

**THE CORPORATION OF THE TOWN OF NEWMARKET**

**BY-LAW NO. 2022-xx**

**A By-law to Amend By-laws 2019-46, 2016-47 and 2019-48**

**Being By-Law of The Corporation of the Town of Newmarket  
to impose development charges for the recovery of growth-  
related capital costs**

**WHEREAS** the Town of Newmarket enacted By-laws 2019-46, 2016-47 and 2019-48 pursuant to the Development Charges Act, 1997, S.O. 1997, c. 27 (the “Act”), which authorizes Council to pass by-laws for the imposition of development charges against land;

**WHEREAS** Section 19 of the Act provides for amendments to a development charges by-law;

**WHEREAS** the Council of The Corporation of the Town of Newmarket, at its meeting of June 06, 2022, approved a Study dated April 6<sup>th</sup>, 2022, entitled 2022 Development Charges Background Study, Town of Newmarket (the “Study”), prepared by Hemson Consulting Limited; and

**WHEREAS** the Council has given Notice in accordance with Section 12 of the Act of its development charges amendment proposal and held a public meeting on May 9, 2022; and

**WHEREAS** the Council has heard all persons who applied to be heard in objection to, or in support of, the development charges amendment proposal at such public meeting and provided a subsequent period for written communications to be made; and

**WHEREAS** the Council has given said communications due consideration, and has determined that no further public meetings are required in respect of the Study and the amending by-law; and

**WHEREAS** by resolution adopted by Council of The Corporation of the Town of Newmarket on June 06, 2022, 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;

**NOW THEREFORE** the Council of the Corporation of the Town of Newmarket enacts as follows:

1. That policy 1.1.4 “apartment unit” be amended by replacing that policy in its entirety such that the new policy 1.1.4 reads as:

“apartment unit” means a residential building or the residential portion of a mixed use building, other than a townhouse, consisting of more than 3 dwelling units, which dwelling units have a common entrance to grade;

2. That policy 1.1.49 “small apartment” be amended by replacing that policy in its entirety such that the new policy 1.1.49 reads as:

“small unit” means a dwelling unit in an residential development that is less than 700

square feet in size;

3. That policy 1.1.50 “stacked townhouse” be amended by replacing that policy in its entirety such that the new policy 1.1.50 reads as:

“stacked townhouse” means a building, other than a plex, or townhouse, 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

4. That policy 3.9 be amended by replacing that policy in its entirety such that the new policy reads as:

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

a) In the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsections 3.6 of this bylaw 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. The 48 month time frame shall be calculated from the date of the issuance of the demolition permit.

3.9.1 Any building or structure that is determined to be derelict or the equivalent of derelict prior to issuance of a demolition permit by Council of the area municipality in which the building or structure is located, shall be eligible for development charge credits in accordance with section 3.9.

3.9.2 Any building or structure deemed derelict, or the equivalent of derelict in accordance with subsection 3.9.1 shall be eligible for development charge credits if a building permit is issued for a building or structure on the lands previously occupied by the deemed derelict building or structure within 120 months or less of the issuance of demolition permit for the deemed derelict building or structure. The development charge credit shall be calculated in accordance with the time requirements between demolition permit issuance and building permit issuance as set out in Schedule ‘D’. The amount of development charges payable for any development to which subsections 3.9.1 apply, shall be calculated in accordance with subsection 3.9.

5. That policy 3.10 be amended by replacing that policy in its entirety such that the new policy 3.10 reads as:  
  
Development charges imposed under this section are payable in accordance with section 26.1 and 26.2 of the Act or upon issuance of a building permit with respect to each dwelling unit, building or structure for non-engineered services. Development charges for Services Related to a Highway, Water, Wastewater and Storm shall be payable upon registration of subdivision agreement.
6. That Schedule 'A-2' and Schedule "B-2" to By-law 2019-46 be amended by replacing the residential Development Charges for the services of Waste Diversion Services, with the Development Charges as set out by Schedule 'A-1' to this By-law.
7. That Schedule 'A-2' and Schedule "B-2" to By-law 2019-47 be amended by replacing the residential and non-residential Development Charges for the services of General Government, Library, Parks & Recreation, with the Development Charges as set out by Schedule 'A-2' to this By-law.
8. That Schedule 'A-2' and Schedule "B-2" to By-law 2019-48 be amended by replacing the residential Development Charges for the services of Waste Diversion Services, with the Development Charges as set out by Schedule 'A-3' to this By-law.
9. The Development Charges set out in Schedules 'A-1' and 'A-2' hereto shall be adjusted without amendment to this By-law annually on July 1<sup>st</sup> in each year, commencing July 1<sup>st</sup>, 2022, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, Building Construction Price Index.
10. That Schedule 'D' be appended to the end of each by-law.
11. This By-law shall come into force and take effect on June 13, 2022.
12. Except as amended by this by-law, all provisions of By-law 2019-46, 2019-47 and 2019-48, shall remain in full force and effect.
13. This By-law may be referred to as the Town's Development Charges Amendment By-law.

**PASSED THIS 6<sup>th</sup> DAY OF JUNE, 2022.**

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**MAYOR**

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**CLERK**

**SCHEDULE 'A-1'**

**Residential Charges Components**

<b>Service</b>	<b>Percentage of Charge (%)</b>
Fire Services	7.0%
Waste Diversion Services	1.5%
Services Related to a Highway, Water, Wastewater & Storm	91.6%
<b>Total</b>	<b>100%</b>

Note: No changes to the non-residential charge components table.

<b>Service</b>	<b>Residential Charge By Unit Type</b>				<b>Non-Residential</b>
	<b>Singles &amp; Semis</b>	<b>Rows &amp; Other Multiples</b>	<b>Apartments 700 sq. ft. or Greater</b>	<b>Small Units Under 700 sq. ft.</b>	<b>Charge per Square Metre</b>
Waste Diversion Services	\$198	\$155	\$118	\$84	\$0.00

- 1) With the exception of Waste Diversion Services, all rates as per By-law 2019-46 will continue to apply.

**SCHEDULE 'A-2'**

**Residential Charges Components**

<b>Service</b>	<b>Percentage of Charge (%)</b>
Development-Related Studies	1.8%
Library	6.3%
Parks & Recreation	89.2%
Municipal Parking*	2.7%
<b>Total</b>	<b>100%</b>

**Non-Residential Charges Components**

<b>Service</b>	<b>Percentage of Charge (%)</b>
Development-Related Studies	87.9%
Library	0.0%
Parks & Recreation	0.0%
Municipal Parking*	12.1%
<b>Total</b>	<b>100%</b>

Note: Municipal Parking to continue to be levied as permitted under the legislation until such time that a CBC By-law is adopted or until the permitted date as outlined in the Planning Act.

<b>Service</b>	<b>Residential Charge By Unit Type</b>				<b>Non-Residential</b>
	<b>Singles &amp; Semis</b>	<b>Rows &amp; Other Multiples</b>	<b>Apartments 700 sq. ft. or Greater</b>	<b>Small Units Under 700 sq. ft.</b>	<b>Charge per Square Metre</b>
Development-Related Studies	\$322	\$253	\$191	\$137	\$1.78
Library	\$1,121	\$880	\$666	\$476	\$0.00
Parks & Recreation	\$15,867	\$12,446	\$9,419	\$6,728	\$0.00
<b>Subtotal</b>	<b>\$17,310</b>	<b>\$13,579</b>	<b>\$10,276</b>	<b>\$7,341</b>	<b>\$1.78</b>

- 1) With the exception of Development-Related Studies (previously referred to as General Government), Library and Parks & Recreation, all rates as per By-law 2019-47 will continue to apply.

**SCHEDULE 'A-3'**

**Residential Charges Components**

<b>Service</b>	<b>Percentage of Charge (%)</b>
Fire Services	8.1%
Waste Diversion Services	1.7%
Services Related to a Highway, Water, Wastewater & Storm	90.2%
<b>Total</b>	<b>100%</b>

Note: No changes to the non-residential charge components table.

<b>Service</b>	<b>Residential Charge By Unit Type</b>				<b>Non-Residential</b>
	<b>Singles &amp; Semis</b>	<b>Rows &amp; Other Multiples</b>	<b>Apartments 700 sq. ft. or Greater</b>	<b>Small Units Under 700 sq. ft.</b>	<b>Charge per Square Metre</b>
Waste Diversion Services	\$198	\$155	\$118	\$84	\$0.00

- 1) With the exception of Waste Diversion Services, all rates as per By-law 2019-48 will continue to apply.

SCHEDULE 'D'

CALCULATION OF DEVELOPMENT CHARGE CREDITS PROVIDED TO  
DERELICT BUILDINGS

<b>Number of Months from Date of Demolition Permit to Date of Building Permit Issuance</b>	<b>Credit Provided (%)<sup>1</sup></b>
Up to and including 48 months	100
Greater than 48 months up to and including 72 months	75
Greater than 72 months up to and including 96 months	50
Greater than 96 months up to and including 120 months	25
Greater than 120 months	0

<sup>1</sup> Credits are calculated as a percentage of the prevailing development charges rates for the classes of non-residential development or type of dwelling demolished.