

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 Corporation of the Town of Newmarket (the “Town”) enacted By-laws 2019-46, 2016-47 and 2019-48 (the “By-laws”) pursuant to the *Development Charges Act, 1997*, S.O. 1997, c. 27 (the “Act”) which statute 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 Town, at its meeting of June 06, 2022, approved a study dated April 6th, 2022, entitled “2022 Development Charges Background Study, Town of Newmarket” (the “Study”), prepared by Hemson Consulting Limited;

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;

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;

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;

WHEREAS by resolution adopted by Council 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 subsection 1.1 4) “apartment unit” in each of the By-laws be deleted and replaced in its entirety by the following:

“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 subsection 1.1 49) “small apartment” in each of the By-laws be deleted and replaced in its entirety by the following:

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

3. That subsection 1.1 50) “stacked townhouse” in each of the By-laws be deleted and replaced in its entirety by the following:

“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 section 3.9 in each of the By-laws be deleted and replaced in its entirety by the following:

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 section 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 section 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 shall be eligible for a reduction in development charges 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 reduction 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 subsection 3.9.1 applies shall be calculated in accordance with section 3.9.

5. That section 3.10 in each of the By-laws be deleted and replaced in its entirety by the following:

Development charges imposed under this section are payable in accordance with sections 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 the subdivision agreement applicable to the lands.
6. That Schedules “A-1”, “A-2”, “B-1” and “B-2” to By-law 2019-46 be deleted and replaced in their entirety by Schedule “A” to this By-law.
7. That Schedules “A-1”, “A-2”, “B-1”, and “B-2” to By-law 2019-47 be deleted and replaced in their entirety by Schedule “B” to this By-law.
8. That Schedules “A-1”, “A-2”, “B-1”, and “B-2” to By-law 2019-48 be deleted and replaced in their entirety by Schedule “C-1” to this By-law.
9. The Development Charges set out in Schedules “A”, “B”, and “C-1” hereto shall be adjusted without amendment to this By-law annually on July 1st in each year, commencing July 1, 2022, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, Building Construction Price Index.
10. That Schedule “D” be added to each the By-laws.
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 6th DAY OF JUNE, 2022.

MAYOR

CLERK

SCHEDULE "A"

TOWN-WIDE DEVELOPMENT CHARGES EXCLUDING NORTH-WEST QUADRANT
 EFFECTIVE JUNE 13, 2022

Residential Development Charges

Service	Singles & Semis	Rows & Other Multiples	Apartments 700 sq.ft. or Greater	Small Units Under 700 sq.ft.	Percentage of Charge
Fire Services	\$946	\$742	\$562	\$401	7.0%
Waste Diversion Services	\$198	\$155	\$118	\$84	1.5%
Services related to a Highway, Water, Wastewater and Stormwater	\$12,459	\$9,773	\$7,397	\$5,283	91.5%
Total	\$13,603	\$10,670	\$8,077	\$5,768	100.0%

Non-Residential Development Charges

Service	Non-Residential Charge Per Square Meter of Gross Floor Area	Percentage of Charge
Fire Services	\$4.98	7.1%
Waste Diversion Services	\$0.00	0.0%
Services related to a Highway, Water, Wastewater and Stormwater	\$65.18	92.9%
Total	\$70.16	100.0%

SCHEDULE "B"

TOWN-WIDE DEVELOPMENT CHARGES INCLUDING NORTH-WEST QUADRANT
 EFFECTIVE JUNE 13, 2022

Residential Development Charges

Service	Singles & Semis	Rows & Other Multiples	Apartments 700 sq.ft. or Greater	Small Units Under 700 sq.ft.	Percentage of Charge
Development Related Studies	\$322	\$253	\$191	\$137	1.9%
Library	\$1,121	\$880	\$666	\$476	6.5%
Parks & Recreation	\$15,867	\$12,446	\$9,419	\$6,728	91.6%
Total	\$17,310	\$13,579	\$10,276	\$7,341	100.0%

Non-residential Development Charges

Service	Non-Residential Charge Per Square Meter of Gross Floor Area	Percentage of Charge
Development Related Studies	\$1.78	100.0%
Library	\$0.00	0.0%
Parks & Recreation	\$0.00	0.0%
Total	\$1.78	100.0%

SCHEDULE "C-1"

NORTH-WEST QUADRANT DEVELOPMENT CHARGES EFFECTIVE JUNE 13, 2022

Residential Development Charges

Service	Singles & Semis	Rows & Other Multiples	Apartments 700 sq.ft. or Greater	Small Units Under 700 sq.ft.	Percentage of Charge
Fire Services	\$946	\$742	\$562	\$401	8.1%
Waste Diversion Services	\$198	\$155	\$118	\$84	1.7%
Services related to a Highway, Water, Wastewater and Stormwater	\$10,512	\$8,246	\$6,241	\$4,457	90.2%
Total	\$11,656	\$9,143	\$6,921	\$4,942	100.0%

Non-residential Development Charges

Service	Non-Residential Charge Per Square Meter of Gross Floor Area	Percentage of Charge
Fire Services	\$4.98	7.1%
Waste Diversion Services	\$0.00	0.0%
Services related to a Highway, Water, Wastewater and Stormwater	\$65.18	92.9%
Total	\$70.16	100.0%

SCHEDULE "D"

CALCULATION OF DEVELOPMENT CHARGE REDUCTION PROVIDED TO
DERELICT BUILDINGS

Number of Months from Date of Demolition Permit to Date of Building Permit Issuance	Reduction Provided (%)¹
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

¹ Reductions are calculated as a percentage of the prevailing development charges rates for the classes of non-residential development or type of dwelling demolished.