may be deferred on terms and conditions satisfactory to the Town, with respect to:

- (a) land owned by and used for the purposes of a private school that is exempt from taxation under the Assessment Act;
- (b) lands, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act;
- (c) places of worship;
- (d) the issuance of a building permit in accordance with subsection 2(3) of the Act;
- (e) non-residential uses permitted pursuant to section 39 of the Planning Act or any successor thereto;
- (f) the issuance of a building permit not resulting in the creation of additional gross floor area;
- (g) agricultural uses; or
- (h) a public hospital receiving aid under the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended or any successor thereto.

Amount of Charges

Residential Uses

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

3.7 Notwithstanding the definition of multiple unit dwelling, for determining development charges applicable under this By-law, any residential dwelling unit within a multiple unit dwelling structure where the residential dwelling unit is less than 700 square feet of total gross floor area shall be deemed a "small apartment" and pay the corresponding development charge set out in Schedule "B" to this By-law.

Non-Residential Uses

- 3.8 The development charges described in Schedule “B” to this By-law shall be imposed on non-residential uses of lands, buildings or structures and, in the case of a mixed-use building or structure, on the non-residential uses in the mixed-use building or structure, and calculated with respect to each of the services according to the gross floor area of the non-residential use.

Reduction of Development Charges Where Redevelopment

- 3.9 Despite any other provision of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within four (4) years prior to the date of payment of a development charge in respect of such redevelopment was, or is to be: (i) demolished, in whole or in part; (ii) relocated from the lands; or (iii) converted from one principal use to another principal use on the same land, then the development charge otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (a) in the case of a residential or mixed-use building or structure containing residential uses, an amount calculated by multiplying the applicable development charge under subsections 3.6 and 3.7 of this By-law by the number, according to type, of dwelling units that have been or will be demolished, relocated from the lands, or converted to another principal use; or
- (b) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.8 of this By-law by the non-residential gross floor area that has been or will be demolished, relocated from the lands, or converted to another principal use,

provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.

- 3.10 For the purposes of subsection 3.9, a demolition is deemed to have occurred on the date of issuance of a demolition permit, or in the case of accidental or natural destruction of the structure or relocation of the structure from the lands, the date of such occurrence.
- 3.11 For the purposes of subsection 3.9, the onus is on the applicant to produce evidence to the satisfaction of the Town, acting reasonably, to establish the following:
- (a) the number of dwelling units that have been or will be demolished, relocated from the lands or converted to another principal use; or
 - (b) the non-residential gross floor area that has been or will be demolished, relocated from the lands 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 four (4) years prior to the date of the payment of development charges in regard to the redevelopment.

- 3.12 Any residential building or structure that is determined to be derelict, or the equivalent of derelict, and ordered to be demolished by the Council of the Town, 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 one hundred and twenty (120) months or less of the issuance of the demolition permit for the deemed derelict building or structure. The development charge credit shall be calculated in accordance with the time requirements between demolition permit issuance and building permit issuance as set out in Schedule "C" to this By-law. For redevelopment to which this subsection applies, the development charge otherwise payable with respect to such redevelopment shall be reduced by the amount of the credit calculated in this subsection. Should the calculated credit exceed the amount of development charge otherwise payable, no development charge shall be payable, and any excess credit shall have no cash or credit value for any purpose.

Reduction of Development Charge Where Gross Floor Area is Increased

- 3.13 As set out in section 4 of the Act, if a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined as follows:
- (a) the exemption for industrial enlargement provided for in this subsection shall apply only to the enlargement of the gross floor area of an existing industrial building; for this subsection, an "existing industrial building" shall have the same meaning as defined in O. Reg. 82/98 under the Act, as amended or successor thereto, and at the time of application for a building permit, shall have fifty (50) per cent or more of its gross floor area occupied by industrial uses;
 - (b) such enlargement must be attached to, or within, the existing industrial building, but shall not be attached by means only of a tunnel, bridge, passageway, shared below grade connection, foundation, footing, shared connected roof or parking facility;
 - (c) both the enlargement and existing industrial building must be constructed on lands owned by the same beneficial owner;
 - (d) the enlargement shall be for a use for, or in connection with, an industrial purpose as set out in this By-law on lands owned by the same beneficial owner;
 - (e) the enlargement shall be for the exclusive use of an existing occupant whose occupancy equals fifty (50) percent or more of the total gross floor area of the existing structure immediately prior to the issuance of the subject expansion building permit;
 - (f) the building permit for the construction of the enlargement is to be issued not less than five (5) years from the date of occupancy permit issuance for the original building, or occupancy permit issuance for the last building permit for an enlargement on the property;
 - (g) for the purposes of the calculation of the applicable development charge, the gross floor area of an existing industrial building shall be calculated as

it existed prior to the first enlargement in respect of that building for which an exemption under section 4 of the Act is sought;

- (h) for the purposes of the calculation of the applicable development charge, the enlargement shall be measured to also include all prior enlargements from the existing industrial building as determined in clause 3.09(b);
- (i) if the area of the enlargement as determined in clause 3.13(h) above is fifty (50) per cent or less than the gross floor area determined in clause 3.13(g) above, the amount of the development charge in respect of the enlargement is zero (0) dollars; and
- (j) if the area of the enlargement as determined in clause 3.13(h) above is more than fifty (50) per cent of the gross floor area determined in clause 3.13(g) above, the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable less that portion related to any gross floor area of the enlargement which is required to bring the cumulative amount of enlargements to fifty (50) percent.

Time of Payment of Development Charges

- 3.14 A development charge imposed under this By-law is payable upon issuance of the first building permit with respect to each building or structure. Where applicable, a development charge for Town-wide engineered services shall be payable upon execution of a vacant land condominium agreement, a development agreement, or a subdivision agreement, with the remaining applicable portions of the development charge to be payable at issuance of building permit as above.
- 3.15 Despite subsection 3.14 of this By-law, Council, from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable.

Transition Provision – Permits in Process at Commencement

- 3.16 For any residential building permit which was issued prior to the effective date of this By-law, and for which the Chief Building Official of the Town has determined that construction has not commenced within six (6) months of the permit issuance, such building permit may be revoked until such time as any increase in development charges owing when calculated in accordance with this By-law are paid.
- 3.17 Any residential building permit applications which were both “complete” and received prior to the date which is ten (10) days prior to the effective date of this By-law, but for which a building permit had not been issued by the effective date, shall pay the development charge rates which were in effect at the time the complete application was received by the Town.

4.0 Credit for Construction of Services

- 4.1 Despite the development charge payments required under any provision of this By-law, Council may, by agreement, give a credit towards a development charge

in exchange for work that relates to a service for which a development charge is imposed under this By-law.

5.0 Indexing

5.1 The development charges set out in Schedule “B” to this By-law shall be adjusted semi-annually, without amendment to this By-law, on the first day of January and July of each year, commencing on July 1, 2019, in accordance with the Statistics Canada Quarterly Construction Price Statistics.

6.0 Schedules

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

Schedule “A”: Components of Services Designated in subsection 2.1

Schedule “B”: Residential and Non-Residential Development Charges

Schedule “C”: Calculation of Development Charge Credits Provided to Residential Derelict Buildings

7.0 Date By-law in Force

7.1 This By-law shall come into full force and effect on the date of final passage hereof.

8.0 Date By-law Expires

8.1 This By-law will expire five (5) years from the date of final passage, unless it is repealed at an earlier date.

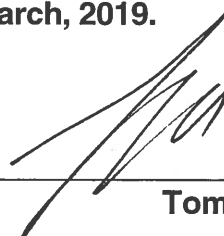
9.0 Repeal of Previous By-law

9.1 By-law Number 5585-14, and any amendments thereto, is hereby repealed upon the coming into force of this By-law.

10.0 Short Title

10.1 This By-law may be referred to as the “Development Charges By-law”.

Enacted by Town of Aurora Council this 26th day of March, 2019.



Tom Mrakas, Mayor



Michael de Rond, Town Clerk

Schedule "A"

**Town of Aurora
Components of Service**

Town-wide Services:

- 1) Library Services;
- 2) Fire Services;
- 3) Indoor Recreation Services;
- 4) Outdoor Recreation Services;
- 5) Municipal Parking Spaces;
- 6) General Government (Studies);

Town-wide Engineered Services:

- 7) Services Related to a Highway;
- 8) Wastewater Services; and
- 9) Water Supply and Distribution Services.

Schedule "B"

Town of Aurora
Schedule of Development Charges

Service	RESIDENTIAL					NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Apartments - Large	Apartments - Small	Other Multiples	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)	(per sq.m. of Gross Floor Area)
Town-Wide Services:							
Municipal parking spaces	4	2	2	3	1	0.01	0.11
Fire Services	891	538	369	662	275	0.37	3.98
Outdoor Recreation Services	6,037	3,646	2,499	4,488	1,860	0.27	2.91
Indoor Recreation Services	7,575	4,575	3,136	5,631	2,334	0.33	3.55
Library Services	1,313	793	544	976	405	0.06	0.65
General Government	774	467	320	575	238	0.32	3.44
Total Town-Wide Services	16,594	10,021	6,870	12,335	5,113	1.36	14.64
Town-Wide Engineered Services							
Services Related to a Highway	6,139	3,707	2,542	4,564	1,892	2.55	27.45
Wastewater Services	734	443	304	546	226	0.30	3.23
Water Supply and Distribution Services	377	228	156	280	116	0.16	1.72
Total Town-Wide Engineered Services	7,250	4,378	3,002	5,390	2,234	3.01	32.40
GRAND TOTAL	23,844	14,399	9,872	17,725	7,347	4.37	47.04

Schedule "C"

**Town of Aurora
Calculation of Development Charge Credits Provided to Residential Derelict
Buildings Demolished**

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%

*Credits are calculated as a percentage of the prevailing development charge rates for the type of dwelling demolished.