



# Town of Newmarket

## Agenda

### Council

Date: Monday, April 15, 2019  
Time: 7:00 PM  
Location: Council Chambers  
Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

Pages

1. Open Forum

2. Public Notices (if required)

3. Additions & Corrections to the Agenda

4. Declarations of Pecuniary Interest

5. Presentations & Recognitions

5.1 Smart Commute Central York - 2018 Annual Year in Review

1

**Note:** Patty Lusink, Program Manager, Smart Commute Central York will be in attendance to provide a presentation.

5.2 2019 High School Art Contest Award Recipients

**Note:** Logan Bales, Gallery Coordinator and Curator, will be in attendance to provide a presentation.

6. Deputations

7. Approval of Minutes

7.1 Council Meeting Minutes of March 25, 2019

15

1. That the Council Meeting Minutes of March 25, 2019 be approved.

7.2 Council Meeting (Closed Session) Minutes of March 25, 2019

1. That the Council Meeting (Closed Session) Minutes of

March 25, 2019 be approved.

## 8. Reports by Regional Representatives

## 9. Reports of Committees and Staff

- |       |  |    |
|-------|--|----|
| 9.1   | Council Workshop Meeting Minutes of March 25, 2019   | 33 |
|       | <b>Note:</b> This Workshop dealt with Regulatory Review.   |    |
|       | 1. That the Council Workshop meeting Minutes of March 25, 2019 be received.  |    |
| 9.2   | Council Workshop Meeting Minutes of March 26, 2019   | 37 |
|       | <b>Note:</b> This Workshop dealt with Strategic Priorities.  |    |
|       | 1. That the Council Workshop meeting Minutes of March 26, 2019 be received.  |    |
| 9.3   | Council Workshop Meeting Minutes of April 2, 2019  | 41 |
|       | <b>Note:</b> This Workshop dealt with the Mulock Secondary Plan.   |    |
|       | 1. That the Council Workshop meeting Minutes of April 2, 2019 be received.   |    |
| 9.4   | Committee of the Whole Meeting Minutes of April 8, 2019  | 45 |
|       | 1. That the Committee of the Whole Meeting Minutes of April 8, 2019 be received and the recommendations noted within be adopted. |    |
| 9.4.1 | Presentation - Hollingsworth Arena and Future Ice Allocation Considerations  | 59 |
|       | 1. That the presentation regarding Hollingsworth Arena and Future Ice Allocation Considerations be received.                     |    |
| 9.4.2 | Presentation - Development Charges Information Session   | 69 |
|       | 1. That the presentation regarding the Development Charges Information Session be received.                                      |    |
| 9.4.3 | Deputation - Old Bathurst Street   | 91 |
|       | 1. That the deputation provided by Gaetano Rossi   |    |

regarding Old Bathurst Street be received and referred to Staff.

9.4.4	Deputation - Active Transportation Implementation Plan	93
	1. That the deputation provided by David Kempton regarding the Active Transportation Implementation Plan be received.	
9.4.5	Deputation - Lorne Avenue Traffic Review	99
	1. That the deputation provided by Rex Taylor regarding the Lorne Avenue Traffic Review be received.	
9.4.6	Deputation - Old Main Street Tertiary Plan Final Report	103
	1. That the deputation provided by Robert Walters regarding the Old Main Street Tertiary Plan Final report be received.	
9.4.7	Deputation - Old Main Street Tertiary Plan Final Report	105
	1. That the deputation provided by Sonya Reiter regarding the Old Main Street Tertiary Plan Final Report be received.	
9.4.8	Deputation - Old Main Street Tertiary Plan Final Report	107
	1. That the deputation provided by Trudy Baker regarding the Old Main Street Tertiary Plan Final Report be received.	
9.4.9	Deputation - Old Main Street Tertiary Plan Final Report	137
	1. That the deputation provided by Matt Evans regarding the Old Main Street Tertiary Plan Final Report be received.	
9.4.10	Deputation - Old Main Street Tertiary Plan Final Report	141
	1. That the deputation provided by Sandra Pettifer regarding the Old Main Street Tertiary Plan Final Report be received.	
9.4.11	Deputation - Old Main Street Tertiary Plan Final Report	143

1. That the deputation provided by Lloyd McKee regarding the Old Main Street Tertiary Plan Final Report be received.

9.4.12 Deputation - Old Main Street Tertiary Plan Final Report

1. That the presentation provided by Everett Baker regarding the Old Main Street Tertiary Plan Final Report be received.

9.4.13 Hollingsworth Arena and Future Ice Allocation Considerations

145

1. That the report entitled Hollingsworth Arena and Future Ice Allocation Considerations, dated April 8, 2019, be received; and,
2. That the Town of Newmarket decommission the Hollingsworth Arena after the 2019-2020 season, ending in April 2020; and,
3. That the Town of Newmarket operate with six ice pads and report back annually on the status of ice allocations, and ability to accommodate users; and,
4. That staff conduct programmatic changes as outlined in the report in order to accommodate user groups post closure of Hollingsworth Arena; and,
5. That construction of a new outdoor ice pad coincide with the final season of Hollingsworth Arena if at all possible; and,
6. That within six months staff bring back a report on any plans for public amenity use at this location; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.4.14 Correspondence regarding Hollingsworth Arena

169

1. That the Correspondence regarding the Hollingsworth Arena from the Newmarket Jets Speed Skating Club be received for information.



9.4.15	Lorne Avenue Traffic Review	171
	<ol style="list-style-type: none"> <li>1. That the Speed Management Program continue to be deployed on Lorne Avenue (from Millard Avenue to Eagle Street) in 2019; and,</li> <li>2. That this report, and the petition on which it was based, be considered in the design for the proposed 2020 reconstruction of Lorne Avenue; and,</li> <li>3. That, once Council has heard and resolved the matter, the Clerk send a copy of the Council Resolution to the originators of the petition; and,</li> <li>4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.</li> </ol>	
9.4.16	Fence By-law and Division Fence By-law	177
	<p><b>Note:</b> Updated copies of Attachments A &amp; B attached.</p> <ol style="list-style-type: none"> <li>1. That the report entitled Fence By-law and Division Fence By-law dated April 8, 2019 be received; and,</li> <li>2. That Council repeal the Fence By-law 2000-63 as amended and Appointment of Cost of Division Fence By-law 1992- 91; and,</li> <li>3. That Council adopt the proposed Fence By-law (Attachment A) and Cost of Division Fence By-law (Attachment B); and,</li> <li>4. That the Fees and Charges By-law be amended to include the Fence fees (Attachment D); and,</li> <li>5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.</li> </ol>	
9.4.17	2018 Preliminary Fourth Quarter Report - Budget Summary	201
	<ol style="list-style-type: none"> <li>1. That the report entitled 2018 Preliminary Fourth Quarter Report – Operating, Investment and Capital Budget Summary be received; and,</li> <li>2. That the reserve transfers totaling \$404,000 be approved; and,</li> </ol>	

3. That the surplus for the library be transferred to a reserve for library capital needs; and,
4. That staff be directed to create a policy for the creation of the library capital needs reserve; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.4.18 Old Main Street Tertiary Plan Final Report

215

**Note:** Updated copies of the Official Plan Amendment 22 and Tertiary Plan Final report are attached.

1. That the report entitled Old Main Street Tertiary Plan Final Report dated April 8, 2019 be received; and,
2. That Official Plan Amendment No 22 (Old Main Street Tertiary Plan), generally as attached to this report, be adopted; and,
3. That a Holding By-law be placed on the lands subject to the Tertiary Plan as described in this report; and,
4. That Engineering Services be authorized to include a budget request, for the 2020 budget, to hire a consultant to complete the Engineering Master Plan as proposed in the Old Main Street Tertiary Plan, which will consider drainage, water table levels, stormwater management, and road design, among other things; and,
5. That an implementing zoning by-law amendment based generally on the Draft Zoning By-law Directions for the Old Main Street Tertiary Plan be referred to a Public Meeting at a future date; and,
6. That following the Public Meeting, issues identified, and comments heard from the public, Committee, and those received through agency and departmental circulation of the proposed zoning by-law be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
7. That Staff be directed to amend the draft Official

Plan Amendment so that Section 8.3.1 v. reads  
 "An Amendment to this Plan shall not be required  
 for adjustments to these boundaries if the  
 adjustments are deemed advisable by Council, in  
 consultation with the Lake Simcoe Region  
 Conservation Authority"; and,

8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.4.19	2018-54 Information Report - Active Transportation Implementation Plan	277
	<ol style="list-style-type: none"> <li>1. That the Information Report entitled Active Transportation Implementation Plan, dated March 15, 2019, be received for information purposes; and,</li> <li>2. That staff be directed to prepare a report on prioritizing cycling infrastructure on Mulock Drive to enhance the work of the Secondary Plan that is underway and to better connect the community to the Mulock Farm Park.</li> </ol>	
9.4.20	Main Street District Business Improvement Area Board of Management Meeting Minutes of February 19, 2019	283
	<ol style="list-style-type: none"> <li>1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of February 19, 2019 be received.</li> </ol>	
9.4.21	Outstanding Matters List	289
	<ol style="list-style-type: none"> <li>1. That the list of outstanding matters be received.</li> </ol>	
9.4.22	Letter Regarding Regional Government Review	299
	<ol style="list-style-type: none"> <li>1. That the letter by Mayor Taylor regarding Regional Government Review be received; and,</li> <li>2. That Council endorse the letter and authorize the Mayor to send the letter on Council's behalf.</li> </ol>	

## 10. By-laws 301

**2019-20** A By-law to prescribe the Height and Description of Fences and Privacy Screens within the Town of Newmarket.

**2019-21** A By-law to Determine the Appointment of Costs of Division Fence

**2019-22** A By-law to Amend Fees and Charges for Services or Activities Provided by the Town Of Newmarket (Legislative Services - General Fees)

**2019-23** A By-law to adopt Amendment Number 22 to the Town of Newmarket Official Plan.

1. That By-laws 2019-20, 2019-21, 2019-22 and 2019-23 be enacted.

**11. Notices of Motions**

**12. Motions**

**13. Announcements & Community Events**

**14. New Business**

**15. Closed Session (if required)**

**16. Confirmatory By-law**

319

**2019-24** A By-law to Confirm the Proceedings of the April 15, 2019 Council meeting

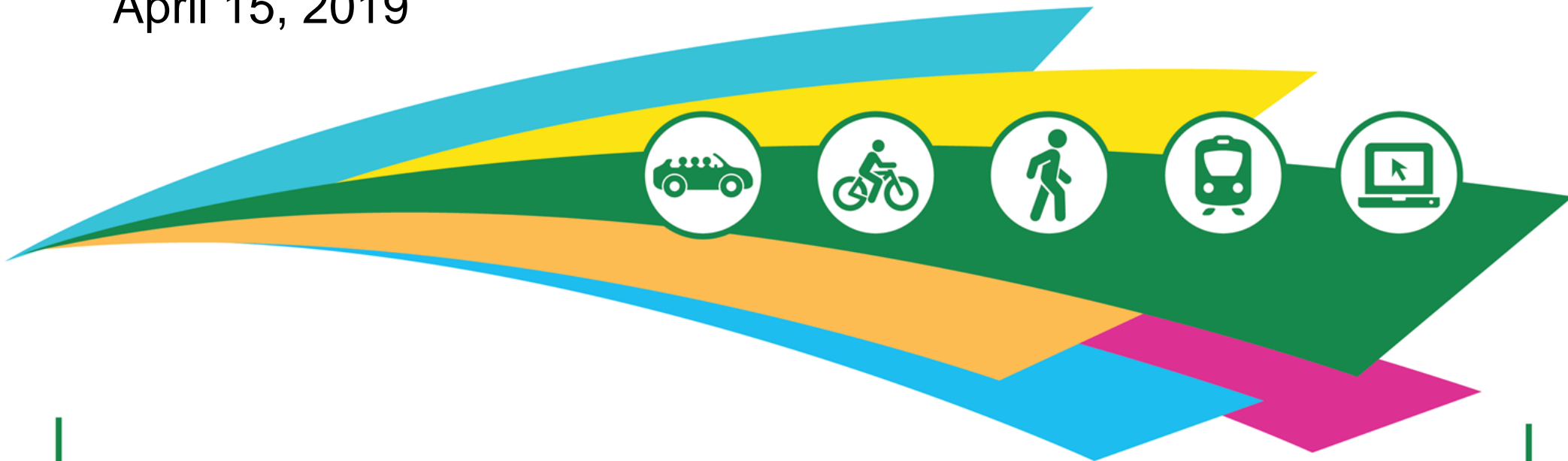
1. That By-law 2019-24 be enacted.

**17. Adjournment**



# SMART COMMUTE CENTRAL YORK 2018 PROGRAM UPDATE

Presentation to the  
Town of Newmarket Council  
April 15, 2019




# SCCY Carpool Week<sup>2</sup> - February

**Carpooling partners unite! Find your match today!**



**CARPOOL WEEK** February 5-11, 2018

 @SmartCommute  
#carpoolweek

[smartcommute.ca/carpool](http://smartcommute.ca/carpool)

  
Smart Commute  
A Program of METROLINX

**LOG YOUR TRIPS**

**HISTORY**

← MARCH 2019 →

★ Favourite Trip ✕

DEPARTURE: 7:30 AM RETURN: 5:30 PM

NO RETURN TRIP

ONE-WAY DISTANCE: 10 KM MODE OF TRAVEL: Carpool

LOG 2 TRIPS

S	M	T	W	T	F	S
24	25	26	27	28	1 MAR	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1 APR	2	3	4	5	6

**600+ trips logged on the  
Smart Commute tool**

Explore your options





# 12<sup>th</sup> Annual Bike to Work Day - May 28



Explore your options



  
Smart Commute  
CENTRAL YORK

# Smart Commute Month<sup>4</sup> Survey



## Survey says...

Employees at Smart Commute  
Workplaces drive alone **19.2%** less  
than GTHA commuters on average

3,000+ responses from  
York Region workplaces

Explore your options





# 2018 Smart Commute Central York Travel Survey



73%



of commuters reported they are satisfied or very satisfied with their travel to/from work.

## They get to work by:



**70.5%**

(75.8% 2017)  
(77.1% 2016)



**6.1%**

(5.8% 2017)  
(5.9% 2016)



**3.1%**

(3.4% 2017)  
(3.1% 2016)



**2.5%**

(2.5% 2017)  
(1.8% 2016)



**17.6%**

(12.2% 2017)  
(11.7% 2016)



**0.1%**

(0.3% 2017)  
(0.4% 2016)

## They get to transit by:

**2%**

Bicycle

**38%**

Drive alone

**43%**

Walk

**10%**

Carpool



(Other: 7%)

**27.2%**

tried a new mode (at least once)  
to travel to work in the past year.



# TS Tech Canada Inc.

## 2018 Excellence Award

### York Region







# York<sup>7</sup> Regional Police #1 District

## *2018 Custom Project Award*



# Project Results

# Project Results - Aurora<sup>9</sup> GO Station Access

- Achieved a **9%** decrease in drive alone travel
  - +3% carpooling
  - +5% drop-off/pick-up
  - +2.8% transit





# Project Results - Southlake<sup>10</sup> - Parking Mitigation

- Achieved a **7.3%** decrease in drive alone travel
  - +5.7% carpooling
  - +2.6% transit
  - +0.1% cycling

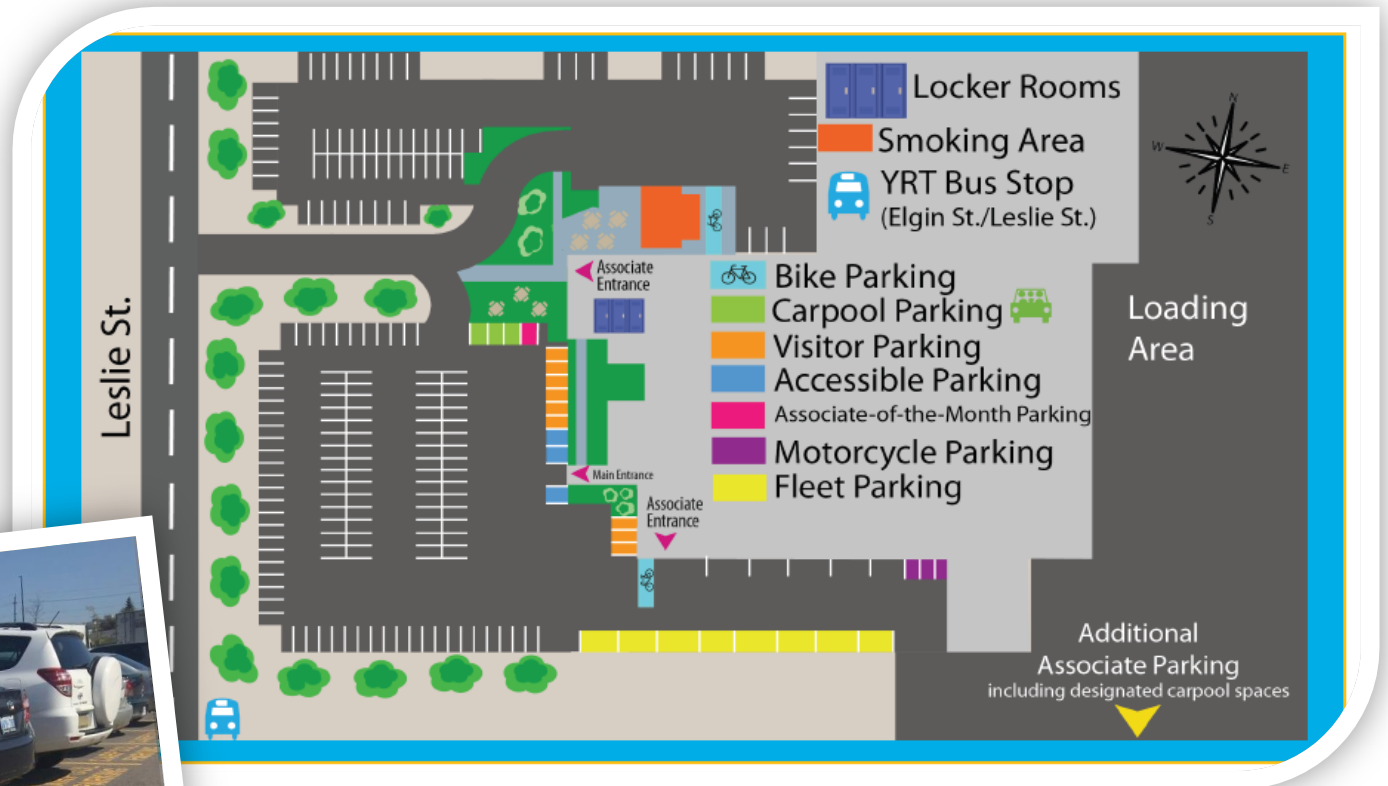


SOUTHLAKE  
REGIONAL HEALTH CENTRE

  
Smart Commute  
CENTRAL YORK

# Project Results - TS Tech<sup>11</sup> - Parking Mitigation

- Achieved a **11.1%** decrease in drive alone travel
  - +6.9% carpooling
  - +2.1% transit
  - +1.6% cycling
  - +0.5% walking





# Project Results - Smart Commute Month Pledge<sup>12</sup>




Thank you for joining the Smart Commute Month Challenge and pledging to commute sustainably! Throughout the month we will be sharing tips, benefits and inspiration to keep you on track. Good luck!

- **405** pledged to commute sustainably at least once during the month
- **8%** continued once the challenge was over



# Project Results - Celestica - Relocation to Newmarket<sup>13</sup>

	<b>Jan. 2018 Baseline Survey Don Mills</b>	<b>Jan. 2019 Follow-up Survey Newmarket</b>	<b>Mode Shift +/- %</b>
<b>Drive Alone</b>	67.0%	63.1%	<b>- 3.9%</b>
<b>Carpool</b>	12.8%	35.8%	<b>+ 23%</b>
<b>Transit</b>	16.0%	0.7%	<b>- 15.3%</b>
<b>Cycle</b>	1.2%	0.4%	<b>- 0.8%</b>
<b>Walk</b>	3.0%	0.0%	<b>- 3.0%</b>



Celestica™



# Thank you

[info@sccy.ca](mailto:info@sccy.ca)

[SmartCommuteCY.ca](http://SmartCommuteCY.ca)

(905) 898-5900





# Town of Newmarket

## Minutes

## Council

Date: Monday, March 25, 2019  
 Time: 7:00 PM  
 Location: Council Chambers  
 Municipal Offices  
 395 Mulock Drive  
 Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor  
 Deputy Mayor & Regional Councillor Vegh  
 Councillor Simon  
 Councillor Woodhouse  
 Councillor Twinney  
 Councillor Morrison  
 Councillor Kwapis  
 Councillor Broome  
 Councillor Bisanz

Staff Present: E. Armchuk, Acting Chief Administrative Officer  
 P. Noehammer, Commissioner of Development & Infrastructure Services  
 I. McDougall, Commissioner of Community Services  
 L. Lyons, Acting Commissioner of Corporate Services  
 K. Saini, Acting Director of Legislative Services/Town Clerk  
 A. Walkom, Legislative Coordinator

The meeting was called to order at 7:00 PM.  
 Mayor Taylor in the Chair.

### 1. Open Forum

No one in attendance came forward to address Council during Open Forum.

### 2. Public Notices

None.

### **3. Additions & Corrections to the Agenda**

The Acting Chief Administrative Officer advised of the following correction to the agenda:

- Corrected versions of By-laws 2019-16 and 2019-17 were distributed

The Acting Chief Administrative Officer advised of the following Closed Session item:

- Item 15.1 Appointments to Accessibility Advisory Committee, Appeal Committee, Committee of Adjustment, Elman W. Campbell Museum Board and Property Standards Committee [Personal matters about an identifiable individual, including municipal or local board employees, as per Section 239 (2) (b) of the Municipal Act, 2001.]

Moved by: Deputy Mayor & Regional  
Councillor Vegh

Seconded by: Councillor Woodhouse

1. That the corrections to the agenda be approved.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (9 to 0)**

### **4. Declarations of Pecuniary Interest**

None.

### **5. Presentations & Recognitions**

None.

### **6. Deputations**

None.

### **7. Approval of Minutes**

### **7.1 Council Meeting Minutes of March 4, 2019**

Moved by: Councillor Morrison

Seconded by: Councillor Broome

1. That the Council Meeting Minutes of March 4, 2019 be approved.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (9 to 0)**

## **8. Reports by Regional Representatives**

(1) Deputy Mayor & Regional Councillor Vegh advised that York Region has seen an increase in the number of jobs, with a 2.4% employment growth rate.

(2) Mayor Taylor advised that the recent Federal budget included \$2.5 billion for infrastructure and that Newmarket would receive \$2.5 million.

(3) Mayor Taylor advised that York Region will be lowering targets for intensification.

(4) Mayor Taylor advised he had met with Filomena Tassi, Minister of Seniors with representatives from the Town of Aurora for a discussion on Seniors issues.

(5) Mayor Taylor advised that York Region has formed a Regional Governance Task Force which will be preparing a paper on the province's Regional Governance Review.

(6) Mayor Taylor advised that a meeting had taken place to discuss the Upper York Sewage project.

## **9. Reports of Committees and Staff**

### **9.1 Council Workshop Meeting Minutes of March 18, 2019**

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the Council Workshop meeting Minutes of March 18, 2019 be received.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (9 to 0)**

## **9.2 Committee of the Whole Meeting Minutes of March 18, 2019**

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the Committee of the Whole Meeting Minutes of March 18, 2019 be received and the recommendations noted within be adopted with the exception of sub-items 9.2.3, 9.2.4, 9.2.9, and 9.2.11. See following sub-items 9.2.3, 9.2.4, 9.2.9, and 9.2.11 for motion and recorded vote.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (9 to 0)**

### **9.2.1 Presentation - 2018 Annual Water Quality Summary Report**

**Note:** This presentation was attached for reference.

### **9.2.2 Presentation - Proposed Regulations for Smoking By-law**

**Note:** This presentation was attached for reference.

### **9.2.3 Deputation - Amendment to Interim Control By-Law 2019-04**

Moved by: Councillor Woodhouse

Seconded by: Councillor Bisanz

1. That the recommendations noted within sub-items 9.2.3 and 9.2.4 be adopted.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (9 to 0)**

1. That the deputation by Paulo Carvalho regarding an Amendment to Interim Control By-law 2019-04 be received; and,

Whereas Mr. Paulo Carvalho, owner of 257 Hodgson Drive in Newmarket, prepared to file an application for addition to his existing dwelling, just a few days after the interim bylaw was passed; and,

Whereas his proposal is for an addition and not a new structure; and,

Whereas Twenty four (24) signatures of property owners of neighbouring properties, signed a petition in support of the addition to 257 Hodgson Drive;

Therefore let it be resolved:

2. That Council exempt the application of 257 Hodgson Drive from the Interim Control bylaw 2019-04.

#### **9.2.4 Deputation - Amendment to Interim Control By-Law 2019-04**

**Note:** See sub-item 9.2.3 for motion.

1. That the deputation by Catherine Callaghan and Peter May regarding an Amendment to Interim Control By-law 2019-04 be received; and,
2. That the request for an exemption to Interim Control By-law 2019-04 be referred to staff; and,
3. That staff explore options for an Interim Control By-law exemption process and provide recommendations to Council.

#### **9.2.5 Deputation - Construction Vibration Issues**

1. That the deputation by Gordon Prentice regarding Construction Vibration Issues be received.

#### **9.2.6 Deputation - Construction Vibration Issues**

1. That the deputation by Robert Hansen regarding Construction Vibration Issues be received.

#### **9.2.7 2018 Newmarket Water Distribution System Annual Water Quality Summary Report**

1. That the presentation regarding the 2018 Annual Water Quality Summary Report be received; and,
2. That the report entitled Development & Infrastructure Services – Public Works Services Report dated March 18, 2019 be received; and,
3. That members of the public be directed to view any documents referenced herein as attached (where applicable), online at [newmarket.ca](http://newmarket.ca), by request at the customer service counter, 395 Mulock Drive, as well as at the Newmarket Operations Centre, 1275 Maple Hill Court; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **9.2.8 Correspondence from the Town of Aurora re: Cannabis Public Use By-law**

1. That the Correspondence from the Town of Aurora re: Cannabis Public Use By-law be received for information.

#### **9.2.9 Construction Vibration Issues**

Moved by: Councillor Bisanz

Seconded by: Councillor Kwapis

1. That the report entitled Construction Vibration issues dated March 18, 2019 be received; and,
2. That staff require vibration impact assessments as part of a complete application for development proposals; and,
3. That Council endorse the proposed notice and complaint process identified in this report; and,
4. That staff investigate options for existing sites where construction activity will cause significant vibrations; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (9 to 0)**

#### **9.2.10 Community Improvement Plan Partnerships**



1. That the report entitled Community Improvement Plan Partnerships dated March 18, 2019 be received; and,
2. That staff be directed to begin the process to amend the Official Plan substantially as presented in Attachment 1 to authorize the Town to participate in Community Improvement Plans implemented by the Regional Municipality of York and to bring such an amendment to a statutory public meeting as required by the Planning Act; and,
3. That following the public meeting, that comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **9.2.11 1015-1029 Davis Drive Application**

Moved by: Councillor Twinney

Seconded by: Councillor Simon

1. That the report entitled 1015-1029 Davis Drive Application dated March 18, 2019 be received; and,
2. That the application be referred to a statutory public meeting as required by the *Planning Act*; and,
3. That following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
4. That Ryan Guetter, Weston Consulting, of 201 Millway Avenue, Suite 19, Vaughan, ON L4K 5K8 be notified of this action; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (9 to 0)**

### **9.2.12 Oracle Licensing – Non-Competitive Acquisition**

1. That the report entitled Oracle Licenses – Non-Competitive Acquisition dated March 3, 2019 be received; and,
2. That a non-competitive acquisition for Oracle Licences and Annual Support and Maintenance to Oracle Canada, ULC for a period of five (5) years, commencing in 2019, for an estimated amount of \$1,200,000.00 be approved; and,
3. That the non-competitive provisions of the Procurement Bylaw, specifically Section 13.6, Subsection (iii), as well as the Limited Tendering provisions of the applicable trade treaties, as described below, be considered in support of this acquisition; and,
4. That the Director, Information Technology Services and the Manager, Procurement Services be authorized to execute all required documentation; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **9.2.13 Appointment Committee Meeting Minutes of January 17, 2019**

1. That the Appointment Committee Meeting Minutes of January 17, 2019 be received.

### **9.2.14 Central York Fire Services Joint Council Committee Meeting Minutes of January 22, 2019**

1. That the Central York Fire Services Joint Council Committee Meeting Minutes of January 22, 2019 be received.

### **9.2.15 Main Street District Business Improvement Area Board of Management Meeting Minutes of September 18, 2018**

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of September 18, 2018 be received.

### **9.2.16 Newmarket Public Library Board Meeting Minutes of November 21, 2018 and December 19, 2018**

1. That the Newmarket Public Library Board Meeting Minutes of November 21, 2018 and December 19, 2018 be received.

### **9.2.17 Site Plan Review Committee Meeting Minutes of March 4, 2019**

1. That the Site Plan Review Committee Meeting Minutes of March 4, 2019 be received.

**9.2.18 Item 5.2 of the Site Plan Review Committee Meeting Minutes of March 4, 2019 (Application for Site Plan Approval – Block 120, Plan 65M-4587)**

1. That the presentation regarding application for Site Plan Approval for File Number D-11-NP-18-21 be received; and,
2. That staff be directed to continue the technical review of the application to ensure conformity with the Zoning By-law, Official Plan, and all other applicable policies; and,
3. That the staff comments as provided in the "Notes to Committee" dated March 4, 2019 be addressed to the satisfaction of staff; and,
4. That staff be directed to ensure full consideration is given to all comments provided by Committee, including exploration of all opportunities for visitor parking; and,
5. That Joanne Barnett, Marianneville Developments Limited, 3-26 Lesmill Road, Toronto ON M3B 2T5 be notified of this action; and,
6. That Kerigan Kelly, Groundswell Urban Planners Inc., 95 Mural Street, Suite 402, Richmond Hill ON L4B 3G2 be notified of this action.

**9.2.19 Outstanding Matters List**

1. That the list of outstanding matters be received.

**9.2.20 Proposed Regulations for Smoking By-law**

1. That the presentation regarding Proposed Regulations for Smoking By-law be received; and,
2. That the report entitled Proposed Regulations for Smoking By-law dated March 18, 2019 be received; and,
3. That Staff be directed to compile a list of key questions that relate to the options for public consultation; and,
4. That Staff be directed to conduct community consultation for a period of no less than 30 days on Council's proposed regulations for smoking in the Town of Newmarket; and,
5. That Staff be directed to report back with proposed amendments to the Town's Smoking By-law after the community consultation period has ended; and,

6. That Council repeal Odour By-law 2002-111; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **9.3 Appointments to Boards and Committees**

Moved by: Deputy Mayor & Regional  
Councillor Vegh

Seconded by: Councillor Woodhouse

1. That the Newmarket Accessibility Advisory Committee Terms of Reference be amended so that the Committee is composed of seven residents.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (9 to 0)**

Moved by: Councillor Twinney

Seconded by: Councillor Morrison

2. That items 1, 2, 3, 4 and 7 of the draft Appointment Committee (Closed Session) Minutes of March 1, 2019 be received; and,

3. That the following individuals be appointed to the Accessibility Advisory Committee:

- Jeffrey Fabian
- Steve Foglia
- Linda Jones
- Faye Longhurst
- Patricia Monteath
- Lawrence Raifman
- Richard Wilson; and,

4. That the following individuals be appointed to the Appeal Committee:

- Elechia Barry Sproule

- Andrew Cox
- Elizabeth Dykstra
- Kathleen Jackson
- Fred Stoneman; and,

5. That the following individuals be appointed to the Committee of Adjustment:

- Seyedmohsen Alavi
- Elizabeth Lew
- Peter Mertens
- Ken Smith
- Gino Vescio
- Michelle Starnes (alternate); and,

6. That the following individuals be appointed to the Elman W. Campbell Museum Board:

- Ron Atkins
- Michelle Clayton Wood
- Kathleen Jackson
- Ross Caister; and,

7. That the following individuals be appointed to the Property Standards Committee:

- James Georgeff
- Mitra Gopaul
- Rob Green
- Peter Jablonszky
- Keith Saunders; and,

8. That the applicants be notified of their appointments; and,

9. That staff be directed and authorized to do all things necessary to give effect to this resolution.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (9 to 0)**

#### **9.4 Memorandum - Follow up to Staff report 2019-33 Proposed Regulations for Smoking By-law & Questions for Public Consultation**

Moved by: Councillor Woodhouse

Seconded by: Councillor Kwapis

1. That the Memorandum regarding a Follow up to Staff report 2019-33 Proposed Regulations for Smoking By-law & Questions for Public Consultation be received.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (9 to 0)**

### **10. By-laws**

Moved by: Deputy Mayor & Regional Councillor Vegh

Seconded by: Councillor Twinney

1. That By-law 2019-15 be enacted.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (9 to 0)**

Moved by: Councillor Kwapis

Seconded by: Councillor Morrison

2. That By-laws 2019-16, 2019-17 and 2019-18 be enacted.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (9 to 0)**

## **11. Notices of Motions**

None.

## **12. Motions**

### **12.1 Participation in Earth Hour – March 30, 2019**

Moved by: Councillor Morrison

Seconded by: Councillor Simon

Whereas climate change is the biggest environmental threat to our planet and a major concern for all Canadians; and,

Whereas at exactly 8:30 p.m. on Saturday, March 30, 2019, major cities around the world will turn off their lights and electrical power for one hour to raise awareness about climate change and to symbolize that, working together, the people of the world can make a difference in the fight against global warming; and,

Whereas the event, called “Earth Hour”, began in Sydney, Australia in 2007 as 2.2 million people turned off their lights to take a stand against climate change; and,

Whereas since then, it has become an annual, globally-observed event; and,

Whereas participating in Earth Hour sends a powerful message to every citizen and business around the world that it’s possible to take action on climate change and that switching off our lights and electrical power is just one simple action we can take to help make a difference; and,

Whereas in the last several years, Newmarket has continued to be a leader in this effort, with one of the highest rates of reduction in electricity consumption in the GTA; and,

Therefore be it enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. That at 8:30 p.m. on Saturday, March 30, 2019, the Corporation of the Town of Newmarket will join other cities around the world in literally “turning out the lights” by shutting off all non-essential lighting and power in all of its facilities, where feasible, and without jeopardizing safety, for one full hour; and,
2. That participation in Earth Hour by the Corporation of the Town of Newmarket will be widely promoted and publicized in order to raise awareness about this important issue and in order to encourage every individual, household and business in town to join in by turning off their lights and electrical power for one hour at 8:30 p.m. on Saturday, March 30, 2019 wherever possible to safely to so; and,
3. That a copy of this Resolution will be forwarded to every municipality in the GTA.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (9 to 0)**

### **13. Announcements & Community Events**

- (1) Councillor Woodhouse advised that the Community Open House would be held at the Town Offices, 395 Mulock Drive on April 3, 2019 from 4:00 PM to 8:00 PM.
- (2) Councillor Kwapis advised that the Community Open House would be held at the Town Offices, 395 Mulock Drive on April 3, 2019 from 4:00 PM to 8:00 PM.
- (3) Councillor Morrison advised that Wee Fun Wednesdays would be held at the Elman W. Campbell Museum event every Wednesday from March 20, 2019 to June 19, 2019 from 10:00 AM to 12:00 PM.
- (4) Councillor Morrison advised that Earth Hour would be observed on Saturday, March 30, 2019 from 8:30 PM to 9:30 PM.
- (5) Councillor Broome advised that the Be a Hero Head Shave would take place from 11:00 AM to 1:00 PM on April 6, 2019 at Upper Canada Mall.



(6) Councillor Broome advised that she would hold her Ward 6 Community Drop-In at the Quaker Meeting House Lower Level, 17030 Yonge Street from 6:30 PM to 8:30 PM on April 9, 2019.

(7) Councillor Twinney advised that the Newmarket Chamber Home and Lifestyle Show would be held March 29, 2019 to March 31, 2019 at the Ray Twinney Complex.

(8) Councillor Twinney advised that Curling for the Food Pantry had raised over \$11,000 over the weekend of March 23, 2019 to March 24, 2019.

(9) Councillor Twinney advised that Councillors would be bowling for Big Brothers and Sisters on Saturday, March 30, 2019.

(10) Councillor Simon advised that a Community Clean-up would be taking place March 31, 2019 from 2:00 PM to 4:00 PM in Ward 1. She advised that the Town's Community Clean-up would be held from Tuesday, April 23, 2019 to Saturday May 4, 2019.

(11) Mayor Taylor advised that the Newmarket Hurricanes would be playing in the final game of the playoffs in Markham on Tuesday, March 26, 2019.

#### **14. New Business**

None.

#### **15. Closed Session**

##### **15.1 Appointments to Accessibility Advisory Committee, Appeal Committee, Committee of Adjustment, Elman W. Campbell Museum Board and Property Standards Committee**

Moved by: Councillor Twinney

Seconded by: Councillor Simon

1. That the Council resolve into Closed Session to discuss the following matters:
  - a. Appointments to Accessibility Advisory Committee, Appeal Committee, Committee of Adjustment, Elman W. Campbell Museum Board and Property Standards Committee - Personal matters about an identifiable individual, including municipal or local board employees, as per Section 239 (2) (b) of the Municipal Act, 2001.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (9 to 0)**

Council resolved into Closed Session at 7:40 PM.

Council (Closed Session) Minutes are recorded under separate cover.

Council resumed into Open Session at 7:53 PM.

#### **16. Confirmatory By-law**

Moved by: Councillor Simon

Seconded by: Councillor Morrison

1. That By-law 2019-19 be enacted.

**Carried**

#### **17. Adjournment**

Moved by: Councillor Woodhouse

Seconded by: Councillor Kwapis

1. That the meeting be adjourned at 7:55 PM.

**Carried**

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John Taylor, Mayor

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Kiran Saini, Acting Town Clerk





# Town of Newmarket

## Minutes

### Council Workshop

Date: Monday, March 25, 2019  
 Time: 9:00 AM  
 Location: Council Chambers  
 Municipal Offices  
 395 Mulock Drive  
 Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor  
 Councillor Simon  
 Councillor Woodhouse  
 Councillor Morrison  
 Councillor Kwapis  
 Councillor Broome

Members Absent: Deputy Mayor & Regional Councillor Vegh  
 Councillor Twinney  
 Councillor Bisanz

Staff Present: E. Armchuk, Acting Chief Administrative Officer  
 P. Noehammer, Commissioner of Development & Infrastructure Services  
 I. McDougall, Commissioner of Community Services  
 L. Lyons, Acting Commissioner of Corporate Services  
 K. Saini, Acting Director of Legislative Services/Town Clerk  
 L. Long, Supervisor of Municipal Enforcement  
 F. DiPassio, Supervisor of Licensing & Parking Enforcement  
 A. Walkom, Legislative Coordinator

For consideration by Council on April 15, 2019.  
 The meeting was called to order at 9:05 AM.  
 Mayor Taylor in the Chair.

**1. Notice**

Mayor Taylor advised that in accordance with the Town's Procedure By-law, no decisions are to be made but rather this meeting was an opportunity for Council to have informal discussion regarding various matters.

**2. Additions & Corrections to the Agenda**

None.

**3. Declarations of Pecuniary Interest**

Councillor Morrison declared a conflict in regards to the discussion on body rub parlours, as he owns and operates a chiropractic practice. He advised he would take no part in any discussions on the matter.

**4. Items**

**4.1 Regulatory Review**

The Acting Commissioner of Corporate Services provided an introduction to the presentation and an overview of the topics to be discussed. She provided a background of the various regulatory by-laws which are currently in place in the Town of Newmarket. She advised that changes in both community standards and business practices over time require revisions to regulatory by-laws.

The Acting Director of Legislative Services/Town Clerk provided an overview of the areas which are not currently regulated by the Town of Newmarket.

Members of Council queried staff on the existing regulatory by-laws, proposed changes to existing by-laws and timelines for bringing forward amended and new regulatory by-laws.

**5. Adjournment**

Moved by: Councillor Simon

Seconded by: Councillor Broome

1. That the meeting be adjourned at 10:55 AM.

**Carried**

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John Taylor, Mayor

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Kiran Saini, Acting Town Clerk







# Town of Newmarket

## Minutes

### Council Workshop

Date: Tuesday, March 26, 2019  
 Time: 9:00 AM  
 Location: Council Chambers  
 Municipal Offices  
 395 Mulock Drive  
 Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor  
 Deputy Mayor & Regional Councillor Vegh  
 Councillor Simon  
 Councillor Woodhouse  
 Councillor Twinney  
 Councillor Morrison  
 Councillor Kwapis  
 Councillor Broome  
 Councillor Bisanz

Staff Present: E. Armchuk, Acting Chief Administrative Officer  
 P. Noehammer, Commissioner of Development & Infrastructure Services  
 I. McDougall, Commissioner of Community Services  
 L. Lyons, Acting Commissioner of Corporate Services  
 K. Saini, Acting Director of Legislative Services/Town Clerk  
 S. Chase, Director, Strategic Initiatives  
 A. Walkom, Legislative Coordinator

Guests: Trudy Parsons, MDB Insight  
 Margot Bégin, MDB Insight

For consideration by Council on April 15, 2019.  
 The meeting was called to order at 9:01 AM.  
 Mayor Taylor in the Chair.

**1. Notice**

Mayor Taylor advised that in accordance with the Town's Procedure By-law, no decisions are to be made but rather this meeting was an opportunity for Council to have informal discussion regarding various matters.

**2. Additions & Corrections to the Agenda**

None.

**3. Declarations of Pecuniary Interest**

None.

**4. Items**

**4.1 Continuation of Strategic Priority Development**

The Commissioner of Community Services provided an introduction to the presentation and introduced Margot Bégin, Senior Consultant, MDB Insights and Trudy Parsons, Executive Vice-President, MDB Insights.

Trudy Parsons provided a presentation to Council. The presentation outlined the strategic planning process and the strategic pillars previously identified by Council.

Members of Council reviewed the strategic pillars and priorities discussed at the previous Council Workshops, as well as a potential refresh for the Town's vision statement.

The Director, Strategic Initiatives provided a presentation which outlined options for an online Citizen Dashboard.

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the presentation regarding Strategic Priority Development be received.

**Carried**

**5. Adjournment**

Moved by: Deputy Mayor & Regional  
Councillor Vegh

Seconded by: Councillor Broome

1. That the meeting be adjourned at 12:11 PM.

**Carried**

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John Taylor, Mayor

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Kiran Saini, Acting Town Clerk





# Town of Newmarket

## Minutes

### Council Workshop

Date: Tuesday, April 2, 2019  
 Time: 10:00 AM  
 Location: Council Chambers  
 Municipal Offices  
 395 Mulock Drive  
 Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor (10:00 AM - 11:06 AM & 11:08 AM - 12:05 PM)  
 Deputy Mayor & Regional Councillor Vegh  
 Councillor Simon  
 Councillor Woodhouse  
 Councillor Twinney  
 Councillor Morrison  
 Councillor Kwapis (10:00 AM - 11:27 AM)

Members Absent: Councillor Broome  
 Councillor Bisanz

Staff Present: J. Sharma, Chief Administrative Officer  
 E. Armchuk, Commissioner of Corporate Services  
 P. Noehammer, Commissioner of Development & Infrastructure Services  
 I. McDougall, Commissioner of Community Services  
 K. Saini, Deputy Town Clerk  
 A. Cammaert, Sr. Planner  
 J. Grossi, Legislative Coordinator

Guests: Alex Health, Associate, SvN

For consideration by Council on April 15, 2019.

The meeting was called to order at 10:00 AM.

Mayor Taylor in the Chair.

Deputy Mayor & Regional Councillor Vegh in the Chair from 11:06 AM - 11:08 AM.

**1. Notice**

Mayor Taylor advised that in accordance with the Town's Procedure By-law, no decisions are to be made but rather this meeting was an opportunity for Council to have informal discussion regarding various matters.

**2. Additions & Corrections to the Agenda**

The Chief Administrative Officer advised that there were no additions and corrections.

**3. Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest.

**4. Items**

**4.1 Mulock Secondary Plan**

The Commissioner of Development and Infrastructure Services provided an introduction to the presentation and the Mulock Secondary Plan project.

The Sr. Planner summarized the Mulock Secondary Plan project timeline and introduced Alex Heath, Associate at SvN.

Alex Heath, Associate at SvN provided a presentation to Council regarding the Mulock Secondary Plan. The presentation outlined the existing conditions and opportunities for change, proposed secondary plan concepts and evaluation criteria.

Members of Council queried the consultant and Staff regarding market lease rates, active transportation options and the project timeline.

Moved by: Councillor Woodhouse

Seconded by: Councillor Simon

1. That the presentation provided by Alex Heath regarding the Mulock Secondary Plan be received.

**Carried**

**5. Adjournment**

Moved by: Councillor Morrison

Seconded by: Councillor Twinney

1. That the meeting be adjourned at 12:05 PM.

**Carried**

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John Taylor, Mayor

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Kiran Saini, Deputy Town Clerk







# Town of Newmarket

## Minutes

### Committee of the Whole

Date: Monday, April 8, 2019  
 Time: 12:30 PM  
 Location: Council Chambers  
 Municipal Offices  
 395 Mulock Drive  
 Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor  
 Deputy Mayor & Regional Councillor Vegh  
 Councillor Simon  
 Councillor Woodhouse  
 Councillor Twinney  
 Councillor Morrison  
 Councillor Kwapis  
 Councillor Broome  
 Councillor Bisanz

Staff Present: J. Sharma, Chief Administrative Officer  
 E. Armchuk, Commissioner of Corporate Services  
 P. Noehammer, Commissioner of Development & Infrastructure Services  
 I. McDougall, Commissioner of Community Services  
 K. Saini, Deputy Town Clerk  
 R. Prudhomme, Director of Engineering Services  
 C. Service, Director of Recreation & Culture  
 D. Schellenberg, Manager of Accounting & Finance  
 M. White, Planner  
 A. Walkom, Legislative Coordinator

For consideration by Council on April 15, 2019.

The meeting was called to order at 12:30 PM.

The Committee of the Whole recessed at 2:57 PM and reconvened at 3:11 PM.

Mayor Taylor in the Chair.

## 1. Additions & Corrections to the Agenda

The Chief Administrative Officer advised of the following additions to the agenda:

Additions:

- Item 3.1: Presentation regarding Hollingsworth Arena and Future Ice Allocation Considerations
- Item 3.2: Presentation regarding Development Charges Information Session
- Item 4.2: Deputation regarding the Active Transportation Implementation Plan
- Item 4.2: Deputation regarding the Active Transportation Implementation Plan
- Item 4.3: Deputation regarding Lorne Avenue Traffic Review
- Item 4.4: Deputation regarding Old Main Street Tertiary Plan Final Report
- Item 4.5: Deputation regarding Old Main Street Tertiary Plan Final Report
- Item 4.6: Deputation regarding Old Main Street Tertiary Plan Final Report
- Item 4.7: Deputation regarding Old Main Street Tertiary Plan Final Report
- Item 4.8: Deputation regarding Old Main Street Tertiary Plan Final Report
- Item 4.9: Deputation regarding Old Main Street Tertiary Plan Final Report
- Item 5.10: Letter Regarding Regional Government Review

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. That the additions to the agenda be approved.

**Carried**

## 2. Declarations of Pecuniary Interest

None.

## 3. Presentations & Recognitions

### 3.1 Hollingsworth Arena and Future Ice Allocation Considerations

The Commissioner, Community Services provided an introduction to the presentation. The Director, Recreation & Culture provided a presentation on the Hollingsworth Arena. The presentation included an overview of the

current usage of the arena and the consultation with the user groups of the facility.

Moved by: Councillor Twinney

Seconded by: Councillor Simon

1. That the presentation regarding Hollingsworth Arena and Future Ice Allocation Considerations be received.

**Carried**

### **3.2 Development Charges Information Session**

Nataliya Kelbas, Hemson Consulting Ltd. provided a presentation regarding the Development Charges study. The presentation included an overview of the study process, a development forecast, an overview of capital programs and the preliminary calculated rates.

Moved by: Councillor Broome

Seconded by: Councillor Simon

1. That the presentation regarding the Development Charges Information Session be received.

**Carried**

## **4. Deputations**

Moved by: Councillor Bisanz

Seconded by: Councillor Morrison

1. That the Committee of the Whole permit more than five deputations.

**Carried**

### **4.1 Old Bathurst Street**

Gaetano Rossi provided a deputation regarding Old Bathurst Street road conditions.

Moved by: Councillor Broome

Seconded by: Councillor Woodhouse

1. That the deputation provided by Gaetano Rossi regarding Old Bathurst Street be received and referred to Staff.

**Carried**

#### **4.2 Active Transportation Implementation Plan**

David Kempton provided a deputation outlining current Town of Newmarket initiatives and commitments to tackling climate change, and the Active Transportation Implementation Plan.

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the deputation provided by David Kempton regarding the Active Transportation Implementation Plan be received.

**Carried**

#### **4.3 Lorne Avenue Traffic Review**

Rex Taylor provided a deputation outlining concerns with the Lorne Avenue Traffic Review staff report, the average operating speed on the street and active transportation bicycle lanes.

Moved by: Councillor Kwapis

Seconded by: Deputy Mayor & Regional  
Councillor Vegh

1. That the deputation provided by Rex Taylor regarding the Lorne Avenue Traffic Review be received.

**Carried**

#### **4.4 Old Main Street Tertiary Plan Final Report**

Robert Walters of Larkin + Land Use Planning Inc provided a deputation representing the property owners of 218, 226, 228, 231, 238 and 241 Old Main Street. He outlined the concerns with the tertiary plan policies not being included in the official plan amendment, the density of houses allowed on the street and the proposed zoning directions.

Moved by: Councillor Woodhouse

Seconded by: Councillor Twinney

1. That the deputation provided by Robert Walters regarding the Old Main Street Tertiary Plan Final report be received.

**Carried**

#### **4.5 Old Main Street Tertiary Plan Final Report**

Sonya Reiter provided a deputation outlining concerns with the proposed density for the street in the tertiary plan and the proposed plans for the private secondary roads.

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the deputation provided by Sonya Reiter regarding the Old Main Street Tertiary Plan Final Report be received.

**Carried**

#### **4.6 Old Main Street Tertiary Plan Final Report**

Trudy Baker provided a deputation outlining her objections with the tertiary plan.

Moved by: Councillor Twinney

Seconded by: Councillor Morrison

1. That the deputation be permitted an additional five minutes.

**Carried**

Moved by: Councillor Bisanz

Seconded by: Deputy Mayor & Regional  
Councillor Vegh

2. That the deputation provided by Trudy Baker regarding the Old Main Street Tertiary Plan Final Report be received.

**Carried**

#### **4.7 Old Main Street Tertiary Plan Final Report**

Matt Evans provided a deputation regarding options for the natural heritage space designation in the future and other build forms.

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the deputation provided by Matt Evans regarding the Old Main Street Tertiary Plan Final Report be received.

**Carried**

#### **4.8 Old Main Street Tertiary Plan Final Report**

Sandra Pettifer provided a deputation on behalf of Chris Baur regarding policy 8.3.1.v of the Old Main Street Tertiary Plan and proposed wording amendments.

Moved by: Councillor Broome

Seconded by: Councillor Woodhouse

1. That the deputation provided by Sandra Pettifer regarding the Old Main Street Tertiary Plan Final Report be received.

**Carried**

#### **4.9 Old Main Street Tertiary Plan Final Report**

Lloyd McKee provided a deputation regarding the ground water management plan for Old Main Street and the proposed density for new development.

Moved by: Councillor Kwapis

Seconded by: Councillor Morrison

1. That the deputation provided by Lloyd McKee regarding the Old Main Street Tertiary Plan Final Report be received.

**Carried**

#### **4.10 Old Main Street Tertiary Plan Final Report**

Everett Baker provided a deputation outlining required road improvements, proposed density and land use, and the requirement for affordable homes.

Moved by: Councillor Broome

Seconded by: Councillor Simon

1. That the presentation provided by Everett Baker regarding the Old Main Street Tertiary Plan Final Report be received.

**Carried**

### **5. Consent Items**

Moved by: Councillor Woodhouse

Seconded by: Councillor Kwapis

1. That sub-item 5.8 be adopted on consent. See following sub-items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.9, and 5.10 for motions.

**Carried**

#### **5.1 Hollingsworth Arena and Future Ice Allocation Considerations**

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Twinney

Seconded by: Deputy Mayor & Regional  
Councillor Vegh

1. That the report entitled Hollingsworth Arena and Future Ice Allocation Considerations, dated April 8, 2019, be received; and,
2. That the Town of Newmarket decommission the Hollingsworth Arena after the 2019-2020 season, ending in April 2020; and,
3. That the Town of Newmarket operate with six ice pads and report back annually on the status of ice allocations, and ability to accommodate users; and,
4. That staff conduct programmatic changes as outlined in the report in order to accommodate user groups post closure of Hollingsworth Arena; and,
5. That construction of a new outdoor ice pad coincide with the final season of Hollingsworth Arena if at all possible; and,
6. **That within six months staff bring back a report on any plans for public amenity use at this location; and,**
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## **5.2 Correspondence regarding Hollingsworth Arena**

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. That the Correspondence regarding the Hollingsworth Arena from the Newmarket Jets Speed Skating Club be received for information.

**Carried**

## **5.3 Lorne Avenue Traffic Review**

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse



1. That the Speed Management Program continue to be deployed on Lorne Avenue (from Millard Avenue to Eagle Street) in 2019; and,
2. That this report, and the petition on which it was based, be considered in the design for the proposed 2020 reconstruction of Lorne Avenue; and,
3. That, once Council has heard and resolved the matter, the Clerk send a copy of the Council Resolution to the originators of the petition; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

#### **5.4 Fence By-law and Division Fence By-law**

Moved by: Councillor Woodhouse

Seconded by: Councillor Kwapis

1. That the report entitled Fence By-law and Division Fence By-law dated April 8, 2019 be received; and,
2. That Council repeal the Fence By-law 2000-63 as amended and Appointment of Cost of Division Fence By-law 1992- 91; and,
3. That Council adopt the proposed Fence By-law (Attachment A) and Cost of Division Fence By-law (Attachment B); and,
4. That the Fees and Charges By-law be amended to include the Fence fees (Attachment D); and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

#### **5.5 2018 Preliminary Fourth Quarter Report - Budget Summary**

An alternate motion was presented and is noted below in bold.

Moved by: Deputy Mayor & Regional  
Councillor Vegh

Seconded by: Councillor Woodhouse

1. That the report entitled 2018 Preliminary Fourth Quarter Report – Operating, Investment and Capital Budget Summary be received; and,
2. That the reserve transfers totaling \$404,000 be approved; and,
3. **That the surplus for the library be transferred to a reserve for library capital needs; and,**
4. **That staff be directed to create a policy for the creation of the library capital needs reserve; and,**
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## **5.6 Old Main Street Tertiary Plan Final Report**

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Morrison

Seconded by: Councillor Kwapis

1. That the report entitled Old Main Street Tertiary Plan Final Report dated April 8, 2019 be received; and,
2. That Official Plan Amendment No 22 (Old Main Street Tertiary Plan), generally as attached to this report, be adopted; and,
3. That a Holding By-law be placed on the lands subject to the Tertiary Plan as described in this report; and,
4. That Engineering Services be authorized to include a budget request, for the 2020 budget, to hire a consultant to complete the Engineering Master Plan as proposed in the Old Main Street Tertiary Plan, which will consider drainage, water table levels, stormwater management, and road design, among other things; and,
5. That an implementing zoning by-law amendment based generally on the Draft Zoning By-law Directions for the Old Main Street Tertiary Plan be referred to a Public Meeting at a future date; and,
6. That following the Public Meeting, issues identified, and comments heard from the public, Committee, and those received through agency and departmental circulation of the proposed zoning by-law be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
7. **That Staff be directed to amend the draft Official Plan Amendment so that Section 8.3.1 v. reads "An Amendment to this Plan shall**

**not be required for adjustments to these boundaries if the adjustments are deemed advisable by Council, in consultation with the Lake Simcoe Region Conservation Authority”; and,**

8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

#### **5.7 2018-54 Information Report - Active Transportation Implementation Plan**

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Simon

Seconded by: Councillor Kwapis

1. That the Information Report entitled Active Transportation Implementation Plan, dated March 15, 2019, be received for information purposes; and,
2. **That staff be directed to prepare a report on prioritizing cycling infrastructure on Mulock Drive to enhance the work of the Secondary Plan that is underway and to better connect the community to the Mulock Farm Park.**

**Carried**

#### **5.8 Main Street District Business Improvement Area Board of Management Meeting Minutes of February 19, 2019**

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of February 19, 2019 be received.

#### **5.9 Outstanding Matters List**

Moved by: Councillor Simon

Seconded by: Councillor Morrison

1. That the list of outstanding matters be received.

**Carried**

### **5.10 Letter Regarding Regional Government Review**

Moved by: Councillor Bisanz

Seconded by: Deputy Mayor & Regional  
Councillor Vegh

1. That the letter by Mayor Taylor regarding Regional Government Review be received; and,
2. That Council endorse the letter and authorize the Mayor to send the letter on Council's behalf.

**Carried**

### **6. Action Items**

None.

### **7. Reports by Regional Representatives**

None.

### **8. Notices of Motions**

None.

### **9. Motions**

None.

### **10. New Business**

None.

### **11. Closed Session (if required)**

Mayor Taylor advised there was no requirement for a Closed Session.

### **12. Public Hearing Matter**

None.

### **13. Adjournment**

Moved by: Councillor Morrison

Seconded by: Councillor Simon

1. That the meeting be adjourned at 4:27 PM.

**Carried**

---

John Taylor, Mayor

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Kiran Saini, Acting Town Clerk





# Hollingsworth Arena & Future Ice Allocation Considerations

Committee of the Whole  
April 8<sup>th</sup>, 2019



# Recommendations

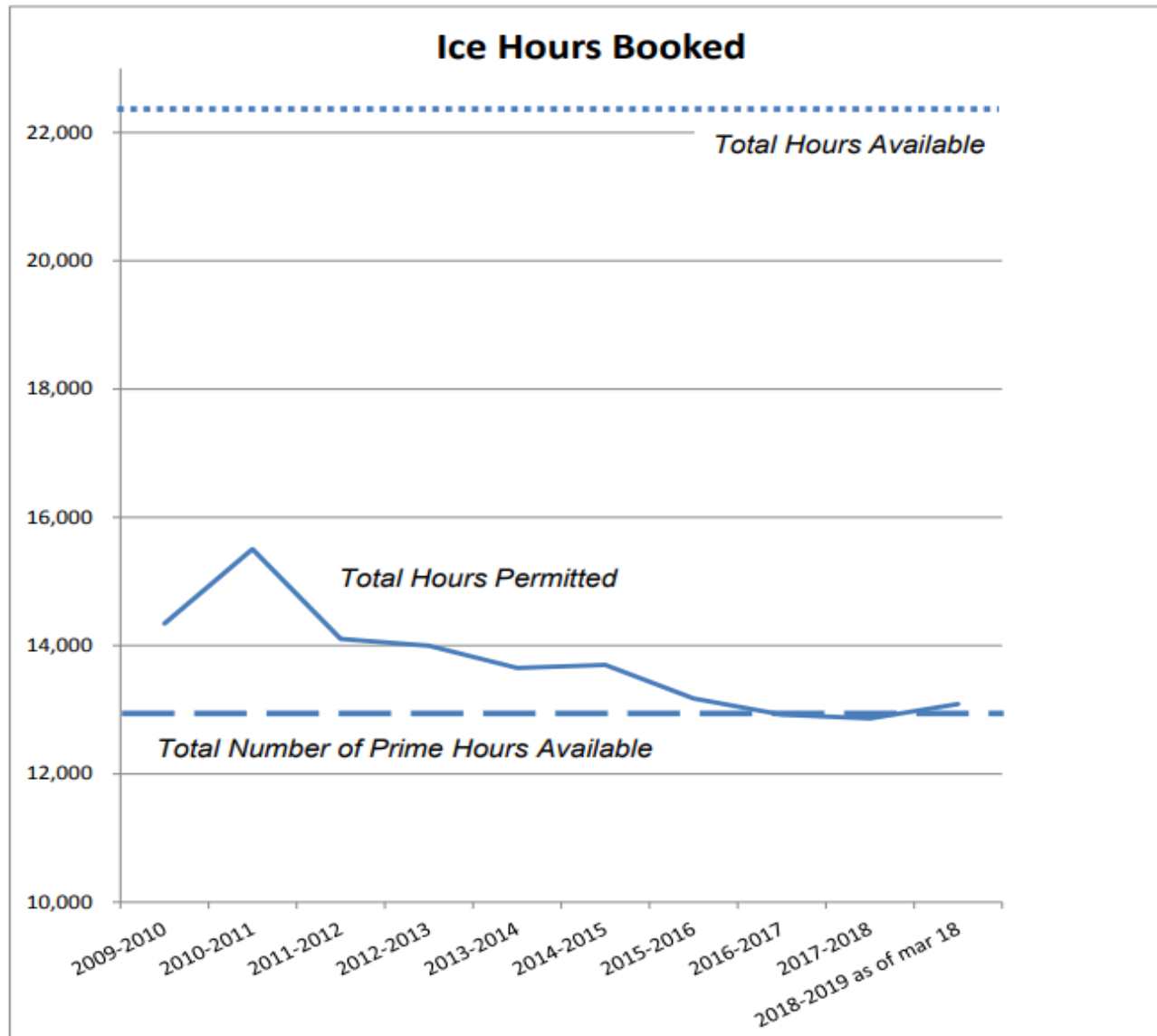
1. That the report entitled Hollingsworth Arena and Future Ice Allocation Considerations, dated April 8, 2019, be received; and,
2. That the Town of Newmarket decommission the Hollingsworth Arena after the 2019-2020 season, ending in April 2020; and,
3. That the Town of Newmarket operate with six ice pads and report back annually on the status of ice allocations, and ability to accommodate users; and,
4. That staff conduct programmatic changes as outlined in the report in order to accommodate user groups post closure of Hollingsworth Arena; and,
5. That construction of a new outdoor ice pad coincide with the final season of Hollingsworth Arena if at all possible; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.



# Use of Hollingsworth Arena

- Opens for Season: late September/early October
- Closes for Season: late March/early April
- Available for Permit: Monday through Friday from 5pm to 11 pm and on weekends from 7 am to 11pm.
- 1,650 hours available for permitting per year. In last year's operating season just under 1,100 hours were permitted.

# Ice Hours Booked



# Ice Availability

Time of Day	Monday	Tuesday	Wed.	Thursday	Friday	Saturday	Sunday
6 am	0	1	1	0	1	0	0
7 am	0	1	2	0	0	3	4
8 am	0	1	0	0	0	5	5
9 am	0	0	0	0	0	6	6
10 am	0	0	0	0	0	6	7
11 am	0	0	0	0	0	6	5
12 Noon	0	0	0	0	0	6	4
1 pm	0	0	0	0	0	5	5
2 pm	0	0	1	0	0	4	6
3 pm	1	1	1	0	0	4	6
4 pm	2	3	4	2	3	3	5
5 pm	6	6	5	6	3	3	6
6 pm	7	7	6	6	6	3	7
7 pm	7	7	7	7	6	3	7
8 pm	7	7	7	7	6	2	5
9 pm	7	5	6	7	6	1	3
10 pm	1	3	4	5	4	1	1
11 pm	0	0	0	0	1	0	0

# Hollingsworth Expenses

	2017	2018	2019
Operating Costs	\$267,554	\$221,227	\$235,264
Revenue	\$208,184	\$204,874	\$193,000
Net	-\$59,370	-\$16,590	-\$42,264

	Anticipated Performance post Closure
Operating Costs Still Expected	\$ 75,000
Revenues Anticipated	\$100,000
Net	\$25,000

- Total Capital anticipated over next 5 years: \$943,800

# Programmatic Changes

- All Town run programs to be scheduled after allocation of user groups
- Town run programs shifted to outdoor ice pads
- Review of Allocation Policy, upholding principles of preference in prime time hours to minor groups first
- Use of new outdoor ice pad to be built for some permitting during peak prime hours

# Consultation with User Groups

- Staff invited all user groups to meet between March 28<sup>th</sup> and April 8<sup>th</sup>
- Staff were able to meet with Newmarket Minor Hockey Association, Newmarket Skating Club, Newmarket Ringette, Newmarket Jets Speedskating and Central York Girls Hockey
- Recommendations were discussed with user groups along with rationale for recommendations
- Process of ongoing consultation communicated with user groups outlining commitment to working together to meet needs
- Options for use of outdoor rink to be built were discussed and hockey groups expressed a willingness and even excitement at prospect of using such a facility (provides an experiential value add)
- Users were not surprised but did express concerns about being able to accommodate any growth of their respective organizations
- Adult groups expressed concern about viability of leagues if forced to operate completely outside of prime time hours

# Options to Explore Further



- Review pricing structure to provide significant financial incentives to book outside of prime time hours (developing a supply/demand based model)
- Explore opportunities for partnership with neighbouring municipalities to accommodate pinch point hours in their facilities
- Explore opportunities with private operators for purchase of hours by user groups during prime time
- Look at requests for Junior A Team replacement providing game hours only on weekends



# Thank You





# Town of Newmarket Development Charges Council Information Session



**Monday, April 8<sup>th</sup>, 2019**

**HEMSON**  
Consulting Ltd.



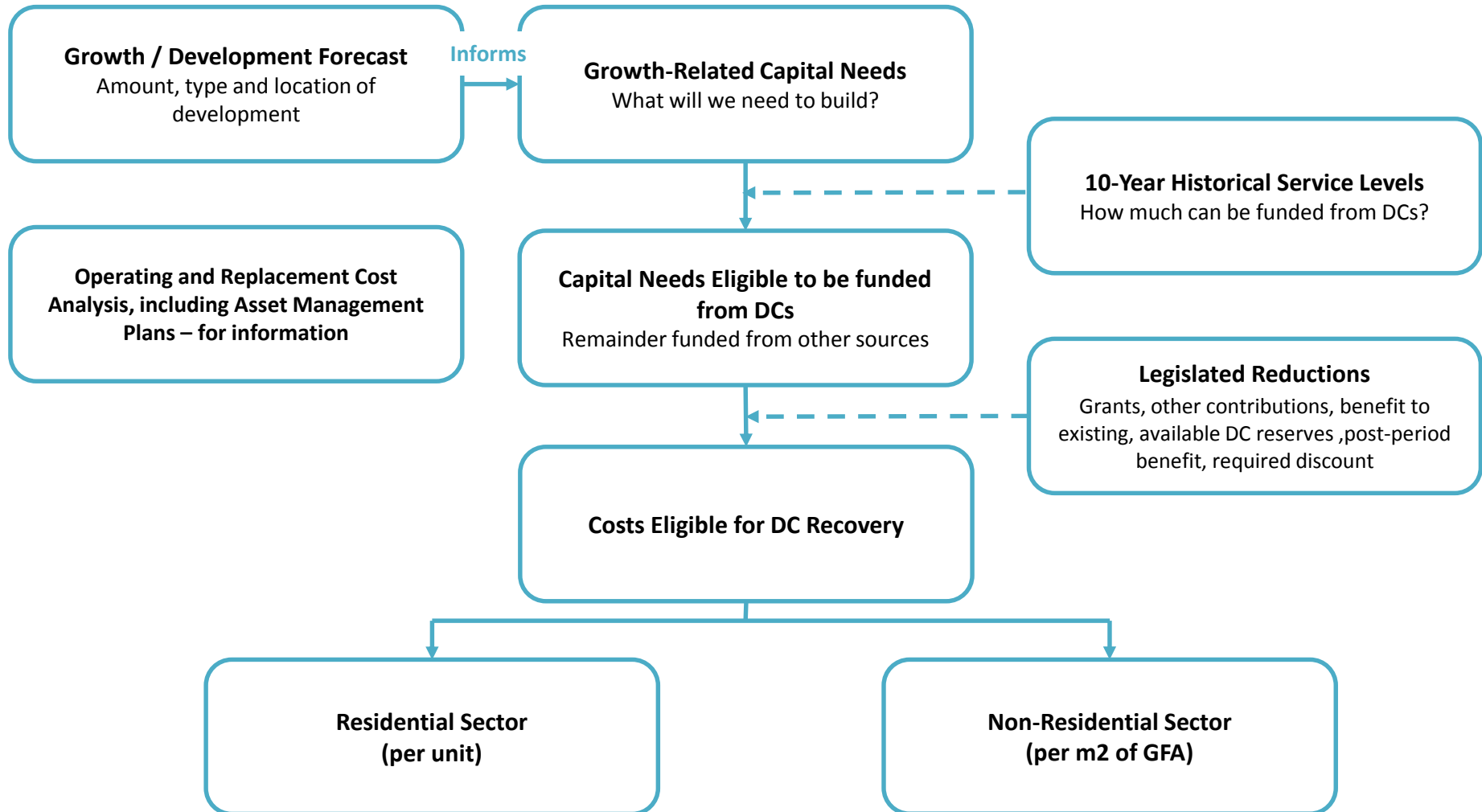
# Today We Will Discuss<sup>70</sup>

- Overview of the Study Process
- Development Forecast
- Capital Programs
- Preliminary Calculated Rates
- DCs and Affordability
- Next Steps

# Need for Council Involvement

- Council must:
  - Adopt the capital program and the increase need for service attributable to development
  - Intend to undertake the capital program to ensure this need is met
  - Give consideration to the use of “area-rating”
  - Approve the DC rates and policies as identified in the proposed DC by-law

# Overview of Study Process



# Development Forecast

Growth Forecast	2018	2019 - 2028		2019 - 2031	
		Growth	Total at 2028	Growth	Total at 2031
<b>Residential</b>					
Total Occupied Dwellings	29,500	3,900	33,400	5,300	34,900
Total Population - Census	89,100	9,100	98,200	11,600	100,700
<b>Non-Residential</b>					
Employment	40,400	3,600	44,000	4,600	44,900
Non-Residential Building Space (sq.m.)		198,400		252,600	

\*Rounded for presentation

Employment does not include work at home

# Development-Related Capital Program Overview

- Capital programs have been developed in consultation with Town staff
- Council must express intent to undertake capital works for them to be included in DC Study
- Capital costs are required to be adjusted in accordance with DC legislation :
  - Grants, subsidies & contributions
  - Benefit to existing or replacement elements
  - Uncommitted DC reserve funds
  - 10% 'general' service deduction
  - "Post-period" benefit

# Capital Program Summary<sup>75</sup> (in \$000)

Service	Gross Capital Cost	Non-DC Fundable	Future DCs (Post-Period)	In-Period + Reserves
General Government	\$2,846.0	\$1,381.6	\$0.0	\$1,464.4
Library	\$33,890.0	\$18,239.0	\$10,225.9	\$5,425.1
Fire Services	\$25,643.5	\$12,564.8	\$9,629.7	\$3,448.9
Parks & Recreation	\$58,400.1	\$5,840.0	\$0.0	\$52,560.1
Yards & Fleet	\$8,867.0	\$0.0	\$5,646.4	\$3,220.6
Municipal Parking	\$10,100.0	\$5,555.0	\$1,196.2	\$3,348.8
Waste Collection and Transfer	\$922.0	\$92.2	\$414.9	\$414.9
Engineered Services	\$74,571.0	\$14,355.8	\$0.0	\$60,215.2
<b>Total</b>	<b>\$215,239.5</b>	<b>\$58,028.3</b>	<b>\$27,113.1</b>	<b>\$130,198.1</b>

# 2019 Capital Program Major Projects

Service	Major Development Related Projects
General Government	<ul style="list-style-type: none"> <li>• Development-related studies; OP Review</li> </ul>
Library	<ul style="list-style-type: none"> <li>• New Library</li> </ul>
Fire Services (to 2031)	<ul style="list-style-type: none"> <li>• Training Centre (Station 4-5)</li> <li>• New pumpers and other vehicles</li> </ul>
Parks & Recreation	<ul style="list-style-type: none"> <li>• Mulock Estate Development (Phase 2)</li> <li>• Recovery of past debt (Magna Centre, Youth Centre)</li> <li>• Community-wide Parkland Development</li> <li>• Trail connections and parkland development</li> <li>• Fleet and Equipment</li> </ul>



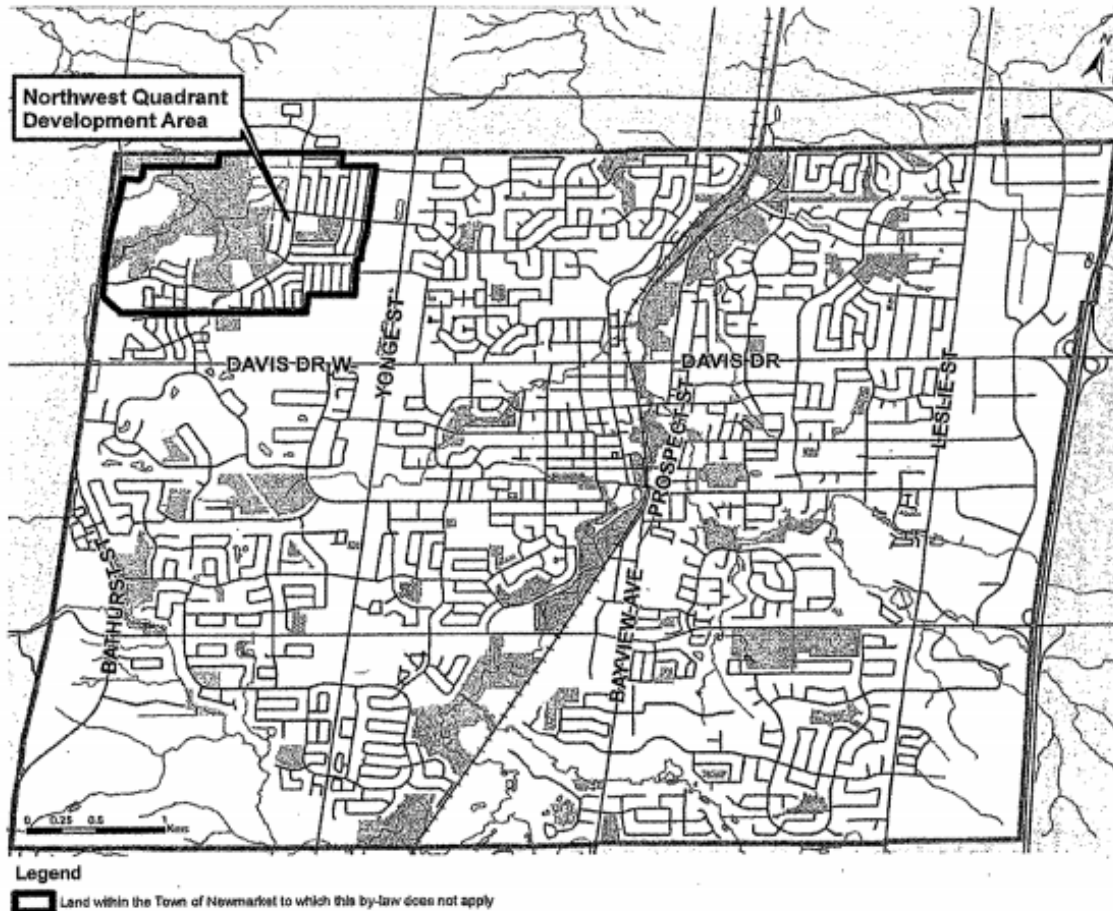
# 2019 Capital Program Major Projects Con't.

Service	Major Development Related Projects
Yards & Fleet	<ul style="list-style-type: none"><li>Facilities, fleet and equipment investments</li></ul>
Municipal Parking	<ul style="list-style-type: none"><li>250-space downtown parking structure</li></ul>
Waste Collection & Transfer	<ul style="list-style-type: none"><li>Growth-related building and vehicle costs</li></ul>
Engineered Services	<ul style="list-style-type: none"><li>Roadworks*</li><li>Debt recovery (Harry Walker Pkwy)</li><li>Sidewalks and multiuse pathways</li><li>Water and wastewater upsizing</li><li>Engineering-related studies</li></ul> <p><i>*increased cost for Urban Centre Works 2024-2028 (\$14.0M) from March 18, 2019</i></p>

# Preliminary Calculated DC Rates (Excl. NW Quadrant)

Service	Residential Charge By Unit Type (1)				Non-Residential Charge per Square Metre
	Singles & Semis	Rows & Other Multiples	Apartments		
			700 sq. ft. or Greater	Under 700 sq. ft.	
General Government	\$268	\$211	\$159	\$114	\$1.39
Library	\$995	\$781	\$591	\$422	\$0.00
Fire Services	\$891	\$699	\$529	\$378	\$4.69
Parks & Recreation	\$15,903	\$12,474	\$9,440	\$6,743	\$0.00
Yards & Fleet	\$861	\$675	\$511	\$365	\$4.45
Municipal Parking	\$459	\$360	\$272	\$194	\$2.38
Waste Collection & Transfer	\$165	\$129	\$98	\$70	\$0.00
Subtotal General Services	\$19,542	\$15,329	\$11,600	\$8,286	\$12.91
Town-Wide Engineered Services	\$14,765	\$11,582	\$8,765	\$6,260	\$77.01
TOTAL CHARGE PER UNIT	\$34,307	\$26,911	\$20,365	\$14,546	\$89.92
(1) Based on Persons Per Unit Of:					
	3.54	2.78	2.10	1.50	

# Northwest Quadrant Development Area DC Rates



## Development Charges

Singles & Semis  
**\$31,212**

Rows & Multiples  
**\$24,483**

Apartments: 700  
sq.ft. or greater  
**\$18,527**

Apartments: under  
700 sq. ft.  
**\$13,234**

Non-Residential  
Charges Per Sq.  
Metre  
**\$73.34**

# Comparison of <sup>80</sup>Current Rates vs. Preliminary Rates (\$/Lrg. Apt.)

Service	Residential (\$/Large Apartment)			
	Calculated Residential Charge	Current Residential Charge	Difference in Charge	
General Government	\$159	\$275	(\$116)	-42%
Library	\$591	\$578	\$13	2%
Fire Services	\$529	\$399	\$130	32%
Parks & Recreation	\$9,440	\$7,368	\$2,072	28%
Yards & Fleet	\$511	\$744	(\$233)	-31%
Municipal Parking	\$272	\$234	\$38	16%
Waste Collection & Transfer	\$98	\$0	\$98	100%
<b>Subtotal General Services</b>	<b>\$11,600</b>	<b>\$9,599</b>	<b>\$2,001</b>	<b>21%</b>
Town-Wide Engineered Services	\$8,765	\$4,173	\$4,592	110%
<b>TOTAL CHARGE PER UNIT</b>	<b>\$20,365</b>	<b>\$13,771</b>	<b>\$6,594</b>	<b>48%</b>

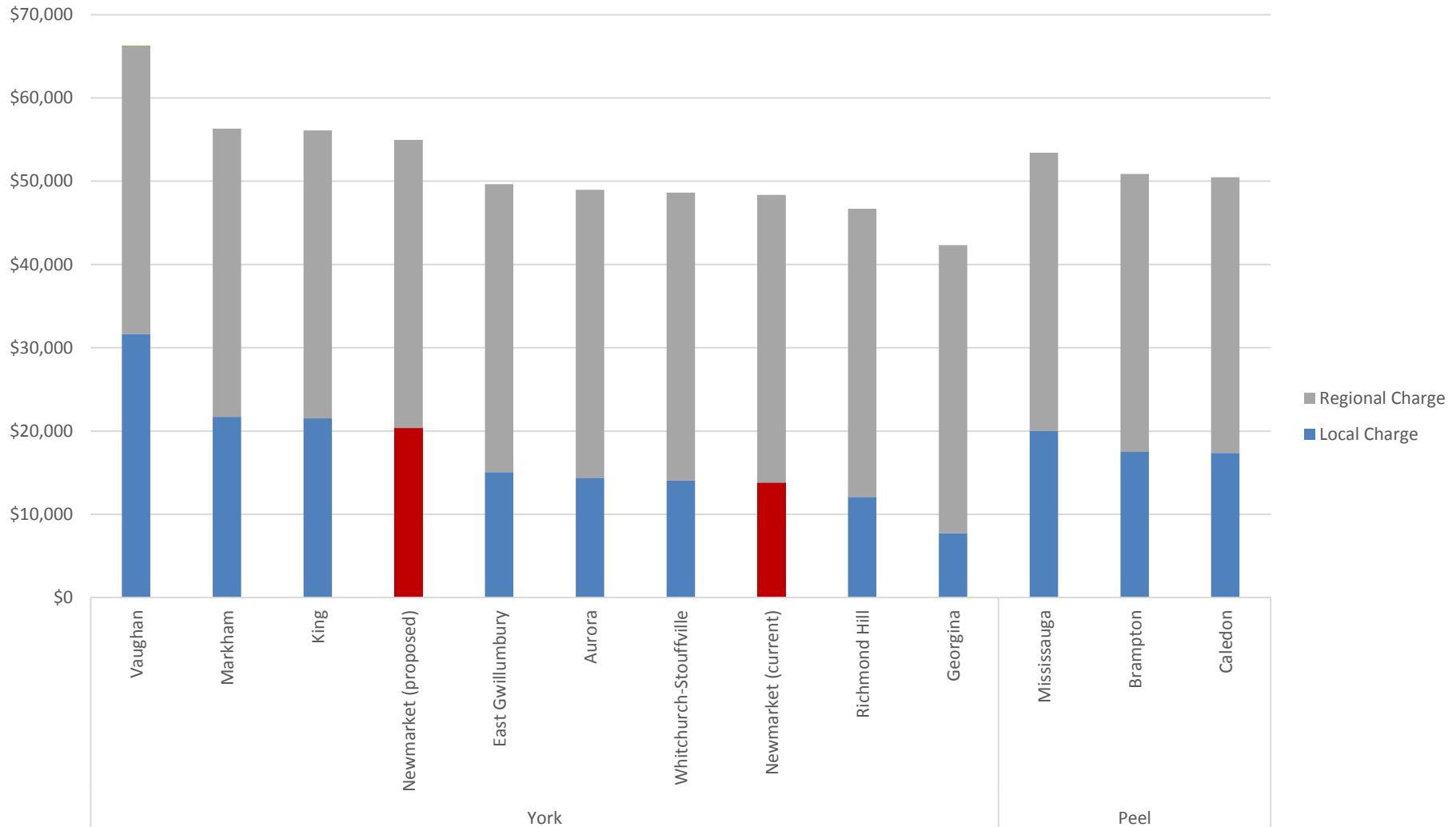
# Comparison of Current Rate vs. Calc. Non-Residential Rate (\$/sqm)

Service	Non-Residential (\$/Square Metre)			
	Calculated Non-Residential Charge	Current Non-Residential Charge	Difference in Charge	
General Government	\$1.39	\$2.76	(\$1.37)	-50%
Library	\$0.00	\$0.00	\$0.00	N/A
Fire Services	\$4.69	\$4.01	\$0.68	17%
Parks & Recreation	\$0.00	\$0.00	\$0.00	N/A
Yards & Fleet	\$4.45	\$7.59	(\$3.14)	-41%
Municipal Parking	\$2.38	\$2.34	\$0.04	2%
Waste Collection & Transfer	\$0.00	\$0.00	\$0.00	N/A
<b>Subtotal General Services</b>	<b>\$12.91</b>	<b>\$16.70</b>	<b>(\$3.79)</b>	<b>-23%</b>
Town-Wide Engineered Services	\$77.01	\$42.16	\$34.85	83%
<b>TOTAL CHARGE PER SQUARE METRE</b>	<b>\$89.92</b>	<b>\$58.86</b>	<b>\$31.06</b>	<b>53%</b>

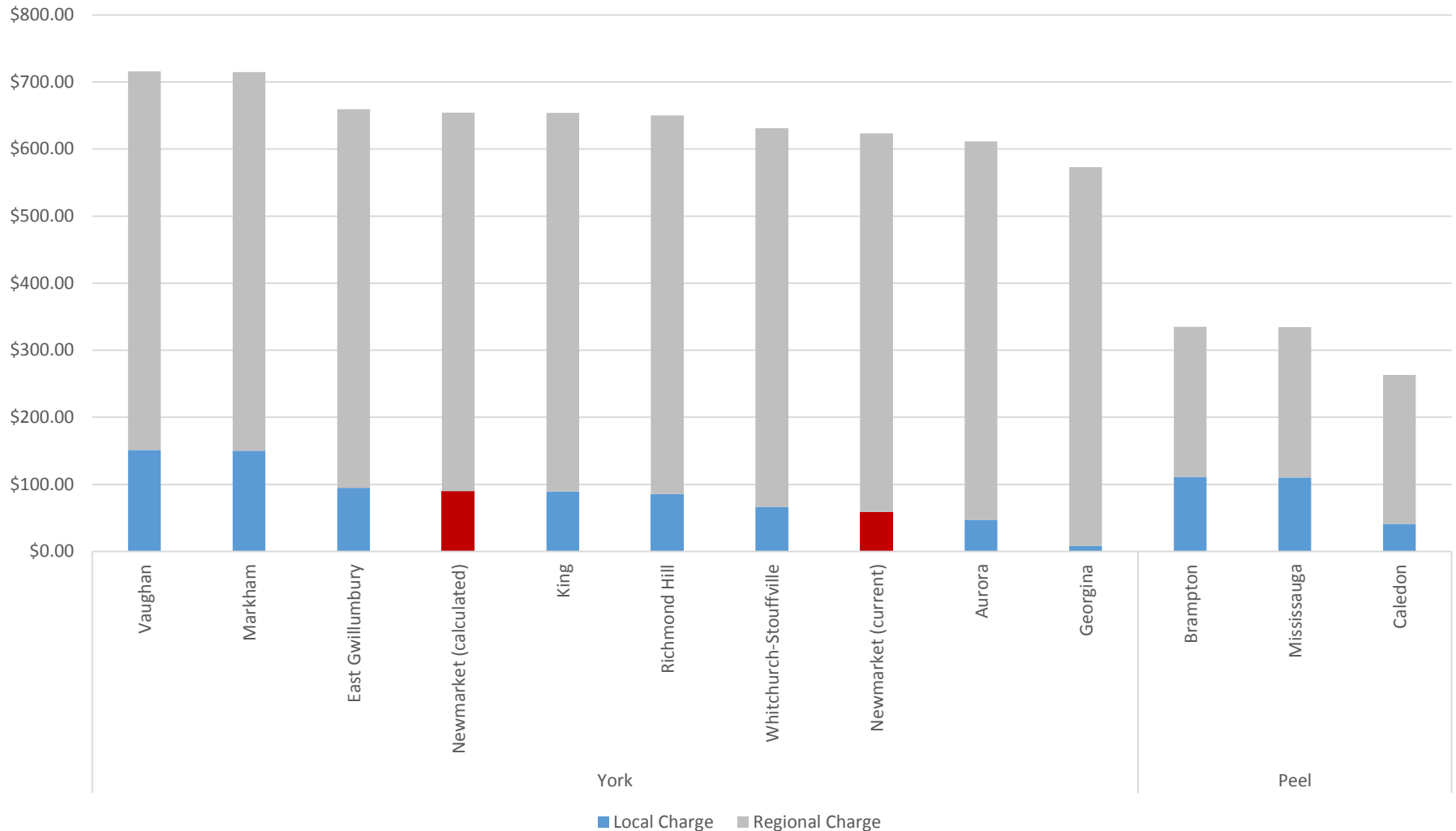
# Current vs. Calculated Total Rate Large Apartment

	Draft Calculated Charge	Current Charge (Large Apartment)	Difference in Charge	
York Region	\$34,584		\$0	0%
Town-Wide	\$20,365	\$13,771	\$6,594	48%
<b>Total Charge per Unit</b>	<b>\$54,949</b>	<b>\$48,355</b>	<b>\$6,594</b>	<b>14%</b>

# Development Charges Comparison (Large Apartment)



# Non-Res. Rate Comparison (\$/Square Metre)





# Recent DC Rate Increases

Municipality	Pre-Bylaw Rates	Bylaw Rates	\$ Change	% Change	Year of Bylaw
Richmond Hill (Draft)	\$18,430	\$18,430	\$0	0%	2019
Aurora	\$23,224	\$23,844	\$620	3%	2019
Orillia	\$14,857	\$17,708	\$2,851	19%	2018
Brampton (Proposed)	\$30,941	\$40,462	\$9,521	31%	2019
Region of Peel	\$36,403	\$48,499	\$12,096	33%	2015
Oakville	\$25,283	\$33,688	\$8,405	33%	2018
East Gwillimbury (Draft)	\$23,890	\$33,885	\$9,995	42%	2019
Markham	\$22,770	\$33,687	\$10,917	48%	2017
Whitchurch-Stouffville (Phased in)	\$14,400	\$21,603	\$7,203	50%	2018
Newmarket (2019)	\$22,240	\$34,307	\$12,067	54%	2019
Georgina	\$7,113	\$11,469	\$4,356	61%	2016
Whitby	\$12,708	\$20,820	\$8,112	64%	2017
York Region (2012-2018)	\$32,000	\$52,818	\$20,818	65%	2018
Toronto (final after phase-in)	\$41,251	\$80,227	\$38,976	94%	2018
Cambridge (proposed 2019)	\$11,370	\$22,356	\$10,986	97%	2019
Vaughan	\$24,998	\$49,305	\$24,307	97%	2018
King	\$12,022	\$23,840	\$11,818	98%	2015

Source: Hemson Consulting

# House Prices and DC Rate Increases

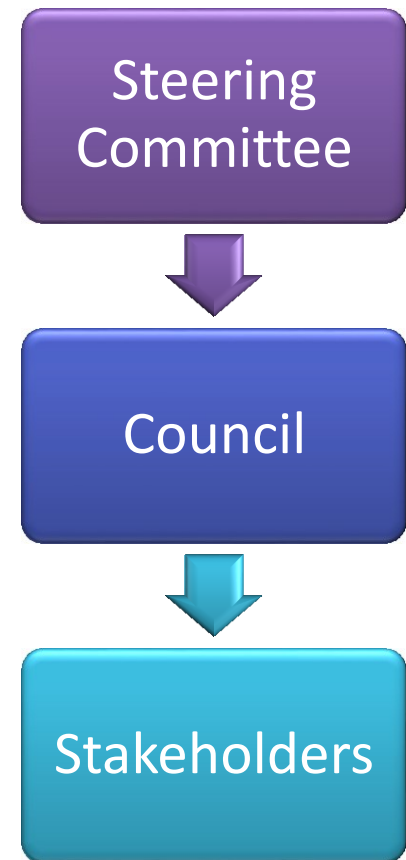
- House prices are largely influenced by a variety of market forces
- Not a strong correlation between DC rate changes and house prices
  - Increasing DCs  $\neq$  increasing house prices
  - Decreasing DCs  $\neq$  decreasing house prices

# Impact of DCs on Affordability

- Town's policy for the deferral of payment of DCs and Planning Application fees within the Urban Centres
- Newmarket Downtown CIP – DC Rebate/Credit Program
- Upper Tier
  - York Region also includes a deferral policy for rental developments (36 months)
  - York Region passed by-law on March 21 enabling a CIP in urban centres intended to include affordable housing incentives

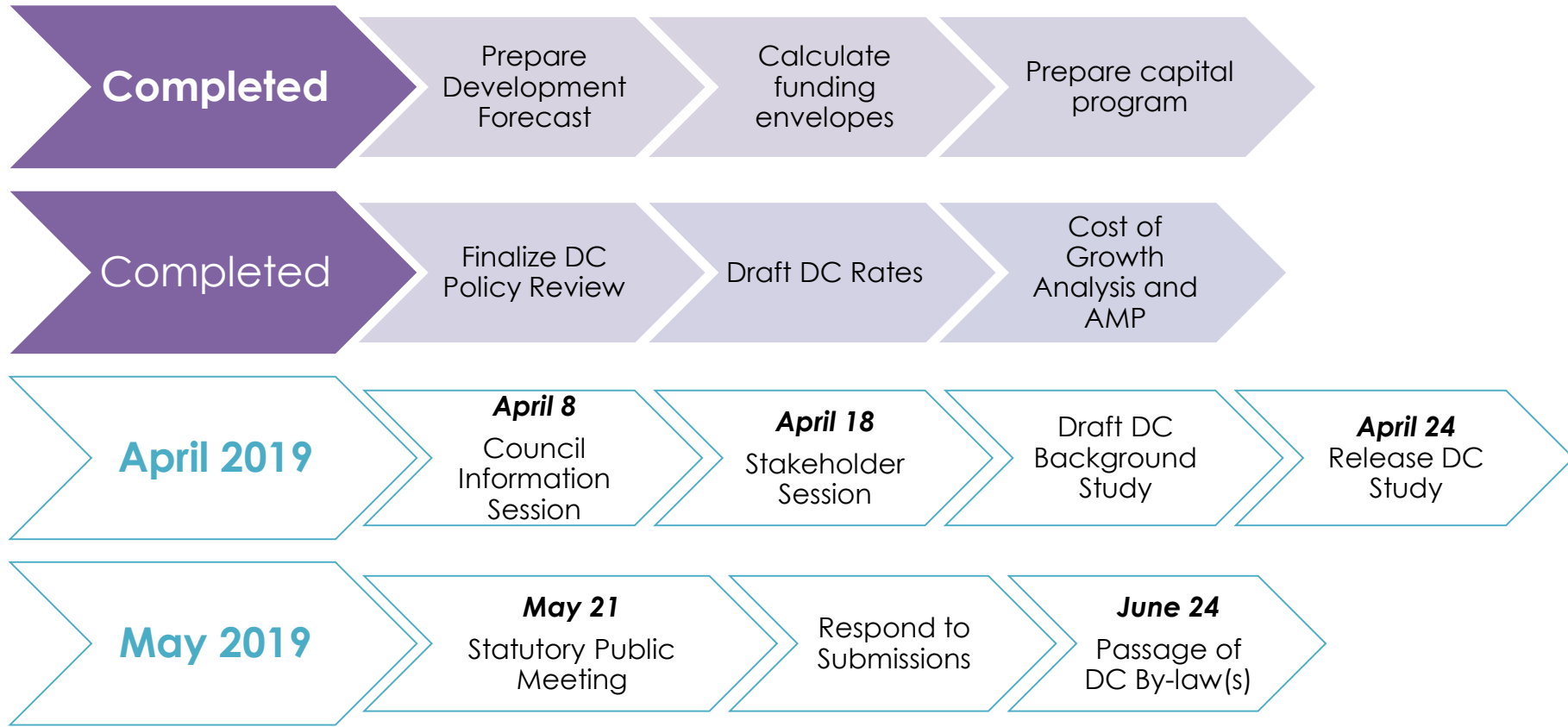
# Stakeholder Consultation

- A meeting with industry stakeholders is proposed prior to the release of the 2019 DC Background Study
  - Provides opportunity to address issues/concerns early on in the process
  - Enhances communication and transparency
- Will be used to discuss key inputs of the DC Study (i.e. forecast, service levels, capital programs etc.)



# Proposed Project Timeline

By-law Expires: **September 1, 2019**



# 90 Next Steps

- Consultation with Development Industry – **April 18<sup>th</sup> 2019**
- Release Background Study – **April 24<sup>th</sup> 2019**
- Public Meeting – **May 21<sup>st</sup> 2019**
- Proposed Council By-law Passage – **June 24<sup>th</sup>**  
*Current by-law expires **Sept 1<sup>st</sup> 2019***

### Deputation and Further Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole or to receive further notification regarding an item on the agenda. If filling out by hand please print clearly.

Please email to [clerks@newmarket.ca](mailto: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

Name: <u>GAETANO ROSSI (Guy)</u>	
Organization / Group/ Business represented: <u>Residents of Old Bathurst St.</u>	
Address: <u>[REDACTED]</u>	Postal Code: <u>[REDACTED]</u>
Daytime Phone No: <u>[REDACTED]</u>	Home Phone: <u>[REDACTED]</u>
Email: <u>[REDACTED]</u>	Date of Meeting: <u>April 8, 2019</u>
Is this an item on the Agenda? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): <u>- The road has become an official hazard</u> <u>- mail not being delivered due to constant Rd conditions</u> <u>- presently road is closed as of Friday March 15 2019.</u>	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

#### Deputation Guidelines:

- Deputations related to items on the agenda can be accommodated up to and including the meeting day;
- Deputations related to items not on the agenda may be scheduled within sixty (60) days of receipt of this form;
- Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council;
- Deputations are limited to 5 minutes.

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





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Name: <b>David Kempton</b>	
Organization / Group/ Business represented: <b>Climate Reality Project, Canada</b>	
Address: <b>[REDACTED]</b>	Postal Code: <b>[REDACTED]</b>
Daytime Phone No: <b>[REDACTED]</b>	Home Phone:
Email: <b>[REDACTED]</b>	Date of Meeting: <b>April 8</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: <b>Consent Item 5.6?</b>
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): The Active Transportation Implementation Plan is one of three issues I will raise in relation to Newmarket's approaches to tackling climate change.	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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To Newmarket Council – Greetings and congratulations on your success in the elections last Fall.

I know that your work is well underway, and that you have had some contentious issues to deal with already, but I want to share with you my perspective on Council's most important task.

The UN's IPCC (Intergovernmental Panel on Climate Change), issued its most recent report, known as IPCC1.5, near the time of the election. In it, the IPCC's expert panels point out that humanity has only about twelve years to solve the problem of climate change. That does not mean twelve more years to get ready to get started – it means twelve years to make real, deep progress.

That's your Council, plus the next two.

Fortunately, Newmarket has laid considerable groundwork in recent years:

- In April 2016, Council passed a motion affirming our support for the Blue Dot Project, with both supportive statements and practical measures to protect the environment. (The link is very long – please use the Newmarket.ca site and search for Blue Dot. You will find the April 18, 2016 meeting with the motion. Or ask staff.)
- Council and staff are working on the Active Transportation Implementation Plan (ATIP) which supports active transportation, such as walking and cycling, for practical (as compared with recreational) purposes. This also serves to reduce the use of gas-powered vehicles. (<https://www.newmarket.ca/activetransportation>)
- Council and staff, with community members, are developing the Community Energy Plan, as you heard at your December 11 workshop. The plan was first approved by Council in June 2016. (Search the Newmarket.ca site for Community Energy Plan, or ask staff.)

As you can see, each of these three items links to one or more of your draft Strategic Priorities.

I bring these to your attention because I believe that there is no greater task for Council than to reduce Newmarket's contribution to climate change. Municipalities across Canada, the United States and all other parts of the world are taking the lead in this fight, and Newmarket must do its part.

Thank you for your positive involvement in our community, and I wish you all the best in your endeavours on Council.

Sincerely,

David Kempton, Newmarket

Climate Reality Leadership Program

Endorsements by other Newmarket residents:

Peggy Stevens, Christine Loree, Krystyne Carruthers, Greg King, Jon Aston, Kaz Higuchi, Melissa Williams, Margaret Koopmans, Lee Webb, Kevin Shackleton

Blue Dot resolution April 18 2016 CoW

4. [Item 2 of the Newmarket Environmental Advisory Committee Minutes of March 2, 2016 regarding the Blue Dot Movement.](#)

An alternate motion was presented and discussion ensued.

Moved by: Councillor Sponga

Seconded by: Councillor Kerwin

a) THAT the deputation by Ms. Christine Glenn and Ms. Jen Turla, Blue Dot York Region be received and the following recommendations be forwarded to Council, endorsing the principles of the Blue Dot Movement:

i) WHEREAS the Town of Newmarket understands that people are part of the environment, and that a healthy environment is inextricably linked to the well-being of our community;

ii) NOW THEREFORE BE IT HEREBY RESOLVED THAT the Town of Newmarket finds and declares that:

1. All people have the right to live in a healthy environment, including:

- The right to breathe clean air
- The right to drink clean water
- The right to consume safe food
- The right to access nature
- The right to know about pollutants and contaminants released into the local environment
- The right to participate in decision-making that will affect the environment

The Town of Newmarket has the responsibility, within its jurisdiction, to respect, protect, fulfill and promote these rights.

2. The Town of Newmarket shall apply the precautionary principle: where threats of serious or irreversible damage to human health or the environment exist, the Town shall take cost effective measures to prevent the degradation of the environment and protect the health of its citizens. Lack of full scientific certainty shall not be viewed as sufficient reason for the Town to postpone such measures.

3. The Town of Newmarket shall apply full cost accounting; when evaluating reasonably foreseeable costs of proposed actions and alternatives, the Town will consider costs to human health and the environment.

4. The Town of Newmarket shall specify objectives, targets and timelines and actions that the Town of Newmarket will take, within its jurisdiction, to fulfill residents' right to a healthy environment, including priority actions to:

- a. Ensure infrastructure and development projects protect the environment, including air quality;
- b. Address climate change by reducing greenhouse gas emissions and implementing adaptation measures;
- c. Responsibly increase density;
- d. Prioritize walking, cycling and public transit as preferred modes of transportation;
- e. Reduce solid waste and promote recycling and composting;
- f. Establish and maintain accessible green spaces in all residential neighbourhoods.

The Town shall review the objectives, targets, timelines and actions every five (5) years, and evaluate progress towards fulfilling this declaration and consult with residents as part of this process.

iii) BE IT FURTHER RESOLVED THAT the Town shall send a letter to the provincial government calling for a public review of the Ontario Environmental Bill of Rights in order to improve the Act and to include recognition that all people have the right to live in a healthy environment. The Town will also send a letter to the federal government calling for the development of federal legislation that recognizes that all people have the right to live in a healthy environment.

**Carried**



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Name: <b>Rex Taylor</b>	
Organization / Group/ Business represented:	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: April 8, 2019
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 5.2
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): I was one of the residents that organized a petition that resulted in this report. A copy of the petition is attached for reference. I would like to address several "misrepresentations" (for lack of a better word) in the report. I would also like to express my concern about the reliability of the data summarized in the report.	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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1. **Stuart Scott School** is near the south end of this section of road and at the bottom of the hill. While there is a crossing guard at the cross walk, there are many occasions when children and parents are crossing the road outside of the guard's hours. Many parents drive their children to school, especially in poor weather or on dark winter mornings, and cars are often parked well up street with children and parents getting in and out of their vehicles and crossing the road. The current crossing guard reports that several times she has been quite close to being hit by cars travelling too fast down the road.
2. The **Lions' Club Park** is in essentially the same location. Pedestrians and vehicles access the park with its various social and recreational activities (playground, pool, skating rink, lawn bowling, walking paths) via the roadway from Lorne beside the school.
3. There is a **neighbourhood mailbox** on the east side of Lorne at Timothy. Some residents on the west side of Lorne must cross the road to get their mail. This can be a dangerous undertaking, notably for seniors, people with child strollers, or those walking dogs, as cars accelerate down the hill toward Eagle.
4. South of Timothy Street, **Lorne crosses the creek** that flows through the Lions Park. For several meters the sidewalks on both sides of Lorne are immediately adjacent to the roadway and on the other side there are the necessary railings. With nowhere to go to get out of the way, pedestrians can feel nervous on this section as cars go past at high speed.
5. As a secondary arterial road, we understand that Lorne Avenue experiences higher traffic volumes. However, because some vehicles travel above the speed limit, **entering Lorne Avenue from driveways or side streets** can be difficult and sometimes dangerous. It is important to note that because Timothy is a one way street, many Timothy residents must use Lorne to go anywhere by car.

[illegible]



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Name: <b>Robert Walters c/o LARKIN + Land Use Planners Inc.</b>	
Organization / Group/ Business represented: <b>Owners of 218, 226, 228, 231 &amp; 241 Old Main St. Newmarket</b>	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone: [REDACTED]
Email: [REDACTED]	Date of Meeting: <b>April 8, 2019</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 5.5 Old Main St. Tertiary Plan FR
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): 1. Request that Committee/Council include the Tertiary Plan policies within proposed OPA 22 and the Official Plan and that they not be appended. 2. Advise that not including the policies in the proposed OPA results in an OPA that is not consistent with the Provincial Policy Statement 2014, does not conform to the provincial Growth Plan 2017, and does not conform to the York Region Official Plan. 3. Request that Committee/Council include Townhouse units as a permitted use in proposed OPA 22. 4. Request that future Town Initiated Zoning to implement proposed OPA 22 include regulations to allow smaller freehold lots for dwellings on common element condominium streets.	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Sonya Reiter</b>	
Organization / Group/ Business represented:	
Address: <span style="background-color: black; color: black;">[REDACTED]</span>	Postal Code: <span style="background-color: black; color: black;">[REDACTED]</span>
Daytime Phone No: <span style="background-color: black; color: black;">[REDACTED]</span>	Home Phone:
Email: <span style="background-color: black; color: black;">[REDACTED]</span>	Date of Meeting: April 8, 2019
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 5.5
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): Old Main St. North Tertiary Plan	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Trudy Baker</b>	
Organization / Group/ Business represented:	
Address: <span style="background-color: black; color: black;">[REDACTED]</span>	Postal Code: <span style="background-color: black; color: black;">[REDACTED]</span>
Daytime Phone No: <span style="background-color: black; color: black;">[REDACTED]</span>	Home Phone:
Email: <span style="background-color: black; color: black;">[REDACTED]</span>	Date of Meeting: April 8, 2019
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): I like to share some discrepancies I saw in the Old Main Street Tertiary Plan Final Report with respect to Trees and Woodlot 1. mis-information about insect pests and diseases among the trees 2. the information from the Kuntz report which was used in the report is inaccurate  I request Council/Committee to see to it that all information used to make decisions that concern the value of my personal property is correct and fair.	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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# I found a few errors in the Old Main Tertiary Plan

1. the density of the woodlot
2. the diseases and insects in the trees

# Density of the woodlot<sup>110</sup>



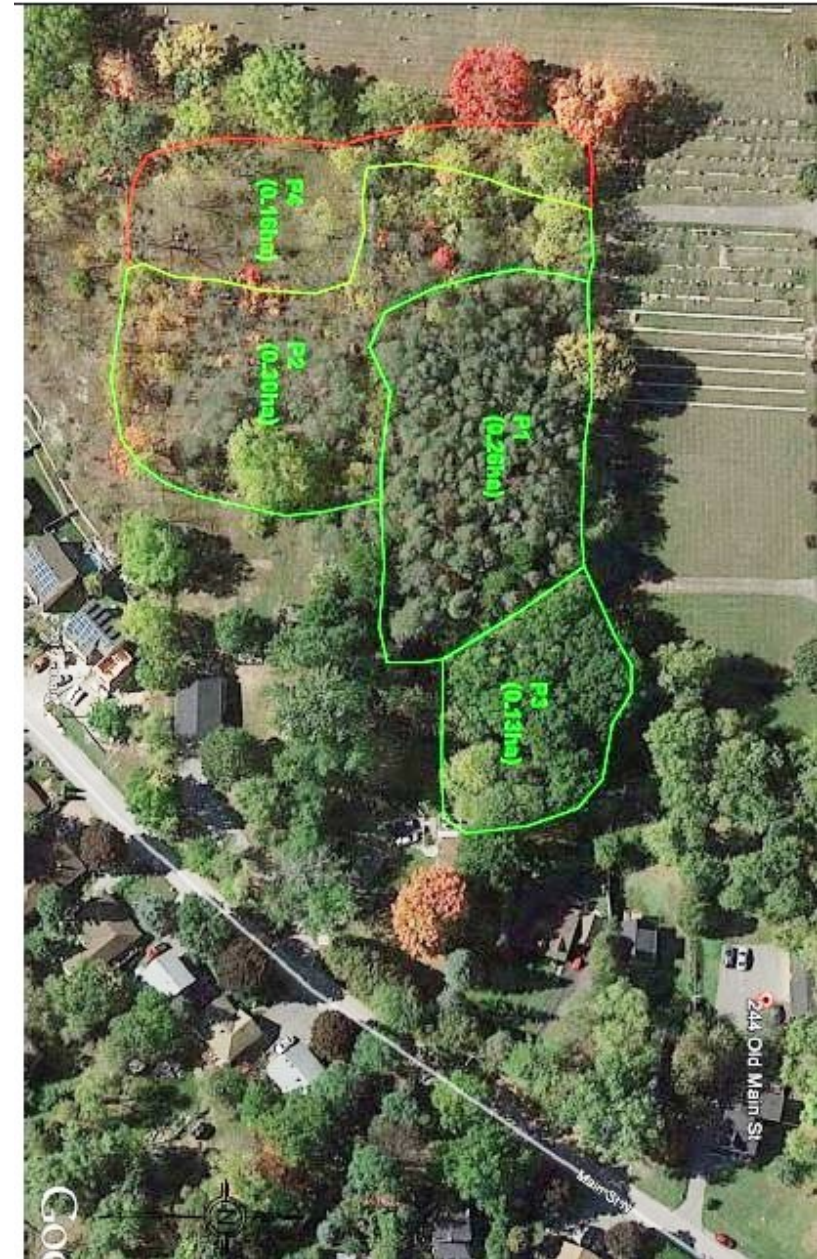
## Tertiary Report recommendations March 2019

**“An arborist report completed by Kuntz Forestry Consulting (dated May 3, 2017), provided by the residents, outlines the wooded area as a remnant scots pine plantation with regenerating sugar maple, among other hardwood species. The total density of this unit is 5400sph and therefore qualifies as a portion of the woodlot. “**

# Density of the woodlot

## The Kuntz Report

P1 is a remnant Scots Pine plantation with regenerating Sugar Maple, among other hardwood species. The total density of this unit is 5400sph and therefore qualifies as a portion of the woodlot.



# Density of the woodlot

## The Larkin Conceptual Plan

This Conceptual Plan was presented to Council and the Planning Department in March 2019. It honors open spaces and maintains canopy coverage.



# Density of the woodlot

## Let's compare the 3 maps

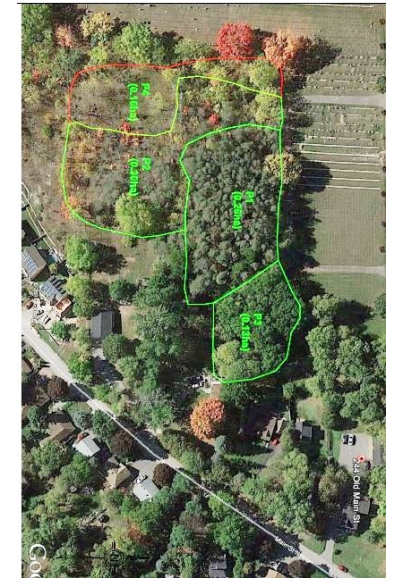
It appears to me that the woodlot area on the Larkin plan corresponds closely to Parcel 4 in the Kuntz report.

The Terciary Plan map seems to include all 4 parcels yet is indicating the same 5400 sph for the entire area.

The closing line of the Kuntz report is:

Average SPH:	442	310	133	66	951
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Compare: 5400 vs 951

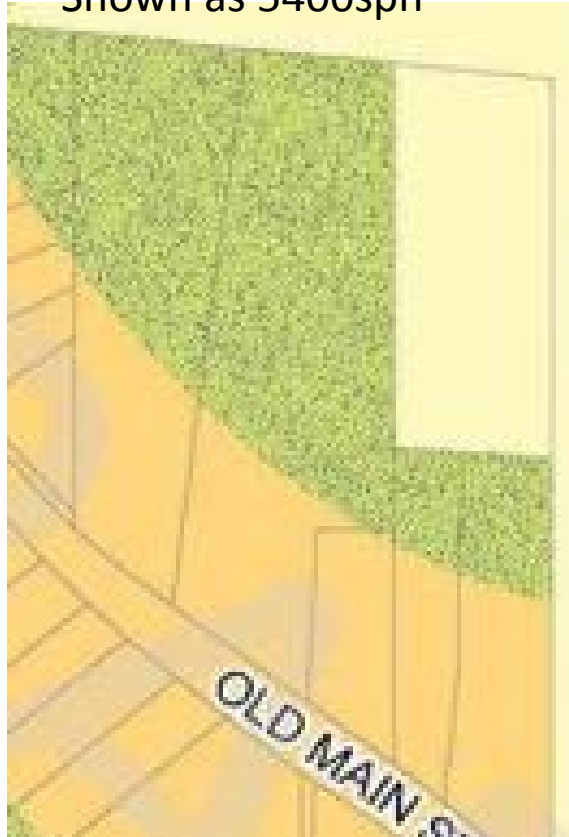




## Density of the woodlot

# Let's have another look

The proposed heritage lands in green  
Shown as 5400sph



The 5400sph area inside green line



## ...and another look

115

From a very  
personal point  
of view

- We put out lifetime savings into the purchase of our property. So did our neighbours.
- The yellow slices plus the over-size setbacks and such are destined to be expropriated.
- How would YOU like to lose 70 % or more of your retirement funds?



# Diseases and Insects in the Trees

In the recommendations of the Tertiary Plan it says: “...*a disease in pines that affects scots and red pines but these diseases are restricted to conifers only and will not affect all of the Town’s trees.*”



Pine wilt is a lethal disease caused to trees by a wood borer insect—the pine sawyer beetle. The pine beetle is one species of the bark beetle.

Online picture of Pine Beetle holes



Bark beetles  
[missouribotanicalgarden.org](http://missouribotanicalgarden.org)

Pine Beetle holes at 218 Main North



# Diseases and Insects in the trees



I also found that Bark beetles



can be **detrimental to deciduous trees.**



# Bark Beetles

- Pine wilt was mentioned as the reason for the death among Scot pines. Pine wilt is a lethal disease caused to trees by a wood borer insect – the pine sawyer beetle. The pine beetle is one species of the bark beetle.
- Bark beetles can be detrimental to deciduous trees. Bark Beetles often carry pathogenic fungi such as Dutch Elm disease and Oak Wilt, which are deposited in the vascular system of the tree.
- On a Toronto website I learned that Oak Wilt has the potential to be a devastating disease in the greater Toronto area.
- Picture shows beetle holes on an Oak at 218 and the Cemetery fence line



# Oak trees north of Old Main are dying



Online picture of bark beetle in an Oak tree

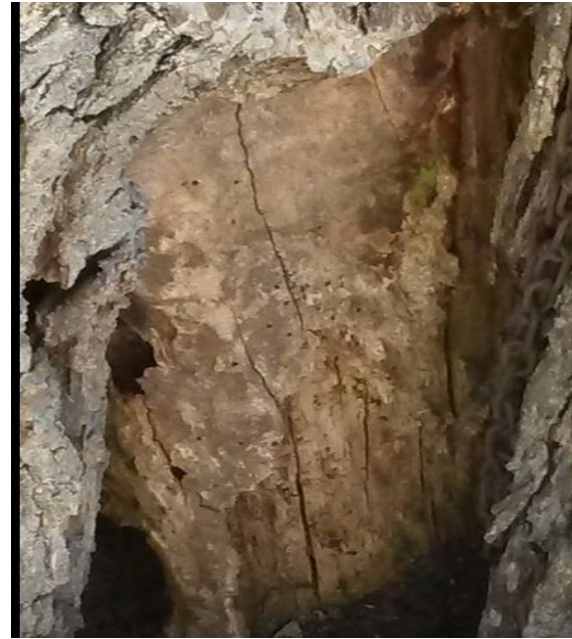


Oak at 218 showing similar damage

# Oak trees north of Old Main are dying



Online picture of Oak Wilt



Oak at 218 showing similar damage

## Relationship between pine beetle and blue stain fungi

*American Phytopathological Society* “... ***blue-stain fungi*** to trees, and these fungi, along with other ... The nematode is the primary pathogen in this case, and the *result is pine wilt.*”

On another website I learned that **Blue-stain fungi** are **well-known associates of scolytid** bark beetle species colonizing both hardwoods and conifers.



# Blue Stain Fungi

Online picture of blue stain fungus



Blue stain on a dead tree at 218 Main North



# The damage continues...

Blue stain is usually found on coniferous wood like Scots Pine. It can also be found on deciduous trees such as European Beech, Maple Cherry, Pear, Ash, Aspen, Cotton Wood Poplar and various Oaks.

Several of these are present among the 'other hardwoods' on the lands North of Old Main.





Current beetle damage on some of the 'other hardwood trees' at 218 Main Street North referred to in the Kuntz Tree report, April 2017.

According to the most recent comments from the Planning Department these "other hardwood trees" allegedly are indicative of a 'healthy regenerating forest',

Trudy Baker,  
218 Main North



## Diseases and Insects in trees at Old Main Street

I would like to share a bit more detail I learned about while reviewing the problems with respect to the dying trees on our property at 218 and our immediate neighbour's property at 226 Main Street North.

In my presentation at the January meeting I referred to the dead and dying Scot Pines which have invasive characteristics and provide a home for some insect pests which spread to valued native tree species. Everett in his presentation referred to large Oak tree with an unusual large amount of deadwood and 3 young oaks that are totally dead.

In the recommendations of the Tertiary Plan it says: *"...a disease in pines that affects scots and red pines but these diseases are restricted to conifers only and will not affect all of the Town's trees."* As well: *"The decline of the oak trees may be related to the decline of the pines but since they are two different species they are most likely declining for different reasons."*

Some of the articles I read agree that pine wilt disease is limited to coniferous trees. However, many other articles state that several deciduous trees are affected by the same beetles that cause pine wilt.

Pine wilt was mentioned as the reason for the death among Scot pines. Pine wilt is a lethal disease caused to trees by a wood borer insect—the pine sawyer beetle. The pine beetle is one species of the bark beetle.



## Diseases and Insects in trees at Old Main Street



Bark beetles

[missouribotanicalgarden.org](http://missouribotanicalgarden.org)

## Diseases and Insects in trees at Old Main Street

### Damage done by bark beetles in Scot Pines at 218 Main North

I also found that Bark beetles can be detrimental to deciduous trees. Bark Beetles often carry pathogenic fungi such as Dutch Elm disease and Oak Wilt, which are deposited in the vascular system of the tree.



Evidence of bark beetles in an Oak at the border of 218 Main and St John cemetery.



Online picture of bark beetle in an Oak tree

Diseases and Insects in trees at Old Main Street



Oak at 218 showing similar damage



## Diseases and Insects in trees at Old Main Street

I learned that there is a relationship between pine beetle and blue stain fungi. According to the American Phytopathological Society "... blue-stain fungi to trees, and these fungi, along with other ... The nematode is the primary pathogen in this case, and the result is pine wilt." On another website I learned that Blue-stain fungi are well-known associates of scolytid bark beetle species colonizing both hardwoods and conifers.



Online picture of blue stain fungus



Blue stain on a dead tree at 218 Main North

## Diseases and Insects in trees at Old Main Street

Blue stain is usually found on coniferous wood like Scots Pine. It can also be found on deciduous trees such as European Beech, Ash, Aspen, Cotton Wood Poplar and various Oaks.

On a Toronto website I learned that Oak Wilt has the potential to be a devastating disease in the greater Toronto area.

Below are pictures of Beetle damage on some of the 'other hardwood trees' at 218 Main Street North referred to in the Kuntz Tree report, April 2017.





## Diseases and Insects in trees at Old Main Street

### References

#### Bark beetles

<https://extension.umd.edu/hgic/topics/bark-beetles-trees-and-shrubs>

Bark beetles on deciduous trees

The beetles generally attack stressed or weakened trees (oak, elm, birch, ash, hickory, hackberry, beech, sweetgum, maple cherry, pear, etc.) The immature beetles construct galleries as they feed on the cambium, under the bark. Healthy trees can usually withstand bark beetle attacks by literally trapping the beetles in a sticky flow of pitch. Bark beetles emit a chemical signal, or aggregation pheromone, which attracts more bark beetles to the tree under attack. Beetles often carry pathogenic fungi such as Dutch elm disease and oak wilt, which are deposited in the vascular system of the tree. These fungi quickly multiply and clog the water conducting vessels of the tree which hastens its death.

#### Pictures of blue stain fungus

[https://www.google.com/search?q=blue+stain+fungus&tbm=isch&tbs=rimg:CU3nNEkbM-VMImB9qzXS3cf8uEwNu7LzITN49r3Zpo\\_1sxZ\\_1GqnaDJajlrPpM4ZDfXkLIOlyrKW\\_1z-H48S-42NF5A\\_18hwheUKZiv3RVbYPojcclxRqbN9ErsZK8sRAjQseLkxQwFqKgB3SNMqEgl9qzXS3cf8uBF07Jf3B7wSXCoSCUwNu7LzITN4EQ3NV6qJgmbIKhIJ9r3Zpo\\_1sxZ8RB0TWPU1BTNEqEgnGqnaDJajlrBE3Aqdsq6nIryoSfcPm4ZDfXkLIEQz719XQaLVSKhIJOLyrKW\\_1z-H4RPd7Wx6idoQ0qEgk8S-42NF5A\\_1xFfioLwsdYY3ioSCchwheUKZiv3EekLsY-gPeLjKhIJRVbYPojcclwR4dj37Dyct7YqEglRqbN9ErsZKxFnLNWLDld2vSoSCCsRAjQseLkxEeUgmDVXQSRakhIJQwFqKgB3SNMR8WAXVS504Ds&tbo=u&sa=X&ved=2ahUKEwjS6oHE-KfhAhUJka0KHWPrAVMQuIIBegQIARaj&biw=1013&bih=449&dpr=1.88](https://www.google.com/search?q=blue+stain+fungus&tbm=isch&tbs=rimg:CU3nNEkbM-VMImB9qzXS3cf8uEwNu7LzITN49r3Zpo_1sxZ_1GqnaDJajlrPpM4ZDfXkLIOlyrKW_1z-H48S-42NF5A_18hwheUKZiv3RVbYPojcclxRqbN9ErsZK8sRAjQseLkxQwFqKgB3SNMqEgl9qzXS3cf8uBF07Jf3B7wSXCoSCUwNu7LzITN4EQ3NV6qJgmbIKhIJ9r3Zpo_1sxZ8RB0TWPU1BTNEqEgnGqnaDJajlrBE3Aqdsq6nIryoSfcPm4ZDfXkLIEQz719XQaLVSKhIJOLyrKW_1z-H4RPd7Wx6idoQ0qEgk8S-42NF5A_1xFfioLwsdYY3ioSCchwheUKZiv3EekLsY-gPeLjKhIJRVbYPojcclwR4dj37Dyct7YqEglRqbN9ErsZKxFnLNWLDld2vSoSCCsRAjQseLkxEeUgmDVXQSRakhIJQwFqKgB3SNMR8WAXVS504Ds&tbo=u&sa=X&ved=2ahUKEwjS6oHE-KfhAhUJka0KHWPrAVMQuIIBegQIARaj&biw=1013&bih=449&dpr=1.88)

#### Blue stain found in deciduous trees

[http://www2.llu.lv/research\\_conf/proceedings2017\\_vol\\_1/docs/LatviaResRuralDev\\_23rd\\_2017\\_vol1-120-126.pdf](http://www2.llu.lv/research_conf/proceedings2017_vol_1/docs/LatviaResRuralDev_23rd_2017_vol1-120-126.pdf)

(Fagus, Populus, Quercus, Fraxinus genus, etc.)

Fagus, European beech

Fraxinus genus, Ash

Populus, aspen and cotton wood poplar

Quercus, various Oaks

- [Quercus macrocarpa](#) — bur oak — eastern and central North America
  - [Quercus alba](#) — white oak — eastern and central North America
  - [Quercus ellipsoidalis](#) — northern pin oak — eastern North America
  - [Quercus ilicifolia](#) — bear oak — eastern North America
  - [Quercus imbricaria](#) — shingle oak — eastern North America
  - [Quercus marilandica](#) — blackjack oak — eastern North America
  - [Quercus nigra](#) — water oak — # eastern North America
  - [Quercus phellos](#) — willow oak — eastern North America
  - [Quercus rubra](#) — northern red oak — eastern North America
  - [Quercus shumardii](#) — Shumard oak — eastern North America
  - [Quercus velutina](#) — black oak or eastern black oak or dyer's oak — eastern North America

## Diseases and Insects in trees at Old Main Street

### **Blue stain fungi**

<https://apsjournals.apsnet.org/doi/pdf/10.1094/9780890545041.fm>

Oak wilt in Toronto

[https://www.toronto.ca/wp-content/uploads/2017/10/88df-forest\\_health\\_care\\_plan-2016-2026.pdf](https://www.toronto.ca/wp-content/uploads/2017/10/88df-forest_health_care_plan-2016-2026.pdf)

## Woodlot area, 218 Old Main

I did some comparing. I took snips from pictures of the maps on The Kuntz Report April 2017, The Tertiary Plan March 2019, and The Larkin Conceptual Plan March 2019. The Tertiary Report's most recently published version uses information taken from a 2017 Kuntz Tree report provided to them by Sandra on behalf of the residents of Old Main.

### Kuntz report April 2017

*P1 is a remnant Scots Pine plantation with regenerating Sugar Maple, among other hardwood species. The total density of this unit is 5400sph and therefore qualifies as a portion of the woodlot.*

### Tertiary Report recommendations Mar 2019

*An arborist report completed by Kuntz Forestry Consulting (dated May 3, 2017), provided by the residents, outlines the wooded area as a remnant scots pine plantation with regenerating sugar maple, among other hardwood species. The total density of this unit is 5400sph and therefore qualifies as a portion of the woodlot. "The Kuntz report says that the hardwoods are regenerating indicating a healthy forest environment"*

As far as I can see, the conclusion of the 'hardwoods are regenerating' and that it 'indicates a healthy forest environment' is not a conclusion which can be made from the Kuntz report, nor by anyone who has walked among those trees.



It appears to me that the area on the Larkin plan corresponds closely to Parcel 4 in the Kuntz report. The Tertiary Plan map showing the proposed Heritage Lands seems to include all 4 parcels yet is indicating the same 5400 sph for the entire area.

The closing line of the Kuntz report is

Average SPH:	442	310	133	66	951
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Trudy Baker, April 4, 2019



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Name: <b>Matt Evans</b>	
Organization / Group/ Business represented:	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone: same
Email: [REDACTED]	Date of Meeting: Committee of the Whole - Mon, April 08, 2019
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 5.6 Old Main St
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable):	
<p>Proposed compromises, to help make this plan a success and respectable for all stakeholders involved.</p> <p>I will also speak to how aspects of this plan is contrary to Town policy and how this can be rectified, at little to no cost to the Town.</p>	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Please submit all materials at least 5 days before the meeting.	

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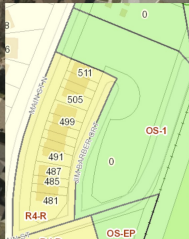
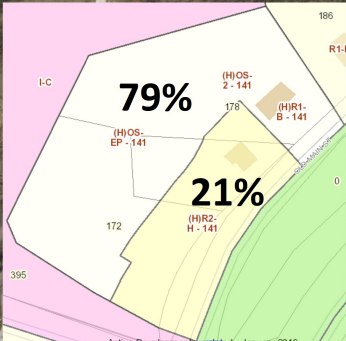
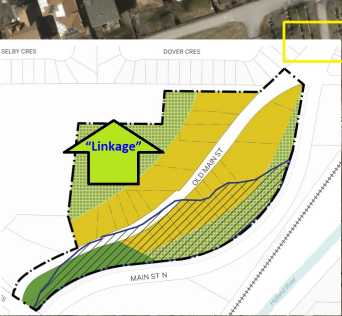
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2018 Photo from  
Town of Newmarket



Exception	Zoning	Map	By-Law Reference	File Reference	Old Main St Zoning By-Law Directions
132	(H) R4-R-132	S	2016-63	D14-18-1220	
ii) Notwithstanding any other provision of the by-law, the following Development Standards shall be applied to the lands subject to this by-law zoned R4-R-132:					
a. Number of Townhouse units (maximum):	2				0
b. Number of semi-detached dwelling units (maximum):	2				?
c. Lot Area minimum (Total Parcel):	0.329 Ha				
d. Minimum Lot Frontage:	40.0m				
e. Lot Frontage on a private road (minimum):	3.9m per unit				9m, 12m & 18m
f. Setback from south line of the OS-EP zone (minimum):	2.9m				
g. Setback from north property line for a townhouse (minimum):	1.4m				
h. Setback from the north property line for a semi-detached (minimum):	3.16m				
i. Setback from east property line (minimum):	25.0m				n/a CN Rail Setback
j. Setback from west property line (minimum):	3.0m				6.0m
k. Setback from a garage to a private road (minimum):	5.3m				
l. Setback from the side wall of a semi-detached dwelling to a private road (minimum):	1.0m				2.6m
m. Maximum Lot Coverage:	50%				80%
n. Maximum Building Height:	11.0m (3 storey)				8.5m & 10.5 (triplexes)
iii) Permitted Encroachments:					
Porches are permitted to encroach into the exterior side setback a distance of 2.1m, to be no closer than 3.4m to the west property line.					Not allowed
Porches are permitted to encroach into the front yard setback a distance of 1.56m, to be no closer than 2.0m to the north property line.					Minimum side setback 2.5m
The required parking for the two semi-detached units is permitted in the front yard on paved driveways. Driveways must be at least 2.3m wide and not wider than 3.0m.					Not Allowed Stairs & Porch shall not extend into setback
The required parking for the two semi-detached units is permitted in the front yard on paved driveways. Driveways must be at least 2.3m wide and not wider than 3.0m.					No Min - 3.0m Max
a. Minimum Outdoor off-street parking requirement:	1.0 space per dwelling unit				1.0
b. Minimum Visitor Parking Spaces:	3 spaces				n/a
c. Minimum Barrier-Free Parking Spaces:	1 space				n/a
d. Minimum Driveway Width:	2.7m				None
e. Maximum Driveway Width:	3.5m				3.0m
f. Minimum Driveway Length:	5.1m				6.0m

R5-S

R4-R

R4-R-132

2016-63







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Name: <b>Chris Baur</b>	
Organization / Group/ Business represented:	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone: [REDACTED]
Email: [REDACTED]	Date of Meeting: April 8, 2019
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 5.5 C of W
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): I will be talking about Policy 8.3.1.v of the Tertiary Plan which talks about amendments to the plan not being required for "minor adjustments" to the Natural Heritage System boundary.  I request the wording be changed to:  "An amendment to the Plan shall not be required for adjustments to the (Natural Heritage System) boundaries where an Environments Impact Study supports such adjustments and is approved by the Town and Lake Simcoe Region Conservation Authority"  Thank you.	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Lloyd McKee</b>	
Organization / Group/ Business represented: <b>Old Main St. N Tertiary Plan</b>	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: <b>April 8, 2019</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
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Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

## **Hollingsworth Arena and Future Ice Allocation Considerations Staff Report**

Report Number: 2019-32

Department(s): Recreation & Culture

Author(s): Colin Service, Director, Recreation & Culture

Meeting Date: April 8, 2019

### **Recommendations**

1. That the report entitled Hollingsworth Arena and Future Ice Allocation Considerations, dated April 8, 2019, be received; and,
2. That the Town of Newmarket decommission the Hollingsworth Arena after the 2019-2020 season, ending in April 2020; and,
3. That the Town of Newmarket operate with six ice pads and report back annually on the status of ice allocations, and ability to accommodate users; and,
4. That staff conduct programmatic changes as outlined in the report in order to accommodate user groups post closure of Hollingsworth Arena; and
5. That construction of a new outdoor ice pad coincide with the final season of Hollingsworth Arena if at all possible; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

Hollingsworth Arena has been in operation for over 45 years and is approaching the end of its serviceable life – meaning that essential building systems will need replacement over the next few years. It is anticipated that close to \$1 Million in capital expenditures will be required over the next 5 years. As well, Hollingsworth Arena typically operates at a net deficit of approximately \$50,000 annually.

Indoor ice usage has shown a decline over the last 10 years both locally and nationally. Despite a national trend in declining ice usage, neighbouring municipalities and private sector rink developers are continuing to add inventory of new indoor ice pads. It is anticipated that this will have further impact on use of Newmarket ice pads.

Given the trends and significant expenses anticipated, staff is recommending decommissioning of Hollingsworth Arena after the 2019-2020 operating season.

## **Purpose**

As the community changes demographically, Hollingsworth Arena continues aging, surrounding communities add to their inventory of ice pads and participation in ice sports continues to decline both locally and on a national level, it is important to evaluate the efficiency and effectiveness of indoor ice pads. This report will serve as a comprehensive review, providing recommendations for the future of Hollingsworth Arena and service levels for ice pad provision.

## **Background**

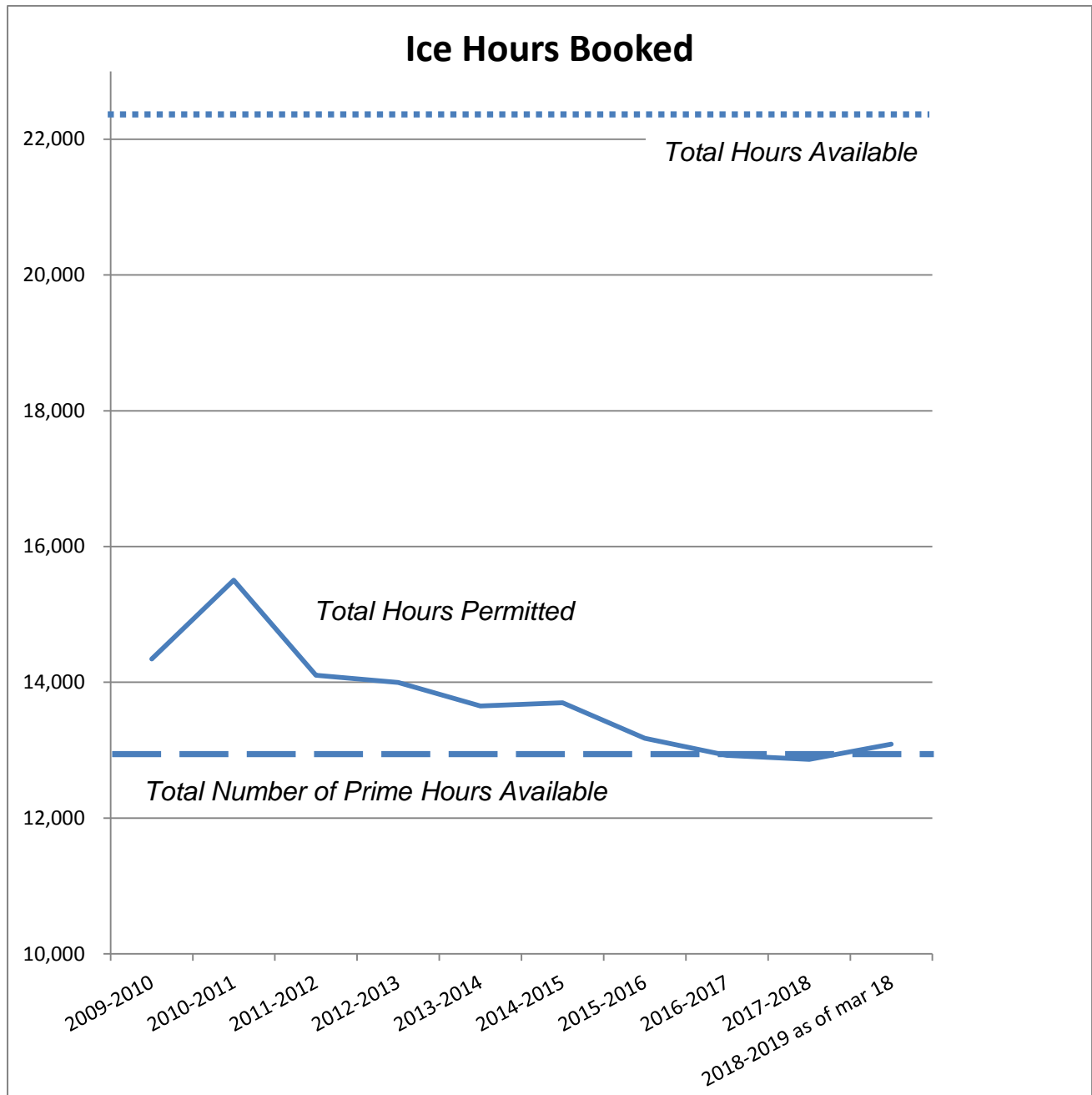
The Town of Newmarket currently operates seven indoor ice pads: four pads located at the Magna Centre, two pads at the Ray Twinney Recreation Complex, and one pad at Hollingsworth Arena. In 2018, over 13,000 hours of time was permitted out to user groups and individuals, with approximately 18 to 20 % of time permitted to non-residents.

## **Use of Hollingsworth Arena**

Hollingsworth Arena currently operates on a compressed schedule, opening in late September/early October and closing in late March/early April. It is available for permitting Monday through Friday from 5 pm to 11 pm and on weekends from 7 am to 11 pm. This represents approximately 1,650 hours available for permitting per year. In last year's operating season just under 1,100 hours were permitted.

## **Ice Usage Trends in Newmarket**

The following chart demonstrates the pattern of permitted ice time over the last 10 operating seasons across the Town's current inventory of seven indoor ice pads:



As is demonstrated in the chart, over the last 10 years, total amount of ice time permitted has declined by well over 1,000 hours. That being said, over the last three years, time permitted has stabilized.

The next chart provides an overview of the number of ice pads that were booked in a typical week during the regular ice season across Town of Newmarket ice pads. The number represents the number of ice pads in operation during that hour. Town of Newmarket programming has been excluded from this chart.

Time of Day	Monday	Tuesday	Wed.	Thursday	Friday	Saturday	Sunday
6 am	0	1	1	0	1	0	0
7 am	0	1	2	0	0	3	4
8 am	0	1	0	0	0	5	5
9 am	0	0	0	0	0	6	6
10 am	0	0	0	0	0	6	7
11 am	0	0	0	0	0	6	5
12 Noon	0	0	0	0	0	6	4
1 pm	0	0	0	0	0	5	5
2 pm	0	0	1	0	0	4	6
3 pm	1	1	1	0	0	4	6
4 pm	2	3	4	2	3	3	5
5 pm	6	6	5	6	3	3	6
6 pm	7	7	6	6	6	3	7
7 pm	7	7	7	7	6	3	7
8 pm	7	7	7	7	6	2	5
9 pm	7	5	6	7	6	1	3
10 pm	1	3	4	5	4	1	1
11 pm	0	0	0	0	1	0	0

As the above chart demonstrates, there are 15 hours (shaded) in a typical week where all seven ice pads are occupied simultaneously. These 15 hours represent the pinch points which will have the most significant impact on user groups. However, as the chart demonstrates, there are a large number of ice pads available at the 10 pm slot on weekdays, as well as a few other time slots around these pinch points. There are currently adult groups that are occupying a portion of these prime time slots. The ice allocation policy does stipulate that adult groups should be allocated prime time hours only after all minor groups are allocated time. Review and reinforcement of the ice allocation policy will be required post closure of Hollingsworth Arena.



## **User Group Participation and National Trends**

There are currently 10 user groups who permit time regularly throughout the season. The user groups represent hockey, figure skating, speed skating and ringette. Collectively, the total resident participation among these groups has dropped fairly dramatically over the last ten years. In the 2008-2009 season there were over 4,200 participants among these user groups. By the 2018-2019 season there are approximately 1,000 less participants among these groups. Additionally, non-resident use has also dropped proportionately during this same time period.

According to a study done by online media outlet VICE Sports, youth participation in ice related sports has at best plateaued nationally, with significant declines experienced in more multicultural communities. At one time, nearly 9 out of 10 Canadian male youths had played organized hockey. Now it is estimated that 1 out of 10 Canadian male youths has played organized hockey. In their research, it was found that hockey now ranks below swimming and soccer in terms of total youth participation. In terms of immigrant youth participation in sport, hockey ranks below swimming, soccer, and basketball nationally. In communities with large Asian populations, it also ranks below badminton as well. This research is significant as Newmarket grows and diversifies as a community.

Female participation has been increasing over the last few years in hockey, speed skating and remains strong in figure skating. However, the growth of female participation has not been as swift as the decline in male participation.

The decline in participation experienced in Newmarket appears to be consistent with what is experienced on a national scale. That being said, over the last 15 years there has been a shift in sport participation for youth to specialize with more intensive training as single sport athletes. So the decline in registrants has been somewhat balanced by increased demand for usage by those participants. This trend is fairly consistent across all sports. However, there is emerging research that does demonstrate adverse implications of single sport training in youth – namely that it often is linked with less participation in all sport and physical activity as children age.

An additional consideration for Newmarket will be the aging population. In the most recent census, the number of adults over the age of 55 surpassed the number of children under the age of 10 for the first time in Newmarket's history. It is expected that this trend will continue for a number of years. This will have a profound impact in how facilities are used in the future.

## **Recreation Playbook**

In 2015, Council approved the Recreation Playbook. This 10 year plan was developed through an extensive public consultation program, along with an external facility review conducted by Monteith Brown Planning Consultants. This strategy was designed to

serve as a living, guiding document that is reviewed annually as the community changes and diversifies.

Through the Recreation Playbook it was recommended that the Town continue operating 7 ice pads. This recommendation was based on the Facility Review conducted by Monteith Brown Planning Consultants. In their comprehensive review, they found that Town needed 6.3 to 6.5 ice surfaces. This finding echoed the findings of a facility review conducted in 2012 by dmA Planning & Management Services which also found a need for 6.3 ice surfaces.

It should be noted that these recommendations were reflective of the environment at that time of those studies – surrounding Municipalities are continuing to develop new facilities that were not reflected at the time of development of the Recreation Playbook.

No external study has suggested the need for a full 7 ice pads. The studies that have been completed do suggest that an inventory of slightly greater than 6 would be ideal in order to accommodate users at preferred times. The studies have also gone on to state that total number of hours permitted to user groups can be accomplished with 6 ice pads if groups were moved outside of preferred time slots.

## Understanding the Market Place

The following chart provides an overview of the current market place in terms of opportunities in close proximity for ice rentals:

Municipality	# of Municipal Ice Pads	# of Private Ice Pads	# of Anticipated New Ice Pads over next 5 years	Population per Municipal Ice Pad	Population per total Number of Ice Pads
Aurora	4	1	3 – Private	13,860	11,085
East Gwillimbury	2	0	1 – Municipal	11,995	11,995
King Township	3	0	0	8,170	8,170
Whitchurch-Stouffville	4	0	0 (Master plan recommending one built by 2028)	12,144	12,144
Georgina *	3	0	0	15,140	15,140
Newmarket **	7	3	0	12,285	8,600

\* Georgina does also have a covered full sized outdoor rink with boards and glass in Pefferlaw (supported by a full refrigeration plant).

\*\* Two of the private pads identified in Newmarket are located at NTR – these pads are undersized but support youth programming, specialized training, and various men’s leagues. The third private pad identified is located at Pickering College. This ice pad is nearing the end of its serviceable life and may not be replaced when it is decommissioned.

In a typical Canadian community, it is a widely accepted service level to find 1 ice pad per 12,500 people. If only considering municipally owned and operated ice pads, Newmarket surpasses that level of service as do nearly all neighbouring municipalities. When you factor in the presence of private ice pads as well, then Newmarket significantly passes that level of service as do all but one neighbouring municipalities. It should also be noted that this level of service is widely regarded as a standard in a typical Canadian community – however, the municipalities identified in this chart are changing demographically with greater influx of new Canadians who are not participating in ice sports with the same frequency.

## **Discussion**

Given the trends in ice usage, both locally and nationally, and the aging building condition of Hollingsworth Arena, it is recommended that the Town decommission Hollingsworth Arena after the 2019-2020 operating season. Continuing to operate for one more full season will afford staff the opportunity to work with user groups to minimize adverse impacts and develop alternatives to meet both general community need and user group need.

The Town cannot provide the same number of hours at the times currently offered to user groups on six ice pads. As such, closure of Hollingsworth Arena will have impacts on existing user groups. That being said, through programmatic changes some of the negative impacts can be mitigated.

## **Town Run Programs**

Currently the Town offers public skating, shinny hockey, learn to skate programs, and an adult men’s league. Typically, Town programs have been offered in time periods that were deemed less desirable by user groups. That being said, in the absence of a seventh ice pad, some of the times currently occupied by Town programming could be deemed more desirable by user groups.

Post closure of Hollingsworth Arena, it is recommended that all Town programs be scheduled after allocating time to user groups. Further, programs such as the Town operated men’s league would be reevaluated for overall effectiveness and may be cancelled in future.

## **Prime Time Hour Allocation**

Upon examination of typical municipal allocation policies, most municipalities allocate prime time hours first to minor sport organizations as top priority. If prime time hours

remain available after all minor sport organizations are allocated, then adult user groups will be given consideration. In Newmarket, this has typically been the process – though there are some groups that have been grandfathered and continue to occupy prime time hours. Post closure of Hollingsworth Arena, it is recommended that all minor sport organizations be allocated prime time hours first. Then, second priority would be given to adult user groups and third priority to Town of Newmarket programming (as per previous section).

## **Adult Hockey**

As discussed in the previous section, use of prime time hours by adults does need further consideration in order to accommodate use by youth organizations. However, it should also be noted as long term implications of decommissioning Hollingsworth Arena are considered, many communities are starting to see an increase of adult play during day time hours. As the work force changes and traditional notions of location and hours of work change, more and more adults are finding opportunity to be able to play during day time hours. While this trend is only just emerging, it should be watched closely and carefully considered as decisions around ice pad provision are considered.

## **Use of Outdoor Rinks**

With the success of Riverwalk Commons, which offers free public skating all day long, the need to program indoor ice pads with public skating has lessened considerably. Within the Recreation Playbook, it was recommended that an additional NHL sized outdoor ice pad, with refrigeration plant, be built. Preliminary discussions have occurred around construction of this type of facility and outdoor ice trails being constructed at the Mulock Property. Such a facility would enable all Town programming to be accommodated. It is recommended that priority be given to construction of such a facility to be usable in the winter of 2020/2021 – the first season after it is recommended that Hollingsworth Arena be decommissioned.

## **Conclusion**

While it is clear that there will be operational challenges with closure of Hollingsworth Arena, given the extensive capital repairs anticipated over the next 5 years, and the current trends in ice usage, it is the most fiscally responsible direction to move forward with for the next three seasons. Staff will continue to monitor the effects on user groups and will report back annually.

## **Business Plan and Strategic Plan Linkages**

### **Living Well**

- Emphasis on active lifestyles and recreational opportunities

## **Well Balanced**

- Recreational facilities and services

## **Well Equipped and Managed**

- Fiscal responsibility
- Efficient management of capital assets and municipal services to meet existing and future operational demands

## **Consultation**

Contributions from the Public Works Department and the Finance Department were included and both departments have reviewed the report.

Additionally, post publishing of this report, in advance of Committee of the Whole where this report will be reviewed, staff will meet with all user groups to review the report and discuss strategies to assist them in obtaining necessary time to keep groups operational.

## **Human Resource Considerations**

Hollingsworth Arena is currently staffed with casual/sessional/seasonal staff. As such, closure of this facility would have no direct impact on any full time employment. While some additional staff hours would likely be required to increase additional permitting at the Ray Twinney Complex and the Magna Centre, it is anticipated that there would be some loss of hours for staff employed seasonally with the Town. Essentially, this would mean hiring less casual staff members for the 2020-2021 season.

## **Budget Impact**

### **Capital Budget**

There has been some discussion that Hollingsworth Arena is approaching the end of its serviceable life. This does not mean that the building is in poor condition. In actuality, the facility is in fairly good shape considering the age of the building. The ending of its serviceable life simply means that the major building operating systems are at the stage where replacement is necessary. A basic building condition assessment was completed recently (see appendix 1 for a copy of the assessment). This assessment highlighted anticipated repairs expected over the next 5 years – it is expected capital expenses will total close to \$943,800 over this time period.

### **Operating Budget**

Hollingsworth Arena has traditionally operated with an annual deficit. The following chart represents the actual financial performance in 2017 and 2018, as well as what is budgeted in 2019:

	2017	2018	2019
Operating Costs	\$267,554	\$221,227	\$235,264
Revenue	\$208,184	\$204,874	\$193,000
Net	-\$59,370	-\$16,590	-\$42,264

In the event that Hollingsworth Arena were to close, there would be significant operating expense savings, with a moderate decrease in anticipated revenues (while no revenue would be collected at Hollingsworth Arena, additional revenues will be collected at the remaining ice pads). The following chart represents revenues that would be anticipated by maximizing use of the remaining six ice pads, and the costs that would be saved through closure of Hollingsworth Arena:

	Anticipated Performance post Closure
Operating Costs Still Expected	\$ 75,000
Revenues Anticipated	\$100,000
Net	\$25,000

The above chart demonstrates that there will be costs incurred as a result of maximizing bookings at the other arenas. Additionally, it is anticipated that some revenues will be lost as not all rentals at Hollingsworth are likely to be accommodated. Still, it is expected that closure of Hollingsworth will result in an overall improvement in operating in the operating budget by approximately \$67,000 annually (this number is derived by removing the net operating loss of Hollingsworth with the efficiencies and revenue enhancements identified in the chart above).

## Attachments

Appendix 1 – Capital Building Condition Assessment

## Approval

Colin Service, Director, Recreation & Culture

Ian McDougall, Commissioner, Community Services

## Contact

Colin Service, Director, Recreation & Culture – [cservice@newmarket.ca](mailto:cservice@newmarket.ca)



## Appendix 1



## Hollingsworth Civic Arena Update on Building Condition Assessment

Date of Visit: March 20, 2019

A site visit was conducted by Stephanie Marcoux, Project Consultant Facility Maintenance for the Town of Newmarket on March 20, 2019 to evaluate the conditions of existing assets against observation made and reported in the last Building Condition Assessment (BCA) completed by Pretium Engineering (formerly GRG Building Consultants) dated October 24, 2013.

Items listed below are systems, components or items of the building and surrounding grounds which either required repair or replacement work at the time the BCA was conducted, or are expected to require work in the next 5 years. The estimated costs in the table below are based on the amounts provided in the previous BCA including adjustment for inflation.



Item	System/ Component/ Item	Description of work	Photos	Estimated Cost
1.1.1	Walkways	Replacement of the concrete walkways and steps along the east and west sides of the building.		\$33,000
1.1.2	Fencing	Replacement of chain link fencing along the south and east property lines. The fence along the south property line is leaning heavily and is generally in poor condition.		\$10,700

## Appendix 1



## Hollingsworth Civic Arena Update on Building Condition Assessment

Date of Visit: March 20, 2019

Item	System/ Component/ Item	Description of work	Photos	Estimated Cost
1.1.4	Parking Areas	Replacement of the asphalt pavement over the entire area of parking and driving aisle. The parking areas are heavily heaved and cracked.		\$174,000
2.1.1	Substructure	Repairs to slab on grade required at the north end of the rink area where cracking and concrete deterioration were noted.		\$2,500





## Appendix 1



## Hollingsworth Civic Arena Update on Building Condition Assessment

Date of Visit: March 20, 2019



Item	System/ Component/ Item	Description of work	Photos	Estimated Cost
2.1.2	Superstructure	Surface rust on some of the exposed steel beams, girders, columns and purlins was noted in the rink area. Cleaning of structural members and painting with corrosion inhibitive paint shall be completed to preserve the structure.		\$13,400
3.1.2	Steel Siding	The metal siding at the upper half of the exterior wall was replaced on the south and west elevations, but remains to be replaced on the north and east elevation to match the newly installed siding. (Pricing from Garland Canada Inc. November 2012)		\$85,000

## Appendix 1



## Hollingsworth Civic Arena Update on Building Condition Assessment

Date of Visit: March 20, 2019



Item	System/ Component/ Item	Description of work	Photos	Estimated Cost
3.2	Coatings	Repainting of various components on the exterior of the building, such as metal railings, steel lintels and concrete block wall (touch ups).		\$1,500
3.3.1	Entrance Doors and Glazing	Replacement of the aluminum frame glazed entrance systems complete with power door operators at the south and west entrances.		\$33,200

## Appendix 1



## Hollingsworth Civic Arena Update on Building Condition Assessment

Date of Visit: March 20, 2019



Item	System/ Component/ Item	Description of work	Photos	Estimated Cost
3.3.2	Service/exit doors	Replacement of exterior hollow metal doors and frame which are generally in poor condition.		\$21,000
3.3.3	Overhead Doors	Repairs to the jamb and weather stripping of the door at the Zamboni room.		\$1,400
3.6.1	Sloped Roofing	Replacement of the roofing sealants over joints and fasteners; replacement of the metal roofing is not expected.		\$20,100

## Appendix 1



## Hollingsworth Civic Arena Update on Building Condition Assessment

Date of Visit: March 20, 2019



Item	System/ Component/ Item	Description of work	Photos	Estimated Cost
3.6.2	Flat Roofing	Repairs required in areas of active leaks around ductwork and electrical pitch pockets.		\$6,700
4.3.1	Domestic Hot Water Boiler and Storage Tanks	Replacement of the hot water storage tanks, pumps and components of the boiler.		\$35,000
5.2.1	Dehumidification System	Replacement of the dehumidification system at the end of its useful life.		\$150,000*
5.2.2	Exhaust Fans	Major repairs or replacement of the miscellaneous exhaust fans.		\$6,000
	Various ventilation components	Miscellaneous repair or replacement of ventilation system components such as damaged louvers and grilles		\$2,000

## Appendix 1



## Hollingsworth Civic Arena Update on Building Condition Assessment

Date of Visit: March 20, 2019

Item	System/ Component/ Item	Description of work	Photos	Estimated Cost
6.2.3 6.2.4	Exterior Lighting – Surface mounted and pole mounted	Replacement of exterior surface mounted light fixtures and poles and mounted light fixtures along the west side of the building.		\$38,800
7.2.1 7.2.2	Emergency Lighting Systems and Exit Light Fixtures	Replacement of battery packs and exit signs throughout the facility.		\$8,000
8.1.1	Ice Rink Interior Wall Finish	Repainting of the walls and other painted surfaces in the ice rink area.		\$12,900





## Appendix 1



## Hollingsworth Civic Arena Update on Building Condition Assessment

Date of Visit: March 20, 2019



Item	System/ Component/ Item	Description of work	Photos	Estimated Cost
8.1.2	Ice Rink Low Emissivity Ceiling	Replacement of the low emissivity ceiling damaged by puck punctures.		\$70,000*
8.1.3	Dasher Boards repairs and Glazing Replacement	Isolated repairs to the dasher boards and glazing as needed.		\$17,200

## Appendix 1



## Hollingsworth Civic Arena Update on Building Condition Assessment

Date of Visit: March 20, 2019



Item	System/ Component/ Item	Description of work	Photos	Estimated Cost
	Players Bench Flooring	Replacement of resilient flooring in players bench area		\$3,500*
8.2	Change Rooms Renovation	General renovation of change rooms including repainting of walls and ceilings, and replacement of flooring, benches and shower finishes and fixtures.		\$51,500

## Appendix 1



### Hollingsworth Civic Arena Update on Building Condition Assessment

Date of Visit: March 20, 2019

Item	System/ Component/ Item	Description of work	Photos	Estimated Cost
8.3	General Lobby Area	General renovation of the lobby area including repainting of walls, replacement of resilient flooring and suspended ceiling tile system, and major repairs or replacement of service windows, display units and various millwork.		\$79,700
8.4.1	Public Washrooms	General renovation of the public washrooms, including repainting of walls and replacement of plumbing fixtures, washroom partitions and resilient flooring		\$25,400





## Appendix 1



## Hollingsworth Civic Arena Update on Building Condition Assessment

Date of Visit: March 20, 2019

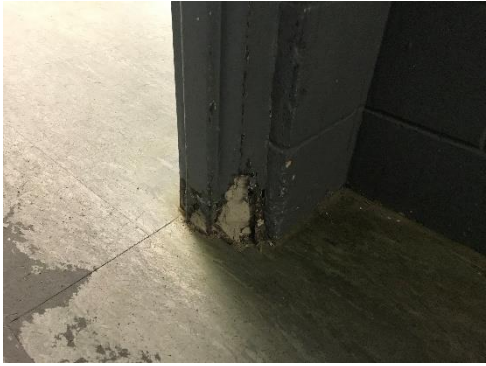

Item	System/ Component/ Item	Description of work	Photos	Estimated Cost
8.4.2	Office and Board Room	General renovation of the office and board room, including refinishing of walls and replacement of carpet flooring and suspended ceiling tile system.		\$5,400
	Snack bar	General renovation of snack bar area, including repainting of walls, replacement of resilient tile flooring and replacement of all millwork, shelving and shutter		\$20,200

## Appendix 1



## Hollingsworth Civic Arena Update on Building Condition Assessment

Date of Visit: March 20, 2019

Item	System/ Component/ Item	Description of work	Photos	Estimated Cost
8.5.1	Interior Doors	Replacement of various interior doors and frames. The base of some metal frame are corroded.		\$10,700
	Sound system	Replacement of the sound system which is reportedly not functioning.		\$5,000*

Total estimated expenditures for the next 5 years ..... \$943,800

Additional systems/components/items that would require repair/replacement in the next 5 to 10 years;

## Appendix 1



### Hollingsworth Civic Arena Update on Building Condition Assessment

Date of Visit: March 20, 2019

- Localized replacement of concrete blocks and refinishing (painting) of the masonry block wall .....	\$30,800
- Replacement of overhead doors .....	\$13,800*
- Contingency for localized replacement of buried or concealed water supply lines and drainage pipes .....	\$24,100
- Interior lighting retrofit, excluding ice rink.....	\$11,000
- Replacement of radiant heating above ice rink benches .....	\$7,500*
- Refrigerant System replacement .....	\$
- Dasher Board system replacement – framing and boards, including players benches.....	\$
- Replacement of seating and podium in lobby area.....	\$

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**Total Estimated Expenditures in the next 5 to 10 years ..... \$**

\* Indicates budget numbers based on past expenditures and past experience with similar projects.

<b>Total estimated expenditures for the next 10 years ..... \$</b>
--





### Newmarket Jets Speed Skating Club

The Club began in 1996 with a handful of skaters and has grown into one of the most successful clubs in the Province of Ontario. This year we are proudly the home club of four Provincial Champions and one silver place finisher. Seven of our athletes just recently attended the Canada East National Championship in New Brunswick which also resulted in a podium finish.

We have been hosting speed skating competitions at the Magna Centre since 2009. We successfully hosted the Provincial Champions in 2014 and again in 2018 coinciding with the Winter Olympics. When *hosting competitions, we draw skaters and their families from across the province which help support the local economy.* Currently one weekend per season is allocated to our club to host events at the Magna Centre and I am sure we could host more events if we could obtain more times. The Magna Centre has developed a reputation as being one of the best centres in Ontario for competitions.

Our sport is specialized in that we require an Olympic size ice pad and a large quantity of safety mats in order to operate at a highly competitive level. This limits where we can skate in Newmarket. We must skate on the Forhan Olympic ice surface which is also where we store our safety mats. We currently skate two nights per week on this ice pad and have found it difficult to secure any additional ice time. Since this is not enough time for our competitive skaters, they are forced to practice with other speed skating clubs at other arenas such as the MasterCard Centre in Toronto, the Mount Joy arena in Markham or the Allendale arena in Barrie.

We have seen a substantial increase in our membership over the past couple of years and we anticipate that number will continue to grow as our program increases in popularity and the population growth in Newmarket and surrounding areas.

If the Town closes the Hollingsworth arena without building a new facility and place those current users at the existing arenas like the Ray Twinney Complex and the Magna Centre we hope that this would not impact our access to ice as any reductions in ice time would greatly affect our club's ability to maintain the high level of success in expanding the participation in the sport and producing high performance athletes, including Provincial Champions and beyond. We respectfully request Council consider the impact of closing the Hollingsworth arena on our sport and the Newmarket Jets and ways to increase availability to more ice time going forward.

Sincerely,

A handwritten signature in blue ink that reads "Diane Simpson".

Diane Simpson, President

Dated: April 4<sup>th</sup>, 2019





Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

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## **Lorne Avenue – Traffic Operations Review Staff Report**

Report Number: 2019-35

Department(s): Development & Infrastructure Services - Engineering

Author(s): Rachel Prudhomme, Director, Engineering Services

Meeting Date: April 8, 2019

### **Recommendations**

1. That the Speed Management Program continue to be deployed on Lorne Avenue (from Millard Avenue to Eagle Street) in 2019; and,
2. That this report, and the petition on which it was based, be considered in the design for the proposed 2020 reconstruction of Lorne Avenue; and,
3. That, once Council has heard and resolved the matter, the Clerk send a copy of the Council Resolution to the originators of the petition; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to address the request from the Lorne Avenue community (from Millard Avenue to Eagle Street) for traffic calming measures to reduce speeds and improve pedestrian safety.

### **Background**

At its regular Committee of the Whole meeting of June 18, 2018, Town Council received a petition from the Lorne Avenue community (between Millard Avenue and Eagle Street) requesting traffic calming measures to reduce speeds and improve pedestrian safety.

In accordance with the Town's Council-approved Public Support and Consultation Policy, all residents within the petition area were contacted for additional input. This was

done by way of a notice dated July 17, 2018, that was mailed directly to all households affected.

This report provides a summary of the review.

## Discussion

Lorne Avenue, between Millard Avenue and Eagle Street, has been the subject of previous studies that were aimed at promoting proper traffic operations and pedestrian safety. The following provides a brief history:

1. In 2002, the traffic signals at Eagle Street and Lorne Avenue were improved by the installation of pedestrian signal heads (Public Works Report PWS 2002-81).
2. In 2003, there were improvements made to the signage around Stuart Scott Public School and at the school crossing location (Public Works Report PWS-2003-92).
3. In 2004 (Public Works Report 2004-07), the creation of a community safety zone was reviewed, but was not supported because it was not a Town standard (note: on October 15, 2012, community safety zones became a Town standard).
4. In 2006 (Community Services Report PWES 2006-93), the subject section of Lorne Avenue became the Town's location to pilot the installation of a fluorescent yellow and black school zone sign. This signage has since been adopted to become the Province's new standard.
5. Finally, as part of the 2016 Newmarket East-West bikeway, bike lanes were constructed on a small section of Lorne Avenue between Park Avenue and Millard Avenue, thereby providing some traffic calming along that section.

As per standard procedure, Transportation Services reviewed the historical data on the speed at which vehicles have been operating on Lorne Avenue. The information was supplemented with measurements taken in 2018.

Table 1 lists the information, which shows the year in which measurements were taken, the average operating speeds (which is the speed at which 85% of vehicles are travelling) and the daily traffic volumes. The speed limit on Lorne Avenue is 40 km/h and the road is classified as a minor residential collector with a carrying capacity of 5,000 vehicles per day.



TABLE 1: Traffic Information for Lorne Avenue

Year	Operating Speed	Daily Volume
2001	57 km/h	4,660
2003	58 km/h	2,070
2004	52 km/h	4,925
2006	52 km/h	2,650
2016	48 km/h	2,900
2018	46 km/h	3,300

Although it can be seen in Table 1 that traffic volumes fluctuate from year to year, a definite and consistent trend towards lower operating speeds can be seen. The reduction in speed is more than 10 km/h from 2001 to 2018.

The petition that was received on June 18, 2018, outlined five areas of concern from the residents. Here are the five areas, along with staff's comments:

1. Traffic flow around the school during drop-off and pick-up times:

Staff acknowledges that dropping off or picking-up children during these rush times results in longer vehicle queues in the school zone.

Unfortunately, traffic calming measures will not reduce this type of congestion. Furthermore, the Town does not have any jurisdiction over traffic flow on school properties. This is entirely up to the school's administration, with help from traffic experts at their school administration board. Together, they can examine the flow of traffic on the school property and educate parents on proper pick-up and drop-off procedures. It is recommended that the residents contact the school's administration to discuss what the School Board can do. The Town is available to assist with boulevard signs and radar speed devices, but traffic flow on school grounds and educating parents are critical in reducing congestion.

2. Traffic speeds on Lorne Avenue, adjacent to Lions Park:

As shown in this report, speeds on Lorne Avenue have been decreasing in recent years. Transportation Services has been actively reducing speeds through the deployment of its Speed Management Program on Lorne Avenue. With the addition of the proposed bicycle lanes and other permanent traffic calming measures that may be possible to implement when the road is rebuilt, speeds are expected to drop even further. This will also create more safety and a greater feeling of security for our residents.

3. Canada Post community mailbox location:

In 2015, when Canada Post ceased door-to-door mail delivery and installed community mailboxes, the Town provided feedback on the proposed locations. Canada Post had certain criteria for placement that did not always abide by Newmarket's suggestions. On Lorne Avenue, the community mailbox location has resulted in residents of about seven Lorne Avenue households having to cross the street to collect their mail. Unfortunately, since the Town has no jurisdiction on mailbox locations, the residents will have to deal directly with Canada Post on this matter. When Lorne Avenue is reconstructed, the travel lane width will be reduced thanks to the addition of bike lanes and any other traffic calming measure that can be implemented. This will slow traffic down at the location of the mailboxes and will also shorten the width of road that needs to be crossed by the residents.

4. Distance between pedestrians and travelling vehicles:

Petitioners were concerned that they had to walk in close proximity to traffic on Lorne Avenue. In many locations on this street, there are no grassed boulevards between the curbs and the sidewalks. This causes a perception of not being protected from travelling vehicles. When Lorne Avenue is reconstructed, there will be bike lanes on each side of the road, immediately adjacent to the curbs. This will provide an additional 1.5 metre buffer between cars and pedestrians, which will increase pedestrian comfort.

5. High traffic volumes:

The petitioners were concerned about high traffic volumes, which can cause issues with accessing and egressing their driveways. Lorne Avenue is classified as a minor residential collector road with a carrying capacity of 5,000 vehicles per day. The daily volume measurements in Table 1 show that the traffic numbers are well within the volume limit. The petitioners' concerns may be related to either traffic speeds, commuter volumes at rush hours, or volume surges at school peak hours. Unfortunately, it is difficult to reduce volume on a public road without restricting access. Furthermore, peak volume surges occur on all of the Town's collector roads. Staff expects improvements once Lorne Avenue is reconstructed. Bicycle lanes and other permanent traffic calming measures that might be possible to install will help reduce traffic speeds. When speeds are reduced, it is hoped that some commuters may choose alternative routes, such as regional roads, to save time, thereby reducing volumes as well.

## Conclusion

The measured speeds on Lorne Avenue are currently below the Town's policy limit, and they appear to continue to drop. However, Category 1 traffic calming measures under the Town's Speed Management Program will continue to be deployed in 2019. The

reconstruction of Lorne Avenue, which is expected to take place in 2020, will significantly improve traffic operations and pedestrian safety on a permanent basis.

## **Business Plan and Strategic Plan Linkages**

This report links to Newmarket's Strategic Plan direction, Well Planned & Connected, by improving travel within Newmarket through inter-connected neighbourhoods, as well as providing varied transit options, including biking trails, paths, and lanes.

This report also aligns with Council's 2014-2018 Strategic Priority - Traffic Safety & Mitigation, by ensuring safe streets, improving traffic congestion, and supporting major transit service enhancements.

## **Consultation**

The Town received a petition at the Committee of the Whole on June 18, 2018, requesting, among other things, that traffic calming measures be implemented on Lorne Avenue between Millard Avenue and Eagle Street. The petition was signed by most of the residents on the street. As per the Town's policy, a letter (dated July 17, 2018) was sent to each household within the study area to solicit any additional input.

A copy of this report will be forwarded to the community that was polled, including all those who signed the petition, prior to the Committee of the Whole meeting so that residents may attend the meeting or present a deputation if they so wish.

## **Human Resource Considerations**

Not applicable to this report.

## **Budget Impact**

There is no budget impact at this time.

## **Attachments**

None

## **Approval**

Mark Kryzanowski,  
Manager, Transportation Services

Rachel Prudhomme, M.Sc., P.Eng.,  
Director, Engineering Services

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

## **Contact**

For more information on this report, please contact Mark Kryzanowski, Manager, Transportation Services, at 905-953-5300, extension. 2508.



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## Fence By-law and Division Fence By-law Staff Report to Council

Report Number: 2019-38

Department(s): Legislative Services

Author(s): Lesley Long, Supervisor of By-law Enforcement

Meeting Date: April 8, 2019

### Recommendations

1. That the report entitled Fence By-law and Division Fence By-law dated April 8, 2019 be received; and,
2. That Council repeal the Fence By-law 2000-63 as amended and Appointment of Cost of Division Fence By-law 1992- 91; and,
3. That Council adopt the proposed Fence By-law (**Attachment A**) and Cost of Division Fence By-law (**Attachment B**); and,
4. That the Fees and Charges By-law be amended to include the Fence fees (**Attachment D**); and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### Purpose

The purpose of this report is to obtain Council approval with regards to adopting the new Fence By-law and Cost of Division Fence By-law.

### Background

[Information Report 2018-17](#) entitled Regulatory Review Update advised Council that the Fence By-law was identified by staff as requiring update. The current By-law has been in place since 2000, and requires updates to respond to changing community standards.

The new Fence By-law has been modernized to ensure that it continues to meet residents' needs, while also providing flexibility with respect to fence design.

## **Discussion**

### **Summary of Amendments to the draft Fence By-law (Attachment A)**

#### **Revising definitions to provide additional clarity**

Many definitions were either revised or added to ensure that the intent of the regulations is clear and aligned with the Town's Zoning By-law.

#### **Updating penalties for not complying with the By-law, in accordance with the offence provisions of the Municipal Act**

Sections 8 through 10 in the enclosed draft Fence By-law are the Town's standard enforcement sections, which ensure that staff have the ability to investigate and initiate legal proceedings, if required.

#### **Height Increase in Rear Yards, Interior Side Yards, and Exterior Side Yards**

The proposed changes to the height in the rear and interior side yards are intended to reduce the need for residence to apply for a fence variance.

Many municipalities have increased the height in the rear and exterior side yards to allow for more privacy for residents. Through staff's review, it was noted that the average height in rear yards was between 7 and 8 feet, and the interior side and exterior side yards averaged between 6 and 8 feet.

Staff have not recommended a height change to fences in the front yard. Accordingly, the height in a front yard is permitted to a maximum of 3 feet in height.

**Attachment C** illustrates two different scenarios: 1) two homes with one being a corner lot, and adjacent homes with different setbacks, and 2) two homes side by side on a street. The examples depict the varying maximum height for the yards on a residential lot, as well as where privacy screens may be erected in accordance with the By-law.

#### **Privacy Screens**

Privacy screens can be used to ensure additional privacy between neighbours. Over the last few years with homes in subdivisions being closer, residents have requested to install privacy screens on residential properties. The Town's existing Fence By-law does not address privacy screens and therefore staff have included these into the new by-law.

#### **Variance Process**

A variance can be applied for when a person wishes to exceed the maximum allowable height for a fence. Currently, the fence variance process is completed through the Planning and Building Departments. Over the last term of Council there were 14

variances regarding fence heights. The new proposed variance process would mean that Legislative Services would be responsible for processing these requests.

Should an applicant be dissatisfied with the outcome of their variance application, they may appeal the decision to the Town's Appeal Committee. The Appeal Committee's decision is final and binding.

The fees associated with a variance application are included as **Attachment D**.

## **Line Fences Act**

The Line Fences Act is the provincial legislation that governs fence disputes and the division of costs in Ontario if a municipality does not have a By-law that addresses such matters.

Should the Town stay in the Line Fences Act, it would mean that any time a resident had a dispute about a boundary fence they would have to apply for a fence viewer to attend at the properties to decide on the dispute. The provincial Line Fences Act prescribes a process for dealing with the boundary fence disputes.

Members of the Town's Appeal Committee act as fence viewers. Staff are responsible for accepting applications under the Line Fences Act, determining whether the Act is applicable, arranging the fence viewing appointment and hearing, sending out formal notices to neighbours and paying the fence viewers. The cost of the fence viewing process is typically born entirely by the applicant.

Many municipalities have exercised their authority under the Municipal Act Section 98 (1) (2) to opt out of the Line Fences Act. This Act is one of Ontario's oldest pieces of legislation and was originally put in place in 1834 for residents to deal with disputes about boundary fence maintenance on rural or agricultural lands. Typically, these residents would have a significant amount of land and many kilometres of fencing that protected livestock. The Line Fences Act was not intended for urban municipalities where most fences are short and do not manage livestock. Section 98 (1) (2) of the Municipal Act, permits the Town to opt out of the Line Fences Act, with exception of section 20, for all or parts of Newmarket. Section 20 of the Line Fences Act sets out the fencing responsibilities of property owners adjacent to a former rail line (e.g., CN Rail) in locations where farming business is carried out on the adjoining land. Staff are not aware of any examples of property that would classify as required under section 20 of the Line Fences Act in Newmarket.

## **Division Fence By-law - Determination of costs of a fence between property owners (Attachment B)**

One of the requirements of opting out of the Line Fences Act is that the municipality must adopt a by-law to provide residents with a guide on how the cost of a fence is to be divided amongst property owners.

This by-law provides a tool and mechanism for a property owner to recover the costs of a fence that has been erected or repaired. Any such disputes about the division of costs would be between property owners, and they would need to pursue the matter through a civil process.

## **Public Consultation**

### **Survey on HeyNewmarket**

A survey was conducted on HeyNewmarket from March 6 to March 22. The following three questions were posed to the community.

#### **Question 1**

Do you want the fence height in Newmarket increased from 6 feet to 7 feet for rear fences?

71% agreed to an increased in height, 25% were not in favour, and 3.6% were unsure.

#### **Question 2**

Would you be interested to have privacy screens in residential zones added to Newmarket's Fence By-law?

60% were in favour of privacy screens and 40% were unsure.

#### **Question 3**

Do you want to see the fence height increase to 6 feet for interior side fences?

100% of individuals who completed this question were in favour of the height increase.

### **Public Information Centre Held March 7, 2019**

A Public Information Centre (PIC) was held on March 7, 2019 to obtain feedback from the public on the new regulations related to the new draft Fence by-law.

There were no concerns raised at the drop-in session from resident to the proposed changes to the draft Fence By-law the feedback was well received.

## **Conclusion**

Upon Council approval of the draft Fence By-law and Cost of Division Fence By-law, staff will be updating the website regarding the new process when dealing with boundary fence disputes as well as providing clear visual information for staff to use to communicate to the public about the By-law.

## **Business Plan and Strategic Plan Linkages**

This report relates to the "Well Equipped and managed" link of the Town's community vision implementing policy and processes that reflect sound, accountable governance.



## **Consultation**

On March 7, 2019 a Public Information Centre was held to provide an overview of the key components of the draft Fence By-law and Division Fence By-law and to provide an opportunity to receive public input there were approximately 25 people in attendance.

On March 7, 2019 to March 22, 2019 a survey was posted on HeyNewmarket to provide another opportunity for the public to engage in the proposed draft Fence By-law.

This Fence By-law was prepared with input from the Legal, Planning and Legislative Services. Information was also gathered from the Cities of Vaughan, Waterloo, London, and Toronto.

## **Human Resource Considerations**

Not applicable to this report.

## **Budget Impact**

Not applicable to this report.

## **Attachments**

**Attachment A** - Draft Fence By-law

**Attachment B** – Draft Division Fence By-law

**Attachment C** – Diagram Showing Proposed Heights

**Attachment D** - Amendments to 2019 Fees and Charges By-law

## **Approval**

Kiran Saini, Acting Director of Legislative Services/Town Clerk

Legislative Services

## **Contact**

For more information on this report, contact Lesley Long, Supervisor of By-law Enforcement [llong@newmarket.ca](mailto:llong@newmarket.ca).





# Corporation of the Town of Newmarket

## By-law 2019-20

A By-law to prescribe the Height and Description of Fences and Privacy Screens within the Town of Newmarket.

Whereas section 11 (3) 7 of the **Municipal Act**, 2001, S.O. 2001, c.25, as amended (the “Act”) provides that a lower-tier municipality may pass by-laws respecting structures, including **Fences** and signs; and,

Whereas Subsection 98(1) and (2) of the **Municipal Act**, 2001 provides that a Bylaw may be passed by a municipality stating that the **Line Fence Act**, R.S.O., Ch. L. 17 (“**Line Fence Act**”) does not apply to all or part of municipality, subject to the continuing applicability of Section 20 of the Line Fence Act; and,

Whereas section 26 of the **Line Fences Act** states that the **Line Fences Act**, except section 20, does not apply to land in an area that is subject to a by-law for apportioning the costs of line **Fences** passed under the Act; and,

Therefore be it enacted by the **Council** of the Corporation of the **Town** of Newmarket as follows:

### 1.0 Definitions

Note: Defined terms in this By-law are in bold and the first letter has been capitalized.

In this By-law

“**Accessory Outdoor Storage**” means the incidental storage of equipment, goods, or materials that are directly related to the lot, outside of any building or structure.

“**Appeal Committee**” means the **Appeal Committee** established by the **Town**.

“**Building**” means any **Building** of structure that is designed or constructed to be used as the principal or main **Building** on a lot and does not include accessory structures or **Buildings**.

“**Council**” means the elected **Council** of the Corporation of the **Town** of Newmarket.

“**Corner Lot**” means a lot situated at the intersection of and abutting onto two or more streets or two sections of the same street, provided that the angle of intersection of such street(s) is not more than one hundred and thirty-five degrees (135°).

“**Daylighting Triangle**” means the area within a triangle formed by measuring a prescribed distance along two specified intersecting lines and a third line joining the terminal points of the two measured lines.

“**Deck**” means a platform, with no solid roof or walls, which is constructed on piers or a foundation above finished **Grade** adjacent to a ground floor or walkout basement wall, is used as an outdoor living area.

**“Director”** means the Director, Legislative Services/ Town Clerk of the **Town** and his/her designate.

**“Division Fence”** means a **Fence, Hedge** or combination thereof used to define a property **Lot Line**.

**“Fees and Charges By-law”** means the General **Fees and Charges By-law**, as amended for the Legislative Services Department.

**“Fence”** means any structure constructed of building materials designed for exterior use including but not limited to posts, boards, panels, pickets, pilings, wood, fiberglass, plastics, metal, lattice, rails, wire, chain link, masonry or similar materials or any combination thereof which delineates any **Yard** or outdoor area but does not include trellis or arbour.

**“Grade”** means the level of the ground adjacent to the outside wall of a **Building** or structure.

**“Hedge”** means a continuous line or shrubs or other plant material closely growing bushes, trees, shrubs or other plantings used to define a property **Lot Line**, but shall not include closely growing bushes, trees, shrubs or other plantings on the interior side of a **Fence**.

**“Height”** means the total **Height** at any point along a **Fence, Hedge, Division Fence** or **Privacy Screen** measured from the highest level of **Grade** on either side of the **Fence** or **Privacy Screen** at any point along the **Fence** or **Privacy Screen** from a point that is less than 0.6 metres (2 feet) from the **Fence** or **Privacy Screen** and includes the posts, rails and any decorative “lattice” or similar form of capping. In the case of a **Fence, Division Fence** or **Privacy Screen** located on top of a retaining wall, **Height** shall mean the vertical distance between the top of the retaining wall and the highest point of the **Fence** or **Privacy Screen**.

**“Height”** means the vertical distance measured between the finished **Grade** and the highest point of a **Fence, Hedge, Division Fence** or **Privacy Screen** or any part thereof, directly above; in the case of a **Fence, Hedge, Division Fence** or **Privacy Screen** located on top of a retaining wall, **Height** shall mean the vertical distance between the top of the retaining wall and the highest point of the **Fence, Hedge, Division Fence**, or **Privacy Screen** directly above.

**“Line Fences Act”** means **Line Fences Act**, R.S.O. 1990, c. L.17, as amended, from time to time.

**“Lot Line”** means a boundary of a lot including its vertical projection.

**“Lot Line, Exterior Side”** means a side **Lot Line** which abuts the street on a **Corner Lot**.

**“Lot Line, Front” means:**

- (a) In the case of an interior lot, shall be the **Lot Line** abutting a street.
- (b) In the case of a **Corner Lot**, shall be the shorter **Lot Line** that abuts a street.
- (c) In the case of a **Corner Lot** with two **Street Lines** of equal length, shall be the **Lot Line** which abuts a Regional Road. In the case that both abutting streets are under the same jurisdiction or are of the same width, the Municipality may designate either **Street Line** as the front **Lot Line**.
- (d) In the case of a **Corner Lot** abutting a 0.3 metre reserve, shall be the **Lot Line** which does not abut the 0.3 metre reserve.
- (e) In the case of a through lot, shall be the longer boundary dividing the lot from the street. In the case that both such **Lot Lines** shall be of equal length, the Municipality may designate either **Street Line** as the front **Lot Line**.

**“Lot Line, Rear”** means the **Lot Line** or intersection of the side **Lot Lines**, opposite to, and most distant from, the front **Lot Line**.

**“Lot Line, Side”** means a **Lot Line**, other than a front or rear **Lot Line**. In the case of a **Corner Lot**, the **Lot Line** that abuts a street shall be identified as the **Exterior Side Lot Line**.

**“Municipal Act”** means **Municipal Act**, 2001,c.25, as amended, from time to time.

**“Municipal Law Enforcement Officer”** means a **Person** appointed by Council as a **Municipal Law Enforcement Officer** and shall also include an officer of the York Regional Police Service.

**“Non-residential Property”** means land used for other than residential purposes and includes land used for both residential and other purposes.

**“Owner”** means the registered **Owner**, lessee, tenant, mortgagee in possession and/or the **Person** in charge of any property.

**“Person”** means an individual, business, firm, body corporate, corporation, association, or municipality.

**“Privacy Screen”** means a visual barrier constructed of building materials designed for exterior use including but not limited to posts, boards, panels, pilings, lattice, rails, wire, chain link, masonry or similar materials or any combination thereof used to shield any part of a **Yard** from view from any adjacent lot or highway.

**“Residential Property”** means land used for residential purposes.

**“Street Line”** means the boundary between a public or private street and a lot.

**“Town”** means Corporation of the **Town** of Newmarket.

**“Water Gate”** means a gate, or valve, by which a flow of water is permitted, prevented, or regulated.

**“Yard”** means an open, uncovered space on a lot re to a **Building** and unoccupied by **Buildings** or structures except as may be expressly permitted by this By-Law but does not include a court yard. In determining **Yard** measurements the minimum horizontal distance from the respective **Lot Line(s)** shall be used.

**“Yard, Exterior Side”** means the **Yard** of a **Corner Lot** extending from the **Front Yard** to the **Rear Yard** between the **Exterior Side Lot Line** and the nearest main wall of the principal **Building** or structure on the lot.

**“Yard, Front”** means a **Yard** extending across the full width of a lot between the front **Lot Line** and the nearest wall of the principal **Building** or structure on the lot.

**“Yard, Interior Side”** means a **Yard** other than an **Exterior Side Yard**, extending from the **Front Yard** to the **Rear Yard** between the interior side **Lot Line** and the nearest wall of the principal **Building** or structure on the lot.

**“Yard, Rear”** means a **Yard** extending across the full width of a lot between the rear **Lot Line** and the nearest wall of the principal **Building** or structure on the lot.

**“Zoning By-law”** means the **Zoning By-law** of the **Town** passed under the Planning Act, R.S.O. 1990 as amended, from time to time.

## 2.0 Administration and Exemption

### 2.1 Interpretation:

- (a) A word interpreted in the singular number has a corresponding meaning when used in the plural.
  - (b) The imperial measurements included in this by-law are for information only and are intended to be an approximate conversion of the metric measurements, which shall prevail in the event of any conflict.
- 2.2 This By-law shall be administered by the **Director**.
- 2.3 This By-law shall not apply to any **Fence, Division Fence** or **Privacy Screen** erected for government or other public purposes by the **Town**, the Regional Municipality of York, or any Provincial or Federal governmental authority.

~~2.4 This By-law does not apply to a **Fence, Division Fence**, or **Privacy Screen** that was lawfully erected or altered on the day this by-law comes into force. To the extent of any non-compliance with previous by-laws covering **Fences**, such **Fences** shall be required to comply with this by-law.~~

~~2.52.4~~ Where a property is subject to a site plan agreement under Section 41 of the Planning Act, R.S.O., 1990, any **Fences** shall comply with the site plan agreement.

~~2.62.5~~ Where a **Fence** has been installed pursuant to a subdivision agreement under Section 51 of the Planning Act, R.S.O., 1990, any **Fences** shall comply with the subdivision agreement.

### 3.0 General Provisions

- 3.1 No **Person** shall erect a **Fence** or **Privacy Screen** or **Division Fence** or cause a **Fence, Privacy Screen** or **Division Fence** to be erected,
- (a) which is wholly or partly constructed of barbed wire, chicken wire or other barbed or sharp material; ~~save and except any farmer, wishing to protect their property provided that such materials are used at a **Height** of at least 1.83 metres (6 feet) above the finished **Grade**.~~
  - (b) which is wholly or partly constructed from sheet metal or corrugated metal panels manufactured chipboard, waferboard, plywood or similar manufactured wood products.
  - (c) which contains a device for projecting an electric current.
- 3.2 No **Person** shall construct a **Fence** over a drainage easement or watercourse without constructing a **Water Gate** sufficient to ensure adequate drainage.
- 3.3 All **Water Gates** on **Fences** shall at all times be kept free from obstruction by the **Owner** of such **Fence**.
- 3.4 Notwithstanding any other provision of this By-law, no **Person** shall construct a **Fence, Division Fence** or **Privacy Screen** so as to obstruct access to any hydro or water meter or meter reading device by any employee, officer or agent of Newmarket-Tay Hydro or the **Town**.
- 3.5 No **Person** shall construct a **Fence, Privacy Screen** or **Division Fence** that is greater than 20 centimetres (8 inches) wide.
- 3.6 Every **Fence, Privacy Screen** and **Division Fence** shall be constructed and maintained by its **Owner** in a structurally sound condition and in good repair. For the purpose of this subsection, maintenance of a **Fence, Privacy Screen** or **Division Fence** with a surface that has been previously painted, stained, varnished or which has been treated with other similar protective finishes shall be maintained so that such finish does not visibly deteriorate.

- 3.7 The **Owner** of any **Fence** or **Division Fence** or the agent or employee of such **Owner** is permitted to enter upon the land adjoining the **Fence** after having given at least 24 hours written notice of intention to enter to the adjoining property **Owner** or tenant for the purpose of making necessary and appropriate repairs, alterations or improvements to such **Fence** but only to the extent necessary to effect such repairs, alterations or improvements and provided that the adjoining land shall be left in the same condition it was prior to such entry.
- 3.8 A **Hedge** in any **Yard** shall not be in excess of the **Height** limits contained within this By-law except for the provision for width set out in section 3.5 of this By-law
- 3.9 In the case of a **Corner Lot**, no **Person** shall erect a **Fence** or cause a **Fence** to be erected within a **Daylighting Triangle** formed by measuring five metres (5 m) along the Lot Lines from the intersection of any two highways or at the intersection of two parts of the same highway meeting at an angle of not more than one hundred and thirty-five (135) degrees.
- 3.10 In the case of any lot, no **Person** shall erect a **Fence** or cause a **Fence** to be erected within a **Daylighting Triangle** formed by measuring five metres (5 m) along the **Lot Line** and a driveway, at the intersection of the driveway and the **Lot Line** abutting the highway.
- 3.11 The area within the **Daylighting Triangle** shall be determined by measuring from the point of intersection of two **Street Lines** or the extension of such lines on a corner lot.

#### 4.0 Fences in Residential Zones

- 4.1 No **Person** in a residential zone shall erect or construct a **Fence** or **Division Fence** in the **Town** in excess of the following **Height** requirements;
- (a) **Rear Yard:** No **Fence** erected in a **Rear Yard** shall exceed 2.1 metres (7 feet) in **Height** provided that in the case of a **Corner Lot**, where a **Rear Yard** abuts a **Front Yard** or **Interior Side Yard** of an adjacent lot, no **Person** shall construct a **Fence**, **Division Fence** or **Privacy Screen** that exceeds 1.8 metres (6 feet) in **Height**.
  - (b) **Interior Side Yard:** No **Fence** erected in an **Interior Side Yard** shall exceed 1.8 metres (6 feet) in **Height**.
  - (c) **Front Yard:** No **Fence** erected in a **Front Yard** shall exceed 1 metre (3 feet) in **Height**.
  - (d) **Exterior Side Yard:** No **Fence** erected in an **Exterior Side Yard** shall exceed 1.8 metres (6 feet) in **Height**.
  - (e) Notwithstanding clauses 4.1(a) to (d), a **Fence** abutting an arterial road designated in the Town's Official Plan may have a **Fence** that does not exceed 2.4 metres (8 feet) in **Height** along a rear **Lot Line** abutting said arterial road.
  - (f) Where the **Rear** or **Side Yard** of any lot abuts the **Side** or **Rear Yard** of any of any other lot, any **Fence** to be erected shall not exceed the requirement of any **Fence** that may be erected on any such abutting lot, that is to say the more restrictive provisions of this by-law shall apply except in those situations set out in clauses 4(a) and 4(d) above.
  - (g) Notwithstanding section 4 of this by-law and the definitions of **Yards**, where the principal entrance of a **Residential Property** is located in an **Exterior Side Yard**:

- i. The **Exterior Side Yard** shall be deemed to be the **Front Yard**.
- ii. The **Front Yard** shall be deemed to be the **Exterior Side Yard**.

## 5.0 Privacy Screens in Residential Zones

### 5.1 Every **Privacy Screen** shall be:

- (a) located within **Interior Side, Exterior Side** or **Rear Yards** only;
- (b) **Privacy Screens** located in a **Front Yard** maybe erected between adjacent independent entrances of semi-detached, townhouse and link dwellings providing that;
  - i. the **Privacy Screen** shall not encroach more than 1.2 metres (4 feet) from the wall containing the adjacent independent entrances; and
  - ii. shall not exceed 1.8 metres (6 feet) in **Height**;
- (c) not closer to a **Lot Line** or a **Street Line** than a **Deck** would be permitted to be located pursuant to the **Zoning By-law**;
- (d) no longer than 12 metres (39 feet) in total length and no individual section of length is longer than 5 metres (16 feet); and
- (e) no more than 3 metres (10 feet) in **Height** if constructed at **Grade** level and no more than 2 metres (6.5 feet) in **Height** if constructed on a **Deck**.

## 6.0 Fences and Privacy Screens in Non-Residential Zones

### 6.1 No **Fence** in any non-residential zone shall be:

- (a) greater than 3 metres (10 feet) in **Height** within the **Interior Side, Exterior Side** or **Rear Yards**; or
- (b) greater than 1.5 metres (5 feet) in **Height** within the **Front Yard**, except where **Accessory Outdoor Storage** is lawfully maintained within the **Front Yard**, in which case the provisions of this By-law relating to **Accessory Outdoor Storage** shall apply.

### 6.2 In a non-residential zone that permits **Accessory Outdoor Storage** pursuant to the **Zoning By-law**, the area used for **Accessory Outdoor Storage** shall be screened so that the goods, materials, equipment or machinery are not visible from any street or abutting lots. The **Privacy Screening** shall be provided by any combination of **Fences**, walls, berms, landscaping and plantings that are:

- (a) not less than 2 metres (6.5 feet) and a maximum 3 metres (10 feet) in **Height**; and
- (b) constructed of permanent non-transparent materials or vegetation that provides a visual barrier.

## 7.0 Line Fences Act

### 7.1 With the exception of section 20 in the **Line Fences Act**, the **Line Fences Act** shall not apply to any part of the **Town**.

## 8.0 Power of Entry

### 8.1 The **Town** may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) the provisions of this By-law;



- (b) an order issued under this By-law; or
- (c) an order made under section 431 of the **Municipal Act**.

8.2 Where an inspection is conducted by the **Town**, the **Person** conducting the inspection may;

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
- (c) require information from any **Person** concerning a matter related to the inspection including their name, address, phone number and identification; and,
- (d) alone or in conjunction with a **Person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

8.3 The **Town** may undertake an inspection pursuant to an order issued under section 438 or the **Municipal Act**.

8.4 The **Town's** power of entry may be exercised by an employee, officer or agent of the Town or by a member of a police force with jurisdiction, as well by any **Person** under his or her direction.

## 9.0 Order

9.1 When a **Fence** or **Privacy Screen** is erected or altered in contravention of the provisions of this By-law, the **Director** may issue an order to any **Person** who:

- (a) has erected or altered or caused or permitted to be erected or altered, a **Fence** or **Privacy Screen** on property contrary to the provisions required of this By-law; or
- (b) the order shall require the **Fence** or **Privacy Screen** to be brought into compliance with this By-law within a timeframe indicated in the order and shall include reasonable particulars to identify the contravention, the location of the contravention and the date by which the **Fence** must be brought into compliance with the By-law.
- (c) the order shall be served personally on the **Owner**, or to an email address that the **Person** has provided to the **Town** or posted at the address of the **Owner** where the **Fence** was erected or altered, or sent by registered mail to the last known address of the **Owner**, in which case it shall be deemed to have been given on the 5th calendar day after it is mailed.
- (d) if there is evidence that the occupant of the land is not the registered property **Owner**, the order shall be served on both the registered property **Owner** and the occupant of the land.

## 10.0 Remedial Action

10.1 Wherever this By-law, or an order issued under this By-law, directs or requires any matter or thing to be done by any **Person** within a specified time period, in default of it being done by the specified time period, remedial action may be initiated by the **Director**, or a Town designate. The **Town** may recover, from the **Person** directed or required to do the matter or thing, the costs incurred through a legal action or by recovering the costs in the same manner as taxes.

- 10.2 For the purposes of taking remedial action under Section 10.1 the **Town**, its Staff and/or its agents may enter, at any reasonable time, upon any lands on which a default to carry out a required thing or matter occurred.

### 11.0 Penalty Provision

- 11.1 Any **Person** who contravenes a provision of this By-law, including an order issued under this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended
- 11.2 If a **Fence** or **Privacy Screen** has been erected or altered in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing of **Fence** for each day or part of a day that the contravention remains uncorrected.
- 11.3 If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing of **Fence** for each day or part of a day that the order is not complied with.
- 11.4 Any **Person** who is guilty of an offence under this By-law shall be subject to the following penalties pursuant to Part III of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended:
- (a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
  - (b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
  - (c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and
  - (d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 11.5 For the purposes of this By-law, “multiple offences” means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.
- 11.6 For the purposes of this By-law, an offence is a “second or subsequent offence” if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 11.7 Where an authorized officer or **Municipal Law Enforcement Officer** has reasonable grounds to believe that an offence has been committed by any **Person** or **Owner**, the authorized officer or **Municipal Law Enforcement Officer** may require the name, address and proof of identity of that **Person** or **Owner**, and the **Person** or **Owner** shall supply the required information.

### 12.0 Collection of Unpaid Fines

- 12.1 If any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the Provincial Offences Act, R.S.O. 1990, c. P.33 , as amended, including any extension of time for payment ordered under that section, The **Director** may give the **Person** against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty one (21) days after the date of the notice;

- 12.2 If the fine remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purposes of section 351 of the **Municipal Act**.

### 13.0 Variance

- 13.1 Where a proposed or existing **Fence** or **Privacy Screen** is not in compliance with this By-law, the **Owner** of the lot on which the **Fence** or **Privacy Screen** is or is proposed to be constructed, or an authorized agent of the **Owner**, may request a variance from any of the applicable provisions of this By-law.
- 13.2 An application for a variance shall be made on the form prescribed by the **Town** and shall be accompanied by the non-refundable variance application fee in the **Fees and Charges By-law**.
- 13.3 A request for a variance shall be submitted to the **Director** on the application form prescribed by the **Town** and shall only be deemed to be complete and ready for a review by the **Director** if it includes:
- (a) the name, address and contact information of the applicant;
  - (b) the address of the lot relevant to the variance request;
  - (c) reference to the specific Section(s) of the By-law from which the variance is sought;
  - (d) a detailed description explaining why the applicant requires the variance;
  - (e) a description of the **Fence** and/or **Privacy Screen** including the dimensions and the specifications of the construction and installation;
  - (f) a survey of the lot identifying the location of the **Fence** and/or **Privacy Screen**;
  - (g) a site plan of the lot identifying the location of the **Fence** and/or **Privacy Screen**;
  - (h) proof of notification to abutting neighbours by personal service or prepaid first class mail which indicates: (1) specifications of the **Fence**, (2) reasons for the exemption request, and (3) objections must be forwarded to the **Director** of Legislative Services within 10 days
  - (i) payment of the non-refundable fee as outlined in the **Fees And Charges By-law**.
- 13.4 Upon reviewing an application for a variance, the **Director** shall consider:
- (a) whether it is in accordance with the general intent and purpose of the By-law;
  - (b) if approved, would the resulting **Fence** or **Privacy Screen** be in keeping with the surrounding area and would there be any negative impact on adjacent residents;
  - (c) are there any special circumstances and would strict application of the provisions of this By-law result in unnecessary difficulty or hardship for the applicant; and
  - (d) would approval of the variance result in any impacts to the health, safety or welfare of the public.
- 13.5 The **Director** shall inform the applicant, as well as any abutting neighbours that submitted objections, by way of written notice setting out the grounds for the decision with reasonable particulars, and the right to appeal such decision to the **Appeals Committee**.
- 13.6 A request for an appeal to the **Appeals Committee** shall be made in writing to the **Director** setting out the reasons for the appeal within 10 days after service of the written notice, and shall be accompanied by an appeal fee set out in the **Fees and Charges By-law** to the **Town**,

- 13.7 Where no request for an appeal is received in accordance with section 13.6, the decision of the **Director** shall be deemed to be affirmed.
- 13.8 Where a request for an appeal is received, a hearing of the Appeals Committee shall be convened and the applicant shall be provided reasonable written notice thereof. The Appeals Committee may consider any matter in section 13.4.
- 13.9 Where an applicant makes a request for an appeal and fails to appear at the time and place scheduled for the hearing of the appeal, or requests an adjournment on the day of the scheduled hearing, the applicant shall pay to the **Town** an administrative fee of \$100.00, which may be refunded in the discretion of the Committee if the nonattendance was unavoidable or the adjournment is in the public interest, not prejudicial to the expeditious determination of the proceeding or otherwise justified.
- 13.10 A decision of the **Appeal Committee** is final and binding.

#### **14.0 Liability**

- 14.1 In addition to any other party who commits the offence with respect to this By-law, the **Owner** of the premises on which the **Fence** or **Privacy Screen** was erected or altered shall be deemed to commit the offence.

#### **15.0 Severability**

- 15.1 Where a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an order to the contrary.

#### **16.0 Short Title**

- 16.1 This By-law shall be referred to as the "Fence By-law";

And that By-law 2000-63, 2000-114, 2000-168, 2001-2, 2002-172 and 1992-91 is hereby repealed.

Enacted this 15<sup>th</sup> day of April, 2019.

John Taylor, Mayor

Lisa Lyons Town Clerk



# Draft

## Corporation of the Town of Newmarket By-law 2019-21

A By-law to Determine the Appointment of Costs of Division Fence.

Whereas section 11(1) 7 of the Municipal Act, 2001, S.O. 2001, c.25, as amended (the Act”) provides that a lower-tier **Municipality** may pass by-laws respecting structures, including fences and signs;

And whereas Subsection 98(1) and (2) of the Municipal Act, 2001 provides that a Bylaw may be passed by a **Municipality** stating that the Line Fence Act, R.S.O., Ch. L. 17 (“Line Fence Act”) does not apply to all or part of **Municipality**, subject to the continuing applicability of Section 20 of the Line Fence Act;

And whereas section 26 of the Line Fences Act states that the Line Fences Act, except section 20, does not apply to land in an area that is subject to a by-law for apportioning the costs of line fences passed under the Act;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

### 1.0 Definitions

1.1 The following words shall have the following meanings in this By-law:

“**Act**” means the Line Fences Act, R.S.O., Ch. L.17, as amended from time to time;

“**Actual Cost**” means the total cost of the construction, replacement, maintenance or repair of a **Division Fence** and includes the value of the materials used and the value of the labour performed to complete the work;

“**Adjoining Owner**” means the person who owns the land adjacent to land of another land **Owner** seeking to build a **Division Fence**;

“**Basic Cost**” means the total cost of construction, replacement, maintenance or repair (as applicable) of a four (4) foot high, 1-1/2 inch mesh, steel chain link fence;

“**Division Fence**” means a fence marking the boundary between adjoining parcels of land;

“**Municipality**” means The Corporation of the Town of Newmarket;

“**Owner**” means:

- I. the registered **Owner** of the land and/or;
- II. a person managing or receiving the rent for land or premises

Where more than one person meets the definition of “**Owner**” in this By-law, they shall be considered as a single **Owner** for the purposes of cost allocation.

“**Public Highway**” means lands owned by the **Municipality** and designated as a common and **Public Highway**, including any street, bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway;

“**Public Authority**” means the federal or provincial government, Crown

# Draft

agents, school boards and regional municipalities to whom the context can apply but specifically excludes the **Municipality**;

“**Unopened Road Allowance**” means lands owned by the **Municipality** but which have yet to be designated as a **Public Highway** by the enactment of a by-law.

## 2.0 APPLICABILITY

- 2.1 From and after the date of enactment of this by-law, the provisions of the Act, except for section 20 of the Act, shall no longer apply in the **Municipality**.
- 2.2 The provisions of this By-law do not apply in the following circumstances:
  - a) To any lands that constitute a **Public Highway**, including lands abutting a **Public Highway** that are held as a reserve by a **Municipality** or other **Public Authority** to separate lands abutting the reserve from the highway, or to lands that are being held by a **Municipality** or other **Public Authority** as an unopened road allowance or for future **Public Highway** purposes.
  - b) Where the **Owner** of any land has initiated any proceedings under the Line Fences Act, R.S.O. 1990, c. L.17, 90 days prior to the date of the passing of this By-law.
- 2.3 In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural and words imparting the masculine gender shall include the feminine. The converse of the foregoing shall also apply where the context so requires.

## 3.0 PROVISIONS

- 3.1 An **Owner** of land may construct, replace, repair and maintain a **Division Fence**.
- 3.2 Where the **Owners** of adjoining lands are in agreement or are able to reach an agreement on the details of construction or maintenance of the said **Division Fence**, each of them shall construct or maintain a reasonable portion of a **Division Fence**, or shall bear such proportion of the cost of any work required in connection with the construction or maintenance thereof, as is provided for in the agreement reached between the **Owners**, regardless of any provision to the contrary in this By-law.
- 3.3 Where the **Owners** of adjoining land cannot agree or reach an agreement as referred to in Subsection 3.2 of this By-law, an **Owner** desiring to construct or maintain a **Division Fence** may do so subject to complying with the following requirements:
  - a) The **Owner** must deliver a Notice of Intent to the **Adjoining Owner** by registered mail, advising of his intent to construct or maintain the **Division Fence**;
  - b) The Notice of Intent must contain at a minimum, the following information:
    - i. A copy of (3) written quotes for the **Actual Cost** or **Basic Cost** for the fencing work to be undertaken; and
    - ii. A paragraph stating that the construction or maintenance of the **Division Fence** will commence fourteen (14) business days after the date of mailing of the Notice of Intent and the **Owner** may seek a contributory payment for the work to the **Division Fence** from the **Adjoining Owner** in accordance with this By-law; and
    - iii. A further paragraph stating that the **Adjoining Owner** may obtain three (3) additional quotes for presentation to the **Owner** not later than ten (10) business days from the date of mailing of the Notice of Intent; and
    - iv. A complete copy of the Fence By-law must be attached to the Notice of Intent.
- 3.4 Unless otherwise agreed, the **Actual Cost** for the construction of a **Division Fence** shall be paid as follows:
  - (a) the **Adjoining Owner** shall pay fifty percent (50%) of the **Basic Cost** or fifty percent(50%) of the **Actual Cost**, whichever is the lesser, having considered all the fencing quotes exchanged; and
  - (b) the **Owner** desiring to construct or replace the **Division fence** shall pay the balance of the **Actual Cost**.

# Draft

- 3.5 Where a declaration has been registered under the Condominium Act, R.S.O. 1990, c. C.26, as may be amended from time to time, the condominium corporation and not the **Owners** of the individual units shall be deemed to be the **Adjoining Owner** of the land described in the declaration for the purposes of this By-law and,
- (a) any payment that the condominium corporation may be responsible for under this By-law is a common expense for the purposes of the Condominium Act; and,
  - (b) any payment to be made to the condominium corporation under this **Act** is an asset of the condominium corporation.
- 3.6 In cases where the cost of replacement/maintenance/repair of an existing **Division Fence** is in dispute, the cost shall be apportioned as follows:
- a) The **Adjoining Owner** shall pay fifty percent (50%) of the **Basic Cost** or fifty percent (50%) of the **Actual Cost**, whichever is lesser, having considered all the fencing quotes exchanged, and
  - b) The **Owner** shall pay the balance of the **Actual Cost**.
- 3.7. Once a fence has been erected, the cost of repairs or maintenance to the **Division Fence** shall be borne equally by the **Owner** and the **Adjoining Owner**, in accordance with Section 3.6, save and except for the following exceptions:
- a) The cost of repairs to a **Division Fence** shall be borne by the **Owner** if his/her invitees caused the damage necessitating the repair.
  - b) The cost of repairs to a **Division Fence** shall be borne by the **Adjoining Owner** if his/her invitees caused the damage necessitating the repair.
  - c) The cost of repairs to the **Division Fence** shall be borne equally by the **Owner** and the **Adjoining Owner** if the damage necessitating the repair was caused by natural disaster,
  - d) If a tree is displaced by accident, carelessness, negligence, deliberate intent or otherwise, so as to cause damage to a **Division Fence**, the **Owner** of the land on which the tree stood shall, as his sole expense, remove the tree and repair the fence.
- 3.8. Where the **Municipality** is the **Adjoining Owner** of lands other than lands as described in in Subsection 2.2 of this By-law, the cost of construction, replacement, repair or maintenance of a **Division Fence** shall be assigned as follows:
- a) The **Owner** shall pay 95% of the cost of work; and/or
  - b) The **Municipality** shall pay 5% of the cost of the work.
- 3.9 Compliance with this by-law does not exempt an **Owner** or the **Adjoining Owner** from the requirement to comply with By-law 2019-XX (the "Fence By-law") or By-law 2008 –18, as amended (Pool Enclosure By-law) from time to time.
- 3.10 Any **Division Fence** constructed or repaired within an area designated as a heritage conservation district pursuant to Part V of the Ontario Heritage Act, R.S.O. 1990, c O.18, as may be amended from time to time, is subject to all the requirements for obtaining a permit pursuant to such legislation.

## 4.0 Enforcement

- 4.1 Any **Owner** desiring to enforce the provisions this By-law shall, within ninety days (90) after completion of the construction of the **Division Fence**, serve or cause to be served on the **Adjoining Owner** a notice by registered mail requiring compliance with this By-law by means of payment of that **Adjoining Owner's** portion of the **Basic Cost** and if such compliance does not take place within thirty (30) days after service of the notice, the **Owner** may take appropriate proceedings under Part IX of the Provincial Offences Act, R.S.O. 1990, c. P.33, as may be amended from time to time, for an order to recover the proportionate share of the cost of the work from the **Adjoining Owner**.

## 5.0 Severability

- 5.1 Should any provision of this By-law be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of this By-law as a whole or any other part thereof, other than the provision declared to be invalid.

# Draft

**6.0 Short Title**

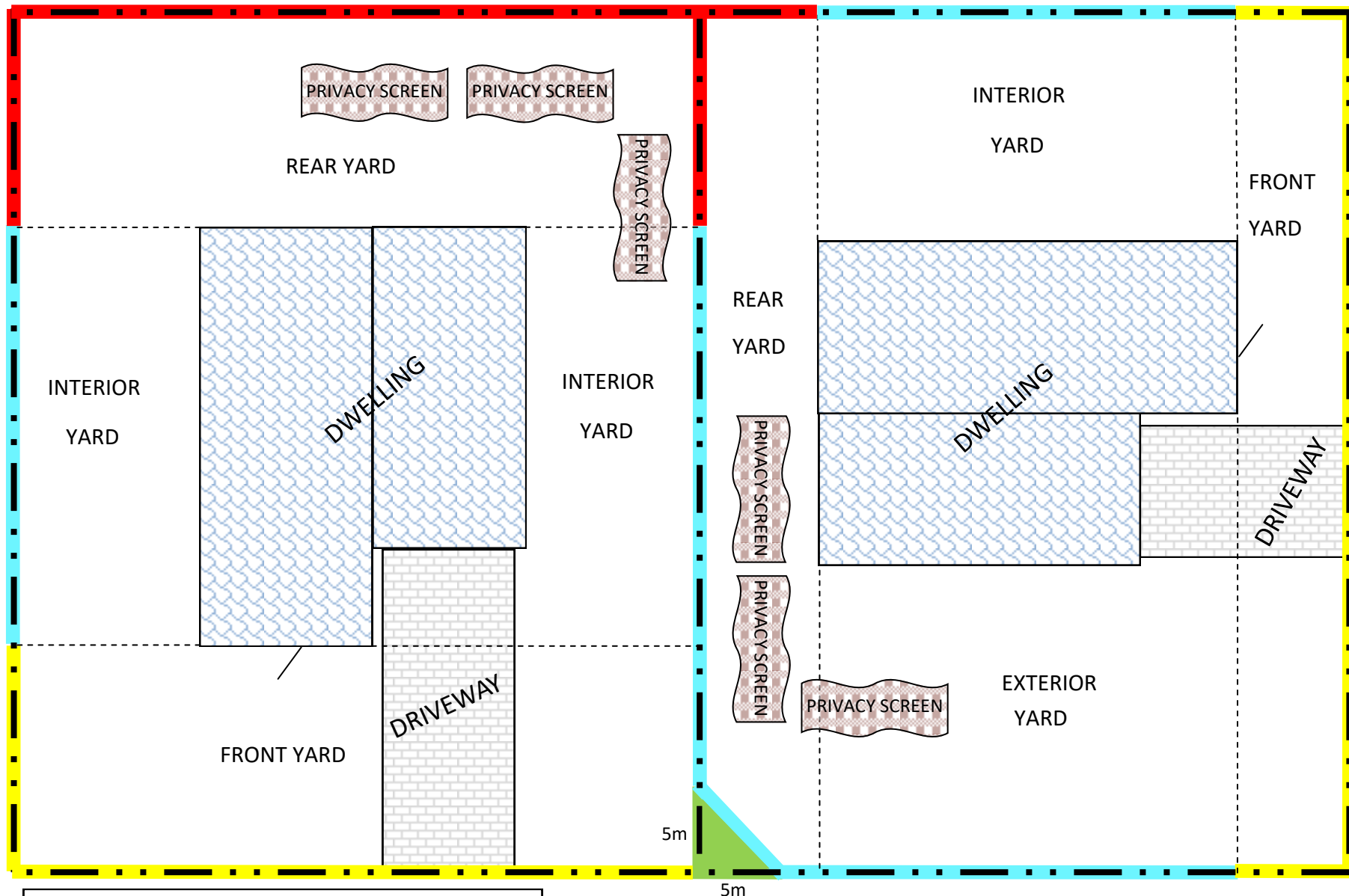
6.1 This By-law shall be referred to as the "Division Fence By-law";

Enacted this 15<sup>th</sup> day of April, 2019.





John Taylor, Mayor

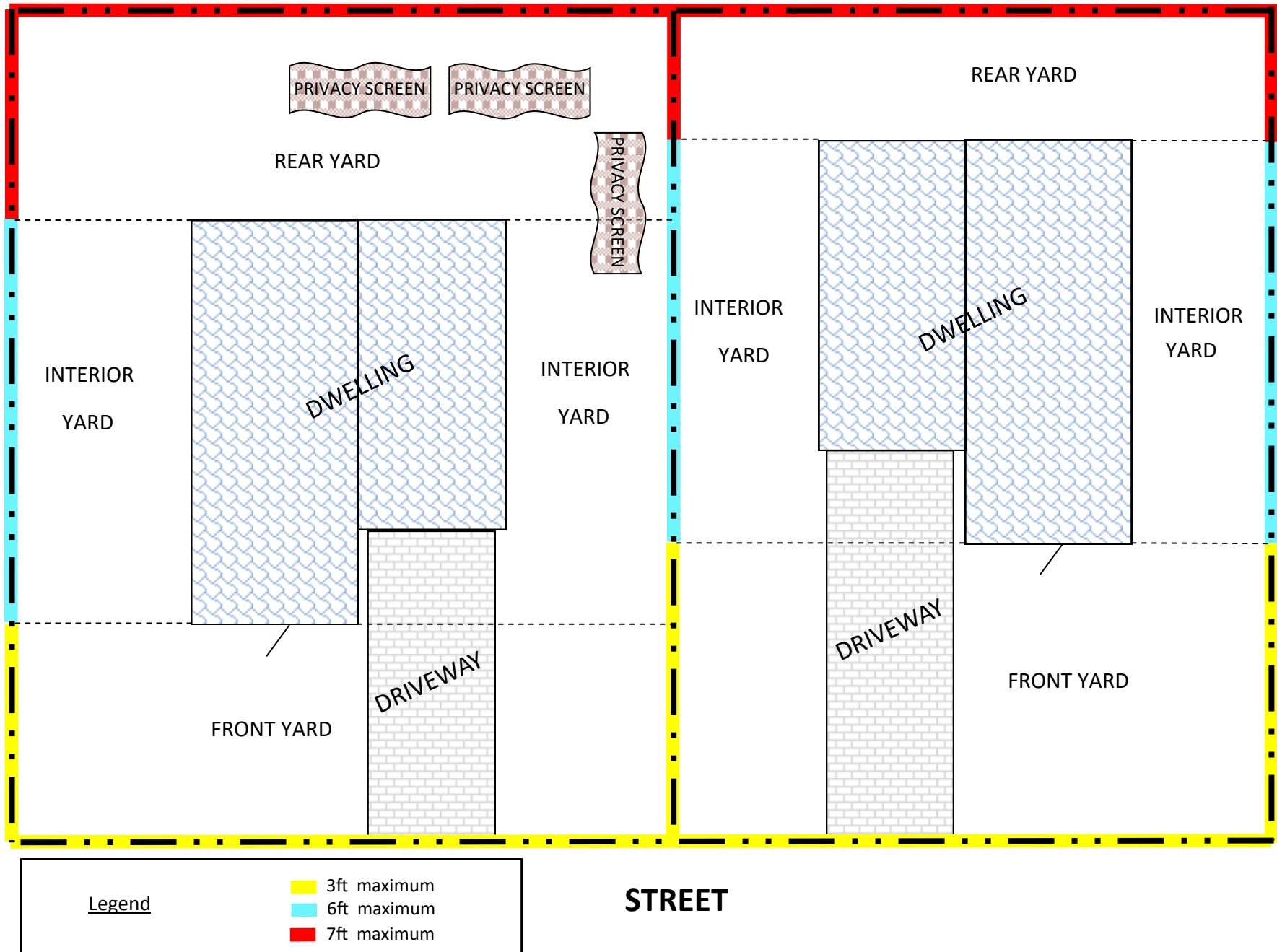
Lisa Lyons, Town Clerk





**Legend**

	Daylighting Triangle (no fence permitted)		3ft maximum
			6ft maximum
			7ft maximum





**Corporation of the Town of Newmarket**  
**By-law 2019-XX**

A By-law to Amend By-law 2018-37 Schedule F being a By-Law to Adopt Fees and Charges for Services or Activities Provided by the Town Of Newmarket (Legislative Services - General Fees)

Whereas the *Municipal Act, 2001* authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it; and,

Whereas Council enacted By-law 2018-37 Schedule F to establish Legislative Services- General Fees for the Corporation of the Town of Newmarket; and,

Whereas it is deemed necessary to amend the Schedule of By-law 2018-37 as it relates to Fence Variance Fees.

Therefore be it enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

- 1. That the Schedule F to the By-law 2018-37 be updated to add the following:

Service Provided	Unit of Measure	Fee
Application for Fence Variance	Each	\$287.00
Request for an Appeal to the Appeal Committee	Each	\$574.00
Administration Fee for Fail to Appear to Hearing	Each	\$100.00

Enacted this 15<sup>h</sup> day of April, 2019.

John Taylor, Mayor

Lisa Lyons Town Clerk





Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

## **2018 Preliminary Fourth Quarter Report – Operating, Investment and Capital Budget Summary Staff Report to Council**

Report Number: 2019-37

Department(s): Financial Services

Author(s): Dawn Schellenberg

Meeting Date: April 8, 2019

### **Recommendations**

1. That the report entitled 2018 Preliminary Fourth Quarter Report – Operating, Investment and Capital Budget Summary be received; and,
2. That the reserve transfers totaling \$404,000 be approved; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

See below.

### **Purpose**

The purpose of this report is to advise Council on the preliminary fourth quarter results for 2018, including the investment summary and the capital budget, as well as to obtain Council approval for allocations of the surplus to reserves.

### **Background**

In Corporate Services Information Report – Financial Services 2018-36, a year-end surplus of approximately \$370,000 was projected.

## Discussion

### Projected 2018 Tax-Supported Operating Results

While the full impact of Bill 148 legislation was somewhat hard to quantify, it was a cost driver in all departments and particularly in Recreation with the highest number of casual staff. Only \$280,000 was budgeted, with the higher costs being offset by savings in other areas.

Gapping was not as much of a factor as first estimated, due to higher casual wages used to offset some of these vacancies. Many of the vacant positions were filled by year-end, so this trend is not expected to continue to the same extent in 2019. Significantly higher casual wages in Recreation were also used to bolster some higher program revenues.

Waste management expenses were not as high as projected. Lower utilities reflect a return on our Honeywell investment by way of energy reductions. Higher consulting costs to litigate matters negatively impacted the Legal Department expenses. Interest revenue was favorably impacted by three interest rate hikes in 2018, as well as lower than budgeted capital spending. The 2019 budget has been increased to reflect this trend. Supplementary taxes, which are very difficult to predict were also higher than budgeted.

A surplus of \$404,000 is projected, prior to any transfers not authorized by budget, policy or delegated authority.

A transfer of \$50,000 to the Legal Reserve is recommended to ensure adequate funding for legal fees associated with various litigation matters, as well as real estate matters. One matter was settled in 2018 which drew on reserves. A transfer of \$200,000 to the Energy Reserve is also recommended as an operational contingency for a potential increase in utility costs. This is part of a strategy that will be outlined as part of the 2020 budget process. A transfer of \$100,000 to a General Capital Reserve is recommended to fund projects that do not have a dedicated funding source. A transfer of \$54,000 to the Efficiency/Enhancement Reserve is recommended for associated initiatives.

Included in the results are the following transfers, for which there is delegated authority, budget authorization or policy direction:

#### 1. Transfers to Reserves

i) A transfer to the Mulock Farm Reserve of \$945,000. The one-time budget savings on the Mulock Farm debenture will be set aside for future capital or operating requirements.

ii) A transfer of \$185,000 to the Winter Control Reserve represents the favorable budget variance in 2018. Weather is unpredictable and can fluctuate greatly from year to year. While costs were lower in 2018, winter weather events have continued well into March 2019 and higher costs are anticipated. Rather than including a contingency in the annual budget, the budget is based on a historic average and a reserve fund is used to manage fluctuations. This strategy is being considered for other areas such as supplementary taxes and utilities.

iii) A transfer of \$250,000, representing the favorable variance in Supplementary Taxes, will be available to assist with future fluctuations. This is also a strategic use of reserves similar to that used for Winter Control.

## 2. Transfers from Reserves Included in the 2018 Budget

i) \$10,000 from the Inauguration Reserve Fund to offset the cost of this event – which was under budget;

ii) \$347,000 from the Election Reserve to offset the costs – which was within budgeted levels;

iii) \$60,000 from the New Experimental Experience Rating (NEER) Support Reserve to cover some higher health and safety related expenditures.

3. Carryover requests totaling \$113,400 to assist with 2018 budget initiatives not completed during the year. The majority are carryovers for minor capital associated with the renovations and office moves at 395 Mulock Drive.

## Central York Fire Services (CYFS)

Lower costs for consulting and the Wellness Program more than offset higher vehicle repairs, arbitration related expenditures in the contingency account and training costs for a new initiative. Lower wage and benefit costs were primarily due to gapping for retirements, leaves of absence, new hires, and other vacancies and is expected to result in an operating surplus of \$737,000. This surplus will be transferred to the CYFS Reserve Fund until a more fulsome review of the factors affecting CYFS is completed. The results were presented to the Joint Council Committee (JCC) on March 5, 2019.

## Newmarket Public Library

The Newmarket Public Library is forecasting a surplus in the range of \$122,000 which will be transferred to the Library General Reserve pending a review of their reserve level policy.

## Rate Groups

### Water/ Waste Water/Storm Water

Rate revenues in water and wastewater were slightly higher than budget. Higher expenditures for water purchased from the Region include water used for flushing and swabbing at close to double the volume from last year. The costs due to flushing this year were over \$2 million. The system improved with the cooler water temperatures, which allowed for some reduced flushing. We are currently working with York Region on some potential operational changes that will hopefully improve the water quality and reduce some of the flushing.

In the Water Rate Group, an anticipated deficit of \$1.1 million will deplete their rate stabilization reserve fund (\$483,000) and therefore also necessitate reduced contributions to the asset replacement reserve fund (\$617,000). The Wastewater Rate Group finished the year with a surplus of \$328,000, which was transferred to their rate stabilization reserve fund.

Stormwater revenues were \$150,000 higher than budget, mainly due to unbudgeted grants. Expenses, particularly engineering related consulting and maintenance/catchbasin cleaning were below budget and the resulting surplus of approximately \$416,000 was transferred to their rate stabilization reserve fund.

These results will be factored into the updates of the 6 year financial plans due in September, 2019.

## Building

Lower revenues (\$546,000 under budget) more than offset lower wage related expenses due to gapping. A budgeted transfer of \$1.2 million, \$348,000 higher than budgeted, from their reserve fund was required. The Reserve Fund is still at an adequate level.

## Business Improvement Area (BIA)

The BIA posted a loss of \$2,310, which was offset by a transfer from their reserve. After the transfer, the balance in the reserve is \$22,710.

## Investments/Active investments

The Investment Summary for the twelve months ended December 31, 2018 provides the details of all investments held during the year.



None of our investments is subject to any variance between initial cost and market value. The average weighted yield on our reserve fund investments was 2.23 % (2017 – 1.85%) compared to a weighted average benchmark of 2.1% for the twelve month period. As the benchmark increases with each increase to the interest rate (there were four increases in 2018), the incremental income earned, \$91,023, was less than the \$175,000 budgeted transfer to the Tax-Supported Operating Fund, as approved by Council in the 2018 budget.

In December two GIC's totaling \$30 million came due. The proceeds were re-invested, using a ladder approach not exceeding 5 years.

At the end of the fourth quarter, the reserve fund investment portfolio included:

- i) \$54,082,164 (84.8%) GIC's with major banks;
- ii) \$9,675,454 (15.2%) in non-traditional investments;
- iii) \$27,678 (0.0%) loan to an external party (Newmarket Soccer Club)

In the opinion of the Treasurer, all investments made were in line with the investment policies, strategies and goals adopted by the Town.

In October 2018, we purchased a \$20 million short-term, 90-day, GIC with operating funds.

### Passive investments

We earned \$2 million in interest on our bank accounts, with the split being almost even between the operating accounts and the reserve fund bank account. With the focus on possible increases to interest rates and given the favorable rate of interest received on our bank balances, a conservative approach to investing was taken during the year.

### Capital Carry-overs

The 2018 capital expenditure budget totaled \$56.2 million, after a general carryover of \$50 million. Actual expenditures were \$42.3 million, including \$24.5 million for the acquisition of the Mulock Farm Property. A preliminary total amount of \$52.8 million and \$7.2 million is to be carried over into 2019 and 2020 respectively. These are under review. A multi-year capital plan is being developed and will be presented to Council later this year.

## **Conclusion**

Implementation of the recommendations in this report will place the Town in an improved position to deal with financial sustainability, potential fluctuations in the tax rate and unforeseen events. Once results are finalized and after the external audit, if there are any additional surplus funds they will be added to the transfer to Corporate Rate Stabilization to deal with the impacts of the legislation included in Bill 148 – “Fair Workplaces, Better Jobs Act, 2017”.

## **Business Plan and Strategic Plan Linkages**

This report links to Newmarket’s key strategic directions in being Well Managed through fiscal responsibility.

## **Consultation**

There was consultation with Central York Fire Services, the Newmarket Public Library and the Strategic Leadership Team.

## **Human Resource Considerations**

Not applicable.

## **Budget Impact**

After making reserve and reserve fund transfers and other provisions which have been authorized by budget, policy or delegated authority, there is an estimated operating surplus of \$404,000. This report recommends that this amount be transferred to reserves consisting of \$50,000 for Legal, \$100,000 for General Capital, \$200,000 for Energy and the remaining \$54,000 to Efficiency/Enhancement. After the recommended reserve transfers and subject to the results of the audit, any additional operating surplus would be transferred to the Efficiency/Enhancement Reserve in accordance with policy.

## **Attachments**

Investment Summary for the Twelve Months Ended December 31, 2018

2018 Fourth Quarter Capital Expenditures and Carryovers

2018 Fourth Quarter Preliminary Operating Results

## **Approval**

Mike Mayes, CPA, CGA, DPA  
Director, Financial Services/Treasurer

Lisa Lyons  
Acting Commissioner of Corporate Services

## **Contact**

For more information, contact: Mike Mayes at 905-953-5300, ext. 2102 or via e-mail at [mmayes@newmarket.ca](mailto:mmayes@newmarket.ca)



### Reserve Fund Investment Summary for the Twelve Months Ended December 31, 2018

[illegible]



# Town of Newmarket

## 2018 Fourth Quarter

### CAPITAL EXPENDITURES

Commission / Department / Area	Year-to-Date Actual (December 31, 2018) (\$)	Budget for 2018 (\$)	% of Spending
<b><u>General Government</u></b>			
	24,763,385	29,377,129	84.3%
<b>Total</b>	<b>24,763,385</b>	<b>29,377,129</b>	<b>84.3%</b>
<b><u>Corporate Services</u></b>			
Information Technology	1,016,674	2,581,767	39.4%
Legislative Services	52,942	116,000	45.6%
<b>Total</b>	<b>1,069,616</b>	<b>2,697,767</b>	<b>39.6%</b>
<b><u>Community Services</u></b>			
Recreation & Culture Services	413,812	1,195,653	34.6%
<b>Total</b>	<b>413,812</b>	<b>1,195,653</b>	<b>34.6%</b>
<b><u>Development &amp; Infrastructure Services</u></b>			
Planning & Building	851,601	3,067,624	27.8%
Roads	6,611,392	19,979,714	33.1%
Water	1,556,817	15,703,832	9.9%
Wastewater	87,763	298,900	29.4%
Storm Water	224,700	1,907,775	11.8%
Facilities	2,119,018	5,722,376	37.0%
Parks	1,839,810	11,053,443	16.6%
Trails	102,439	1,269,439	8.1%
Other	1,395,181	5,641,417	24.7%
<b>Total</b>	<b>14,788,721</b>	<b>64,644,520</b>	<b>22.9%</b>
<b><u>Library Services</u></b>			
	275,421	568,965	48.4%
<b>Total</b>	<b>275,421</b>	<b>568,965</b>	<b>48.4%</b>
<b><u>Central York Fire Services</u></b>			
	1,254,182	7,700,795	16.3%
<b>Total</b>	<b>1,254,182</b>	<b>7,700,795</b>	<b>16.3%</b>
<b>Unallocated Adjustment</b>		<b>(50,000,000)</b>	
<b>GRAND TOTAL</b>	<b>42,565,137</b>	<b>56,184,829</b>	<b>75.8%</b>





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Town of Newmarket

2018 Fourth Quarter

OPERATING RESULTS

Departments	Year-to-Date to December 31, 2018			Full Year	
	ACTUAL	BUDGET	VARIANCE	Budget	
	\$	\$	\$	\$	
<b>Members of Council</b>					
Revenues	13,677	-	13,677	-	
Expenditures	1,229,918	1,257,654	27,736	1,257,654	
Net surplus/(deficit)	(1,216,241)	(1,257,654)	41,413	(1,257,654)	
<b>C.A.O. - Office</b>					
Revenues	91,292	168,000	(76,708)	168,000	
Expenditures	3,109,315	3,113,183	3,868	3,113,183	
Net surplus/(deficit)	(3,018,023)	(2,945,183)	(72,840)	(2,945,183)	
<b>Corporate Services</b>					
Revenues	2,377,377	1,975,471	401,906	1,975,471	
Expenditures	12,274,156	11,627,700	(646,456)	11,627,700	
Net surplus/(deficit)	(9,896,779)	(9,652,229)	(244,550)	(9,652,229)	
<b>Central York Fire Services</b>					
Revenues	345,340	327,172	18,168	327,172	
Expenditures	14,607,592	14,553,412	(54,180)	14,553,412	
Net surplus/(deficit)	(14,262,252)	(14,226,240)	(36,012)	(14,226,240)	
<b>Community Services</b>					
Revenues	8,050,356	7,281,322	769,034	7,281,322	
Expenditures	12,049,414	10,215,891	(1,833,523)	10,215,891	
Net surplus/(deficit)	(3,999,057)	(2,934,569)	(1,064,488)	(2,934,569)	
<b>Development &amp; Infra. Services</b>					
Revenues	7,532,194	9,396,041	(1,863,847)	9,396,041	
Expenditures	34,775,748	37,480,465	2,704,717	37,480,465	
Net surplus/(deficit)	(27,243,554)	(28,084,424)	840,870	(28,084,424)	
<b>Library Services</b>					
Revenues	335,337	339,190	(3,853)	339,190	
Expenditures	3,517,789	3,521,642	3,853	3,521,642	
Net surplus/(deficit)	(3,182,452)	(3,182,452)	0	(3,182,452)	
<b>General Government</b>					
Revenues	5,752,499	4,251,200	1,501,299	4,251,200	
Expenditures	4,253,660	3,392,645	(861,015)	3,392,645	
Net surplus/(deficit)	1,498,839	858,555	640,284	858,555	
<b>Debt Servicing</b>					
Revenues	3,268,978	3,365,191	(96,213)	3,365,191	
Expenditures	5,611,773	5,712,525	100,752	5,712,525	
Net surplus/(deficit)	(2,342,795)	(2,347,334)	4,539	(2,347,334)	
<b>Property Taxes</b>					
Revenues	61,830,903	61,283,530	547,373	61,283,530	
Expenditures	250,000	-	(250,000)	-	
Net surplus/(deficit)	61,580,903	61,283,530	297,373	61,283,530	
<b>Allocations</b>					
Revenues	-	-	-	-	
Expenditures	(2,486,266)	(2,488,000)	(1,734)	(2,488,000)	
Net surplus/(deficit)	2,486,266	2,488,000	(1,734)	2,488,000	
<b>GRAND-TOTAL</b>					
Revenues	89,597,953	88,387,117	1,210,836	88,387,117	
Expenditures	89,193,099	88,387,117	(805,982)	88,387,117	
Net surplus/(deficit)	404,854	-	404,854	-	





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## **Old Main Street Tertiary Plan Final Report Staff Report**

Report Number: 2019-36

Department(s): Planning & Building Services

Author(s): Meghan White

Meeting Date: April 8, 2019

### **Recommendations**

1. That the report entitled Old Main Street Tertiary Plan Final Report dated April 8, 2019 be received;
2. That Official Plan Amendment No 22 (Old Main Street Tertiary Plan), generally as attached to this report, be adopted;
3. That a Holding By-law be placed on the lands subject to the Tertiary Plan as described in this report;
4. That Engineering Services be authorized to include a budget request, for the 2020 budget, to hire a consultant to complete the Engineering Master Plan as proposed in the Old Main Street Tertiary Plan, which will consider drainage, water table levels, stormwater management, and road design, among other things;
5. That an implementing zoning by-law amendment based generally on the Draft Zoning By-law Directions for the Old Main Street Tertiary Plan be referred to a Public Meeting at a future date;
6. That following the Public Meeting, issues identified, and comments heard from the public, Committee, and those received through agency and departmental circulation of the proposed zoning by-law be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

## **Executive Summary**

This report recommends approval of the Official Plan Amendment (OPA) which amends the Official Plan to include the Old Main Street Tertiary Plan. The report highlights various policies of the Tertiary Plan, including new built form permissions of triplexes and fourplexes, a new area designated Natural Heritage, the requirement for an Engineering Master Plan and outlines how the Tertiary Plan will be implemented.

The report also speaks to how the Tertiary Plan conforms to and is consistent with all of the relevant upper level planning documents, including the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Lake Simcoe Protection Plan and the Regional Official Plan.

Finally the report outlines and addresses the public comments received prior to and at the Public Meeting; reviewing comments on built form, the Natural Heritage designation, trees, and traffic.

The report finds that the Official Plan Amendment for the Tertiary Plan, represents good planning and is in the public interest.

## **Purpose**

The purpose of this report is to recommend the approval of Official Plan Amendment (OPA) No 22 (Old Main Street Tertiary Plan) and several implementing items. This report lays out the planning rationale for approving the OPA including how it conforms to all relevant policy documents. The report also discusses comments heard at the Public Meeting and how they have been addressed.

## **Background**

In May 2017, Council passed an Interim Control By-law to pause development applications along Old Main Street, thus allowing staff the opportunity to hire a consultant and complete a Tertiary Plan. The study area consists of the properties on Old Main Street bounded by Bexhill Road to the south-west, St John's Cemetery to the north-west, Main Street By-pass to the north-east and south-east (as shown on Figure 1 below).

**Figure 1:**  
Aerial Map –  
Old Main  
Street Tertiary  
Plan study  
area



Staff have been working with SvN Planners & Architects and Dillon Consulting on the Tertiary Plan. Staff and the consultants collected data and information on the area, including conducting a walking tour to gather input from the residents. The information was compiled into two Background Reports. In February 2018, staff and SvN presented these reports to Council, outlining their findings and highlighting the opportunities and constraints identified for the area. The Background Reports were appended to Planning & Building Services Report 2018-14 and are available on the website:

[www.newmarket.ca/OldMain](http://www.newmarket.ca/OldMain).

Subsequently, staff presented three concept plans of varying densities to the public at a workshop event in April 2018. The summary of that event and the three land use concepts are also available on the website.

Staff and SvN took the comments submitted at the workshop and drafted the Tertiary Plan document. In September 2018, it was presented to the public. Feedback was received on the draft and changes were made, the new version was dated January 2019. This was the version presented at the Public Meeting on February 4<sup>th</sup>, 2019. The comments heard throughout the process are summarized and responded to in the Consultation section of this report below.

## Discussion

### The Plan

The Old Main Street Tertiary Plan provides direction on the possibilities of redevelopment along Old Main Street. The process to create the Tertiary Plan incorporated planning, transportation and servicing reviews and analysis of relevant background information, as well as a robust public and stakeholder consultation process.

Through the process, a vision and guiding principles for the Tertiary Plan were created and vetted. The determined vision for Old Main Street is that the Old Main Street Neighbourhood will retain its rural, cottage-like and scenic natural character, while accommodating contextually-sensitive development. The guiding principles for future development are that the neighbourhood will be planned and designed in a manner which:

- Respects the existing natural heritage system and topographical conditions;
- Enhances existing landscaping and open space features, while introducing new and improved stormwater management facilities;
- Facilitates the establishment of new pedestrian connections, gateway features, and the enhancement of Old Main Street;
- Respects prevailing site, building and architectural characteristics.

### Policies

Official Plan Amendment No. 22 amends the residential policies (Section 3) of the Official Plan. In addition to singles and semis that are currently permitted by the Official Plan, the new policies also permit triplexes and fourplexes.

These kinds of built form are important for the Town's growth as they offer a variety of housing types rather than just single detached dwellings or apartment buildings. A variety of housing is important for urban growth because it can be constructed faster than apartments, can suit irregular lot patterns, and can encourage a variety of builders with different backgrounds to build. This kind of built form is able to maintain existing street patterns including lot sizes, landscaping standards, and light penetration. This style of housing is often more human-scale and creates more walkable neighbourhoods. This kind of housing can be more affordable because it is faster to build, is accessible to a greater number of builders/designers who may have different goals, and construction costs can be, generally, cheaper per square foot.



**Figure 2:**  
Examples of  
(from right to  
left, top to  
bottom): single  
detached,  
semi-  
detached,  
triplexes, and  
fourplexes



The policies aim to blend additional units into the neighbourhood using thoughtful site planning to minimize impacts on the existing residents. The Tertiary Plan also has design policies which maintain the vision for the Old Main Street neighbourhood and controls built form. Such policies address matters pertaining to building height and massing, building elements, garages and driveways, setbacks and landscaping, special features, and built heritage. Official Plan policies do not typically get specific with regard to site and building design; they have been included in the Tertiary Plan in lieu of a separate architectural or urban design guideline.

To permit some intensification, the Tertiary Plan policies allow for the consideration of private roads, which would allow for additional development off of Old Main Street. In some cases, some properties would have to be consolidated to accommodate private road redevelopment.

The Official Plan Amendment extends the Natural Heritage Area designation from the approved redevelopment at Bexhill (172-178 Old Main St) through to the St John Cemetery. The location of the designation was based on a desktop review of the following:

- Geospatial information provided by the Town, including the Official Plan Schedules and LSRCA regulatory floodplain;
- Geospatial information identified through Land Information Ontario;
- East Holland River Subwatershed Plan (LSRCA 2010); and
- Natural Heritage Information Centre (NHIC).

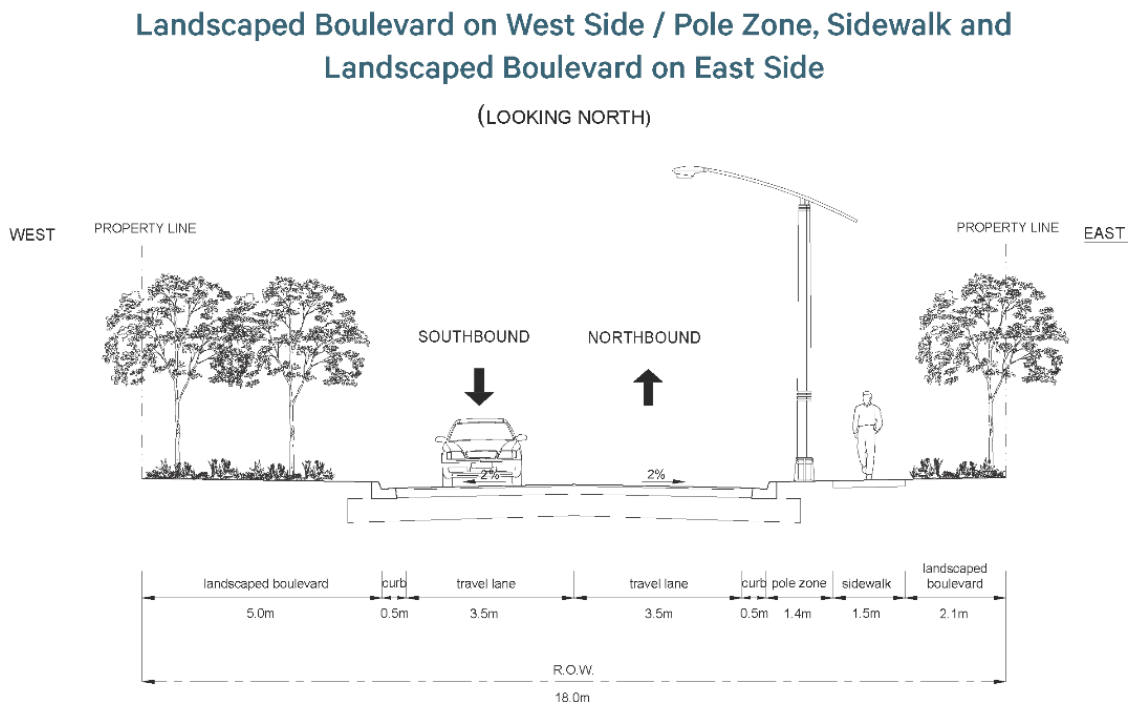
The Natural Heritage policies of the Tertiary Plan reference back to the Official Plan's Natural Heritage section to maintain consistency.

The Implementation section of the Tertiary Plan outlines that properties should be consolidated to ensure a comprehensive and complete redevelopment is contemplated. The Tertiary Plan speaks to encouraging consolidation whenever possible.

The consultants have also prepared a guidance document for the implementing zoning by-law, which is attached as Appendix C – Draft Zoning By-law Directions. This report recommends that a Holding Provision be put in place to ensure the requisite works and studies are completed prior to significant redevelopment taking place. Staff will continue to work on the zoning by-law amendment that will implement the policies of the Tertiary Plan. This will be a Town-initiated zoning by-law amendment and this report is also requesting permission to hold a Public Meeting for that amendment.

### Proposed streetscape

The Tertiary Plan presents a preferred streetscape which would modernize the street and allow for additional infrastructure, including an underground storm pipe. It is theorized that an underground storm pipe will be required to accommodate future development as well as improve some of the stormwater management in the area. The Engineering Master Plan, discussed below, will review the stormwater management requirements and the road redesign and make recommendations about how to proceed.



### Engineering Master Plan

In terms of the infrastructure and engineering component, further detailed study is required. The policies require the town to undertake an Engineering Master Plan (EMP) to study the stormwater management and drainage patterns of the area. The EMP will



have to consider the overall drainage of the area including stormwater management (with upstream and downstream considerations) and water table levels. It could also consider the more detailed design of the road layout and how to incorporate all road elements from the preferred concept while dealing with a more compact road right of way. It is anticipated that any works required out of the EMP could be, at least partially, funded through development charges. The recommendations of this report give authorization/direction to Engineering Services to put forward a budget request for the 2020 fiscal year to hire a consultant to undertake the EMP.

### **The Zoning By-law**

Staff have recommended that a Holding By-law be placed on the lands subject to the Tertiary Plan, a draft by-law is attached in Appendix B. The normal and regular use of the underlying zoning (R1-B in most cases) would still be permitted. The Holding Provision would restrict future redevelopment until the Engineering Master Plan has been completed, lands have been consolidated, and servicing allocation granted.

Later this year, staff are intending to bring forward an implementing zoning by-law based on the Draft Zoning Directions document provided by SvN. This will codify some of the site and building design policies into law. This report also seeks approval to hold the public meeting for that zoning by-law amendment at a future date.

### **Plan Conformity and Consistency**

The *Planning Act* requires that a decision of Council shall be consistent with the policy statements issued under subsection (1) of the Act, and shall conform with provincial plans in effect on that date, or shall not conflict with them. The policy statement is the Provincial Policy Statement (the “PPS”). The provincial plan relevant to this area of Newmarket is the Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”).

#### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters “shall be consistent” with the policy statement.

Section 1.1.3 of the PPS communicates that settlement areas shall be the focus of growth and development, and that their vitality and regeneration be promoted. Further, settlement areas shall be based on densities and a mix of land uses that promote appropriate development standards to facilitate intensification, redevelopment and compact form.

The Tertiary Plan is consistent with the PPS in that it is considering redevelopment and intensification that uses existing infrastructure services while being sensitive to the existing neighbourhood.

## **Growth Plan**

The Growth Plan contains policies directing that municipalities create complete communities, reduce the dependence on private automobile through mixed-use and transit-supportive development; provide for high quality public spaces; support transit, walking, and cycling; implement minimum affordable housing targets in accordance with the PPS; and achieve an appropriate transition of built form to adjacent uses.

The Tertiary Plan aligns with, and conforms to, the objectives of the Growth Plan as it is encouraging a mix of housing forms with a high standard of urban design.

## **York Region Official Plan**

Decisions with respect to planning matters are required to conform to the York Region Official Plan (YROP). The YROP designates this site as part of the “Urban Area”. This designation allows for urban development.

Section 8.3.8 of the Region’s Official Plan allows for municipalities to request an exemption from Regional approval of an official plan amendment, if it can be demonstrated that it will not adversely affect any Regional interests. The area subject to the Old Main Street Tertiary Plan is within the urban boundary of Newmarket, the OPA is of local importance, and will not adversely affect any Regional interests. Specifically, the proposed plan will not adversely affect the Regional Greenlands system as the proposed Natural Heritage System and Floodplain and Hazard Lands designations generally cover the same area; thus further enshrining the protections of the ROP into the Town’s Official Plan. The Region has granted an exemption from their approval of the OPA and their staff is satisfied that Regional interests will not be negatively impacted and that the Tertiary Plan conforms to the Regional Official Plan policies.

## **Lake Simcoe Protection Plan**

The Lake Simcoe Protection Plan (LSPP) is a provincial plan which looks to the preservation and enhancement of Lake Simcoe as a significant water body. The policies of the LSPP speak to stormwater management, subwatershed planning, wetland protection, watercourse protection, natural heritage planning, significant valley lands, ecological offsetting and phosphorus offsetting. The Lake Simcoe Region Conservation Authority administers the LSPP and has advised that the Tertiary Plan conforms to the relevant sections of the LSPP. LSCRA staff have reviewed the draft Plan and are generally satisfied with the proposed policies and mapping.

## **Newmarket Official Plan**

The subject lands are designated Stable Residential with a portion subject to the Floodplain Hazard Overlay.

The Stable Residential designation permits single and semi-detached units. The objectives of the Stable Residential designation are to provide for a range of residential accommodations by housing type, tenure, size, location and price ranges and

encourage the provision for a range of innovative and affordable housing types, zoning standards and subdivision design. The Official Plan in Section 3.7 allows for intensification and infill development in Stable Residential areas that is compatible with the surrounding neighbourhood.

The Tertiary Plan allows for gentle intensification that will permit a mix of housing forms while being compatible with the existing neighbourhood. This is in keeping with the general intent and overall direction of the Official Plan and the residential policies.

It is staff's opinion that the policies of the OPA 22 (Old Main Street Tertiary Plan) represent good planning and are in keeping with the Town's own policies as well as all higher level Regional and Provincial Plans.

## **Consultation**

Extensive public consultation has been held over the two years of this project. Summary reports of the events are available on the Town's website. In addition to the three formal events, staff have had several meetings and many phone calls with residents. There has also been an opportunity to participate online through [HeyNewmarket.ca](http://HeyNewmarket.ca). Through these various mediums many comments were received. They are summarized and addressed below.

### **Public Comments**

At, and prior to, the Public Meeting staff heard that residents have concerns that the Tertiary Plan does not go far enough in allowing for intensification and redevelopment. Some residents want to see additional units and a different housing form, specifically townhouses, to maximize the value of their property, to conform with the Growth Plan, to down size and remain in the neighbourhood, and in support of the GO Station at Main St and Davis.

By permitting a combination of singles, semis, triplexes, fourplexes, the Tertiary Plan permits a degree of intensification, in a form which is generally in keeping with the prevailing neighbourhood character. Tri-plexes and fourplexes can be designed in such a manner that they look and feel like single detached and semi detached dwellings, thus allowing additional dwelling units without departing from the feel of the street. As townhouse create a continuous block of development, they are perceived differently from the street and would be a departure from the existing rhythm of the street. Fourplexes and triplexes can achieve the appropriate level of density while maintaining the character of the street.

The Region recently released an Intensification Area document which provides guidance on how to intensify around mass transit stations. The document specifically looks at the area surrounding the Main/Davis Go Station and does not extend the intensification area as far north as Old Main Street. The Intensification Area around the station has been previously studied by the Town and it was decided that it would not include established

residential areas in much closer proximity to the station. It would therefore, not be logical, to leap frog those neighbourhoods to include Old Main Street in the Intensification Area.

The Growth Plan and the PPS both call for intensification within urban areas where appropriate. For Newmarket specifically, the Growth Plan has indicated where Newmarket should intensify, mainly around the intersection of Yonge and Davis. The Town's Secondary Plan has further extended that area to include most of the Yonge and Davis corridors. That is not to say that other areas will not change or be redeveloped, but that most of the intensification shall be directed to the corridors. The PPS and Growth Plan also speak to including a variety of housing forms to meet the needs of all residents, at all stages of life and from all societal groups. As discussed in this report, the proposed forms of housing permitted by the Tertiary Plan will provide a variety of homes to meet the needs of people needing smaller accommodation with less maintenance.

The majority of properties along Old Main Street are zoned Residential Detached Dwelling 30m (R1-B); the Official Plan permits singles and semis. The only form of development that is currently permitted without a major Planning Act application (i.e. official plan or zoning by-law amendment) is a single detached dwelling. The Tertiary Plan adds additional permissions for triplexes and fourplexes. This has simplified any redevelopment proposal by taking away the need for official plan amendment and rezoning applications; in theory making it easier for lands to be redeveloped in the future.

Larkin+ submitted a letter with a sketch demonstrating how the northern properties could be redeveloped with semis and townhouses. Staff appreciate the effort of the residents to communicate their desires in a thorough and professional manner. However, there are concerns that this redevelopment, as proposed, would not meet our draft zoning directions, therefore it would not be in keeping with the site and building policies of the Tertiary Plan whose intent is to ensure that redevelopment feels like a continuation or extension of the existing neighbourhood. The proposed level of intensification could likely be achieved using semis, triplexes and fourplexes, probably with more success at conforming to the site and building policies.

At the Public Meeting staff also heard that residents are concerned that the Tertiary Plan policies will allow for an over-development of the area and negatively impact current residents and nearby residents. There was specific mention of the density permission of 1.0 FSI. The intention of the Plan and Study was to determine how much density could be supported and would be appropriate for this area. Through the process it has been determined that some intensification can be supported and that gentle intensification is appropriate. The intent of the Plan, with the specific site and building design policies, is to control any redevelopment such that it will be an extension of the existing neighbourhood in look and feel. The Plan seeks to achieve the balance between some intensification and significantly altering the neighbourhood.

The draft policies regarding floor space index and lot coverage are intended to apply broadly to the full range of building typologies and lot conditions. In doing so, it accounts for the most constrained of these conditions (i.e. largest potential building mass on smallest potential lot). In that respect, these numbers are consistent with comparable policy initiatives in other municipalities with similar conditions. It is also intended to provide a degree of flexibility at the Official Plan level, with the option of providing a finer grain level of regulation at the zoning stage, broken down by specific building typology. That level of detail warrants consideration at the rezoning stage. The ultimate massing potential of a building is determined by a combination of factors at the zoning level including lot coverage, setbacks, separation distances, finished floor height, building height, building width and depth, gross floor areas, etc. Of these, regulations for building width and depth, in particular, will be significant limiting factors when it comes to building mass, regardless of lot size and FSI permissions.

### **Natural Heritage**

At, and prior to, the Public Meeting, staff heard there was a concern with the size and boundary of the Natural Heritage designation. The Tertiary Plan Natural Heritage policies, and the location of the designation as shown on Schedule A (of the OPA, attached as Appendix A), are a reflection of the research, findings and recommendations of Dillon Consulting, as a sub-set of the Engineering component of the Tertiary Plan Study.

The slope of lands along the west side of Old Main Street is a consideration for the Natural Heritage System boundary. However, it is primarily a concern between the properties at 172 and 210 Old Main Street, and less of a concern for the properties to the north. This is only one of several factors which were used as the basis of determining the extents of the proposed Natural Heritage System. The other factors include, but are not limited to, drainage and stormwater management, the preservation of existing ecological functions, the protection of existing woodlots and naturalized areas, the achievement of municipal tree canopy targets, and the provision landscape buffering requirements between development and natural heritage features. It is important that all of these factors are considered, and balance the desire for development against the potential need for the protection of environmental features.

The policies within the draft Tertiary Plan explicitly state that portions of the Natural Heritage System may be subject to development, pending the findings of an Environmental Impact Study and to the satisfaction of the Town and the Lake Simcoe Region Conservation Authority. The Plan also states that an amendment to the Tertiary Plan is not required for minor adjustments to the Natural Heritage System boundary, if deemed advisable by Council.

Part of the Natural Heritage Area includes a 30 m buffer from the floodplain. The buffer is a setback from the edge of the flood line that identifies the regulated area within which the LSRCA has jurisdiction over proposed developments (and may issue permits for

development). The 30m buffer is a conservative estimate of the regulated area and may need to be verified with further detailed study.

### **Trees and Woodlot**

Staff have heard at, and prior to, the Public Meeting that residents have concerns that part of the area designated Natural Heritage is stand of Scots Pine planted by the property owner and is therefore not 'natural' nor 'heritage'. They raised concerns that the pines were diseased and would harm the rest of our urban forest if preserved. Forestry staff have reviewed the materials submitted by the residents and offer the following comments.

An arborist report completed by Kuntz Forestry Consulting (dated May 3, 2017), provided by the residents, outlines the wooded area as a remnant scots pine plantation with regenerating sugar maple, among other hardwood species. The total density of this unit is 5400sph and therefore qualifies as a portion of the woodlot. This indicates that the scots pines are being pushed out by the regenerating sugar maples and other hardwoods which is a normal progression of a woodlot. Scots pine tend to be not long lived and will give way to hardwoods that will eventually form a permanent forest cover. There is a disease in pines that affects scots and red pines but these diseases are restricted to conifers only and will not affect all of the Town's trees.

The fact the pines are dying is not unusual, there are a number of diseases that affect pine trees. The Kuntz report says that the hardwoods are regenerating indicating a healthy forest environment. In some of the correspondence, there was a mention of pine wilt, this is a disease mostly restricted to scots pines. All species of pine trees, including austrian pine, scots pine, red pine, white pine, and mugo pine, comprise 11% of the Town's total tree canopy. Therefore pine tree diseases do not threaten the overall municipal canopy.

Residents have mentioned the mature oaks in the area are also in decline, suspected to be caused by the disease from the scots pines. There are many factors that can result in the decline or death of a tree including but not limited to climate, draught, too much water, pollution, insects and pests, diseases, nutrient deficiencies, and other soil problems. The decline of the oak trees may be related to the decline of the pines but since they are two different species they are most likely declining for different reasons.

The treed area (woodlot) is only a portion of the reason for the for the Natural Heritage designation. Establishing this designation is in keeping with the Town's Official Plan policies, goals and targets to increase the tree coverage and additional tree canopy. Therefore the establishment of this new Natural Heritage area is consistent with the Town's Official Plan policies. This new designated area is contiguous to an area with an Open Space Environmental Protection zone, which starts to create a small corridor and habitat for wildlife.

Schedule A of OPA 22 shows the general location of the Natural Heritage Designation. The exact size and precise location of the boundary will be determined through

redevelopment application(s) as appropriate. Then the boundary location will be based on specific needs of the proposal and detailed technical studies considering the impact of the proposal and the existing conditions.

## **Traffic**

Residents have proposed stopping up and closing Old Main as a through street. Their proposal includes allowing pedestrian traffic but no longer allowing vehicle traffic to travel the entire length of Old Main Street. The proposed physical separation would be achieved by bollards with the intent of minimizing the impacts of redevelopment on existing residents. The Transportation Division does not support stopping up and closing public roads. It is not the Town's practice to close off streets to provide traffic calming to areas, or to mitigate concerns about redevelopment as it could negatively impact service delivery of fire and emergency services, garbage collection, snow clearing, and general maintenance. A stop-up and closure of a road is a legal process and may require a Class ESR Schedule B, which is a costly process in terms of resources, time and budget.

Specifically for Old Main Street, the traffic volumes are not excessive. The Background Study completed by Dillon, indicated the road could physically handle additional traffic generated by redevelopment. Traffic is not a limiting factor on redeveloping the area. Through the public consultation process, residents often reported concerns with current traffic volumes and speed of cars on the road. Although there are no engineering concerns with traffic volumes, concerns have been expressed about speeding cars; it feels like cars are going too fast through the neighbourhood. In order to address this concern, consideration for traffic calming measures could be included in the redesign of the road. This can be further reviewed through the proposed Engineering Master Plan, if authorized.

## **HeyNewmarket**

There were a few comments received online through HeyNewmarket, primarily they centered around the proposal for detached accessory dwelling units or 'granny flats'. The online commenters were not in favour of granny flats, this echoes the strong sentiment from the in-person engagements. The permission for external accessory apartments was removed in the January edition in the plan. A policy explicitly permitting internal accessory dwelling units in single and semi-detached dwellings has been added at the request of the Region. This is consistent with the parent Official Plan which also has this permission. Other comments received through HeyNewmarket have been addressed in other areas of this report.

## **Agency Comments**

York Region has reviewed both the September and January versions of the Tertiary Plan. All of the changes suggested through their review have been accommodated. The

Region is generally satisfied with the Official Plan Amendment and granted the Plan exemption from Regional Approval.

The Lake Simcoe Region Conservation Authority (LSRCA) has also reviewed both the September and January versions of the Tertiary Plan. Staff have been able to address all of their changes and suggestions. They are satisfied with the Tertiary Plan.

## **Conclusion**

It is staff's opinion that OPA No. 22 (Old Main Street Tertiary Plan) represents good planning and is in the public interest.

The next steps include sending out the Notice of Decision, waiting for the appeal period to expire, starting the public process for the area specific zoning by-law amendment, and hiring a consultant to undertake the Engineering Master Plan.

## **Business Plan and Strategic Plan Linkages**

### **Living Well**

- Traffic and growth management strategies

### **Well Balanced**

- Meeting the needs of all life-cycle stages

### **Well-equipped & managed**

- Efficient management of capital assets and municipal services to meet existing and future operational demands
- Varied housing types, affordability and densities

### **Well planned & connected**

- Long-term strategy matched with a short-term action plan
- Improving interconnectivity and interaction amongst neighbours and neighbourhoods

## **Human Resource Considerations**

None.

## **Budget Impact**

Ultimately there could be budget impacts if Council decides to pursue the preferred street scape for the entire street, although some of the reconstruction costs have been accounted for in the recent Development Charges Background Study.



There will be a cost to undertake the Engineering Master Plan, a cost estimate would be provided through the 2020 budget process.

## **Attachments**

Appendix A – Draft OPA No. 22 and Old Main Street Tertiary Plan

Appendix B – Draft Holding By-law

Appendix C - Draft Zoning By-law Directions

## **Approval**

Jason Unger, MCIP RPP, Assistant Director Planning and Building Services

Richard Nethery, BES MCIP RPP, Director Planning and Building Services

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

## **Contact**

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**AMENDMENT NO. 22  
TO THE  
TOWN OF NEWMARKET  
OFFICIAL PLAN**

**AMENDMENT NO. 22  
TO THE  
NEWMARKET  
OFFICIAL PLAN  
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## **Part A – The Preamble**

### **1. Purpose of the Amendment**

The purpose of this amendment is to implement the Old Main Street Tertiary Plan by:

Adding Section 3.11 to the Official Plan to add the Tertiary Plan to the Official Plan for lands generally on either side of Old Main Street, between Bexhill Road and Main Street North, identified on Schedule 3;

re-designating on Schedule 'A' Land Use Plan, the existing residential area on Schedule 1 from the Stable Residential designation to the Tertiary Plan Residential designation;

re-designating on Schedule 'A' Land Use Plan, the existing Stable Residential designation identified on Schedule 1 to the Natural Heritage System designation;

adding to Schedule 'B' Natural Heritage System the Tertiary Plan designation on the lands identified on Schedule 2; and

adding Schedule 'H' Old Main Street North Tertiary Plan Area to indicate the lands subject to the Old Main Street Tertiary Plan as shown on Schedule 3.

### **2. Location**

The Old Main Street Tertiary Plan specifically addresses properties which front onto either side of Old Main Street, between Bexhill Road and Main Street North. However, consideration is also given to all publicly and privately-owned lands which are generally bounded by Bexhill Road to the south, Main Street North to the east, properties fronting onto the south side of Dover Crescent to the north and St. John Cemetery to the west. The current use is residential and includes primarily single family dwellings, with some accessory units. Surrounding uses include additional low density residential to the north, townhouse units and a four-story condominium apartment building across the Main Street By-pass to the east, and residential uses to the west and south. The subject lands are shown on Schedule 3.

### **3. Basis of the Amendment**

The purpose of the Old Main Street Tertiary Plan is to provide a detailed land use plan and policies to guide land use and development in accordance with the provisions of provincial plans and policies, the York Region Official Plan and the Town of Newmarket Official Plan. The Plan must be read in conjunction with the applicable policies of the Town of Newmarket Official Plan.

The Old Main Street Tertiary Plan provides direction on the possibilities of redevelopment along Old Main Street. The Tertiary Plan incorporates planning, transportation and servicing reviews and analysis of relevant background information, as well as a robust public and stakeholder consultation process. Policies have been prepared to address all relevant matters with respect to land use, density, stormwater management, low impact development, transportation and servicing infrastructure, open space and natural heritage. Additionally, the Tertiary Plan incorporates urban design policies which aim to reinforce the character of the Old Main Street neighbourhood. Such policies address matters pertaining to building height and massing, building elements, garages and driveways, setbacks and landscaping, special features, and built heritage. The Old Main Street Tertiary Plan forms part of an amendment to the Town of Newmarket Official Plan, and will be used to inform an amendment to the Town of Newmarket Zoning By-law.

### **Part B – The Amendment**

All of this part of the document entitled “Part B – The Amendment”, consisting of the attached document and schedules, constitutes Amendment No. 22 to the Newmarket Official Plan.

#### **1. Amendment**

The Newmarket Official Plan text is hereby amended by adding Section 3.11:

##### **3.11 Old Main Street Tertiary Plan**

The lands identified on Schedule H are subject to the policies of the Old Main Street Tertiary Plan which forms part of the Town of Newmarket Official Plan.

The Old Main Street Tertiary Plan must be read in conjunction with the policies of this Plan.

#### **2. Schedules**

Amendment to Schedules “A” and “B” of the Official Plan

i. Schedule “A” of the Official Plan is hereby amended by removing certain lands from the “Stable Residential” designation and replacing it with the “Natural Heritage System” designation and removing certain lands from the “Stable Residential” designation and replacing it with the “Residential (Old Main Street Tertiary Plan)” designation, as shown in Schedule 1 of this Amendment.

ii. Schedule “B” of the Official Plan is hereby amended by adding certain lands to the Natural Heritage System – Old Main Street Tertiary Plan designation as shown in Schedule 2 of this Amendment.

ii. Schedule “H” of the Official Plan is hereby added to indicate the lands subject to the Old Main Street Tertiary Plan as shown in Schedule 3 of this Amendment.

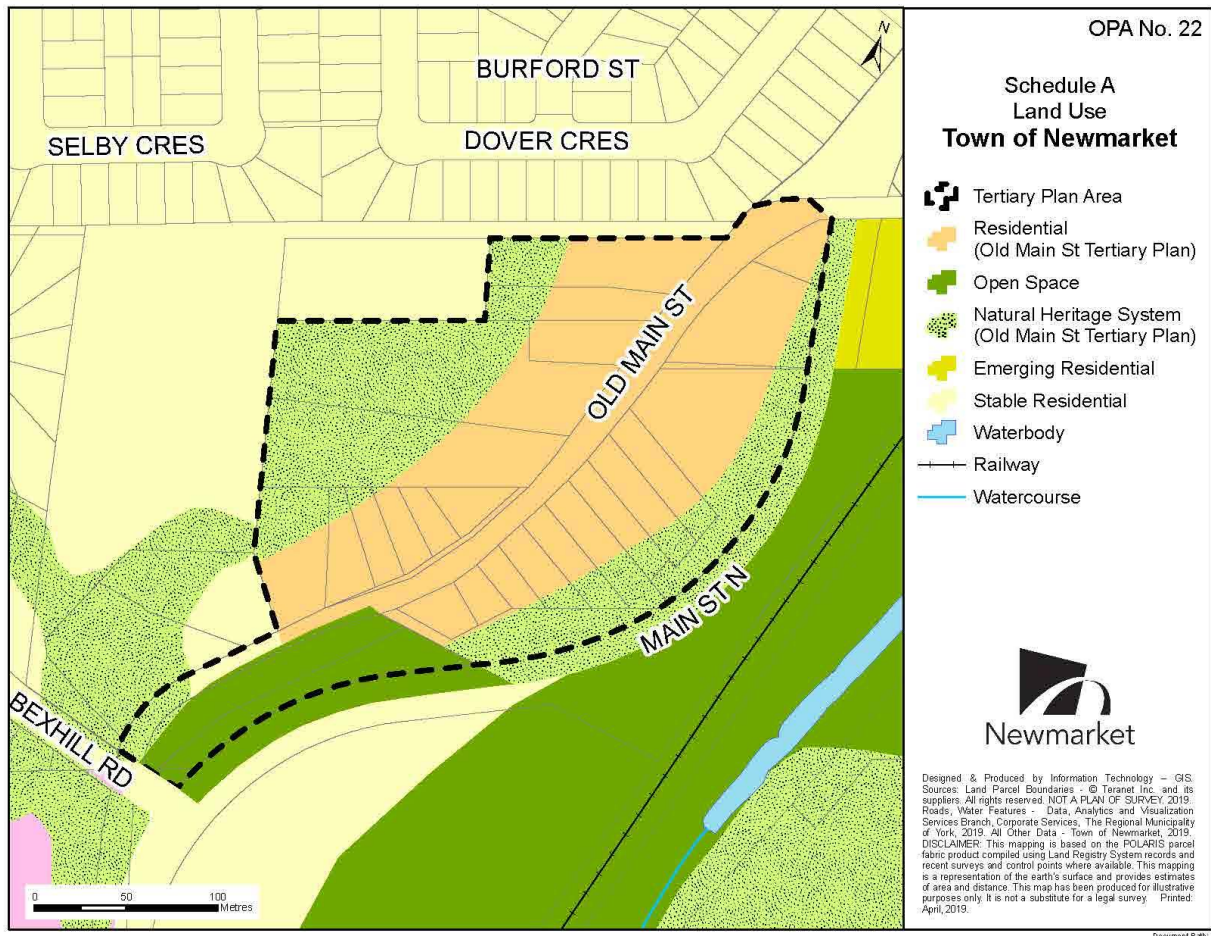
### **3. Implementation and Interpretation**

This Amendment to the Official Plan will be implemented as follows:

#### **a) Zoning By-law**

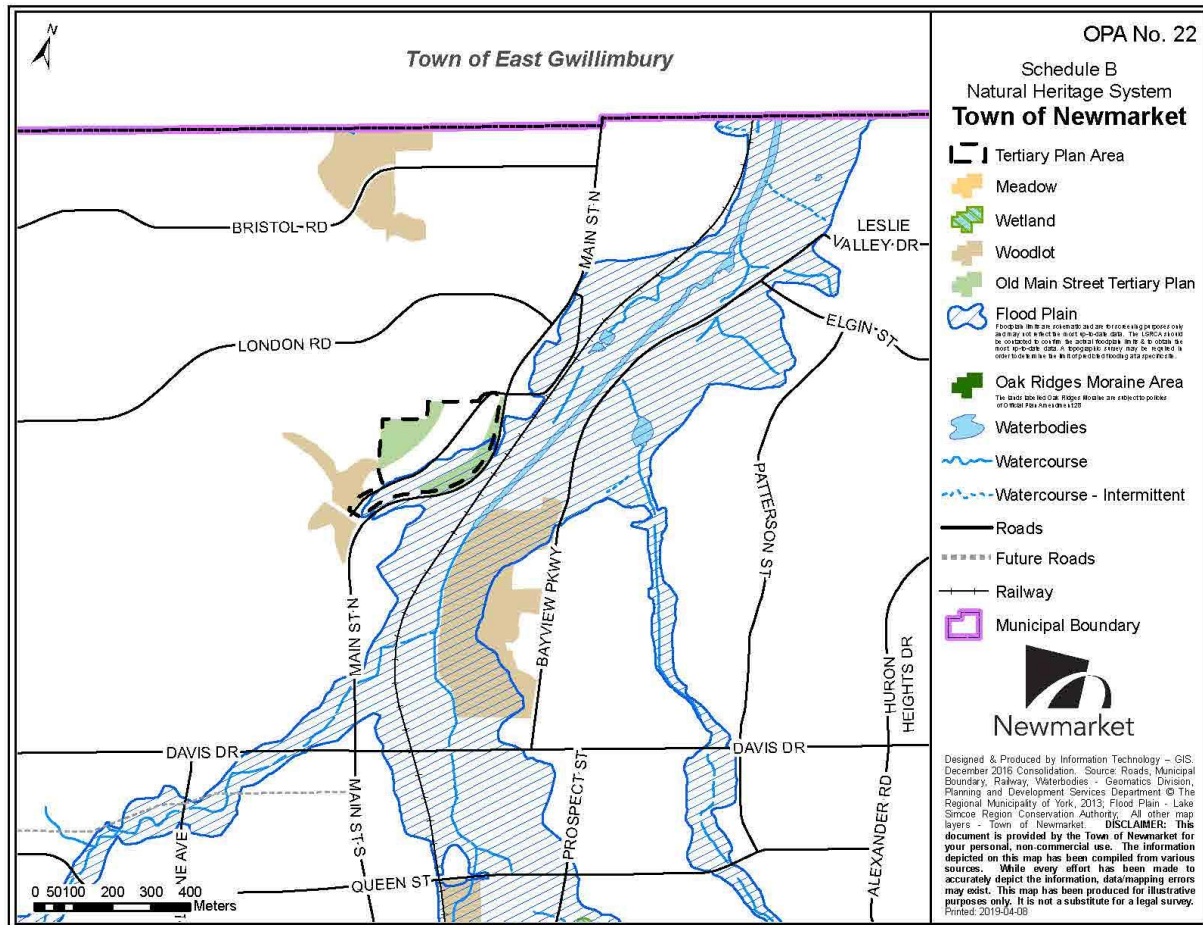
It is Council's intent to implement this Amendment, in part, by enacting an appropriate zoning by-law pursuant to the provisions of the Planning Act, R.S.O. 1990, C.P. 13, on the lands affected by this Amendment.

#### 4. Schedule 1

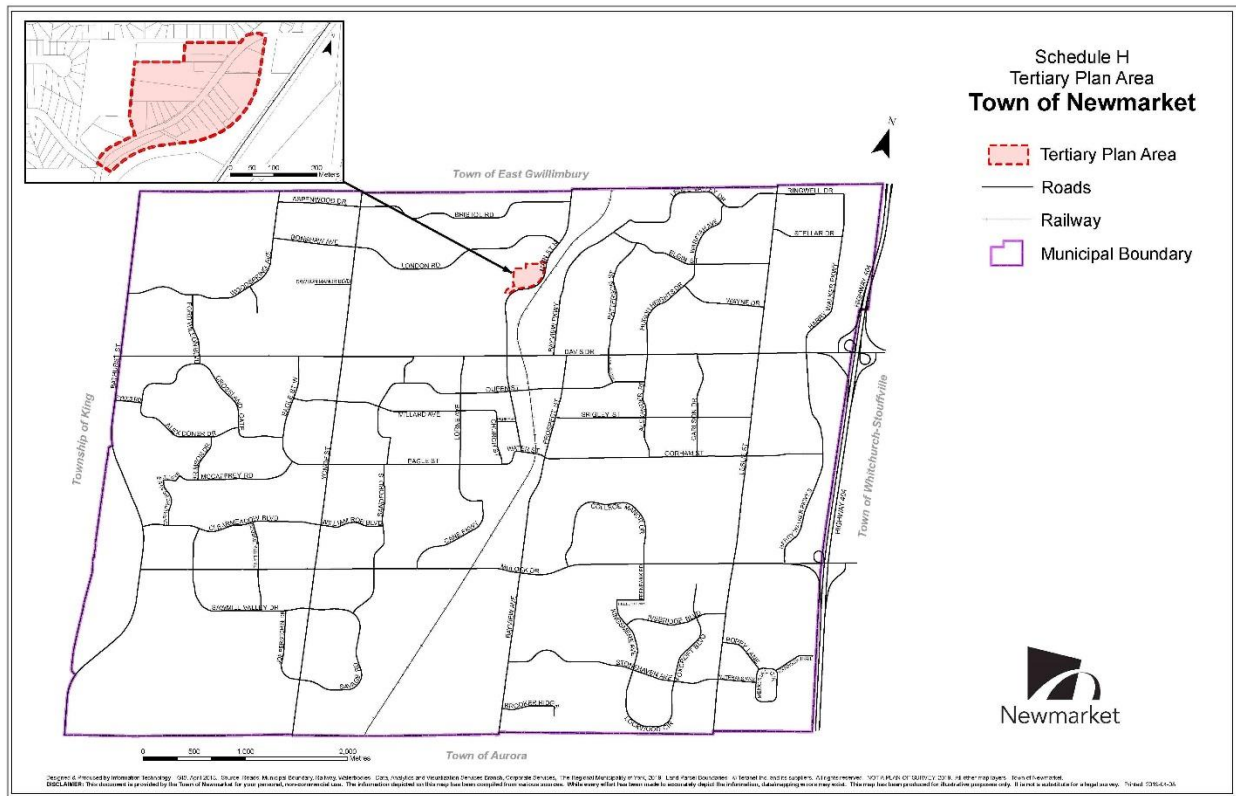




## 5. Schedule 2



## 6. Schedule 3 – New Schedule H (Old Main Street Tertiary Plan Area) of the 2006 Official Plan



**TOWN OF NEWMARKET**  
OLD MAIN STREET  
TERTIARY PLAN

**FINAL REPORT**

APRIL, 2019

**SvN**













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# 1.0 INTRODUCTION

## 1.1 Overview

Newmarket is poised for growth. While the majority of this will occur through the redevelopment of the Davis Drive and Yonge Street corridors, other areas of the Town are facing development interest. One of these areas is the Old Main Street Neighbourhood.

The character of the Old Main Street Neighbourhood has been influenced by a hierarchy of provincial, regional and municipal policies and regulations, as well as a number of historic and spatial elements, which combine to create a distinct ‘sense of place’ and continue to inform future development patterns. Such development has contributed toward the incremental evolution of neighbourhood character over time.

Old Main Street is a very old street and was established prior to modern engineering and planning standards. It has “developed” organically over the years and without an overall or consistent plan. The lotting is haphazard; there are some fairly large lots and some lots which are much smaller.

Recently there has been an increased interest in redeveloping some of the larger properties along Old Main Street. As redevelopment was not previously considered in this area, it was determined this was an appropriate time to pause redevelopment in the area and undertake a study to determine what is the best form of, and best course of action for, redevelopment. The study resulted in this Tertiary Plan. A Tertiary Plan is a mini secondary plan. It is a policy document which sets out guidelines for development within a certain, small and specific area within the municipality. Tertiary Plans consider all of the planning elements that official plan and secondary plans speak to, such as density, unit type and housing mix, and land use.

## 1.2 Purpose of the Tertiary Plan

The purpose of the Old Main Street Tertiary Plan is to provide a detailed land use plan and policies to guide land use and development in accordance with the provisions of provincial plans and policies, the York Region Official Plan and the Town of Newmarket Official Plan. The Plan must be read in conjunction with the applicable policies of the Town of Newmarket Official Plan.

The Old Main Street Tertiary Plan provides direction on the possibilities of redevelopment along Old Main Street. The Plan incorporates a planning, transportation and servicing review and analysis of relevant background information, as well as a robust public and stakeholder consultation process. Policies have been prepared to address all relevant matters with respect to land use, density, stormwater management, low impact development, transportation and servicing infrastructure, open space and natural heritage. Additionally, the Plan incorporates urban design policies which aim to reinforce the character of the Old Main Street neighbourhood. Such policies address matters pertaining to building height and massing, building elements, garages and driveways, setbacks and landscaping, special features, and built heritage. The Old Main Street Tertiary Plan forms part of an amendment to the Town of Newmarket Official Plan, and will be used to inform an amendment to the Town of Newmarket Zoning By-law.

### 1.3 Location and Description of the Tertiary Plan Area

The Old Main Street Tertiary Plan specifically addresses properties which front onto either side of Old Main Street, between Bexhill Road and Main Street North. However, consideration is also given to all publicly and privately-owned lands which are generally bounded by Bexhill Road to the south, Main Street North to the east, properties fronting onto the south side of Dover Crescent to the north and St. John Cemetery to the west.



Aerial Map - Old Main Street Study Area



# 2.0 VISION AND GUIDING PRINCIPLES

## 2.1 Vision Statement

The Old Main Street Neighbourhood will retain its rural, cottage-like and scenic natural character, while accommodating contextually-sensitive development. Future development will be planned and designed in a manner which respects the existing natural heritage system and topographical conditions; enhances existing landscaping and open space features, while introducing new and improved stormwater management facilities; facilitating the establishment of new pedestrian connections, gateway features, and the enhancement of Old Main Street; and respecting prevailing site, building and architectural characteristics.

## 2.2 Guiding Principles

### **Respect the Natural Heritage System and Existing Topography.**

Existing woodlots are encouraged to be protected, and significant natural heritage features are encouraged to be retained, in order to maintain a contiguous natural heritage system and to assist in the Town achieving the Official Plan's woodland and canopy cover targets. Adequate buffers and open space linkages should be provided, in order to protect local wildlife habitat. Elements of the natural environment should be incorporated into future development, and existing topographical conditions should be respected.

### **Enhance Landscaping and Open Space Features.**

The existing informal open space and recreational area should be enhanced, and existing landscape buffers should be improved to mitigate acoustic and visual impacts associated with Main Street North. A new stormwater management facility may be introduced at the foot of Old Main Street, to increase flood storage capacity, mitigate flooding and stormwater runoff, and improve stormwater treatment. The use of soft and permeable front yard landscaping is encouraged.

### **Establish Pedestrian Connections and Gateway Features.**

Pedestrian connections should be provided to surrounding park, open space, natural heritage, trail, and public transit networks. Gateway treatments should be established at either end of Old Main Street, through the provision of accent planting, enhanced landscaping, traffic calming measures, special surface paving treatments, and signage.

### **Enhance the Design of Old Main Street.**

The design of Old Main Street should be enhanced, while acknowledging its quiet, meandering and rural character. The street should be re-graded and re-paved. Shoulder areas should be formalized. Subject to further assessment, it is proposed that the existing swale and road ditch drainage system be eliminated and frontage runoff be directed to a new road storm sewer. The new road should be urbanized with curbs and gutters. Street trees should be planted, where possible. Sidewalks and landscape buffers should be introduced. Low Impact Design should be utilized to control stormwater, where possible.

### **Respect Prevailing Site Design Characteristics.**

The predominant east-west alignment of existing lots should be maintained along Old Main Street, with primary building façades and entrances of the dwellings closest to Old Main Street oriented towards the street. Private roads are also considered. The varied and porous character of Old Main Street, as well as prevailing front and side yard setbacks, should be acknowledged. Unobstructed views should be promoted between dwellings and adjacent streets and open spaces. Sky views, sunlight penetration, and privacy between adjacent properties should be maintained. Driveways and curb-cut widths should be minimized, and all parking should be provided within the lot.

### **Respect Prevailing Building Design and Architectural Characteristics.**

A diverse and eclectic mix of traditional and contemporary architectural styles should be encouraged. The “cottage-like” character of many existing dwellings should be acknowledged. Finished ground floor heights should be minimized relative to established grade, in order to establish positive interfaces between buildings and the adjacent street. The prevailing rhythm of entrances, windows, address signage, wall-mounted lighting, and weather protection elements should be acknowledged. The prevailing character of 1 to 2 storey dwellings should be reflected, and issues contributing to perceived increases in building height should be mitigated. An appropriate variety of roof styles and building materials should be encouraged.

# 3.0 LAND USE AND DENSITY

## 3.1 Introduction

The Old Main Street Neighbourhood remains comprised entirely of single detached dwellings, the majority of which are relatively modest in size. Some include integral accessory dwelling units, such as basement suites. Future development within the Old Main Street Neighbourhood will retain its low-rise residential character, while augmenting existing single detached dwellings with new semi-detached dwellings, triplexes, fourplexes and accessory dwelling units.

## 3.2 Objectives

The objective of these land use policies is to facilitate future development, including the introduction of new building typologies, in order to accommodate infill development while maintaining the stability of the Old Main Street Neighbourhood, and respecting prevailing land use and density characteristics.

## 3.3 Policies

This section sets out policies that are intended to guide the provision of building typologies and associated development densities throughout the Old Main Street Neighbourhood.

### 3.3.1 Residential Areas

- i. Lands identified as Residential (Old Main Street Tertiary Plan) on Schedule A are permitted to include a combination of single detached dwellings, semi-detached dwellings, triplexes, and fourplexes.
- ii. Old Main Street Tertiary Plan Residential areas are permitted to include a maximum of 1 integral accessory dwelling unit in combination with a single or semi-detached dwelling.

- iii. The density of Old Main Street Tertiary Plan Residential areas shall be limited to a floor space index of 1.0.
- iv. The land area to be used for calculating FSI shall include all land used for buildings; off-street parking and servicing areas; private streets and driveways; parks and open space that is dedicated to the Town; and private landscaped areas, including private squares that are designed to be used by the public. However, it shall exclude all land used for natural heritage areas; Floodplain and Hazard Lands, unless development exists or has been permitted by the Lake Simcoe Region Conservation Authority; and public infrastructure such as hydro facilities and pumping stations.
- v. New residential uses may be permitted on a private road, subject to the appropriate technical studies, including but not limited to a detailed Environmental Impact Statement, to the satisfaction of the Town and the Lake Simcoe Region Conservation Authority.

### 3.3.2 Sustainability and Climate Change

- i. New development shall adhere to the Sustainability and Climate Change policies in the Town's Official Plan, as amended. New development shall also consider Section 5.2 Sustainable Buildings in the Regional Official Plan.

### 3.3.3 Source Water Protection

- i. New development shall be subject to the Wellhead Protection Areas policies in Section 10.6 of the Town's Official Plan, as amended and the Wellhead Protection policies of the Regional Official Plan (ROPA 5).
- ii. The South Georgian Bay Lake Simcoe Source Protection Plan water quantity recharge maintenance policy applies to the subject area. New development will be required to maintain recharge as demonstrated through a hydrogeological study that shows the existing water balance can be maintained in the future in accordance with Policies LUP-12 and LUP-13 of the Source Protection Plan.

### 3.3.4 Live-Work Opportunity

- i. Home occupations are also permitted in accordance with the Home Occupation provision of Zoning By-law 2010-40, as amended.



*View looking south from Old Main Street.*



# 4.0 TRANSPORTATION

## 4.1 Introduction

Old Main Street extends approximately 530 metres, between Bexhill Road to the south and Main Street North to the northeast. Throughout its length, the pavement width varies between approximately 7 and 11 metres, and the right-of-way width varies between approximately 10 and 18 metres. The alignment of Old Main Street meanders as it traverses throughout the neighbourhood, adhering to a gentle slope and wrapping around significant topographical features.

Old Main Street is characterized as a local road with a rural cross-section. Swales and culverts are provided throughout the length of the street, along its west side. Cuts and sidewalks are only provided at points of entry from Bexhill Road and Main Street North. Narrow gravel shoulders are provided in select locations, primarily in the northeastern-most portion of the neighbourhood. Street lights are mounted on hydro poles, which traverse along the west side of the street, throughout the neighbourhood. A community mailbox is provided adjacent to the sidewalk at the south end of the street, adjacent to Bexhill Road.

Old Main Street will be reconstructed to local road standards utilizing an urban cross section with curb and gutters and under road storm sewer, eliminating the existing road ditch drainage system. Pavement design requirements (i.e. asphalt and granular thickness) will require geotechnical input. The elimination of the existing road ditch/swale drainage system will require further review to confirm its viability. This will be achieved through the completion of an Engineering Master Plan, with an associated survey of the study area and a geotechnical investigation.

## 4.2 Objectives

The objective of these transportation policies is to aim for the creation of an 18.0 m local road right-of-way, while minimizing associated grading impacts to adjacent properties and facilitating the introduction of new streetscape amenities.

## 4.3 Policies

This section sets out policies that are intended to guide the development of transportation infrastructure throughout the Old Main Street Neighbourhood.

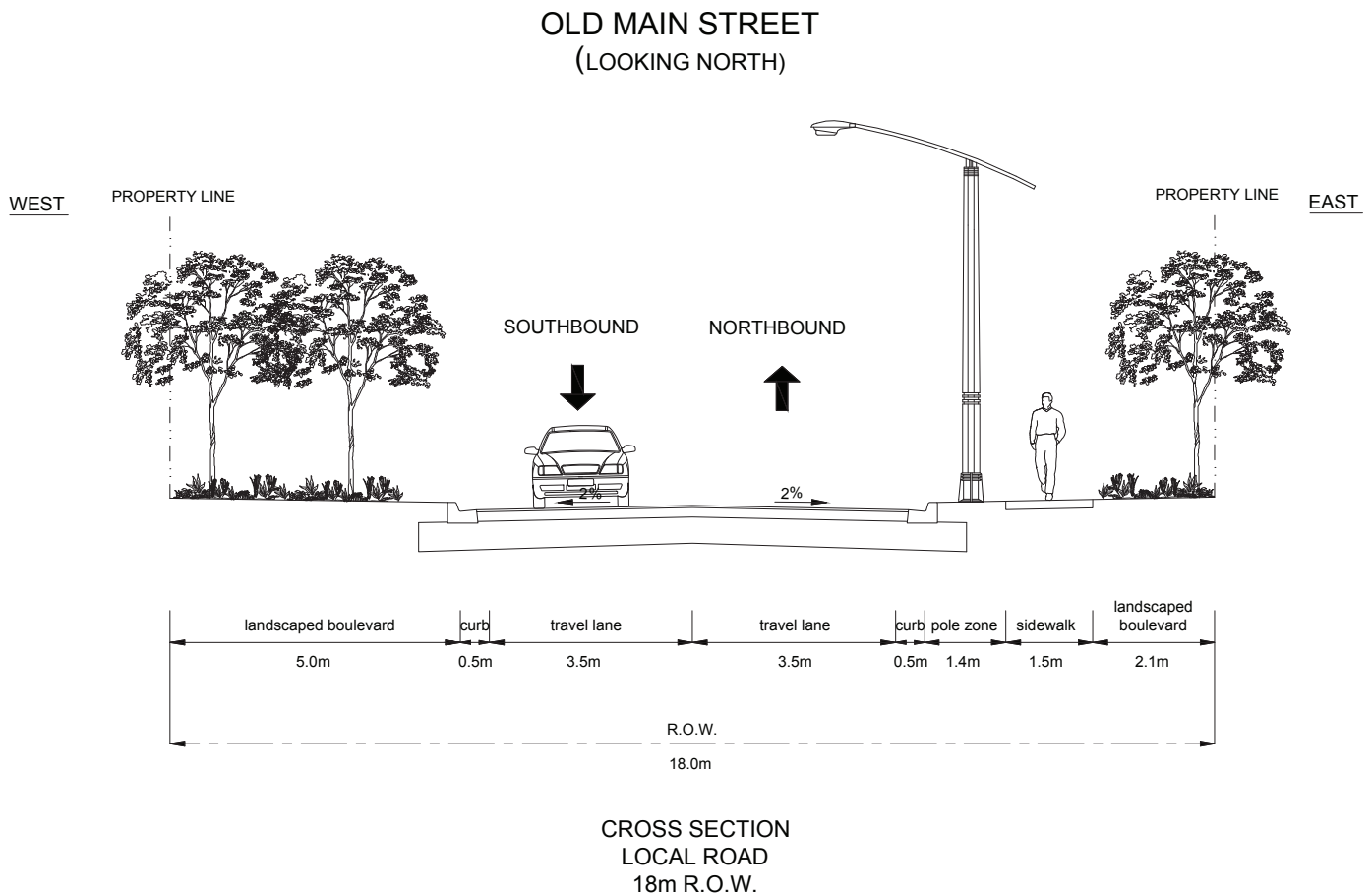
### 4.3.1 Old Main Street

- i. The Old Main Street right-of-way shall be widened to approximately 18.0 metres, between Bexhill Road and Main Street North, where feasible.
- ii. The redesign of Old Main Street shall acknowledge the quiet, meandering and rural character of the existing street.
- iii. The redesign of Old Main Street shall endeavor to incorporate:
  - a. 2 sets of 3.5 metre wide travel lanes, and 2 sets of 0.5 metre wide curb zones;
  - b. a 1.4 metre wide pole zone on the east side of the right-of-way, adjacent to the curb;
  - c. a 1.5 metre wide sidewalk, adjacent to the pole zone, on the east side of the right-of-way;



- d. 2.5 metre wide on-street parking bays, provided in combination with landscaped bump-outs, at key locations and where space permits to provide supplementary visitor parking;
  - e. a 5.0 metre wide boulevard with soft landscaping on the west side of the right-of-way, adjacent to the curb, and a 2.1 metre wide boulevard with soft landscaping on the east side of the right-of-way, adjacent to the sidewalk;
  - f. Low impact development features and permeable surface materials, where appropriate; and
  - g. formal traffic calming measures, including measures such as boulevard bump-outs, raised pedestrian crossings, special surface paving treatments and signage, where feasible.
- iv. The redesign of Old Main Street shall mitigate stormwater run-off. The use of LIDs, where feasible, is strongly encouraged.
  - v. The redesign of Old Main Street shall consider phosphorus reductions as required by the Lake Simcoe Phosphorus Offsetting Policy.

***Idealized Cross-Section Diagram - For Illustrative Purposes Only***



# 5.0 SERVICING AND UTILITIES

## 5.1 Introduction

Residences on Old Main Street are all connected to the municipal water system. Most of the dwellings are connected to the municipal sanitary service, some are still on heritage septic systems. It appears the municipal water and sanitary systems could accept additional development, subject to the limitations of the larger system governed by the Region.

Significant stormwater management and flooding issues have been reported by residents throughout the neighbourhood, particularly properties on the east side of Old Main Street.

## 5.2 Objectives

The objective of these servicing policies is to ensure all servicing and utility infrastructure complies with Town standards, and that adequate servicing and stormwater systems are provided to support future development. An Engineering Master Plan, with an associated survey of the study area and a geotechnical investigation, will be required to assess the feasibility of recommended stormwater measures.

## 5.2 Policies

This section sets out policies that are intended to guide the development of servicing and utility infrastructure throughout the Old Main Street Neighbourhood.

### 5.3.1 Wastewater

- i. Future development shall improve and expand upon the existing wastewater sewer system, in order to reduce reliance on individual septic systems.

### 5.3.2 Water

- i. Future development shall connect to the municipal water system.
- ii. New development shall demonstrate through a Functional Servicing Report (FSR) that there are appropriate water and wastewater infrastructure available. The FSR shall include an analysis that demonstrates that the proposed water works will be looped and provide sufficient pressure to service the proposed development.

### 5.3.3 Grading and Drainage

- i. Design grades for all buildings shall be set to ensure that water is directed away from the building and neighbouring properties and toward the adjacent street.

- ii. Existing grades, as set by the average grade of neighbouring properties, shall be maintained.
- iii. Landscape design shall incorporate strategies to minimize stormwater run-off and reduce water consumption.

### 5.3.4 Stormwater Management

- i. The existing linear swale and culvert system along the west side of Old Main Street may be replaced with a sub-surface storm sewer system. The feasibility of the storm sewer system will be dependent on the completion of an Engineering Master Plan (Master Plan) for the area. The Master Plan will address the catchment area flows to be intercepted into the new storm sewer, the need for upstream, new development runoff controls and downstream outlet controls and capacity constraints.
- ii. Future development shall explore opportunities to improve on-site stormwater management. Increases in post-development flows may require mitigation. This will be evaluated on a case-by-case basis, through the completion of the Master Plan.
- iii. Future development should incorporate low impact development measures (LIDs) where feasible, to manage stormwater on-site. These could include bioswales, infiltration galleries; rain gardens and soil cells.

- iv. LID measures will also be considered within the proposed road right-of-way, including the potential use of permeable pavements in sidewalk areas. The feasibility of incorporating low impact development measures should be confirmed through the Master Plan.
- v. In accordance with the Lake Simcoe Phosphorus Offsetting Policy, new development must control 100% of the phosphorus leaving the development site. New development must satisfy the policies of the Lake Simcoe Phosphorus Offsetting Policy, to the satisfaction of the Lake Simcoe Region Conservation Authority.

### 5.3.5 Utilities

- i. Future development shall consider the visual impact and location of existing above and below-grade utilities including telephone, hydro, water and natural gas.
- ii. Future development shall consider implications arising from the potential need for relocation and/or burying of existing utilities.
- iii. Existing vehicle-oriented lighting standards shall be replaced with new pedestrian-oriented lighting standards.
- iv. Waste and recycling storage areas shall be located to the side or rear of buildings, or shall be screened from view along Old Main Street.
- v. Utilities, infrastructure and servicing shall be located so as not to interfere with existing trees, mature tree growth or landscaping.

# 6.0 SITE DESIGN

## 6.1 Introduction

Properties located in the central-most portion of the Old Main Street Neighbourhood are generally smaller, while parcels located at the northern and southern-most portions are generally larger. Throughout the neighbourhood, all properties are irregular in shape. Lot depths range between approximately 30 and 160 metres, while lot frontages range between approximately 15 and 50 metres. Due to the variety of lot shapes and dimensions, existing lot coverages range significantly between approximately 5% and 30%.

Front yard setbacks range between 5 and 18 metres. The southern-most portion of the neighbourhood is generally characterized by shallow front yard setbacks, while the northern-most portion is generally comprised of deeper front yard setbacks. Side yard setbacks vary significantly, depending on the size and shape of the parcel. Generally, narrower properties are characterized by narrower side yard setbacks, and wider properties are characterized by deeper side yard setbacks. Rear yard setbacks also vary significantly, depending on the size and shape of the parcel. Rear yard setbacks range between approximately 5 and 150 metres.

Front yards are generally characterized by manicured grass, which occupies the majority of the frontage with trees, accent planting adjacent to the street and/or building entrance, and pedestrian walkways. The street interface varies throughout the course of the neighbourhood. Where the southern-most portion incorporates a light to moderate tree canopy and some low vegetated screening elements, the northern-most portion incorporates a light to heavy tree canopy, tall vegetated screening elements and wooden fencing. Rear yards are generally characterized by manicured grass and, in some cases, patios and/or decks with trees, accent planting, walkways, accessory structures, and privacy fencing. Side yards vary in character, depending on the nature of on-site parking.

The majority of parcels contain individual driveways and curb cuts. The width of the driveway and associated curb cut generally facilitates 1 to 2 parking lanes. However, a small number of properties on the east side of Old Main Street have shared driveways. In these circumstances, the width of associated curb cuts is increased to facilitate 2 to 3 parking lanes. There are also a number of instances, on the west side of Old Main Street, where single parcels contain multiple curb-cuts. The location of driveway entrances is generally staggered, establishing a rhythm of front yard landscaping between adjacent driveways. Exceptions include a small number of properties with adjacent but separated driveways and curb cuts. Such conditions disrupt the prevailing rhythm of front yard landscaping, producing large swaths of uninterrupted paving.

Parking is provided on-site in a variety of forms. This includes side yard parking pads, integral front yard garages, and detached rear yard garages. Throughout the neighbourhood, the majority of parcels contain either parking pads or detached rear yard garages. Properties along the east side of Old Main Street are generally characterized by side yard parking pads or detached rear yard garages. In contrast, the west side of Old Main Street incorporates a small number of properties with detached rear yard garages within the northern-most portion of the neighbourhood, and a small number of properties with parking pads, but is primarily comprised of parcels with integral garages.

Future development within the Old Main Street Neighbourhood will take a contextually-sensitive approach to the dimensioning and orientation of new development parcels, the organization of private landscaping and amenity spaces, the layout and design of driveways and parking facilities, and the siting and orientation of new buildings.

## 6.2 Objectives

The objective of these site design policies is to facilitate future development, including the introduction of new building typologies, while respecting the prevailing lot development and site design characteristics of the Old Main Street Neighbourhood.

## 6.3 Policies

This section sets out policies that are intended to guide lotting patterns and the design of sites throughout the Old Main Street Neighbourhood.

### 6.3.1 Lot Dimensions

- i. Future development shall maintain the appearance of prevailing lot dimensions and areas, while facilitating contextually-sensitive infill and introducing new forms of low-rise residential housing.

### 6.3.2 Lot Coverage

- i. Limitations shall be placed on lot coverage, in order to ensure the provision of adequate landscaping and amenity spaces, while maintaining on-site stormwater management functions.

### 6.3.3 Location and Orientation

- i. Future development shall generally maintain the predominant east-west alignment of existing parcels.
- ii. Future development shall minimize overview and shadow impacts on adjacent properties.

- iii. Where a lot abuts Old Main Street, dwellings shall be located near the front of the property, with façades and entrances oriented toward Old Main Street.
- iv. Where a lot or dwelling abuts a private road and Old Main Street, the dwelling shall face Old Main Street.

### 6.3.4 Setbacks

- i. Dwellings shall maintain the appearance of prevailing front, side and rear yard setback conditions while facilitating contextually-sensitive infill and introducing new forms of low-rise residential housing.
- ii. Integral garages shall maintain adequate front yard setbacks to facilitate on-site parking.

### 6.3.5 Landscaping and Amenity Space

- i. Soft landscaping shall be provided within the front, side and rear yards where space is not required for porches, decks, driveways, parking pads, and pedestrian walkways.
- ii. Permeable surface materials shall be incorporated throughout landscaped areas and outdoor amenity spaces where driveways, parking pads, and pedestrian walkways are provided, where feasible.
- iii. Plantings should be specified and strategically located to provide significant visual impact on Old Main Street, private streets and the central open space, and to maintain privacy for neighbouring properties.

- iv. For lots abutting Old Main Street, unobstructed views shall be provided between dwellings and Old Main Street. This shall be achieved through the siting of elements such as landscaping, fencing, and municipal address signage.
- v. Single detached and semi-detached dwellings shall incorporate private outdoor amenity space through the provision of landscaped rear yards. Notwithstanding this, single detached and semi-detached dwellings may incorporate supplementary private outdoor amenity space through the provision of upper storey balconies and terraces.
- vi. Triplexes and fourplexes shall incorporate communal outdoor amenity space through the provision of landscaped rear yards. Furthermore, triplexes and fourplexes shall incorporate private outdoor amenity space through the provision of upper storey balconies and terraces.
- iv. Tandem parking spaces, whether situated within the driveway, the garage, or a combination of the two, shall be permitted as a means of satisfying on-site parking requirements for multiple vehicles.
- v. Driveways and curb-cuts shall be minimized in width.
- vi. Driveways and curb-cuts shall either be consolidated and shared between adjacent properties, or staggered relative to one another.
- vii. Driveways shall incorporate permeable surface materials, where feasible.
- viii. Garages shall be designed so as not to visually detract from the dwelling.

### 6.3.6 Parking

- i. All required parking shall be provided on-site.
- ii. Reduced parking standards shall be considered through the implementing Zoning By-law for the length of Old Main Street.
- iii. Future development shall accommodate parking in a variety of forms, including integral or detached garages, parking pads, or some combination of the two.

### 6.3.7 Pedestrian Access

- i. Pedestrian walkways shall be provided to facilitate direct and barrier-free access between Old Main Street or a private road and the dwelling unit, where feasible.
- ii. Downcast pedestrian-scaled lighting, which does not spill over onto adjacent properties, shall be provided in key locations, including primary and secondary building entrances.

### 6.3.8 Entrances

- i. Future development shall promote an appropriate rhythm of ground-related building entrances with associated windows, address signage, wall-mounted lighting, and weather protection elements such as canopies or roof overhangs, entry patios or porches, and a small number of stairs.
- ii. Primary building entrances shall be located on the primary façade of the building, and shall be visible and directly accessible from Old Main Street for those dwellings closest to Old Main Street.

- iii. Single detached and semi-detached dwellings may incorporate a secondary building entrance for integral accessory dwelling units. Such entrances shall be situated within the interior or exterior side yard, shall not detract from the visual prominence of the primary entrance.
- iv. For lots fronting on to Old Main Street, secondary entrances shall be accessible from Old Main Street.
- v. Triplexes shall incorporate 1 primary building entrance, with individual units accessed via an interior corridor and stairwell.
- vi. Fourplexes shall incorporate a maximum of 2 primary building entrances, with individual units accessed via interior corridors and stairwells.

# 7.0 BUILDING DESIGN

## 7.1 Introduction

The Old Main Street Neighbourhood is characterized by a diverse and eclectic mix of architectural styles. Existing buildings are generally built at or close to established grade, with a small number of steps to the front door and, in some instances, an open or partially enclosed front porch.

All properties contain building heights which range between 1 and 2 storeys. Properties located on the east side of Old Main Street are generally characterized by 1 storey dwellings, which reflect the area's traditional cottage-like character, and the nature of post-war veterans housing. However, a small number of these properties contain buildings with a partial 2nd storey. Some of these are vertical additions to traditional 1 storey cottages, while others were purpose built. In contrast, properties located along the west side of Old Main Street contain a greater mix of 1 and 2 storey buildings, with a significant number of partial or full 2nd storeys.

The majority of properties contain buildings with pitched gable, hipped, or hybrid gable-hipped roofs. Front and back pitches and side to side pitches exist in equal proportion. In some instances, such buildings incorporate small dormer windows, and/or intermediate roof pitches above the ground floor. The area does not incorporate flat roof buildings. Buildings are primarily clad in wooden or vinyl siding, brick masonry, or a combination of the two. A small number of older buildings, located at the southern-most extent of the study area, have been clad in white stucco for the purpose of encasing and protecting their original façades.

Future development within the Old Main Street Neighbourhood should take a contextually-sensitive approach to the massing, articulation and detailing of new buildings, as well as the organization of building entrances, and habitable indoor and outdoor spaces.

## 7.2 Objectives

The objective of these building design policies is to facilitate future development, including the introduction of new building typologies, while respecting prevailing building design characteristics throughout the Old Main Street Neighbourhood.

## 7.3 Policies

This section sets out policies that are intended to guide the design of future buildings throughout the Old Main Street Neighbourhood.

### 7.3.1 Building Heights and Massing

- i. Future development shall acknowledge, and respond to, the height of existing adjacent buildings.
- ii. Future development shall mitigate issues surrounding the perception of excessive building height.
- iii. Future development shall acknowledge the prevailing ground-related character of buildings, and shall ensure a direct interface and positive relationship between the building and the street.
- iv. Single detached and semi-detached dwellings, as well as fourplexes, shall have a maximum building height of 2 storeys.
- v. Triplexes shall have a maximum building height of 3 storeys. However, preference is given to 2 storey buildings with basement units.
- vi. Single detached and semi-detached dwellings, as well as triplexes and fourplexes, shall have a finished first floor height which establishes a positive interface with the street.



- vii. Triplexes shall incorporate an up-down configuration only, and shall read as a large single detached dwelling. Side-side and front – rear triplexes are not permitted.
- viii. Fourplexes shall incorporate a combined up-down and side-side configuration only, and shall read as set of semi-detached dwellings. Front-back fourplexes are not permitted.

### 7.3.2 Terraces and Balconies

- i. Terraces and balconies are permitted at the front and rear of dwellings.

### 7.3.3 Building Articulation and Materials

- i. Future development shall facilitate a diverse and eclectic mix of traditional and contemporary architectural styles, while acknowledging the modest and prevailing ‘cottage-like’ character of buildings along Old Main Street.
- ii. Future development shall acknowledge the predominant cladding patterns, and the use of traditional colour palettes.
- iii. Building materials shall be selected for their functionality and aesthetic quality, as well as their durability, long-term maintenance requirements, and energy efficiency.
- iv. Exterior walls shall be articulated through material and colour composition, as well as appropriate architectural details.
- v. Blank wall conditions are not permitted within front or exterior side yard conditions.
- vi. Where permitted, blank wall conditions shall be articulated through material and colour composition, as well as appropriate architectural details.

- vii. Consideration shall be given to the Region’s Sustainable Building Policy (ROP S.5.2).

### 7.3.4 Roofs

- i. Future development shall promote a variety of roof designs and types, while acknowledging the prevailing character of pitched gable, hipped, or hybrid gable-hipped roofs.
- ii. Notwithstanding policy 7.3.4i, flat roof conditions are not in keeping with the character of the Old Main Street Neighbourhood and are not permitted unless being utilized as part of an upper-storey terrace.
- iii. Future development shall mitigate the perception of building height through the selection of appropriate roof types, slopes and scales.
- iv. The materiality and colour of rooftops shall complement the façade materials and overall design of the building.
- v. Future development is encouraged to incorporate structures which are rough-in ready and can support the future installation of solar panels.

# 8.0 OPEN SPACES AND NATURAL HERITAGE

## 8.1 introduction

The Old Main Street Neighbourhood benefits from proximity and access to an extensive park and open space network, and natural heritage system. Within the neighbourhood, publicly owned lands along the east side of Old Main Street, north of Bexhill Crescent, function as a stormwater management facility and landscape buffer along the edge of Main Street North. Portions of these lands also serve as an informal open space, and are commonly used by local residents for a combination of active and passive recreational uses including soccer, baseball, lawn-bowling, picnicking and informal gathering.

The interface between the Neighbourhood and Main Street North is characterized by moderate topographical changes and wooded areas. This buffers the neighbourhood from Main Street North, which functions as a by-pass around Old Main Street.

The Old Main Street Neighbourhood contains protected woodlots, contiguous wooded areas and individual public and private landscapes, including trees that contribute to the form and function of the urban forest. Urban forests are vital components of the Town's natural infrastructure in that they provide an array of benefits to residents, ranging from stormwater retention and air pollution removal to improved human health and recreational opportunities.

Future development within the Old Main Street Neighbourhood will protect significant natural features and local wildlife habitat. This will be achieved by establishing appropriate buffers to these features, while integrating elements of the natural environment into new development. Furthermore, future development will respect existing topographical conditions and

enhance the existing open space network, while exploring opportunities to establish gateway features and improve connections to the broader open space network.

## 8.2 Objectives

The objective of these open space and natural heritage policies is to facilitate future development, including the introduction of new building typologies, in a manner that protects, restores and enhances existing natural features, and sustains and improves the urban forest. This includes the ecological connectivity and functionality of the natural heritage system and other naturalized areas.

## 8.3 Policies

This section sets out policies that are intended to guide the preservation and enhancement of the open space and natural heritage system throughout the Old Main Street Neighbourhood.

### 8.3.1 Woodlots and Natural Heritage System

- i. Existing woodlots and significant portions of naturalized areas shall be protected, in order to maintain a continuous natural heritage system and to assist the Town in achieving the Official Plan's woodland and canopy cover targets.
- ii. An adequate buffer between development, the existing woodlots and naturalized areas shall be maintained to protect the form and ecological function of these natural / naturalized features.

- iii. Future development shall respect the significance of the Regional Greenlands System, and resulting limitations placed on infill and redevelopment in select locations.
- iv. Future development may be permitted to encroach into lands designated Natural Heritage System where an Environmental Impact Study (EIS) has been completed, in accordance with Section 9.4 of the Official Plan, to the satisfaction of the Town and the Lake Simcoe Region Conservation Authority.
- v. An Amendment to this Plan shall not be required for adjustments to these boundaries if the adjustments are deemed advisable by Council, in consultation with the Lake Simcoe Region Conservation Authority.
- vi. Future development shall adhere to the Lake Simcoe Region Conservation Authority's Ecological Offsetting Plan, as amended.
- vii. The protection of existing woodlots and naturalized areas does not mean that they will come under public ownership. They may be protected by buffers, zoning, or a combination of both.

### 8.3.2 Topographical Conditions

- i. Future development shall respect existing topographical conditions and changes, and resulting limitations placed on infill and redevelopment in select locations.
- ii. Future development shall limit the extent of topographical changes adjacent to Old Main Street.

### 8.3.3 Flood Plain and Hazard Lands

- i. Lands identified as Floodplain and Hazard Lands are subject to Section 10.2, as amended, of the Town's Official Plan.

### 8.3.4 Open Space

- i. Future development shall enhance the appearance of landscaped boulevards along the length of Old Main Street by incorporating accent planting and increasing the urban tree canopy, where feasible.
- ii. The existing informal open space and recreational area along the east side of Old Main Street shall be enhanced.
- iii. Future development shall maintain existing landscape buffers, which mitigate acoustic and visual impacts associated with vehicle traffic on Main Street North.

### 8.3.4 Gateways and Crossings

- i. Consideration shall be given to the introduction of some or all of the following features at either end of Old Main Street: accent planting and enhanced landscaping, as well as boulevard bump-outs, raised pedestrian crossings, special surface paving treatments, and signage.
- ii. Consideration shall be given to improving pedestrian connections between Old Main Street and the surrounding park, open space, trail and public transit networks, through the provision of dedicated pedestrian crossings.

# 9.0 IMPLEMENTATION

## 9.1 Introduction

This section sets out policies that are intended to guide and facilitate the implementation of the Old Main Street Tertiary Plan.

## 9.2 Policies

This section sets out policies that are intended to guide how the Old Main Street Tertiary Plan is implemented.

### 9.2.1 Interpretation

- i. The Old Main Street Tertiary Plan is a statement of policy intended to guide the re-development of the Old Main Street Neighbourhood. The Town may permit some flexibility in the interpretation of general policies, provided the intent of the Plan is maintained and the objectives and targets are achieved.
- ii. The Old Main Street Tertiary Plan shall be read in conjunction with the Town of Newmarket Official Plan.
- iii. The land use designation boundaries of the Old Main Street Tertiary Plan shown on Schedules A & B are general. Adjustments to the boundaries of designations are permitted without amendment to this Plan, except where the designations are established by fixed boundaries, such as the existing street rights-of-way, or where they are specifically stated as fixed in the policies of this Plan.
- iv. Minor variations from numerical requirements in this Plan, with the exception of permitted maximum building

heights and densities, may be permitted without amendment to the Old Main Street Tertiary Plan where it is demonstrated, through a site-specific application, to be appropriate, and provided that the general intent and applicable policies of this Plan are met.

- iv. All development applications shall reference Section 16.1.16 of the Official Plan, as amended, for the requirements of a Complete Application.

### 9.2.2 Coordination of Development

- i. It is the policy of this Plan that development shall be coordinated with the provision of the sanitary sewers and stormwater management facilities. As such, no development shall be permitted to proceed until it can be demonstrated, to the satisfaction of the Town, that adequate provision of these services is or will be available, or that arrangements satisfactory to the Town for the provision of these services have been made. This policy will be implemented through the use of a Holding Symbol "H".
- ii. Future development should be planned comprehensively. Where possible, development blocks with multiple land owners should be coordinated and phased with affected landowners and, where applicable, adjacent parcels. Non-participating lands within the development block should be conceptually addressed through a phasing plan. Development of smaller parcels shall be discouraged where, in the opinion of the Town,

such development would compromise the effective redevelopment of the development block in accordance with the provisions of this Plan. Landowners shall be encouraged to amalgamate parcels or enter into agreements with neighbouring landowners in order to demonstrate, to the satisfaction of the Town, that development achieves the intended built form, density and other provisions of this Plan, in a logical and comprehensive manner.

### 9.2.3 Concept Site Plan

- i. In addition to other plans and studies, Policy 16.1.6 of the Newmarket Official Plan requires a Concept Site Plan and a Streetscape and Landscape Plan as part of a complete application. Within the Old Main Street Neighbourhood, these plans shall include, where appropriate:
  - a. a context plan that demonstrates the compatibility of the development within the surrounding context;
  - b. a lotting plan that delineates and dimensions the development within each development block;
  - c. a description and illustrations of the build-out for every phase of the development;
  - d. proposed density and massing of buildings for individual buildings as well as each development block;
  - e. access and circulation plan for pedestrians, vehicles and cyclists;

- f. proposed streetscape improvements; and
- g. locations and conceptual design of any open spaces.

### 9.2.4 Zoning

- i. To implement development in accordance with this Plan, Council shall enact amendments to the Town's Zoning By-law; and
- ii. In addition to Policy 16.2.1 of the Town of Newmarket Official Plan, the Town may, when enacting implementing zoning by-laws, apply the Holding Symbol "H" and specify the future uses of lands that, at present time, are considered premature or inappropriate for development for any one of more of the following reasons.
  - a. Public infrastructure, such as sanitary sewers and stormwater management facilities, are insufficient to serve the proposed development;
  - b. Development relies upon other matters occurring first, such as the consolidation of land ownership;
  - c. Technical studies are required, such as an Engineering Master Plan and/or other matters that Council considers necessary; and/or
  - d. Servicing allocation has not been granted.





**Corporation of the Town of Newmarket**  
**By-law 2019-\*\***

A By-law to amend By-law 2010-40 being a Zoning By-law  
(Old Main Street Tertiary Plan)

Whereas it is deemed advisable to amend By-law Number 2010-40 as amended;

Therefore be it enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

- 1. That By-law Number 2010-40 as amended, be and the same is hereby further amended by:
  - a. Adding to Schedule ‘A’ a Holding Zone as shown more particularly on Schedule ‘X’ attached thereto, and forming part of this By-law;
  - b. Adding the following provisions to Section 8.2.1 List of Holding Provisions:

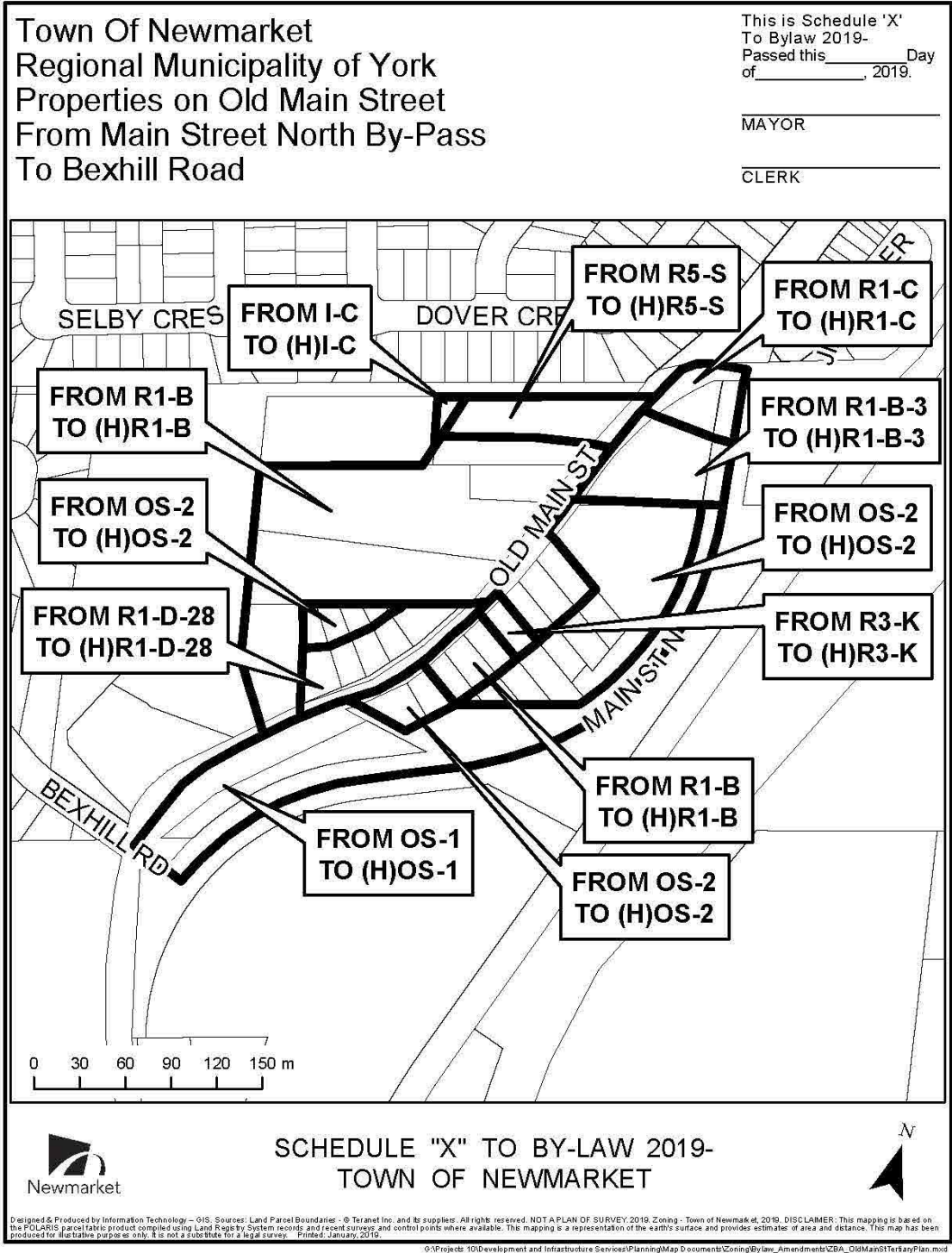
By-Law No.	Property Description	Permitted Uses until holding provision removed	Conditions for Removal
2019-**	Properties along Old Main Street (see Schedule ‘X’)	<p>No person within the lands zoned <b>(H)R1-B, (H)R1-B-3, (H)I-C, (H)OS-1, (H)OS-2, (H)R1-D-28, (H)R3-K, (H)R1-C, (H)R5-S</b> shall use any 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 and are permitted by the underlying zoning.</p> <p>Furthermore, no additional residential uses or redevelopment of 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>	<ul style="list-style-type: none"><li>1. That sufficient servicing capacity is available, and has been allocated by the Town;</li><li>2. Consolidation of land ownership has been completed to the Town’s satisfaction;</li><li>3. An Engineering Master Plan has been completed to the satisfaction of the Town;</li><li>4. All relevant provisions of the Official Plan, have been complied with;</li><li>5. All necessary requirements of the Town have been satisfied; and</li><li>6. All necessary approvals have been received by other commenting agencies and authorities.</li></ul>

Enacted this xx day of xxxx , 2019.



John Taylor, Mayor

Lisa Lyons, Town Clerk





**TOWN OF NEWMARKET**  
OLD MAIN STREET  
TERTIARY PLAN

**ZONING BY-LAW DIRECTIONS**

SEPTEMBER, 2018 (DRAFT)

**SvN**





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## 1.0 Permitted Uses

- i. R\_\_\_ Zones are permitted to include a combination of single detached dwellings, semi-detached dwellings, triplexes, and fourplexes.
- ii. R\_\_\_ Zones are permitted to include a maximum of 1 integral or detached accessory dwelling unit in combination with a single detached or semi-detached dwelling.

## 2.0 Density

- i. Single detached and semi-detached dwellings, as well as triplexes and fourplexes, shall be limited to a floor space index of 1.0.

## 3.0 Lot Dimensions

- i. A minimum lot frontage of 12 metres, and a minimum lot depth of 30 metres, shall be provided for each single detached dwelling unit and triplex.
- ii. A minimum lot frontage of 9 metres, and a minimum lot depth of 30 metres, shall be provided for each semi-detached dwelling unit.
- iii. A minimum lot frontage of 18 metres, and a minimum lot depth of 30 metres, shall be provided for each fourplex.

## 4.0 Lot Coverage

- i. A maximum lot coverage of 50% shall be provided for all buildings and covered structures including the primary dwelling, accessory dwelling unit, garage, and other accessory buildings.

## 5.0 Setbacks

### 5.1 Primary Dwelling Setbacks

- i. A minimum front yard setback of 4.0 metres, and a maximum front yard setback of 6.0 metres, shall be provided between the front face of the primary dwelling and Old Main Street.
- ii. Notwithstanding policy, future development shall generally reflect front yard setbacks established by adjacent properties and should be sensitive to the surrounding context of the Old Main Street Study Area. However, slight variations in front yard setbacks may be appropriate for the purpose of achieving diversity.
- iii. A minimum side yard setback of 2.5 metres shall be provided between the side face of the primary dwelling and the adjacent side property line. This shall apply to both sides of a single detached dwelling, triplex and fourplex, as well as one side of a semi-detached dwelling.
- iv. A minimum rear yard setback of 7.5 metres shall be provided between the rear face of the primary dwelling and the adjacent rear property line.

### 5.2 Garage Setbacks

- i. A minimum front yard setback of 6.0 metres shall be provided between the front face of the integral garage and Old Main Street.
- ii. A minimum side yard setback of 1.2 metres shall be provided between the side face of the detached garage and the adjacent side property line. This shall apply to both sides of a detached garage.
- iii. A minimum rear yard setback of 1.2 metres shall be provided between the rear face of the detached garage and the adjacent rear property line.

### 5.3 Detached Accessory Dwelling Unit Setbacks

- i. A minimum side yard setback of 1.2 metres shall be provided between the side face of the accessory dwelling unit and the adjacent side yard property line. This shall apply to both sides of the accessory dwelling unit.
- ii. A minimum rear yard setback of 2.0 metres shall be provided between the rear face of the accessory dwelling unit and the adjacent rear property line.

### 5.4 Uninhabited Accessory Building or Structure Setbacks

- i. A minimum side yard setback of 0.6 metres shall be provided between the side face of the uninhabited accessory building or structure and the adjacent side yard property line. This shall apply to both sides of the accessory dwelling unit.

- ii. A minimum rear yard setback of 0.6 metres shall be provided between the rear face of the uninhabited accessory building or structure and the adjacent rear yard property line.

## **6.0 Separation Distances**

- i. A minimum separation distance of 5.0 metres shall be provided between the rear face of the primary dwelling and the front face of the accessory dwelling unit, where permitted.
- ii. A minimum separation distance of 4.0 metres shall be provided between the rear face of the primary dwelling and the front face of uninhabited accessory buildings or structures.

## **7.0 Landscaping and Amenity Space**

- i. Single detached and semi-detached dwellings shall incorporate soft landscaping encompassing a minimum 30% of the total property area, distributed throughout the front, side and rear yards.
- ii. Triplexes and fourplexes shall incorporate soft landscaping encompassing a minimum of 15% of the total property area, distributed throughout the front, side and rear yards.
- iii. Single detached and semi-detached dwellings shall incorporate a private amenity space within the rear yard, encompassing a minimum depth of 5.0 metres and a minimum area of 40 square metres.
- iv. Triplexes and fourplexes shall incorporate private amenity space, in the form of upper storey balconies and terraces, encompassing a minimum area of 3 square metres per unit.

- v. Triplexes and fourplexes shall incorporate communal amenity space within the rear yard, encompassing a minimum depth of 5.0 metres and a minimum area of 40 square metres.

## 8.0 Parking

- i. A minimum of 1 on-site parking space shall be provided per primary dwelling unit.
- ii. A minimum of 1 on-site parking space shall be provided per accessory dwelling unit.
- iii. A maximum of 1 driveway and curb-cut are permitted per property.
- iv. Curb-cuts shall have a maximum width of 3.0 metres.
- v. Individual driveways shall have a maximum width of 3.0 metres. Consolidated and shared driveways shall have a maximum width of 6.0 metres, and shall taper to a maximum of 3.0 metres at the associated curb-cut.
- vi. Driveways and parking pads shall have a minimum depth of 6.0 metres, measured from the front property line to the edge of the paved area or the front face of the adjacent garage, in order to facilitate on-site parking.
- vii. Integral garages shall occupy no more than 50% of the front face of the primary dwelling.

## 9.0 Entrances

- i. Secondary entrances may be located on the side of the building, provided that there is a walkway with a minimum clear width of 0.6 metres which connects the entrance directly to Old Main Street.

## 10.0 Finished First Floor and Porch Heights

- i. Primary dwellings shall have a maximum finished first floor height of 1.2 metres above established grade.
- ii. Covered front porches shall have a maximum height of 4.5 metres, measured to the top of a flat roof or the median point of a pitched roof. Where a pitched roof is provided, no portion of the porch roof shall exceed a maximum height of 5.5 metres.

## 11.0 Building Heights

- i. Single detached dwellings, semi-detached dwellings and fourplexes shall have a maximum building height of 8.5 metres.
- ii. Triplexes shall have a maximum building height of 10.5 metres.
- iii. Detached accessory dwelling units shall have a maximum building height of 6.0 metres.

## 12.0 Building Width and Depth

- i. Single detached dwellings and semi-detached dwellings shall have a maximum building width of 10.0 metres.
- ii. Triplexes and fourplexes shall have a maximum building width of 13.0 metres.
- iii. Single detached and semi-detached dwellings, as well as triplexes and fourplexes, shall have a maximum building depth of 15.0 metres.
- iv. Detached accessory dwelling units shall have a maximum building depth of 10.0 metres, and a maximum building width of 10.0 metres.

- v. Future development shall only reflect maximum depth and width standards where applicable minimum setback and separation distance standards are achieved.
- ii. Stairs leading up to the front porch shall not extend into the front yard setback.
- iii. Covered porches, excluding stairs, are permitted to be enclosed. In these circumstances, the front façade shall include a minimum 40% as window area.

### 13.0 Gross Floor Area

- i. Detached accessory dwelling units shall have a maximum gross floor area which is the lesser of 80 square metres or the equivalent of 80% of the gross floor area of the primary dwelling.

### 14.0 Projections

#### 14.1 General

- i. Architectural features such as eaves, weather protection, bay windows, landings and chimneys may project into the side and rear setbacks a maximum of 1.2 metres, provided such features do not interfere with required driveway dimensions.
- ii. Air conditioning units shall be placed at the rear of buildings or on the exterior side yard of a corner property, and may project into the side or rear setbacks a maximum of 1.2 metres, provided such features do not interfere with required driveway dimensions.

#### 14.2 Front Porches and Stairs

- i. Covered front porches and front stairs shall be setback a minimum of 2.5 metres from the side property lines.

#### 14.3 Roofs

- i. Chimneys may extend beyond the maximum permitted building height in keeping with the requirements of the Ontario Building Code.
- ii. Solar panels may project beyond the maximum permitted building height a maximum of 45centimetres from the surface of the roof. Solar panels shall not extend beyond the roof edge.

#### 14.4 Dormers

- i. Dormers may extend beyond the pitch of the roof, and the maximum permitted building height. In these circumstances, the aggregate base width of dormers shall not exceed 50% of the width of the respective wall.
- ii. Dormers shall incorporate a minimum stepback of 0.6 metres from the respective building façade.

#### 14.5 Window Wells

- i. Window wells are permitted to extend into the required side or rear yard setback a maximum of 1.2 metres, provided such features do not interfere with required driveway dimensions.







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## **Active Transportation Implementation Plan Summary Information Report**

Report Number: 2018-54

Department(s): Engineering Services

Author(s): Director, Engineering Services

Date: March 15, 2019

In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

### **Purpose**

The purpose of this report is to summarize the Town's Active Transportation Implementation Plan (ATIP) report relating to the Active Transportation (AT) network.

### **Background**

In the spring of 2017, Staff issued a Request for Proposals to hire a consultant to create the Active Transportation Implementation Plan (ATIP). The successful consultant, WSP, was tasked with creating a document that would recommend the scheduling of construction for Newmarket's active transportation routes. These routes were previously selected and identified in the Town's Official Plan Amendment 11 (OPA 11, Spring 2015). The short-term (5-year) plans from the ATIP can be viewed in Table 1 for on-street cycling facilities, and Table 2 for off-road trails.

### **Discussion**

The Town's new ATIP, which is entitled "Explore Newmarket: Hiking, Biking, Rolling & Walking", identifies opportunities for connectivity between existing infrastructure to further promote walking and cycling as an attractive and viable mode of transportation for both recreational and commuter purposes. The ATIP provides a multi-year strategy to help the Town implement a logical and inter-connected network of routes.

Key milestones in the development of the Town's new ATIP were:

1. A PIC was held on June 27, 2017, at which the Town's consultant presented a network of connected routes to build upon the OPA 11 network. Twenty-five residents participated and commented on the route system.
2. Residents responded to a very thorough on-line survey on Active Transportation, which was open for public input from July to September 2017. Approximately one hundred residents responded to the on-line survey. The feedback received identified the challenges and opportunities of AT from a public point of view.
3. With input from the public, different types of AT facilities were selected and the consultant identified priorities for construction.
4. The consultant provided preliminary designs to staff, featuring new technology in the design and construction of on-road facilities and off-road trails.
5. A wayfinding system, consisting of directional and destination signage, as well as trail head maps and mobile device support to assist users in choosing routes, were recommended by the consultant.
6. A realistic schedule was created for short, medium, and long-term priorities, as well as future phases of implementation beyond 10 years from today.
7. Preliminary annual construction cost estimates for the next 5 years were provided, and are shown in Tables 1 and 2.
8. The draft ATIP was presented at a large Transportation Congress held on April 27<sup>th</sup>, 2018, which was attended by 80 residents and stakeholders interested in AT and road safety. Attendees were asked to participate in a tabletop exercise using maps to plot out their individual active transportation route and new connection priorities. Results of the exercise aligned well with the priorities recommended in the draft ATIP.

In 2018, the Town was successful in receiving a grant of \$290,660 through the "Ontario Municipal Commuter Cycling" (OMCC) program. This grant covers up to 80% of the construction costs of commuter-specific cycling routes. This grant, which has already been received by the Town, covers the first two years of a four-year proposed program. As a result, the Town was able to construct cycling facilities on Main Street North and Woodspring Avenue in 2018, and will continue with Harry Walker Parkway and Stackhouse Road in 2019. The routes that the Town had proposed for 2020 and beyond included Mulock Drive (from Harry Walker Parkway to Leslie Avenue, and from the Holland River to Yonge Street), and Western Trail (along the hydro corridor from Sandford Street to Davis Drive). However, due to the sudden cancellation of the program by the Province after the first installment was received, other sources of funding will be needed to construct these additional cycling routes.

## Conclusion

The ATIP was done as a follow-up to the 2014 Active Transportation Study. It relied greatly on public consultation that provided input to help categorize and prioritize Newmarket's extensive on-road AT network and off-road trails. The Plan has provided budget guidance and an implementation schedule to continue to build the Town's AT network. The ATIP will enable the Town to continue to conform to Official Plan

Amendment 11, and to enhance the connections that link our communities, open spaces and commercial areas. The full ATIP document is currently available on the Town's website at:

<https://www.newmarket.ca/LivingHere/Documents/Newmarket%20Active%20Transportation%20Plan%20Report.pdf>

## **Business Plan and Strategic Plan Linkages**

This report links to Newmarket's Strategic Plan direction, Well Planned & Connected, by protecting vulnerable road users and improving travel within Newmarket.

This report also aligns with Council's 2014-2018 Strategic Priority - Traffic Safety & Mitigation, by ensuring safe streets, reducing traffic congestion, and supporting major transit service enhancements.

## **Consultation**

Extensive public consultation was undertaken in this study. Although the ATIP follows the principles of Ontario Traffic Manual #18, public feedback also factored significantly into the results.

## **Human Resource Considerations**

Not applicable to this report.

## **Budget Impact**

Operating Budget – Not applicable to this report.

Capital Budget:

On-street cycling facilities are growth-related and they are funded through Development Charges. Currently, the Development Charges budget balance for "TDM and Bike Lanes Provision" is \$894,770.00. The total proposed capital expenditure for bike lanes from 2019 to 2023 is \$804,250.00. Each bike lane project will be part of an annual budget review, which will include public consultation and a Council report.

The off-road trail projects planned from 2019 to 2023 are estimated at \$6.1 million over five years, and are similarly funded through Development Charges.

Table 1 and Table 2 show the breakdown of the routes and the annual expenditures that are planned for the construction of the ATIP network from 2019 to 2023.

## **Attachments**

Table 1: Bike Lane Construction, 2019 - 2023

Table 2: Trail and Multi-Use Path Construction, 2019 - 2023

## Attachments

Table 1: Bike Lane Construction, 2019 - 2023

Table 2: Trail and Multi-Use Path Construction, 2019 - 2023

## Contact

For more information on this report, please contact Mark Kryzanowski, Manager, Transportation Services, at 905-953-5300, extension 2508 or [mkryzanowski@newmarket.ca](mailto:mkryzanowski@newmarket.ca)

## Approval



Mark Kryzanowski, BES, MCIP, RPP  
Manager, Transportation Services



Rachel Prudhomme, M.Sc., P.Eng.  
Director, Engineering Services



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

**Table 1**  
**Bike Lane Construction, 2019 – 2023**

<b>Location</b>	<b>From:</b>	<b>To:</b>	<b>Estimated Cost</b>	<b>Year of Construction</b>
Harry Walker Parkway	Mulock Drive	North Town limit	\$170,000.00	2019
Stackhouse Road	Leslie Street	Harry Walker Parkway South	\$12,000.00	2019
Ringwell Drive	Leslie Street	Harry Walker Parkway North	\$30,000.00	2020
London Road	Yonge Street	Main Street North	\$95,000.00	2020
Bonshaw Avenue	Woodspring Avenue	Gilpin Drive	\$9,000.00	2020
Alexander Road	Srigley Street	Davis Drive	\$27,000.00	2020
Clearmeadow Boulevard	Bathurst Street	Yonge Street	\$76,500.00	2021
William Roe Blvd	Yonge Street	Cane Parkway	\$49,500.00	2021
Lorne Avenue	Cane Parkway	Davis Drive	\$72,000.00	2021
Stonehaven Avenue	Leslie Street	Bayview Avenue	\$94,500.00	2022
Kingsmere Avenue	Stonehaven Avenue	Nellie Little Crescent	\$31,500.00	2022
Nellie Little Crescent	Kingsmere Avenue	Fernbank Road	\$11,250.00	2022
Fernbank Road	Nellie Little Crescent	Mulock Drive	\$13,500.00	2022
Huron Heights Drive	Davis Drive	Wayne Drive	\$42,750.00	2023
Waratah Avenue	Wayne Drive	Leslie Valley Drive	\$45,000.00	2023
Leslie Valley Drive	Waratah Avenue	Leslie Street	\$24,750.00	2023

Note: Design work for these projects is to be advanced in the prior year.

**Table 2**  
**Trail and Multi-Use Path Construction, 2019-2023**

<b>Location</b>	<b>From:</b>	<b>To:</b>	<b>Estimated Cost</b>	<b>Year of Construction</b>
Bathurst Street/ Davis Drive MUP			\$600,000.00	2019
Kingsmere Trail Connection	Kingsmere Ave	New National Homes Trail	\$100,000.00	2019
Tom Taylor Trail - Tannery Extension	Davis Drive	GO Parking Lot	\$1,500,000.00	2019
Haskett Trail	Davis Drive	South of Millard Avenue	\$1,500,000.00	2020
Northwest Quadrant Phase V	Woodland Hills Phase VII	- Woodland Hills Phase VI - Existing Trail - Woodspring Avenue	\$1,200,000.00	2021
Quaker Trail Connection	Quaker Trail	New National Homes Trail	\$1,000,000.00	2021
Yonge Street North	Davis Drive	Town of East Gwillimbury	\$200,000.00	2023

Note: Design work for these projects is to be advanced in the prior year



# Town of Newmarket

## Minutes

### Main Street District Business Improvement Area Board of Management

Date: Tuesday, February 19, 2019  
 Time: 6:00 PM  
 Location: Community Centre - Hall #2  
 200 Doug Duncan Drive  
 Newmarket, ON L3Y 3Y9

Members Present: Tom Hempen, Chair  
 Allan Cockburn, Vice Chair  
 Councillor Twinney  
 Councillor Kwapis  
 Rob Clark  
 Mark Iacovetta  
 Jennifer McLachlan  
 Omar Saer  
 Ken Sparks

Members Absent: Debbie Hill

Staff Present: K. Saini, Acting Director of Legislative Services/Town Clerk  
 E. Bryan, Business Development Specialist  
 C. Kallio, Economic Development Officer  
 A. Walkom, Legislative Coordinator  
 J. Grossi, Legislative Coordinator/Recording Secretary

#### 1. Additions and Corrections to the Agenda

None.

#### 2. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

#### 3. Deputations

### 3.1 Newmarket Car Club

The Newmarket Car Club was in attendance to provide a deputation regarding the Annual Car Show on Main Street. The deputant reviewed the 2018 event, asked the Board to approve the 2019 proposed date of June 9 and discussed the possibility of expanding the show for this year's event.

Moved by: Councillor Kwapis

Seconded by: Allan Cockburn

1. That the deputation provided by the Newmarket Car Club be received; and,
2. That the current boundaries from the 2018 Car Show be endorsed and that the Town should be consulted regarding the boundaries; and,
3. That the Main Street District Business Improvement Area Board of Management endorse the proposed date of Sunday June 9, 2019 for the Car Show.

**Carried**

## 4. Items

### 4.1 Appointment of Chair and Vice Chair

Moved by: Tom Hempen

Seconded by: Omar Saer

1. That Thomas Hempen be appointed as Chair of the Main Street District Business Improvement Area Board of Management.

**Carried**

Moved by: Allan Cockburn

Seconded by: Rob Clark

1. That Allan Cockburn be appointed as Vice Chair of the Main Street District Business Improvement Area Board of Management.



**Carried**

## **4.2 Orientation**

The Acting Director of Legislative Services/Town Clerk was in attendance to provide an orientation presentation. The presentation covered the relationship between the Board and Council, the agenda process and the Code of Conduct.

## **4.3 Approval of Minutes**

### **4.3.1 Main Street District Business Improvement Area Board of Management Meeting Minutes of September 18, 2018**

Moved by: Councillor Kwapis

Seconded by: Jennifer McLachlan

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of September 18, 2018 be approved.

**Carried**

## **4.4 2019 Meeting Schedule**

Moved by: Jennifer McLachlan

Seconded by: Omar Saer

1. That the Main Street District Business Improvement Area Board of Management schedule their meetings for 2019 on the Third Wednesday of the month from 8:00 AM to 10:00 AM.

**Carried**

## **4.5 Strategic Plan and 2019 Budget**

The Board members discussed possible strategic priority themes and requested that this discussion be continued at the next scheduled Main

Street District Business Improvement Area Board of Directors on  
Wednesday March 20, 2019.

## **5. New Business**

### **5.1 York Pride**

Ken Sparks notified the Board members that a representative from York Pride would be attending an upcoming meeting to provide a presentation.

### **5.2 Map Publications**

Ken Sparks presented a map publication to the Board that the Main Street District Business Improvement Area Board of Management approved a \$500 advertisement for in previous years. This discussion was deferred until the 2019 budget has been approved.

### **5.3 General Meeting**

Moved by: Councillor Twinney

Seconded by: Jennifer McLachlan

1. That a General Meeting be scheduled on Wednesday March 27, 2019 at 7:00 PM.

**Carried**

## **6. Adjournment**

Moved by: Jennifer McLachlan

Seconded by: Allan Cockburn

1. That the meeting be adjourned at 8:37 PM.

**Carried**

---

Tom Hempen, Chair

---

Date





## Town of Newmarket

### Outstanding Matters List (2018 – 2022 term of Council)

As of March 28, 2019

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
<b>2019</b>				
1.	<b>Meeting Date:</b> Council – June 7, 2016 – Item 35  <b>Subject:</b> Federal Infrastructure Funding	<b>Recommendation:</b> 1. That staff provide Council with a prioritized list of infrastructure projects currently not funded through Development Charges, the Asset Replacement Fund or Other Reserve Funds for implementation between 2018 to 2025 that augment existing priorities, strategies and master plans or leverage grant funding for initiatives that achieve our Corporate Vision of a 'Community Well Beyond the Ordinary'  <b>Responsible Departments:</b> ➤ Strategic Initiatives	2019	Awaiting next phase of funding announcements
2.	<b>Meeting Date:</b> Committee of the Whole – April 9, 2018  <b>Subject:</b> Council Remuneration	<b>Recommendations:</b> 1. That CAO/Human Resources Report 2018-05 be received; and,  2. That Council direct staff not to “gross up” or increase Council pay in 2019, at the time of the removal of the 1/3 tax free provision, which will result in a take home pay cut for all Members of Council; and,  3. That Council refer the consultant and staff report to the new term of Council to be considered along with updated information at that time and to allow for phasing of any further adjustments to occur if necessary; and,  4. That staff be authorized and directed to do all things necessary to give effect to this resolution.  <b>Responsible Department:</b> ➤ Office of the CAO/Human Resources	2019 TBD	

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
Q2, 2019				
3.	<b>Meeting Date:</b> Committee of the Whole – February 27, 2017  <b>Subject:</b> Report 2017-05 – Tree Removal, Protection Policies and Regulations	<b>Recommendation:</b> <ol style="list-style-type: none"> <li><del>That Council direct staff to update the existing Tree Preservation, Protection, Replacement and Enhancement Policy. (completed)</del></li> <li>That Council direct staff to prepare and bring to a future meeting a by-law regulating and protecting significant trees on private property; and,</li> <li><del>That Council direct staff to prepare and bring to a future Council meeting a by-law protecting trees on municipal property. (completed)</del></li> </ol> <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>➤ Planning and Building Services</li> </ul>	Q2, 2019	
4.	<b>Meeting Date:</b> Council – December 5, 2016  <b>Subject:</b> Report 2016-25 – 178, 170, 184, 188, 190 and 194 Main Street s	<b>Recommendation:</b> <ol style="list-style-type: none"> <li>That in 120 days, staff be directed to bring back an amendment to the Heritage Conservation District Plan and By-law for consideration of Council that would outline the criteria which would need to be met by applicants in order to be considered for approval for a fourth storey set back from the street by a minimum of 15 (fifteen) feet.</li> </ol> <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>➤ Planning and Building Services</li> </ul>	Q2, 2019	

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
5.	<p><b>Meeting Date:</b> Committee of the Whole – May 8, 2017</p> <p><b>Subject:</b> Information Document for Residents Related to Construction Sites</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That Council approve the following motion in principle:</li> <li>2. That staff be directed to prepare an information document that can be provided to residents in the vicinity of new construction sites, the purpose of which is to advise and to communicate to the residents, the various activities, potential impacts and expected timelines associated with each phase of construction, from site clearing through to house construction; and,</li> <li>3. That developers, through their consulting engineers, be required to ensure that residents, and the relevant Ward Councillor, in adjacent areas receive advance written notice of construction events to take place, so that they can be better informed and prepared for any disruption that may occur as a result; and,</li> <li>4. That the aforementioned motions be referred to staff for a report back including options and resource requirements.</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Planning &amp; Building Services</li> </ul>	Q2, 2019	Information Report to be distributed.
6.	<p><b>Meeting date:</b> Committee of the Whole – September 25, 2017</p> <p>Committee of the Whole – October 16, 2017</p> <p><b>Subject</b> Development and Infrastructure Services Report – Engineering Services 2017-32- Town Wide Traffic Mitigation Strategy – 2017</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That Development and Infrastructure Services Report – Engineering Services 2017-32, dated October 2, 2017, entitled “Town-wide Traffic Mitigation Strategy 2017 - Timing” be received and the following recommendations be adopted: <ol style="list-style-type: none"> <li>a. That the final report be brought back to Council by early Quarter 3 2018; and,</li> <li>b. That staff continue to expedite the process to provide the report sooner, if possible; and,</li> <li>c. That all current road safety, speed management and traffic calming programs that are currently underway, and are in accordance with the principles set out in “Appendix A” (draft strategy) from Development and Infrastructure Services Report ES 2017-29 (Town-wide Traffic Mitigation Strategy 2017), continue as planned throughout the consultation period and until the final strategy document is approved by Council, at which time the programs will be reviewed to plan their conformance with the new approved strategy.</li> </ol> </li> </ol> <p><b>Responsible Department</b></p> <ul style="list-style-type: none"> <li>➤ Engineering Services</li> </ul>	Q2, 2019	Information report to be distributed prior to end of June 2019.

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
7.	<p><b>Meeting Date:</b> Committee of the Whole – March 19, 2018</p> <p><b>Subject:</b> Vibration Control and construction activity (deputation)</p>	<p><b>Recommendation:</b></p> <p><del>1. That the deputation by Stuart Hoffman regarding vibration control in regards to construction activity be received and referred to staff for review and report; and,</del></p> <p><del>2. That staff be directed to provide recommendations and approaches to address the issues identified to protect neighbouring sites from the effects of vibrations from adjacent construction projects; and,</del></p> <p><del>3. That the report should include, but not be limited to, potential by-law changes including the requirement of pre-condition surveys, effective monitoring and data reporting, resident notification and a process for complaint handling in all site plan approvals.</del></p> <p><b>Responsible Departments:</b></p> <p>➤ <del>Planning and Building Services &amp; Engineering Services</del></p>	Completed	On March 18, 2019 CoW Agenda
	<p><b>Meeting Date:</b> Committee of the Whole – March 18, 2019</p> <p><b>Subject:</b> Construction Vibration Issues</p>	<p><b>Recommendation:</b></p> <p><del>1. That the report entitled Construction Vibration issues dated March 18, 2019 be received; and,</del></p> <p><del>2. That staff require vibration impact assessments as part of a complete application for development proposals ; and,</del></p> <p><del>3. That Council endorse the proposed notice and complaint process identified in this report; and,</del></p> <p><del>4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.-(Completed)</del></p> <p>5. That staff investigate options for existing sites where construction activity will cause significant vibrations.</p> <p><b>Responsible Departments:</b></p> <p>➤ Planning and Building Services &amp; Engineering Services</p>	Q2, 2019	



	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
8.	<b>Meeting Date:</b> Committee of the Whole - April 30, 2018  <b>Subject:</b> Heritage Designations – York Region Administrative Building and Newmarket Canal System	<b>Recommendation:</b> 1. The Senior Leadership Team/Operational Leadership Team recommend that the following be referred to staff for review and report:  a. That the Heritage Newmarket Advisory Committee propose to the Region of York that the Administration Centre building be designated, due to its noted architect; and,  b. That the Heritage Newmarket Advisory Committee recommend the Town of Newmarket designate the Newmarket Canal system.  <b>Responsible Department:</b> ➤ Planning and Building Services	Q2, 2019	
9.	<b>Meeting Date:</b> Committee of the Whole – March 19, 2018  <b>Subject:</b> Cats at large (deputation)	<b>Recommendation:</b> 1. That the presentation by Sharon King Todd regarding cats at large be received and referred to staff  <b>Responsible Department:</b> ➤ Legislative Services	Q2, 2019	Awaiting further Council direction on timelines for amended by-laws.
10.	<b>Meeting Date:</b> Committee of the Whole – January 14, 2019  <b>Subject:</b> Clothing Donation Bins	<b>Recommendation:</b> 3. That the licensing of Clothing Donation Bins be referred to the Regulatory Review Workshop  <b>Responsible Department:</b> ➤ Legislative Services	Q2, 2019	Awaiting further Council direction on timelines for amended by-laws.
11.	<b>Meeting Date:</b> Committee of the Whole – January 14, 2019  <b>Subject:</b> Deputation: Traffic Signage on Wayne Drive	<b>Recommendation:</b> That staff be directed to contact the Principal of the Glen Cedar Public School regarding a drop-off area at the school; and,  That staff report back to Council with information on a drop-off area.  <b>Responsible Departments:</b> Engineering Services	Q2, 2019	

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
12.	<p><b>Meeting Date:</b> Committee of the Whole - September, 25, 2017</p> <p><b>Subject:</b> Report 2017-16 Vacant Building Report – Window Wrap Program</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That Corporate Services – Legislative Services Report 2017-16 dated September 14, 2017 entitled “Vacant Buildings/Storefronts” be received; and,</li> <li>2. That staff be directed to report back on Option 2, a Window Wrap program.</li> </ol> <p><b>Responsible Departments:</b></p> <ul style="list-style-type: none"> <li>➤ Legislative Services/Economic Development</li> </ul>	Q2, 2019	
13.	<p><b>Meeting Date:</b> Committee of the Whole - June 11, 2018</p> <p><b>Subject:</b> Intensification in Stable Residential Neighbourhoods</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That the report entitled Development And Infrastructure Services/Planning &amp; Building Services Report 2018-37 dated June 11, 2018 be received; and,</li> <li>2. That staff be authorized to issue a Request for Proposals for the Official Plan and Zoning By-law amendments as described in this report; and,</li> <li>3. That early budget approval be granted to allow for the initiation of the Official Plan and Zoning By-law amendments to address intensification in stable residential areas, to be financed as set out in this report.</li> <li>4. That staff bring back an interim control by-law to the August 27, 2018 Committee of the Whole meeting for consideration. (completed)</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Planning and Building Services</li> </ul>	Complete	
	<p><b>Meeting Date:</b> Committee of the Whole – March 18, 2019</p> <p><b>Subject:</b> Interim Control By-law 2019-04</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That the request for an exemption to Interim Control By-law 2019-04 be referred to staff; and,</li> <li>2. That staff explore options for an Interim Control By-law exemption process and provide recommendations to Council.</li> </ol> <p><b>Responsible Departments:</b></p> <ul style="list-style-type: none"> <li>➤ Planning and Building Services</li> </ul>	Q2 2019	April 29, 2019 Committee of the Whole

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
14.	<b>Meeting Date:</b> Special Committee of the Whole - January 30, 2017  <b>Subject:</b> Internet Voting and Ranked Ballots	<b>Recommendation:</b> 1. That staff report back on Internet Voting and Ranked Ballots in 2019 immediately following the 2018 Municipal Election.  <b>Responsible Departments:</b> ➤ Legislative Services	Q2, 2019	Special Committee of the Whole Date TBD
15.	<b>Meeting date:</b> Committee of the Whole – March 19, 2018  <b>Subject:</b> 500 Water Street Parking Information Report 2018-11 (Cachet Parking Lot)	1. That Engineering Services report 2018-11 dated March 8, 2018 entitled “500 Water Street Parking (Cachet Parking Lot Expansion) be referred to the Community Centre Lands Task Force; and,  2. That the Community Centre Lands Task Force be directed to immediately reengage in the exploration of all options, including cost and timelines, for enhanced parking in the downtown area, including but not limited to new spaces and temporary structured parking; and,  3. That the Community Centre Lands Task Force work form the basis of a report back to Council, to be brought forward in Q1/Q2, 2019.  <b>Responsible Department:</b> ➤ Engineering Services/ Community Centre Lands Task Force	Q2, 2019	

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
16.	<p><b>Meeting Date:</b> (1) Committee of the Whole – February 27, 2017</p> <p>(2) Committee of the Whole - November 6, 2017</p> <p>(3) Committee of the Whole – April 9, 2018 (Temporary Parking Exemption Report)</p> <p><b>Subject:</b> Residential Parking</p>	<p><b>Recommendation:</b> (1) <del>1. That staff prepare a report on options and opportunities to address residential on street and off street parking challenges. Specifically, the report should consider the impact that changing economics and demographics have on housing occupancy and ways in which the Town of Newmarket can better balance reasonable parking needs with streetscape aesthetics, active transportation objectives and effective by-laws enforcement.</del></p> <p>(2) 1. That Development and Infrastructure Services Engineering Services and Planning and Building Services - Report 2017-45 dated November 6th, 2017 regarding Residential Parking Review be received and the following recommendations be adopted:</p> <ul style="list-style-type: none"> <li>a. That staff be directed to include in the 2018 budget a provision for contracting a planning and engineering consultant to undertake a review of parking matters discussed in this report; and,</li> <li>b. That, subject to budget approval, staff be directed to undertake a review of the Parking By-law and report back to Committee of the Whole with recommendations on improvements to parking matters discussed in this report.</li> <li>c. That staff be directed to organize a Council Workshop to present options based on Council's comments and feedback received at the November 6, 2017 Committee of the Whole meeting and that staff receive Council direction regarding the scope, scale and expected deliverables of a parking review prior to moving forward with issuing a Request for Proposal.</li> </ul> <p>(3) Recommendation 5: That the Temporary Parking Exemption Program be implemented as a pilot project and reviewed as part of the overall residential parking review scheduled for Q1/Q2, 2019</p> <p><b>Responsible Department:</b> ➤ Planning and Building Services / Legislative Services</p>	Q2, 2019	CW scheduled for June 10, 2019

Q3, 2019				
17.	<b>Meeting Date:</b> Committee of the Whole - April 30, 2018  <b>Subject:</b> Asset Replacement Fund Strategy	<b>Recommendation:</b> 1. That the Asset Replacement Fund Strategy be referred to staff for further information and be brought back to Council for consideration at a later date.  <b>Responsible Departments:</b> <ul style="list-style-type: none"> <li>➤ Financial Services</li> </ul>	Q3, 2019	
18.	<b>Meeting Date:</b> Committee of the Whole – January 14, 2019  <b>Subject:</b> Residents of Knapton Drive – Woodland Hills (stop signs - deputation)	<b>Recommendations:</b> 1. That the deputation be received and referred to staff.  <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>➤ Transportation Services</li> </ul>	Q3, 2019	
19.	<b>Meeting Date:</b> (1) Council – December 14, 2015  (2) Council – January 18, 2016 – Item 35  <b>Subject:</b> 2015-44 – Proposed Trail from Yonge Street to Rita's Avenue	<b>Recommendation:</b> (1) 1. That staff provide alternate trail options for this area at a lower cost.  (2) 2. That Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services - Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be reconsidered; and,  (2) 3. That staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita's Avenue to the George Luesby Park Trail; and,  (2) 4. That staff also include in the report the option of installing lighting along the George Luesby Park Trail.  <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>➤ Planning and Building Services</li> <li>➤ Engineering Services</li> </ul>	Q3 2019	Deferred subsequent to VivaNext construction

20.	<b>Meeting Date:</b> Committee of the Whole - September, 25, 2017  <b>Subject:</b> Report 2017-16 Vacant Building Report – Window Wrap Program	<b>Recommendation:</b> <ol style="list-style-type: none"> <li>1. That Corporate Services – Legislative Services Report 2017-16 dated September 14, 2017 entitled “Vacant Buildings/Storefronts” be received; and,</li> <li>2. That staff be directed to report back on Option 2, a Window Wrap program.</li> </ol> <b>Responsible Departments:</b> <ul style="list-style-type: none"> <li>➤ Legislative Services/Economic Development</li> </ul>	Q3, 2019	Joint Meeting to be scheduled with Business Improvement Area and Newmarket Accessibility Advisory Committee
<b>Q4 2019</b>				
21.	<b>Meeting Date:</b> Committee of the Whole - February 26, 2018  <b>Subject:</b> Newmarket Public Library Study Implementation	<b>Recommendations:</b> <ol style="list-style-type: none"> <li>1. That staff, in conjunction with the Newmarket Public Library CEO, be authorized to implement the recommendations in accordance with the presentations made at the January 30, 2018 Joint Council and Newmarket Library Board Workshop provided implementation is in line with current and future approved operating budgets; and,</li> <li>2. That Council refer the further consideration and direction with respect to library facility needs study to the 2018 – 2022 Council Strategic Priority setting process.</li> </ol> <b>Responsible Department:</b> Community Services/Newmarket Public Library	Q4, 2019	
<b>2020</b>				
22.	<b>Meeting Date:</b> Council – June 26, 2017-Item 10  <b>Subject:</b> Application for Official Plan Amendment and Zoning By-law Amendment – 260 Eagle Street	<b>Recommendation:</b> <ol style="list-style-type: none"> <li>1. That traffic impacts be monitored post construction.</li> </ol> <b>Responsible Departments:</b> <ul style="list-style-type: none"> <li>➤ Engineering Services</li> </ul>	Development is estimated to not be completed before 2020	



OFFICE OF THE MAYOR  
**John Taylor**

April 3, 2019

Local Government Policy Branch  
Ministry of Municipal Affairs and Housing  
Attn: Michael Fenn & Ken Seiling  
777 Bay Street, 13<sup>th</sup> floor  
Toronto, Ontario M5G 2E5

Dear Messer's Fenn and Seiling;

On behalf of the Council of the Town of Newmarket I would like to formally provide comments to your panel examining regional and local governance in the GTA and in Southern Ontario. I feel your work and likely resulting legislation has the potential to considerably affect the nature of local democracy and the provision of services and I hope our input will be carefully considered.

First, let me state unequivocally that boundary adjustments or adjustments to the numbers of elected officials should not be pursued for the purposes of reducing costs. There is little to no evidence that amalgamation or reductions in the numbers of elected officials will impact costs in a significant manner. Even the Fraser Institute found no basis for cost savings through amalgamation: "studies on Ontario's larger cities found no cost savings to amalgamation, and indeed, our research on smaller municipalities came to similar conclusions". They went on to say: "while it's commendable that the government is reviewing municipal service delivery, let's hope it will heed the lessons of the last amalgamation experiment and proceed with caution to ensure the best possible outcome and provide true cost-savings and better local governance".

If the panel and the Government continues to pursue local and Regional Government in search of savings I would strongly suggest they explore the N-6 model which is an ongoing formalized effort to find efficiencies, savings and improved services in a partnership of the northern six municipalities of York Region. This model will demonstrate various partnerships with all or some of the northern six municipalities when it comes to service delivery or procurement including waste management, IT, audit services, professional development and even fire services (Newmarket and Aurora). The Mayors and CAO's meet regularly to monitor the ongoing efforts and to explore a list of future potential options for partnerships and savings.

I would like to stress that if any municipal or regional entity is created it must be financially viable and should be studied as to whether that entity could sustain itself in the long term. The lack of a thorough financial analysis could have significant impact on local taxpayers and on service delivery.

I would like to close by stating that we are often cited as the level of government 'closest to the people'. This statement has significant meaning for local democracy and democracy at large. As mayor, I can assure you that the 90,000 residents who call Newmarket home greatly value being able to call their Mayor or Councillor or being able to come to a Council meeting and share their passion and concerns directly with us. As each year passes it seems people have less and less faith in, or connection to, government. Local government remains a level of government that is very connected to the people and local government provides some reassurance that people can be heard and that people can impact decision making. Amalgamations and fewer elected officials may sound good on paper but it may lead to a weakening of local democracy and local government – the level that is closest to the people.

Finally, my advice would be to require local government, be it lower or upper tier or single tier demonstrate they have undertaken the appropriate work to ensure that efficiencies and partnerships beyond their boundaries are being explored and implemented. That is where the real savings exist and then leave municipal governments free to do what they do best which is deliver direct and accountable services to the people of their communities and to be close at hand to hear directly from the people if it is not being done efficiently or properly. That is how democracy is meant to work.

Yours truly,

John Taylor  
Mayor

Copy: Christine Elliott, MPP Newmarket Aurora  
Deputy Premier of Ontario and Minister of Health & Long Term Care





# Corporation of the Town of Newmarket

## By-law 2019-20

A By-law to prescribe the Height and Description of Fences and Privacy Screens within the Town of Newmarket.

Whereas section 11 (3) 7 of the **Municipal Act**, 2001, S.O. 2001, c.25, as amended (the "Act") provides that a lower-tier municipality may pass by-laws respecting structures, including **Fences** and signs; and,

Whereas Subsection 98(1) and (2) of the **Municipal Act**, 2001 provides that a Bylaw may be passed by a municipality stating that the **Line Fence Act**, R.S.O., Ch. L. 17 ("**Line Fence Act**") does not apply to all or part of municipality, subject to the continuing applicability of Section 20 of the Line Fence Act; and,

Whereas section 26 of the **Line Fences Act** states that the **Line Fences Act**, except section 20, does not apply to land in an area that is subject to a by-law for apportioning the costs of line **Fences** passed under the Act; and,

Therefore be it enacted by the **Council** of the Corporation of the **Town** of Newmarket as follows:

### 1.0 Definitions

Note: Defined terms in this By-law are in bold and the first letter has been capitalized.

In this By-law

**"Accessory Outdoor Storage"** means the incidental storage of equipment, goods, or materials that are directly related to the lot, outside of any building or structure.

**"Appeal Committee"** means the **Appeal Committee** established by the **Town**.

**"Building"** means any **Building** of structure that is designed or constructed to be used as the principal or main **Building** on a lot and does not include accessory structures or **Buildings**.

**"Council"** means the elected **Council** of the Corporation of the **Town** of Newmarket.

**"Corner Lot"** means a lot situated at the intersection of and abutting onto two or more streets or two sections of the same street, provided that the angle of intersection of such street(s) is not more than one hundred and thirty-five degrees (135°).

**"Daylighting Triangle"** means the area within a triangle formed by measuring a prescribed distance along two specified intersecting lines and a third line joining the terminal points of the two measured lines.

**"Deck"** means a platform, with no solid roof or walls, which is constructed on piers or a foundation above finished **Grade** adjacent to a ground floor or walkout basement wall, is used as an outdoor living area.

**“Director”** means the Director, Legislative Services/ Town Clerk of the **Town** and his/her designate.

**“Division Fence”** means a **Fence, Hedge** or combination thereof used to define a property **Lot Line**.

**“Fees and Charges By-law”** means the General **Fees and Charges By-law**, as amended for the Legislative Services Department.

**“Fence”** means any structure constructed of building materials designed for exterior use including but not limited to posts, boards, panels, pickets, pilings, wood, fiberglass, plastics, metal, lattice, rails, wire, chain link, masonry or similar materials or any combination thereof which delineates any **Yard** or outdoor area but does not include trellis or arbour.

**“Grade”** means the level of the ground adjacent to the outside wall of a **Building** or structure.

**“Hedge”** means a continuous line or shrubs or other plant material closely growing bushes, trees, shrubs or other plantings used to define a property **Lot Line**, but shall not include closely growing bushes, trees, shrubs or other plantings on the interior side of a **Fence**.

**“Height”** means the total **Height** at any point along a **Fence, Hedge, Division Fence** or **Privacy Screen** measured from the highest level of **Grade** on either side of the **Fence** or **Privacy Screen** at any point along the **Fence** or **Privacy Screen** from a point that is less than 0.6 metres (2 feet) from the **Fence** or **Privacy Screen** and includes the posts, rails and any decorative “lattice” or similar form of capping. In the case of a **Fence, Division Fence** or **Privacy Screen** located on top of a retaining wall, **Height** shall mean the vertical distance between the top of the retaining wall and the highest point of the **Fence** or **Privacy Screen**.

**“Height”** means the vertical distance measured between the finished **Grade** and the highest point of a **Fence, Hedge, Division Fence** or **Privacy Screen** or any part thereof, directly above; in the case of a **Fence, Hedge, Division Fence** or **Privacy Screen** located on top of a retaining wall, **Height** shall mean the vertical distance between the top of the retaining wall and the highest point of the **Fence, Hedge, Division Fence**, or **Privacy Screen** directly above.

**“Line Fences Act”** means **Line Fences Act**, R.S.O. 1990, c. L.17, as amended, from time to time.

**“Lot Line”** means a boundary of a lot including its vertical projection.

**“Lot Line, Exterior Side”** means a side **Lot Line** which abuts the street on a **Corner Lot**.

**“Lot Line, Front” means:**

- (a) In the case of an interior lot, shall be the **Lot Line** abutting a street.
- (b) In the case of a **Corner Lot**, shall be the shorter **Lot Line** that abuts a street.
- (c) In the case of a **Corner Lot** with two **Street Lines** of equal length, shall be the **Lot Line** which abuts a Regional Road. In the case that both abutting streets are under the same jurisdiction or are of the same width, the Municipality may designate either **Street Line** as the front **Lot Line**.
- (d) In the case of a **Corner Lot** abutting a 0.3 metre reserve, shall be the **Lot Line** which does not abut the 0.3 metre reserve.
- (e) In the case of a through lot, shall be the longer boundary dividing the lot from the street. In the case that both such **Lot Lines** shall be of equal length, the Municipality may designate either **Street Line** as the front **Lot Line**.

**“Lot Line, Rear”** means the **Lot Line** or intersection of the side **Lot Lines**, opposite to, and most distant from, the front **Lot Line**.

**“Lot Line, Side”** means a **Lot Line**, other than a front or rear **Lot Line**. In the case of a **Corner Lot**, the **Lot Line** that abuts a street shall be identified as the **Exterior Side Lot Line**.

**“Municipal Act”** means **Municipal Act**, 2001,c.25, as amended, from time to time.

**“Municipal Law Enforcement Officer”** means a **Person** appointed by Council as a **Municipal Law Enforcement Officer** and shall also include an officer of the York Regional Police Service.

**“Non-residential Property”** means land used for other than residential purposes and includes land used for both residential and other purposes.

**“Owner”** means the registered **Owner**, lessee, tenant, mortgagee in possession and/or the **Person** in charge of any property.

**“Person”** means an individual, business, firm, body corporate, corporation, association, or municipality.

**“Privacy Screen”** means a visual barrier constructed of building materials designed for exterior use including but not limited to posts, boards, panels, pilings, lattice, rails, wire, chain link, masonry or similar materials or any combination thereof used to shield any part of a **Yard** from view from any adjacent lot or highway.

**“Residential Property”** means land used for residential purposes.

**“Street Line”** means the boundary between a public or private street and a lot.

**“Town”** means Corporation of the **Town** of Newmarket.

**“Water Gate”** means a gate, or valve, by which a flow of water is permitted, prevented, or regulated.

**“Yard”** means an open, uncovered space on a lot re to a **Building** and unoccupied by **Buildings** or structures except as may be expressly permitted by this By-Law but does not include a court yard. In determining **Yard** measurements the minimum horizontal distance from the respective **Lot Line(s)** shall be used.

**“Yard, Exterior Side”** means the **Yard** of a **Corner Lot** extending from the **Front Yard** to the **Rear Yard** between the **Exterior Side Lot Line** and the nearest main wall of the principal **Building** or structure on the lot.

**“Yard, Front”** means a **Yard** extending across the full width of a lot between the front **Lot Line** and the nearest wall of the principal **Building** or structure on the lot.

**“Yard, Interior Side”** means a **Yard** other than an **Exterior Side Yard**, extending from the **Front Yard** to the **Rear Yard** between the interior side **Lot Line** and the nearest wall of the principal **Building** or structure on the lot.

**“Yard, Rear”** means a **Yard** extending across the full width of a lot between the rear **Lot Line** and the nearest wall of the principal **Building** or structure on the lot.

**“Zoning By-law”** means the **Zoning By-law** of the **Town** passed under the Planning Act, R.S.O. 1990 as amended, from time to time.

## 2.0 Administration and Exemption

### 2.1 Interpretation:

- (a) A word interpreted in the singular number has a corresponding meaning when used in the plural.
  - (b) The imperial measurements included in this by-law are for information only and are intended to be an approximate conversion of the metric measurements, which shall prevail in the event of any conflict.
- 2.2 This By-law shall be administered by the **Director**.
- 2.3 This By-law shall not apply to any **Fence, Division Fence** or **Privacy Screen** erected for government or other public purposes by the **Town**, the Regional Municipality of York, or any Provincial or Federal governmental authority.
- ~~2.4 This By-law does not apply to a **Fence, Division Fence**, or **Privacy Screen** that was lawfully erected or altered on the day this by-law comes into force. To the extent of any non-compliance with previous by-laws covering **Fences**, such **Fences** shall be required to comply with this by-law.~~
- ~~2.52.4~~ Where a property is subject to a site plan agreement under Section 41 of the Planning Act, R.S.O., 1990, any **Fences** shall comply with the site plan agreement.
- ~~2.62.5~~ Where a **Fence** has been installed pursuant to a subdivision agreement under Section 51 of the Planning Act, R.S.O., 1990, any **Fences** shall comply with the subdivision agreement.

### 3.0 General Provisions

- 3.1 No **Person** shall erect a **Fence** or **Privacy Screen** or **Division Fence** or cause a **Fence, Privacy Screen** or **Division Fence** to be erected,
- (a) which is wholly or partly constructed of barbed wire, chicken wire or other barbed or sharp material; ~~save and except any farmer, wishing to protect their property provided that such materials are used at a **Height** of at least 1.83 metres (6 feet) above the finished **Grade**.~~
  - (b) which is wholly or partly constructed from sheet metal or corrugated metal panels manufactured chipboard, waferboard, plywood or similar manufactured wood products.
  - (c) which contains a device for projecting an electric current.
- 3.2 No **Person** shall construct a **Fence** over a drainage easement or watercourse without constructing a **Water Gate** sufficient to ensure adequate drainage.
- 3.3 All **Water Gates** on **Fences** shall at all times be kept free from obstruction by the **Owner** of such **Fence**.
- 3.4 Notwithstanding any other provision of this By-law, no **Person** shall construct a **Fence, Division Fence** or **Privacy Screen** so as to obstruct access to any hydro or water meter or meter reading device by any employee, officer or agent of Newmarket-Tay Hydro or the **Town**.
- 3.5 No **Person** shall construct a **Fence, Privacy Screen** or **Division Fence** that is greater than 20 centimetres (8 inches) wide.
- 3.6 Every **Fence, Privacy Screen** and **Division Fence** shall be constructed and maintained by its **Owner** in a structurally sound condition and in good repair. For the purpose of this subsection, maintenance of a **Fence, Privacy Screen** or **Division Fence** with a surface that has been previously painted, stained, varnished or which has been treated with other similar protective finishes shall be maintained so that such finish does not visibly deteriorate.

- 3.7 The **Owner** of any **Fence** or **Division Fence** or the agent or employee of such **Owner** is permitted to enter upon the land adjoining the **Fence** after having given at least 24 hours written notice of intention to enter to the adjoining property **Owner** or tenant for the purpose of making necessary and appropriate repairs, alterations or improvements to such **Fence** but only to the extent necessary to effect such repairs, alterations or improvements and provided that the adjoining land shall be left in the same condition it was prior to such entry.
- 3.8 A **Hedge** in any **Yard** shall not be in excess of the **Height** limits contained within this By-law except for the provision for width set out in section 3.5 of this By-law
- 3.9 In the case of a **Corner Lot**, no **Person** shall erect a **Fence** or cause a **Fence** to be erected within a **Daylighting Triangle** formed by measuring five metres (5 m) along the Lot Lines from the intersection of any two highways or at the intersection of two parts of the same highway meeting at an angle of not more than one hundred and thirty-five (135) degrees.
- 3.10 In the case of any lot, no **Person** shall erect a **Fence** or cause a **Fence** to be erected within a **Daylighting Triangle** formed by measuring five metres (5 m) along the **Lot Line** and a driveway, at the intersection of the driveway and the **Lot Line** abutting the highway.
- 3.11 The area within the **Daylighting Triangle** shall be determined by measuring from the point of intersection of two **Street Lines** or the extension of such lines on a corner lot.

#### 4.0 Fences in Residential Zones

- 4.1 No **Person** in a residential zone shall erect or construct a **Fence** or **Division Fence** in the **Town** in excess of the following **Height** requirements;
- (a) **Rear Yard:** No **Fence** erected in a **Rear Yard** shall exceed 2.1 metres (7 feet) in **Height** provided that in the case of a **Corner Lot**, where a **Rear Yard** abuts a **Front Yard** or **Interior Side Yard** of an adjacent lot, no **Person** shall construct a **Fence**, **Division Fence** or **Privacy Screen** that exceeds 1.8 metres (6 feet) in **Height**.
  - (b) **Interior Side Yard:** No **Fence** erected in an **Interior Side Yard** shall exceed 1.8 metres (6 feet) in **Height**.
  - (c) **Front Yard:** No **Fence** erected in a **Front Yard** shall exceed 1 metre (3 feet) in **Height**.
  - (d) **Exterior Side Yard:** No **Fence** erected in an **Exterior Side Yard** shall exceed 1.8 metres (6 feet) in **Height**.
  - (e) Notwithstanding clauses 4.1(a) to (d), a **Fence** abutting an arterial road designated in the Town's Official Plan may have a **Fence** that does not exceed 2.4 metres (8 feet) in **Height** along a rear **Lot Line** abutting said arterial road.
  - (f) Where the **Rear** or **Side Yard** of any lot abuts the **Side** or **Rear Yard** of any of any other lot, any **Fence** to be erected shall not exceed the requirement of any **Fence** that may be erected on any such abutting lot, that is to say the more restrictive provisions of this by-law shall apply except in those situations set out in clauses 4(a) and 4(d) above.
  - (g) Notwithstanding section 4 of this by-law and the definitions of **Yards**, where the principal entrance of a **Residential Property** is located in an **Exterior Side Yard**:

- i. The **Exterior Side Yard** shall be deemed to be the **Front Yard**.
- ii. The **Front Yard** shall be deemed to be the **Exterior Side Yard**.

## 5.0 Privacy Screens in Residential Zones

5.1 Every **Privacy Screen** shall be:

- (a) located within **Interior Side, Exterior Side** or **Rear Yards** only;
- (b) **Privacy Screens** located in a **Front Yard** maybe erected between adjacent independent entrances of semi-detached, townhouse and link dwellings providing that;
  - i. the **Privacy Screen** shall not encroach more than 1.2 metres (4 feet) from the wall containing the adjacent independent entrances; and
  - ii. shall not exceed 1.8 metres (6 feet) in **Height**;
- (c) not closer to a **Lot Line** or a **Street Line** than a **Deck** would be permitted to be located pursuant to the **Zoning By-law**;
- (d) no longer than 12 metres (39 feet) in total length and no individual section of length is longer than 5 metres (16 feet); and
- (e) no more than 3 metres (10 feet) in **Height** if constructed at **Grade** level and no more than 2 metres (6.5 feet) in **Height** if constructed on a **Deck**.

## 6.0 Fences and Privacy Screens in Non-Residential Zones

6.1 No **Fence** in any non-residential zone shall be:

- (a) greater than 3 metres (10 feet) in **Height** within the **Interior Side, Exterior Side** or **Rear Yards**; or
- (b) greater than 1.5 metres (5 feet) in **Height** within the **Front Yard**, except where **Accessory Outdoor Storage** is lawfully maintained within the **Front Yard**, in which case the provisions of this By-law relating to **Accessory Outdoor Storage** shall apply.

6.2 In a non-residential zone that permits **Accessory Outdoor Storage** pursuant to the **Zoning By-law**, the area used for **Accessory Outdoor Storage** shall be screened so that the goods, materials, equipment or machinery are not visible from any street or abutting lots. The **Privacy Screening** shall be provided by any combination of **Fences**, walls, berms, landscaping and plantings that are:

- (a) not less than 2 metres (6.5 feet) and a maximum 3 metres (10 feet) in **Height**; and
- (b) constructed of permanent non-transparent materials or vegetation that provides a visual barrier.

## 7.0 Line Fences Act

7.1 With the exception of section 20 in the **Line Fences Act**, the **Line Fences Act** shall not apply to any part of the **Town**.

## 8.0 Power of Entry

8.1 The **Town** may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) the provisions of this By-law;

- (b) an order issued under this By-law; or
- (c) an order made under section 431 of the **Municipal Act**.

8.2 Where an inspection is conducted by the **Town**, the **Person** conducting the inspection may;

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
- (c) require information from any **Person** concerning a matter related to the inspection including their name, address, phone number and identification; and,
- (d) alone or in conjunction with a **Person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

8.3 The **Town** may undertake an inspection pursuant to an order issued under section 438 or the **Municipal Act**.

8.4 The **Town's** power of entry may be exercised by an employee, officer or agent of the Town or by a member of a police force with jurisdiction, as well by any **Person** under his or her direction.

## 9.0 Order

9.1 When a **Fence** or **Privacy Screen** is erected or altered in contravention of the provisions of this By-law, the **Director** may issue an order to any **Person** who:

- (a) has erected or altered or caused or permitted to be erected or altered, a **Fence** or **Privacy Screen** on property contrary to the provisions required of this By-law; or
- (b) the order shall require the **Fence** or **Privacy Screen** to be brought into compliance with this By-law within a timeframe indicated in the order and shall include reasonable particulars to identify the contravention, the location of the contravention and the date by which the **Fence** must be brought into compliance with the By-law.
- (c) the order shall be served personally on the **Owner**, or to an email address that the **Person** has provided to the **Town** or posted at the address of the **Owner** where the **Fence** was erected or altered, or sent by registered mail to the last known address of the **Owner**, in which case it shall be deemed to have been given on the 5th calendar day after it is mailed.
- (d) if there is evidence that the occupant of the land is not the registered property **Owner**, the order shall be served on both the registered property **Owner** and the occupant of the land.

## 10.0 Remedial Action

10.1 Wherever this By-law, or an order issued under this By-law, directs or requires any matter or thing to be done by any **Person** within a specified time period, in default of it being done by the specified time period, remedial action may be initiated by the **Director**, or a Town designate. The **Town** may recover, from the **Person** directed or required to do the matter or thing, the costs incurred through a legal action or by recovering the costs in the same manner as taxes.

- 10.2 For the purposes of taking remedial action under Section 10.1 the **Town**, its Staff and/or its agents may enter, at any reasonable time, upon any lands on which a default to carry out a required thing or matter occurred.

### 11.0 Penalty Provision

- 11.1 Any **Person** who contravenes a provision of this By-law, including an order issued under this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended
- 11.2 If a **Fence** or **Privacy Screen** has been erected or altered in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing of **Fence** for each day or part of a day that the contravention remains uncorrected.
- 11.3 If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing of **Fence** for each day or part of a day that the order is not complied with.
- 11.4 Any **Person** who is guilty of an offence under this By-law shall be subject to the following penalties pursuant to Part III of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended:
- (a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
  - (b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
  - (c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and
  - (d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 11.5 For the purposes of this By-law, “multiple offences” means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.
- 11.6 For the purposes of this By-law, an offence is a “second or subsequent offence” if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 11.7 Where an authorized officer or **Municipal Law Enforcement Officer** has reasonable grounds to believe that an offence has been committed by any **Person** or **Owner**, the authorized officer or **Municipal Law Enforcement Officer** may require the name, address and proof of identity of that **Person** or **Owner**, and the **Person** or **Owner** shall supply the required information.

### 12.0 Collection of Unpaid Fines

- 12.1 If any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the Provincial Offences Act, R.S.O. 1990, c. P.33 , as amended, including any extension of time for payment ordered under that section, The **Director** may give the **Person** against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty one (21) days after the date of the notice;



- 12.2 If the fine remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purposes of section 351 of the **Municipal Act**.

### 13.0 Variance

- 13.1 Where a proposed or existing **Fence** or **Privacy Screen** is not in compliance with this By-law, the **Owner** of the lot on which the **Fence** or **Privacy Screen** is or is proposed to be constructed, or an authorized agent of the **Owner**, may request a variance from any of the applicable provisions of this By-law.
- 13.2 An application for a variance shall be made on the form prescribed by the **Town** and shall be accompanied by the non-refundable variance application fee in the **Fees and Charges By-law**.
- 13.3 A request for a variance shall be submitted to the **Director** on the application form prescribed by the **Town** and shall only be deemed to be complete and ready for a review by the **Director** if it includes:
- (a) the name, address and contact information of the applicant;
  - (b) the address of the lot relevant to the variance request;
  - (c) reference to the specific Section(s) of the By-law from which the variance is sought;
  - (d) a detailed description explaining why the applicant requires the variance;
  - (e) a description of the **Fence** and/or **Privacy Screen** including the dimensions and the specifications of the construction and installation;
  - (f) a survey of the lot identifying the location of the **Fence** and/or **Privacy Screen**;
  - (g) a site plan of the lot identifying the location of the **Fence** and/or **Privacy Screen**;
  - (h) proof of notification to abutting neighbours by personal service or prepaid first class mail which indicates: (1) specifications of the **Fence**, (2) reasons for the exemption request, and (3) objections must be forwarded to the **Director** of Legislative Services within 10 days
  - (i) payment of the non-refundable fee as outlined in the **Fees And Charges By-law**.
- 13.4 Upon reviewing an application for a variance, the **Director** shall consider:
- (a) whether it is in accordance with the general intent and purpose of the By-law;
  - (b) if approved, would the resulting **Fence** or **Privacy Screen** be in keeping with the surrounding area and would there be any negative impact on adjacent residents;
  - (c) are there any special circumstances and would strict application of the provisions of this By-law result in unnecessary difficulty or hardship for the applicant; and
  - (d) would approval of the variance result in any impacts to the health, safety or welfare of the public.
- 13.5 The **Director** shall inform the applicant, as well as any abutting neighbours that submitted objections, by way of written notice setting out the grounds for the decision with reasonable particulars, and the right to appeal such decision to the **Appeals Committee**.
- 13.6 A request for an appeal to the **Appeals Committee** shall be made in writing to the **Director** setting out the reasons for the appeal within 10 days after service of the written notice, and shall be accompanied by an appeal fee set out in the **Fees and Charges By-law** to the **Town**,

- 13.7 Where no request for an appeal is received in accordance with section 13.6, the decision of the **Director** shall be deemed to be affirmed.
- 13.8 Where a request for an appeal is received, a hearing of the Appeals Committee shall be convened and the applicant shall be provided reasonable written notice thereof. The Appeals Committee may consider any matter in section 13.4.
- 13.9 Where an applicant makes a request for an appeal and fails to appear at the time and place scheduled for the hearing of the appeal, or requests an adjournment on the day of the scheduled hearing, the applicant shall pay to the **Town** an administrative fee of \$100.00, which may be refunded in the discretion of the Committee if the nonattendance was unavoidable or the adjournment is in the public interest, not prejudicial to the expeditious determination of the proceeding or otherwise justified.
- 13.10 A decision of the **Appeal Committee** is final and binding.

#### **14.0 Liability**

- 14.1 In addition to any other party who commits the offence with respect to this By-law, the **Owner** of the premises on which the **Fence** or **Privacy Screen** was erected or altered shall be deemed to commit the offence.

#### **15.0 Severability**

- 15.1 Where a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an order to the contrary.

#### **16.0 Short Title**

- 16.1 This By-law shall be referred to as the "Fence By-law";

And that By-law 2000-63, 2000-114, 2000-168, 2001-2, 2002-172 and 1992-91 is hereby repealed.

Enacted this 15<sup>th</sup> day of April, 2019.

John Taylor, Mayor

Lisa Lyons Town Clerk



# Corporation of the Town of Newmarket

## By-law 2019-21

A By-law to Determine the Appointment of Costs of Division Fence.

Whereas section 11(1) 7 of the Municipal Act, 2001, S.O. 2001, c.25, as amended (the Act”) provides that a lower-tier **Municipality** may pass by-laws respecting structures, including fences and signs;

And whereas Subsection 98(1) and (2) of the Municipal Act, 2001 provides that a Bylaw may be passed by a **Municipality** stating that the Line Fence Act, R.S.O., Ch. L. 17 (“Line Fence Act”) does not apply to all or part of **Municipality**, subject to the continuing applicability of Section 20 of the Line Fence Act;

And whereas section 26 of the Line Fences Act states that the Line Fences Act, except section 20, does not apply to land in an area that is subject to a by-law for apportioning the costs of line fences passed under the Act;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

### 1.0 Definitions

1.1 The following words shall have the following meanings in this By-law:

“**Act**” means the Line Fences Act, R.S.O., Ch. L.17, as amended from time to time;

“**Actual Cost**” means the total cost of the construction, replacement, maintenance or repair of a **Division Fence** and includes the value of the materials used and the value of the labour performed to complete the work;

“**Adjoining Owner**” means the person who owns the land adjacent to land of another land **Owner** seeking to build a **Division Fence**;

“**Basic Cost**” means the total cost of construction, replacement, maintenance or repair (as applicable) of a four (4) foot high, 1-1/2 inch mesh, steel chain link fence;

“**Division Fence**” means a fence marking the boundary between adjoining parcels of land;

“**Municipality**” means The Corporation of the Town of Newmarket;

“**Owner**” means:

- I. the registered **Owner** of the land and/or;
- II. a person managing or receiving the rent for land or premises

Where more than one person meets the definition of “**Owner**” in this By-law, they shall be considered as a single **Owner** for the purposes of cost allocation.

“**Public Highway**” means lands owned by the **Municipality** and designated as a common and **Public Highway**, including any street, bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway;

“**Public Authority**” means the federal or provincial government, Crown agents, school boards and regional municipalities to whom the context can apply but specifically excludes the **Municipality**;

“**Unopened Road Allowance**” means lands owned by the **Municipality** but

which have yet to be designated as a **Public Highway** by the enactment of a by-law.

## 2.0 APPLICABILITY

- 2.1 From and after the date of enactment of this by-law, the provisions of the Act, except for section 20 of the Act, shall no longer apply in the **Municipality**.
- 2.2 The provisions of this By-law do not apply in the following circumstances:
  - a) To any lands that constitute a **Public Highway**, including lands abutting a **Public Highway** that are held as a reserve by a **Municipality** or other **Public Authority** to separate lands abutting the reserve from the highway, or to lands that are being held by a **Municipality** or other **Public Authority** as an unopened road allowance or for future **Public Highway** purposes.
  - b) Where the **Owner** of any land has initiated any proceedings under the Line Fences Act, R.S.O. 1990, c. L.17, 90 days prior to the date of the passing of this By-law.
- 2.3 In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural and words imparting the masculine gender shall include the feminine. The converse of the foregoing shall also apply where the context so requires.

## 3.0 PROVISIONS

- 3.1 An **Owner** of land may construct, replace, repair and maintain a **Division Fence**.
- 3.2 Where the **Owners** of adjoining lands are in agreement or are able to reach an agreement on the details of construction or maintenance of the said **Division Fence**, each of them shall construct or maintain a reasonable portion of a **Division Fence**, or shall bear such proportion of the cost of any work required in connection with the construction or maintenance thereof, as is provided for in the agreement reached between the **Owners**, regardless of any provision to the contrary in this By-law.
- 3.3 Where the **Owners** of adjoining land cannot agree or reach an agreement as referred to in Subsection 3.2 of this By-law, an **Owner** desiring to construct or maintain a **Division Fence** may do so subject to complying with the following requirements:
  - a) The **Owner** must deliver a Notice of Intent to the **Adjoining Owner** by registered mail, advising of his intent to construct or maintain the **Division Fence**;
  - b) The Notice of Intent must contain at a minimum, the following information:
    - i. A copy of (3) written quotes for the **Actual Cost** or **Basic Cost** for the fencing work to be undertaken; and
    - ii. A paragraph stating that the construction or maintenance of the **Division Fence** will commence fourteen (14) business days after the date of mailing of the Notice of Intent and the **Owner** may seek a contributory payment for the work to the **Division Fence** from the **Adjoining Owner** in accordance with this By-law; and
    - iii. A further paragraph stating that the **Adjoining Owner** may obtain three (3) additional quotes for presentation to the **Owner** not later than ten (10) business days from the date of mailing of the Notice of Intent; and
    - iv. A complete copy of the Fence By-law must be attached to the Notice of Intent.
- 3.4 Unless otherwise agreed, the **Actual Cost** for the construction of a **Division Fence** shall be paid as follows:
  - (a) the **Adjoining Owner** shall pay fifty percent (50%) of the **Basic Cost** or fifty percent(50%) of the **Actual Cost**, whichever is the lesser, having considered all the fencing quotes exchanged; and
  - (b) the **Owner** desiring to construct or replace the **Division fence** shall pay the balance of the **Actual Cost**.
- 3.5 Where a declaration has been registered under the Condominium Act, R.S.O. 1990, c. C.26, as may be amended from time to time, the condominium corporation and not the **Owners** of the individual units shall be deemed to be the **Adjoining Owner** of the land described in the declaration for the purposes of this By-law and,

- (a) any payment that the condominium corporation may be responsible for under this By-law is a common expense for the purposes of the Condominium Act; and,
  - (b) any payment to be made to the condominium corporation under this **Act** is an asset of the condominium corporation.
- 3.6 In cases where the cost of replacement/maintenance/repair of an existing **Division Fence** is in dispute, the cost shall be apportioned as follows:
- a) The **Adjoining Owner** shall pay fifty percent (50%) of the **Basic Cost** or fifty percent (50%) of the **Actual Cost**, whichever is lesser, having considered all the fencing quotes exchanged, and
  - b) The **Owner** shall pay the balance of the **Actual Cost**.
- 3.7. Once a fence has been erected, the cost of repairs or maintenance to the **Division Fence** shall be borne equally by the **Owner** and the **Adjoining Owner**, in accordance with Section 3.6, save and except for the following exceptions:
- a) The cost of repairs to a **Division Fence** shall be borne by the **Owner** if his/her invitees caused the damage necessitating the repair.
  - b) The cost of repairs to a **Division Fence** shall be borne by the **Adjoining Owner** if his/her invitees caused the damage necessitating the repair.
  - c) The cost of repairs to the **Division Fence** shall be borne equally by the **Owner** and the **Adjoining Owner** if the damage necessitating the repair was caused by natural disaster,
  - d) If a tree is displaced by accident, carelessness, negligence, deliberate intent or otherwise, so as to cause damage to a **Division Fence**, the **Owner** of the land on which the tree stood shall, as his sole expense, remove the tree and repair the fence.
- 3.8. Where the **Municipality** is the **Adjoining Owner** of lands other than lands as described in in Subsection 2.2 of this By-law, the cost of construction, replacement, repair or maintenance of a **Division Fence** shall be assigned as follows:
- a) The **Owner** shall pay 95% of the cost of work; and/or
  - b) The **Municipality** shall pay 5% of the cost of the work.
- 3.9 Compliance with this by-law does not exempt an **Owner** or the **Adjoining Owner** from the requirement to comply with By-law 2019-XX (the "Fence By-law") or By-law 2008 –18, as amended (Pool Enclosure By-law) from time to time.
- 3.10 Any **Division Fence** constructed or repaired within an area designated as a heritage conservation district pursuant to Part V of the Ontario Heritage Act, R.S.O. 1990, c O.18, as may be amended from time to time, is subject to all the requirements for obtaining a permit pursuant to such legislation.

#### 4.0 Enforcement

- 4.1 Any **Owner** desiring to enforce the provisions this By-law shall, within ninety days (90) after completion of the construction of the **Division Fence**, serve or cause to be served on the **Adjoining Owner** a notice by registered mail requiring compliance with this By-law by means of payment of that **Adjoining Owner's** portion of the **Basic Cost** and if such compliance does not take place within thirty (30) days after service of the notice, the **Owner** may take appropriate proceedings under Part IX of the Provincial Offences Act, R.S.O. 1990, c. P.33, as may be amended from time to time, for an order to recover the proportionate share of the cost of the work from the **Adjoining Owner**.

#### 5.0 Severability

- 5.1 Should any provision of this By-law be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of this By-law as a whole or any other part thereof, other than the provision declared to be invalid.

#### 6.0 Short Title

6.1 This By-law shall be referred to as the "Division Fence By-law";

Enacted this 15<sup>th</sup> day of April, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk



**Corporation of the Town of Newmarket**  
**By-law 2019-22**

A By-law to Amend By-law 2018-37 Schedule F being a By-Law to Adopt Fees and Charges for Services or Activities Provided by the Town Of Newmarket (Legislative Services - General Fees)

Whereas the *Municipal Act, 2001* authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it; and,

Whereas Council enacted By-law 2018-37 Schedule F to establish Legislative Services- General Fees for the Corporation of the Town of Newmarket; and,

Whereas it is deemed necessary to amend the Schedule of By-law 2018-37 as it relates to Fence Variance Fees.

Therefore be it enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

- 1. That the Schedule F to the By-law 2018-37 be updated to add the following:

Service Provided	Unit of Measure	Fee
Application for Fence Variance	Each	\$287.00
Request for an Appeal to the Appeal Committee	Each	\$574.00
Administration Fee for Fail to Appear to Hearing	Each	\$100.00

Enacted this 15<sup>h</sup> day of April, 2019.

John Taylor, Mayor

Lisa Lyons Town Clerk







# **Corporation of the Town of Newmarket**

## **By-law 2019-23**

A By-law to adopt Amendment Number 22 to the Town of Newmarket Official Plan.

The Council of the Corporation of the Town of Newmarket, in accordance with the provisions of Sections 17(22) and 21 of the Planning Act, RSO 1990, c.P. 13, hereby enacts as follows:

1. That the text and maps attached hereto are adopted as an Amendment Number 22 to the Town of Newmarket Official Plan.
2. And that this By-law shall come into force and take effect on the day of the final passing thereof.

Enacted this 15<sup>th</sup> day of April, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk





# Corporation of the Town of Newmarket

## By-law 2019-24

A By-law to confirm the proceedings of a meeting of Council – April 15, 2019

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 15<sup>th</sup> day of April 2019.

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John Taylor, Mayor

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Kiran Saini, Deputy Town Clerk