

Public Notices (if required)

Open Forum

Additions & Corrections to the Agenda

Additional items to this Agenda are shown under the Addendum heading.

Declarations of Pecuniary Interest

Presentations & Recognitions

Deputations

- 1a) Ms. Diane Humeniuk to address Council regarding Play Parks & Accessibility. p. 1

Approval of Minutes

2. Council Minutes of September 8, 2014. p. 2

Correspondence & Petitions

3. Correspondence from Lynn Ziraldo, Executive Director, Learning Disabilities Association of York Region requesting the month of October to be proclaimed 'Learning Disabilities Awareness Month' in the Town of Newmarket. p. 23

Recommendations:

a) THAT the correspondence from Lynn Ziraldo, Executive Director, Learning Disabilities Association of York Region be received and the following recommendations be adopted:

i) THAT October be proclaimed 'Learning Disabilities Awareness Month' in the Town of Newmarket;

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the website www.newmarket.ca

Reports by Regional Representatives

Reports of Committees and Staff

4. Committee of the Whole Minutes of September 22, 2014. p. 24
5. Committee of the Whole (Closed Session) Minutes of September 22, 2014.

By-laws

6. 2014-50 A By-law to appoint a Building Inspector for the Town of Newmarket as required by the Building Code Act and O. Reg. 403/97, as amended. (Curtis Greenham) p. 41
7. 2014-51 A By-law to Amend By-law 2010-40 being a Zoning By-law (Sundial Homes) p. 42
8. 2014-52 A By-law to amend By-law 2010-40, as amended by By-law 2013-05, being a restricted area (Zoning) By-law. (Mosaik Glenway Homes Inc.) p. 47
9. 2014-53 A By-law to provide an exemption to the Noise By-law to facilitate the necessary work by Kiewit-EllisDon for the vivaNext D1 project. p. 49
10. 2014-54 A By-law to Amend By-law 2010-40 being a Zoning By-law (212 Davis Drive) p. 50

Notices of Motions

Announcements & Community Events

New Business

Closed Session (if required)

The Closed Session Agenda and Reports will be circulated under separate cover (Goldenrod).

11. Confidential Memorandum from the Chief Administrative Officer regarding a potential acquisition of land (Glenway West).

Confirmatory By-law

12. 2014-55 A By-law to confirm the proceedings of a meeting of Council - p. 58
September 29, 2014.

Addendum

- 1b) Deputation by Mr. John Blommesteijn regarding petition with respect to Glenway West Lands.
- 7. Replacement for By-law 2014-51: A By-law to Amend By-law 2010-40 being a Zoning By-law (Sundial Homes) p. 59
- 10. Replacement for By-law 2014-54: A By-law to Amend By-law 2010-40 being a Zoning By-law (212 Davis Drive) p. 64
- 13. Site Plan Review Committee Minutes of September 29, 2014. (To be distributed when available)

The Site Plan Review Committee recommends:

- a) THAT the Site Plan Review Committee Minutes of September 29, 2014 be approved.

- 14. Development and Infrastructure Services - Planning and Building Services Report 2014-43 regarding Application Submitted to the Planning Department (212 Davis Drive). (Related to Item 10 – By-law 2014-54) p. 73

The Commissioner of Development and Infrastructure Services recommends:

- a) THAT Development and Infrastructure Services - Planning & Building Services - Planning Report 2014-43 dated September 29, 2014 regarding Proposed Zoning By-law Amendment Application D 14-NP-14-04 be received.

- 15. Correspondence from Mr. Bill Russell, Treasurer, Newmarket Church of Christ regarding 212 Davis Drive parking. (Related to Item 10 – By-law 2014-54) p. 87

Recommendation:

- a) THAT the correspondence from Mr. Bill Russell, Treasurer, Newmarket Church of Christ regarding 212 Davis Drive parking be received.

Adjournment

Deputation and Further Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole. If filling out by hand please print clearly.

Please email to clerks@newmarket.ca, fax to 905-953-5100 or mail or drop off at Legislative Services Department, Town of Newmarket Municipal Offices, 395 Mulock Drive, PO Box 328, STN Main, L3Y 4X7

Subject: PLAY PARKS & ACCESSIBILITY

Date of Meeting: SEPT 29 - Mon Agenda Item No.:

☒ I wish to address Council / Committee

☐ I request future notification of meetings.

Name: DIANE HUMENIUK

Organization / Group/ Business represented:

SELF

Address: _____ Postal Code: _____

Email: NMKT-

Home Phone: Business Phone:

Be advised that all Council and Committee of the Whole meetings are audio-video recorded and live streamed online. If you make a presentation to Council or Committee of the Whole, your presentation becomes part of the public record and you will be listed as a presenter in the minutes of the meeting. We post our minutes online, so the listing of your name in connection with the agenda item may be indexed by search engines like Google.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100.

The meeting of the Council was held on Monday, September 8, 2014 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney
Councillor Hempen
Councillor Sponga
Councillor Di Muccio
Councillor Emanuel

Staff Present: R. N. Shelton, Chief Administrative Officer
A. Moore, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development and Infrastructure Services
C. Service, Acting Commissioner of Community Services
A. Brouwer, Director of Legislative Services/Town Clerk
J. Patel, Project Support Business Analyst
C. Finnerty, Council/Committee Coordinator

The meeting was called to order at 7:00 p.m.

Mayor Van Bynen in the Chair.

Public Notices

None.

Additions & Corrections to the Agenda

None.

Declarations of Pecuniary Interest

- a) Councillor Vegh declared a pecuniary interest in Item 4 of the Committee of the Whole (Closed Session) Minutes of August 25, 2014 being Office of the CAO and Corporate Services (Legal Services) Joint (Closed Session) Report 2014-20 regarding a proposed acquisition of land by the municipality in Ward 5 which references an organization that he is professionally involved with. He advised that he would take no part in the discussion or voting of the foregoing matter.
- b) Councillor Sponga declared a pecuniary interest in Items 18 and 19 of the Committee of the Whole Minutes of August 25, 2014 with respect to Heritage Newmarket Advisory Committee Minutes of June 3, 2014 and Item 6 of the Heritage Newmarket Advisory Committee Minutes of June 3, 2014 regarding Designated Maintenance Property and Concerns as his home is designated under the Heritage Act. He advised that he would take no part in the discussion or voting of the foregoing matter.
- c) Mayor Van Bynen declared an interest in Items 20 and 21 of the Committee of the Whole Minutes of August 25, 2014 as he sits on the Southlake Regional Health Centre Board of Directors. As he is a municipally appointed member on the Board, he has obtained a legal opinion that indicates that he has no direct or indirect pecuniary interest in the matters discussed.

Presentations & Recognitions

- 1. Presentation to Commanding Officer Lieutenant Colonel Phillip J. Halton, Honorary Colonel Darrell Brickner and Regimental Sergeant Major Chief Warrant Officer David Goldenberg, regarding the historic relationship between the Town of Newmarket and the Queen's York Rangers.

Moved by: Councillor Di Muccio

Seconded by: Councillor Emanuel

THAT the presentation to Commanding Officer Lieutenant Colonel Phillip J. Halton, Honorary Colonel Darrell Brickner and Regimental Sergeant Major Chief Warrant Officer David Goldenberg, regarding the historic relationship between the Town of Newmarket and the Queen's York Rangers be received.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
(9 in favour, 0 opposed)

Carried

Deputations

None.

Approval of Minutes

2. Council Minutes of June 23, 2014.

Moved by: Councillor Sponga
Seconded by: Councillor Emanuel

THAT the Council Minutes of June 23, 2014 be approved.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
(9 in favour, 0 opposed)

Carried

3. Special Council Minutes of July 21, 2014.

Moved by: Councillor Kerwin
Seconded by: Councillor Vegh

THAT the Special Council Minutes of July 21, 2014 be approved.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
(9 in favour, 0 opposed)

Carried

4. Special Council Minutes of August 25, 2014.

Moved by: Councillor Emanuel

Seconded by: Councillor Sponga

THAT the Special Council Minutes of August 25, 2014 be approved.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh,
Councillor Kerwin, Councillor Twinney, Councillor Hempen,
Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)

(9 in favour, 0 opposed)

Carried

Correspondence & Petitions

None.

Reports by Regional Representatives

- a) Regional Councillor Taylor advised that the province has circulated a memo regarding the Investment in Affordable Housing for Ontario (2014 extension) Program that will see approximately five million dollars invested in York Region over the 2014/2015 period with a total investment of approximately 50 million dollars over the next five years.
- b) Regional Councillor Taylor advised that two new long-term solid waste management contracts have been extended that include options to 2027.

Reports of Committees and Staff

5. Special Committee of the Whole Minutes of June 23, 2014.

Moved by: Councillor Sponga

Seconded by: Regional Councillor Taylor

THAT the Special Committee of the Whole Minutes of June 23, 2014 be received and the recommendations noted within be adopted.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
(9 in favour, 0 opposed)

Carried

6. Special Committee of the Whole (Closed Session) Minutes of June 23, 2014.

Moved by: Councillor Twinney
Seconded by: Councillor Kerwin

THAT the minutes of the Special Committee of the Whole (Closed Session) of June 23, 2014 be confirmed.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Emanuel

Opposed: Councillor Di Muccio
(8 in favour, 1 opposed)

Carried

7. Committee of the Whole Minutes of July 21, 2014.

Moved by: Councillor Sponga
Seconded by: Councillor Emanuel

THAT the Committee of the Whole Minutes of July 21, 2014 be confirmed.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
(9 in favour, 0 opposed)

Carried

8. Committee of the Whole Minutes of August 25, 2014.

Moved by: Regional Councillor Taylor
 Seconded by: Councillor Vegh

THAT the Committee of the Whole Minutes of August 25, 2014 be received and the following recommendations be adopted:

9. Newmarket Economic Development Advisory Committee Minutes of March 20, 2014 and July 21, 2014.

a) THAT the Newmarket Economic Development Advisory Committee Minutes of March 20, 2014 and July 21, 2014 be received.

10. Correspondence dated July 15, 2014 from Ms. Donna Pelrine, Support Committee, Queen's York Rangers Army Cadet Corps. 2799 requesting permission to conduct tag days on September 13 and 14, 2014 at various retail outlets in Town.

a) THAT the correspondence dated July 15, 2014 from Ms. Donna Pelrine, Support Committee, Queen's York Rangers Army Cadet Corps, 2799, be received and the following recommendations be adopted:

i) THAT permission be granted to permit the Queen's York Rangers Army Cadet Corps (#2799) to conduct tag days in the Town of Newmarket on September 13 and 14, 2014;

ii) AND THAT the announcement be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

11. Correspondence dated July 30, 2014 from Mr. Geoff Morgan, Vice-President, Public Relations, The Court of Blarney Toastmasters requesting proclamation of October, 2014 as 'Toastmasters Month'.

a) THAT the correspondence dated July 30, 2014 from Mr. Geoff Morgan, Vice-President, Public Relations, The Court of Blarney, Toastmasters be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim October 2014 as "Toastmasters Month" in the Town of Newmarket;

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

12. Correspondence dated July 31, 2014 from Ms. Stephanie Blum, Administrative Assistant, Prostate Cancer Canada requesting proclamation of September, 2014 as 'Prostate Cancer Awareness Month'.

a) THAT the correspondence dated July 31, 2014 from Ms. Stephanie Blum, Administrative Assistant, Prostate Cancer Canada be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim September, 2014 as 'Prostate Cancer Awareness Month';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

13. Newmarket Public Library Board Minutes of May 21, 2014.

a) THAT the Newmarket Public Library Board Minutes of May 21, 2014 be received.

14. Central York Fire Services - Joint Council Committee Minutes of May 13, 2014.

THAT the Central York Fire Services - Joint Council Committee Minutes of May 13, 2014 be received.

15. Development and Infrastructure Services - Engineering Services Report 2014-52 dated August 25, 2014 regarding Foxtail Ridge - Parking Review Update.

a) THAT Development and Infrastructure Services Report 2014-52, dated August 25, 2014 regarding Foxtail Ridge – Parking Review Update be received and the following recommendation be adopted:

i) THAT the parking restrictions remain as they currently exist.

16. Development and Infrastructure Services Report - ES 2014-38 dated June 3, 2014 regarding Final Acceptance and Assumption of Underground and Aboveground Works - Mattamy-Toth Residential Subdivision - Phase 2.

a) THAT Development and Infrastructure Services Report - ES 2014-38 dated June 3, 2014 regarding the Final Acceptance and Assumption of Underground and Aboveground Works be received and the following recommendations be adopted:

i) THAT the request for Final Acceptance and Assumption of Underground and Aboveground Works of the Mattamy Toth Farm Phase 2 Residential Subdivision as shown on the attached map be finally accepted and assumed by the Town;

ii) AND THAT Mr. Gary Gregoris of Mattamy (Newmarket) Ltd., and Mr. Dragan Zec, P. Eng., of Urbantech Consulting Ltd. be notified of these recommendations.

17. Community Services - Recreation and Culture Report 2014-24 dated August 25, 2014 regarding Municipal Asset Naming Program - Penn Avenue Parkette.
 - a) THAT Community Services Report - Recreation and Culture Report 2014-24 dated August 25, 2014 regarding Municipal Asset Naming Program - Penn Avenue Parkette be received and the following recommendations be adopted:
 - i) THAT the Penn Avenue Parkette in Ward 4 be named as outlined in Community Services - Recreation and Culture (Closed Session) Report 2014-22;
 - ii) AND THAT staff prepare an official ceremony in Spring, 2015.
18. List of Outstanding Matters.
 - a) THAT the list of Outstanding Matters be received.
19. THAT the presentation by Mr. Jim Gragtmans, Chair, Newmarket Economic Development Advisory Committee regarding the Gigabit Corridor Pilot Project be received.
20. THAT Item 2 of the Newmarket Economic Development Advisory Committee Minutes of July 21, 2014 regarding Gigabit Corridor Draft Report be received and the following recommendations be adopted:
 - i) WHEREAS the Newmarket Economic Development Advisory Committee reaffirms that broadband is a key economic driver;
 - ii) AND WHEREAS the Newmarket Economic Development Advisory Committee endorses the Sandel & Associates report in principle;
 - iii) THEREFORE BE IT RESOLVED THAT Council implement a gigabit corridor pilot project in early 2015.
21. THAT the deputation by Ms. Melanie Bell and Mr. Paul Harrison regarding the Tom Taylor Crescent Proposed Walkway be received.
22. THAT the deputation by Mr. George Ivanoff regarding the Tom Taylor Crescent proposed Walkway be received.
23. THAT the deputation by Ms. Phyllis Brady regarding a petition to have No Parking signs installed on Queen's Crescent be received.
24. THAT staff review parking issues and explore the possibility of permit parking on streets surrounding the hospital corridor.

25. THAT the correspondence dated July 2, 2014 from Ms. Dora Boylen-Pabst, Vice-President, Philanthropy and Engagement, Southlake Regional Health Centre Foundation be received.
26. THAT Joint Planning and Building Services, Financial Services, and Legislative Services Report 2014-38 dated August 14, 2014 regarding a Development Charges Exemption and a request to waive Building Permit and Sign Permit fees and refund planning application fees be received and the following recommendations be adopted:
 - i) THAT staff be provided with confirmation that the Hospice qualifies for the new Development Charges exemptions by By-law 2014-42, once it is in full force and effect;
 - ii) AND THAT Southlake Regional Health Centre Foundation be refunded the requested fees to be funded from the Rate Stabilization Fund;
 - iii) AND THAT staff be directed to undertake a review of the impacts of creating a policy to reduce fees for charitable foundations, community organizations, public agencies and other similar uses;
 - iv) AND THAT Dora Boylen-Pabst, Vice President, Philanthropy and Engagement, Southlake Regional Health Centre Foundation 102-581 Davis Drive Newmarket, L3Y 2P6 be notified of this action.
27. a) THAT Corporate Services Report – Legislative Services 2014-17 dated August 13, 2014 regarding Relief from the fees and charges related to signs on Davis Drive be received;
 - i) AND THAT sign permit fees for businesses located on Davis Drive and Yonge Street and streets immediately abutting Davis Drive and Yonge Street impacted by the VivaNext rapid transit expansion project be waived and where applicable, refunded;
 - ii) AND THAT a staff report be brought back outlining a recommended implementation procedure and other considerations.
28. THAT Development and Infrastructure Services Report – ES2014-51 dated August 25, 2014 regarding Kingsmere Avenue/Ataire Road – All-way Stop Review be received and the following recommendations be adopted:
 - a) THAT the matter of Kingsmere Avenue/Ataire Road – All-Way Stop Review be deferred in order for another traffic study to be conducted in that area.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
(9 in favour, 0 opposed)

Carried

29. Heritage Newmarket Advisory Committee Minutes of June 3, 2014.

Moved by: Councillor Kerwin
Seconded by: Councillor Twinney

THAT the Heritage Newmarket Advisory Committee Minutes of June 3, 2014 be received.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
(8 in favour, 0 opposed)

Carried

Councillor Sponga took no part in the discussion or voting of the foregoing matter.

30. Item 6 of the Heritage Newmarket Advisory Committee Minutes of June 3, 2014 - Designated Maintenance Property and Concerns.

Moved by: Councillor Kerwin
Seconded by: Councillor Twinney

THAT Item 6 of the Heritage Newmarket Advisory Committee Minutes of June 3, 2014 – Designated Maintenance Property and Concerns be received and the following recommendation of the Heritage Newmarket Advisory Committee be referred to staff.

Whereas some Newmarket historic buildings are deteriorating due to lack of proper maintenance;

And whereas such inaction leads to demolition by neglect;

And whereas the loss of our built heritage weakens the distinctiveness of our community and our cultural identity;

And whereas other municipal jurisdictions have by-laws that would prevent demolition of heritage buildings by neglect;

Therefore be it resolved that the Heritage Newmarket Advisory Committee recommends that a by-law to prevent demolition of heritage properties by neglect be considered for the Town of Newmarket and that Council direct staff to conduct the necessary research and analysis to said by-law.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
(8 in favour, 0 opposed)

Carried

Councillor Sponga took no part in the discussion or voting of the foregoing matter.

31. Community Services Report - Economic Development 2014-20 dated August 11, 2014 regarding Implementation Strategy for Gigabit Corridor Pilot Project.

Moved by: Councillor Emanuel

Seconded by: Councillor Sponga

THAT Community Services Report - Economic Development 2014-20 dated August 11, 2014 regarding the Implementation Strategy for Gigabit Corridor Pilot Project be received and the following recommendations be adopted:

a) THAT Council receive the 'Initial Stakeholder Meeting and Economic Development Impact Statement' report prepared by Sandel and Associates (Attachment A);

b) AND THAT staff be directed to issue a Request for Proposals (RFP) seeking interested Internet Services providers (ISP's) willing to provide specified service levels and cost structure;

c) AND THAT staff provide a further report to Council with the RFP results, including alternate options if necessary, implementation recommendations and budget impact.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Emanuel

Opposed: Councillor Di Muccio
(8 in favour, 1 opposed)

Carried

31. Mr. George Ivanoff addressed the Committee regarding the Tom Taylor Crescent Proposed Walkway.

Council discussed the recommendations and an alternate motion was presented.

Moved by: Regional Councillor Taylor

Seconded by: Councillor Di Muccio

THAT any construction plans and future work on the proposed walkway on Tom Taylor Crescent be immediately halted;

AND THAT staff explore all options associated with alternate treatments, including conveyance and naturalization for that area and report back to Committee of the Whole.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)

(9 in favour, 0 opposed)

Carried

32. Joint Procurement Corporate Services - Financial Services and Development and Infrastructure Services - Public Works Services Report 2014-45 dated August 11, 2014 regarding RJT and Magna Solar Photovoltaic FIT Project Updates.

Moved by: Councillor Emanuel

Seconded by: Regional Councillor Taylor

THAT Joint Procurement Corporate Services - Financial Services and Development and Infrastructure Services - Public Works Services Report 2014-45 dated August 11, 2014 regarding RJT and Magna Solar Photovoltaic FIT Project Updates be received and the following recommendations be adopted:

i) THAT the RFP 2012-27 Solar Photovoltaic FIT contract be extended to include an estimated value of \$1,493,321.00 for the Magna Centre (excluding bonding fees, maintenance, LDC connection fees and applicable taxes);

ii) AND THAT the Director, Public Works Services and the Manager, Procurement Services be authorized to execute the contract and all agreements and documents necessary to give effect to the Magna Solar project on Council's behalf;

iii) AND THAT staff be authorized and directed to do all things necessary to give effect to the foregoing recommendations;

iv) AND THAT staff be directed to fund the Magna FIT project through implementation of an internal loan with an amortization period not to exceed ten (10) years, and that this loan be provided for in conjunction with the 2015 budget and align with the investment strategy;

v) AND THAT staff be directed to include the revenue surplus as outlined in the Loan Repayment Schedule contained in the Budget Impact section of this report in the 2015 and subsequent years Operating Budgets.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Emanuel

Opposed: Councillor Di Muccio
(8 in favour, 1 opposed)

Carried

33. Committee of the Whole Minutes of August 25, 2014 – New Business.

Discussion ensued regarding playground equipment standards and resident concerns regarding Go Train whistle blowing.

Moved by: Councillor Kerwin
Seconded by: Councillor Emanuel

THAT the Committee of the Whole Minutes of August 25, 2014 - New Business be confirmed.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
(9 in favour, 0 opposed)

Carried

34. Committee of the Whole (Closed Session) Minutes of August 25, 2014.

Moved by: Councillor Sponga
Seconded by: Councillor Twinney

THAT the minutes of the Committee of the Whole (Closed Session) of August 25, 2014 be approved.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel
Opposed: (None)
(9 in favour, 0 opposed)

Carried

35. Corporate Services – Legal Services (Closed Session) Report 2014-18 dated July 14, 2014 regarding potential litigation, including matters before administrative tribunals affecting the municipality (Committee of Adjustment decision).

Moved by: Councillor Vegh
Seconded by: Councillor Kerwin

THAT staff be directed to advise the Ontario Municipal Board that Council does not take a position either in support of or against the above-noted appeal of a Committee of Adjustment decision to deny an application for Minor Variance in connection with the land located at the end of Newpark Boulevard in the Town of Newmarket;

AND THAT the Town will not be appearing as a Party or Participant at the OMB hearing on this matter.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel
Opposed: (None)
(9 in favour, 0 opposed)

Carried

36. Development and Infrastructure Services – Planning and Building Services (Closed Session) Report 2014-39 dated August 21, 2014 regarding a potential acquisition of property by the municipality. (Ward 5)

Moved by: Councillor Sponga
 Seconded by: Councillor Emanuel

THAT Development and Infrastructure Services – Planning and Building Services (Closed Session) Report 2014-39 dated August 21, 2014 regarding a potential acquisition of property by the municipality (Ward 5) be received;

AND THAT the recommendations contained in Development and Infrastructure Services – Planning and Building Services (Closed Session) Report 2014-39 dated August 21, 2014 regarding a strategic property acquisition be adopted.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
 (9 in favour, 0 opposed)

Carried

37. Office of the Chief Administrative Officer and Corporate Services (Legal Services) Joint (Closed Session) Report 2014-20 dated August 25, 2014 regarding a proposed acquisition of land by the municipality. (Ward 5)

Moved by: Regional Councillor Taylor
 Seconded by: Councillor Sponga

THAT Office of the Chief Administrative Officer and Corporate Services (Legal Services) Joint (Closed Session) Report 2014-20 dated August 25, 2014 regarding a proposed acquisition of land by the municipality (Ward 5) be received;

AND THAT staff be directed to proceed as authorized at the August 25, 2014 Committee of the Whole (Closed Session) meeting.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
 (8 in favour, 0 opposed)

Carried

Councillor Vegh took no part in the discussion or voting of the foregoing matter.

38. Community Services - Recreation and Culture Report 2014-27 dated September 8, 2014 regarding the Newmarket Sports Hall of Fame - 2014 Induction Nominees.

Moved by: Councillor Emanuel

Seconded by: Councillor Kerwin

THAT Community Services Report – Recreation and Culture Report 2014-27 dated September 8, 2014 regarding Newmarket Sports Hall of Fame be received and the following recommendations be adopted:

a) THAT council endorse the recommendations of the Newmarket Sports Hall of Fame inductions for November 2014 as outlined in the confidential Community Services - Recreation and Culture Report 2014-26;

b) AND THAT staff work with the Newmarket Sports Hall of Fame Committee to prepare the celebration to be held at the Newmarket Magna Centre on Sunday, November 16, 2014.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)

(9 in favour, 0 opposed)

Carried

By-laws

39. By-laws 2014-47 and 2014-48.

2014-47 A By-law to Amend By-law Number 2010-40, as amended by By-law 2013-61, being a Zoning By-law (487 Queen Street).

2014-48 A By-law to provide an exemption to the Noise By-law to facilitate the necessary work by the Regional Municipality of York for the road rehabilitation program on Mulock Drive.

Moved by: Councillor Vegh

Seconded by: Councillor Emanuel

THAT By-laws 2014-47 and 2014-48 be enacted.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
(9 in favour, 0 opposed)

Carried

Notices of Motions

- a) Councillor Twinney advised that she would be bringing forward a motion at the September 22, 2014 Committee of the Whole meeting regarding amendments to the Municipal Act to permit other forms of Committee member attendance at meetings.

Announcements & Community Events

- a) Councillor Emanuel advised of "The Drop Zone" a community after school program for students attending grades 6 through 8. The program runs on Tuesdays and Thursdays from 2:45 p.m. to 5:30 p.m. beginning September 23, 2014 at Alexander Muir Public School, 75 Ford Wilson Boulevard. The focus is on being active, cooking, leadership, homework help and healthy eating. The cost is \$5.00 per day. Contact Jason at the Newmarket Recreation Youth Centre at 905-953-5300 ext. 2821 for more information.
- b) Councillor Di Muccio invited residents to join in for a weekend of fun and entertainment at the Newmarket Seniors' Meeting Place Open House at 474 Davis Drive on September 26 through 28, 2014. Festivities begin on Friday, September 26, 2014 at 8:00 p.m. with the Zephyr Big Band. The celebration continues on Saturday, September 27, 2014 with a pancake breakfast for \$3.00 per person. Enjoy live entertainment all day, and a BBQ on the patio. Also join in for carpet bowling, mah jong, curling, and much more. There will be demonstrations by the Keynotes Choir, Happy Hoppers, and Line Dancers. Also check out the art, crafts and bake sales. On Sunday, September 28, 2014 enjoy afternoon tea with North of Dixie entertainment. Tickets are \$5.00 for members and \$6.00 for non-members. For more information call 905-953-5325.
- c) Councillor Sponga thanked Recreation and Culture staff for their hard work on the many festivals that have occurred over the summer season.

- d) Councillor Sponga advised that the Town of Newmarket began repainting the lamp posts on Main Street from Water Street to Park Avenue last week. The project timeline is approximately five weeks. To ensure appropriate lighting remains for the users of the street, this work will be conducted in stages. For more information, please contact Customer Service at 905-895-5193.
- e) Councillor Sponga thanked Public Works staff for their assistance in accommodating banners from the Newmarket Group of Artists that have been prepared to advertise their events.
- f) Councillor Hempen invited residents to grab a lawn chair, blanket and donation of a non-perishable food item for the Salvation Army in order to enjoy a free outdoor movie under the stars at Newmarket Riverwalk Commons, 200 Doug Duncan Drive on Saturday, September 13, 2014. In case of inclement weather, the movie will be held indoors at the Newmarket Community Centre and Lions Hall. The movie will begin at dusk, approximately 8:15 p.m. and popcorn, snacks and drinks will be available for sale during the event.
- g) Regional Councillor Taylor advised that the fourth annual E-Waste Recycling Event will take place on Saturday, September 27, 2014 at Upper Canada Mall from 9:00 a.m. to 3:00 p.m. Any unwanted or obsolete e-waste will be accepted. Partners in the event this year include the Newmarket Environmental Advisory Committee, Artex Environmental, Upper Canada Mall and Tim Hortons. Any person who recycles an item larger than a standard computer will receive a gift from Tim Hortons and be entered into a draw for free coffee for a year.
- h) Regional Councillor Taylor invited residents to attend Newmarket Buskerfest on Saturday, September 20, 2014 from 10:00 a.m. to 5:00 p.m. at Newmarket Riverwalk Commons, 200 Doug Duncan Drive. Enjoy outdoor buskers and stage performers including juggling, magic, puppetry, music, comedy, theatre, face painting, balloon twists, caricatures, clowning, dance, music and circus stunts. Admission is free. For more information please visit www.newmarket.ca
- i) Councillor Twinney invited residents to participate in Outdoor Discovery and Adventure Night on September 23, 2014 from 6:00 p.m. to 8:00 p.m. at Newmarket Riverwalk Commons, 200 Doug Duncan Drive. Bring your family and a lawn chair to 'Touch-a-Truck', an interactive evening to learn about trucks, cars, emergency vehicles and everything related. Admission is free. In the event of inclement weather, the event will be hosted inside Newmarket Community Centre and Lions Hall.

- j) Councillor Kerwin reminded everyone that children are back to school and to be patient, aware and courteous when walking or driving on Newmarket streets. Always respect and obey your local crossing guards. Crossing guards play an important role in our community by helping to get children to and from school safely. For more safety tips, follow Safety Cone Sam on Twitter @SafetyConeSam. For more information on Safety Driven, Newmarket's Traffic Management Program visit www.newmarket.ca or call 905-895-5193. Councillor Kerwin thanked all Ward 2 residents who have placed a Safety Cone Sam sign up and advised that any residents wishing to have a Safety Cone Sam sign can contact 905-895-8969 to have Councillor Kerwin deliver a sign to your home.
- k) Councillor Kerwin advised that a Town-wide Traffic Management Study is being conducted to improve the flow of traffic throughout the Town to make our roads safer.
- l) Councillor Vegh advised that the Town of Newmarket is now offering the following Customer Service functions at the Magna Centre and Ray Twinney Recreation Complex: property tax and parking ticket payments, pet registration and tag renewals, waste stickers, and green and blue bin sales. For more information contact Customer Service at 905-895-5193 or visit www.newmarket.ca
- m) Mayor Van Bynen advised that the Town of Newmarket has expanded its free Wi-Fi service to include the following facilities: Riverwalk Commons, the Community Centre and Lions Hall, and the Recreation Youth Centre. Wi-Fi service was first made available in December, 2013 at the Municipal Offices and the Magna Centre in response to resident interest in having free Wi-Fi at Town facilities. The Ray Twinney Recreation Complex will be the next facility to have Wi-Fi installed. In 2013, Newmarket was one of five communities in Canada to receive a Google eTown award, given to "the towns and cities whose businesses are leading the way in embracing the opportunities of the Internet and are investing in online tools and resources to find new customers and grow their businesses to succeed in an increasingly connected world."
- n) Mayor Van Bynen advised that the next Council meeting is Monday, September 29, 2014 at 7:00 p.m.

New Business

- a) Councillor Kerwin requested that signage for the Tom Taylor Trail between Davis Drive and Green Lane be improved so that there are clear indicators of access points, particularly for EMS personnel should there be an accident on the trail system.
- b) Councillor Di Muccio questioned when a workshop on lessons learned from the Marianneville Developments (Glenway) Ontario Municipal Board matter would be held. The Chief Administrative Officer advised that staff are currently awaiting the written decision from the Ontario Municipal Board, in addition to some other items. Upon receipt, a session will be scheduled to discuss the lessons learned and interface designs for the existing residential community.

Closed Session

Mayor Van Bynen advised that there was no requirement for a Closed Session.

Confirmatory By-law

- 40. 2014-49 A By-law to confirm the proceedings of a meeting of Council - September 8, 2014.

Moved by: Councillor Sponga
Seconded by: Councillor Emanuel

THAT By-law 2014-49 be enacted.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Sponga, Councillor Di Muccio, Councillor Emanuel

Opposed: (None)
(9 in favour, 0 opposed)

Carried

Addendum

Mayor Van Bynen advised that there was no addendum to the agenda.

Adjournment

41. Adjournment.

Moved by: Councillor Sponga
Seconded by: Councillor Hempen

THAT the meeting adjourn.

In Favour: Mayor Van Bynen, Regional Councillor Taylor, Councillor Vegh,
Councillor Kerwin, Councillor Twinney, Councillor Hempen,
Councillor Sponga, Councillor Di Muccio

Opposed: Councillor Emanuel
(8 in favour, 1 opposed)

Carried

There being no further business, the meeting adjourned at 8:30 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

Celebrating 38 Years in York Region

Mayor of Newmarket
Tony Van Bynen

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

Dear Mayor Tony Van Bynen:

October is Public Awareness Month for Learning Disabilities across Canada. This year's campaign theme is, **"Don't Dis My Ability."** This theme focuses on children, youth, and adults with Learning Disabilities as well as their families and friends.

The campaign seeks to encourage young people to reach their full potential.
The right to learn, the power to achieve.

"People too often define the life of someone living with Learning Disabilities by the areas where their LDs impact directly, such as math, reading, writing or organizational skills," said Lawrence Barns President and CEO of LDAO. "The goal of this campaign is for people to see beyond that to their multiple areas of strength. LDs didn't stop Richard Branson, Jamie Oliver or John Lennon. A person with LDs just needs the right supports to achieve success."

- By definition someone with LDs has average to above average intelligence
- LDs impact certain skills, most of which can be improved with the right supports.
- Because LDs usually exhibit in the school system, those with LDs can be identified early in life, and early intervention improves confidence.
- When they don't receive appropriate support, individuals with LDs have higher than the average rates of school dropout, unemployment and poverty.
- LDs can be inherited and many parents are now finding they have been impacted in their lives as their children are diagnosed.

However if we as a society help them to succeed, all of the above statistics can be radically altered, leading to successful lives that can impact our communities for the better and people with learning disabilities can become among the most creative, and productive members of our communities.

As Executive Director of the Learning Disabilities Association of York Region, I am kindly requesting the Town of Aurora to declare October as Learning Disabilities Awareness Month. In addition please post a message on your website or social media outlets.

As part of this campaign, we have developed a poster motivating young people to push their limits inside and outside the classroom through the student voice. I kindly request your support in helping us distribute the materials attached throughout your municipal facilities. To contact me contact me directly please call: 905-884-7933, ext. 22.

Sincerely,



Lynn Ziraldo
Executive Director
905-884-7933, ext. 22

The meeting of the Committee of the Whole was held on Monday, September 22, 2014 in 2014 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney
Councillor Hempen
Councillor Sponga (1:30 to 4:29 p.m.)
Councillor Di Muccio (1:30 to 4:29 p.m.)
Councillor Emanuel (1:30 to 3:54 p.m.; 7:00 to 7:52 p.m.)

Staff Present: R.N. Shelton, Chief Administrative Officer
A. Moore, Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
P. Noehammer, Commissioner of Development and Infrastructure Services
E. Armchuk, Director of Legal Services/Municipal Solicitor
R. Nethery, Director of Planning and Building Services
M. Plaunt, Senior Planner – Policy
R. Prudhomme, Director of Engineering Services
C. Service, Director of Recreation and Culture
A. Brouwer, Director of Legislative Services/Town Clerk
L. Lyons, Deputy Clerk
L. Moor, Council/Committee Coordinator
J. Patel, Project Support Business Analyst
C. Finnerty, Council/Committee Coordinator

The meeting was called to order at 1:32 p.m.

Mayor Van Bynen in the Chair.

The Chief Administrative Officer advised of the Addendum items.

Mayor Van Bynen confirmed that Item 36 listed on the addendum portion of the agenda being Development and Infrastructure Services – Planning and Building Services Planning Report 2014-42 dated September 22, 2014 replaces Item 17 of the regular agenda being Development and Infrastructure Services – Planning and Building Services – Planning Report 2014-40 dated September 22, 2014 regarding Zoning By-law Amendment Application D14-NP-14-04 - 212 Davis Drive.

Additions & Corrections to the Agenda

Moved by: Councillor Twinney
Seconded by: Councillor Sponga

THAT the items listed on the agenda as addendum items be included.

Carried

Declarations of Pecuniary Interest

None.

Deputations

1. Mr. Steve Foglia addressed the Committee with a PowerPoint presentation highlighting the Accessibility Advisory Committee's term accomplishments.

Moved by: Councillor Twinney
Seconded by: Councillor Sponga

THAT the deputation and PowerPoint presentation by Mr. Steve Foglia, Chair, Accessibility Advisory Committee highlighting the Accessibility Advisory Committee's 2010-2014 term accomplishments be received.

Carried

2. Ms. Bessie Vlasits addressed the Committee regarding 'Bully Free Community Alliance' and requested the Town acknowledge October 10, 2014 as 'Mental Health Day' and November 16 to 22, 2014 as "Bully Awareness Week" in the Town of Newmarket.

Moved by: Councillor Kerwin
Seconded by: Councillor Sponga

- a) THAT the deputation by Ms. Bessie Vlasits regarding 'Bully Free Community Alliance' be received;

i) AND THAT the Town of Newmarket proclaim October 10, 2014 as 'Mental Health Day' and November 16 to 22, 2014 as 'Bully Awareness Week' in the Town of Newmarket;

ii) AND THAT the proclamations be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

Carried

Consent Items

Moved by: Councillor Emanuel

Seconded by: Councillor Sponga

THAT the following items be adopted on consent.

3. Correspondence dated August 14, 2014 from Ms. Ana Nair, Founder/President ABSG requesting that October 17, 2014 be recognized as Blue Shirt Day - Stop Bullying Day in the Town of Newmarket.

a) THAT the correspondence dated August 14, 2014 from Ms. Ana Nair requesting that October 17, 2014 be recognized as Blue Shirt Day - Stop Bullying Day in the Town of Newmarket be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim Friday, October 17, 2014 as 'Blue Shirt Day - Stop Bullying Day' in the Town of Newmarket;

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

4. Correspondence dated July 29, 2014 from Pandit Roopnauth Sharma, President, Ontario Multifaith Council requesting October 13 to 19, 2014 be proclaimed 'Spiritual and Religious Awareness Week' in the Town of Newmarket.

a) THAT the correspondence from Pandi Roopnauth Sharma, Presient, Ontario Multifaith Council be received and the following recommendations be adopted:

i) THAT October 13 to 19, 2014 be proclaimed 'Spiritual and Religious Awareness Week' in the Town of Newmarket;

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

5. Correspondence dated August 20, 2014 from Mr. Fred Hahn, President, CUPE Ontario Division requesting that Wednesday, October 29, 2014 be proclaimed 'Child Care Worker and Early Childhood Educator Appreciation Day' in the Town of Newmarket.
 - a) THAT the correspondence from Mr. Fred Hahn, President, CUPE Ontario Division be received and the following recommendations be adopted:
 - i) THAT Wednesday, October 29, 2014 be proclaimed 'Child Care Worker and Early Childhood Educator Appreciation Day' in the Town of Newmarket;
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
6. Correspondence dated August 29, 2014 from Ms. Jo-Anne St. Godard, Executive Director, Recycling Council of Ontario requesting that October 20 to 26, 2014 be proclaimed 'Waste Reduction Week' in the Town of Newmarket.
 - a) THAT the correspondence from Ms. Jo-Anne St. Godard, Executive Director, Recycling Council of Ontario be received and the following recommendations be adopted:
 - i) THAT the Town of Newmarket proclaim October 20 to 26, 2014 as 'Waste Reduction Week';
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
7. Correspondence dated September 9, 2014 from Fire Chief Ian Laing requesting that October 5 to 11, 2014 be proclaimed 'Fire Prevention Week' in the Town of Newmarket.
 - a) THAT the correspondence from Fire Chief Ian Laing be received and the following recommendations be adopted:
 - i) THAT the Town of Newmarket proclaim October 5 to 11, 2014 as 'Fire Prevention Week';
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

8. Correspondence dated September 10, 2014 from Mr. George Habib, President and CEO, Ontario Lung Association requesting that November, 2014 be proclaimed 'Lung Month' in the Town of Newmarket.
 - a) THAT the correspondence dated September 10, 2014 from Mr. George Habib be received and the following recommendations be adopted:
 - i) THAT November, 2014 be proclaimed 'Lung Month' in the Town of Newmarket;
 - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
9. Street Naming Committee Minutes of July 28, 2014.
 - a) THAT the Street Naming Committee Minutes of July 28, 2014 be received.
10. Accessibility Advisory Committee Minutes of June 19, 2014.
 - a) THAT the Accessibility Advisory Committee Minutes of June 19, 2014 be received.
11. Appointment Committee Minutes of August 26, 2014.
 - a) THAT the Appointment Committee Minutes of August 26, 2014 be received.
12. Main Street District Business Improvement Area Board of Management Minutes of May 20, June 17 and July 15, 2014.
 - a) THAT the Main Street District Business Improvement Area Board of Management Minutes of May 20, June 17 and July 15, 2014 be received.
13. Environmental Advisory Committee Minutes of May 7 and June 4, 2014.
 - a) THAT the Environmental Advisory Committee Minutes of May 7 and June 4, 2014 be received.
14. Item 1 of the Environmental Advisory Committee Minutes of May 7, 2014 regarding York Region Food Charter.
 - a) THAT the following be referred to staff:
 - i) WHEREAS York Region's food system is vital to our community's health, economic development, environmental sustainability, education and social justice;

ii) AND WHEREAS the Town of Newmarket understands the food system is a complex system with interconnected and interrelated priorities, and is committed to strengthening the food system through coordinated actions for food-related programming;

iii) THEREFORE BE IT RESOLVED that the Newmarket Environmental Advisory Committee recommend that the Town of Newmarket endorse the York Region Food Charter;

iv) AND THAT the Town adopt the policies and principles contained within the Food Charter into the Town's Official Plan.

15. Item 8 of the Environmental Advisory Committee Minutes of May 7, 2014 regarding demolition of sales pavilions.

a) THAT the following be referred to staff:

i) THAT the Planning and Development Department, Building Services division review demolition permits for sales pavilions and encourage developers to donate materials to community organizations.

16. Item 12 of the Environmental Advisory Committee Minutes of June 4, 2014 regarding NEAC Follow-Up.

a) THAT the following recommendation be referred to the Committees/Boards Review process:

i) THAT the Newmarket Environmental Advisory Committee request a Council Workshop in December, 2014 or January, 2015 to discuss recommendations and priorities for the Environmental Advisory Committee 2014-2018 term.

17. Development and Infrastructure Services Report - Planning and Building Services 2014-41 dated September 11, 2014 regarding an Application for Zoning By-law Amendment and Draft Plan of Subdivision - Sundial Homes (Davis) Limited.

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2014-41 dated September 11, 2014 regarding an Application for Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

i) THAT approval be given to Draft Plan of Subdivision 19TN-2013-003, subject to the schedule of conditions set out in Appendix 'A' attached to and forming part of this report;

ii) AND THAT staff be directed to prepare the necessary zoning by-law amendment;

iii) AND THAT the approval for Draft Plan of Subdivision 19TN-2013-003 shall only be issued upon the execution of a 'No Pre-Sales Agreement' by the owner of the said Draft Plan with the Town of Newmarket;

iv) AND THAT servicing allocation be granted in the amount of 665 population to a maximum of 250 dwelling units;

v) AND THAT Chris Matson, Matson, McConnell Ltd., 2430A Bloor Street West, Toronto, ON M6S 1P9 be notified of this action.

18. Corporate Services Report - Legislative Services 2014-05 dated September 8, 2014 regarding Canadian Coalition of Municipalities Against Racism and Discrimination (CCMARD) Action Plan.

a) THAT Corporate Services Report - Legislative Services 2014-05 dated September 8, 2014 regarding 'Canadian Coalition of Municipalities Against Racism and Discrimination Action Plan' be received and the following recommendations be adopted:

i) THAT Council endorse the Town of Newmarket CCMARD (Canadian Coalition of Municipalities Against Racism and Discrimination) Action Plan (attached as Appendix A);

ii) AND THAT staff forward the endorsed CCMARD Action Plan to the Canadian Commission for UNESCO in support of the Ten Common Commitments.

19. Corporate Services Report - Legislative Services 2014-18 dated September 9, 2014 regarding vivaNext D1 Project Request for Exemption from the Noise By-law.

a) THAT Corporate Services Report - Legislative Services 2014-18 dated September 9, 2014 regarding vivaNext D1 Project Request for Exemption from the Noise By-law be received and the following recommendations be adopted:

i) THAT the request from Kiewit EllisDon for a noise exemption to perform necessary works for the vivaNext D1 project between the hours of 10:00 p.m. to 7:00 a.m. from December 25, 2014 to December 25, 2015 be approved;

ii) AND THAT this approval is subject to ongoing staff supervision and community impact assessment and revocation if community impact is deemed excessive by staff or Council.

20. Corporate Services Report - Legislative Services 2014-20 dated September 8, 2014 regarding the 2014 Status Update - 2013-2017 Multi-Year Accessibility Plan.
- a) THAT Corporate Services Report - Legislative Services 2014-20 dated September 8, 2014 regarding the 2014 Status Update - 2013-2017 Multi-Year Accessibility Plan be received;
- i) AND THAT the 2014 Status Update - 2013-2017 Multi-Year Accessibility Plan, attached as Appendix 'A' be approved.
21. Development and Infrastructure Services Report - Engineering Services 2014-57 dated September 9, 2014 regarding Request for Final Acceptance and Assumption of Underground and Aboveground Works - Garden Homes Residential Subdivision.
- a) THAT Development and Infrastructure Services Report – ES 2014-57 dated September 9, 2014 regarding the Final Acceptance and Assumption of Underground and Aboveground Works be received and the following recommendations be adopted:
- i) THAT the request for final acceptance and assumption of the Garden Homes Residential Subdivision excluding the Stormwater Management Facility and the Mulock Drive sidewalk – as shown on the attached map be finally accepted and assumed by the Town;
- ii) AND THAT Mr. Ignazio Giardina of Garden Homes Inc., and Mr. Angelo A. Maurizio, P. Eng., of Schaeffer & Associates Ltd. are notified of these recommendations.
22. Development and Infrastructure Services Report - Engineering Services 2014-58 dated September 5, 2014 regarding Request for Final Acceptance and Assumption of Underground and Aboveground Works - Valleyview Residential Subdivision, Phases 2 and 2A.
- a) THAT Development and Infrastructure Services Report – ES 2014-58 dated September 5, 2014 regarding the Final Acceptance and Assumption of Underground and Aboveground Works be received and the following recommendations be adopted:
- i) THAT the request for final acceptance and assumption of the Valleyview Residential Subdivision – Phases 2 and 2A as shown on the attached map, be finally accepted and assumed by the Town;

ii) AND THAT Mr. George Hofstedter of Lindvest Properties (Valleyview) Ltd., and Mr. Angelo A. Maurizio, P. Eng., of Schaeffer & Associates Ltd. be notified of these recommendations.

23. Correspondence dated September 15, 2014 from Ms. Lynn Bird, President, Rotary Club of Newmarket requesting that October 24, 2014 be proclaimed 'World Polio Day' in the Town of Newmarket.

a) THAT the correspondence from Ms. Lynn Bird, President, Rotary Club be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim October 24, 2014 as 'World Polio Day';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

24. Correspondence dated September 15, 2014 from Ms. Mary Bayliss, RRT, Canadian Society of Respiratory Therapists requesting that October 26 to November 1, 2014 be proclaimed 'Respiratory Therapists Week' in the Town of Newmarket.

a) THAT the correspondence from Ms. Mary Bayliss, RRT be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim October 26 to November 1, 2014 as 'Respiratory Therapists Week';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

25. List of Outstanding Matters.

a) THAT the list of Outstanding Matters be received.

Correspondence and Petitions

26. Correspondence dated August 20, 2014 from Mr. Bryan Allen regarding Train Whistles.

a) THAT the correspondence dated August 20, 2014 from Mr. Bryan Allen regarding Train Whistles be received.

27. Correspondence dated July 30, 2014 from Ms. Carolyn Lance, Council Services Coordinator, Town of Georgina addressed to Prime Minister Stephen Harper regarding legislation to restrict the use of Neonicotinoid Pesticides in Ontario and requesting support of a resolution requesting a moratorium be declared surrounding the use of Neonicotinoid crop treatments and the inclusion of planting of bee and butterfly friendly spaces on appropriate Town property in the 2015 budget.
- a) THAT the correspondence dated July 30, 2014 from Ms. Carolyn Lance, Council Services Coordinator, Town of Georgina regarding the use of Neonicotinoid Pesticides be received.
28. Petition from Mr. Ian Johnston regarding construction of a splash pad in Ward 6.
- a) THAT the petition from Mr. Ian Johnston regarding construction of a splash pad in Ward 6 be referred to staff.

Carried

29. Mr. Daniel Berholz, Green & Rose Developments Inc. addressed the Committee regarding Development and Infrastructure Services Report - Planning and Building Services 2014-40 dated September 22, 2014 regarding Proposed Zoning By-law Amendment Application - 212 Davis Drive.

Moved by: Regional Councillor Taylor
 Seconded by: Councillor Sponga

THAT the deputation by Mr. Daniel Berholz, Green & Rose Developments Inc. regarding Development and Infrastructure Services Report - Planning and Building Services 2014-42 dated September 22, 2014 regarding Proposed Zoning By-law Amendment Application - 212 Davis Drive be received.

Carried

30. Development and Infrastructure Services - Planning and Building Services Planning Report 2014-42 dated September 22, 2014 regarding Proposed Zoning By-law Amendment Application D14-NP-14-04 Addendum Report – 212 Davis Drive.

Discussion ensued and alternate motions were presented:

Moved by: Regional Councillor Taylor
 Seconded by: Councillor Sponga

a) THAT Development and Infrastructure Services/Planning and Building Services - Planning Report 2014-42 dated September 22, 2014 regarding Proposed Zoning By-law Amendment Application D14-NP-14-04 Addendum Report – 212 Davis Drive be received and the following recommendations be adopted:

i) THAT Council support the Zoning By-law Amendment in accordance with the Zoning By-law and Holding provisions as recommended in Revised Appendix A - Recommended Zoning By-law; as amended at the September 22, 2014 Committee of the Whole meeting;

ii) AND THAT the applicant be advised that a Reference Plan is required to be submitted to the Town prior to Site Plan Approval, which identifies as a minimum, the land to be conveyed to the Town for future Minor Collector across the southerly limit of 212 Davis Drive; all easements including the easement for the future burying of hydro and related infrastructure (a minimum of a 3 m wide easement along the Davis Drive frontage and space for the future burying of switch gear to replace the current dip pole on the frontage of the property), easements for servicing including, e.g. water, waste water and storm water;

iii) AND THAT Council direct staff and legal counsel to continue to work with the proponent, the commenting agencies toward the resolution of any outstanding issue as identified in Planning Report 2014-40 prior to the lifting to the "Holding" provisions and finalization of Site Plan Approval;

iv) AND THAT Council direct staff and legal counsel, as part of Site Plan process, to enter into a Site Plan Agreement addressing applicable outstanding issues generally as outlined, but not limited to, those identified in Appendix B;

v) AND THAT servicing allocation be granted to this development from the Urban Centres assignment in the amount of 439 people (225 apartment units);

vi) AND THAT parking requirements for 212 Davis Drive be recognized as a 'Holding Provision' within the By-law and that staff work with the applicant to establish a parking ratio of 0.96 per unit, and that the applicant provide staff with a full justification report for and reduction below 1.1 and that the applicant offer options to address parking demand such as but not limited to parking agreements and shared parking;

vii) AND THAT Council request that the Regional Municipality of York explore 212 Davis Drive as part of the pilot project providing transit passes for each unit to encourage transit use by new residents and that York Region explore this policy direction for all new intensification projects on the Viva Rapidway corridors;

viii) AND THAT the 'Holding Provision' of the by-law includes a height of 6.6. metres for the parking structure;

vi) AND THAT Brad Rogers of Groundswell Urban Planners, 30 West Beaver Creek Road, Unit 109, Richmond Hill, ON L4B 3K1 and Daniel Berholz, Green & Rose Developments Inc., 156 Duncan Mills Road, Unit 12, Toronto, ON M3B 3N2 be notified of this action.

Carried

31. Corporate Services Report – Legislative Services 2014-19 dated September 9, 2014 regarding Implementation Considerations, Relief from Sign Permit Fees, Davis Drive and Yonge Street.

Discussion ensued and an alternate motion was presented.

Moved by: Regional Councillor Taylor

Seconded by: Councillor Twinney

a) THAT Corporate Services Report - Legislative Services 2014-19 dated September 9, 2014 regarding Implementation Considerations, Relief from Sign Permit Fees, Davis Drive and Yonge Street be received and the following recommendations be adopted:

i) THAT Council request that staff explore the feasibility and advisability of not enforcing time restrictions in relation to signs on Davis Drive during construction and that staff inform Council of their investigation and direction by information report and inform the business community of the results as well;

ii) AND THAT the relief from sign permit fees not include billboard signs.

Carried by 2/3 majority

Action Items

None.

Reports by Regional Representatives

None.

Notices of Motion

None.

Motions

32. Moved by: Councillor Sponga
Seconded by: Regional Councillor Taylor

THAT a staff report reviewing GO Train operations including east-west road connections, grade separations, speed within the downtown core, frequency of whistles at the train intersections located at Water Street, Timothy Street and Davis Drive and the implementation of a regulated Signaled Pedestrian Crossing at Water Street, Doug Duncan Drive and Fairy Lake be referred to the 2015 budget deliberations.

Carried

33. Moved by: Councillor Twinney
Seconded by: Regional Councillor Taylor

THAT the Ontario Government consider the appropriate legislative amendments to the Municipal Act, 2001 to permit telephone or video conference participation by appointed members of municipal accessibility advisory committees required by the Accessibility for Ontarians with Disabilities Act, 2005;

AND THAT this resolution be circulated to the Hon. Kathleen Wynne, Premier of Ontario; Hon. Brad Duguid, Minister of Economic Development, Employment and Infrastructure; Hon. Ted McMeekin, Minister of Municipal Affairs and Housing; Mr. Chris Ballard, MPP; municipalities in York Region, Durham Region, Halton Region, City of Toronto and the Association of Municipalities of Ontario.

Carried

New Business

- a) Councillor Di Muccio requested clarification from the Chief Administrative Officer regarding the process to make a recently distributed confidential memorandum with respect to the Glenway west lands public.
- b) Councillor Sponga requested an information report on how the By-law Enforcement staff are enforcing the Noise By-law with respect to train whistle blowing.
- c) Councillor Sponga requested an information report update regarding the reconstruction of Andrew Street.

The Committee recessed at 3:34 p.m.

The Committee reconvened at 3:55 p.m.

Closed Session

Moved by: Councillor Di Muccio

Seconded by: Councillor Kerwin

THAT the Committee of the Whole resolve into a Closed Session for the purpose of discussing proposed disposition of land by the municipality, potential acquisition of land by the municipality and a litigation matter before the Ontario Municipal Board (536 and 550 Mulock Court)

Carried

The Committee resolved into Closed Session at 3:56 p.m.

The Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Committee resumed into Public Session at 4:28 p.m.

The Committee recessed at 4:29 p.m.

The Committee reconvened at 7:00 p.m.

Public Hearing Matter

The continuation of the Committee of the Whole meeting was called to order at 7:03 p.m.

Mayor Van Bynen welcomed the public to the Committee of the Whole meeting.

The Deputy Clerk advised that the Planning Act requires that the Town hold at least one Public Meeting on any proposed Zoning By-law Amendment. She advised that the Zoning By-law Amendment application was submitted to permit a stacked townhouse development containing 40 units on the properties municipally known as 345-351 Davis Drive.

The Deputy Clerk further advised that the purpose of the meeting was to receive comments on the proposed Zoning By-law Amendment. The Committee of the Whole would not be making any decisions regarding the proposal at this meeting. All written and verbal comments will be provided to Planning staff for consideration.

It was stated that any individual or party that wishes to be notified of a subsequent meeting, or any individual who makes a presentation at the public meeting must complete a notification form.

In accordance with the Planning Act, the Ontario Municipal Board may dismiss an appeal without holding a hearing, if the appellant failed to make either oral submission at the Public Meeting or provide written submissions to Council prior to adoption.

The Deputy Clerk thanked everyone for their participation and interest in the meeting.

34. Public Meeting Notice and Related Council Extract - Development and Infrastructure Services Report - Planning and Building Services 2014-33 dated July 21, 2014 regarding Application for Zoning By-law Amendment - 1738357 Ontario Ltd., 345-351 Davis Drive.
35. Correspondence dated September 15, 2014 from Ms. Sara Brockman, Development Planner, Lake Simcoe Region Conservation Authority regarding Public Meeting - Development and Infrastructure Services Report - Planning and Building Services 2014-33 dated July 21, 2014 regarding Application for Zoning By-law Amendment - 1738357 Ontario Ltd., 345-351 Davis Drive.
36. PowerPoint Presentation by Mr. Andrew Ferancik, MCIP, RPP Senior Associate, Walker, Nott, Dragicevic Associates Limited related to Development and Infrastructure Services Report - Planning and Building Services 2014-33 dated July 21, 2014 regarding Application for Zoning By-law Amendment - 1738357 Ontario Ltd.; 345-351 Davis Drive.

Mr. Andrew Fernacik, MCIP, RPP Senior Associate, Walker, Nott, Dragicevic Associates Limited provided a PowerPoint presentation which addressed the property location, relevant policy documents and details regarding the proposed development.

Moved by: Councillor Kerwin

Seconded by: Councillor Vegh

THAT the PowerPoint Presentation by Mr. Andrew Ferancik be allotted an additional five minutes.

Carried

Mayor Van Bynen invited members of the public to come forward.

- a) Mr. Pablo Pina, resident, expressed concern over the reduced side yard setback on the west property boundary and the shadow impacts on neighboring residential areas on Amelia Street. He also questioned whether the development would be constructed using high end materials.
- b) Mr. John Dowson, resident, questioned the size of the landscape buffer at the northern edge of the property adjacent to Amelia Street.
- c) Mr. Andrew Ferancik responded to questions regarding the request for relief from the side yard setback provisions in the Zoning By-law, area of the landscape buffer and summarized the shadow study.
- d) Mr. Reza Eslami, ICON Architects Inc. summarized the types of building materials proposed for use on the development and advised that many materials will be locally sourced.
- e) Mr. Michael Orendi, resident, queried why the buildings are of different heights and suggested that the rear building be a reduced height in order to reduce impacts on existing residential on Amelia Street. He also suggested that the side yard setback be maintained in order to provide adequate site servicing.
- f) Mr. Pablo Pina, resident, questioned whether there would be a requirement for a signalized intersection to permit access to the site and plans for drainage from the roof.
- g) Mr. Andrew Fernacik provided a high level overview of the stormwater management plan and advised that no traffic light is required for site access.

Mayor Van Bynen invited questions from Council members. The Committee questioned Mr. Fernacik regarding the price point for units, timeline for the development and noise mitigation measures to reduce impacts on adjacent existing residential areas. It was suggested that a view shed analysis be provided when a report comes before Committee of the Whole for receipt in order to provide context for residents on Amelia Street.

Moved by: Councillor Emanuel
Seconded by: Councillor Vegh

THAT PowerPoint Presentation by Mr. Andrew Ferancik, MCIP, RPP Senior Associate, Walker, Nott, Dragicevic Associates Limited, deputations and all correspondence related to Application for Zoning By-law Amendment - 1738357 Ontario Ltd.; 345-351 Davis Drive be received.

Carried

The Director of Planning and Building Services provided the next steps associated with the application.

Adjournment

Moved by: Councillor Emanuel
Seconded by: Councillor Twinney

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 7:52 p.m.

Tony Van Bynen, Mayor

Lisa Lyons , Deputy Clerk

**CORPORATION OF THE TOWN OF NEWMARKET****BY-LAW NUMBER 2014-50**

A BY-LAW TO APPOINT A BUILDING INSPECTOR FOR THE TOWN OF NEWMARKET AS REQUIRED BY THE *BUILDING CODE ACT* AND O. REG. 403/97, AS AMENDED. (Curtis Greenham)

WHEREAS Curtis Greenham has met the qualifications of Section 2.16 of the *Building Code Act* and is registered with the Ministry of Municipal Affairs and Housing.

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

THAT Curtis Greenham (BCIN 21893) be appointed as Building Inspector for the Town of Newmarket.

ENACTED THIS 29TH DAY OF SEPTEMBER, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-51

A BY-LAW TO AMEND BY-LAW NUMBER 2010-40 BEING A ZONING BY-LAW.
(Sundial Homes)

WHEREAS it is deemed advisable to amend By-Law Number 2010-40;

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

THAT By-law Number 2010-40, be and the same is hereby further amended by:

1. Delete from Schedule "A", Map No.2, the Transition (TR) Zone on Part of Lots 96, Concession 1 W.Y.S., and substituting therefore the

Residential Detached Dwelling 12.2m (R1-E-125) Zone;

Residential Detached Dwelling 10.7m (R1-F-125) Zone;

Residential Semi Detached Dwelling 15.2 (R2-H-125) Zone;

Residential Townhouse Dwelling (R4-R-125) Zone;

Residential Back to Back Townhouse Dwelling (R4-R1-125) Zone;

Open Space (OS-1) Zone; and,

Major Institutional (I-A/(H)R4-R-125) Zone

Major Institutional (I-A/(H)R4-R1-125) Zone

Major Institutional (I-A/(H)R2-H-125) Zone

as shown more particularly on Schedule "X" attached hereto, and forming part of this By-law.

2. Adding the following definitions to Section 3 Definitions:

Dwelling, Back to Back Townhome means a building containing a minimum of 6 and not more than 20 dwelling units that is divided by common walls including a common rear wall without a rear yard setback, and where each dwelling unit has an independent entrance to the dwelling unit from the outside which is accessed through the front yard or exterior side yard.

3. Adding the following to 6.2.1:

Permitted Use	R1	R2	R3	R4	R5
Dwelling, Back to Back Townhouse				*	

4. i) Notwithstanding any other provision of the by-law to the contrary, for the lands zoned I-A/(H)R4-R-125, permitted uses shall include an elementary school in accordance with the Major Institutional zone requirements of Section 6.6 of By-law 2010-40 and townhouse dwelling units in accordance with Section 4 iii) R4-R-125 of this by-law.

ii) Notwithstanding any other provision of the by-law to the contrary, for the lands zoned I-A/(H)R4-R1-125, permitted uses shall include an elementary school in accordance with the Major Institutional zone requirements of Section 6.6 of By-law 2010-40 and back to back townhouse dwelling units in accordance with Section 4 iii) R4-R1-125 of this by-law.

iii) Notwithstanding any other provision of the by-law to the contrary, for the lands zoned I-A/(H)R2-H-125, permitted uses shall include an elementary school in accordance with the Major Institutional zone requirements of Section 6.6 of By-law 2010-40 and semi-detached dwelling units in accordance with Section 4 iii) R2-H-125 of this by-law.

5. Adding the following regulations relating to the R1-E-125, R1-F-125, R2-H-125, R4-R-125 and R4-R1-125 Zones to Section 8.1.1 List of Exceptions:

Exception	Zoning	Map	By-Law Reference			File Reference
125	(H) R1-E-125; (H) R1-F-125; (H) R2-H-125; (H) R4-R-125; (H) R4-R1-125	2	2014-51			19TN 2013-003; D12 13 22 & D14 13 22
i) Location: North side of Davis Drive, West of Yonge Street.						
ii) Legal Description: Part of Lot 96, Concession 1 W.Y.S.						
iii) Development Standards:						
		R1-E-125	R1-F-125	R2-H-125	R4-R-125	R4-R1-125
(a) Min. Lot Area:	n/a					
(b) Min. Lot Frontage:	12.2m	10.7m	15.2m	6.0m (per unit)	6.1m (per unit)	
(c) Min. Lot/block with a sidewalk:	25.5m					27.5m
without a sidewalk:	24.5m					26.5m
(d) Min. Front Yard:	4.5m					3m
(e) Min. Rear Yard:	7.0m				6.0m	0m
(f) Min. Interior Side on one side:	0.6m				1.5m (end unit)	
on the other side:	1.2m				n/a	
(g) Min. Building Separation:	1.2m				3.0m	
(h) Min. exterior Side Yard	3.0m					2.4m
(i) Max. Building Height:	11m (2 storeys)	11.5 (3 storeys) 12.2 (walkouts) 11m (2 storeys where abutting existing low density residential)				
(j) Max. Lot Coverage:	n/a					
(k) Minimum off-street parking requirements exterior of any garage or	2					
(l) Min. Driveway Width : (*7) (*11) (*13)	3.0m					

(m)Max.Driveway Width: (*7) (*13)	5.5m	3.8m	3.0m
(n) Min. Driveway Length (*11)			
Segmented Garage Door:	10.0m		
No Segmented Garage Door:	11.2m		

- (o) Numbered notations relating to (*7), (*11), and (*13) shall be in accordance with the same numbered notations listed under Section 6.2.3 of By-Law 2010-40.
- (p) Notwithstanding the minimum required driveway length for a driveway adjacent to a segmented garage door, where there is a double car garage with a segmented door, and a double driveway of at least 5.5 metres in width, the minimum driveway length may be reduced to 7.0 metres provided that the garage does not protrude past the front wall on the ground level of the dwelling unit or porch towards the front lot line.
- (q) The minimum distance between a driveway and the intersection of 2 or more streets measured along the street line, intersected by such driveway shall be 6.0 metres.
- (r) Permitted Encroachments:
 An unenclosed porch, covered or uncovered, and with or without a foundation or basement area, steps and/or handicapped ramps(s) shall be permitted to encroach 2.4 metres into the required front yard and 1.5 metres into the required exterior side yard. Steps may encroach up to 0.3m from the front or exterior side lot line.
- Bay windows with or without a floor or foundation shall be permitted to encroach up to 1.0 metre into the required front yard, rear yard or exterior side yard for a maximum width of 3.0 metres.
- Sills, belt courses, cornices, gutters, chimneys with or without a foundation, pilasters, eaves, parapets or canopies shall be permitted to encroach 0.6 metres into any required yard.
- Notwithstanding Section 5(iii)(L) any structural and/or decorative features shall be permitted to encroach into the minimum driveway width of 3.0m a maximum of 0.40m overall.
- (s) On a corner lot where a daylighting triangle or rounding has been conveyed to the a public authority, the exterior side lot line and the front lot line shall be deemed to be the continued projection of the exterior side lot line and the front lot line to a point of intersection, for the purposes of calculating the required minimum front yard, minimum exterior side yard and/or minimum lot depth requirements.
- (t) Notwithstanding any other provision of the by-law to the contrary, Central Air Conditioning units for Back to Back townhouse dwelling units shall be permitted on a balcony facing the front yard accessed from an upper story of the dwelling unit.
- (u) The maximum number of Townhomes permitted in one block shall not exceed 9 units.

6. Adding the following provisions to Section 8.2.1 List of Holding Provisions:

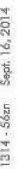
By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2014-51	Part of Lot 96, Concession 1 W.Y.S.	<p>No person within the lands zoned the R1-E-125, R1-F-125, R2-H-125, R4-R-125 and R4-R1-125 Zones, shall use any lot or erect, alter or use any buildings or structures for any purpose except for those uses which existed on the date of passing of this By-Law.</p> <p>Furthermore, no extension or enlargement of the uses which existed on the date of passing of this By-Law shall occur unless an amendment to this By-Law or removal of the '(H)' prefix, as identified in the next column, is approved by the Council of the Corporation of the Town of Newmarket and comes into full force and effect.</p> <p>However, the Holding provision will not prevent the construction of model homes, a sales office and/or in-ground and above ground services if deemed appropriate and desirable by the Town.</p>	<ul style="list-style-type: none"> • All relevant provisions of the Official Plan, have been complied with; • That sufficient servicing capacity is available, and has been allocated by the Town; • That a subdivision agreement has been entered into between the Owner of the lands and the Corporation of the Town of Newmarket, and the performance security contemplated therein has been posted; • All necessary requirements of the Town have been satisfied; • All necessary approvals have been received by other commenting agencies and authorities. • For lots 71 to 91. The H will be not be removed until such time as the owner has demonstrated to the satisfaction of the Town's Director of Engineering Services that the lots can be graded in accordance with the Town's Engineering Standards. 	September 29, 2014

7. All other provisions of By-Law 2010-40, as amended, shall apply to the lands subject to this By-Law.

ENACTED THIS 29TH DAY OF SEPTEMBER, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk





CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-52

A BY-LAW TO AMEND BY-LAW NUMBER 2010-40, AS AMENDED BY BY-LAW 2013-05, BEING A RESTRICTED AREA (ZONING) BY-LAW.
(Mosaik Glenway Homes Inc.)

WHEREAS the lands affected by this By-law are subject to a Holding (H) prefix in conjunction with a zoning category, as permitted under section 34 and 36 of the *Planning Act*, R.S.O. 1990;

AND WHEREAS Council is satisfied that the conditions for the removal of the Holding (H) prefix have been met in respect of the subject lands;

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

1. That Schedule 'A', Map Number 8 to Zoning By-law 2010-40, as amended by By-Law 2013-05 is hereby further amended as follows:

That the "(H)" Holding prefix preceding the Residential Detached Dwelling 15m (R1-D-118) zone, the Residential Detached Dwelling 9.7m (R1-F) zone and the Residential Semi-Detached Dwelling 13.6m (R2-H) Zone on Part of Lot 95, Concession 1, WYS, as shown more particularly on Schedule 'X' attached hereto, is hereby removed.

2. That the provisions of this By-law shall come into force and be effective upon the final passage thereof.

ENACTED THIS 29TH DAY OF SEPTEMBER, 2014

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-53

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 the Kiewit-EllisDon for vivaNext D1 project work.

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

THAT Kiewit-EllisDon be exempted from the Noise By-law 2004-94, as amended, for a period from December 25, 2014 to December 25, 2015 between the hours of 10:00 p.m. to 7:00 a.m. to perform necessary vivaNext D1 project work.

ENACTED THIS 29TH DAY OF SEPTEMBER, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-54

A BY-LAW TO AMEND BY-LAW 2010-40 BEING A ZONING BY-LAW.
(212 Davis Drive)

WHEREAS it is deemed advisable to amend By-law 2010-40;

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

THAT By-law 2010-40, be and the same is hereby further amended by:

1. Delete from Schedule "A", Map No.10, the UC-R-51 Zone on Part of Lot 4, Registered Plan 32, Town of Newmarket and municipally addressed 212 Davis Drive, and substituting therefore the:

Regional Urban Centre (H)UC-R-124 Exception Zone

as shown more particularly on Schedule "X" attached hereto, and forming part of this By-law.

2. Adding the following regulations relating to the UC-R zone to Section 8.1.1 List of Exceptions:

Exception 124	Zoning (H)UC-R-124	Map 10	By-Law Reference 2014-54	File Reference D14-NP-14-04
i) Location: 212 Davis Drive - South side of Davis Drive. ii) Legal Description: Lot 4, Registered Plan 32, Town of Newmarket (PIN 03602-0347(LT)). iii) Prohibited Uses: waste disposal sites within the meaning of Part V of the Environmental Protection Act, large (more than 10,000 L) non-agricultural source material storage facilities, commercial fertilizer storage facilities, pesticide storage facilities, road salt storage facilities, fuel storage, DNAPLs storage (chemicals typically used by drycleaners), and organic solvent storage. iv) Development Standards:				
			(H)UC-R-124	
(a) Min. Yard Setbacks:				
<u>Apartment Building:</u>				
From Front Lot Line (Davis Drive)			Min. 3.0 m ¹	
From West Lot Line			Min. 4.5 m	

¹ The 3 m easement, in favour of the Town, is established for the future burying of the overhead hydro lines on Davis Drive and will provide the necessary above ground space for facilities including future cycling facility and wider sidewalks on Davis Drive.

<u>Accessory Parking Structure:</u> From Rear Lot Line as measured from the northerly limit of the future Minor Collector ROW:	Min. 3 m from the future Minor Collector right of way. ²
<u>Accessory Parking Structure: (*1)</u> From East Lot Line	Min. 3 m
<u>Accessory Parking Structure: (*1)</u> From West Lot Line	Min. 6 m
<u>Accessory Parking Structure Ramp:</u> From the West Lot Line	Min. 2.9 m
(b) Max. Yard Setback: <u>Apartment Building:</u> From Front Lot Line (Davis Drive)	Max. 15 m
<u>Accessory Parking Structure: (*1)</u> From West Lot Line	Max. 9.6 m (excluding any ramps)
(c) Maximum Total Lot Coverage for all Accessory Structures:	30 %
(d) Max. Floor Space Index:	2.0 FSI based on the <i>net lot area</i> of the property that is the subject of the zoning amendment as described below in provision (v).
(e) Min. Floor Space Index:	1.5 FSI based on <i>net land area</i> described below in provision (v).
(f) Max. Height of Apartment Building: Where height is in metres and storeys, the measurement in metres shall prevail.	46 m (15 storeys)
(g) Podium Structure: Maximum Height of an enclosed or open <i>podium structure</i> located on Davis Drive frontage Minimum Height of an enclosed or open <i>podium structure</i> located on Davis Drive frontage Minimum step back	Max. 10 m Min. 4.2 m Min. 3.0 m

² The future Minor Collector ROW is to be dedicated to the Town and will have a minimum width of 20 m.

Minimum frontage	Min. two-thirds the width of the frontage of the apartment building facing Davis Drive.
(h) Apartment Building Ground Floor Height:	Min. 4.0 m Max. 4.5 m
(i) Parking Requirement for the Apartment Building:	Min. 0.86 per dwelling unit, plus 0.10 per dwelling unit for visitor parking. Max.1.0 per apartment unit plus 0.1 per apartment unit for visitor parking.
(j) Minimum width of entrance to future Minor Collector at the rear of 212 Davis Drive	6.7 m
(k) Height of Accessory Parking Structure:	Max. 6.6 m above average finished grade

*(*1) Any below grade portions of the Accessory Parking Structure may encroach within 0.5 m of the east and west lot lines provided the surface area above the below grade parking structure remains useable for the designed purpose, e.g., landscaping, pedestrian access, private street, etc.*

- v) *Net lot area* shall be calculated based on the entire property at the time of application of the By-law amendment (April 28, 2014), inclusive of the public Minor Collector across the rear of 212 Davis Drive and all private internal streets/lanes and the land included in the easements for underground hydro utilization across the frontage of Davis Drive.
- vi) *Podium Structure* means the lower part of the apartment building that is designed to break up the front façade and define the street edge. The podium refers to the overall structure that extends beyond the front wall of the tower portion of the building.
- vii) Special note (*3) of Section 6.4.1 shall not apply.
- viii) Special notes (*2-5) of Section 6.4.2 pertaining to terracing and setbacks shall not apply.
- ix) No provision of this by-law shall be deemed to be contravened by reason of any land division or the conveyance of a parcel(s) upon which a building(s) is erected provided that all of the standards of this by-law are met for the lands as a whole.

3. AND THAT all other provisions of By-Law 2010-40, as amended, shall apply to the lands subject to this By-law.

4. Adding the following provisions to Section 8.2.1 List of Holding Provisions:

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the “H”	Date Enacted
2014-54	212 Davis Drive Part of Lot 4, Registered Plan 32, Town of Newmarket	<p>No person within the lands zoned (H)UC-R-124 shall erect, alter or use any land, buildings or structures for any purpose except for those uses which existed on the date of passing of this By-law. Any grading, filling or works necessary to fulfill the requirements of testing for and/or site remediation required to obtain approval for Record of Site Condition and/or to provide approved servicing, shall be permitted.</p> <p>Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of this By-law shall occur unless an amendment to this By-law or removal of the ‘(H)’ prefix, as identified in the next column, is approved by Town Council and the By-law comes into full force and effect.</p> <p>However, the Holding provision will not prevent any remediation or testing as addressed above, or any testing related to related to Source Water Protection and/or in-ground and above ground services, if deemed appropriate and desirable by the Town.</p>	<p>1. Grading:</p> <p>That prior to lifting the “H” it shall be demonstrated to the satisfaction of the Town that the proposed grading and elevation of the proposed apartment building and accessory parking structure achieve appropriate vehicle and pedestrian connectivity to the future Minor Collector at the rear, and appropriately connect and transition to the surrounding properties, including Davis Drive.</p> <p>2. Conveyance of the Minor Collector and Hydro Easement along the frontage of Davis Drive:</p> <p>That prior to the lifting of the “H”, that the Owner shall enter into an agreement with the Town for the conveyance of the space required for the future Minor Collector across the rear of 212 Davis Drive and the 3 m easement and associated facilities at the Davis Drive frontage and the necessary agreements executed with the Town, and applicable agencies.</p> <p>3. Sanitary Sewage Conveyance:</p> <p>That prior to lifting the “H” it shall be demonstrated to the satisfaction of the Town that there is sufficient existing sanitary sewer conveyance capacity</p>	

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the “H”	Date Enacted
			<p>available, or through a detailed calculation, demonstrate that water conservation measures will achieve the same end and that there will be no downstream adverse impacts.</p> <p>4. Record of Site Condition:</p> <p>That prior to lifting the “H” a Record of Site Condition shall be filed in accordance with the Town’s Official Plan. (Policy 10.4.7 a)</p> <p>5. Stormwater:</p> <p>That prior to lifting the “H” a detailed storm water management plan shall be submitted to the satisfaction of the Town, the Region and the Lake Simcoe Region Conservation Authority.</p> <p>6. Servicing Conveyance:</p> <p>That prior to the lifting of the “H” provision for municipal services and access shall be to the satisfaction of the Town and the necessary agreements executed with the Town.</p> <p>7. Source Water Impact and Assessment Mitigation Plan:</p> <p>That prior to lifting the “H” a Source Water Impact and Assessment Mitigation Plan shall be required to have received approval from the Region of York demonstrating that any construction activities, including any dewatering or</p>	

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the “H”	Date Enacted
			<p>groundwater depressurization will not interfere with quantity and quality of groundwater of the municipal well(s).</p> <p>8. Parking Requirements: (Development Standard (iv) (i))</p> <p>That prior to the lifting of the “H” it shall be demonstrated to the satisfaction of the Town through a parking justification report that that any parking reduction from 1.1 parking spaces per dwelling unit can be justified, and that parking demand management options, including but not limited to, parking agreements and shared parking be to the satisfaction of the Town.</p> <p>9. Maximum Height of Accessory Parking Structure: (Development Standard iv)(k))</p> <p>That prior to the lifting of the “H and subject to the grading and elevation provisions addressed in Holding provision #1 Grading, that it be demonstrated to the satisfaction of the Town that the maximum height of the accessory parking structure as identified in Development Standard iv) (k) of the By-law, is justified.</p>	

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the “H”	Date Enacted
			<p>10. Site Plan Agreement:</p> <p>That prior to lifting the “H” a Site Plan Agreement has been entered into between the Town and the Owner of the lands and the performance security contemplated therein posted.</p> <p>11. Official Plan:</p> <p>That prior to lifting the “H”, all relevant provisions of the Official Plan have been complied with.</p>	

ENACTED THIS 29TH DAY OF SEPTEMBER, 2014

Tony Van Bynen, Mayor

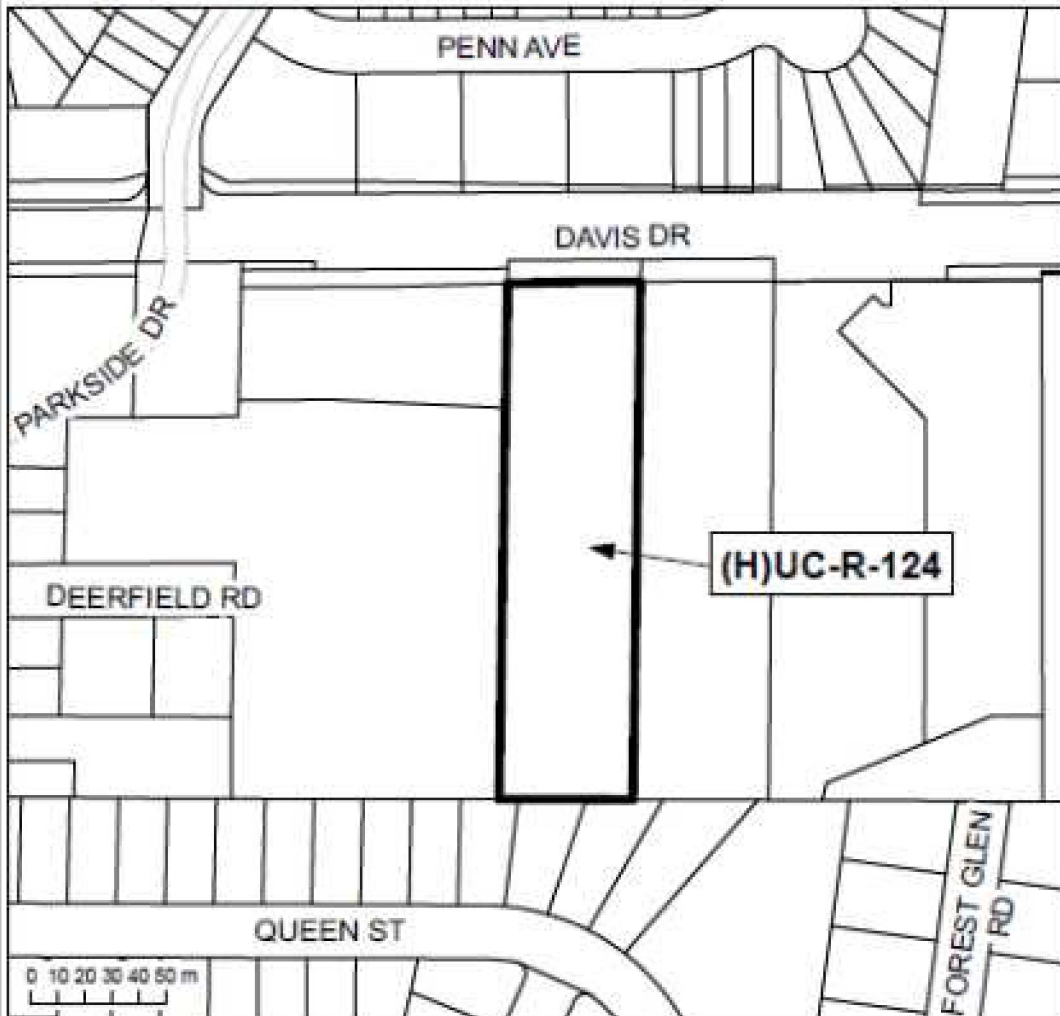
Andrew Brouwer, Town Clerk

TOWN OF NEWMARKET
 REGIONAL MUNICIPALITY OF YORK
 212 DAVIS DRIVE
 PLAN 32 PT LOT 4 RP 65R21851
 PT PART 1 AND EXP PLAN
 YR1370040 PART 2

This is Schedule 'X'
 To Bylaw 2014-
 Passed this _____ Day
 of _____, 2014.

MAYOR _____

CLERK _____



SCHEDULE "X" TO BY-LAW 2014-
 TOWN OF NEWMARKET PLANNING DEPARTMENT



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CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-55

A BY-LAW TO CONFIRM THE PROCEEDINGS OF A MEETING OF COUNCIL
– SEPTEMBER 29, 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 29TH DAY OF SEPTEMBER, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-51

A BY-LAW TO AMEND BY-LAW NUMBER 2010-40 BEING A ZONING BY-LAW.
(Sundial Homes)

WHEREAS it is deemed advisable to amend By-Law Number 2010-40;

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

THAT By-law Number 2010-40, be and the same is hereby further amended by:

1. Delete from Schedule "A", Map No.2, the Transition (TR) Zone on Part of Lots 96, Concession 1 W.Y.S., and substituting therefore the

Residential Detached Dwelling 12.2m (R1-E-125) Zone;

Residential Detached Dwelling 10.7m (R1-F-125) Zone;

Residential Semi Detached Dwelling 15.2 (R2-H-125) Zone;

Residential Townhouse Dwelling (R4-R-125) Zone;

Residential Back to Back Townhouse Dwelling (R4-R1-125) Zone;

Open Space (OS-1) Zone; and,

Major Institutional (I-A/(H)R4-R-125) Zone

Major Institutional (I-A/(H)R4-R1-125) Zone

Major Institutional (I-A/(H)R2-H-125) Zone

as shown more particularly on Schedule "X" attached hereto, and forming part of this By-law.

2. Adding the following definitions to Section 3 Definitions:
Dwelling, Back to Back Townhome means a building containing a minimum of 6 and not more than 20 dwelling units that is divided by common walls including a common rear wall without a rear yard setback, and where each dwelling unit has an independent entrance to the dwelling unit from the outside which is accessed through the front yard or exterior side yard.

3. Adding the following to 6.2.1:

Permitted Use	R1	R2	R3	R4	R5
Dwelling, Back to Back Townhouse				*	

4. i) Notwithstanding any other provision of the by-law to the contrary, for the lands zoned I-A/(H)R4-R-125, permitted uses shall include an elementary school in accordance with the Major Institutional zone requirements of Section 6.6 of By-law 2010-40 and townhouse dwelling units in accordance with Section 5 iii) R4-R-125 of this by-law.

ii) Notwithstanding any other provision of the by-law to the contrary, for the lands zoned I-A/(H)R4-R1-125, permitted uses shall include an elementary school in accordance with the Major Institutional zone requirements of Section 6.6 of By-law 2010-40 and back to back townhouse dwelling units in accordance with Section 5 iii) R4-R1-125 of this by-law.

iii) Notwithstanding any other provision of the by-law to the contrary, for the lands zoned I-A/(H)R2-H-125, permitted uses shall include an elementary school in accordance with the Major Institutional zone requirements of Section 6.6 of By-law 2010-40 and semi-detached dwelling units in accordance with Section 5 iii) R2-H-125 of this by-law.

5. Adding the following regulations relating to the R1-E-125, R1-F-125, R2-H-125, R4-R-125 and R4-R1-125 Zones to Section 8.1.1 List of Exceptions:

Exception	Zoning	Map	By-Law Reference			File Reference	
125	(H) R1-E-125; (H) R1-F-125; (H) R2-H-125; (H) R4-R-125; (H) R4-R1-125	2	2014-51			19TN 2013-003; D12 13 22 & D14 13 22	
i) Location: North side of Davis Drive, West of Yonge Street.							
ii) Legal Description: Part of Lot 96, Concession 1 W.Y.S.							
iii) Development Standards:							
		R1-E-125	R1-F-125	R2-H-125	R4-R-125	R4-R1-125	
(a) Min. Lot Area:	n/a						
(b) Min. Lot Frontage:	12.2m	10.7m	15.2m	6.0m (per unit)	6.1m (per unit)		
(c) Min.Lot/block with a sidewalk:	25.5m					27.5m	
without a sidewalk:	24.5m					26.5m	
(d) Min. Front Yard:	4.5m					3m	
(e) Min. Rear Yard:	7.0m				6.0m	0m	
(f) Min. Interior Side on one side:	0.6m				1.5m (end unit)		
on the other side:	1.2m				n/a		
(g) Min. Building Separation:	1.2m				3.0m		
(h) Min. exterior Side Yard	3.0m					2.4m	
(i) Max. Building Height:	11m (2 storeys)			11.5 (3 storeys) 12.2 (walkouts) 11m (2 storeys where abutting existing low density residential)			
(j) Max. Lot Coverage:	n/a						
(k) Minimum off-street parking requirements exterior of any garage or structure:	2						
(l) Min. Driveway Width : (*7) (*11) (*13)	3.0m						

(m) Max.Driveway Width: (*7) (*13)	5.5m	3.8m	3.0m
(n) Min. Driveway Length (*11)			
Segmented Garage Door:	10.0m		
No Segmented Garage Door:	11.2m		

- (o) Numbered notations relating to (*7), (*11), and (*13) shall be in accordance with the same numbered notations listed under Section 6.2.3 of By-Law 2010-40.
- (p) Notwithstanding the minimum required driveway length for a driveway adjacent to a segmented garage door, where there is a double car garage with a segmented door, and a double driveway of at least 5.5 metres in width, the minimum driveway length may be reduced to 7.0 metres provided that the garage does not protrude past the front wall on the ground level of the dwelling unit or porch towards the front lot line.
- (q) The minimum distance between a driveway and the intersection of 2 or more streets measured along the street line, intersected by such driveway shall be 6.0 metres.
- (r) Permitted Encroachments:
An unenclosed porch, covered or uncovered, and with or without a foundation or basement area, steps and/or handicapped ramps(s) shall be permitted to encroach 2.4 metres into the required front yard and 1.5 metres into the required exterior side yard. Steps may encroach up to 0.3m from the front or exterior side lot line.
- Bay windows with or without a floor or foundation shall be permitted to encroach up to 1.0 metre into the required front yard, rear yard or exterior side yard for a maximum width of 3.0 metres.
- Sills, belt courses, cornices, gutters, chimneys with or without a foundation, pilasters, eaves, parapets or canopies shall be permitted to encroach 0.6 metres into any required yard.
- Notwithstanding Section 5(iii)(L) any structural and/or decorative features shall be permitted to encroach into the minimum driveway width of 3.0m a maximum of 0.40m overall.
- (s) On a corner lot where a daylighting triangle or rounding has been conveyed to the a public authority, the exterior side lot line and the front lot line shall be deemed to be the continued projection of the exterior side lot line and the front lot line to a point of intersection, for the purposes of calculating the required minimum front yard, minimum exterior side yard and/or minimum lot depth requirements.
- (t) Notwithstanding any other provision of the by-law to the contrary, Central Air Conditioning units for Back to Back townhouse dwelling units shall be permitted on a balcony facing the front yard accessed from an upper story of the dwelling unit.
- (u) The maximum number of Townhomes permitted in one block shall not exceed 9 units.

6. Adding the following provisions to Section 8.2.1 List of Holding Provisions:

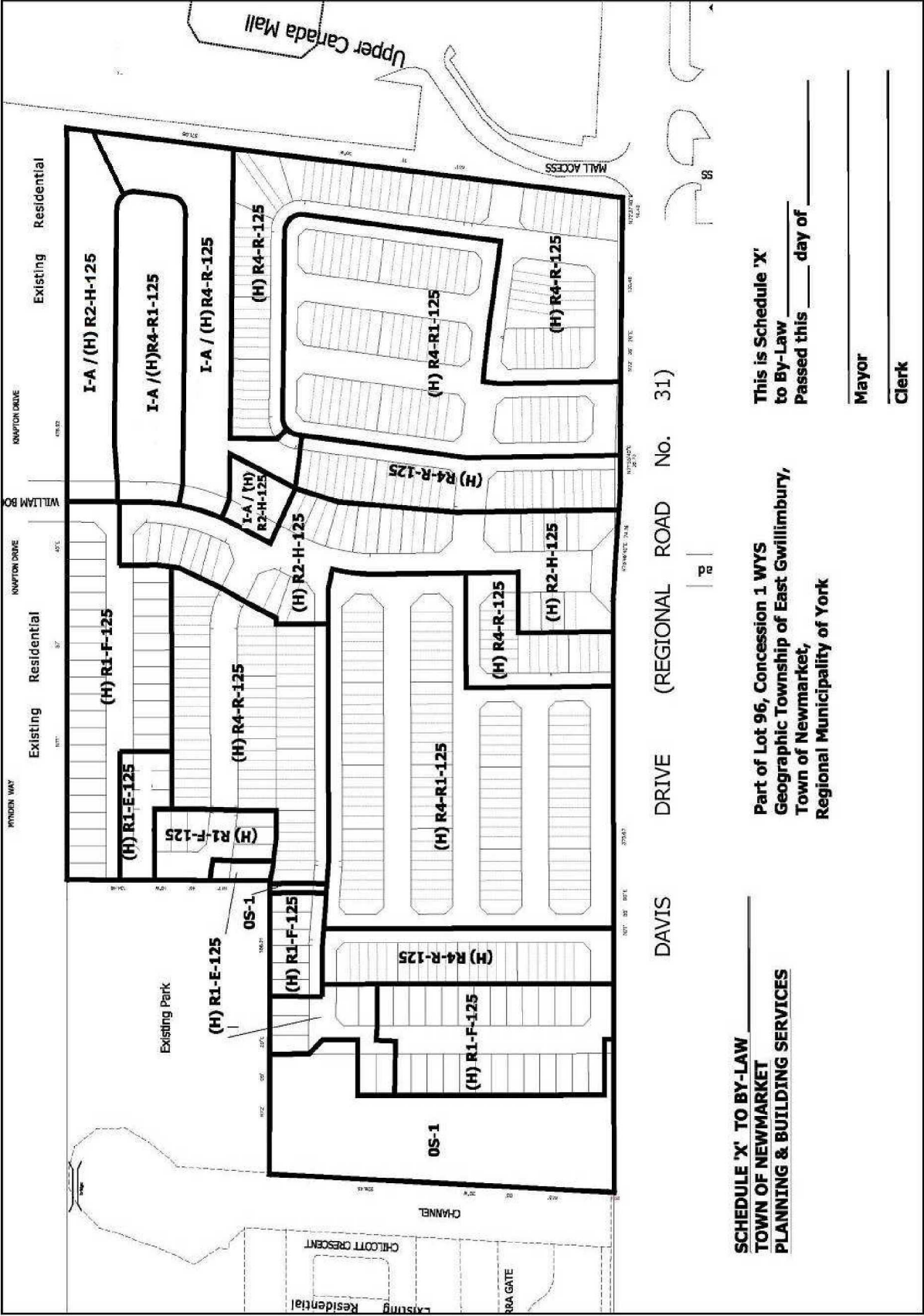
By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2014-51	Part of Lot 96, Concession 1 W.Y.S.	<p>No person within the lands zoned the R1-E-125, R1-F-125, R2-H-125, R4-R-125 and R4-R1-125 Zones, shall use any lot or erect, alter or use any buildings or structures for any purpose except for those uses which existed on the date of passing of this By-Law.</p> <p>Furthermore, no extension or enlargement of the uses which existed on the date of passing of this By-Law shall occur unless an amendment to this By-Law or removal of the '(H)' prefix, as identified in the next column, is approved by the Council of the Corporation of the Town of Newmarket and comes into full force and effect.</p> <p>However, the Holding provision will not prevent the construction of model homes, a sales office and/or in-ground and above ground services if deemed appropriate and desirable by the Town.</p>	<ul style="list-style-type: none"> • All relevant provisions of the Official Plan, have been complied with; • That sufficient servicing capacity is available, and has been allocated by the Town; • That a subdivision agreement has been entered into between the Owner of the lands and the Corporation of the Town of Newmarket, and the performance security contemplated therein has been posted; • All necessary requirements of the Town have been satisfied; • All necessary approvals have been received by other commenting agencies and authorities. • For lots 71 to 91. The H will be not be removed until such time as the owner has demonstrated to the satisfaction of the Town's Director of Engineering Services that the lots can be graded in accordance with the Town's Engineering Standards. 	September 29, 2014

7. All other provisions of By-Law 2010-40, as amended, shall apply to the lands subject to this By-Law.

ENACTED THIS 29TH DAY OF SEPTEMBER, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



SCHEDULE 'X' TO BY-LAW
TOWN OF NEWMARKET
PLANNING & BUILDING SERVICES

Part of Lot 96, Concession 1 WYS
Geographic Township of East Gwillimbury,
Town of Newmarket,
Regional Municipality of York

This is Schedule 'X'
to By-Law
Passed this ____ day of ____

Mayor
Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-54

A BY-LAW TO AMEND BY-LAW 2010-40 BEING A ZONING BY-LAW.
(212 Davis Drive)

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to pass this By-law; and

WHEREAS Council of the Town of Newmarket has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS the Official Plan for the Town of Newmarket contains provisions relating to the authorization of increases in height and density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

WHEREAS the increase in height and density beyond that otherwise permitted on the aforesaid lands by By-law No. 2010-40 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the Town of Newmarket; and

WHEREAS it is deemed advisable to amend By-law 2010-40;

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

THAT By-law 2010-40, be and the same is hereby further amended by:

1. Pursuant to Section 37 of the *Planning Act*, the increased height and density permitted by this By-law on the said lot are permitted subject to the owner building a purpose-built rental apartment with a commitment that the building remain rental for a minimum of 20 years, and the provisions for which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the *Planning Act*, securing that the building will be a purpose-built rental apartment with a commitment that the building remain rental for a minimum of 20 years, the said lot is subject to the provisions of this By-law, and is subject to the said

agreement as a precondition to the issuance of a building permit. The *owner* may not erect or use such building until the *owner* has entered into such agreement.

3. Delete from Schedule “A”, Map No.10, the UC-R-51 Zone on Part of Lot 4, Registered Plan 32, Town of Newmarket and municipally addressed 212 Davis Drive, and substituting therefore the:

Regional Urban Centre (H)UC-R-124 Exception Zone

as shown more particularly on Schedule “X” attached hereto, and forming part of this By-law.

4. Adding the following regulations relating to the UC-R zone to Section 8.1.1 List of Exceptions:

Exception 124	Zoning (H)UC-R-124	Map 10	By-Law Reference 2014-54	File Reference D14-NP-14-04
<p>i) Location: 212 Davis Drive - South side of Davis Drive.</p> <p>ii) Legal Description: Lot 4, Registered Plan 32, Town of Newmarket (PIN 03602-0347(LT)).</p> <p>iii) Prohibited Uses: waste disposal sites within the meaning of Part V of the Environmental Protection Act, large (more than 10,000 L) non-agricultural source material storage facilities, commercial fertilizer storage facilities, pesticide storage facilities, road salt storage facilities, fuel storage, DNAPLs storage (chemicals typically used by drycleaners), and organic solvent storage.</p> <p>iv) Development Standards:</p>				
		(H)UC-R-124		
<p>(a) Min. Yard Setbacks:</p> <p><u>Apartment Building:</u></p> <p>From Front Lot Line (Davis Drive)</p> <p>From West Lot Line</p>		<p>Min. 3.0 m ¹</p> <p>Min. 4.5 m</p>		
<p><u>Accessory Parking Structure:</u></p> <p>From Rear Lot Line as measured from the northerly limit of the future Minor Collector ROW:</p>		<p>Min. 3 m from the future Minor Collector right of way. ²</p>		
<p><u>Accessory Parking Structure: (*1)</u></p> <p>From East Lot Line</p>		<p>Min. 3 m</p>		
<p><u>Accessory Parking Structure: (*1)</u></p> <p>From West Lot Line</p>		<p>Min. 6 m</p>		

¹ The 3 m easement, in favour of the Town, is established for the future burying of the overhead hydro lines on Davis Drive and will provide the necessary above ground space for facilities including future cycling facility and wider sidewalks on Davis Drive.

² The future Minor Collector ROW is to be dedicated to the Town and will have a minimum width of 20 m.

<u>Accessory Parking Structure Ramp:</u>	
From the West Lot Line	Min. 2.9 m
(b) Max. Yard Setback:	
<u>Apartment Building:</u>	
From Front Lot Line (Davis Drive)	Max. 15 m
<u>Accessory Parking Structure: (*1)</u>	
From West Lot Line	Max. 9.6 m (excluding any ramps)
(c) Maximum Total Lot Coverage for all Accessory Structures:	30 %
(d) Max. Floor Space Index:	2.0 FSI based on the <i>net lot area</i> of the property that is the subject of the zoning amendment as described below in provision (v).
(e) Min. Floor Space Index:	1.5 FSI based on <i>net land area</i> described below in provision (v).
(f) Max. Height of Apartment Building:	
Where height is in metres and storeys, the measurement in metres shall prevail.	46 m (15 storeys)
(g) Podium Structure:	
Maximum Height of an enclosed or open <i>podium structure</i> located on Davis Drive frontage	Max. 10 m
Minimum Height of an enclosed or open <i>podium structure</i> located on Davis Drive frontage	Min. 4.2 m
Minimum step back	Min. 3.0 m
Minimum frontage	Min. two-thirds the width of the frontage of the apartment building facing Davis Drive.
(h) Apartment Building Ground Floor Height:	Min. 4.0 m Max. 4.5 m
(i) Parking Requirement for the Apartment Building:	Min. 0.86 per dwelling unit, plus 0.10 per dwelling unit for visitor parking. Max.1.0 per apartment unit plus 0.1 per apartment unit for visitor parking.
(j) Minimum width of entrance to future Minor Collector at the rear of 212 Davis Drive	6.7 m

(k) Height of Accessory Parking Structure:	Max. 6.6 m above average finished grade
<p><i>(*1) Any below grade portions of the Accessory Parking Structure may encroach within 0.5 m of the east and west lot lines provided the surface area above the below grade parking structure remains useable for the designed purpose, e.g., landscaping, pedestrian access, private street, etc.</i></p> <p>v) Net lot area shall be calculated based on the entire property at the time of application of the By-law amendment (April 28, 2014), inclusive of the public Minor Collector across the rear of 212 Davis Drive and all private internal streets/lanes and the land included in the easements for underground hydro utilization across the frontage of Davis Drive.</p> <p>vi) Podium Structure means the lower part of the apartment building that is designed to break up the front façade and define the street edge. The podium refers to the overall structure that extends beyond the front wall of the tower portion of the building.</p> <p>vii) Special note (*3) of Section 6.4.1 shall not apply.</p> <p>viii) Special notes (*2-5) of Section 6.4.2 pertaining to terracing and setbacks shall not apply.</p> <p>ix) No provision of this by-law shall be deemed to be contravened by reason of any land division or the conveyance of a parcel(s) upon which a building(s) is erected provided that all of the standards of this by-law are met for the lands as a whole.</p>	

5. AND THAT all other provisions of By-Law 2010-40, as amended, shall apply to the lands subject to this By-law.

6. Adding the following provisions to Section 8.2.1 List of Holding Provisions:

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the “H”	Date Enacted
2014-54	212 Davis Drive Part of Lot 4, Registered Plan 32, Town of Newmarket	<p>No person within the lands zoned (H)UC-R-124 shall erect, alter or use any land, buildings or structures for any purpose except for those uses which existed on the date of passing of this By-law. Any grading, filling or works necessary to fulfill the requirements of testing for and/or site remediation required to obtain approval for Record of Site Condition and/or to provide approved servicing, shall be permitted.</p> <p>Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of this By-law shall occur unless an amendment to this By-law or removal of the ‘(H)’ prefix, as identified in the next column, is approved by Town Council and the By-law comes into full force and effect.</p> <p>However, the Holding provision will not prevent any remediation or testing as addressed above, or any testing related to related to Source Water Protection and/or in-ground and above ground services, if deemed appropriate and desirable by the Town.</p>	<p>1. Grading:</p> <p>That prior to lifting the “H” it shall be demonstrated to the satisfaction of the Town that the proposed grading and elevation of the proposed apartment building and accessory parking structure achieve appropriate vehicle and pedestrian connectivity to the future Minor Collector at the rear, and appropriately connect and transition to the surrounding properties, including Davis Drive.</p> <p>2. Conveyance of the Minor Collector and Hydro Easement along the frontage of Davis Drive:</p> <p>That prior to the lifting of the “H”, that the Owner shall enter into an agreement with the Town for the conveyance of the space required for the future Minor Collector across the rear of 212 Davis Drive and the 3 m easement and associated facilities at the Davis Drive frontage and the necessary agreements executed with the Town, and applicable agencies.</p> <p>3. Sanitary Sewage Conveyance:</p> <p>That prior to lifting the “H” it shall be demonstrated to the satisfaction of the Town that there is sufficient existing sanitary sewer conveyance capacity</p>	

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the “H”	Date Enacted
			<p>available, or through a detailed calculation, demonstrate that water conservation measures will achieve the same end and that there will be no downstream adverse impacts.</p> <p>4. Record of Site Condition:</p> <p>That prior to lifting the “H” a Record of Site Condition shall be filed in accordance with the Town’s Official Plan. (Policy 10.4.7 a)</p> <p>5. Stormwater:</p> <p>That prior to lifting the “H” a detailed storm water management plan shall be submitted to the satisfaction of the Town, the Region and the Lake Simcoe Region Conservation Authority.</p> <p>6. Servicing Conveyance:</p> <p>That prior to the lifting of the “H” provision for municipal services and access shall be to the satisfaction of the Town and the necessary agreements executed with the Town.</p> <p>7. Source Water Impact and Assessment Mitigation Plan:</p> <p>That prior to lifting the “H” a Source Water Impact and Assessment Mitigation Plan shall be required to have received approval from the Region of York demonstrating that any construction activities, including any dewatering or</p>	

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the “H”	Date Enacted
			<p>groundwater depressurization will not interfere with quantity and quality of groundwater of the municipal well(s).</p> <p>8. Parking Requirements: (Development Standard (iv) (i))</p> <p>That prior to the lifting of the “H” it shall be demonstrated to the satisfaction of the Town through a parking justification report that that any parking reduction from 1.1 parking spaces per dwelling unit can be justified, and that parking demand management options, including but not limited to, parking agreements and shared parking be to the satisfaction of the Town.</p> <p>9. Maximum Height of Accessory Parking Structure: (Development Standard iv)(k))</p> <p>That prior to the lifting of the “H and subject to the grading and elevation provisions addressed in Holding provision #1 Grading, that it be demonstrated to the satisfaction of the Town that the maximum height of the accessory parking structure as identified in Development Standard iv) (k) of the By-law, is justified.</p>	

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the “H”	Date Enacted
			<p>10. Bonusing</p> <p>That prior to lifting the “H” an Agreement pursuant to Section 37 of the <i>Planning Act</i> has been entered into between the Town and the Owner of the lands.</p> <p>11. Site Plan Agreement:</p> <p>That prior to lifting the “H” a Site Plan Agreement has been entered into between the Town and the Owner of the lands and the performance security contemplated therein posted.</p> <p>12. Official Plan:</p> <p>That prior to lifting the “H”, all relevant provisions of the Official Plan have been complied with.</p>	

ENACTED THIS 29TH DAY OF SEPTEMBER, 2014

Tony Van Bynen, Mayor

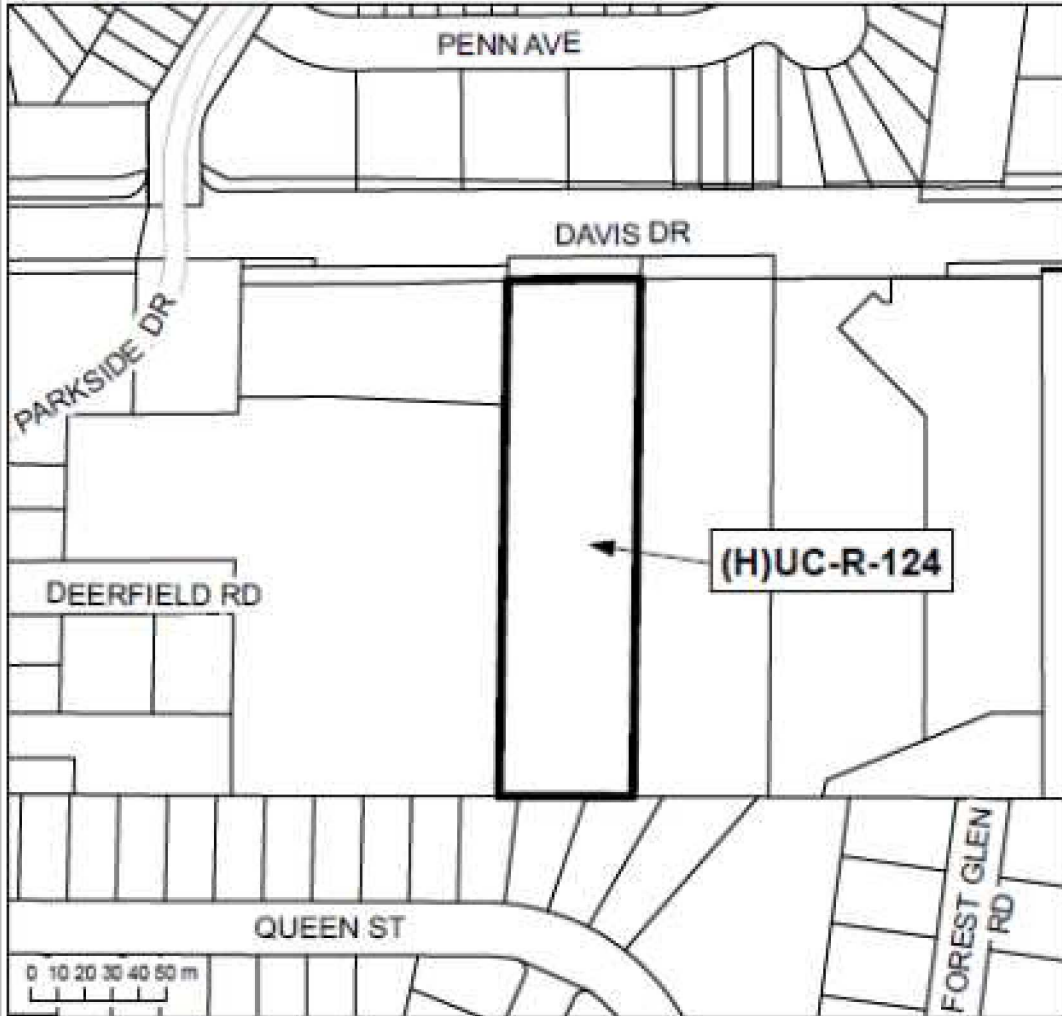
Andrew Brouwer, Town Clerk

TOWN OF NEWMARKET
 REGIONAL MUNICIPALITY OF YORK
 212 DAVIS DRIVE
 PLAN 32 PT LOT 4 RP 65R21851
 PT PART 1 AND EXP PLAN
 YR1370040 PART 2

This is Schedule 'X'
 To Bylaw 2014-
 Passed this _____ Day
 of _____, 2014.

MAYOR _____

CLERK _____



SCHEDULE "X" TO BY-LAW 2014-
 TOWN OF NEWMARKET PLANNING DEPARTMENT



Designed & Produced by Information Technology - GIS Project September, 2014. Land Parcel Boundary - © Crown Inc. and its suppliers. All rights reserved. 6075 PLAN 32 65R21851 2014. Copying: Town of Newmarket, 2014. 00001-00001. This mapping is based on the 1:50,000 scale data and/or is derived from Land Registry Office records and other sources and cannot provide a true picture of the actual situation. This mapping is a representation of the actual situation and should not be used as a basis for any legal action. This map has been produced for the purpose of the 6075 PLAN 32 65R21851 2014. It is not a substitute for a legal survey.


PLANNING AND BUILDING SERVICES
Town of Newmarket

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P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

September 29, 2014

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES –
PLANNING REPORT 2014-43**
TO: Council

SUBJECT: Proposed Zoning By-law Amendment
212 Davis Drive
Green and Rose Developments Inc.
File No: D 14-NP-14-04

ORIGIN: Application Submitted to the Planning Department

RECOMMENDATION

THAT Development and Infrastructure Services/Planning & Building Services - Planning Report 2014-43 dated September 29, 2014 regarding Proposed Zoning By-law Amendment Application D 14-NP-14-04 be received.

COMMENTS
1. Purpose of the Report

The purpose of this report is to provide the revised Zoning By-law (By-law 2014-54) which incorporates the direction provided by the Committee of the Whole resolution of September 22, 2014 (provided in the By-law circulated Thursday, September, 25, 2014 and additional legal advice with respect to ensuring the By-law include the applicable provisions for the implementation of the bonusing provisions of the Official Plan pursuant to Section 37 of the *Planning Act*.

Modifications have been made to include provision for bonusing in the By-law to make:

- appropriate references to Sections 34 and 37 of the *Planning Act* with respect to implementing bonusing for density and height beyond what is permitted by the current Zoning Bylaw in exchange for a purpose built rental apartment with the commitment that the building remain rental for a minimum of 20 years.

These additional provisions reinforce and reflect the commitment of the applicant and Council.

See Appendix A - Recommended By-law.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The proposed application addresses the following Strategic Directions:

Well-planned and Connected

- furthering the provisions of the Official Plan
- improved inter-connectivity and interaction amongst neighbours and neighbourhoods

Well-equipped & Managed

- provides for varied housing types, affordability and densities

Living well by

- implementing traffic and growth management strategies.

CONSULTATION

Consultation has been carried out with the applicant, Engineering Services and Legal Services.

HUMAN RESOURCE CONSIDERATIONS

None applicable to this report.

BUDGET IMPACT


The Town will receive the planning application, Building Permit and Development Charges fees following the 36 month deferral. The Town will also receive increased tax revenue from the new development.

Capital Budget


Parkland fees will be applied to the acquisition and development of parkland and the development charges will contribute to the future Minor Collector located at the rear of the property as identified in the Newmarket Urban Centres Secondary Plan.

CONTACT



For more information on this report, contact Marion Plaunt, Senior Planner, Policy at 905 953-5300 Ext. 2459 or at mplaunt@newmarket.ca.




Marion Plaunt, MES, MCIP, RPP
Senior Planner – Policy
Planning & Building Services



Jason Unger, B.E.S., M.P.I., MCIP, RPP
Assistant Director of Planning
Planning & Building Services



Richard Nethery, B.E.S., MCIP, RPP
Director of Planning & Building Services



Peter Noehammer, P. Eng.
Commissioner
Development and Infrastructure Services

List of Attachments

Recommended By-law 2014-54

APPENDIX A

BY-LAW Number 2014-54



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-54

A BY-LAW TO AMEND BY-LAW 2010-40 BEING A ZONING BY-LAW:
(212 Davis Drive)

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to pass this By-law; and

WHEREAS Council of the Town of Newmarket has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS the Official Plan for the Town of Newmarket contains provisions relating to the authorization of increases in height and density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

WHEREAS the increase in height and density beyond that otherwise permitted on the aforesaid lands by By-law No. 2010-40 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the Town of Newmarket; and

WHEREAS it is deemed advisable to amend By-law 2010-40;

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

THAT By-law 2010-40, be and the same is hereby further amended by:

1. Pursuant to Section 37 of the *Planning Act*, the increased height and density permitted by this By-law on the said lot are permitted subject to the owner building a purpose-built rental apartment with a commitment that the building remain rental for a minimum of 20 years, and the provisions for which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the *Planning Act*, securing that the building will be a purpose-built rental apartment with a commitment that the building remain rental for a minimum of 20 years, the said lot is subject to the provisions of this By-law, and is subject to the said

agreement as a precondition to the issuance of a building permit. The *owner* may not erect or use such building until the *owner* has entered into such agreement.

3. Delete from Schedule "A", Map No.10, the UC-R-51 Zone on Part of Lot 4, Registered Plan 32, Town of Newmarket and municipally addressed 212 Davis Drive, and substituting therefore the:

Regional Urban Centre (H)UC-R-124 Exception Zone

as shown more particularly on Schedule "X" attached hereto, and forming part of this By-law.

4. Adding the following regulations relating to the UC-R zone to Section 8.1.1 List of Exceptions:

Exception 124	Zoning (H)UC-R-124	Map 10	By-Law Reference 2014-54	File Reference D14-NP-14-04
i) Location: 212 Davis Drive - South side of Davis Drive. ii) Legal Description: Lot 4, Registered Plan 32, Town of Newmarket (PIN 03602-0347(LT)). iii) Prohibited Uses: waste disposal sites within the meaning of Part V of the Environmental Protection Act, large (more than 10,000 L) non-agricultural source material storage facilities, commercial fertilizer storage facilities, pesticide storage facilities, road salt storage facilities, fuel storage, DNAPLs storage (chemicals typically used by drycleaners), and organic solvent storage. iv) Development Standards:				
		(H)UC-R-124		
(a) Min. Yard Setbacks:				
<u>Apartment Building:</u>				
From Front Lot Line (Davis Drive)		Min. 3.0 m ¹		
From West Lot Line		Min. 4.5 m		
<u>Accessory Parking Structure:</u>				
From Rear Lot Line as measured from the northerly limit of the future Minor Collector ROW:		Min. 3 m from the future Minor Collector right of way. ²		
<u>Accessory Parking Structure: (*1)</u>				
From East Lot Line		Min. 3 m		
<u>Accessory Parking Structure: (*1)</u>				
From West Lot Line		Min. 6 m		

¹ The 3 m easement, in favour of the Town, is established for the future burying of the overhead hydro lines on Davis Drive and will provide the necessary above ground space for facilities including future cycling facility and wider sidewalks on Davis Drive.

² The future Minor Collector ROW is to be dedicated to the Town and will have a minimum width of 20 m.

<u>Accessory Parking Structure Ramp:</u>	
From the West Lot Line	Min. 2.9 m
(b) Max. Yard Setback:	
<u>Apartment Building:</u>	
From Front Lot Line (Davis Drive)	Max. 15 m
<u>Accessory Parking Structure: (*1)</u>	
From West Lot Line	Max. 9.6 m (excluding any ramps)
(c) Maximum Total Lot Coverage for all Accessory Structures:	30 %
(d) Max. Floor Space Index:	2.0 FSI based on the <i>net lot area</i> of the property that is the subject of the zoning amendment as described below in provision (v).
(e) Min. Floor Space Index:	1.5 FSI based on <i>net land area</i> described below in provision (v).
(f) Max. Height of Apartment Building:	
Where height is in metres and storeys, the measurement in metres shall prevail.	46 m (15 storeys)
(g) Podium Structure:	
Maximum Height of an enclosed or open <i>podium structure</i> located on Davis Drive frontage	Max. 10 m
Minimum Height of an enclosed or open <i>podium structure</i> located on Davis Drive frontage	Min. 4.2 m
Minimum step back	Min. 3.0 m
Minimum frontage	Min. two-thirds the width of the frontage of the apartment building facing Davis Drive.
(h) Apartment Building Ground Floor Height:	Min. 4.0 m Max. 4.5 m
(i) Parking Requirement for the Apartment Building:	Min. 0.86 per dwelling unit, plus 0.10 per dwelling unit for visitor parking. Max. 1.0 per apartment unit plus 0.1 per apartment unit for visitor parking.
(j) Minimum width of entrance to future Minor Collector at the rear of 212 Davis Drive	6.7 m

(k) Height of Accessory Parking Structure:	Max. 6.6 m above average finished grade
<p>(*1) Any below grade portions of the Accessory Parking Structure may encroach within 0.5 m of the east and west lot lines provided the surface area above the below grade parking structure remains useable for the designed purpose, e.g., landscaping, pedestrian access, private street, etc.</p> <p>v) Net lot area shall be calculated based on the entire property at the time of application of the By-law amendment (April 28, 2014), inclusive of the public Minor Collector across the rear of 212 Davis Drive and all private internal streets/lanes and the land included in the easements for underground hydro utilization across the frontage of Davis Drive.</p> <p>vi) Podium Structure means the lower part of the apartment building that is designed to break up the front façade and define the street edge. The podium refers to the overall structure that extends beyond the front wall of the tower portion of the building.</p> <p>vii) Special note (*3) of Section 6.4.1 shall not apply.</p> <p>viii) Special notes (*2-5) of Section 6.4.2 pertaining to terracing and setbacks shall not apply.</p> <p>ix) No provision of this by-law shall be deemed to be contravened by reason of any land division or the conveyance of a parcel(s) upon which a building(s) is erected provided that all of the standards of this by-law are met for the lands as a whole.</p>	

5. AND THAT all other provisions of By-Law 2010-40, as amended, shall apply to the lands subject to this By-law.

6. Adding the following provisions to Section 8.2.1 List of Holding Provisions:

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the "H"	Date Enacted
2014-54	212 Davis Drive Part of Lot 4, Registered Plan 32, Town of Newmarket	<p>No person within the lands zoned (H)UC-R-124 shall erect, alter or use any land, buildings or structures for any purpose except for those uses which existed on the date of passing of this By-law. Any grading, filling or works necessary to fulfill the requirements of testing for and/or site remediation required to obtain approval for Record of Site Condition and/or to provide approved servicing, shall be permitted.</p> <p>Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of this By-law shall occur unless an amendment to this By-law or removal of the '(H)' prefix, as identified in the next column, is approved by Town Council and the By-law comes into full force and effect.</p> <p>However, the Holding provision will not prevent any remediation or testing as addressed above, or any testing related to related to Source Water Protection and/or in-ground and above ground services, if deemed appropriate and desirable by the Town.</p>	<p>1. Grading:</p> <p>That prior to lifting the "H" it shall be demonstrated to the satisfaction of the Town that the proposed grading and elevation of the proposed apartment building and accessory parking structure achieve appropriate vehicle and pedestrian connectivity to the future Minor Collector at the rear, and appropriately connect and transition to the surrounding properties, including Davis Drive.</p> <p>2. Conveyance of the Minor Collector and Hydro Easement along the frontage of Davis Drive:</p> <p>That prior to the lifting of the "H", that the Owner shall enter into an agreement with the Town for the conveyance of the space required for the future Minor Collector across the rear of 212 Davis Drive and the 3 m easement and associated facilities at the Davis Drive frontage and the necessary agreements executed with the Town, and applicable agencies.</p> <p>3. Sanitary Sewage Conveyance:</p> <p>That prior to lifting the "H" it shall be demonstrated to the satisfaction of the Town that there is sufficient existing sanitary sewer conveyance capacity</p>	

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the "H"	Date Enacted
			<p>available, or through a detailed calculation, demonstrate that water conservation measures will achieve the same end and that there will be no downstream adverse impacts.</p> <p>4. Record of Site Condition:</p> <p>That prior to lifting the "H" a Record of Site Condition shall be filed in accordance with the Town's Official Plan. (Policy 10.4.7 a)</p> <p>5. Stormwater:</p> <p>That prior to lifting the "H" a detailed storm water management plan shall be submitted to the satisfaction of the Town, the Region and the Lake Simcoe Region Conservation Authority.</p> <p>6. Servicing Conveyance:</p> <p>That prior to the lifting of the "H" provision for municipal services and access shall be to the satisfaction of the Town and the necessary agreements executed with the Town.</p> <p>7. Source Water Impact and Assessment Mitigation Plan:</p> <p>That prior to lifting the "H" a Source Water Impact and Assessment Mitigation Plan shall be required to have received approval from the Region of York demonstrating that any construction activities, including any dewatering or</p>	

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the "H"	Date Enacted
			<p>groundwater depressurization will not interfere with quantity and quality of groundwater of the municipal well(s).</p> <p>8. Parking Requirements: (Development Standard (iv) (i))</p> <p>That prior to the lifting of the "H" it shall be demonstrated to the satisfaction of the Town through a parking justification report that that any parking reduction from 1.1 parking spaces per dwelling unit can be justified, and that parking demand management options, including but not limited to, parking agreements and shared parking be to the satisfaction of the Town.</p> <p>9. Maximum Height of Accessory Parking Structure: (Development Standard iv)(k))</p> <p>That prior to the lifting of the "H" and subject to the grading and elevation provisions addressed in Holding provision #1 Grading, that it be demonstrated to the satisfaction of the Town that the maximum height of the accessory parking structure as identified in Development Standard iv) (k) of the By-law, is justified.</p>	

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the "H"	Date Enacted
			<p>10. Bonusing</p> <p>That prior to lifting the "H" an Agreement pursuant to Section 37 of the <i>Planning Act</i> has been entered into between the Town and the Owner of the lands.</p> <p>11. Site Plan Agreement:</p> <p>That prior to lifting the "H" a Site Plan Agreement has been entered into between the Town and the Owner of the lands and the performance security contemplated therein posted.</p> <p>12. Official Plan:</p> <p>That prior to lifting the "H", all relevant provisions of the Official Plan have been complied with.</p>	

ENACTED THIS 29TH DAY OF SEPTEMBER, 2014

Tony Van Bynen, Mayor

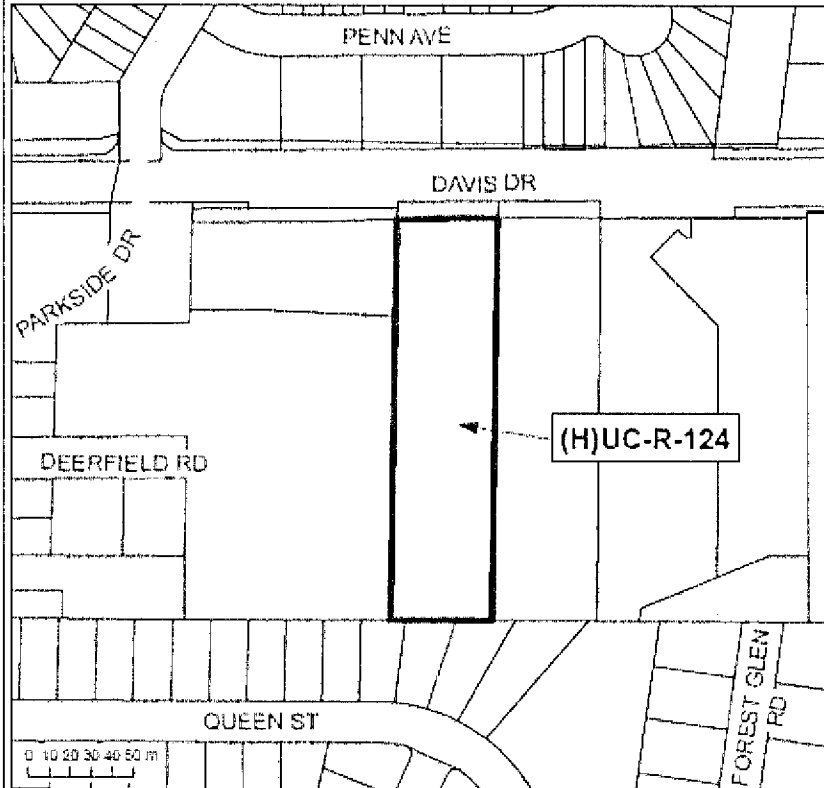
Andrew Brouwer, Town Clerk

TOWN OF NEWMARKET
 REGIONAL MUNICIPALITY OF YORK
 212 DAVIS DRIVE
 PLAN 32 PT LOT 4 RP 65R21851
 PT PART 1 AND EXP PLAN
 YR1370040 PART 2

THIS IS Schedule "X"
 To Bylaw 2014-
 Passed the _____ Day
 of _____ 2013.

MAYOR _____

CLERK _____



SCHEDULE "X" TO BY-LAW 2014-
 TOWN OF NEWMARKET PLANNING DEPARTMENT

For more information, please contact the Planning Department at 905.882.2222. The Planning Department is located at 212 Davis Drive, Newmarket, Ontario L3Y 5G7. The Planning Department is responsible for the preparation and submission of all applications for development permits, zoning by-laws, and other planning matters. The Planning Department is also responsible for the preparation and submission of all applications for subdivision of land. The Planning Department is also responsible for the preparation and submission of all applications for other planning matters. The Planning Department is also responsible for the preparation and submission of all applications for other planning matters.

Marion,

I am writing this note to you in my capacity as Treasurer of the Newmarket Church of Christ, located at 230 Davis Drive.

As you are aware, we have been in discussion with the Green & Rose Developments Inc. (G&R) representatives since November 2012 regarding their plans to develop a purpose built rental apartment building at 212 Davis Drive. Earlier this year, we entered into an easement agreement with G&R to accommodate the Town/Region's request for the two properties to share an access entrance from Davis Drive. As well, we have accommodated G&R's needs for their storm outfall through our property.

We have made these accommodations because our congregation is supportive of the development of purpose-built rental accommodation. We have reviewed the plans and have attended many meetings in order to better understand the proposed development. As well, we hosted a meeting for the local residents association at the church in early June. One purpose of this letter is to notify council and staff that we are in support of this development.

The second purpose of this letter surrounds our understanding that council has expressed a concern regarding the parking reduction requested by G&R. While G&R has indicated to us that the level of on-site parking they are providing is sufficient to meet the tenant's needs, and while they have not requested that we enter into an off-site parking agreement for use of our parking lot, nevertheless the Newmarket church has expressed a willingness to enter into good faith discussions to determine a mutually acceptable arrangement whereby the Church could provide some type of overflow use of our parking lot if it turns out that the parking needs of their residents have been underestimated.

Naturally, the concept of sharing our parking facilities has always been a sensitive issue with the church members as it relates to how any commitment would affect our medium and long-term plans for the property, not the least of which is the discussions we have been having with the Town concerning the potential sale/dedication of a portion of the land for park use. That said, we have worked together in good faith with G&R to this point, we support their development initiative, and we intend to continue supporting their rental project into the future.

If you have any questions or would like to discuss this further, please feel free to call or email.

Best regards,

Bill Russell

Treasurer

Newmarket Church of Christ