

Declarations of Pecuniary Interest

Reports of Committees and Staff

1. Joint CAO and Commissioners of Corporate Services, Development and Infrastructure Services and Community Services/Finance Report 2014-11 dated July 16, 2014 regarding 2014 Development Charges Review - Final Report. p. 1

The Chief Administrative Officer, the Commissioners of Corporate Services, Development and Infrastructure Services and Community Services and the Director of Financial Services/Treasurer recommend:

a) THAT Joint CAO & Commissioners of Corporate Services, Development Infrastructure Services and Community Services/Finance Report #2014-11 dated July 16, 2014 regarding 2014 Development Charges Review – Final Report be received and that the following recommendations be adopted:

i) THAT it is Council's intent to ensure that the increase in the need for services attributable to the anticipated development, including any capital costs, will be met, by updating its capital budget and forecast where appropriate recognizing that projects and timing of same may be revised from time to time at the discretion of Council;

ii) AND THAT pursuant to the Development Charges Act, 1997 Council resolve that there is no requirement for any further public meeting;

iii) AND THAT the development charges by-laws attached to this report as Appendices A and B and the 2014 Development Charges Transition Plan as set out in Appendix C be adopted by Council;

iv) AND THAT the Development Charges Background Study dated June 6, 2014 with the revisions as set out in this report be adopted.

2. WITHDRAWN - Correspondence from Mr. Chris Barnett, Davis LLP regarding Request for Agreement re: Timing of Payment of Development Charges. (Related to Item 3) p. 42

Recommendations:

THAT the correspondence from Mr. Chris Barnett, Davis LLP regarding Request for Agreement re: Timing of Payment of Development Charges be received.

3. WITHDRAWN - Corporate Services - Legal Services Report 2014-19 dated July 17, 2014 regarding 2014 Development Charges By-law and Request by 724903 Ontario Inc. (Goldstein) to enter into a Pre-payment Agreement.
4. Ratification of Actions of Committee of the Whole of July 21, 2014.

By-Laws

2014-41	A By-law to Establish Area Specific Development Charges for the Town of Newmarket. (Northwest Quadrant Development Area)	p. 44
2014-42	A By-law to Establish Development Charges for the Town of Newmarket. (Town Wide)	p. 59
2014-43	A By-law to Permanently Close Part of a Highway that is no longer required for Road Widening Purposes and convey the land to adjacent owners. (Part of Lots 12 and 13 South Side of Eagle Street, Plan 85 designated as Parts 1, 3 and 5 Plan 65R34352; Newmarket in the Regional Municipality of York) (South Side of Eagle Street between Lorne Avenue and Ellen Street)	p. 74
2014-44	A By-law to provide an exemption to By-law 2004-94, as amended, being a by-law to prohibit and regulate unusual noises or noises likely to disturb the inhabitants of the Town of Newmarket. (Old Town Hall)	p. 75

Confirmatory By-Law

2014-45	A By-law to confirm the proceedings of a meeting of Council - July 21, 2014.	p. 76
---------	--	-------

Addendum

Adjournment



TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca
905.895.5193

July 16, 2014

**JOINT CAO & COMMISSIONERS CORPORATE SERVICES, DEVELOPMENT
INFRASTRUCTURE SERVICES & COMMUNITY SERVICES/ FINANCE REPORT – 2014-11**

TO: Council

SUBJECT: 2014 Development Charges Review – Final Report

ORIGIN: Commissioner, Corporate Services

RECOMMENDATION:

THAT Joint CAO & Commissioners of Corporate Services, Development Infrastructure Services and Community Services/Finance Report #2014-11 dated July 16, 2014 regarding 2014 Development Charges Review – Final Report be received and that the following recommendations be adopted:

- 1. THAT it is Council's intent to ensure that the increase in the need for services attributable to the anticipated development, including any capital costs, will be met, by updating its capital budget and forecast where appropriate recognizing that projects and timing of same may be revised from time to time at the discretion of Council;**
- 2. AND THAT pursuant to the *Development Charges Act, 1997* Council resolve that there is no requirement for any further public meeting;**
- 3. AND THAT the development charges by-laws attached to this report as Appendices A and B and the 2014 Development Charges Transition Plan as set out in Appendix C be adopted by Council;**
- 4. AND THAT the Development Charges Background Study dated June 6, 2014 with the revisions as set out in this report be adopted.**

COMMENTS

As has been reported, the Town adopted three by-laws in 2009 under the *Development Charges Act, 1997* ("Act"). The Act states that unless they are expired or repealed earlier, a development charge by-law expires five years after the day it comes into force. Two of the by-laws will be updated (Town – wide and Northwest Quadrant) and one was left to expire (Goldstein/Trinison).

Prior to new development charge by-laws being adopted, the Act requires the completion of a comprehensive background study which provides the basis for the calculated development charges rates. As Council is aware, Hemson Consulting Limited prepared the Background Study and the draft was

circulated to Members of Council and posted for public review on June 9, 2014. A stakeholder session was held on June 4 and the public Statutory Meeting was held as a Special Committee of the Whole on June 23, 2014.

Comments and questions received at the June 4 stakeholder session were primarily around the phasing in of the new development charges. Four written submissions and three deputations were received by Council at the statutory public meeting. Issues raised included phasing, forecast methodology, incentives, categories of semis and singles being combined and a request was made for a further stakeholder meeting.

Subsequent to the public meeting, a further stakeholder session was held on July 10 which was well attended by the development community and interested members of the public. The matters raised and the consultant/staff's responses are summarized in the following chart.

Stakeholder session - July 10, 2014 + subsequent comments

<u>Issue</u>	<u>Response</u>
Land Values in Inventory too high (\$900,000 per acre)	<i>Land values will be adjusted to \$825,000 per acre</i>
Fire – questions around the inclusion of McCaffrey Fire Hall land and a Fire Training Centre in the inventory	Act permits land owned by others (Region) to be included in inventory provided it relates to a municipal service; new fire training facility is included in capital program; assumes continuation of joint Newmarket/Aurora funding; share based on current and proposed land and building areas No change
Prior debt funded projects being included in inventory (e.g. Magna Centre)	Inventory should be based on actual building/land space and no discounting required for projects requiring ongoing funding No change
Inclusion of Municipal Office in Recreation Inventory / Newmarket Theatre	<i>Adjusted to reflect the Recreation share of the Municipal Office – to 0.35 acres; Theatre will be removed from the inventory</i>
Doane House Land / Scout Hall lands overstated	<i>Doane House land will be adjusted to 0.5 acres and Scout Hall land will be adjusted to 0.33 acres to reflect size of properties</i>
Cash flow analysis used is inflated	Confirmed that debt principal is not inflated No change
Storm water management benefit to existing	<i>All storm water management costs have been removed as they were determined to be related to maintenance. Studies for future capital needs are still included.</i>

<u>Issue</u>	<u>Response</u>
NW Quadrant boundary; payment for services used by other developments to the NW Quadrant "owners group"	No change; By-laws provide for credits (Section 4.1) towards a development charge in exchange for work that relates to a service for which a charge is imposed; in addition staff will include wording in future subdivision agreements to reflect the requirement for payment to the NW Quadrant "owners group".
<p>Phase – in proposal</p> <ul style="list-style-type: none"> • Development community lost two months in construction season • Pre-payment options • Follow Region's phase-in and split rate schedule • Phase in over three years • Incentives needed for rentals + family unit (3 bedroom or larger) 	<p>Development charges by-laws should be kept "whole"; incentives and pre-payment agreement options should be dealt with separate from the DC by-law approval process; No change</p> <p>Phase-in plan has been revised to further extend the phase in dates to May 29, 2015 and to clarify its application. Plan of subdivisions must be registered by January 16, 2015.</p> <p>September 1 effective date of new by-laws will safeguard any who had an expectation that current rates would apply until the expiry of the 2009 by-laws (August 31, 2014)</p>
Allocation of Urban Centre Roads / Population per Unit / Rationale for Parking charge	Consultant clarified methodology used No change
Inclusion of certain Growth-related Studies	<i>Two studies have been excluded – Energy Plan and Green Energy Act Plan</i>
	<p>Consultant initiated discussion occurred around the following matters:</p> <ul style="list-style-type: none"> • size of apartments (650 sq. ft. threshold) – no issues raised • Stacked townhouse definition – no issues raised • Treatment of semis (combined rate with singles) – one comment made requesting longer phasing in for semis and that links and semis should be treated the same. <p>No change</p>

While the original land values of \$900,000 were supportable through recent land transactions, the values were adjusted to \$825,000 based on feedback received from the development community and to recognize land values throughout the Town as a whole.

The transition plan has been extended to recognize the delay in the 2014 construction season, to assist in the transition to the new rates and the transition period has been clarified as follows:

During the period from September 1, 2014 to May 31, 2015 there shall be a Transition Period. During that period any Development Charges incurred for any building permit issued for both hard and soft services shall be at a transition rate. After May 31, 2015 the Development Charges for any building permit issued shall be calculated at the full approved rate.

With respect to plans of subdivision, given that the Development Charge for the hard services is paid upon the registration of the plan, any Development Charges incurred for hard services within the Transition Period shall be paid at the transition rate provided the plan is registered on or before January 16, 2015.

Should any building permits for lots in that subdivision be issued after the end of the Transition Period (after May 31, 2015), in addition to the full approved rate for Development Charges for soft services, the applicant will also be required to pay the difference between the transition rate and the full rate for hard services for those building permits.

Transitioning in this manner will assist the development community by providing a fairness component for those already in the development process given that current development charge rates have been included in the developer's pro formas (financial calculations). The September 1 effective date for the new by-laws provides for those who may have relied on the current expiry date of August 31, 2014. Phasing and transitioning does however impact potential DC revenue.

Council had requested that the treatment of Stacked Townhouses be reviewed as part of the development charges review process. Research conducted by the consultant into how other municipalities treat them found that it is mixed – some are considered “apartment units” while others treat them as “rows and other multiple units”. The definition contained in the Town's new by-laws which will view them as rows and other multiple units is consistent with the definition provided by the Region, Aurora, Vaughan and Whitchurch-Stouffville. This issue was discussed at the July 10, 2014 meeting with the stakeholders and there was general agreement that the proposed approach was appropriate for Newmarket.

During the development charges study public process some members of Council and individuals from the development industry raised issues that are generally consider broader policy issues; for example incentives to encourage purpose built rental, support for affordable housing, downtown revitalization, etc. Staff and the consultant have discussed these issues and are in agreement that they are most appropriately dealt outside of the DC by-law process as part of a more comprehensive policy and practices review, such as Community Improvement Plan (CIP), that considers not just DC issues but planning objectives and policies, and the broader strategic objectives of Council and the Town.

Council may recall that in order to support rental housing, it approved late last fall tools, terms and conditions as it relates to purpose-built rental and affordable rental housing forming a basis for an update to the Tools for Intensification Policy.

Changes in italics noted in the chart above are reflected in the DC rate tables below and they will also form part of the final 2014 Consolidated Development Charges Background Study.

Staff also received comments from a developer mid-week and as a result changes were subsequently made to the by-laws with respect to the transition plan and throughout the process discussion with the development community has resulted in certain calculations and methodologies being reviewed and amended where appropriate trying to achieve a balanced resolution. The tables below outline the summary of rates – the rates originally proposed in the Background Study and the recommended revised rates.

Table 1-1				
Summary of Rate Changes Town-Wide Residential Charge By Unit Type				
Revised Rates	Singles & Semis	Rows & Other Multiples	Apartments 650 sq. ft. or Greater	Under 650 sq. ft.
2014 Background Study Rates	\$21,607	\$17,139	\$13,381	\$11,465
Revised 2014 Background Study Rates	\$19,956	\$15,830	\$12,357	\$10,031
Difference from 2014 Background Study Rates	(\$1,651)	(\$1,309)	(\$1,024)	(\$1,434)

Table 1-2	
Summary of Rate Changes Town-Wide Non -Residential Charge per Sq.M	
2014 Background Study Rates	\$59.56
Revised 2014 Background Study Rates	\$52.83
Difference from 2014 Background Study Rates	(\$6.73)

Table 2-1				
Summary of Rate Changes Northwest Quadrant Residential Charge By Unit Type				
Revised Rates	Singles & Semis	Rows & Other Multiples	Apartments	
			650 sq. ft. or Greater	Under 650 sq. ft.
2014 Background Study Rates	\$20,845	\$16,535	\$12,909	\$11,061
Revised 2014 Background Study Rates	\$19,184	\$15,218	\$11,879	\$9,644
Difference from 2014 Background Study Rates	(\$1,661)	(\$1,317)	(\$1,030)	(\$1,417)

Table 2-2	
Summary of Rate Changes Northwest Quadrant Non -Residential Charge per Sq.M	
2014 Background Study Rates	\$57.37
Revised 2014 Background Study Rates	\$50.58
Difference from 2014 Background Study Rates	(\$6.79)

The Town is now in the final stage of the Development Charges by-laws review and this report is recommending the adoption of the DC by-laws at the Special Council meeting on July 21, 2014. This is in advance of the expiry date of the 2009 by-laws which is August 31, 2014 noting that the new by-laws will come into effect on September 1, 2014. The DC by-laws are included on the Council agenda as by-law numbers 2014-41 and 2014-42.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report links to Newmarket's key strategic directions in being Well Equipped and Managed by implementing policies and processes that reflect sound and accountable governance and by being fiscally responsible.

CONSULTATION

The development charges Background Study has been carried out in accordance with the *Act* and consultation has taken place with the development community and other interested parties at stakeholder sessions on June 4 and July 10, 2014. The public Statutory Meeting has been held (June 23, 2014) and the by-laws and associated documentation have been reviewed by external legal counsel and appropriate departments have been consulted throughout the process.

The development community has been kept apprised by either electronic or regular mail of the various meetings and the documents available for their information. Advertisements have been placed on the Town page and web site notifying the community of the stakeholder session and the Statutory Public meeting including the anticipated date of the Council meeting where the by-laws would be adopted. Notices of the by-law review were placed on Town counters in the Municipal Office.

Once the by-laws are adopted and pursuant to the *Act*, the Town Clerk must provide written notice of the passing of the by-laws and of the last day for appeal (which is 40 days after the adoption date). The notice must be given no later than 20 days after the day the by-laws are adopted.

HUMAN RESOURCE CONSIDERATIONS

None.

BUDGET IMPACT

Development charges are collected to ensure that growth-related capital work costs are borne by the development creating the need for the infrastructure to the extent permitted under the *Act*. This will ensure that new services required by growth are provided in a fiscally responsible manner. If these costs were not recovered through development charges, then other avenues for funding would have to be pursued (tax levy/user fee increases for example).


The updated development charges recommended herein represent a significant increase (primarily in the hard services component) and will result in additional revenue for the Town which is to be applied to development related costs pursuant to the *Act*. Many municipalities provide for phasing of new rates and this is especially relevant in view of the notable increase in the calculated charges when compared to the existing rates. It is staff's position that the transition plan being recommended herein to address the increase in rates is fair and reasonable. Assuming little or no impact in the rate of development over the transition period the loss in potential new revenue is estimated to be in the area of \$1,500,000. Having said that though, this amount is very difficult to estimate as it is dependent upon when developers have applied for and been issued their building permits. It is staff's opinion that the transition plan being put forth provides a balanced approach to moving to the new rates.

CONTACT

For more information on this report, contact Anita Moore, Commissioner, Corporate Services at 905-955-5300, ext. 2202 or Mike Mayes, Director, Financial Services at 905-955-5300, ext. 2102.



Director, Financial Services

Commissioner, Corporate Services

Commissioner, Community Services

Commissioner, Development and Infrastructure

Chief Administrative Officer

Attachments: Appendix A – Town-wide Development Charges by-law
 Appendix B – Northwest Quadrant Development Charges by-law
 Appendix C – 2014 Development Charges Transition Plan



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-42

A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES FOR THE TOWN OF NEWMARKET.

(Town-Wide)

WHEREAS the *Development Charges Act*, 1997 (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;

AND WHEREAS a Development Charge Background Study, dated June 6, 2014, was prepared by Hemson Consulting Ltd. in accordance with the Act;

AND WHEREAS the Council of the Town of Newmarket has given notice and held a public meeting on the 23rd day of June, 2014 in accordance with the Act and the regulations thereto;

AND WHEREAS the Council of the Town of Newmarket has heard all persons who applied to be heard and received written submissions whether in objection to, or in support of, the development charges proposal at the public meeting held on the 23rd day of June, 2014;

AND WHEREAS by resolution adopted by Council of the Town of Newmarket on July 21, 2014, Council has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development, including any capital costs, will be met, by updating its capital budget and forecast where appropriate recognizing that projects and timing of same may be revised from time to time at the discretion of Council;

AND WHEREAS by resolution, adopted by Council of the Town of Newmarket on July 21, 2014, Council determined that no further public meetings were required under Section 12 of the Act;

AND WHEREAS by resolution, adopted by Council of the Town of Newmarket on July 21, 2014, Council approved the Report titled "Corporate Services Report 2014-11 dated July 16, 2014 regarding Development Charges Review", thereby adopting the development charge rates as set out in Schedule "B";

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1.0 DEFINITIONS

1.1 In this by-law,

- 1) "Act" means the *Development Charges Act*, 1997, as amended, or any successor thereto;
- 2) "accessory use" means where used to describe a use, building or structure, that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both and exclusively devoted to a principal use, building or structure;
- 3) "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;
- 4) "apartment unit" means a residential building or the residential portion of a mixed use building, other than a townhouse or a stacked townhouse, consisting of more than 3 dwelling units, which dwelling units have a common entrance to grade;
 - 5) "bedroom" means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a living room, dining room or kitchen;
 - 6) "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;
 - 7) "board of education" has the same meaning as that specified in the *Education Act* or any successor thereto;
 - 8) "Building Code Act" means the *Building Code Act*, 1992, as amended; or any successor thereto;
 - 9) "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,
 - (a) to acquire land or an interest in land, including a leasehold interest,
 - (b) to improve land,
 - (c) to acquire, lease, construct or improve buildings and structures,
 - (d) to acquire, construct or improve facilities including,
 - i. furniture and equipment other than computer equipment, and
 - ii. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, and
 - iii. rolling stock with an estimated useful life of seven years or more, and
 - (e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d), 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 (a), (b), (c) and (d) that are growth related;
 - 10) "commercial" means any non-residential development not defined under "institutional" or "industrial";
 - 11) "community use" means a facility traditionally provided by a municipality which serves a municipal purpose and shall include a community centre, library/research facility, recreation facility and a shelter;
 - 12) "council" means the Council of the municipality;
 - 13) "development" includes redevelopment;
 - 14) "development charge" means a charge imposed with respect to this by-law;
 - 15) "duplex" means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;
 - 16) "dwelling unit" means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more

- persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;
- 17)"farm building" means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;
- 18)"funeral home" means a building with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- 19)"grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- 20)"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, 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 building or structure is a parking structure, and, for the purposes of this definition, notwithstanding any other section of this by-law, 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. 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 sport fields including hockey arenas, and basketball courts;
- 21)"group home" means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit supervised on a 24 hour a day basis on site by agency staff on a shift rotation basis, funded wholly or in part by any government and licensed, approved or supervised by the Province of Ontario under any general or special act, for the accommodation of not less than 3 and not more than 8 residents, exclusive of staff;
- 22)"heritage property" means a building or structure which, in the opinion of the local architectural conservation advisory committee is of historic or architectural value or interest, or which has been so designated under the *Ontario Heritage Act*;
- 23)"hotel" means a commercial establishment offering lodging to travelers and sometimes to permanent residents, and may include other services such as restaurants, meeting rooms and stores, that are available to the general public;
- 24)"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 to the general public through a warehouse club;
- 25) "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, but without

limiting the generality of the foregoing, places of worship, and special care facilities;

- 26) "large apartment" means a dwelling unit in an apartment building or a plex that is 650 square feet or larger in size;
- 27) "local board" has the same definition as defined in the *Development Charges Act*;
- 28) "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* as amended or any successor thereto;
- 29) "mixed-use" means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- 30) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer;
- 31) "multiple dwellings" includes townhouses, stacked and back-to-back townhouses, mobile homes, group homes 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";
- 32) "municipality" means the Corporation of the Town of Newmarket;
- 33) "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;
- 34) "non-profit" means a corporation without share capital that has objects of a charitable nature;
- 35) "owner" means the 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;
- 36) "place of worship" means a building or structure that is used primarily for worship;
- 37) "plex" means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;
- 38) "parking structure" means a building or structure principally used for the parking of motor vehicles and shall include a building or structure, or any part thereof, where motor vehicles are stored prior to being sold or rented to the general public;
- 39) "private school" means an educational institution operated on a non-profit basis, 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 and Training;
- 40) "regulation" means any regulation made pursuant to the Act;

- 41) "residential use" means lands, buildings or structures used, or designed or intended for use as a residence for one 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;
- 42) "semi-detached duplex" means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- 43) "semi-detached dwelling" means a building divided vertically into and comprising 2 dwelling units;
- 44) "semi-detached triplex" means one of a pair of triplexes divided vertically one from the other by a party wall;
- 45) "services" (or "service") means those services designated in Schedule "A" to this by-law;
- 46) "servicing agreement" means an agreement between a landowner and the municipality relative to the provision of municipal services to specified lands within the municipality;
- 47) "shelter" means a building in which supervised short-term emergency shelter and associated support services are provided to individuals who are fleeing situations of physical, financial, emotional or psychological abuse;
- 48) "single detached dwelling" and "single detached" means a residential building consisting of one dwelling unit that is not attached to another structure above grade. For greater certainty, a residential building consisting of one dwelling unit that is attached to another structure by footings only shall be considered a single family dwelling for purposes of this by-law;
- 49) "small apartment" means a dwelling unit in an apartment building or a plex that is less than 650 square feet in size;
- 50) "stacked townhouse" means a building, other than a plex, townhouse or apartment building, containing at least 3 dwelling units, each dwelling unit being separated from the other vertically and/or horizontally and each dwelling unit having an entrance to grade shared with no more than 3 other units;
- 51) "townhouse" means a building, other than a plex, stacked townhouse or apartment building, containing at least 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;
- 52) "triplex" means a building comprising 3 dwelling units, each of which has a separate entrance to grade;

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) General Government
- b) Library

- c) Fire Services
- d) Recreation
- e) Outdoor Recreation
- f) Yards & Fleet
- g) Parking
- h) Town-Wide Engineered Services

2.2 The components of the services designated in subsection 2.1 are described in Schedule A-1 and Schedule A-2.

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 subsection 3.4(a).

Area to Which By-law Applies

3.2 Subject to subsection 3.3, this by-law applies to all lands in the geographic area of the Town of Newmarket save and except the lands illustrated on Schedule "C" 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 Town of Newmarket or a local board thereof;
- b) A board as defined in section 1(1) of the *Education Act*;
- c) The Region of York or a local board thereof.

Approvals for Development

- 3.4 a) Development charges 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*;
 - ii. A conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - iii. The approval of a plan of subdivision under section 51 of the *Planning Act* or any successor thereto;
 - iv. A consent under section 53 of the *Planning Act*;
 - v. The approval of a description under section 50 of the *Condominium Act*; or
 - vi. The issuing of a permit under the *Building Code Act*, 1992 in relation to a building or structure.

- b) 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(a) are required before the lands, building or structures can be developed.
- c) Despite subsections 3.4(b), if two or more of the actions described in subsection 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, but subject to subsection 3.5.2, development charges shall not be imposed or may be deferred, on terms and conditions, satisfactory to the Region, with respect to:
- a) the relocation of a heritage house;
 - b) a building or structure used for a community use owned by a nonprofit corporation;
 - c) land owned by and used for the purposes of a private school that is exempt from taxation under the *Assessment Act* or any successor thereto;
 - d) lands, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the *Assessment Act* or any successor thereto;
 - 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 non-residential gross floor area;
 - g) agricultural uses;
 - h) development creating or adding an accessory use or structure not exceeding 100 square metres 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 3.10 on the retail component;
 - i) a public hospital receiving aid under the *Public Hospitals Act* or any successor thereto;

Amount of Charges

Residential

- 3.6 The development charges described in Schedules B-1 and B-2 to this by-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential Uses

- 3.7 The development charges described in Schedules B-1 and B-2 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.

Place of Worship

- 3.8 Despite subsection 3.7, development charges shall not be imposed in respect of 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 greater.

Reduction of Development Charges Where Redevelopment Occurs

- 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 60 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- a) In the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsections 3.6 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
- b) In the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 3.7 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.

Time of Payment of Development Charges

- 3.10 Development charges imposed under this section are payable upon issuance of a building permit with respect to each dwelling unit, building or structure for general government, library, fire, recreation facilities, outdoor recreation and yards and fleet services. Development charges for town-wide engineered services shall be payable upon registration of subdivision agreement.
- 3.11 Despite subsection 3.10, 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.
- 3.12 Subject to subsections 3.10 and 3.11, the Transition Rates set-out on schedules A-1, A-2, B-1 and B-2 of this by-law will be applied as follows:
- a) Subject to subsection 3.12(b), the Transition Rates shall be applied for the purpose of calculating town-wide engineered services development charges under this By-law where a plan of subdivision has been registered with the Town on or before January 16, 2015. Should any building permits for lots in that subdivision be issued after

the end of the Transition Rate period, in addition to the full approved rate for Development Charges for soft services, the applicant will also be required to pay the difference between the transition rate and the full rate for hard services for those building permits.

- b) Subject to subsection 3.12(a) and 3.12(c), the Transition Rates shall be applied for the purpose of calculating non-town-wide engineered services development charges under this By-law where a building permit application, has been submitted to the Town's Chief Building Official on or before March 16, 2015 and where the building permit is issued on or before May 29, 2015.
 - c) Where there is an agreement executed before the date of passage of this by-law, in accordance with section 3.10 of By-law 2009-73, providing for the payment of development charges, the payment of development charges shall be governed by the provisions of said agreement.
- 3.13 The residential charges for apartment units, small and large, are subject to the phase-in as set out on Schedule B-2 of this By-law.

4.0 PAYMENT BY SERVICES

- 4.1 Despite the payments required under subsection 3.10, 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 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, on July 1st, commencing in 2015 and each year thereafter, 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-1: Components of Residential Services Designated in subsection 2.1

Schedule A-2: Components of Non-Residential Services Designated in subsection 2.1

Schedule B-1: Residential (Singles, Semi-Detached, Rows and Other Multiples) and Non-Residential Development Charges

Schedule B-2: Residential Development Charges for Apartment units

Schedule C: Land within Town of Newmarket to which this By-law does not apply

7.0 DATE BY-LAW IN FORCE

- 7.1 This by-law shall come into force on September 1, 2014.

8.0 DATE BY-LAW EXPIRES

8.1 This by-law will expire five years from the date of passage, unless it is repealed at an earlier date.

THAT By-law 2009-73 hereby repealed on the date this by-law comes into force:

ENACTED THIS 21ST DAY OF JULY, 2014.

Tony Van Bynen, Mayor

Lisa Lyons, Deputy Clerk

Schedule "A-1"
The Town of Newmarket
Town-wide Development Charge Services
Residential Charge

Transition Rates	
Plan of Subdivision must be registered on or before January 16, 2015. Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015	
Service	Percentage of Charge (%)
1.0 General Government	2.2%
2.0 Library	8.0%
3.0 Fire Services	2.8%
4.0 Recreation	37.9%
5.0 Outdoor Recreation	32.7%
6.0 Yards & Fleet	3.4%
7.0 Parking	2.4%
8.0 Engineered Services	10.7%
Total	100%

Phase-In and Full Rates	
Phase-In effective September 1, 2014 to December 31, 2015 and Full Rate effective September 1, 2014 to August 1, 2019 if not repealed earlier	
Service	Percentage of Charge (%)
1.0 General Government	2.0%
2.0 Library	4.2%
3.0 Fire Services	2.9%
4.0 Recreation	30.6%
5.0 Outdoor Recreation	22.9%
6.0 Yards & Fleet	5.4%
7.0 Parking	1.7%
8.0 Engineered Services	30.3%
Total	100.0%

Schedule "A-2"
The Town of Newmarket
Town-wide Development Charge Services
Non-Residential Charges

Transition Rates	
Plan of Subdivision must be registered on or before January 16, 2015. Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015	
Service	Percentage of Charge (%)
1.0 General Government	10.4%
2.0 Library	0.0%
3.0 Fire Services	13.3%
4.0 Recreation	0.0%
5.0 Outdoor Recreation	0.0%
6.0 Yards & Fleet	15.7%
7.0 Parking	11.3%
8.0 Engineered Services	49.3%
Total	100%

Phase-In and Full Rate	
Phase-In effective September 1, 2014 to December 31, 2015 and Full Rate effective September 1, 2014 to August 1, 2019 if not repealed earlier	
Service	Percentage of Charge (%)
1.0 General Government	4.7%
2.0 Library	0.0%
3.0 Fire Services	6.8%
4.0 Recreation	0.0%
5.0 Outdoor Recreation	0.0%
6.0 Yards & Fleet	12.9%
7.0 Parking	4.0%
8.0 Engineered Services	71.6%
Total	100.0%

Schedule "B-1"
The Town of Newmarket
Development Charge Summary

RESIDENTIAL CHARGES

Residential Charge By Unit Type	Charge Type ¹		
	Transition Rate (Plan of Subdivision must be registered on or before January 16, 2015. Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015)	Phase-In (Effective September 1, 2014 to December 31, 2015)	Full Rate (Effective September 1, 2014 to August 1, 2019 if not repealed earlier)
Singles	\$15,472	N/A	\$19,956
Semis	\$12,685	N/A	\$19,956
Rows & Other Multiples	\$11,318	N/A	\$15,830

¹ Subject to indexing provisions as set out in Section 5

NON-RESIDENTIAL CHARGES

Non-Residential Charge By Unit Type	Charge Type ¹		
	Transition Rate (Plan of Subdivision must be registered on or before January 16, 2015, Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015)	Phase-In (Effective September 1, 2014 to December 31, 2015)	Full Rate (Effective September 1, 2014 to August 1, 2019 if not repealed earlier)
Non-Residential	\$23.01	N/A	\$52.83

¹ Subject to indexing provisions as set out in Section 5

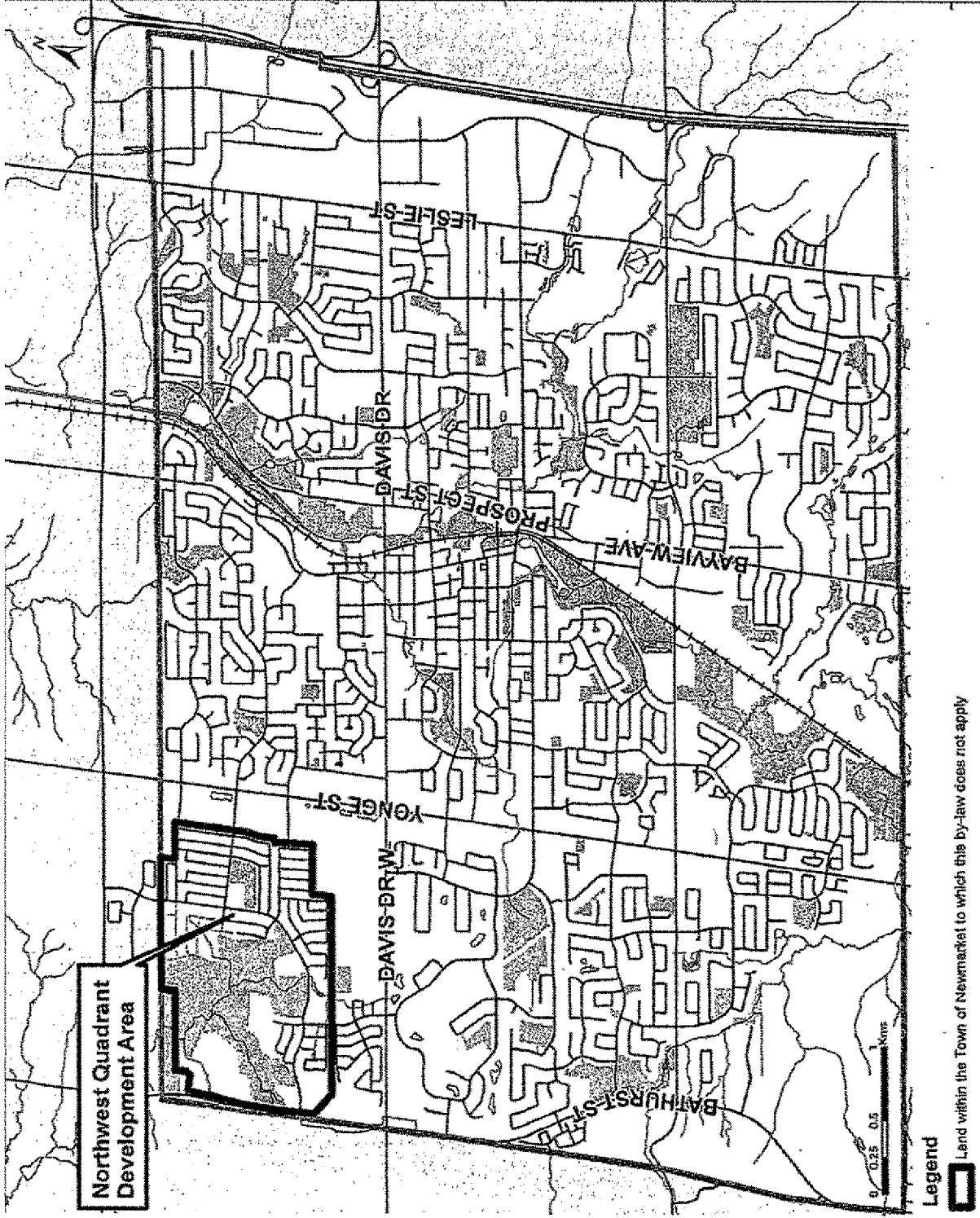
Schedule "B-2"
The Town of Newmarket
Development Charge Summary

RESIDENTIAL APARTMENT CHARGES

Residential Charge By Unit Type	Charge Type ¹		
	Transition Rate (Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015)	Phase-In (Effective September 1, 2014 to December 31, 2015)	Full Rate (Effective September 1, 2014 to August 1, 2019 if not repealed earlier)
Apartments 650 sq.ft or Greater	\$8,719	\$10,336	\$12,357
Apartments Under 650 sq.ft	\$5,585	\$7,561	\$10,031

¹ Subject to indexing provisions as set out in Section 5

Schedule 'C'
Land within Town of Newmarket to which this By-law does not apply





CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-41

A BY-LAW TO ESTABLISH AREA SPECIFIC DEVELOPMENT CHARGES FOR THE TOWN OF NEWMARKET.

(Northwest Quadrant Development Area)

WHEREAS the *Development Charges Act*, 1997 (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;

AND WHEREAS a Development Charge Background Study, dated June 6, 2014, was prepared by Hemson Consulting Ltd. in accordance with the Act;

AND WHEREAS the Council of the Town of Newmarket has given notice and held a public meeting on the 23rd day of June, 2014 in accordance with the Act and the regulations thereto;

AND WHEREAS the Council of the Town of Newmarket has heard all persons who applied to be heard and received written submissions whether in objection to, or in support of, the development charges proposal at the public meeting held on the 23rd day of June, 2014;

AND WHEREAS by resolution adopted by Council of the Town of Newmarket on July 21, 2014, Council has indicated that it intends to ensure that the increase in the need for services attributable to anticipated development, including any capital costs, will be met, by updating its capital budget and forecast where appropriate recognizing that projects and timing of same may be revised from time to time at the discretion of Council;

AND WHEREAS by resolution, adopted by Council of the Town of Newmarket on July 21, 2014, Council determined that no further public meetings were required under Section 12 of the Act;

AND WHEREAS by resolution, adopted by Council of the Town of Newmarket on July 21, 2014, Council approved the Report titled "Corporate Services Report 2014-11 dated July 16, 2014 regarding 2014 Development Charges Review", thereby adopting the development charge rates as set out in Schedule "B";

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1.0 DEFINITIONS

1.1 In this by-law,

- 1) "Act" means the *Development Charges Act*, 1997, as amended, or any successor thereto;
- 2) "accessory use" means where used to describe a use, building or structure, that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both and exclusively devoted to a principal use, building or structure;
- 3) "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;

- 4) "apartment unit" means a residential building or the residential portion of a mixed use building, other than a townhouse or a stacked townhouse, consisting of more than 3 dwelling units, which dwelling units have a common entrance to grade;
- 5) "bedroom" means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a living room, dining room or kitchen;
- 6) "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;
- 7) "board of education" has the same meaning as that specified in the *Education Act* or any successor thereto;
- 8) "Building Code Act: means the *Building Code Act*, 1992, as amended; or any successor thereto;
- 9) "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,
 - (a) to acquire land or an interest in land, including a leasehold interest,
 - (b) to improve land,
 - (c) to acquire, lease, construct or improve buildings and structures,
 - (d) to acquire, construct or improve facilities including,
 - i. furniture and equipment other than computer equipment, and
 - ii. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, and
 - iii. rolling stock with an estimated useful life of seven years or more, and
 - (e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d), 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 (a), (b), (c) and (d) that are growth related;
- 10) "commercial" means any non-residential development not defined under "institutional" or "industrial"
- 11) "community use" means a facility traditionally provided by a municipality which serves a municipal purpose and shall include a community centre, library/research facility, recreation facility and a shelter;
- 12) "council" means the Council of the municipality;
- 13) "development" includes redevelopment;
- 14) "development charge" means a charge imposed with respect to this by-law;
- 15) "duplex" means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;

- 16) "dwelling unit" means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;
- 17) "farm building" means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;
- 18) "funeral home" means a building with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- 19) "grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- 20) "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, 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 building or structure is a parking structure, and, for the purposes of this definition, notwithstanding any other section of this by-law, 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. 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 sport fields including hockey arenas, and basketball courts;
- 21) "group home" means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit supervised on a 24 hour a day basis on site by agency staff on a shift rotation basis, funded wholly or in part by any government and licensed, approved or supervised by the Province of Ontario under any general or special act, for the accommodation of not less than 3 and not more than 8 residents, exclusive of staff;
- 22) "heritage property" means a building or structure which, in the opinion of the local architectural conservation advisory committee is of historic or architectural value or interest, or which has been so designated under the *Ontario Heritage Act*;
- 23) "hotel" means a commercial establishment offering lodging to travelers and sometimes to permanent residents, and may include other services such as restaurants, meeting rooms and stores, that are available to the general public;
- 24) "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 to the general public through a warehouse club;
- 25) "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, but without limiting the generality of the foregoing, places of worship, and special care facilities;
- 26) "large apartment" means a dwelling unit in an apartment building or a plex that is 650 square feet or larger in size;
- 27) "local board" has the same definition as defined in the *Development Charges Act*;
- 28) "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* as amended or any successor thereto;
- 29) "mixed-use" means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- 30) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer;
- 31) "multiple dwellings" includes townhouses, stacked and back-to-back townhouses, mobile homes, group homes 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";
- 32) "municipality" means the Corporation of the Town of Newmarket;
- 33) "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;
- 34) "non-profit" means a corporation without share capital that has objects of a charitable nature;
- 35) "owner" means the 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;
- 36) "place of worship" means a building or structure that is used primarily for worship;
- 37) "plex" means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;
- 38) "parking structure" means a building or structure principally used for the parking of motor vehicles and shall include a building or structure, or any part thereof, where motor vehicles are stored prior to being sold or rented to the general public;
- 39) "private school" means an educational institution operated on a non-profit basis, 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 and Training;
- 40) "regulation" means any regulation made pursuant to the Act;

- 41) "residential use" means lands, buildings or structures used, or designed or intended for use as a residence for one 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;
- 42) "semi-detached duplex" means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- 43) "semi-detached dwelling" means a building divided vertically into and comprising 2 dwelling units;
- 44) "semi-detached triplex" means one of a pair of triplexes divided vertically one from the other by a party wall;
- 45) "services" (or "service") means those services designated in Schedule "A" to this by-law;
- 46) "servicing agreement" means an agreement between a landowner and the municipality relative to the provision of municipal services to specified lands within the municipality;
- 47) "shelter" means a building in which supervised short-term emergency shelter and associated support services are provided to individuals who are fleeing situations of physical, financial, emotional or psychological abuse;
- 48) "single detached dwelling" and "single detached" means a residential building consisting of one dwelling unit that is not attached to another structure above grade. For greater certainty, a residential building consisting of one dwelling unit that is attached to another structure by footings only shall be considered a single family dwelling for purposes of this by-law;
- 49) "small apartment" means a dwelling unit in an apartment building or a plex that is less than 650 square feet in size;
- 50) "stacked townhouse" means a building, other than a plex, townhouse or apartment building, containing at least 3 dwelling units, each dwelling unit being separated from the other vertically and/or horizontally and each dwelling unit having an entrance to grade shared with no more than 3 other units;
- 51) "townhouse" means a building, other than a plex, stacked townhouse or apartment building, containing at least 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;
- 52) "triplex" means a building comprising 3 dwelling units, each of which has a separate entrance to grade;

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) General Government
- b) Library
- c) Fire Services
- d) Recreation
- e) Outdoor Recreation
- f) Yards & Fleet
- g) Parking
- h) Engineered Services

2.2 The components of the services designated in subsection 2.1 are described in Schedule A-1 and Schedule A-2.

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 subsection 3.4(a).

Area to Which By-law Applies

3.2 Subject to subsection 3.3, this by-law applies to all lands within the Northwest Quadrant Development Area of the Town of Newmarket as shown on Schedule "C" 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 Town of Newmarket or a local board thereof;
- b) A board as defined in section 1(1) of the *Education Act*;
- c) The Region of York or a local board thereof.

Approvals for Development

3.4 a) Development charges 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* or any successor thereto;
- v. A consent under section 53 of the *Planning Act*;

- vi. The approval of a description under section 50 of the *Condominium Act*; or
 - vii. The issuing of a permit under the *Building Code Act*, 1992 in relation to a building or structure.
- b) 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(a) are required before the lands, building or structures can be developed.
 - c) Despite subsections 3.4(b), if two or more of the actions described in subsection 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

3.5.1 Notwithstanding the provisions of this by-law, but subject to subsection 3.5.2, development charges shall not be imposed or may be deferred, on terms and conditions, satisfactory to the Region, with respect to:

- a) the relocation of a heritage house;
- b) a building or structure used for a community use owned by a nonprofit corporation;
- c) land owned by and used for the purposes of a private school that is exempt from taxation under the *Assessment Act* or any successor thereto;
- d) lands, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the *Assessment Act* or any successor thereto;
- 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 non-residential gross floor area;
- g) agricultural uses;
- h) development creating or adding an accessory use or structure not exceeding 100 square metres 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 3.10 on the retail component;
- i) a public hospital receiving aid under the *Public Hospitals Act* or any successor thereto;

Amount of Charges

Residential

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.

Non-Residential Uses

- 3.7 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.

Place of Worship

- 3.8 Despite subsection 3.7, development charges shall not be imposed in respect of 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 greater.

Reduction of Development Charges Where Redevelopment Occurs

- 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 60 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- a) In the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsections 3.6 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
- b) In the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 3.7 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.

Time of Payment of Development Charges

- 3.10 Development charges imposed under this section are payable upon issuance of a building permit with respect to each dwelling unit, building or structure for general government, library, fire, recreation facilities, outdoor recreation and yards and fleet services. Development charges for engineered services shall be payable upon registration of subdivision agreement.
- 3.11 Despite subsection 3.10, 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.

3.12 Subject to subsections 3.10 and 3.11, the Transition Rates set-out on schedules A-1, A-2, B-1 and B-2 of this by-law will be applied as follows:

- a) Subject to subsection 3.12(b), the Transition Rates shall be applied for the purpose of calculating town-wide engineered services development charges under this By-law where a plan of subdivision has been registered with the Town on or before January 16, 2015. Should any building permits for lots in that subdivision be issued after the end of the Transition Rate period, in addition to the full approved rate for Development Charges for soft services, the applicant will also be required to pay the difference between the transition rate and the full rate for hard services for those building permits.
- b) Subject to subsection 3.12(a) and 3.12(c), the Transition Rates shall be applied for the purpose of calculating non-town-wide engineered services development charges under this By-law where a building permit application, has been submitted to the Town's Chief Building Official on or before March 16, 2015 and where the building permit is issued on or before May 29, 2015.
- c) Where there is an agreement executed before the date of passage of this by-law, in accordance with section 3.10 of By-law 2009-72, providing for the payment of development charges, the payment of development charges shall be governed by the provisions of said agreement.

3.13 The residential charges for apartment units, small and large, are subject to the phase-in as set out on Schedule B-2 of this By-law.

4.0 PAYMENT BY SERVICES

- 4.1 Despite the payments required under subsection 3.10, 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 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, on July 1st, commencing in 2015 and each year thereafter, 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-1: Components of Residential Services Designated in subsection 2.1

Schedule A-2: Components of Non-Residential Services Designated in subsection 2.1

Schedule B-1: Residential (Singles, Semi-Detached, Rows and Other Multiples) and Non-Residential Development Charges

Schedule B-2: Residential Development Charges for Apartment units

Schedule C: Land within Town of Newmarket to which this By-law does apply

7.0 DATE BY-LAW IN FORCE

7.1 This by-law shall come into force on September 1, 2014.

8.0 DATE BY-LAW EXPIRES

8.1 This by-law will expire five years from the date of passage, unless it is repealed at an earlier date.

THAT By-law 2009-72 is hereby repealed on the date this by-law comes into force.

ENACTED THIS 21ST DAY OF JULY, 2014.

Tony Van Bynen, Mayor

Lisa Lyons, Deputy Clerk

Schedule "A-1"
The Town of Newmarket
Northwest Quadrant Development Charge Services
Residential Charges

Transition Rate	
Plan of Subdivision must be registered on or before January 16, 2015. Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015	
Service	Percentage of Charge (%)
1.0 General Government	2.3%
2.0 Library	8.6%
3.0 Fire Services	3.0%
4.0 Recreation	40.4%
5.0 Outdoor Recreation	34.6%
6.0 Yards & Fleet	3.6%
7.0 Parking	2.6%
8.0 Engineered Services	5.0%
Total	100.0%

Phase-In and Full Rates	
Phase-In effective September 1, 2014 to December 31, 2015 and Full Rate effective September 1, 2014 to August 1, 2019 if not repealed earlier	
Service	Percentage of Charge (%)
1.0 General Government	2.1%
2.0 Library	4.4%
3.0 Fire Services	3.0%
4.0 Recreation	31.8%
5.0 Outdoor Recreation	21.7%
6.0 Yards & Fleet	5.7%
7.0 Parking	1.8%
8.0 Engineered Services	29.6%
Total	100.0%

Schedule "A-2"
The Town of Newmarket
Northwest Quadrant Development Charge Services
Non-Residential Charges

Transition Rate	
Plan of Subdivision must be registered on or before January 16, 2015. Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015	
Service	Percentage of Charge (%)
1.0 General Government	13.7%
2.0 Library	0.0%
3.0 Fire Services	17.8%
4.0 Recreation	0.0%
5.0 Outdoor Recreation	0.0%
6.0 Yards & Fleet	20.8%
7.0 Parking	15.2%
8.0 Engineered Services	32.5%
Total	100.0%

Phase-In and Full Rate	
Phase-In effective September 1, 2014 to December 31, 2015 and Full Rate effective September 1, 2014 to August 1, 2019 if not repealed earlier	
Service	Percentage of Charge (%)
1.0 General Government	4.9%
2.0 Library	0.0%
3.0 Fire Services	7.1%
4.0 Recreation	0.0%
5.0 Outdoor Recreation	0.0%
6.0 Yards & Fleet	13.4%
7.0 Parking	4.2%
8.0 Engineered Services	70.4%
Total	100.0%

Schedule "B-1"
The Town of Newmarket
Development Charge Summary

RESIDENTIAL CHARGES

Residential Charge By Unit Type	Charge Type ¹		
	Transition Rate (Plan of Subdivision must be registered on or before January 16, 2015. Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015)	Phase-In (Effective September 1, 2014 to December 31, 2015)	Full Rate (Effective September 1, 2014 to August 1, 2019 if not repealed earlier)
Singles	\$13,297	N/A	\$19,184
Semis	\$10,944	N/A	\$19,184
Rows & Other Multiples	\$9,742	N/A	\$15,218

¹ Subject to indexing provisions as set out in Section 5

NON-RESIDENTIAL CHARGES

Non-Residential Charge By Unit Type	Charge Type ¹		
	Transition Rate (Plan of Subdivision must be registered on or before January 16, 2015. Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015)	Phase-In (Effective September 1, 2014 to December 31, 2015)	Full Rate (Effective September 1, 2014 to August 1, 2019 if not repealed earlier)
Non-Residential	\$17.41	N/A	\$50.58

¹ Subject to indexing provisions as set out in Section 5

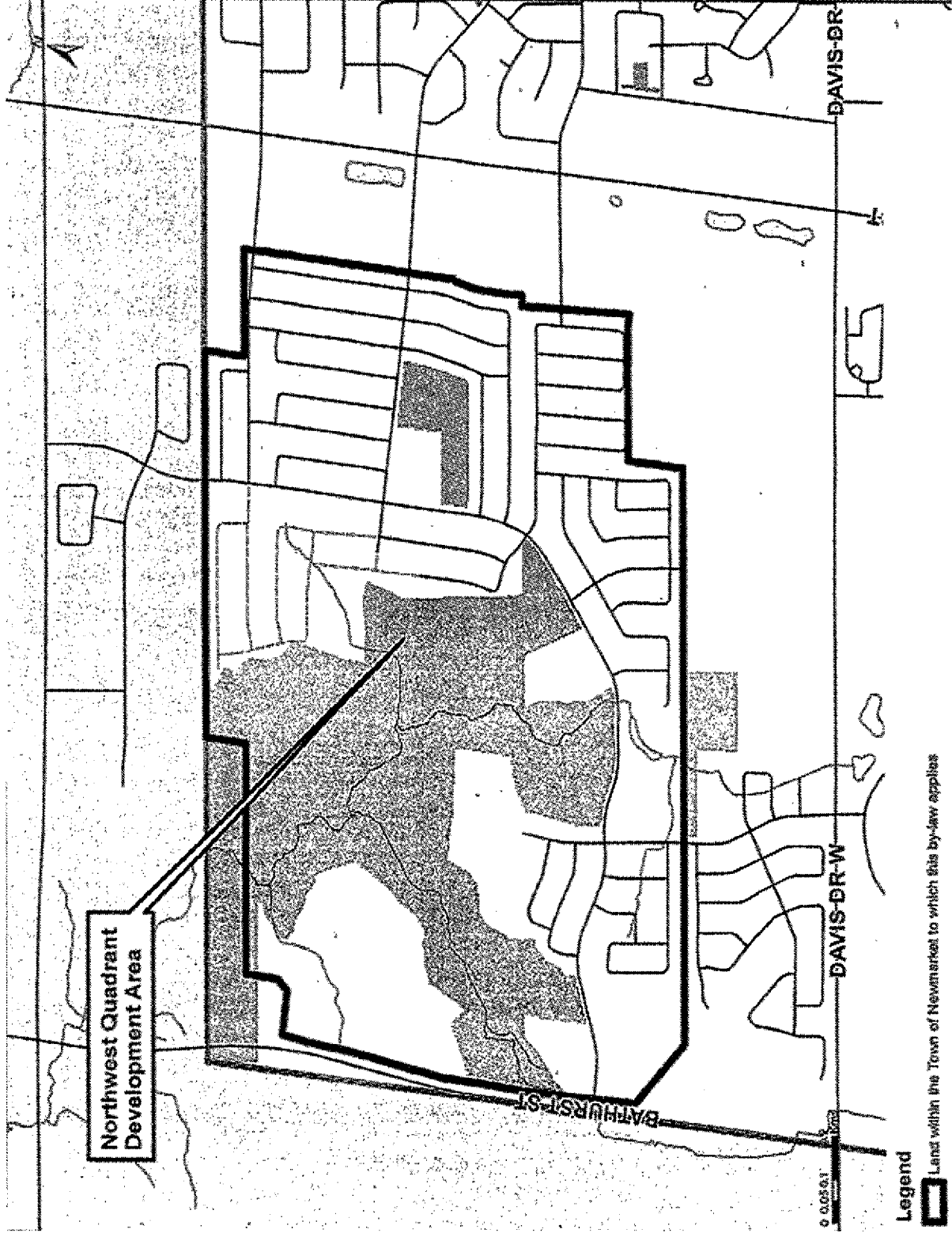
Schedule "B-2"
The Town of Newmarket
Development Charge Summary

RESIDENTIAL APARTMENT CHARGES

Residential Charge By Unit Type	Charge Type ¹		
	Transition Rate (Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015)	Phase-In (Effective September 1, 2014 to December 31, 2015)	Full Rate (Effective September 1, 2014 to August 1, 2019 if not repealed earlier)
Apartments 650 sq.ft or Greater	\$7,506	\$9,450	\$11,879
Apartments Under 650 sq.ft	\$4,833	\$6,971	\$9,644

¹ Subject to indexing provisions as set out in Section 5

Schedule 'C'
Land within Town of Newmarket to which this By-law applies



APPENDIX C

PHASE-IN RATES AND TRANSITION PLAN

Town-wide Charges				
Charge Type	Current Rate	Transition Rate	Phase-in Rate	Full Rate
	Now to August 31, 2014	Plan of Subdivision must be registered by January 16, 2015. Building permit application must be submitted before March 16, 2015 with building permit issuance before May 29, 2015	n/a	September 1, 2014 to August 31, 2019
Singles	\$14,974	\$15,472	n/a	\$19,956
Semis	\$11,877	\$12,685	n/a	\$19,956
Rows and Other Multiples	\$10,817	\$11,318	n/a	\$15,830
Non-Residential	\$19.70	\$23.01	n/a	\$52.83
Notes	Maintain in-force rates until by-law expiration	10% of Rate Increase		2014 DC Study Rates
Charge Type	Current Rate	Transition Rate	Phase-in Rate	Full Rate
	Now to August 31, 2014	Plan of Subdivision must be registered by January 16, 2015. Building permit application must be submitted before March 16, 2015 with building permit issuance before May 29, 2015	September 1, 2014 to December 31, 2015	January 1, 2016 to August 31, 2019
Large Apartments	\$8,314	\$8,719	\$10,336	\$12,357
Small Apartments	\$5,091	\$5,585	\$7,561	\$10,031
Notes	Maintain in-force rates until by-law expiration	10% of Rate Increase	40% of Rate Increase	New DC Study Rates

Note:

During the period from September 1st 2014 to May 31st 2015 there shall be a Transition Period. During that period any Development Charges incurred for any building permit issued for both hard and soft services shall be at a transition rate as shown on the above chart. After May 31st 2015 the Development Charges for any building permit issued shall be calculated at the full approved rate as illustrated on the above chart.

With respect to plans of subdivision, given that the Development Charge for the hard services is paid upon the registration of the plan, any Development Charges incurred for hard services within the Transition Period shall be paid at the transition rate. Should any building permits for lots in that subdivision be issued after the end of the Transition Period (after May 31st 2015), in addition to the full approved rate for Development Charges for soft services, the applicant will also be required to pay the difference between the transition rate and the full rate for hard services for those building permits

Northwest Quadrant Rates				
Charge Type	Current Rate	Transition Rate	Phase-in Rate	Full Rate
	Now to August 31, 2014	Plan of Subdivision must be registered by January 16, 2015. Building permit application must be submitted before March 16, 2015 with building permit issuance before May 29, 2015	n/a	September 1, 2014 to August 31, 2019
Singles	\$12,643	\$13,297	n/a	\$19,184
Semis	\$10,029	\$10,944	n/a	\$19,184
Rows and Other Multiples	\$9,133	\$9,742	n/a	\$15,218
Non-Residential	\$13.72	\$17.41	n/a	\$50.58
Notes	Maintain in-force rates until by-law expiration	10% of Rate Increase		2014 DC Study Rates
Charge Type	Current Rate	Transition Rate	Phase-in Rate	Full Rate
	Now to August 31, 2014	Plan of Subdivision must be registered by January 16, 2015. Building permit application must be submitted before March 16, 2015 with building permit issuance before May 29, 2015	September 1, 2014 to December 31, 2015	January 1, 2016 to August 31, 2019
Large Apartments	\$7,020	\$7,506	\$9,450	\$11,879
Small Apartments	\$4,298	\$4,833	\$6,971	\$9,644
Notes	Maintain in-force rates until by-law expiration	10% of Rate Increase	40% of Rate Increase	New DC Study Rates

Note:

During the period from September 1st 2014 to May 31st 2015 there shall be a Transition Period. During that period any Development Charges incurred for any building permit issued for both hard and soft services shall be at a transition rate as shown on the above chart. After May 31st 2015 the Development Charges for any building permit issued shall be calculated at the full approved rate as illustrated on the above chart.

With respect to plans of subdivision, given that the Development Charge for the hard services is paid upon the registration of the plan, any Development Charges incurred for hard services within the Transition Period shall be paid at the transition rate.

Should any building permits for lots in that subdivision be issued after the end of the Transition Period (after May 31st 2015), in addition to the full approved rate for Development Charges for soft services, the applicant will also be required to pay the difference between the transition rate and the full rate for hard services for those building permits

DAVIS LLP

LEGAL ADVISORS SINCE 1892

FROM THE OFFICE OF Chris Barnett
 DIRECT LINE 416.365.3502
 DIRECT FAX 416.777.7407
 E-MAIL cbarnett@davis.ca

FILE NUMBER: 46233-00004

July 9, 2014

DELIVERED BY EMAIL

Mayor and Members of Council
 Town of Newmarket
 395 Mulock Drive
 P. O. Box 328
 Station Main
 Newmarket, ON L3Y 4X7

Re: Request for Agreement re: Timing of Payment of Development Charges

We act on behalf of 724903 Ontario Inc., the owners of land that contains registered plans of subdivision 65M-3963, 65M-4170, 65M-4269, 65M-4284, 65M-4378 and 65M-4379, in the community known as Copper Hills, and often referred to as the Goldstein subdivision. With the registration of the final 2 phases in December 2012, all of the draft approved plans have now been registered. In total, the Copper Hills community contains 643 lots.

We are writing to request, on behalf of our clients, that Council enter into an agreement with our client to permit the pre-payment of development charges, as authorized by 3.10 of By-law 2009-73 (the Town's general Development Charges by-law) and section 3.8 of By-law 2009-65 (the area specific Development Charges by-law applicable to our client's lands).

From discussions with staff, there does not appear to be a defined process for entering into an agreement pursuant to these sections, so we are therefore requesting that Council direct staff to prepare the appropriate agreements. Our client is seeking to pre-pay its charges as soon as the agreement is entered into, as a full and final payment of all development charges for its property.

By way of background, since the construction of the community began, our clients have sold 419 lots, and have 224 lots that remain unsold and on the market.

During the course of development, our client has to date paid \$6,032,000 in development charges to the Town, as well as 17,536,000 in development charges to the Region. Based on the current development charges by-law of the Town, the amount of outstanding developments charges is \$3,304,000.

Our client has entered into subdivision agreements with the Town for all of its phases, and have posted the necessary securities as required, and is in good standing under those agreements.

As is normally the case, our client has paid development charges at the issuance of building permits for the lots it has sold. For the remaining lots, our client is requesting it be permitted to pre-pay the development charges at the existing rate for the remainder of the lots on its registered plans. This would

DAVIS LLP

Page 2 of 2

be consistent with the approach taken by the Region of York when it applied the previous development charge rate to plans that were registered as of a given date. Having registered its plans and posted the required securities, our client would like to be able to pay the rate that was in place when it registered its plans, which will maintain the financial conditions it had expected at that time.

Sincerely,
DAVIS LLP

Per:



Chris Barnett
CMB

cc: Richard Aubry
Rick Nethery
Esther Armchuk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-41

A BY-LAW TO ESTABLISH AREA SPECIFIC DEVELOPMENT CHARGES FOR THE TOWN OF NEWMARKET.

(Northwest Quadrant Development Area)

WHEREAS the *Development Charges Act*, 1997 (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;

AND WHEREAS a Development Charge Background Study, dated June 6, 2014, was prepared by Hemson Consulting Ltd. in accordance with the Act;

AND WHEREAS the Council of the Town of Newmarket has given notice and held a public meeting on the 23rd day of June, 2014 in accordance with the Act and the regulations thereto;

AND WHEREAS the Council of the Town of Newmarket has heard all persons who applied to be heard and received written submissions whether in objection to, or in support of, the development charges proposal at the public meeting held on the 23rd day of June, 2014;

AND WHEREAS by resolution adopted by Council of the Town of Newmarket on July 21, 2014, Council has indicated that it intends to ensure that the increase in the need for services attributable to anticipated development, including any capital costs, will be met, by updating its capital budget and forecast where appropriate recognizing that projects and timing of same may be revised from time to time at the discretion of Council;

AND WHEREAS by resolution, adopted by Council of the Town of Newmarket on July 21, 2014, Council determined that no further public meetings were required under Section 12 of the Act;

AND WHEREAS by resolution, adopted by Council of the Town of Newmarket on July 21, 2014, Council approved the Report titled "Corporate Services Report 2014-11 dated July 16, 2014 regarding 2014 Development Charges Review", thereby adopting the development charge rates as set out in Schedule "B";

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1.0 DEFINITIONS

1.1 In this by-law,

- 1) "Act" means the *Development Charges Act*, 1997, as amended, or any successor thereto;
- 2) "accessory use" means where used to describe a use, building or structure, that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both and exclusively devoted to a principal use, building or structure;
- 3) "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;

- 4) "apartment unit" means a residential building or the residential portion of a mixed use building, other than a townhouse or a stacked townhouse, consisting of more than 3 dwelling units, which dwelling units have a common entrance to grade;
- 5) "bedroom" means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a living room, dining room or kitchen;
- 6) "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;
- 7) "board of education" has the same meaning as that specified in the *Education Act* or any successor thereto;
- 8) "Building Code Act: means the *Building Code Act*, 1992, as amended; or any successor thereto;
- 9) "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,
 - (a) to acquire land or an interest in land, including a leasehold interest,
 - (b) to improve land,
 - (c) to acquire, lease, construct or improve buildings and structures,
 - (d) to acquire, construct or improve facilities including,
 - i. furniture and equipment other than computer equipment, and
 - ii. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, and
 - iii. rolling stock with an estimated useful life of seven years or more, and
 - (e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d), 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 (a), (b), (c) and (d) that are growth related;
- 10) "commercial" means any non-residential development not defined under "institutional" or "industrial"
- 11) "community use" means a facility traditionally provided by a municipality which serves a municipal purpose and shall include a community centre, library/research facility, recreation facility and a shelter;
- 12) "council" means the Council of the municipality;
- 13) "development" includes redevelopment;
- 14) "development charge" means a charge imposed with respect to this by-law;
- 15) "duplex" means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;

- 16)"dwelling unit" means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;
- 17)"farm building" means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;
- 18)"funeral home" means a building with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- 19)"grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- 20)"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, 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 building or structure is a parking structure, and, for the purposes of this definition, notwithstanding any other section of this by-law, 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. 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 sport fields including hockey arenas, and basketball courts;
- 21)"group home" means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit supervised on a 24 hour a day basis on site by agency staff on a shift rotation basis, funded wholly or in part by any government and licensed, approved or supervised by the Province of Ontario under any general or special act, for the accommodation of not less than 3 and not more than 8 residents, exclusive of staff;
- 22)"heritage property" means a building or structure which, in the opinion of the local architectural conservation advisory committee is of historic or architectural value or interest, or which has been so designated under the *Ontario Heritage Act*;
- 23)"hotel" means a commercial establishment offering lodging to travelers and sometimes to permanent residents, and may include other services such as restaurants, meeting rooms and stores, that are available to the general public;
- 24)"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 to the general public through a warehouse club;
- 25) "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, but without limiting the generality of the foregoing, places of worship, and special care facilities;
- 26) "large apartment" means a dwelling unit in an apartment building or a plex that is 650 square feet or larger in size;
- 27) "local board" has the same definition as defined in the *Development Charges Act*;
- 28) "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* as amended or any successor thereto;
- 29) "mixed-use" means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- 30) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer;
- 31) "multiple dwellings" includes townhouses, stacked and back-to-back townhouses, mobile homes, group homes 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";
- 32) "municipality" means the Corporation of the Town of Newmarket;
- 33) "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;
- 34) "non-profit" means a corporation without share capital that has objects of a charitable nature;
- 35) "owner" means the 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;
- 36) "place of worship" means a building or structure that is used primarily for worship;
- 37) "plex" means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;
- 38) "parking structure" means a building or structure principally used for the parking of motor vehicles and shall include a building or structure, or any part thereof, where motor vehicles are stored prior to being sold or rented to the general public;
- 39) "private school" means an educational institution operated on a non-profit basis, 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 and Training;
- 40) "regulation" means any regulation made pursuant to the Act;

- 41)“residential use” means lands, buildings or structures used, or designed or intended for use as a residence for one 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;
- 42)“semi-detached duplex” means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- 43)“semi-detached dwelling” means a building divided vertically into and comprising 2 dwelling units;
- 44)“semi-detached triplex” means one of a pair of triplexes divided vertically one from the other by a party wall;
- 45)“services” (or “service”) means those services designated in Schedule “A” to this by-law;
- 46)“servicing agreement” means an agreement between a landowner and the municipality relative to the provision of municipal services to specified lands within the municipality;
- 47)“shelter” means a building in which supervised short-term emergency shelter and associated support services are provided to individuals who are fleeing situations of physical, financial, emotional or psychological abuse;
- 48)“single detached dwelling” and “single detached” means a residential building consisting of one dwelling unit that is not attached to another structure above grade. For greater certainty, a residential building consisting of one dwelling unit that is attached to another structure by footings only shall be considered a single family dwelling for purposes of this by-law;
- 49)“small apartment” means a dwelling unit in an apartment building or a plex that is less than 650 square feet in size;
- 50)“stacked townhouse” means a building, other than a plex, townhouse or apartment building, containing at least 3 dwelling units, each dwelling unit being separated from the other vertically and/or horizontally and each dwelling unit having an entrance to grade shared with no more than 3 other units;
- 51)“townhouse” means a building, other than a plex, stacked townhouse or apartment building, containing at least 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;
- 52)“triplex” means a building comprising 3 dwelling units, each of which has a separate entrance to grade;

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) General Government
- b) Library
- c) Fire Services
- d) Recreation
- e) Outdoor Recreation
- f) Yards & Fleet
- g) Parking
- h) Engineered Services

2.2 The components of the services designated in subsection 2.1 are described in Schedule A-1 and Schedule A-2.

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 subsection 3.4(a).

Area to Which By-law Applies

3.2 Subject to subsection 3.3, this by-law applies to all lands within the Northwest Quadrant Development Area of the Town of Newmarket as shown on Schedule "C" 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 Town of Newmarket or a local board thereof;
- b) A board as defined in section 1(1) of the *Education Act*;
- c) The Region of York or a local board thereof.

Approvals for Development

3.4 a) Development charges 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* or any successor thereto;
- v. A consent under section 53 of the *Planning Act*;

- vi. The approval of a description under section 50 of the *Condominium Act*; or
 - vii. The issuing of a permit under the *Building Code Act*, 1992 in relation to a building or structure.
- b) 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(a) are required before the lands, building or structures can be developed.
 - c) Despite subsections 3.4(b), if two or more of the actions described in subsection 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

3.5.1 Notwithstanding the provisions of this by-law, but subject to subsection 3.5.2, development charges shall not be imposed or may be deferred, on terms and conditions, satisfactory to the Region, with respect to:

- a) the relocation of a heritage house;
- b) a building or structure used for a community use owned by a nonprofit corporation;
- c) land owned by and used for the purposes of a private school that is exempt from taxation under the *Assessment Act* or any successor thereto;
- d) lands, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the *Assessment Act* or any successor thereto;
- 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 non-residential gross floor area;
- g) agricultural uses;
- h) development creating or adding an accessory use or structure not exceeding 100 square metres 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 3.10 on the retail component;
- i) a public hospital receiving aid under the *Public Hospitals Act* or any successor thereto;

Amount of Charges

Residential

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.

Non-Residential Uses

- 3.7 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.

Place of Worship

- 3.8 Despite subsection 3.7, development charges shall not be imposed in respect of 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 greater.

Reduction of Development Charges Where Redevelopment Occurs

- 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 60 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- a) In the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsections 3.6 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
- b) In the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 3.7 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.

Time of Payment of Development Charges

- 3.10 Development charges imposed under this section are payable upon issuance of a building permit with respect to each dwelling unit, building or structure for general government, library, fire, recreation facilities, outdoor recreation and yards and fleet services. Development charges for engineered services shall be payable upon registration of subdivision agreement.
- 3.11 Despite subsection 3.10, 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.

3.12 Subject to subsections 3.10 and 3.11, the Transition Rates set-out on schedules A-1, A-2, B-1 and B-2 of this by-law will be applied as follows:

- a) Subject to subsection 3.12(b), the Transition Rates shall be applied for the purpose of calculating town-wide engineered services development charges under this By-law where a plan of subdivision has been registered with the Town on or before January 16, 2015. Should any building permits for lots in that subdivision be issued after the end of the Transition Rate period, in addition to the full approved rate for Development Charges for soft services, the applicant will also be required to pay the difference between the transition rate and the full rate for hard services for those building permits.
- b) Subject to subsection 3.12(a) and 3.12(c), the Transition Rates shall be applied for the purpose of calculating non-town-wide engineered services development charges under this By-law where a building permit application, has been submitted to the Town's Chief Building Official on or before March 16, 2015 and where the building permit is issued on or before May 29, 2015.
- c) Where there is an agreement executed before the date of passage of this by-law, in accordance with section 3.10 of By-law 2009-72, providing for the payment of development charges, the payment of development charges shall be governed by the provisions of said agreement.

3.13 The residential charges for apartment units, small and large, are subject to the phase-in as set out on Schedule B-2 of this By-law.

4.0 PAYMENT BY SERVICES

- 4.1 Despite the payments required under subsection 3.10, 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 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, on July 1st, commencing in 2015 and each year thereafter, 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-1: Components of Residential Services Designated in subsection 2.1

Schedule A-2: Components of Non-Residential Services Designated in subsection 2.1

Schedule B-1: Residential (Singles, Semi-Detached, Rows and Other Multiples) and Non-Residential Development Charges

Schedule B-2: Residential Development Charges for Apartment units

Schedule C: Land within Town of Newmarket to which this By-law does apply

7.0 DATE BY-LAW IN FORCE

7.1 This by-law shall come into force on September 1, 2014.

8.0 DATE BY-LAW EXPIRES

8.1 This by-law will expire five years from the date of passage, unless it is repealed at an earlier date.

THAT By-law 2009-72 is hereby repealed on the date this by-law comes into force.

ENACTED THIS 21ST DAY OF JULY, 2014.

Tony Van Bynen, Mayor

Lisa Lyons, Deputy Clerk

Schedule "A-1"
The Town of Newmarket
Northwest Quadrant Development Charge Services
Residential Charges

Transition Rate	
Plan of Subdivision must be registered on or before January 16, 2015. Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015	
Service	Percentage of Charge (%)
1.0 General Government	2.3%
2.0 Library	8.6%
3.0 Fire Services	3.0%
4.0 Recreation	40.4%
5.0 Outdoor Recreation	34.6%
6.0 Yards & Fleet	3.6%
7.0 Parking	2.6%
8.0 Engineered Services	5.0%
Total	100.0%

Phase-In and Full Rates	
Phase-In effective September 1, 2014 to December 31, 2015 and Full Rate effective September 1, 2014 to August 1, 2019 if not repealed earlier	
Service	Percentage of Charge (%)
1.0 General Government	2.1%
2.0 Library	4.4%
3.0 Fire Services	3.0%
4.0 Recreation	31.8%
5.0 Outdoor Recreation	21.7%
6.0 Yards & Fleet	5.7%
7.0 Parking	1.8%
8.0 Engineered Services	29.6%
Total	100.0%

Schedule "A-2"
The Town of Newmarket
Northwest Quadrant Development Charge Services
Non-Residential Charges

Transition Rate	
Plan of Subdivision must be registered on or before January 16, 2015. Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015	
Service	Percentage of Charge (%)
1.0 General Government	13.7%
2.0 Library	0.0%
3.0 Fire Services	17.8%
4.0 Recreation	0.0%
5.0 Outdoor Recreation	0.0%
6.0 Yards & Fleet	20.8%
7.0 Parking	15.2%
8.0 Engineered Services	32.5%
Total	100.0%

Phase-In and Full Rate	
Phase-In effective September 1, 2014 to December 31, 2015 and Full Rate effective September 1, 2014 to August 1, 2019 if not repealed earlier	
Service	Percentage of Charge (%)
1.0 General Government	4.9%
2.0 Library	0.0%
3.0 Fire Services	7.1%
4.0 Recreation	0.0%
5.0 Outdoor Recreation	0.0%
6.0 Yards & Fleet	13.4%
7.0 Parking	4.2%
8.0 Engineered Services	70.4%
Total	100.0%

Schedule "B-1"
The Town of Newmarket
Development Charge Summary

RESIDENTIAL CHARGES

Residential Charge By Unit Type	Charge Type ¹		
	Transition Rate (Plan of Subdivision must be registered on or before January 16, 2015. Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015)	Phase-In (Effective September 1, 2014 to December 31, 2015)	Full Rate (Effective September 1, 2014 to August 1, 2019 if not repealed earlier)
Singles	\$13,297	N/A	\$19,184
Semis	\$10,944	N/A	\$19,184
Rows & Other Multiples	\$9,742	N/A	\$15,218

¹ Subject to indexing provisions as set out in Section 5

NON-RESIDENTIAL CHARGES

Non-Residential Charge By Unit Type	Charge Type ¹		
	Transition Rate (Plan of Subdivision must be registered on or before January 16, 2015. Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015)	Phase-In (Effective September 1, 2014 to December 31, 2015)	Full Rate (Effective September 1, 2014 to August 1, 2019 if not repealed earlier)
Non-Residential	\$17.41	N/A	\$50.58

¹ Subject to indexing provisions as set out in Section 5

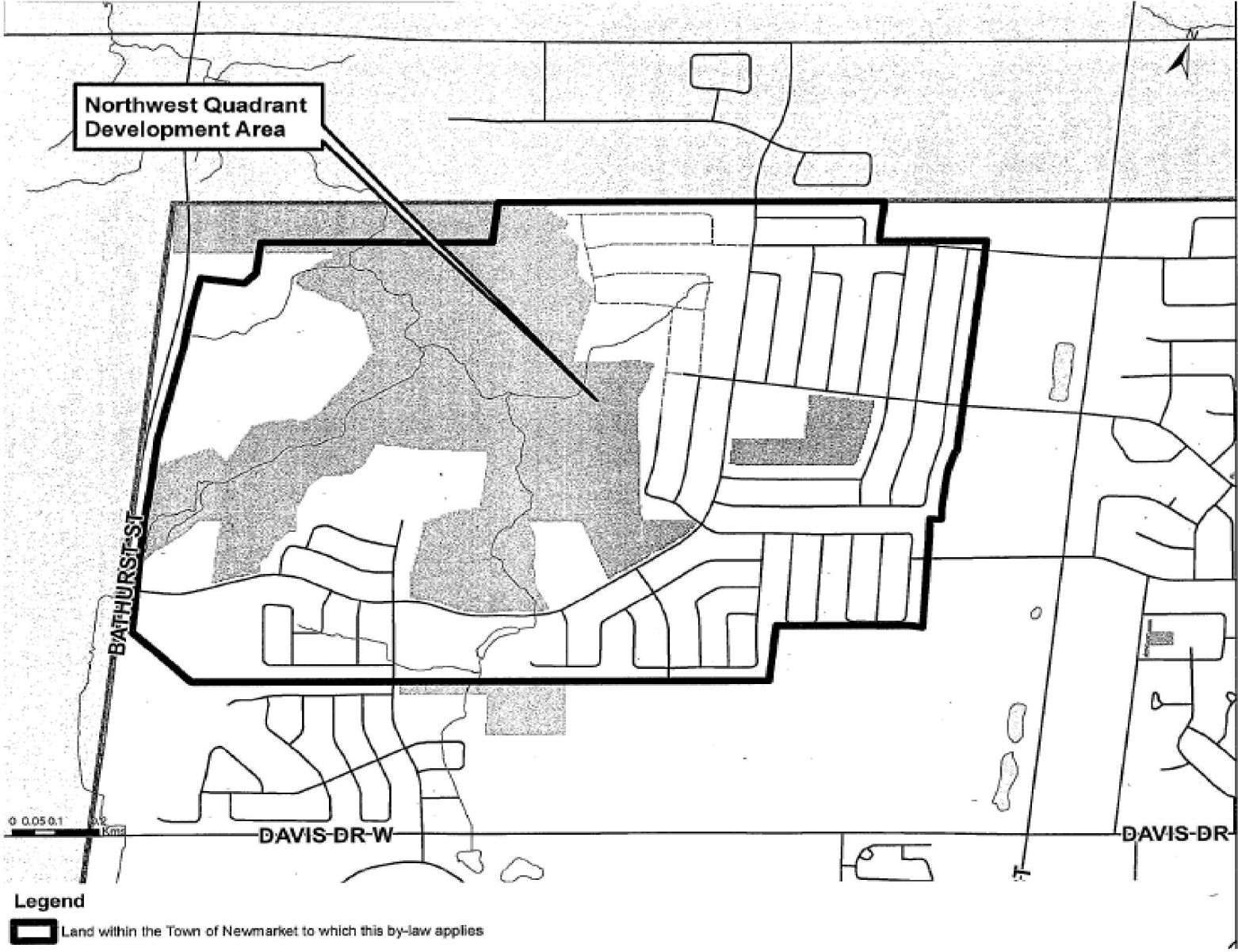
Schedule "B-2"
The Town of Newmarket
Development Charge Summary

RESIDENTIAL APARTMENT CHARGES

Residential Charge By Unit Type	Charge Type ¹		
	Transition Rate (Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015)	Phase-In (Effective September 1, 2014 to December 31, 2015)	Full Rate (Effective September 1, 2014 to August 1, 2019 if not repealed earlier)
Apartments 650 sq.ft or Greater	\$7,506	\$9,450	\$11,879
Apartments Under 650 sq.ft	\$4,833	\$6,971	\$9,644

¹ Subject to indexing provisions as set out in Section 5

Schedule 'C'
Land within Town of Newmarket to which this By-law applies





CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-42

A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES FOR THE TOWN OF NEWMARKET.

(Town-Wide)

WHEREAS the *Development Charges Act*, 1997 (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;

AND WHEREAS a Development Charge Background Study, dated June 6, 2014, was prepared by Hemson Consulting Ltd. in accordance with the Act;

AND WHEREAS the Council of the Town of Newmarket has given notice and held a public meeting on the 23rd day of June, 2014 in accordance with the Act and the regulations thereto;

AND WHEREAS the Council of the Town of Newmarket has heard all persons who applied to be heard and received written submissions whether in objection to, or in support of, the development charges proposal at the public meeting held on the 23rd day of June, 2014;

AND WHEREAS by resolution adopted by Council of the Town of Newmarket on July 21, 2014, Council has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development, including any capital costs, will be met, by updating its capital budget and forecast where appropriate recognizing that projects and timing of same may be revised from time to time at the discretion of Council;

AND WHEREAS by resolution, adopted by Council of the Town of Newmarket on July 21, 2014, Council determined that no further public meetings were required under Section 12 of the Act;

AND WHEREAS by resolution, adopted by Council of the Town of Newmarket on July 21, 2014, Council approved the Report titled "Corporate Services Report 2014-11 dated July 16, 2014 regarding Development Charges Review", thereby adopting the development charge rates as set out in Schedule "B";

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1.0 DEFINITIONS

1.1 In this by-law,

- 1) "Act" means the *Development Charges Act*, 1997, as amended, or any successor thereto;
- 2) "accessory use" means where used to describe a use, building or structure, that the use, building or structure is naturally and normally incidental, subordinate in purpose of floor area or both and exclusively devoted to a principal use, building or structure;
- 3) "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;

- 4) "apartment unit" means a residential building or the residential portion of a mixed use building, other than a townhouse or a stacked townhouse, consisting of more than 3 dwelling units, which dwelling units have a common entrance to grade;
- 5) "bedroom" means a habitable room larger than seven square metres, including a den, study or other similar area, but does not include a living room, dining room or kitchen;
- 6) "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;
- 7) "board of education" has the same meaning as that specified in the *Education Act* or any successor thereto;
- 8) "Building Code Act" means the *Building Code Act*, 1992, as amended; or any successor thereto;
- 9) "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,
 - (a) to acquire land or an interest in land, including a leasehold interest,
 - (b) to improve land,
 - (c) to acquire, lease, construct or improve buildings and structures,
 - (d) to acquire, construct or improve facilities including,
 - i. furniture and equipment other than computer equipment, and
 - ii. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, and
 - iii. rolling stock with an estimated useful life of seven years or more, and
 - (e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d), 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 (a), (b), (c) and (d) that are growth related;
- 10) "commercial" means any non-residential development not defined under "institutional" or "industrial";
- 11) "community use" means a facility traditionally provided by a municipality which serves a municipal purpose and shall include a community centre, library/research facility, recreation facility and a shelter;
- 12) "council" means the Council of the municipality;
- 13) "development" includes redevelopment;
- 14) "development charge" means a charge imposed with respect to this by-law;
- 15) "duplex" means a building comprising, by horizontal division, two dwelling units, each of which has a separate entrance to grade;
- 16) "dwelling unit" means any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more

persons may sleep and are provided with culinary and sanitary facilities for their exclusive use;

- 17)"farm building" means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;
- 18)"funeral home" means a building with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body and for funeral services;
- 19)"grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- 20)"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, 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 building or structure is a parking structure, and, for the purposes of this definition, notwithstanding any other section of this by-law, 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. 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 sport fields including hockey arenas, and basketball courts;
- 21)"group home" means a residential building or the residential portion of a mixed-use building containing a single housekeeping unit supervised on a 24 hour a day basis on site by agency staff on a shift rotation basis, funded wholly or in part by any government and licensed, approved or supervised by the Province of Ontario under any general or special act, for the accommodation of not less than 3 and not more than 8 residents, exclusive of staff;
- 22)"heritage property" means a building or structure which, in the opinion of the local architectural conservation advisory committee is of historic or architectural value or interest, or which has been so designated under the *Ontario Heritage Act*;
- 23)"hotel" means a commercial establishment offering lodging to travelers and sometimes to permanent residents, and may include other services such as restaurants, meeting rooms and stores, that are available to the general public;
- 24)"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 to the general public through a warehouse club;
- 25) "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, but without

- limiting the generality of the foregoing, places of worship, and special care facilities;
- 26) "large apartment" means a dwelling unit in an apartment building or a plex that is 650 square feet or larger in size;
- 27) "local board" has the same definition as defined in the *Development Charges Act*;
- 28) "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* as amended or any successor thereto;
- 29) "mixed-use" means land, buildings or structures used, or designed or intended for use, for a combination of non-residential and residential uses;
- 30) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer;
- 31) "multiple dwellings" includes townhouses, stacked and back-to-back townhouses, mobile homes, group homes 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";
- 32) "municipality" means the Corporation of the Town of Newmarket;
- 33) "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;
- 34) "non-profit" means a corporation without share capital that has objects of a charitable nature;
- 35) "owner" means the 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;
- 36) "place of worship" means a building or structure that is used primarily for worship;
- 37) "plex" means a duplex, a semi-detached duplex, a triplex or a semi-detached triplex;
- 38) "parking structure" means a building or structure principally used for the parking of motor vehicles and shall include a building or structure, or any part thereof, where motor vehicles are stored prior to being sold or rented to the general public;
- 39) "private school" means an educational institution operated on a non-profit basis, 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 and Training;
- 40) "regulation" means any regulation made pursuant to the Act;

- 41) "residential use" means lands, buildings or structures used, or designed or intended for use as a residence for one 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;
- 42) "semi-detached duplex" means one of a pair of attached duplexes, each duplex divided vertically from the other by a party wall;
- 43) "semi-detached dwelling" means a building divided vertically into and comprising 2 dwelling units;
- 44) "semi-detached triplex" means one of a pair of triplexes divided vertically one from the other by a party wall;
- 45) "services" (or "service") means those services designated in Schedule "A" to this by-law;
- 46) "servicing agreement" means an agreement between a landowner and the municipality relative to the provision of municipal services to specified lands within the municipality;
- 47) "shelter" means a building in which supervised short-term emergency shelter and associated support services are provided to individuals who are fleeing situations of physical, financial, emotional or psychological abuse;
- 48) "single detached dwelling" and "single detached" means a residential building consisting of one dwelling unit that is not attached to another structure above grade. For greater certainty, a residential building consisting of one dwelling unit that is attached to another structure by footings only shall be considered a single family dwelling for purposes of this by-law;
- 49) "small apartment" means a dwelling unit in an apartment building or a plex that is less than 650 square feet in size;
- 50) "stacked townhouse" means a building, other than a plex, townhouse or apartment building, containing at least 3 dwelling units, each dwelling unit being separated from the other vertically and/or horizontally and each dwelling unit having an entrance to grade shared with no more than 3 other units;
- 51) "townhouse" means a building, other than a plex, stacked townhouse or apartment building, containing at least 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;
- 52) "triplex" means a building comprising 3 dwelling units, each of which has a separate entrance to grade;

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) General Government
- b) Library

- c) Fire Services
- d) Recreation
- e) Outdoor Recreation
- f) Yards & Fleet
- g) Parking
- h) Town-Wide Engineered Services

2.2 The components of the services designated in subsection 2.1 are described in Schedule A-1 and Schedule A-2.

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 subsection 3.4(a).

Area to Which By-law Applies

3.2 Subject to subsection 3.3, this by-law applies to all lands in the geographic area of the Town of Newmarket save and except the lands illustrated on Schedule "C" 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 Town of Newmarket or a local board thereof;
- b) A board as defined in section 1(1) of the *Education Act*;
- c) The Region of York or a local board thereof.

Approvals for Development

- 3.4 a) Development charges 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*;
 - ii. A conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - iii. The approval of a plan of subdivision under section 51 of the *Planning Act* or any successor thereto;
 - iv. A consent under section 53 of the *Planning Act*;
 - v. The approval of a description under section 50 of the *Condominium Act*; or
 - vi. The issuing of a permit under the *Building Code Act*, 1992 in relation to a building or structure.

- b) 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(a) are required before the lands, building or structures can be developed.
- c) Despite subsections 3.4(b), if two or more of the actions described in subsection 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, but subject to subsection 3.5.2, development charges shall not be imposed or may be deferred, on terms and conditions, satisfactory to the Region, with respect to:

- a) the relocation of a heritage house;
- b) a building or structure used for a community use owned by a nonprofit corporation;
- c) land owned by and used for the purposes of a private school that is exempt from taxation under the *Assessment Act* or any successor thereto;
- d) lands, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the *Assessment Act* or any successor thereto;
- 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 non-residential gross floor area;
- g) agricultural uses;
- h) development creating or adding an accessory use or structure not exceeding 100 square metres 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 3.10 on the retail component;
- i) a public hospital receiving aid under the *Public Hospitals Act* or any successor thereto;

Amount of Charges

Residential

3.6 The development charges described in Schedules B-1 and B-2 to this by-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential Uses

3.7 The development charges described in Schedules B-1 and B-2 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.

Place of Worship

- 3.8 Despite subsection 3.7, development charges shall not be imposed in respect of 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 greater.

Reduction of Development Charges Where Redevelopment Occurs

- 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 60 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- a) In the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsections 3.6 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
- b) In the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charges under subsection 3.7 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.

Time of Payment of Development Charges

- 3.10 Development charges imposed under this section are payable upon issuance of a building permit with respect to each dwelling unit, building or structure for general government, library, fire, recreation facilities, outdoor recreation and yards and fleet services. Development charges for town-wide engineered services shall be payable upon registration of subdivision agreement.
- 3.11 Despite subsection 3.10, 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.
- 3.12 Subject to subsections 3.10 and 3.11, the Transition Rates set-out on schedules A-1, A-2, B-1 and B-2 of this by-law will be applied as follows:
- a) Subject to subsection 3.12(b), the Transition Rates shall be applied for the purpose of calculating town-wide engineered services development charges under this By-law where a plan of subdivision has been registered with the Town on or before January 16, 2015. Should any building permits for lots in that subdivision be issued after

the end of the Transition Rate period, in addition to the full approved rate for Development Charges for soft services, the applicant will also be required to pay the difference between the transition rate and the full rate for hard services for those building permits.

- b) Subject to subsection 3.12(a) and 3.12(c), the Transition Rates shall be applied for the purpose of calculating non-town-wide engineered services development charges under this By-law where a building permit application, has been submitted to the Town's Chief Building Official on or before March 16, 2015 and where the building permit is issued on or before May 29, 2015.
 - c) Where there is an agreement executed before the date of passage of this by-law, in accordance with section 3.10 of By-law 2009-73, providing for the payment of development charges, the payment of development charges shall be governed by the provisions of said agreement.
- 3.13 The residential charges for apartment units, small and large, are subject to the phase-in as set out on Schedule B-2 of this By-law.

4.0 PAYMENT BY SERVICES

- 4.1 Despite the payments required under subsection 3.10, 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 Development charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, on July 1st, commencing in 2015 and each year thereafter, 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-1: Components of Residential Services Designated in subsection 2.1

Schedule A-2: Components of Non-Residential Services Designated in subsection 2.1

Schedule B-1: Residential (Singles, Semi-Detached, Rows and Other Multiples) and Non-Residential Development Charges

Schedule B-2: Residential Development Charges for Apartment units

Schedule C: Land within Town of Newmarket to which this By-law does not apply

7.0 DATE BY-LAW IN FORCE

- 7.1 This by-law shall come into force on September 1, 2014.

8.0 DATE BY-LAW EXPIRES

8.1 This by-law will expire five years from the date of passage, unless it is repealed at an earlier date.

THAT By-law 2009-73 hereby repealed on the date this by-law comes into force:

ENACTED THIS 21ST DAY OF JULY, 2014.

Tony Van Bynen, Mayor

Lisa Lyons, Deputy Clerk

Schedule "A-1"
The Town of Newmarket
Town-wide Development Charge Services
Residential Charge

Transition Rates	
Plan of Subdivision must be registered on or before January 16, 2015. Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015	
Service	Percentage of Charge (%)
1.0 General Government	2.2%
2.0 Library	8.0%
3.0 Fire Services	2.8%
4.0 Recreation	37.9%
5.0 Outdoor Recreation	32.7%
6.0 Yards & Fleet	3.4%
7.0 Parking	2.4%
8.0 Engineered Services	10.7%
Total	100%

Phase-In and Full Rates	
Phase-In effective September 1, 2014 to December 31, 2015 and Full Rate effective September 1, 2014 to August 1, 2019 if not repealed earlier	
Service	Percentage of Charge (%)
1.0 General Government	2.0%
2.0 Library	4.2%
3.0 Fire Services	2.9%
4.0 Recreation	30.6%
5.0 Outdoor Recreation	22.9%
6.0 Yards & Fleet	5.4%
7.0 Parking	1.7%
8.0 Engineered Services	30.3%
Total	100.0%

Schedule "A-2"
The Town of Newmarket
Town-wide Development Charge Services
Non-Residential Charges

Transition Rates	
Plan of Subdivision must be registered on or before January 16, 2015. Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015	
Service	Percentage of Charge (%)
1.0 General Government	10.4%
2.0 Library	0.0%
3.0 Fire Services	13.3%
4.0 Recreation	0.0%
5.0 Outdoor Recreation	0.0%
6.0 Yards & Fleet	15.7%
7.0 Parking	11.3%
8.0 Engineered Services	49.3%
Total	100%

Phase-In and Full Rate	
Phase-In effective September 1, 2014 to December 31, 2015 and Full Rate effective September 1, 2014 to August 1, 2019 if not repealed earlier	
Service	Percentage of Charge (%)
1.0 General Government	4.7%
2.0 Library	0.0%
3.0 Fire Services	6.8%
4.0 Recreation	0.0%
5.0 Outdoor Recreation	0.0%
6.0 Yards & Fleet	12.9%
7.0 Parking	4.0%
8.0 Engineered Services	71.6%
Total	100.0%

Schedule "B-1"
The Town of Newmarket
Development Charge Summary

RESIDENTIAL CHARGES

Residential Charge By Unit Type	Charge Type ¹		
	Transition Rate (Plan of Subdivision must be registered on or before January 16, 2015. Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015)	Phase-In (Effective September 1, 2014 to December 31, 2015)	Full Rate (Effective September 1, 2014 to August 1, 2019 if not repealed earlier)
Singles	\$15,472	N/A	\$19,956
Semis	\$12,685	N/A	\$19,956
Rows & Other Multiples	\$11,318	N/A	\$15,830

¹ Subject to indexing provisions as set out in Section 5

NON-RESIDENTIAL CHARGES

Non-Residential Charge By Unit Type	Charge Type ¹		
	Transition Rate (Plan of Subdivision must be registered on or before January 16, 2015, Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015)	Phase-In (Effective September 1, 2014 to December 31, 2015)	Full Rate (Effective September 1, 2014 to August 1, 2019 if not repealed earlier)
Non-Residential	\$23.01	N/A	\$52.83

¹ Subject to indexing provisions as set out in Section 5

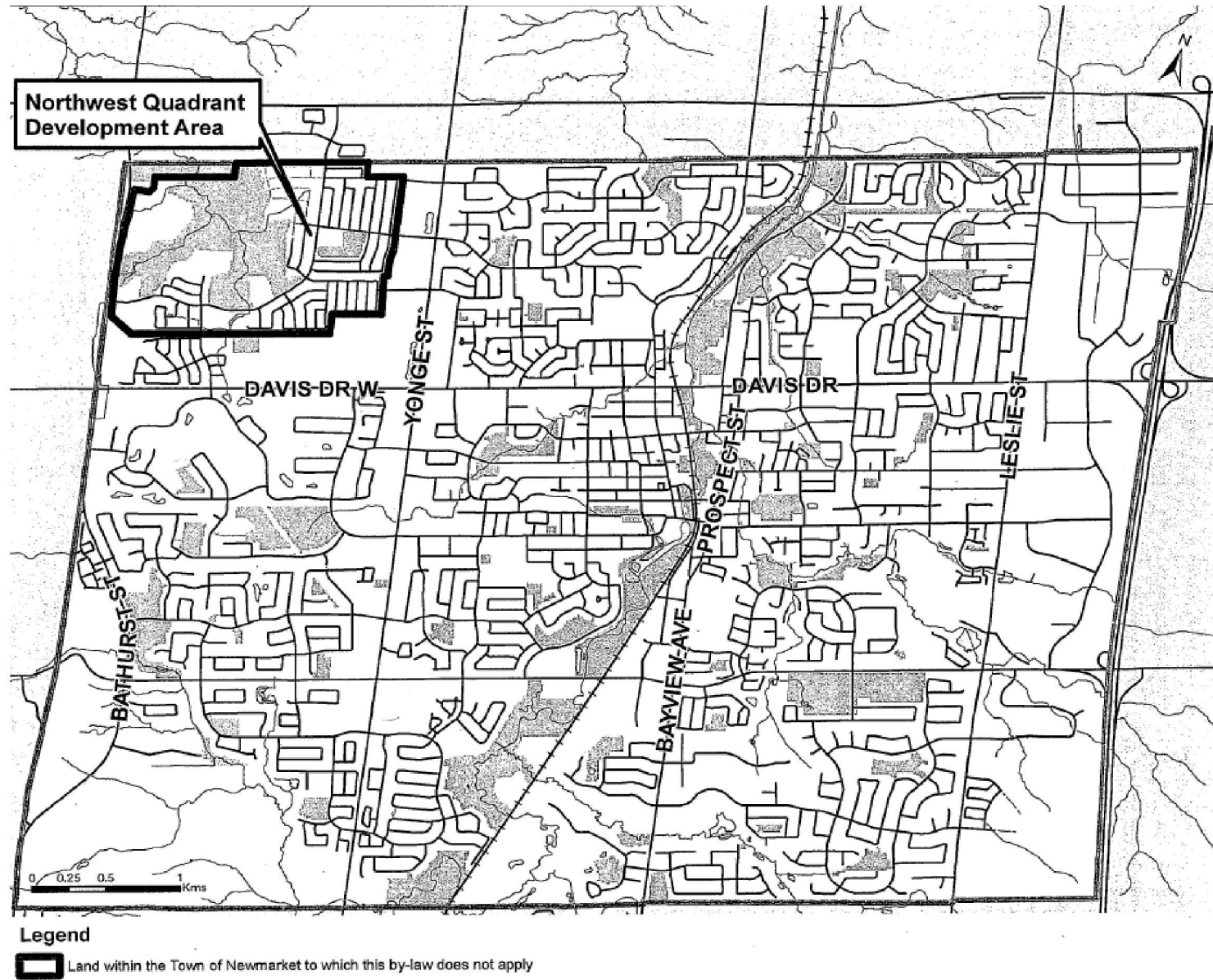
Schedule "B-2"
The Town of Newmarket
Development Charge Summary

RESIDENTIAL APARTMENT CHARGES

Residential Charge By Unit Type	Charge Type ¹		
	Transition Rate (Building permit application must be submitted on or before March 16, 2015 with building permit issuance on or before May 29, 2015)	Phase-In (Effective September 1, 2014 to December 31, 2015)	Full Rate (Effective September 1, 2014 to August 1, 2019 if not repealed earlier)
Apartments 650 sq.ft or Greater	\$8,719	\$10,336	\$12,357
Apartments Under 650 sq.ft	\$5,585	\$7,561	\$10,031

¹ Subject to indexing provisions as set out in Section 5

Schedule 'C'
Land within Town of Newmarket to which this By-law does not apply





CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-43

A BY-LAW TO PERMANENTLY CLOSE PART OF A HIGHWAY THAT IS NO LONGER REQUIRED FOR ROAD WIDENING PURPOSES.

(Part of Lots 12 and 13 South Side of Eagle Street, Plan 85 designated as Parts 1, 3 and 5 Plan 65R34352; Newmarket in the Regional Municipality of York)

WHEREAS in accordance with the Town's Delegation By-law 2007-114, Schedule B, Item 12, staff have been circulated with information relating to the proposed closure of a portion of road widening conveyance and the proposed re-conveyance of that portion of the road widening, and Town easements to the adjacent owners (372/376 Eagle Street);

AND WHEREAS in accordance with the Town's Notice Policy No. CORP.1-02, the Town is required to give public notice of the Town's intention to enact a by-law to permanently close that portion of road widening that is no longer required by the Town, notice of which was published in the local newspaper (Era Town Page) and posted on the Town's website on June 26, 2014;

AND WHEREAS it is appropriate to permanently close and re-convey that portion of Eagle Street that is no longer required by the Town for road widening purposes consisting of 90.2 square metres to the adjacent owners (372/376 Eagle Street) subject to any easements that may be required.

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. THAT part of the highway known as Eagle Street (namely the Road Widening) legally described as Part of Lots 12 and 13 South Side of Eagle Street, Plan 85 designated as Parts 1, 3 and 5 Plan 65R34352; Newmarket in the Regional Municipality of York, be and the same is hereby permanently closed.

ENACTED THIS 21ST DAY OF JULY, 2014.

Tony Van Bynen, Mayor

Lisa Lyons, Deputy Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-44

A BY-LAW TO PROVIDE AN EXEMPTION TO BY-LAW 2004-94, AS AMENDED, BEING A BY-LAW TO PROHIBIT AND REGULATE UNUSUAL NOISES OR NOISES LIKELY TO DISTURB THE INHABITANTS OF THE TOWN OF NEWMARKET.

WHEREAS Section 129 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a municipality to pass a by-law to prohibit and regulate noise in the municipality;

AND WHEREAS Council enacted By-law 2004-94, being a By-law to Prohibit and Regulate Unusual Noises or Noises Likely to Disturb the Inhabitants of the Town of Newmarket, on July 19, 2004;

AND WHEREAS Council amended Schedule "A" to By-law 2004-94 with the enactment of By-law 2005-158 on November 28, 2005;

AND WHEREAS the Council of the Town of Newmarket deems it advisable to provide an exemption to By-law 2004-94, as amended, to facilitate the necessary work by Compass Construction Resources Ltd. for addition and renovation works to the Newmarket Old Town Hall Cultural Centre, 460 Botsford Street.

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

THAT Compass Construction Resources Ltd., be exempted from the Noise By-law 2004-94, as amended, for a period from July 21, 2014 to August 30, 2014 between the hours of 8:00 a.m. to 9:00 a.m. Saturdays only, to perform necessary addition and renovation work to the Newmarket Old Town Hall Cultural Centre, 460 Botsford Street, subject to notification being provided to area residents.

ENACTED THIS 21ST DAY OF JULY, 2014.

Tony Van Bynen, Mayor

Lisa Lyons, Deputy Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-45

A BY-LAW TO CONFIRM THE PROCEEDINGS OF A MEETING OF COUNCIL
– JULY 21, 2014.

WHEREAS s. 5(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that the powers of a municipal corporation shall be exercised by its Council;

AND WHEREAS s. 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS the Council of the Town of Newmarket deems it advisable to pass such a by-law;

THEREFORE BE IT ENACTED by the Council of the Corporation of the Town of Newmarket as follows:

1. THAT subject to Section 3 of this by-law, every decision of Council, as evidenced by resolution or motion, taken at the meeting at which this by-law is passed, shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted;
2. AND THAT the execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized;
3. AND THAT nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied;
4. AND THAT any member of Council who disclosed a pecuniary interest at the meeting at which this by-law is passed shall be deemed to have disclosed that interest in this confirmatory by-law as it relates to the item in which the pecuniary interest was disclosed.

ENACTED THIS 21ST DAY OF JULY, 2014.

Tony Van Bynen, Mayor

Lisa Lyons, Deputy Clerk