



# Town of Newmarket

## Agenda

### Council - Electronic

Date: Monday, September 21, 2020  
Time: 1:00 PM  
Location: Streamed live from the Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

#### 1. Public Notices

At this time, the Municipal Offices remain closed to the public. This meeting will be streamed live at [newmarket.ca/meetings](http://newmarket.ca/meetings).

##### Public Input

Individuals who wish to submit input to Council in relation to an item on this agenda have the following options available.

1. Email your correspondence to [clerks@newmarket.ca](mailto:clerks@newmarket.ca) by end of day on Sunday, September 20, 2020. Written correspondence received by this date will form part of the public record; or,
2. Make a live remote deputation by joining the virtual meeting using the Town's videoconferencing software and verbally provide your comments over video or telephone. To select this option, you are strongly encouraged to pre-register by emailing your request and contact information to [clerks@newmarket.ca](mailto:clerks@newmarket.ca).

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

**Note:** Additional items are marked by an asterisk\*.

#### 3. Conflict of Interest Declarations

#### 4. Public Hearing Matter(s)

##### How to get involved with planning applications (item 4.1)

Newmarket Council will not be making any final decisions at this meeting in relation to item 4.1, all written and verbal comments will be given to Planning staff to consider in a future

report. A report will then be provided to Council at a future Committee of the Whole or Council Meeting.

Residents are encouraged to get involved in the public planning process by submitting written comments or participating in a live deputation through video conferencing during the meeting. To learn more about how to get involved, please email [clerks@newmarket.ca](mailto:clerks@newmarket.ca) and include your contact information (name and phone number).

#### 4.1 1250 Gorham Street - Zoning By-Law Amendment

**Note:** Howard Friedman, HBR Planning, will be in attendance to provide a presentation on this matter.

### 5. Presentations & Recognitions

### 6. Deputations

### 7. Minutes

#### 7.1 Council - Electronic Meeting Minutes of August 31, 2020

1. That the Council - Electronic Meeting Minutes of August 31, 2020 be approved.

### 8. Reports by Regional Representatives

### 9. Consent Items and Recommendations from Committees

#### 9.1 Committee of the Whole - Electronic Meeting Minutes of September 14, 2020

1. That the Committee of the Whole - Electronic Meeting Minutes of September 14, 2020 be received and the recommendations noted within be adopted.

##### 9.1.1 Remote Deputation regarding Zoning By-Law Amendment: 292-294 Court Street

1. That the Remote Deputation provided by Deborah Alexander regarding Zoning By-Law Amendment: 292-294 Court Street be received.

##### 9.1.2 Item 7.7 of the Central York Fire Services - Joint Council Committee Meeting of September 1, 2020 Draft Minutes

**Note:** An amended schedule has been included, with amendments marked in bold.

1. That staff be directed to place an amended draft by-law on the

agenda for the September 21, 2020 meeting of Council, reflecting the changes identified by the Committee of the Whole; and,

2. That Council approve the following:
  - a. That Fire Services Report JCC-2020-03 Cost Recovery Program (Expansion) dated 2020-09-01 be received; and,
  - b. That the Joint Council Committee (JCC) approve this report and authorize staff to implement the updated Town of Newmarket User Fees – Schedule G as amended; and,
  - c. That JCC authorize a 12-month pilot of the expanded services within the cost recovery program, with phase 1 to include
    - natural gas leaks,
    - drug labs/grow ops & clandestine labs,
    - post fire investigations,
    - extraordinary expenses,
    - hydro incidents (down wires) and;
    - Phase 2 (after the 12 month pilot program) to include
      - multi-purpose smoke alarms and carbon monoxide alarms
      - elevator rescues (non-emergency); and,
  - d. That JCC approve an additional 7 hours for the Accounts Administrator permanent part time position which is an increase from 21 hours (FTE 0.6) to 28 hours (FTE 0.8) per week.

#### 9.1.3 Extending the 30 Minute Downtown Parking Restrictions on Main Street

1. That the report entitled Extending the 30 Minute Downtown Parking Restrictions on Main Street dated September 14, 2020 be received; and,
2. That Council approve the amendments to Parking By-law 2019-63 as contained in Appendix A; and,
3. That staff undertake public consultation with the Main Street Newmarket Business Improvement Area to determine the impact of the parking change; and,
4. That staff report back on the findings of the public consultation, and any recommendations to further amend Main Street parking restrictions by Q1 2021; and,

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

9.1.4 Continued Transition of Regulatory By-laws to the Administrative Monetary Penalty System

1. That the report entitled Continued Transition of Regulatory By-laws to the Administrative Monetary Penalty System dated September 14, 2020 be received; and,
2. That Council amend the AMPS By-law 2019-62; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.1.5 Zoning By-Law Amendment 292-294 Court Street

1. That the report entitled Zoning By-Law Amendment 292-294 Court Street dated September 14, 2020 be received; and,
2. That the application for Zoning By-Law amendment, as submitted by Jawad Ali, for lands known municipally as 292-294 Court Street, be approved, and that staff be directed to present the Zoning By-law amendment to Council for approval, substantially in accordance with Schedule 1; and,
3. That staff be directed to do all things necessary to give effect to the recommendations in this report; and,
4. That Deborah Alexander, of Alexander Planning Inc., 72 Herefordshire Crescent, East Gwillimbury, L9N 0N6, be notified of this action.

9.1.6 Site Specific Exemption to Interim Control By-law 2019-04 for 181 Beechwood Crescent

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 for subject property 181 Beechwood Crescent dated September 14<sup>th</sup>, 2020 be deferred to the Committee of the Whole meeting of October 5, 2020.

9.1.7 Central York Fire Services – Joint Council Committee Meeting Minutes of March 3, 2020

1. That the Central York Fire Services – Joint Council Committee Meeting Minutes of March 3, 2020 be received.

9.1.8 Heritage Newmarket Advisory Committee Meeting Minutes of March 3, 2020



1. That the Heritage Newmarket Advisory Committee Meeting Minutes of March 3, 2020 be received.

9.1.9 Motion - Commercial Rooftop Patios (Councillor Kwapis)

Whereas the Planning Act allows municipalities to amend its comprehensive zoning by-law from time-to-time; and,

Whereas it is appropriate to update the Town's comprehensive zoning by-law from time-to-time to address new circumstances, market demands, and to ensure that desirable emerging and innovative uses are permitted; and,

Whereas 'Commercial Rooftop Patios' are currently defined in the Town's comprehensive zoning by-law but are not specifically permitted or prohibited in any zone, or permitted in combination with any use;

Therefore be it resolved as follows:

1. That staff be directed to schedule a Statutory Public Meeting for the purpose of outlining specific use permissions related to 'Commercial Rooftop Patios', addressing matters such as:
  - maximum size (percentage of rooftop or gross floor area)
  - associated uses for which a 'Commercial Rooftop Patio' may be permitted
  - design (i.e. site plan) requirements
  - compliance with licensing and noise by-laws

**10. By-laws**

**2020-49** A By-law to amend fees and charges by-law 2019-79 being a By-law to adopt Fees And Charges For Services Or Activities Provided By The Town Of Newmarket (Central York Fire Services).

**2020-50** A By-law to amend by-law 2019-63, as amended, being a by-law to regulate parking within the Town of Newmarket.

(Schedule IV – No Parking and Schedule VI Parking for Restricted Periods).

**2020-51** A By-law to amend By-law 2019-62 being a By-law to implement an Administrative Monetary Penalty System in the Town of Newmarket.

**2020-52** A By-law to Amend Zoning By-law 2010-40, with respect to the lands located at 292-294 Court Street, being Lot 5 on Plan 25.

1. That By-laws 2020-49, 2020-50, 2020-51, and 2020-52 be enacted.

**11. Notices of Motions**

**12. Motions Where Notice has Already been Provided**

**13. New Business**

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

**15. Confirmatory By-law**

**2020-53** A By-law to Confirm the Proceedings of the September 21, 2020 Council meeting

1. That By-law 2020-53 be enacted.

**16. Adjournment**

**1250 Gorham Street**

**FILE NUMBER:** D14NP2010 (ZBA)

**Monday, September 21, 2020 at 1:00 PM**

The application is proposing to rezone the subject lands to permit:

- [illegible]

The purpose of the public meeting is to hear from any person who has an interest in the Zoning By-law Amendment. On September 21, 2020, Council will not be making a final decision regarding this application, but will refer all written and verbal comments to Planning Staff to consider and return with a report to a future Committee of the Whole or Council meeting.

**How to get involved:**

As the Municipal Offices remain closed to the public, this meeting will be streamed live on September 21, 2020 at 1:00 PM at [newmarket.ca/meetings](https://newmarket.ca/meetings). The video will also be made available after the meeting and archived on the Town's website. If there are any technical difficulties during the live stream, the Town will attempt to post the archived video after the meeting.

You can get involved with this application in the following ways:

**Submit written comments**

Written comments may be emailed to [clerks@newmarket.ca](mailto:clerks@newmarket.ca). In order for comments to be received by Council at the statutory public meeting, written comments must be submitted by **end of day September 20, 2020**. Written comments will also continue to be received after the public meeting has concluded, after the meeting send written comments to [planning@newmarket.ca](mailto:planning@newmarket.ca).

**Speak to Council during the live meeting through video conferencing (Zoom)**

Individuals who wish to provide verbal representation may provide a remote (live) deputation through the Zoom platform during the Council meeting. Due to the technical requirements of joining an electronic meeting, residents are **strongly encouraged to pre-register for a remote (live) deputation** by completing the form provided at [newmarket.ca/meetings](https://newmarket.ca/meetings) or by providing their full name and contact information by registering via [clerks@newmarket.ca](mailto:clerks@newmarket.ca) or by calling 905-953-5300 extension 2203.

Personal information collected in response to the planning application will be used to assist Town staff and Council to process this application and will be made public.

**Any person** may verbally address Council during the live meeting through Zoom and/or submit written comments either in support of or against the proposed Zoning By-law Amendment.

**Any person** may send written comments to the Town of Newmarket at 395 Mulock Drive, P.O. Box 328, STN MAIN Newmarket, ON, L3Y 4X7 or via email at [planning@newmarket.ca](mailto:planning@newmarket.ca), or by calling 905-953-5321.

**If you wish to be notified** of the decision of the proposed Zoning By-law Amendment, you must make a written request to Planning Services at Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN MAIN Newmarket, ON L3Y 4X7 or by emailing [planning@newmarket.ca](mailto:planning@newmarket.ca).

**If a person or public body** does not make verbal submissions at the public meeting or make written submissions to the Town of Newmarket before the by-law is passed, the person or public body is not entitled to appeal the decision of the Town of Newmarket to the Local Planning Appeal Tribunal.

**If a person or public body** does not make verbal submissions at the (namely, the electronic meeting) public meeting, or make written submissions to the Town of Newmarket before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Local Planning Appeal Tribunal, there is reasonable grounds to do so.

**Additional information** relating to the proposed Zoning By-law Amendment is available by contacting Planning Services by email at [planning@newmarket.ca](mailto:planning@newmarket.ca) or by telephone at 905-953-5321. Please refer to File Number D14NP2010 (ZBA).

**Dated August 26th, 2020**  
**Planning Services**

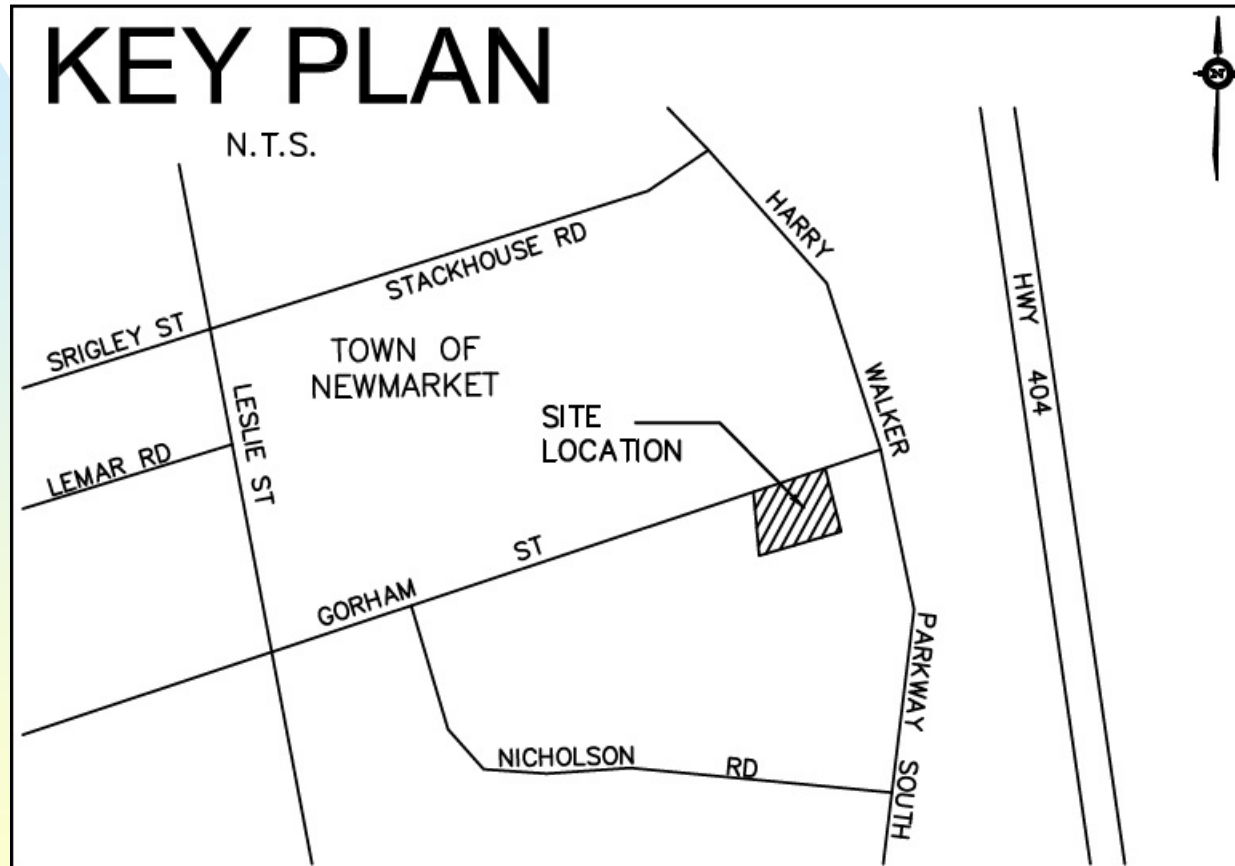
# Public Meeting 1250 Gorham Street Town of Newmarket



# Overview

- 2011378 Ontario Limited (Cummins Hydraulics Ltd.) has made application to the Town, to rezone the subject lands (1250 Gorham Street) to permit an approximately 359 sq. m. addition at the rear of the existing building, and to also allow outside storage as a permitted use.
- The property is located on the south side of Gorham Street, just west of Harry Walker Parkway and east of Leslie Street.
- The lands are within an industrial subdivision, within the Town of Newmarket's Employment Area.

# Location Map



# Background

- Cummins Hydraulics is a family run business that has operated out of its current location since 2005.
- The business is an industrial operation that undertakes the assembly and repair of hydraulics/air, pumps and cylinders and caters to automotive, construction, landscape and rental businesses. There is a small accessory wholesale component in the front portion of the building.
- The business has 21 employees (16 on-site and 5 off-site).
- Cummins Hydraulics requires more room to operate the assembly and repair portion of their business, and accordingly wishes to expand the existing building through the proposed addition, and open storage on the lands.



# Subject Lands

- The property is surrounded by:
  - North – Gorham Street and several multi-unit industrial buildings including such uses as the Newmarket Food Pantry and various automotive related uses;
  - East – YRDSB Facilities Management Centre;
  - South - YRDSB Centre for Leadership and Learning;
  - West - Multi-tenant commercial/industrial building with offices, survey company, automotive repair etc.
- The subject lands are approximately 6,184 sq. m ( $\pm$  66, 566 sq. ft.) in size and have approximately 90.6 m ( $\pm$  297 ft.) of frontage on Gorham Street.
- Currently there exists a Precast Stone and Metal clad building on site, which was built in 2003 and was subject to a Site Plan Agreement in August of 2003.
- The site is serviced by a total of 36 parking spaces which are accessed by two separate driveways, one on each side of the building.

# Aerial View



# View of Site from Gorham Street



# View of East Side of Building





# View of West Side of Building



# View of Area of Proposed Addition



# Official Plan and Zoning

- Lands are currently designated as “Business Park – General Employment” in the Town of Newmarket Official Plan. This designation permits "manufacturing, processing, assembling, storage, warehousing, fabricating and wholesaling (except to the general public) of goods and materials" as well as business and professional offices. The proposed use of the lands would conform to the Official Plan.
- Permitting outside storage on the site would be in conformity with Section 6.2.1 of the Official Plan which allows uses incidental to the primary uses, in all Business Park designations.
- Lands are zoned “General Employment (EG-12) Exception Zone in Town of Newmarket Zoning By-law 2010-40.

# Nature of the Application

- The Owners wish to construct a  $\pm 359$  square metre ( $\pm 3,864$  sq. ft.) addition at the rear of the existing building, in order to expand the manufacturing and repair component of the business.
- The addition would be  $\pm 27.4$  metres ( $\pm 90$  feet) wide and  $\pm 13.1$  metres ( $\pm 43$  feet deep, with a sloped roof that varies in height from  $\pm 8.2$  metres ( $\pm 27$  feet) to  $\pm 9.6$  metres ( $\pm 31.5$  metres), and would be built within  $\pm 2.8$  to  $\pm 4.1$  metres from the rear property line. .
- The addition has been designed to be compatible with the existing building.
- Access to the addition would be provided from Gorham Street via the existing driveways.





# Nature of the Application (continued)

- The application also proposes an Open storage area. This area would be approximately 1,094 sq. m. ( $\pm 11,776$  sq. ft.) or approximately 17.7% of the site area, and would be fenced around its perimeter.
- The storage area would be screened with a fence screen, to mitigate its visual impact on the surrounding properties.
- Two other nearby properties, (1166 and 1186 Nicholson Road) are also zoned EG, and located within the same industrial subdivision, were rezoned by By-law 2016-59 to allow accessory outdoor storage up to 30% of the lot area to be permitted.

# Studies Undertaken

- The studies submitted in support of the application to the Town include:
  - Functional Servicing and Stormwater Management Technical Memorandum (MNT Consulting)
  - Tree Inventory and Tree Preservation Plan (Kuntz Forestry Consulting)
  - Phase One Environmental Site Assessment (Spice Environmental Inc.)
  - Planning Justification Report (HBR Planning Centre)

# Zoning Amendment Requested

- Zoning By-law Amendment Application requests the subject lands be rezoned to "**General Employment (EG-\_\_\_) Exception Zone**" with the following additional provisions:
  1. Exception to By-law to recognize a minimum Rear Yard Setback of 2.0 metres to permit the outside storage facility and proposed addition to be constructed. (By-law currently requires minimum rear yard of 12.0 metres.)
  2. Outdoor open storage as a permitted use with the necessary provisions to accommodate the size and location as shown on the concept plan.
  3. Any other zoning provisions deemed necessary to implement the concept plan as proposed.

# Conclusions

- The proposed addition and use of the lands are compatible with the adjacent land uses.
- The proposed building expansion and outside storage use of the subject lands will assist in keeping Cummins Hydraulics Ltd. operating as a business within the Town of Newmarket's Employment Area.
- The proposed Zoning By-law amendment would conform with the Official Plan for the Town of Newmarket.



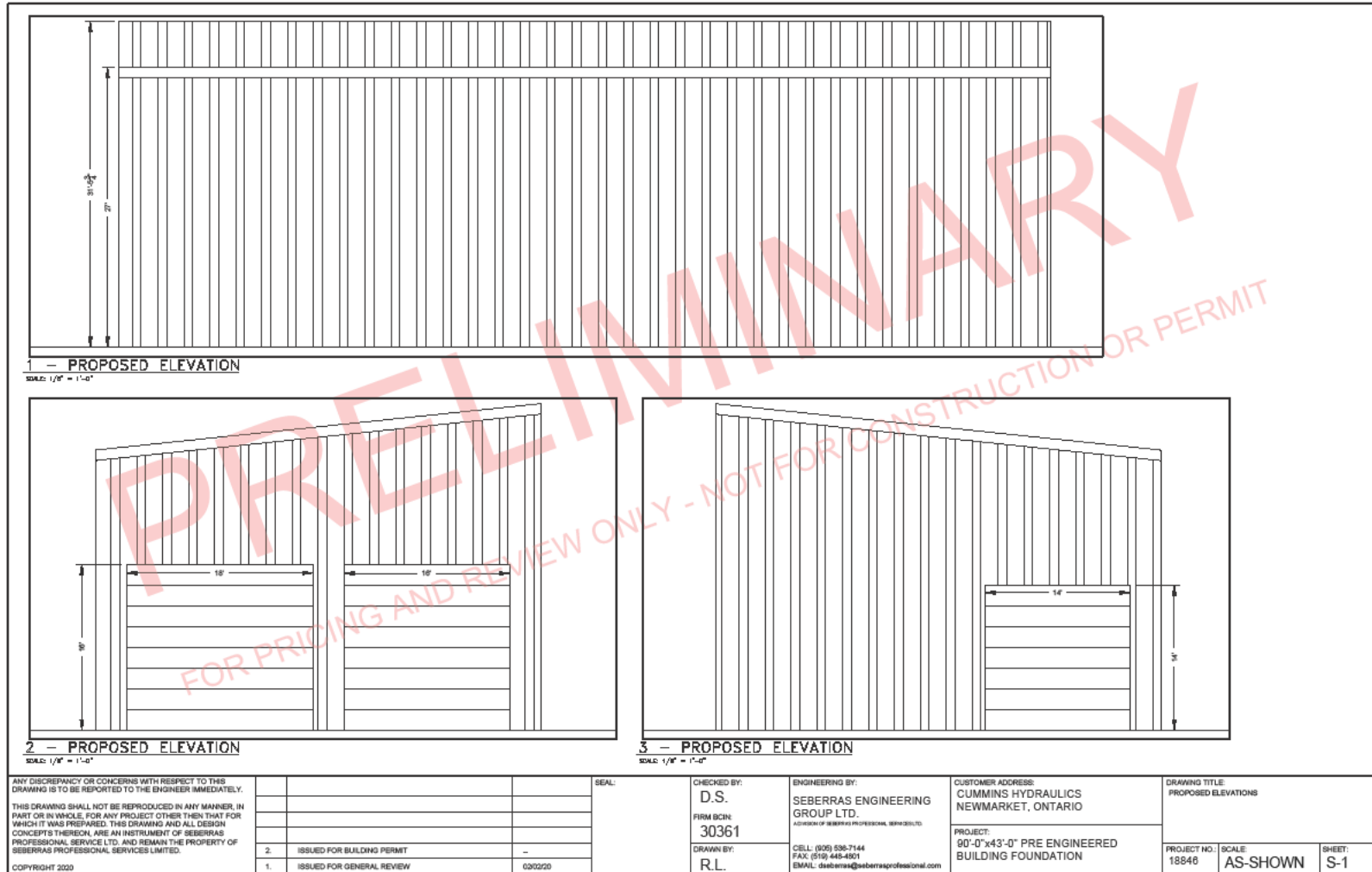




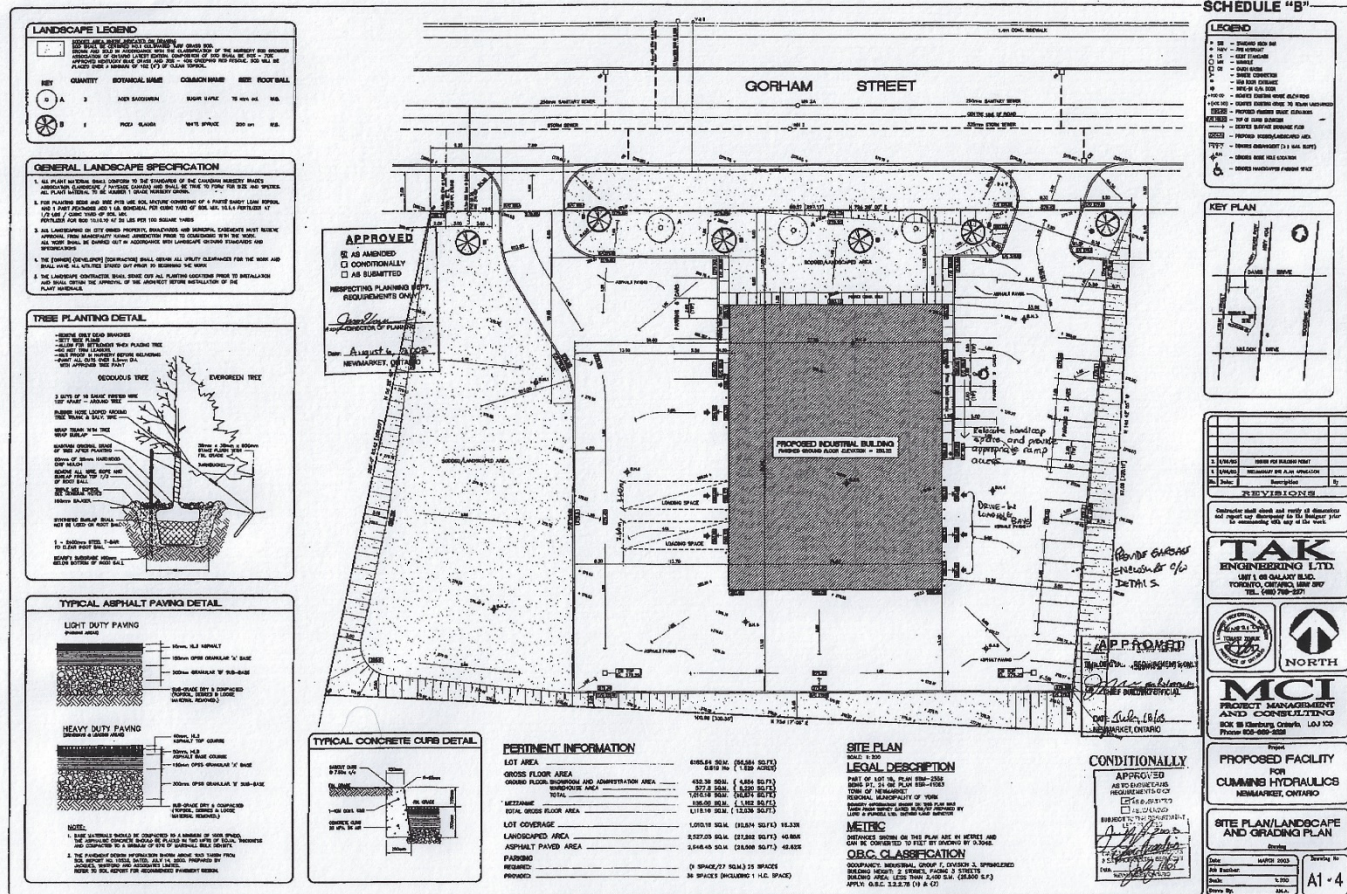




# Elevations



# Approved Site Plan





# **Town of Newmarket**

## **Minutes**

### **Council - Electronic**

Date: Monday, August 31, 2020  
Time: 1:00 PM  
Location: Streamed live from the 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: I. McDougall, Acting Chief Administrative Officer  
E. Armchuk, Commissioner of Corporate Services  
P. Noehammer, Commissioner of Development & Infrastructure Services  
K. Saini, Deputy Town Clerk  
A. Cammaert, Acting Manager of Planning Services  
A. Walkom, Legislative Coordinator  
J. Grossi, Legislative Coordinator

The meeting was called to order at 1:00 PM.

Mayor Taylor in the Chair.

Council recessed at 1:06 PM and reconvened at 1:22 PM.

Deputy Mayor & Regional Councillor Vegh in the Chair for the discussion of sub-item 9.2.6: Downtown Parking Review specifically related to the proposed agreement with St. Paul's Church due to a declared conflict by Mayor Taylor.

#### **1. Public Notices**

Mayor Taylor acknowledged that the Town of Newmarket is located on the traditional territories of the Wendat, Haudeno-saunee, and the Anishinaabe peoples and the treaty land of the Williams Treaties First Nations and other Indigenous peoples whose presence here continues to this day. He thanked them for sharing this land with us. Mayor Taylor also acknowledge the Chippewas of Georgina Island First Nation as our close neighbours and friends, and that we work to ensure a cooperative and respectful relationship.

Mayor Taylor advised that the Municipal Offices were closed to the public and that this meeting was streamed live at [Newmarket.ca/meetings](http://Newmarket.ca/meetings). Residents who would like to provide comment on an item on this agenda were encouraged to provide their feedback in writing through email to Legislative Services at [clerks@newmarket.ca](mailto:clerks@newmarket.ca) or by joining the meeting electronically through video or telephone. He advised residents that their comments would form part of the public record.

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

The Deputy Clerk advised of the following additions to the agenda:

- Item 4.1.1: Remote Deputation related to Public Hearing Matter: 849 Gorham Street - Official Plan Amendment and Zoning By-law Amendment provided by Katherine Whewell
- Items 4.1.3: Correspondence related to Public Hearing Matter: 849 Gorham Street - Official Plan Amendment and Zoning By-law Amendment, provided by Stephen King
- Items 4.1.13: Correspondence related to Public Hearing Matter: 849 Gorham Street - Official Plan Amendment and Zoning By-law Amendment, provided by Ted Bomers
- Items 4.1.14: Correspondence related to Public Hearing Matter: 849 Gorham Street - Official Plan Amendment and Zoning By-law Amendment, provided by Rifang Zou & Jingjing Sun
- Item 6.1: Remote Deputation regarding Update on the Mulock Station Area Secondary Plan provided by Brad Rogers, Groundswell Urban Planners Inc.
- Item 9.2.12.1: Correspondence related to Financial Update provided by Kathy (Toth) Kumpula, President, Newmarket Taxpayers Advocacy Group

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the additions to the agenda be approved.

**Carried**

### **3. Conflict of Interest Declarations**

Mayor Taylor declared a conflict regarding sub-item 9.2.6: Downtown Parking Review, specifically related to a proposed agreement with St. Paul's Church. He advised that his parents are members of the church.

### **4. Public Hearing Matter(s)**

The Deputy Clerk welcomed the public to the Virtual Public Planning and Council meeting. She advised that the Planning Act requires the Town to hold at least one public meeting on any proposed Zoning By-law Amendment, Official Plan Amendment or Draft Plan of Subdivision or Condominium.

The Deputy Clerk advised that the purpose of the public meeting is to hear from anyone who has an interest in either of the following applications:

- 849 Gorham Street - Official Plan Amendment and Zoning By-law Amendment. The application is a proposed Official Plan and Zoning By-law amendment to permit 20 Townhouse Units & 2 Semi-detached Units at 849 Gorham Street.
- Established Neighbourhoods Compatibility Study - Official Plan and Zoning By-law Amendments. The purpose of these amendments is to enact the recommendations from the Established Neighbourhoods Compatibility Study related to growth, change, and compatibility of single-lot or unit development in established residential areas.

She further advised that Council would not make a decision regarding the proposed applications at the public meeting, but will refer all written and verbal comments to Planning Staff to consider and return with a report to a future Committee of the Whole or Council meeting.

The Deputy Clerk encouraged anyone who was interested in providing verbal feedback to Council regarding these applications to join the meeting electronically by emailing [clerks@newmarket.ca](mailto:clerks@newmarket.ca).

The Deputy Clerk advised that if anyone wished to be notified of any subsequent meetings regarding this matter, they may email [planning@newmarket.ca](mailto:planning@newmarket.ca).

The Deputy Clerk noted that in accordance with the Planning Act, the Local Planning Appeal Tribunal may dismiss an appeal to the Tribunal, without holding

a hearing, if the appellant failed to make either oral submissions at the public meeting or provide written submissions to Council prior to adoption of the application.

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

#### **4.1 849 Gorham Street - Official Plan Amendment and Zoning By-law Amendment**

Aaron Gillard and John Buckley of LARKIN+ Land Use Planners provided a presentation regarding the application for Official Plan Amendment and Zoning By-law Amendment for 849 Gorham Street to allow for a twenty unit townhouse development and two semi-detached properties. The presentation included an overview of the proposed development with elevations, a breakdown of the development phases and a list of the technical reports and studies which have been completed.

Members of Council queried the presenter regarding the technical studies conducted to date, the trees currently located on the site, garbage collection and snow removal plans, parking availability, and the design of the units.

The Acting Manager of Planning Services provided Council with the next steps regarding the application process and advised that Staff would bring a report back to a future Committee of the Whole meeting.

Moved by: Councillor Woodhouse

Seconded by: Councillor Morrison

1. That the presentation provided by John Buckley and Aaron Gillard of LARKIN+ Land Use Planners regarding 849 Gorham Street - Official Plan Amendment and Zoning By-law Amendment be received.

**Carried**

##### **4.1.1 Remote Deputation - Katherine Whewell**

Katherine Whewell of 856 Sparrow Road provided a remote deputation which outlined her concerns with the proposed development. The issues she raised included the increased density in the neighbourhood, the possible loss of mature trees, possible

increased traffic on Gorham Street and concerns over garbage collection.

Moved by: Councillor Woodhouse  
Seconded by: Deputy Mayor & Regional  
Councillor Vegh

1. That the Remote Deputation provided by Katherine Whewell regarding 849 Gorham Street - Official Plan Amendment and Zoning By-law Amendment be received.

**Carried**

**4.1.2 Correspondence - Patrick Monks**

**4.1.3 Correspondence - Stephen King**

**4.1.4 Correspondence - Janet Caverly**

**4.1.5 Correspondence - Gerald Fox**

**4.1.6 Correspondence - Donna and Steve MacDonald**

**4.1.7 Correspondence - Colleen Harack**

**4.1.8 Correspondence - Doug Selwood**

**4.1.9 Correspondence - Helen Thorne**

**4.1.10 Correspondence - Cindy Bomers**

**4.1.11 Correspondence - Lionel Franklin**

**4.1.12 Petition submitted by Ted Bomers**

**4.1.13 Correspondence - Ted Bomers**

**4.1.14 Correspondence - Rifang Zou & Jingjing Sun**

Moved by: Councillor Woodhouse  
Seconded by: Councillor Simon

1. That sub-items 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6, 4.1.7, 4.1.8, 4.1.9, 4.1.10, 4.1.11, 4.1.13 and 4.1.14 being correspondence provided by Patrick Monks, Stephen King, Janet Caverly, Gerald Fox, Donna & Steve MacDonald, Colleen Harack, Doug



Selwood, Helen Thorne, Cindy Bomers, Lionel Franklin, Ted Bomers, and Rifang Zou & Jingjing Sun be received; and,

2. That sub-item 4.1.12 being a petition submitted by Ted Bomers be received.

**Carried**

#### **4.2 Established Neighbourhoods Compatibility Study - Official Plan and Zoning By-law Amendments**

Blair Scorgie of SvN Planning provided a presentation to Council which included a background of the study, an overview of the purpose of the study and the timeline which the project has followed to date. The presentation continued with an overview of the public consultation which has been conducted.

Blair Scorgie provided the character area classifications which the Town is divided into and the breakdown of each type. He proceeded with an overview of the tests which were conducted to determine the conditions in the identified areas. The presentation concluded with a detailed breakdown of the policy recommendations provided by the study.

The Commissioner of Development & Infrastructure Services advised that a Special Committee of the Whole had been scheduled on the Established Neighbourhoods Compatibility Study for further information and discussion of the study.

Moved by: Councillor Twinney  
Seconded by: Councillor Simon

1. That the presentation provided by Blair Scorgie of SvN regarding the Established Neighbourhoods Compatibility Study - Official Plan and Zoning By-law Amendments be received.

**Carried**

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

None.

#### **6. Deputations**



## **6.1 Remote Deputation regarding Update on the Mulock Station Area Secondary Plan**

Brad Rogers of Groundswell Urban Planners Inc. provided a deputation on behalf of Marcel Algeieri, President of Newmarket Volvo which included a brief overview of plans for redevelopment of the site on Mulock Drive, east of Cane Parkway. He noted that the report lists this property as part of Phase 2 of the Plan and requested that the property instead be included in Phase 1.

Moved by: Councillor Kwapis  
Seconded by: Councillor Twinney

1. That the remote deputation provided by Brad Rogers, Groundswell Urban Planners Inc. on behalf of Marcel Algeieri, President of Newmarket Volvo, regarding the Update to the Mulock Secondary Plan be received.

**Carried**

## **7. Minutes**

### **7.1 Council - Electronic Meeting Minutes of July 27, 2020**

Moved by: Deputy Mayor & Regional  
Councillor Vegh  
Seconded by: Councillor Broome

1. That the Council - Electronic Meeting Minutes of July 27, 2020 be approved.

**Carried**

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

Deputy Mayor & Regional Councillor Vegh advised that the next Regional meeting would be held September 10, 2020 and that he would provide an update to Council after that meeting.

## **9. Consent Items and Recommendations from Committees**

### **9.1 Council Workshop - Electronic Meeting Minutes of August 25, 2020**

Moved by: Councillor Bisanz  
Seconded by: Councillor Twinney

1. That the Council Workshop - Electronic Meeting Minutes of August 25, 2020 be received.

**Carried**

### **9.2 Committee of the Whole - Electronic Meeting Minutes of August 24, 2020**

Moved by: Councillor Woodhouse  
Seconded by: Councillor Morrison

1. That the Committee of the Whole - Electronic Meeting Minutes of August 24, 2020 be received and the recommendations noted within be adopted with the exception of sub-items 9.2.6 and 9.2.10. See following sub-items 9.2.6 and 9.2.10 for motions.

**Carried**

#### **9.2.1 Presentation - York Region's Transportation Services Department - Yonge Street Project**

1. That the presentation provided by Jamal Ahmed, Project Manager, Capital Planning and Delivery, Transportation Services of York Region regarding the Yonge Street Project be received.

#### **9.2.2 Presentation - Lake Simcoe Regional Conservation Authority - 2020 Budget Companion**

1. That the presentation provided by Mike Walters, Chief Administrative Officer, Lake Simcoe Region Conservation Authority (LSRCA) regarding the LSRCA 2020 Budget Companion be received.

#### **9.2.3 Presentation - Downtown Parking Review**

**Note:** See sub-item 9.2.6 below.

#### **9.2.4 Remote Deputation regarding Businesses Accepting Cash in Newmarket**

1. That the remote deputation provided by Lynn Rae regarding businesses accepting cash in Newmarket be received.

#### **9.2.5 Remote Deputation regarding International Holocaust Remembrance Alliance (IHRA) Definition on Antisemitism**

**Note:** See sub-item 9.2.11 below.

#### **9.2.6 Downtown Parking Review**

Moved by: Councillor Kwapis  
Seconded by: Councillor Simon

1. That Council endorse option #1 (St. Paul's).

**Carried**

Deputy Mayor & Regional Councillor Vegh assumed the role of Chair for this item. Mayor Taylor took no part in the discussion or vote on the foregoing matter due to a declared conflict.

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

Moved by: Councillor Kwapis  
Seconded by: Councillor Woodhouse

2. That the presentation provided by the Director of Innovation and Strategic Initiatives regarding Downtown Parking Review be received, and the report entitled Downtown Parking Review – Analysis of Joint BIA/Town Task Force Workshop dated August 24, 2020 be received; and,
3. That Council endorse options #2 (Darcy St.), #3 (additional currently unmarked parking spots on Main Street), #7(sharing

agreements) for immediate action, and that Council direct staff to advance #5(Cedar St.), #8 (449 Eagle- Habitat House), #9 (AOK) as part of the 2021 or 2022 budget process; and,

4. That Council direct staff to issue a non-binding RFP for additional spaces behind Cachet and be presented as part of the 2021 or 2022 budget process; and,
5. **That further to the previous Council motion on June 8, 2020 to extend Emergency Order No.1 until September 21, 2020, staff be directed to present a Parking By-law amendment to maintain the 30 minute parking restrictions on Main Street and provide regular enforcement of 30 minute parking maximum; and,**
6. **That staff be directed to consult with the BIA and report to Council by Q1 2021 on potential permanent 30 minute parking restrictions on Main Street including a review of other options; and,**
7. That Council approve, in principle, staff developing strategies related to By-laws, loading zones, and special events for future Council consideration; and,
8. That Council direct staff to present a report on parking wayfinding in the downtown area for Council consideration in Q2 2021; and,
9. That Council direct staff to formally begin a process to evaluate the potential benefits and challenges related to moving the Tennis facilities in River Walk Commons area to a new location and expand parking on site either through surface, underground, or co-development.

**Carried**

#### **9.2.7 2020 Budget Reconciliation**

1. That the report entitled 2020 Budget Reconciliation dated August 24, 2020 be received; and,
2. That the 2020 Budget Reconciliation be approved; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **9.2.8 Amended Tax Rate By-law**

1. That the report entitled Amended Tax Rate By-law dated August 24, 2020 be received; and,
2. That the amended by-law be enacted; and,
3. That Staff be authorized and directed to do all things necessary to remit the referenced amount to the Regional Municipality of York.

#### **9.2.9 Second Quarterly Update to the Outstanding Matters List for 2020**

1. That the report entitled Second Quarterly Update to the Outstanding Matters List for 2020 dated August 24, 2020 be received; and,
2. That Council adopt the updated Outstanding Matters List; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **9.2.10 Update on Mulock Station Area Secondary Plan**

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

Moved by: Councillor Kwapis  
Seconded by: Councillor Woodhouse

1. That the report entitled Update on the Mulock Station Area Secondary Plan dated August 24, 2020 be received; and,
2. That the report entitled Update on the Mulock Station Area Secondary Plan be forwarded to the Regional Municipality of York as input to York Region's Municipal Comprehensive Review, including but not limited to a request that York Region align the Mulock GO major transit station area boundary with the proposed Mulock Station Area Secondary Plan boundary, and the submission of the proposed density to assist York Region's Land Needs Assessment; and,
3. **That phasing not be formally submitted to the Region at this time and that it be brought back to Council in the future, subject to further refinement and stakeholder engagement; and,**

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

**Carried**

#### **9.2.11 International Holocaust Remembrance Alliance (IHRA) Definition on Antisemitism**

Moved by: Councillor Kwapis  
Seconded by: Councillor Simon

Whereas the Town of Newmarket has established diversity and inclusivity as a strategic priority for the Town at Council; and,

Whereas, in February 2019, the Inclusion Charter for York Region was endorsed as a community initiative, bringing together businesses, community organizations, municipalities, police services, hospitals, school boards, conservation authorities and agencies who share a vision to foster a welcoming and inclusive community; and,

Whereas, we have a shared responsibility to stop antisemitism in all its forms through education and public consciousness as antisemitic demonstrations continue to threaten communities and undermine democracy; and,

Whereas, the International Holocaust Remembrance Alliance (IHRA) is an intergovernmental organization founded in 1998 that consists of 34 countries, including Canada, each of whom recognizes that international coordination is needed to combat antisemitism; and,

Whereas, six per cent of York Region residents identify themselves as Jewish, which is a higher representation than Canada and Ontario; and,

Whereas, on February 27, 2020, Bill 168, the Combating Antisemitism Act which directly mentions IHRA, unanimously passed a second reading in the Ontario legislature with all-party support; and,

Whereas, the Town of Newmarket is enriched by its active and engaged Jewish and Israeli residents.

Therefore Be It Resolved by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. That the Remote Deputation regarding International Holocaust Remembrance Alliance (IHRA) Definition on Antisemitism provided by Jason Grossman be received; and,
2. That Council adopt the International Holocaust Remembrance Alliance's (IHRA) working definition of antisemitism as adopted at the IHRA plenary on May 26, 2016 as follows: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities"; and,
3. That all York Region municipalities as well as the Chair of the province of Ontario's Standing Committee on Justice Policy be advised of this resolution.

**Carried**

#### **9.2.12 Financial Update**

1. That this report entitled Financial Update Staff Report to Council be received; and,
2. That staff be directed to provide an update on the projected impact of the pandemic on the Town when more information becomes available; and,
3. That changes to the 2020 capital program, and additions to the 2021 capital spending authority be made as detailed in this report; and,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

##### **9.2.12.1 Correspondence - Kathy (Toth) Kumpula, President, Newmarket Taxpayers Advocacy Group**

1. That the Correspondence from Kathy (Toth) Kumpula, President, Newmarket Taxpayers Advocacy Group regarding the Financial Update be received.



### **9.2.13 Water Metering Data Solution**

1. That the report entitled Metering Data Solution dated August 24, 2020 be received; and,
2. That a non-competitive acquisition for a metering data solution from Savage Data Systems in the amount of \$60,000.00 per year, for a term of two years, plus two additional optional, one year terms be approved; and,
3. That the Director of Financial Services and Manager of Procurement be authorized to execute any agreements; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **9.2.14 Audit Committee Minutes of January 27, 2020**

1. That the Audit Committee Minutes of January 27, 2020 be received.

## **10. By-laws**

Moved by: Councillor Broome  
Seconded by: Councillor Woodhouse

1. That By-law 2020-47 be enacted.

**Carried**

## **11. Notices of Motions**

None.

## **12. Motions Where Notice has Already been Provided**

None.

**13. New Business**

None.

**14. Closed Session**

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

**14.1 Committee of the Whole - Electronic Meeting (Closed Session)  
Minutes of August 24, 2020**

Moved by: Councillor Kwapis  
Seconded by: Councillor Twinney

1. That the Committee of the Whole Meeting Minutes of August 24, 2020 be approved.

**Carried**

**14.1.1 Item 1 - Property in Ward 5**

Moved by: Councillor Kwapis  
Seconded by: Councillor Morrison

1. That the verbal update regarding a Property in Ward 5 be received.

**Carried**

**15. Confirmatory By-law**

Moved by: Councillor Woodhouse  
Seconded by: Councillor Twinney

1. That By-law 2020-48 be enacted.

**Carried**

**16. Adjournment**

Moved by: Councillor Morrison  
Seconded by: Councillor Bisanz

1. That the meeting be adjourned at 3:50 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 - Electronic**

Date: Monday, September 14, 2020  
Time: 1:00 PM  
Location: Streamed live from the 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  
L. Lyons, Director of Legislative Services/Town Clerk  
K. Saini, Deputy Town Clerk  
J. Unger, Acting Director of Planning & Building Services  
R. Volpe, Deputy Fire Chief  
A. Walkom, Legislative Coordinator  
J. Grossi, Legislative Coordinator

For consideration by Council on September 21, 2020.  
The meeting was called to order at 1:00 PM.  
Mayor Taylor in the Chair.

**1. Notice**

Mayor Taylor advised that the Municipal Offices were closed to the public and that this meeting was streamed live at [Newmarket.ca/meetings](http://Newmarket.ca/meetings). Residents who would like to provide comment on an item on this agenda were encouraged to provide their feedback in writing through email to Legislative Services at [clerks@newmarket.ca](mailto:clerks@newmarket.ca) or by joining the meeting electronically through video or telephone. He advised residents that their comments would form part of the public record.

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

None.

**3. Conflict of Interest Declarations**

None.

**4. Presentations & Recognitions**

None.

**5. Deputations**

**5.1 Remote Deputation regarding Zoning By-Law Amendment: 292-294 Court Street**

Deborah Alexander of Alexander Planning Inc. provided a deputation on behalf of the applicant which included updates on the project since the public meeting held on June 29, 2020. She advised that there had been a meeting with the neighbours of the property in order to address some of the concerns raised at the public meeting.

Moved by: Councillor Woodhouse

Seconded by: Councillor Kwapis

1. That the Remote Deputation provided by Deborah Alexander regarding Zoning By-Law Amendment: 292-294 Court Street be received.

**Carried**

## 6. Consent Items

Moved by: Councillor Morrison  
Seconded by: Deputy Mayor & Regional  
Councillor Vegh

1. That sub-items 6.2, 6.3, 6.6, and 6.7 be adopted on consent. See following sub-items 6.1, 6.4, and 6.5 for motions.

**Carried**

### 6.1 Item 7.7 of the Central York Fire Services - Joint Council Committee Meeting of September 1, 2020 Draft Minutes

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

Moved by: Councillor Bisanz  
Seconded by: Councillor Woodhouse

1. **That staff be directed to place an amended draft by-law on the agenda for the September 21, 2020 meeting of Council, reflecting the changes identified by the Committee of the Whole; and,**
2. That Council approve the following:
  - a. That Fire Services Report JCC-2020-03 Cost Recovery Program (Expansion) dated 2020-09-01 be received; and,
  - b. That the Joint Council Committee (JCC) approve this report and authorize staff to implement the updated Town of Newmarket User Fees – Schedule G **as amended**; and,
  - c. That JCC authorize a 12-month pilot of the expanded services within the cost recovery program, with phase 1 to include
    - natural gas leaks,
    - drug labs/grow ops & clandestine labs,
    - post fire investigations,

- extraordinary expenses,
- hydro incidents (down wires) and;
- Phase 2 (after the 12 month pilot program) to include
  - multi-purpose smoke alarms and carbon monoxide alarms
  - elevator rescues (non-emergency); and,
- d. That JCC approve an additional 7 hours for the Accounts Administrator permanent part time position which is an increase from 21 hours (FTE 0.6) to 28 hours (FTE 0.8) per week.

**Carried**

## **6.2 Extending the 30 Minute Downtown Parking Restrictions on Main Street**

1. That the report entitled Extending the 30 Minute Downtown Parking Restrictions on Main Street dated September 14, 2020 be received; and,
2. That Council approve the amendments to Parking By-law 2019-63 as contained in Appendix A; and,
3. That staff undertake public consultation with the Main Street Newmarket Business Improvement Area to determine the impact of the parking change; and,
4. That staff report back on the findings of the public consultation, and any recommendations to further amend Main Street parking restrictions by Q1 2021; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

## **6.3 Continued Transition of Regulatory By-laws to the Administrative Monetary Penalty System**

1. That the report entitled Continued Transition of Regulatory By-laws to the Administrative Monetary Penalty System dated September 14, 2020 be received; and,



2. That Council amend the AMPS By-law 2019-62; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **6.4 Zoning By-Law Amendment 292-294 Court Street**

Moved by: Councillor Woodhouse

Seconded by: Councillor Simon

1. That the report entitled Zoning By-Law Amendment 292-294 Court Street dated September 14, 2020 be received; and,
2. That the application for Zoning By-Law amendment, as submitted by Jawad Ali, for lands known municipally as 292-294 Court Street, be approved, and that staff be directed to present the Zoning By-law amendment to Council for approval, substantially in accordance with Schedule 1; and,
3. That staff be directed to do all things necessary to give effect to the recommendations in this report; and,
4. That Deborah Alexander, of Alexander Planning Inc., 72 Herefordshire Crescent, East Gwillimbury, L9N 0N6, be notified of this action.

**Carried**

#### **6.5 Site Specific Exemption to Interim Control By-law 2019-04 for 181 Beechwood Crescent**

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

Moved by: Councillor Kwapis

Seconded by: Deputy Mayor & Regional  
Councillor Vegh

1. **That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 for subject property 181 Beechwood Crescent**

**dated September 14<sup>th</sup>, 2020 be deferred to the Committee of the Whole meeting of October 5, 2020.**

**Carried**

**6.6 Central York Fire Services – Joint Council Committee Meeting Minutes of March 3, 2020**

1. That the Central York Fire Services – Joint Council Committee Meeting Minutes of March 3, 2020 be received.

**6.7 Heritage Newmarket Advisory Committee Meeting Minutes of March 3, 2020**

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of March 3, 2020 be received.

**7. Action Items**

None.

**8. Notices of Motion**

None.

**9. Motions Where Notice has Already been Provided**

**9.1 Councillor Kwapis - Commercial Rooftop Patios**

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

Whereas the Planning Act allows municipalities to amend its comprehensive zoning by-law from time-to-time; and,

Whereas it is appropriate to update the Town's comprehensive zoning by-law from time-to-time to address new circumstances, market demands, and to ensure that desirable emerging and innovative uses are permitted; and,

Whereas 'Commercial Rooftop Patios' are currently defined in the Town's comprehensive zoning by-law but are not specifically permitted or prohibited in any zone, or permitted in combination with any use;

Therefore be it resolved as follows:

1. That staff be directed to schedule a Statutory Public Meeting for the purpose of outlining specific use permissions related to 'Commercial Rooftop Patios', addressing matters such as:
  - maximum size (percentage of rooftop or gross floor area)
  - associated uses for which a 'Commercial Rooftop Patio' may be permitted
  - design (i.e. site plan) requirements
  - compliance with licensing and noise by-laws

**Carried**

**10. New Business**

None.

**11. Closed Session**

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

**12. Adjournment**

Moved by: Councillor Woodhouse

Seconded by: Councillor Morrison

1. That the meeting be adjourned at 2:07 PM.

**Carried**

John Taylor, Mayor

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Lisa Lyons, Town Clerk



## Central York Fire Services

### Cost Recovery Program (Expansion) Fire Services Report

Report Number: JCC-2020-03  
To: Joint Council Committee  
Origin: Central York Fire Services - Deputy Chief Rocco Volpe  
Meeting Date: September 1, 2020

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#### **Recommendations**

1. That Fire Services Report JCC-2020-03 Cost Recovery Program (Expansion) dated 2020-09-01 be received; and,
2. That the Joint Council Committee (JCC) approve this report and authorize staff to implement the updated Town of Newmarket User Fees – Schedule G (see attachment); and,
3. That JCC authorize a 12-month pilot of the expanded services within the cost recovery program; and,
4. That JCC approve an additional 7 hours for the Accounts Administrator permanent part time position which is an increase from 21 hours (FTE 0.6) to 28 hours (FTE 0.8) per week.

#### **Comments**

The purpose of this report is to provide JCC with additional information on expanding the cost recovery program which charges for services rendered by Central York Fire Services (CYFS) for the following:

- Natural Gas Leaks
- Hydro Incidents (down wires)
- Drug Labs / Grow Ops & Clandestine Labs
- Elevator Rescues (non-emergency)
- Post Fire Investigations
- Extraordinary Expenses
- Multi-purpose Smoke Alarm and Carbon Monoxide Alarms

## **Background**

The Municipal Act (S391 (1) a) provides that a municipality may impose fees or charges “for services or activities provided or done by or on behalf of it”. The Municipal Act also provides that the “costs included in a fee or charge may include costs incurred by the municipality related to administration, enforcement, and the establishment, acquisition and replacement of capital assets”.

CYFS provides a variety of services to the residents of Aurora and Newmarket. The costs to provide these fire services are funded from municipal taxes.

Currently CYFS recovers cost for attending the following incidents/inspections:

- Motor Vehicle Collision (24-month pilot project)
- Outdoor Burns (not following outdoor guidelines)
- False Alarms (preventable cause)
- Hazardous Materials Response
- Industrial and Commercial Inspections
- Apartment / Office Inspections
- Property File / Fire Reports
- Fire Extinguisher Training
- Fire Works Permit (large displays)

CYFS completed an analysis of various fire departments located throughout York Region, Peel Region, Durham Region and Simcoe County. Within the analysis, CYFS collected information on what fire departments are cost recovering for their services. See tables below for the following data.

York Region Fire Service	Gas Leaks	Elevator	Drug Labs	Hydro Lines	Post Fire
Georgina	No	No	Yes	No	No
East Gwillimbury	No	No	No	No	No
Whitchurch/Stouffville	Yes	No	No	No	No
King	No	No	No	Yes	No
Vaughan	No	No	Yes	No	Yes
Markham	Yes	No	Yes	No	No
Richmond Hill	No	No	Yes	No	No
Central York Fire Services	No	No	No	No	No

Peel Region Fire Service	Gas Leaks	Elevator	Drug Labs	Hydro Lines	Post Fire
Brampton	Yes	Yes	Yes	No	No
Mississauga	Yes	Yes	Yes	No	No
Town of Caledon	Yes	No	Yes	Yes	No

Durham Region Fire Service	Gas Leaks	Elevator	Drug Labs	Hydro Lines	Post Fire
Uxbridge	Yes	No	Yes	Yes	Yes
Brock	No	No	Yes	Yes	No
Scugog	Yes	No	Yes	Yes	No
Whitby	Yes	No	Yes	No	No
Clarington	No	No	No	No	No
Ajax	Yes	Yes	No	No	No
Pickering	No	No	No	No	No
Oshawa	Yes	No	No	No	No

Simcoe County Fire Service	Gas Leaks	Elevator	Drug Labs	Hydro Lines	Post Fire
Springwater	n/r	n/r	n/r	n/r	n/r
Essa	No	No	Yes	No	No
Barrie	Yes	Yes	Yes	No	No
New Tecumseth	Yes	No	Yes	No	Yes
Bradford	Yes	Yes	Yes	No	No
Orillia	No	No	No	No	No
Innisfil	Yes	No	Yes	Yes	Yes



Throughout 2019, CYFS collected data on the following incidents. The analysis was undertaken in order to evaluate the number of incidents that could be cost recovered.

Central York Fire Services	2019 Incident Numbers	Cost per Fire Truck	Admin Fee	Total Estimated Revenue
Natural Gas Leaks	67	\$485.00	\$25.00	\$34,000
Hydro Incidents	13	\$485.00	\$25.00	\$6,500
Drug Labs / Grow Ops & Clandestine Labs	0	\$485.00	\$25.00	\$0
Elevator Rescues	15	\$485.00	\$25.00	\$7,500
Post Fire Investigations	9 104 hours	\$485.00	\$25.00	\$50,000
Total Estimated Revenue				\$98,000

#### Example of a Cost Recovery Incident

At a recent structure fire in spring 2020, CYFS required heavy equipment and consumables (foam) to be brought to the scene to assist with suppression and investigation activities.

Due to the fact that this by-law was not enacted, CYFS incurred the following expenses for this particular incident.

- Heavy Equipment: \$1,800.00
- Foam (additional): \$2,600.00
- Two Fire Prevention Inspectors (20hrs): \$1,500.00 to assist Fire Marshall's Office

CYFS total cost: \$5,900.00

If CYFS applied the proposed cost recovery model, then the following items would be eligible to be cost recovered, as follows:

- Post Fire Investigation: \$485.00 per truck/hr (10hours)
- Extraordinary Expenses: \$2,600.00 (foam) and \$1,800.00 (heavy equipment)

Total CYFS recovery invoice: \$9,250.00

### **Financial Impact**

By expanding and implementing a fee for service, CYFS will have the ability to cost recover and offset a portion of current operational costs.

- Natural Gas Leaks
- Hydro Incidents (down wires)
- Drug Labs / Grow Ops & Clandestine Labs
- Elevator Rescues (non-emergency)
- Post Fire Investigations
- Extraordinary Expenses
- Multi-purpose Smoke Alarm and Carbon Monoxide Alarms

Currently, CYFS has hired a permanent part-time person (Accounts Administrator) to oversee and manage the Motor Vehicle Collision program. This individual has been trained and is familiar with all CYFS processes for invoicing.

By expanding the cost recovery program CYFS recommends increasing the Account Administrator from 21 hours to 28 hours per week to absorb the additional workload. In consultation with Human Resources and Financial Services, the estimated cost of this position would be \$11,412 per year.

Rate	\$ 25.990	\$ 25.990
Hours	21.00	28.00
Gross	\$ 545.79	\$ 727.72
Vac Pay	\$ 21.83	\$ 29.11
Total	\$ 567.62	\$ 756.83
Weeks	52.00	52.00
Total	\$29,516.32	\$39,355.10
Benefits	\$ 4,722.61	\$ 6,296.82
Cost	\$34,238.93	\$45,651.91
Increase		\$11,412.98

By expanding the cost recovery program, revenues that are generated throughout the year would be applied into the CYFS recovery account and utilized towards future projects, as directed and approved by JCC.

## **Conclusion**

In an effort to meet industry standards and assist with future operating costs, CYFS recommends implementing and expanding the cost recovery program to include all services identified in this report for a one-year trial period with a start date sometime in quarter 4 of 2020, but no later than January 1, 2021.

Alternatively, if JCC would like to approach a phased-in option to the cost recovery program over multiple years, CYFS recommends for the first year trial the following:

- Natural Gas Leaks
- Drug Labs / Grow Ops & Clandestine Labs
- Post Fire Investigations
- Extraordinary Expenses
- Multi-purpose Smoke Alarm and Carbon Monoxide Alarms

The following two services could be discussed in future years to determine if it should be brought into the cost recovery program:

- Hydro Incidents (down wires)
- Elevator Rescues (non-emergency)

## **Consultation**

The Senior Fire Management Team consulted with the Town of Newmarket Finance, Human Resources, as well as, fire departments within the regions of York, Peel, Durham and Simcoe County.

## **Impact On The Master Fire Plan**

This report has no impact on the Master Fire Plan.

## **Contact**

Rocco Volpe, Deputy Chief  
Central York Fire Services



# Corporation of the Town of Newmarket

## By-law 2020-XX

A By-law to amend fees and charges by-law 2019-79 being a By-law to adopt Fees And Charges For Services Or Activities Provided By The Town Of Newmarket.

Whereas The Corporation of the Town of Newmarket and The Corporation of the Town of Aurora have established a consolidated fire and emergency services department known as Central York Fire Services through By-law 2001-146 to deliver firefighting and related emergency services; and,

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,

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

1. That Schedule G of Fees and Charges By-law 2019-79 be deleted and replaced by the attached schedule for services provided by the Central York Fire Services (Fire Services Fees); and,
2. That should any section of this by-law be declared invalid by a court of competent jurisdiction, such section shall be construed as being severed here from and the remainder of the by-law shall continue in full force and effect.

Enacted this 21<sup>st</sup> day of September, 2020.

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John Taylor, Mayor

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Lisa Lyons, Town Clerk

**TOWN OF NEWMARKET  
2020 USER FEES  
SCHEDULE G**

Department: **Fire Services**

Effective Date: **September 21, 2020**

SERVICE PROVIDED	UNIT OF MEASURE	TIMELINES	SUBJECT TO HST YES/NO	2020 FEE BEFORE TAX	2020 FEE BEFORE TAX	ADMIN FEE	HST AMOUNT	TOTAL FEE
<b>Fire Prevention</b>								
Apartment/Office Inspections Base Building	One to five storey premises		Y	\$367.15	\$367.15	\$ -	\$47.73	<b>\$414.88</b>
	Six or more storey premises		Y	\$489.55	\$489.55	\$ -	\$63.64	<b>\$553.19</b>
	Each additional unit		Y	\$93.72	\$93.72	\$ -	\$12.18	<b>\$105.91</b>
	Day Care Home Inspection		Y	\$96.35	\$99.04	\$ -	\$12.88	<b>\$111.92</b>
	Day Nursery Inspection		Y	\$96.35	\$99.04	\$ -	\$12.88	<b>\$111.92</b>
Request for Report	Faxing or Mailing Reports		Y	\$48.17	\$49.52	\$ -	\$6.44	<b>\$55.96</b>
Property File Search	File Search and Response		Y	\$94.36	\$97.00	\$ -	\$12.61	<b>\$109.61</b>
Retrofit Inspections (9.5, 9.6)			Y	\$374.86	\$374.86	\$ -	\$48.73	<b>\$423.59</b>
Retrofit Inspections (9.8)			Y	\$199.94	\$199.94	\$ -	\$25.99	<b>\$225.93</b>
Fireworks Permit Fee			N	\$108.13	\$111.16	\$ -	\$0.00	<b>\$111.16</b>
Extinguisher Training Using Classroom and Burn Pan	Per session up to 20 people with own extinguishers		Y	\$373.12	\$373.12	\$ -	\$48.51	<b>\$421.62</b>
Industrial & Commercial Inspection	Per single industrial unit		Y	\$96.35	\$99.04	\$ -	\$12.88	<b>\$111.92</b>
	Each additional unit		Y	\$96.35	\$99.04	\$ -	\$12.88	<b>\$111.92</b>
	LLBO Inspections		Y	\$128.46	\$132.06	\$ -	\$17.17	<b>\$149.23</b>

**TOWN OF NEWMARKET  
2020 USER FEES  
SCHEDULE G**

Department: **Fire Services**

Effective Date: **September 21, 2020**

SERVICE PROVIDED	UNIT OF MEASURE	TIMELINES	SUBJECT TO HST YES/NO	2020 FEE BEFORE TAX	2020 FEE BEFORE TAX	ADMIN FEE	HST AMOUNT	TOTAL FEE
<b>Fire Protection</b>								
Provincial Highway Accident Responses (Fire Protection Agreement)	Per hour per fire unit/flat rate		N	\$485.00	\$485.00	\$ -	\$0.00	<b>\$485.00</b>
Emergency Response to a motor vehicle collision (Residents and Non-Residents)	Per hour per fire unit		N	\$485.00	\$485.00	\$ 25.00	\$0.00	<b>\$510.00</b>
Natural Gas Leaks Response	Per hour per fire unit		N	\$0.00	\$485.00	\$ 25.00	\$0.00	<b>\$510.00</b>
Hydro Incidents (down hydro lines)	Per hour per fire unit		N	\$0.00	\$485.00	\$ 25.00	\$0.00	<b>\$510.00</b>
Drug Labs/Grow Ops/Clandestine Labs	Per hour per fire unit		N	\$0.00	\$485.00	\$ 25.00	\$0.00	<b>\$510.00</b>
Elevator Rescue (non-emergency)	Per hour per fire unit		N	\$0.00	\$0.00	\$ -	\$0.00	<b>\$0.00</b>
False Alarm (preventable cause)	Per unit/per incident		N	\$465.42	\$485.00	\$ 25.00	\$0.00	<b>\$510.00</b>
Hazardous Materials Response	First hour per fire unit/flat rate		N	\$485.00	\$485.00	\$ 25.00	\$0.00	<b>\$510.00</b>
Outdoor Burning - By-law 2009-64	Per unit/per incident		N	\$0.00	\$485.00	\$25.00	\$0.00	<b>\$510.00</b>
<b>Miscellaneous</b>								
Extrordinary Expenses	see notes							
Post Fire Investigations	Per hour per fire unit		N	\$0.00	\$485.00	\$ 25.00	\$0.00	<b>\$510.00</b>
Multi-purpose Smoke and Carbon Monoxide Alarm	per unit		y	\$0.00	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>

**TOWN OF NEWMARKET  
2020 USER FEES  
SCHEDULE G**

Department: **Fire Services**

Effective Date: **September 21, 2020**

SERVICE PROVIDED	UNIT OF MEASURE	TIMELINES	SUBJECT TO HST YES/NO	2020 FEE BEFORE TAX	2020 FEE BEFORE TAX	ADMIN FEE	HST AMOUNT	TOTAL FEE
Paid Duty Truck Stand-by	First hour per fire unit/flat rate		N	\$485.00	\$485.00	\$ 25.00	\$0.00	<b>\$510.00</b>

TYPE OF SERVICE	
<b>Fire Prevention</b>	<b>Detailed Description for Fire and Emergency Services</b>
Apartment/Office Inspections Base Building	# <b>When</b> Fire and Emergency services receives a request to conduct an inspection of a Apartment / Office Building or Base Building, the property owner will be charged the fees outlined in this schedule.
Request for Report	# <b>When</b> Fire and Emergency Services receives a request to fax, email or mail a report (i.e. standard incident report) the requestor will be charged the fees outlined in this schedule.
Property File Search	# <b>When</b> Fire and Emergency Services receives a request for a file search and response. (i.e. file search and response letter to determine if a property has any noted violations) the requestor will be charged the fees outlined in this schedule.
Retrofit Inspections (9.5, 9.6)	# <b>When</b> the Fire and Emergency services receives a request to conduct an inspection in accordance with Part 9 of the Ontario Fire Code, the property owner will be charged the fees outlined in this schedule.
Retrofit Inspections (9.8)	# <b>When</b> Fire and Emergency services receives a request to conduct an inspection in Newmarket in accordance with By-law 2013-13 for the registration of Accessory Dwelling Units (ADU's) OR in Aurora in accordance with By-law 5221-10 for registration of second suites, the property owner will be charged the fees outlined in this schedule.
Fireworks Permit Fee	# <b>When</b> Fire and Emergency services receives a request to review a Display Fireworks Permit application in Newmarket in accordance with By-law 2002-51 OR in Aurora in accordance with By-law 4736-05 the fireworks provider requesting the permit will be charged the fees outlined in this schedule.
Extinguisher Training Using Classroom and Burn Pan	# <b>When</b> Fire and Emergency Services provides fire extinguisher training to a requestor, the following fee will be charged according to this schedule.
Industrial & Commercial Inspection	# <b>When</b> Fire and Emergency services receives a request to conduct an inspection of a industrial or commercial unit, the property owner will be charged the fees outlined in this schedule.
<b>Fire Protection</b>	
Provincial Highway Accident Responses (Fire Protection Agreement)	Fees and charges will be referred to the Whitchurch/Stouffville and King Fire Protection Agreements.
Emergency Response to a Motor Vehicle Collision (Residents and Non-Residents)	Refer to By-law 2019-60 and 2019-61, fees and charges will be charged according to this schedule.
Natural Gas Leaks Response	# <b>When</b> Fire and Emergency Services attends an incident in response to a natural gas leak, and upon conducting an investigation, CYFS determines that due diligence was not exercised the property owner and/or party responsible shall be charged the fees stipulated in this schedule.
Hydro Incidents (down hydro lines)	# <b>When</b> Fire and Emergency Services responds to a hydro incident (down wires), and if stand-by is required for an extended period of time (at the discretion of the Fire Chief or designate) to keep the scene safe then the local utility will be charged according to this schedule.
Drug Labs/Grow Ops/Clandestine Labs	# <b>When</b> Fire and Emergency Services is requested to stand-by and provide fire protection services to ensure the scene remains safe, the property owner will be charged the fees outlined in this schedule.
Elevator Rescue (non-emergency)	# <b>When</b> Fire and Emergency Services attends a property in response to a stalled elevator and determine the confined individual(s) does not have an urgent medical need and is not in immediate danger as a result of the elevator being inoperative, the property owner shall be charged the fee as stipulated in this schedule.
False Alarm (preventable cause)	<p>For the purpose of this schedule, a false alarm means the activation of a fire alarm or emergency system which occurs without just cause, including where there is no fire, carbon monoxide or other emergency situations.</p> <p>Fire and Emergency services shall charge a property owner the false alarm fee stipulated in this schedule if upon attending a property in response to the activation of a fire alarm or emergency system and it is determined it is was a false alarm.</p> <p>Where a false alarm is triggered as a result of work being conducted on a fire alarm or emergency system and CYFS attends to the property in response to the false alarm, the property owner shall be charged the false alarm fee stipulated in this schedule.</p> <p>The false alarm fee will not be charged for the first and second occurrence of the false alarm at a property, but will be charged for subsequent false alarm occurrence within the same calendar year.</p>
Hazardous Materials Response	<p># <b>When</b> Fire and Emergency Services responds to an incident or an emergency, and a hazardous material response is provided, CYFS shall charge the fees stipulated in this schedule to anyone or more of the following: the property owner, the vehicle owner insurance or directly to the vehicle owner in order to recover payment.</p> <p>In the event an emergency involves hazardous materials and at the scene or property, the use of combustible material, other than water and medical supplies, are used to suppress or extinguish a fire, preserve property, prevent a fire from spreading or otherwise control or eliminate and emergency, the expenses incurred by CYFS for using consumable materials shall be recovered as a fee.</p> <p>In the event an emergency involves hazardous materials and at the scene or property, damages or contaminations of equipment occurs, the expenses incurred by CYFS for cleaning and decontamination or replacement of equipment, as applicable, and shall be recovered as a fee.</p>
Outdoor Burning - By-law 2009-64	<p># <b>When</b> Fire and Emergency services proceeds/responds to an incident within the calendar year, and upon investigation fire personnel determine that the By-law 2009-64 is in contravention, a fee will be charged according to this schedule.</p> <p>1st Response - Verbal warning by fire crew Warning and educational letter to be issued.</p> <p>2nd Response - Warning and educational letter to be sent to Property owner</p> <p>3rd Response and subsequent - Within calendar year the property owner shall pay the fee as per this schedule.</p>



<b>Miscellaneous</b>	
Extraordinary Expenses	If <b>When</b> Fire and Emergency Services responds to a fire or other emergency at a property (including gas leaks, cut mains and clandestine drug operations) and determines, or the Fire Chief or his/her Designate determines, that it is necessary to retain a private contractor, or rent special equipment, or use consumable materials other than water and medical supplies, in order to suppress or extinguish a fire, preserve property, carry out investigations or prevent a fire from spreading or otherwise control or eliminate an emergency or damage equipment owned by CYFS, the Owner or responsible person, shall be charged those expenses, plus applicable taxes.
Post Fire Investigations	<p>In accordance with the Fire Protection and Prevention Act, all fires need to be investigated to determine origin and cause.</p> <p>Upon conducting an investigation and/or scene preservation and CYFS determines that due diligence was not exercised, the property owner and/or party responsible shall be charged the fees stipulated in this schedule.</p> <p>The Fire Chief or designate will have the delegated authority to apply at their discretion the applicable fees as set in this schedule from the outcome of the investigation.</p> <p><del>In accordance with the Fire Protection and Prevention Act, all fires must be investigated to determine origin and cause. The property owner will be charged the fees outlined in this schedule.</del></p>
Multi-purpose Smoke and Carbon Monoxide Alarm	If <b>When</b> Fire and Emergency Services attend the property and upon investigation it is determined that there is a faulty alarm or there is no alarm, then the requestor will be charged as stipulated in this schedule.
Paid Duty Truck Stand-by	<p>For the provision of a stand-by crew and fire apparatus, other than an emergency response, for a private company, community group, developer, industry or provincial government. Stand-by location must be within CYFS jurisdiction.</p> <p>All fire apparatus stand-by requests are subject to availability as well as pre-approved by CYFS, the requestor will be charged the fee in this schedule.</p>

#### Addition to Tax Role

If a property owner/party responsible who is charged a fee, under this Bylaw (Schedule A) fails to pay the fee within 90 days of the invoice date, the corporation may add the fee, including interest and administration fees to the tax role for any real property in the Towns of Aurora and Newmarket, registered in the name of the owner and collect a fee, including interest, in like manner as municipal taxes.

#### Delegated Authority

The Fire Chief or his designate shall have the authority to waive any fees as deemed necessary within this schedule A.



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

## **Extending the 30 Minute Downtown Parking Restrictions on Main Street Staff Report to Council**

Report Number: 2020-66

Department(s): Engineering Services, Regulatory Services

Author(s): M. Kryzanowski, F. Scott

Meeting Date: September 14, 2020

### **Recommendations**

1. That the report entitled Extending the 30 Minute Downtown Parking Restrictions on Main Street dated September 14, 2020 be received; and,
2. That Council approve the amendments to Parking By-law 2019-63 as contained in Appendix A; and,
3. That staff undertake public consultation with the Main Street Newmarket Business Improvement Area to determine the impact of the parking change; and,
4. That staff report back on the findings of the public consultation, and any recommendations to further amend Main Street parking restrictions by Q1 2021; 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 recommend that the 30 minute parking restriction on Main Street, as enacted on May 9, 2020 through Emergency Order No. 1 and pursuant to the Emergency Measures By-law, be maintained as a permanent regulatory change from the current 2 hour parking restrictions established within the Town's Parking By-law. Additionally, Newmarket Council directed staff to present a Parking By-law amendment to Council in order to maintain the 30 minute parking restriction on Main Street without being impacted by the Town's declared state of emergency.

## Background

On May 9<sup>th</sup>, 2020, the Mayor for the Town of Newmarket enacted Emergency Order No. 1 which states:

*To impose temporary amendments to parking restrictions by imposing a thirty (30) minute maximum parking requirement along Main Street in an effort to facilitate curb side pick-up or delivery for retail services for the purpose of engaging in retail sales to the public.*

This Order is enacted pursuant to the Emergency Measures By-law, which only remains in effect on the condition that the Town is in a declared state of emergency. If the Town terminates its declared state of emergency, the 30 minute parking restrictions would be automatically revoked and parking along Main Street would return to 2 hour parking restrictions, as established within Parking By-law 2019-63.

Since May 9<sup>th</sup>, 2020, the 2 hour parking restrictions on Main Street have been temporarily amended to 30 minute parking restrictions. Council indicated that it has received positive feedback and comments regarding this change. To ensure continuity of the 30 minute parking restriction after Emergency Order No.1 has concluded, at the meeting of Town Council on August 31, 2020, Council adopted recommendations #4 and #5 from the Downtown Parking Review (Council agenda item 9.2.6) which states:

4. That further to the previous Council motion on June 8, 2020 to extend Emergency Order No.1 until September 21, 2020, staff be directed to present a Parking By-law amendment to maintain the 30 minute parking restrictions on Main Street and provide regular enforcement of 30 minute parking maximum; and,
5. That staff be directed to consult with the BIA and report to Council by Q1 2021 on potential permanent 30 minute parking restrictions on Main Street including a review of other options.

This report addresses Council's August 31, 2020 direction to staff as noted above.

## Discussion

Downtown parking has been the subject of much study and changes. The difficulty has been to strike a balance between the needs of the various stakeholders in this area. The changing economic climate, due to the COVID-19 pandemic and measures to deal with the impacts, has altered the balance to create the need for a short-term parking support to allow curb side operations. The short term parking supply allows for a rapid turn-around of available parking spaces in the Downtown area along Main Street. As economic recovery continues, these short-term parking spaces are seen as a benefit in assisting this recovery beyond the Emergency Order No. 1 termination date of September 21, 2020.

The 2 hour parking restrictions on Main Street was developed many years ago to suit the current needs of the Downtown. Subsequently, 15 minute parking spaces were created to allow loading operations on Main Street which addressed a shifting need. Finally, outdoor patios have removed a number of parking spaces to address further needs of the Downtown area. The 30 minute parking restrictions are now fitting a new need of the Downtown area.

However, it is relevant to note that the necessity for quick action to maintain the continuity of the 30 minute parking restrictions has created policy gaps both in the Corporate Parking Policy and the Corporation Public Consultation and Support Policy. The main intent of both policies is to methodically create public consultation processes, and determine public support for any parking amendment initiatives. It is critical to have consultation with the Main Street Newmarket Business Improvement Area (BIA) to ensure that the 30 minute parking restrictions meet the current needs of the businesses and patrons of the Downtown. Should Council adopt the 30 minute parking restrictions into Parking By-law 2019-63 as proposed (Appendix A), Town staff will report to Council in Q1 2021 with a review of parking restriction options, which will include public consultation and BIA feedback.

As part of the report to Council in Q1 2021, Town staff will also review proposed options for streamlining processes relating to any future parking restriction and signage changes.

## **Conclusion**

The 30 minute parking restrictions along Main Street are directly tied to the Town's declared state of emergency. If Council's intention is to maintain the continuity of 30 minute parking restrictions along Main Street, then a permanent amendment to the Town's Parking By-law 2019-63 is required.

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

This report aligns with Council's Strategic Priorities of Economic Leadership and Job Creation as 30 minute parking restrictions creates a greater supply of parking in the area and focuses on the continued success of the Downtown.

## **Consultation**

Transportation Services and Legislative Services collaborated in the drafting of this report.

Following Council's approval of the Parking By-law amendments, staff will consult with the public and the BIA to report to Council on 30 minute parking restrictions including a review of other options by Q1 2021.

## **Human Resource Considerations**

None.

## **Budget Impact**

The change from the existing 30 minute signage to the standard Highway Traffic Act signage would be less than \$1,000.00, and it will be funded from the Operating Budget.

## **Attachments**

Appendix A – Proposed Parking By-law Amendment

## **Approval**

Mark Agnoletto, Acting Commissioner, Development & Infrastructure Services

Esther Armchuk, Commissioner, Corporate Services

## **Contact**

For more information or questions regarding this report, please contact Mark Kryzanowski, Manager, Transportation Services at [mkyzanowski@newmarket.ca](mailto:mkyzanowski@newmarket.ca) or Flynn Scott, Manager, Regulatory Services at [fscott@newmarket.ca](mailto:fscott@newmarket.ca)

## Appendix A: Proposed Parking By-law Amendment

THAT Schedule VI (Parking for Restricted Periods) of the Parking By-law 2019-63, as amended, be further amended by deleting the following:

ROAD	SIDE	BETWEEN	Times or Days	Maximum Period Permitted
Main Street	West	From a point 26 metres north of Water Street to a point 52 metres north of Water Street	Mon – Sat. 6:00a.m. to 2:00 am	2 hours
Main Street	East	Water Street to Millard Avenue	Mon – Sat. 6:00a.m. to 2:00 am	2 hours

THAT Schedule VI (Parking for Restricted Periods) of the Parking By-law 2019-63, as amended, be further amended by adding the following:

ROAD	SIDE	BETWEEN	Times or Days	Maximum Period Permitted
Main Street	West	From a point 26 metres north of Water Street to a point 52 metres north of Water Street	Mon – Sat. 6:00a.m. to 2:00 am	30 minutes
Main Street	East	Water Street to Millard Avenue	Mon – Sat. 6:00a.m. to 2:00 am	30 minutes





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

## **Continued Transition of Regulatory By-laws to the Administrative Monetary Penalty System Staff Report to Council**

Report Number: 2020-65

Department(s): Legislative Services

Author(s): Flynn Scott, Manager of Regulatory Services

Meeting Date: September 14, 2020

### **Recommendations**

1. That the report entitled Continued Transition of Regulatory By-laws to the Administrative Monetary Penalty System dated September 14, 2020 be received; and,
2. That Council amend the AMPS By-law 2019-62; and,
3. 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 present Council with next steps regarding the implementation of existing Town by-laws being transitioned under the Administrative Monetary Penalty System (AMPS) By-law.

### **Background**

In June 2018, Council directed staff to move forward with the implementation of the Administrative Monetary Penalty System (AMPS) for parking matters in Q1/Q2 of 2020. Since initial implementation, the Town has moved forward with integrating 15 regulatory by-laws under the AMPS model as follows:



- Accessory Dwelling Units By-law;
- Animal Control By-law;
- Business Licence By-law;
- Clean Yards By-law;
- Clothing Donation Bins By-law;
- Fireworks By-law;
- Mobile Business Licence By-law;
- Noise By-law;
- Outdoor Serving Areas By-law;
- Parking By-law;
- Property Standards By-law;
- Second Hand Goods Shops By-law;
- Sign By-law;
- Waste Collection By-law; and
- Emergency Measures By-law.

As Town by-laws are amended or new by-laws are proposed, Town staff will continue to recommend their alignment under the AMPS model.

## **Discussion**

Through the AMPS model, the Town of Newmarket has governance over ticket dispute processes. This model has been highly effective for the public receiving an enhanced response to disputes and increased customer service via Town processes that have been established in-house to replace the current process available through the Provincial court system.

### **Proposed Changes to Schedule A of AMPS By-law 2019-62**

In order to maintain continuity with transitioning Town by-laws under the AMPS model, an amendment to Schedule A is required to establish set fines for existing regulations. Town staff are recommending that the following by-laws be added to the AMPS By-law:

Fence By-law 2019-20;

Loitering By-law 1997-113;

Parks By-law; and

Smoking By-law 2019-31.

This will allow staff to establish set fines for violations and any charges laid under the established regulations will be processed outside of the provincial court system.

## **Conclusion**

Town staff is recommending the adoption of the amended AMPS By-law 2019-62 in order to continue moving forward with transitioning Town by-laws under the AMPS model. In Q1 2021, Town staff will report to Council with a review of the AMPS model, which will include the successes the municipality has realized since reducing its reliance on the provincial court system for adjudicating all regulatory matters.

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

This report aligns with the Rev-It-Up recommendations for improving administration and service levels within the Town of Newmarket.

## **Consultation**

None.

## **Human Resource Considerations**

None.

## **Budget Impact**

Revenue is anticipated through any enforcement action taken using the AMPS model for the issuance of tickets.

## **Attachments**

**Attachment #1** – Amended AMPS By-law 2019-62, Schedule A

## **Approval**

Esther Armchuk, Commissioner, Corporate Services

## **Contact**

Flynn Scott, Manager of Regulatory Services

Legislative Services, [fscott@newmarket.ca](mailto:fscott@newmarket.ca)





# Corporation of the Town of Newmarket

## By-law 2020-51

A By-law to amend By-law 2019-62 being a By-law to implement an Administrative Monetary Penalty System in the Town of Newmarket.

Whereas the Municipal Act, 2001 and Ontario Regulation 333/07 authorizes a municipality to require a Person to pay an Administrative Penalty for a contravention of any By-law respecting the parking, standing or stopping of vehicles; and,

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 2019-62 to implement an Administrative Monetary Penalty System in the Town of Newmarket; and,

Whereas it is deemed necessary to amend the Schedule A of By-law 2019-62 as it relates to the Designated By-law Provisions.

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

1. That Schedule A to the By-law 2019-62 be amended to add the following items:

A1 By-law	A2 Item #	A3 Section	A4 Description	A5 Early Payment	A6 Set Penalty	A7 Late Payment
Fence By-law 2019-20						
Fence By-law 2019-20, as amended	1.	3.1	Erect fence using improper material	150.00	200.00	250.00
	2.	3.2	Failure to construct water gate	150.00	200.00	250.00
	3.	3.3	Obstruct water gate	150.00	200.00	250.00
	4.	3.4	Obstruct access to meter	150.00	200.00	250.00
	5.	3.5	Fence greater than 20cm in width	150.00	200.00	250.00
	6.	3.6	Failure to maintain fence in good repair	150.00	200.00	250.00
	7.	4.1(a)	Rear yard fence exceeding permitted height	150.00	200.00	250.00
	8.	4.1(b)	Interior side yard fence exceeding 1.8m in height	150.00	200.00	250.00
	9.	4.1(c)	Front yard fence exceeding 1m in height	150.00	200.00	250.00
	10.	4.1(d)	Exterior side yard fence exceeding 1.8m in height	150.00	200.00	250.00
Smoking By-law 2019-31						
Smoking By-law 2019-31, as amended	1.	3.1	Smoke in public place	150.00	200.00	250.00
	2.	3.2	Permit smoking on Town property	150.00	200.00	250.00
Parks By-law 2013-14						
Parks By-law 2013-14, as amended	1.	2.2.1(a)	Violent, threatening, or unlawful conduct	150.00	200.00	250.00
	2.	2.2.1(b)	Cast, throw, or propel object endangering person or property	150.00	200.00	250.00

<b>Parks By-law 2013-14, as amended</b>	3.	2.2.1(c)	Create nuisance causing a disturbance	150.00	200.00	250.00
	4.	2.2.1(e)	Remove, relocate, or damage equipment or signage	150.00	200.00	250.00
	5.	2.7	Consume, serve, or sell alcohol	150.00	200.00	250.00
	6.	2.9.1(a)	Remove, cut, or destroy tree on municipal property	150.00	200.00	250.00
	7.	3.1(a)	Access or occupy park for non-recreational use	150.00	200.00	250.00
	8.	3.1(b)	Enter or gather in park between 11:00pm and 5:00am	150.00	200.00	250.00
	9.	3.4	Operate loud speaks or amplified equipment in a park	150.00	200.00	250.00
	10.	3.5	Dwell, camp, or lodge in a park	150.00	200.00	250.00
	11.	3.6	Place, install, or erect a tent or structure in a park	150.00	200.00	250.00
	12.	4.8	Failure to comply with posted rules for tennis	150.00	200.00	250.00
	13.	5.1.1(a)	Obstruct or endanger others while riding a bicycle	150.00	200.00	250.00
	14.	5.2	Ride, drive, or park motorized recreational vehicle in a park	150.00	200.00	250.00
<b>Loitering By-law 1997-113</b>						
<b>Loitering By-law 1997-113, as amended</b>	1.	2	Loiter, disturb, or cause public nuisance on highway	150.00	200.00	250.00
	2.	3	Loiter, disturb, or cause public nuisance in public place	150.00	200.00	250.00

Enacted this 21<sup>st</sup> day of September, 2020.

\_\_\_\_\_  
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

## **Zoning By-Law Amendment 292-294 Court Street Staff Report to Council**

Report Number: 2020-64

Department(s): Planning and Building Services

Author(s): Alannah Slattery

Meeting Date: September 14, 2020

### **Recommendations**

1. That the report entitled Zoning By-Law Amendment 292-294 Court Street dated September 14, 2020 be received; and,
2. That the application for Zoning By-Law amendment, as submitted by Jawad Ali, for lands known municipally as 292-294 Court Street, be approved, and that staff be directed to present the Zoning By-law amendment to Council for approval, substantially in accordance with Schedule 1; and,
3. That staff be directed to do all things necessary to give effect to the recommendations in this report; and,
4. That Deborah Alexander, of Alexander Planning Inc., 72 Herefordshire Crescent, East Gwillimbury, L9N 0N6, be notified of this action.

### **Executive Summary**

Staff have reviewed the application to amend Zoning By-law 2010-40 to permit the development of two single-detached dwellings on the subject lands known municipally as 292-294 Court Street.

Staff have reviewed the development proposal against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is in general conformity with the policy frameworks.

This report provides (1) the context of the site, (2) the details of the proposal, (3) a discussion of the relevant planning policies and how the application addresses them, and (4) an outline of feedback received.

## Purpose

This report serves to provide information and recommendations on the application for Zoning By-law Amendment for subject property 292-294 Court Street.

This report discusses the application as it has been revised based on comments from Town staff and development review partners, along with feedback provided by members of Council and the public. The recommendations of the report, if adopted, would result in amendments to Zoning By-law 2010-40 to permit the proposed development and apply necessary holding provisions, in accordance with Schedule 1 of this report.

## Background

### Subject Lands

The subject lands are located along Court Street, south of Gorham Street and east of Prospect Street. The subject lands currently contain two semi-detached dwelling units. The lands have an area of approximately 1,049 square metres and a lot frontage of approximately 21.1 metres along Court Street. The surrounding land uses are as follows:

**North:** Residential

**East:** Residential

**South:** Residential

**West:** Residential



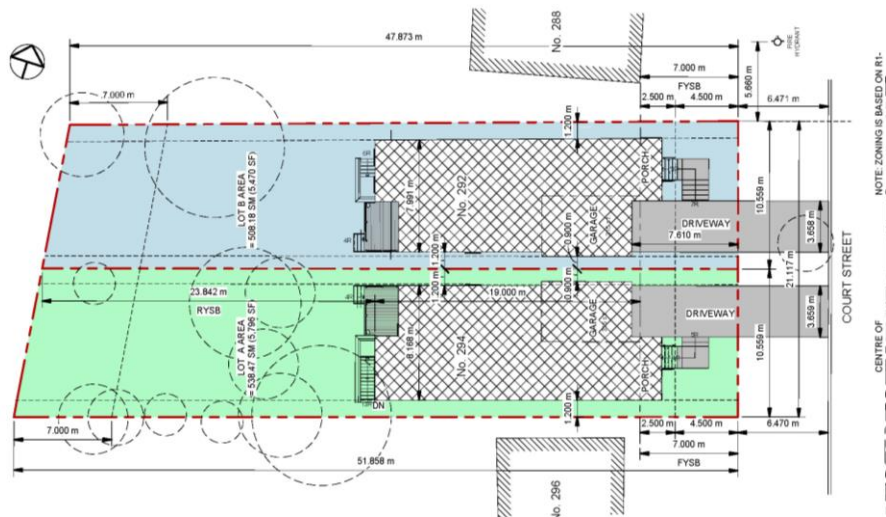
The subject lands are currently zoned Residential Semi-Detached Dwelling 21.3 (R2-K) Zone under Zoning By-law 2010-40, and are designated Stable Residential under the Town's Official Plan.

The subject lands were previously listed on the Town's Register of Non-Designated Heritage Properties, and were removed by Council in January 21, 2019 (Staff Report 2019-04).

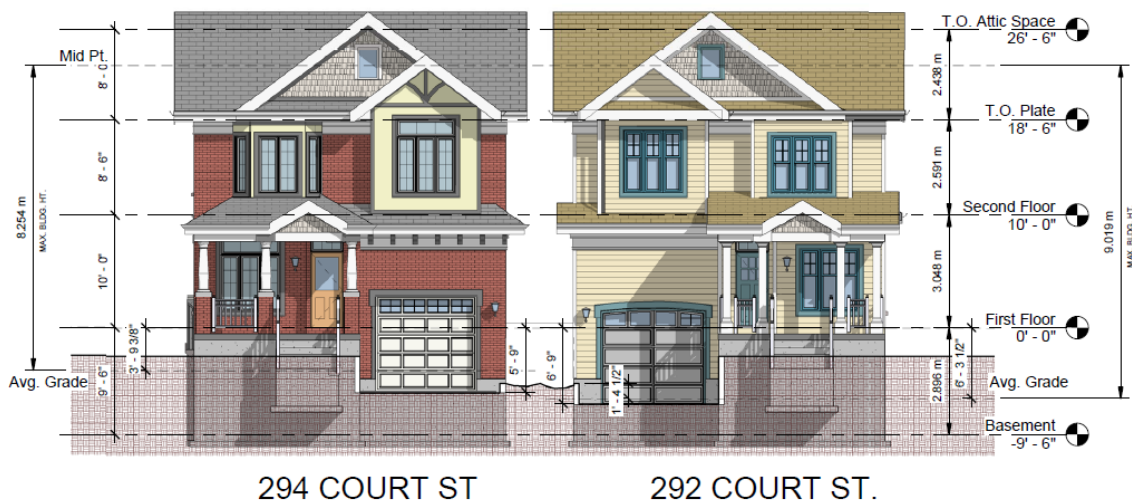


## Proposal

The applicant is proposing to amend the zoning from the Residential Semi-Detached Dwelling 21.3 (R2-K) Zone to the Residential Detached Dwelling 9.7m (R1-F) Zone, to facilitate the division of the land into two separate lots, and the development of two single-detached dwellings. The created lots are proposed to have a minimum lot frontage of approximately 10.5 metres and lot areas between 508 square metres and 538 square metres.



The existing semi-detached structure is proposed to be demolished. Future applications for consent and site plan approval will be required, should the application for rezoning be approved. The image below displays the two proposed single-detached dwellings.





## **Discussion**

The following section will review the development proposal against applicable planning policy.

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) 2020 provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land.

The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The policies set out in the PPS outline how healthy, liveable and safe communities are to be sustained. This includes promoting efficient development and accommodating an appropriate range and mix of residential, employment, recreation, park and open space and other uses to meet long term goals.

The Town of Newmarket is considered a "Settlement Area" within the PPS, which is indicated as a focus area for growth and development. The PPS indicates that planning authorities shall identify appropriate locations for intensification and redevelopment. Through the Official Plan, the Town has identified that intensification, such as infilling, may occur in Stable Residential areas subject to compatibility criteria.

The proposed development is consistent with the PPS as it supports residential intensification through infilling within a settlement area, and promotes the use of existing infrastructure and services.

### **A Place to Grow – Growth Plan for the Greater Golden Horseshoe**

The Growth Plan for the Greater Golden Horseshoe 2019 (Growth Plan) provides a framework for implementing the Government of Ontario's vision for building stronger, prosperous communities by better managing growth in the region. It demonstrates the ways in which our cities, suburbs, towns and villages will grow over the long term. The Growth Plan guides decisions on a wide range of issues, including transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection.

The Growth Plan directs growth to settlement areas and prioritizes intensification, with a focus on strategic growth areas, including delineated built-up areas, urban growth centres and major transit station areas. The proposed development is consistent with the Growth Plan by encouraging infill development that promotes the use of existing infrastructure and servicing, within a delineated built-up area.

## York Region Official Plan

The YROP designates the subject lands as part of the “Urban Area”, which is the primary area for accommodating growth. A minimum of 40% of all residential development in York Region is to occur within the built-up area, which includes the subject lands. This application supports the achievement of this target.

York Region has stated that they have no comment on the proposed Zoning By-law Amendment.

## Official Plan Considerations

The Subject Property is designated Stable Residential on Schedule A - Land Use Plan to the Town’s Official Plan. The main objective of the Stable Residential designation is to sustain and enhance the character and identity of existing residential communities, as well as encourage the preservation and maintenance of existing housing stock.

Section 3.9 of the Official Plan indicates that infill units through the creation of new lots consistent with the size and form of housing in the neighbourhood as a whole is a permitted form of intensification within the Stable Residential designation. The creation of new lots for the purpose of infilling shall be permitted subject to compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposal, availability of hard services and road access requirements.

As the proposed rezoning is intended to facilitate a future consent application to create a total of two building lots, compliance with Section 16.1.5 Consents is required. This section indicates that applications for consents shall only be granted where:

**a. the severance is for the purpose of infilling within existing development;**

The proposed development is for infill within an existing development.

**b. a plan of subdivision is not necessary;**

A plan of subdivision is not required for the proposed development.

**c. the number of lots created is three or less;**

The proposal will create two lots (one existing, and one new).

**d. the lot can be adequately serviced by sanitary sewage disposal, water supply, and storm drainage facilities;**

The applicant has provided a functional servicing report that has been reviewed by Engineering Services.

**e. no extension, improvement or assumption of municipal services is required;**

This will not be required for the proposed development.

- f. the lot will have frontage on an improved public road, and access will not result in traffic hazards;**

The proposed lots will both have frontage on Court Street.

- g. the lot will not restrict the ultimate development of adjacent lands;**

The proposed lots will not restrict the development of adjacent lands.

- h. the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and compatible with adjacent lots; and,**

The proposed lots will conform to the size and shape requirements of the proposed R1-F Zone and will be similar in size and frontage to adjacent lots.

- i. the consent complies with all relevant provisions of this Plan.**

The consent will comply with the Town's Official Plan, which permits infill through consent.

The proposed development would meet all provisions of Section 16.1.5 Consents, should the rezoning application be approved.

Section 16.1.1 of the Official Plan discusses the items that need to be considered by Council when considering an amendment to the zoning bylaw:

- a. the proposed change is in conformity with this Plan;**

The proposal would rezone the subject from the current Residential Semi-Detached Dwelling 21.3 (R2-K) Zone to the Residential Detached Dwelling 9.7m (R1-F) Zone, in-keeping with the residential built-forms permitted within the Stable Residential designation (which includes single and semi-detached dwellings).

- b. the proposed uses are compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;**

The proposed residential use is similar to the surrounding land uses, which is predominantly comprised of similarly-sized single-detached dwellings.

- c. potential nuisance effects upon adjacent uses are mitigated;**

The adjacent uses (low-density residential) are similar to those proposed for the subject lands and thus nuisance effects are expected to be minimal.

**d. adequate municipal services are available;**

The applicant has provided a functional servicing report that has been reviewed by Engineering Services.

**e. the size of the lot is appropriate for the proposed uses;**

The size and frontage of the proposed parcels will meet all zoning requirements of the R1-F Zone.

**f. the site has adequate road access and the boundary roads can accommodate the traffic generated;**

The site has two existing driveway access points onto Court Street and would not require any additional access onto the street.

**g. the on-site parking, loading and circulation facilities are adequate; and,**

The on-site parking for each dwelling will sufficiently meet the zoning requirements.

**h. public notice has been given in accordance with the Planning Act.**

Notice has been provided in accordance with the Planning Act.

The proposed development would meet all provisions of Section 16.1.1 of the Official Plan.

### **Compatibility and Site Suitability**

The greater neighbourhood contains a mix of low density dwellings, primarily single-detached dwellings, interspersed with some semi-detached, triplex and apartment dwellings. The majority of the immediate neighbourhood is comprised of older single-detached dwellings (1950-1970), many of which are listed on the Town's Municipal Register of Non-Designated Properties.

The proposed rezoning will result in the lot being severed into two parcels for the development of two single-detached dwellings. The size of the proposed lots is in-keeping with the surrounding lot sizes and frontages. The chart below outlines the approximate lot areas and frontages of surrounding properties:

Property	Lot Area	Lot Frontage
<b>286 Court Street</b>	408 square metres	12 metres

<b>300 Court Street</b>	417 square metres	12 metres
<b>288 Court Street</b>	690 square metres	12 metres
<b>286 Court Street</b>	383 square metres	13 metres
<b>292-294 Court Street</b>	<b>500 square metres</b>	<b>10.5 metres</b>

The existing semi-detached dwelling is set back approximately 5.4 metres from the front lot line, and the proposed dwellings will be set back approximately 7.0, maintaining a similar streetscape.

With regard to the physical suitability of the site to accommodate the proposed development, Engineering Services have reviewed the grading, water distribution, sanitary service and stormwater, and have indicated that the proposed use can be graded and serviced in an acceptable manner. Further review will be required at the site plan approval stage.

### **Heritage**

The subject lands were previously listed on the Town's Register of Non-designated Properties, and were removed by Council in January 21, 2019. For more information on the removal of the subject lands from the list, please see Staff Report 2019-04.

The applicant has indicated that the proposed dwellings will be constructed in a design which respects and reinforces the heritage character of the area. The proposed dwellings include design elements borrowed from the features and elements of other homes on the street and in the surrounding area. The applicant has stated that the architectural style of the proposed dwellings has been inspired by the designated house at 339 Millard Avenue. Additionally, the applicant has advised that the materials and colours to be utilized in the construction have been selected to complement the Herbert Paxton and Myrtle Kidd Houses, located immediately to the north and south of the subject property.

### **Affordable Housing**

Section 3.10.2 of the Town's Official Plan requires a minimum of 25% of new housing development outside the Urban Centres Secondary Plan to be affordable to low and moderate income households. This 25% minimum is comprehensive of all development applications outside of the Urban Centres and may not necessarily be achieved by each individual application. The proposed development does not contribute to the Town's affordable housing goals, as single-detached dwellings are generally more costly than semi-detached dwellings. However, due to the limited size of the lot and the character of the surrounding neighbourhood, the proposal is in-keeping with the compatibility of the area and represents a desired built-form.

### **Parkland Dedication**

Parkland Dedication in accordance with Parkland Dedication By-law 2017-56 will be required as part of the development and will be collected during site plan approval.

### **Waste Disposal Assessment Area**

The subject lands fall within a Waste Disposal Assessment Area as shown on Schedule 1 – Land Use, within the Town’s Official Plan. Section 10.3 Waste Disposal Assessment Areas outlines policies related to these areas. The applicant has provided a Phase One Environmental Site Assessment which has been reviewed by the Town’s Engineering Department, who have stated that there are no further investigation activities required for this site.

### **Zoning By-law Considerations**

The subject property is currently zoned Residential Semi-Detached Dwelling 21.3 (R2-K) Zone, which permits semi-detached dwellings.

The applicant is proposing to rezone the property to the Residential Detached Dwelling 9.7m (R1-F) Zone, to permit the development of two single-detached dwellings. The proposed lots will meet all zone standards of the R1-F Zoning, and will not require any site-specific zoning. The applicant has supplied the following chart which outlines the zoning standards for the proposed R1-F zone, and shows that all such standards will be met:

	<b>R1-F Zoning</b>	<b>Proposed</b>	<b>Complies?</b>
Use	Single detached	Single detached	Yes
Minimum Lot Area	265 m <sup>2</sup>	508 m <sup>2</sup>	Yes
Minimum Lot Frontage	9.7 m	10.5 m	Yes
Front Yard Setback	4.5 m	4.5 m	Yes
Rear yard Setback	7.0 m	22 m (approx.)	Yes
Side Lot line (one side)	0.6 m	0.9 m	Yes
Side Lot line (other side)	1.2 m	1.2 m	Yes
Building Separation	1.8 m	1.8 m	Yes
Lot Coverage	47%	30.2%	Yes
Height	11.0 m	9.0 m	Yes
Minimum Driveway Width	3.0 m	3.66 m	Yes
Maximum Driveway Width	5.5 m	3.66 m	Yes
Minimum Driveway Length (*11) (segmented garage door)	10 m (*12)	13.5 m	Yes

### **Holding Provision**

This report recommends a holding provision be employed as part of the zoning. In accordance with Section 36 of the Planning Act, Council may impose holding provisions (“H”) on a zoning by-law to limit the use of lands until the provision is removed. The

amending zoning by-law will include holding provisions that are typical for zoning by-law amendments for residential developments such as the requirement to obtain approval for consent to sever the property, enter into a site plan agreement and to obtain servicing allocation.

### **Parking**

Zoning By-law 2010-40 requires two (2) exterior parking spaces for single-detached dwellings. As proposed, there is adequate space for two external parking spaces on each lot.

### **Drainage, Water and Grading**

Engineering Services note that the proposed grading shall not adversely affect adjacent properties, and that it appears that a satisfactory grading design can be accommodated. A detailed grading plan for the property will be required at the time of the Site Plan Application.

### **Servicing**

Servicing allocation has not been granted to this development. This report recommends a holding provision be employed to require that servicing allocation be granted before any development occurs.

### **Vibration**

On March 18 2019, staff brought forward Report 2019-29 to Council recommending vibration impact assessments be required as part of a complete application for development proposals. The applicant has provided an assessment of construction vibration potential related to the proposed development. The vibration impact assessment has been reviewed by the Town's Engineering Department, who have stated that the vibration impact assessment will be reviewed in detail, and any vibration comments will be addressed, at the time of site plan approval.

### **Environmental Site Assessment**

The submitted Phase One Environmental Site Assessment have been reviewed by Engineering Services. The Phase One ESA found that there were no further investigations activities recommended for this site.

### **Agency and Public Comments**

The development proposal has been circulated internally and externally to the public and the Town's internal and external review partners. Many of the comments provided are outlined in the discussion section above. Additional comments from several review partners are provided below for greater context.

### **York Region**

Staff from the Regional Municipality of York note that they have no comment on the proposed Zoning By-law Amendment.

### **Central York Fire Services**

Central York Fire Services have reviewed the application and stated they have no objection to the proposed application.

### **Engineering Services**

Staff from Engineering Services have provided comments on the application outlined in the above sections.

### **Lake Simcoe Region Conservation Authority**

The Lake Simcoe Region Conservation Authority (LSRCA) has reviewed the application in accordance with the Natural Heritage and Natural Hazard policies of the Provincial Policy Statement (PPS), the Greenbelt Plan, the Lake Simcoe Protection Plan (LSPP), and Ontario Regulation 179/06 under the Conservation Authorities Act, and have provided comments applicable to the application.

The LSRCA notes that based on their review of the submitted information it is determined that the proposal is generally consistent and in conformity with the natural heritage and natural hazard policies of the applicable Provincial Plans. As such, the LSRCA notes that they have no further requirements related to the approval of this application for Zoning By-law Amendment.

### **Other Review Partners**

- The Town's Building Department has advised of no comments on this application.
- Enbridge Gas Inc. has advised that they do not object to the proposed application.
- Rogers has advised that they do not object to the proposed application.
- The Southlake Regional Health Centre has advised of no comments on this application.

### **Effect of Public Input**

A virtual/electronic statutory public meeting was held in June of 2020. Comments were received at the public at the statutory public meeting and have been received via email to the Planning Department. The comments centered on the following themes:

- Property value of adjacent properties
- Drainage and run-off issues
- Elevation/height of the of proposed dwellings (including impacts to sunlight)
- Location of proposed dwelling to interior property line



Staff advise that re-sale value is dependent on numerous market variables and is typically not considered when evaluating a proposal from a planning perspective.

Staff advise that Engineering Services have stated that the proposed grading shall not adversely affect adjacent properties, and that it appears that a satisfactory grading design can be accommodated. A detailed grading plan for the property will be required at the time of the Site Plan Application.

Staff advise that the height of the proposed dwellings is 9.0 metres, measured from finished average grade to the mid-point of the roof, whereas the R1-F Zone permits a maximum height of 11.0 metres. Court Street is located along a slope, with the grading sloping from south to north. As such, many of the dwellings along Court Street are adjacent to a dwelling which is situated slightly higher. For example, 280 and 282 Court Street, shown in the image below:



Another example can be found at 296 and 300 Court Street, shown in the image below:



Staff note that due to the grading of the street, having a dwelling situated higher than its neighbour is not considered out of character for the neighbourhood.

Staff note that the proposed dwelling will meet the interior side yard setbacks of the R1-F Zone.

In an effort to try to resolve the elevation/height concern, staff facilitated a meeting with the applicant and adjacent neighbours. At this meeting the applicant provided additional details regarding the proposed grading and height. It was also discussed that the proposed development at 292-294 Court Street will be subject to Site Plan Approval, which will allow the Town to ensure the development of the lands is in accordance with the proposed Zoning By-law Amendment.

## **Conclusion**

The amendment application meets the intent of, and is consistent with, the Town's Official Plan, the York Region Official Plan, Growth Plan for the Greater Golden Horseshoe, and Provincial Policy Statement.

Staff recommend approval of the application, subject to certain holding provisions. Further refinement of the application will take place as part of the site plan approval application.

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

This report has linkages to the broader Official Plan policies relating to building a strong community by implementing growth management to create a clear vision for existing residential neighbourhoods.

## **Consultation**

The Zoning by-law Amendment application has been provided to the Town's internal review partners and external agencies per standard practice. Notice has been provided to persons and bodies as required by Ontario Regulation 545/06 of the Planning Act.

A statutory public meeting was held virtually in June of 2020.

## **Human Resource Considerations**

N/A

## **Budget Impact**

The appropriate planning application fees have been received for the Zoning By-law Amendment. The Town will also receive revenue from development charges and assessment revenue with the development of this proposal in the event the applications are approved.

## **Attachments**

- Schedule 1 – Zoning By-law Amendment
- Location Map
- Proposed Site Plan

## **Submitted by**

Alannah Slattery, BES, MCC

Planner, Planning and Building Services

## **Approved for Submission**

Adrian Cammaert, MCIP, RPP, CNU-A

Acting Manager, Planning Services

Jason Unger, MCIP RPP

Acting Director, Planning and Building Services

Peter Noehammer, P.Eng

Commissioner, Development & Infrastructure Services

## **Contact**

Alannah Slattery, Planner, [aslattery@newmarket.ca](mailto:aslattery@newmarket.ca)



Corporation of the Town of Newmarket

By-law 2020-XX

A By-law to Amend Zoning By-law 2010-40, with respect to the lands located at 292-294 Court Street, being Lot 5 on Plan 25.

Whereas the Council of the Town of Newmarket has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 990, c.P.13, as amended, to pass this By-law; and

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

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

- 1. That the lands subject to this amendment are illustrated on Schedule 1 attached hereto.
- 2. That the lands subject to this amendment, as illustrated on Schedule 1, are rezoned from the Residential Semi-Detached/Duplex Dwelling 21.3 m (R2-K) Zone, to the Residential Single Detached Dwelling 9.7 m (R1-F) Zone.

By-law No.	Property Description	Permitted Uses Until Holding Provision is Removed	Conditions for Removal
2020-XX	292-294 Court Street, Lot 5, Plan 25	No person within the lands described as 292-294 Court Street, Lot 5, Plan 25, shall erect or alter any buildings or structures for any purpose.	<p>That sufficient servicing capacity has been allocated by the Town as confirmed by the Director of Planning and Building Services.</p> <p>That a consent application has been approved by the Committee of Adjustment for the severance of the subject lands.</p> <p>That a site plan agreement has been entered into between the Owner and the Town and the performance security contemplated therein has been posted.</p>

Enacted this \_\_\_\_day of \_\_\_\_\_, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk

TOWN OF NEWMARKET  
REGIONAL MUNICIPALITY OF YORK  
292 & 294 COURT ST  
PLAN 25 LOT 5

This is Schedule 'X'  
To Bylaw 2020-  
Passed this \_\_\_\_\_ Day  
of \_\_\_\_\_, 2020.

MAYOR \_\_\_\_\_

CLERK \_\_\_\_\_



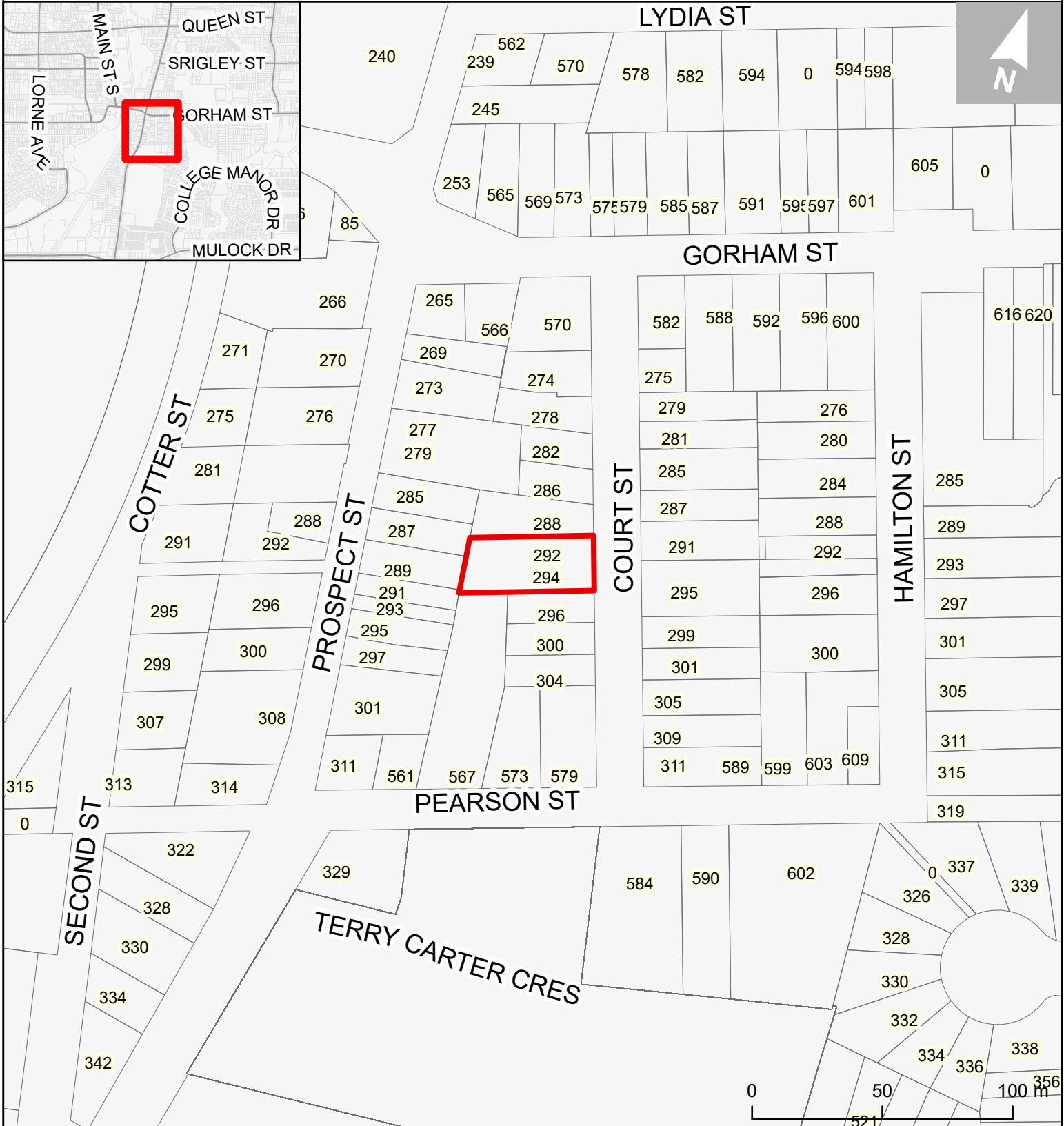
SCHEDULE "X" TO BY-LAW 2020-  
TOWN OF NEWMARKET PLANNING DEPARTMENT

Designed & Produced by Information Technology – GIS Printed: August, 2020. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2020. Zoning - Town of Newmarket, 2020. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

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# Location Map

## 292-294 Court Street



 Subject Lands

Designed & Produced by  
Information Technology - GIS  
Printed: 2020-01-22.













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

## **Site Specific Exemption to Interim Control By-law 2019-04 for 181 Beechwood Crescent Staff Report to Council**

Report Number: 2020-67

Department(s): Planning Services

Author(s): Alannah Slattery

Meeting Date: September 14, 2020

### **Recommendations**

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 for subject property 181 Beechwood Crescent dated September 14<sup>th</sup>, 2020 be received; and,
2. That Council approve the requested site-specific exemption to Interim Control by-law 2019-04 for 181 Beechwood Crescent and adopt the attached exemption by-law.

### **Purpose**

The purpose of this report is to recommend to Council the approval of a site specific exemption to Interim Control By-law 2019-04 for subject property 181 Beechwood Crescent.

### **Background**

Council passed Interim Control By-law 2019-04 on January 21, 2019. On May 27, 2019 Council approved a Site Specific Exemption Process for Interim Control By-law 2019-04. The exemption process consists of the review of proposed residential dwellings or additions within the subject area of the Interim Control By-law on a case-by-case basis, to determine their compatibility with existing neighbourhood character. Council approval is required to grant a site-specific exception from the Interim Control By-law.

## Discussion

Planning Services has received a request for exemption from Interim Control By-law 2019-04, for subject property 181 Beechwood Crescent. A consent application on the subject lands was approved by the Committee of Adjustment in 2017, creating two buildable lots. The eastern lot has since been built upon, and the applicant is proposing to construct a single-storey detached dwelling on the remaining, vacant lot.

The proposed single-storey dwelling would have a gross floor area of approximately 597 square metres, and a proposed height of approximately 6.81 metres, measured from average finished grade to the midpoint of the roof, as per Zoning By-law 2010-40.

Interim Control By-law 2019-04 prohibits the expansion of gross floor area of residential dwellings by 25% or more, the increase in height of residential dwellings, as well as the construction of dwellings on vacant lots. As the proposed dwelling would be constructed on a vacant lot, an exemption from Interim Control By-law 2019-04 is being requested.

A map of the subject property and drawings of the proposed dwelling can be found attached to this report.

Staff have reviewed the proposal and provide the following comments based on the exemption process as approved by Council.

### Physical Character

- The subject property is zoned Residential Exception (R1-C-119) Zone which permits a maximum lot coverage of 35% for a single-storey dwelling. The proposed dwelling will increase the lot coverage to approximately 28%.
- The proposed dwelling will have an approximate midpoint height of 6.81 metres. The maximum dwelling height in this zone is 10 metres, measured from average finished grade to the midpoint of the roof.
- The proposed roofline is consistent with existing slopes, ridges and rooflines throughout the neighbourhood.
- The proposed dwelling will meet all yard setbacks required by Zoning By-law 2010-40.
- The proposed dwelling will meet all zoning requirements of the R1-C-119 Zone, including yard setbacks, height and lot coverage requirements.

It is staff's opinion that the proposed dwelling will not result in over-development of the lot, as the lot still maintains adequate amenity space and appropriate setbacks.

### Streetscape Character

- The existing neighbourhood is comprised of 1970's era single-detached dwellings, interspersed with some new builds and newly renovated dwellings. The dwelling immediately east of the subject lands was constructed in 2019. The Site Specific Exemption to Interim Control By-law 2019-04 for 181 Beechwood Crescent

aerial image below shows the current neighbourhood adjacent to the subject lands.



- The proposed dwelling will not be out of character for the neighbourhood, which is comprised of both moderately-sized and large, one storey, one-and-a-half storey and two-storey dwellings.
- Lot coverage percentages along Beechwood Crescent range from approximately 15% up to 30%. The dwelling immediately east of the subject lands has an approximate lot coverage of 30%. The proposed dwelling will have a lot coverage of approximately 28%.
- The R1-C-119 zone requires structures being built between existing buildings to be built with a setback which is within the range of existing front yard setbacks for the abutting buildings, but this depth shall not be less than 3 metres from the front lot line. The proposed dwelling will be constructed with a front yard setback of 10.2 metres. This setback is the same as the front yard setback of the abutting dwelling to the east, as such the proposed dwelling meets the front yard setback requirements of the Zoning By-law, maintaining existing street lines and a uniform built form.
- The proposed dwelling will not significantly change the character of the streetscape, as a single-storey dwelling is not out of character for the neighbourhood which includes one storey, one-and-a-half storey and two-storey dwellings.

## **Established Neighbourhood Study**

In 2018, Council directed staff to initiate the Established Neighbourhood Study (ENS), intended to examine the regulatory framework of the Town's Zoning By-law and Official Plan, and to propose recommendations for amendments that will assist in maintaining the existing character of established neighbourhoods in the Town.

Site Specific Exemption to Interim Control By-law 2019-04 for 181 Beechwood Crescent

Staff are currently in the final stages of this study and have developed a set of draft policy and zoning recommendations. These policies are currently draft and are subject to change, and it is noted that they do not apply to the development that is the subject of this Report, however the following section contains a brief comparison of how the proposed development would compare with the requirements of the draft ENS zoning regulations and existing zoning regulations:

<b>Zone Standard</b>	<b>Current Zoning R1-C-119</b>	<b>Draft ENS Zoning</b>	<b>Proposed Development</b>	<b>Complies?</b>
Lot Coverage	35%	25% (for this area of Town)	28%	No
Maximum Height	10.0 metres	8.5 metres	6.81 metres	Yes
Interior Yard Setbacks	1.2 metres for one-storey dwelling	1.2 metres for Exterior Side Wall Height up to 4.2m	1.2 metres	Yes
Front Yard Setback	Structures built between existing buildings shall be built with a setback which is within the range of existing front yard setbacks for the abutting buildings, but this depth shall not be less than 3 metres from the front lot line.	Within a range of one metre greater or less than the average of the front yard setback of adjacent dwellings abutting the same road, provided that the setback not exceed the greater of the adjacent setbacks nor be closer to the street line than 3m.	10.2 metres	Yes

The proposed development at 181 Beechwood Crescent would meet the height and setback requirements of the ENS. The proposed development will have a lot coverage of 28%, whereas the draft policies permit a maximum lot coverage of 25% for this area of Town. The applicant has prepared their proposal based off the zone standards of Zoning By-law 2010-40, which permit a maximum lot coverage of 35%.

The proposed dwelling will not be out of character for the surrounding neighbourhood, which contains moderate to large single-storey dwellings. Lot coverage percentages  
Site Specific Exemption to Interim Control By-law 2019-04 for 181 Beechwood Crescent

along Beechwood Crescent range from approximately 15% up to 30%. Further, the dwelling immediately east of the subject lands (185 Beechwood Crescent) has an approximate lot coverage of 30%.

## **Public Comments**

Staff have received letters from 175 Beechwood Crescent (immediately adjacent on the west) and 165 Beechwood Crescent (one lot over), in support of the proposed dwelling, as they believe it is compatible with the existing character of the surrounding neighbourhood. Notwithstanding this general support, one area of concern was raised regarding tree removal.

Specific mention was made of preserving the three (3) trees located along the west property line. The requirement to preserve these trees and to not disturb the existing cedar hedge is provided in the Minutes of Settlement between the applicant and adjacent neighbour (175 Beechwood Crescent), which resulted from the Ontario Municipal Board (OMB) hearing related to the severance application.

As a condition to the approval of the Consent application in 2017, the applicant will be required to provide an arborist report addressing the removal of any significant trees and provide replanting or compensation for any removed significant trees. Additionally, the owner is required to enter into a leading site plan agreement with the Town which will address matters such as the protection of significant trees, including the ones mentioned in the Minutes of Settlement between the applicant and adjacent neighbour (175 Beechwood Crescent).

It is staff's opinion that the proposed dwelling is in-keeping with the character of the surrounding neighbourhood. In addition, the proposed dwelling meets the zone standards which currently apply to the subject lands.

## **Conclusion**

It is recommended that Council grant a site-specific exception for 181 Beechwood Crescent, Newmarket, from Interim Control By-law 2019-04 by adopting the attached exemption by-law.

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

The proposed development supports Council's 2018-2022 Strategic Priorities which aim to ensure a thriving community that is supportive of community engagement.

## **Consultation**

Planning staff have circulated the exemption request to property owners within 50 metres of the subject property, as per the Council-approved exemption process for Interim Control By-law 2019-04. Comments from residents have been

Site Specific Exemption to Interim Control By-law 2019-04 for 181 Beechwood Crescent

included as part of the review of this exemption request and have been addressed in the sections above.

## **Human Resource Considerations**

N/A

## **Budget Impact**

There is no budget impact associated with this report.

## **Attachments**

- Location Map
- Proposal
- Proposed By-law

## **Submitted by**

Alannah Slattery, Planner, Planning Services

## **Approved for Submission**

Adrian Cammaert, Acting Manager, Planning Services

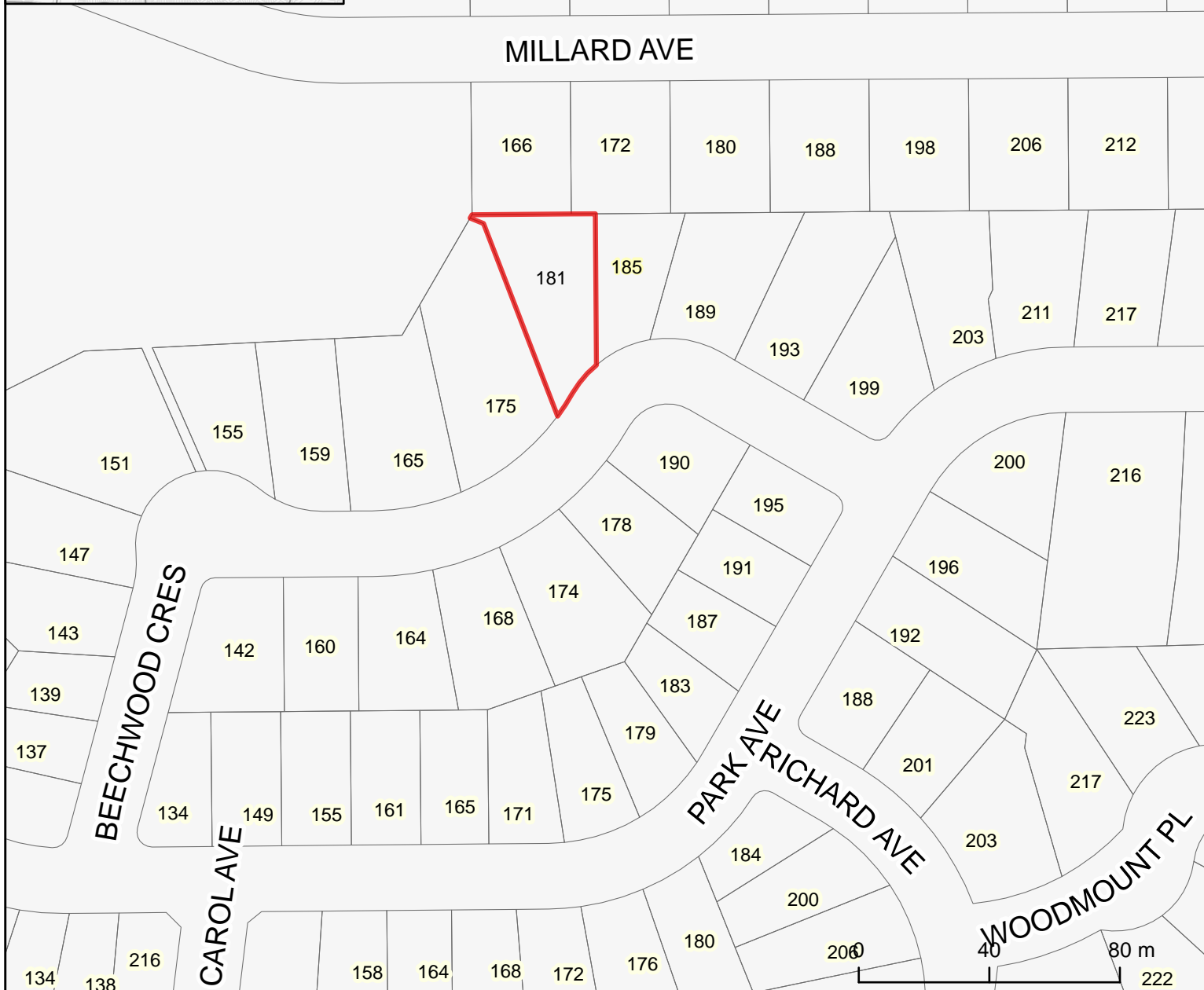
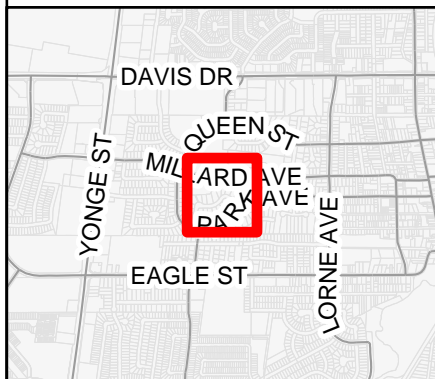
Jason Unger, Acting Director, Planning and Building Services

Peter Noehammer, Commissioner, Development and Infrastructure Services

## **Contact**

Alannah Slattery, Planner, [aslattery@newmarket.ca](mailto:aslattery@newmarket.ca)

# 181 Beechwood Crescent



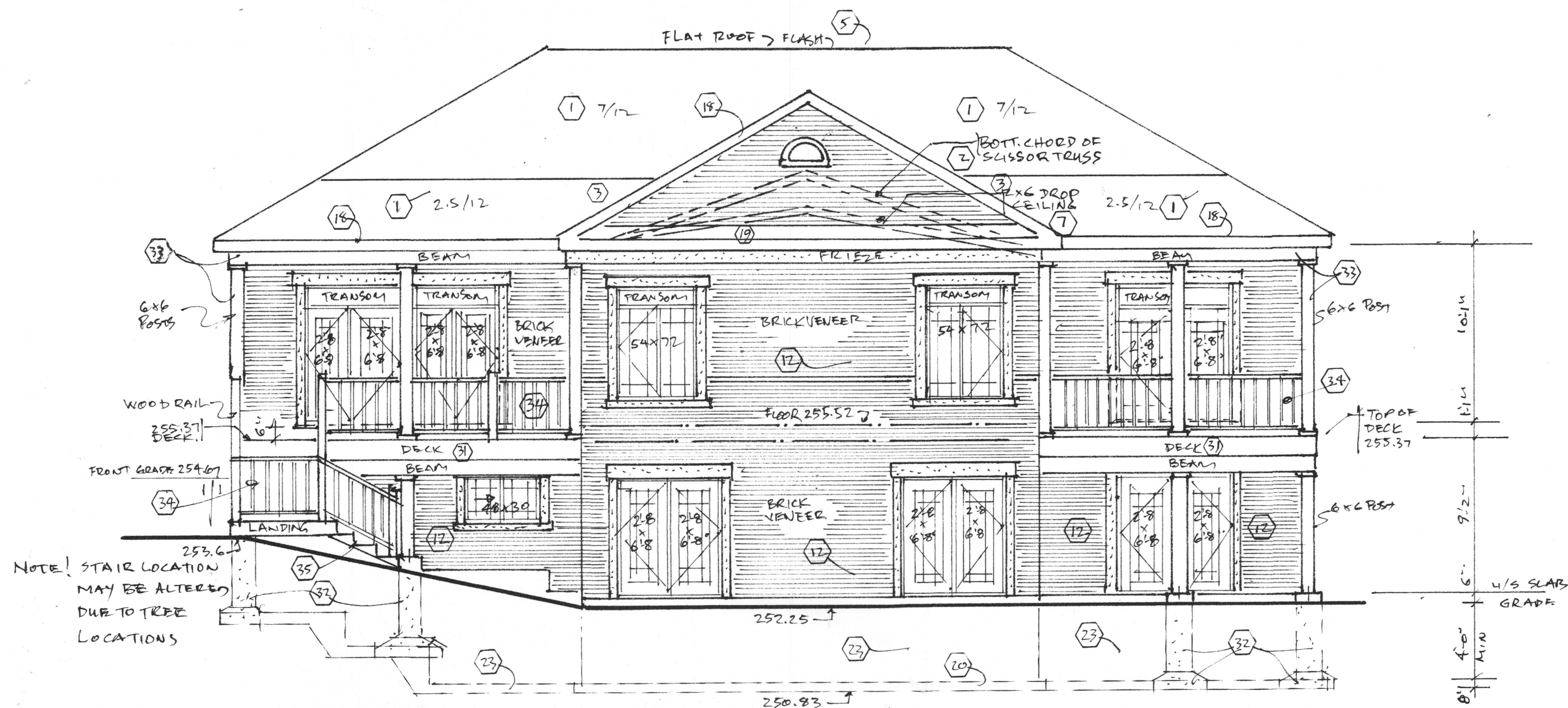
10

# Subject Lands

Designed & Produced by  
Information Technology - GIS  
Printed: 2020-08-19.

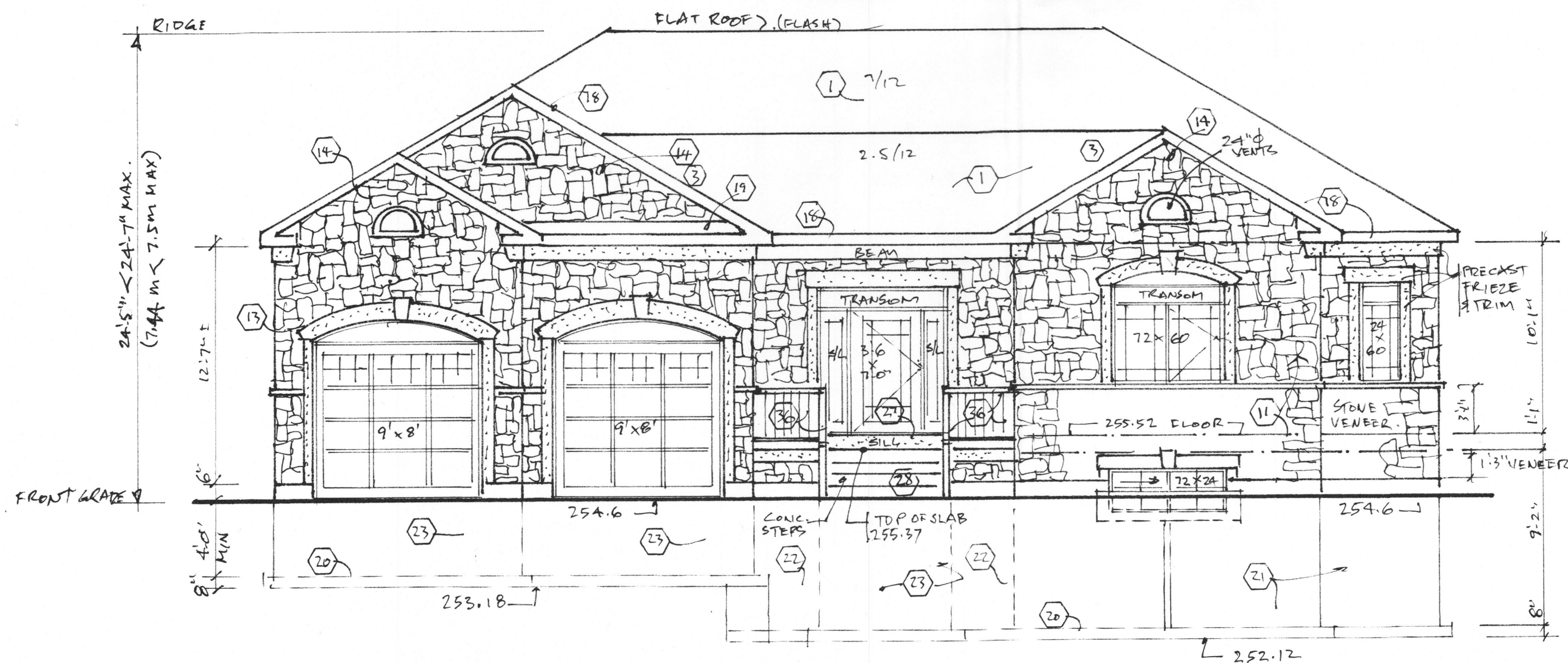






REAR (SOUTH) ELEVATION  
SCALE: 3/16" = 1'-0"

2/5



FRONT / NORTH ELEVATION  
SCALE: 3/16" = 1'-0"

1/5

The undersigned has reviewed and taken responsibility for this design & has the qualifications & meets the requirements set out in 2.17 of the O.B.C. to be a designer.

QUALIFICATION INFORMATION  
GARY HODSON BCIN # 28287

REGISTRATION INFORMATION  
DRAFTING & DESIGN SERVICES BCIN # 31889

SIGNATURE *Gary Hodson* DATE *Dec 27/18*

NO. DATE DESCRIPTION

REVISIONS

CLIENT

NORM STAPLEY  
NEWMARKET, ONTARIO  
C: 905-713-6257

PROJECT

PROPOSED NEW ONE STOREY HOUSE  
181 BEECHWOOD CRESCENT  
PART OF LOT 52, REG. PLAN 482  
NEWMARKET, ONTARIO  
REGIONAL MUNICIPALITY OF YORK

DWG TITLE

FRONT / NORTH ELEVATION  
REAR / SOUTH ELEVATION

SCALE 3/16" = 1'-0"

PROJ. NO. 13-18

DATE NOVEMBER 26, 2018

DWG. NO. 5 OF 8





# Corporation of the Town of Newmarket

## By-law 2020-

A By-law to grant a site specific exemption for the property with the Municipal address of 181 Beechwood Crescent, Newmarket, from Interim Control By-law 2019-04.

**WHEREAS** on January 21, 2019, Council for the Town of Newmarket enacted Interim Control By-law No. 2019-04 to control the erection of, or additions resulting in, any large scale dwellings within defined areas of the Town of Newmarket.

**AND WHEREAS** on September 14, 2020 Newmarket Council considered a request for an exemption to Interim Control by-law 2019-04 for the property with the Municipal Address of 181 Beechwood Crescent.

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF NEWMARKET ENACTS AS FOLLOWS:**

1. Interim Control By-law 2019-04 is hereby amended by adding the following section:

9b. Notwithstanding Section 1 of this By-law, on the lands described as 181 Beechwood Crescent, Newmarket, there shall be permitted the construction of a single-detached dwelling, with a total Gross Floor Area not exceeding 598 square metres, and a building midpoint height not exceeding 6.9 metres.

Enacted this 14<sup>th</sup> day of September, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk







# **Central York Fire Services**

## **Minutes**

### **Joint Council Committee**

Date: Tuesday, March 3, 2020

Time: 9:30 AM

Location: Holland Room - Town of Aurora  
Aurora Town Hall  
100 John West Way  
Aurora ON

Members Present: Mayor Mrakas, Town of Aurora  
Councillor Gallo, Town of Aurora  
Deputy Mayor & Regional Councillor Vegh, Town of Newmarket  
Councillor Broome, Town of Newmarket  
Councillor Gilliland, Town of Aurora  
Councillor Bisanz, Town of Newmarket

Staff Present: J. Sharma, Chief Administrative Officer, Town of Newmarket  
D. Nadorozny, Chief Administrative Officer, Town of Aurora  
I. Laing, Fire Chief, Central York Fire Services  
J. Gaertner, Acting Director of Finance – Treasurer, Town of Aurora  
R. Comeau, Deputy Chief, Central York Fire Services  
R. Volpe, Deputy Chief, Central York Fire Services  
C. Duval, Assistant Deputy Chief, Central York Fire Services  
M. Mayes, Director of Financial Services/Treasurer, Town of Newmarket  
D. Schellenberg, Manager of Finance & Accounting, Town of Newmarket  
A. Walkom, Legislative Coordinator, Town of Newmarket

The meeting was called to order at 9:33 AM.

Mayor Mrakas in the Chair.

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

None.

**2. Declarations of Pecuniary Interest**

None.

**3. Presentations**

None.

**4. Deputations**

None.

**5. Approval of Minutes**

**5.1 Central York Fire Services – Joint Council Committee Meeting  
Minutes of January 7, 2020**

Moved by: Councillor Broome

Seconded by: Councillor Gallo

1. That the Central York Fire Services – Joint Council Committee Meeting Minutes of January 7, 2020 be approved.

**Carried**

**6. Items**

**6.1 CYFS Preliminary Budget Report – Fourth Quarter**

D. Schellenberg provided an overview of the Fourth Quarter Preliminary Budget Report and advised of some minor corrections to numbers in the report.

Joint Council Committee members discussed the preliminary budget report, including Wellness and consulting expenses, water and hydro expenses, and asset replacement fund contributions.

Moved by: Councillor Bisanz

Seconded by: Councillor Gilliland

1. That the report entitled CYFS Preliminary Budget Report – Fourth Quarter dated March 3, 2020 be received for information purposes.

**Carried**

**7. New Business**

(1) Chief Laing advised that Deputy Chief Comeau will be retiring on March 31, 2020 and that a retirement party would be held March 31, 2020 at Station 4-1. Mayor Mrakas thanked Deputy Chief Comeau for his service to Central York on behalf of the Joint Council Committee and wished him well in his retirement.

(2) Chief Laing advised that Central York Fire Services had been participating in conference calls with York Region regarding the COVID-19 outbreak. He advised that there is a shortage of protective face masks due to the outbreak and that CYFS would need to find an alternate supplier.

(3) D. Nadorozny provided an update on Station 4-5 and advised that meetings between the architect, contractor and Chief Administrative Officers of Newmarket and Aurora had been underway.

(4) Mayor Mrakas provided an update on the motion regarding the investigation of consolidation of Central York Fire Services with Stouffville Fire Services for which he provided notice at the January 7, 2020 meeting. He advised he would not present the motion to the Joint Council Committee at this time, due to a motion at York Regional Council regarding the creation of a regional fire service.

(5) Deputy Chief Volpe provided an update on the Motor Vehicle Collision Cost Recovery Program and advised that invoices would start to be issued in early March 2020.

**8. Closed Session**

Mayor Mrakas advised that there was no requirement for a closed session.

**9. Adjournment**

Moved by: Councillor Gallo

Seconded by: Councillor Bisanz

1. That the meeting be adjourned at 10:33 AM.

**Carried**



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Mayor Mrakas, Chair

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Date



# **Town of Newmarket**

## **Minutes**

### **Heritage Newmarket Advisory Committee**

Date: Tuesday, March 3, 2020  
Time: 7:00 PM  
Location: Mulock Room  
Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

Members Present: Billie Locke, Chair  
Councillor Bisanz  
David McLennan  
Joan Seddon

Members Absent: Gord McCallum, Vice-Chair  
Norman Friend  
Mitch Sauder

Staff Present: P. Cho, Planner  
A. Walkom, Legislative Coordinator

The meeting was called to order at 7:09 PM. Billie Locke in the Chair.

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

None.

**2. Declarations of Pecuniary Interest**

None.

**3. Presentations/Deputations**

None.

#### **4. Approval of Minutes**

##### **4.1 Heritage Newmarket Advisory Committee Meeting Minutes of January 7, 2020**

Moved by: David McLennan

Seconded by: Councillor Bisanz

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of January 7, 2020 be approved.

**Carried**

#### **5. Correspondence**

##### **5.1 Notice regarding 292-294 Court Street Zoning By-law Amendment Application**

The Committee discussed the property located at 292-294 Court Street, as well as the surrounding properties. The Committee inquired if there was existing historical information available on the property.

Moved by: Joan Seddon

Seconded by: David McLennan

1. That the Notice regarding 292-294 Court Street Zoning By-law Amendment Application be received.

**Carried**

#### **6. Items**

##### **6.1 Update on Protection of Private Trees By-law**

The Planner reported that a report regarding the Protection of Private Trees By-law would be brought to the Committee of the Whole meeting on May 25, 2020.

##### **6.2 Union Hotel Update**

The Planner advised that a building permit for the property has been received and that town staff were reviewing it. She advised that any changes to the property would require a heritage permit.

### **6.3 Update on 1075 Gorham St. Heritage Designation**

The Planner advised that a pre-hearing conference regarding the heritage designation of 1075 Gorham Street was scheduled for the week of March 2, 2020.

### **6.4 Review of Registry of Heritage Properties**

The Committee discussed reviewing the Heritage Registry to identify properties which should be designated and prioritize efforts on those properties by researching their history.

## **7. Reports of Committee Members**

### **7.1 Designated Property Maintenance and Concerns**

The Committee discussed finding a source to produce the Heritage Plaques and some of the companies that may be able to produce them.

7.1.1 Site Plaques

7.1.2 Residence Plaques

7.1.3 Heritage Location Plaques

## **8. Committee Reports**

### **8.1 Elman W. Campbell Museum Board**

Councillor Bisanz advised that Council had been invited to the Museum on March 2, 2020 to see the Museum after the renovations were completed, as well as the new exhibits.

### **8.2 Lower Main Street South Heritage Conservation District Advisory Group**

There was no update on this item.

## **9. New Business**

### **(1) 2020 Ontario Heritage Conference**

The Committee discussed the 2020 Ontario Heritage Conference scheduled for May 2020 and to be held in Markham and whether any members would like to attend.

(2) Mill Ruins on Bogart Creek

Councillor Bisanz inquired as to the Mill Ruins on Bogart Creek that had been discussed at the January meeting. The Committee discussed possible ways the ruins could be protected or marked to recognize their history.

**10. Adjournment**

Moved by: Joan Seddon

Seconded by: David McLennan

1. That the meeting be adjourned at 8:02 PM.

**Carried**

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Chair

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Date



# Corporation of the Town of Newmarket

## By-law 2020-49

A By-law to amend fees and charges by-law 2019-79 being a By-law to adopt Fees And Charges For Services Or Activities Provided By The Town Of Newmarket.

Whereas The Corporation of the Town of Newmarket and The Corporation of the Town of Aurora have established a consolidated fire and emergency services department known as Central York Fire Services through By-law 2001-146 to deliver firefighting and related emergency services; and,

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,

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

1. That Schedule G of Fees and Charges By-law 2019-79 be deleted and replaced by the attached schedule for services provided by the Central York Fire Services (Fire Services Fees); and,
2. That should any section of this by-law be declared invalid by a court of competent jurisdiction, such section shall be construed as being severed here from and the remainder of the by-law shall continue in full force and effect.

Enacted this 21<sup>st</sup> day of September, 2020.

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John Taylor, Mayor

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Lisa Lyons, Town Clerk

**TOWN OF NEWMARKET  
2020 USER FEES  
SCHEDULE G**

Department: **Fire Services**

Effective Date: **September 21, 2020**

SERVICE PROVIDED	UNIT OF MEASURE	TIMELINES	SUBJECT TO HST YES/NO	2020 FEE BEFORE TAX	2020 FEE BEFORE TAX	ADMIN FEE	HST AMOUNT	TOTAL FEE
<b>Fire Prevention</b>								
Apartment/Office Inspections Base Building	One to five storey premises		Y	\$367.15	\$367.15	\$ -	\$47.73	<b>\$414.88</b>
	Six or more storey premises		Y	\$489.55	\$489.55	\$ -	\$63.64	<b>\$553.19</b>
	Each additional unit		Y	\$93.72	\$93.72	\$ -	\$12.18	<b>\$105.91</b>
	Day Care Home Inspection		Y	\$96.35	\$99.04	\$ -	\$12.88	<b>\$111.92</b>
	Day Nursery Inspection		Y	\$96.35	\$99.04	\$ -	\$12.88	<b>\$111.92</b>
Request for Report	Faxing or Mailing Reports		Y	\$48.17	\$49.52	\$ -	\$6.44	<b>\$55.96</b>
Property File Search	File Search and Response		Y	\$94.36	\$97.00	\$ -	\$12.61	<b>\$109.61</b>
Retrofit Inspections (9.5, 9.6)			Y	\$374.86	\$374.86	\$ -	\$48.73	<b>\$423.59</b>
Retrofit Inspections (9.8)			Y	\$199.94	\$199.94	\$ -	\$25.99	<b>\$225.93</b>
Fireworks Permit Fee			N	\$108.13	\$111.16	\$ -	\$0.00	<b>\$111.16</b>
Extinguisher Training Using Classroom and Burn Pan	Per session up to 20 people with own extinguishers		Y	\$373.12	\$373.12	\$ -	\$48.51	<b>\$421.62</b>
Industrial & Commercial Inspection	Per single industrial unit		Y	\$96.35	\$99.04	\$ -	\$12.88	<b>\$111.92</b>
	Each additional unit		Y	\$96.35	\$99.04	\$ -	\$12.88	<b>\$111.92</b>
	LLBO Inspections		Y	\$128.46	\$132.06	\$ -	\$17.17	<b>\$149.23</b>

**TOWN OF NEWMARKET  
2020 USER FEES  
SCHEDULE G**

Department: **Fire Services**

Effective Date: **September 21, 2020**

SERVICE PROVIDED	UNIT OF MEASURE	TIMELINES	SUBJECT TO HST YES/NO	2020 FEE BEFORE TAX	2020 FEE BEFORE TAX	ADMIN FEE	HST AMOUNT	TOTAL FEE
<b>Fire Protection</b>								
Provincial Highway Accident Responses (Fire Protection Agreement)	Per hour per fire unit/flat rate		N	\$485.00	\$485.00	\$ -	\$0.00	<b>\$485.00</b>
Emergency Response to a motor vehicle collision (Residents and Non-Residents)	Per hour per fire unit		N	\$485.00	\$485.00	\$ 25.00	\$0.00	<b>\$510.00</b>
Natural Gas Leaks Response	Per hour per fire unit		N	\$0.00	\$485.00	\$ 25.00	\$0.00	<b>\$510.00</b>
Hydro Incidents (down hydro lines)	Per hour per fire unit		N	\$0.00	\$485.00	\$ 25.00	\$0.00	<b>\$510.00</b>
Drug Labs/Grow Ops/Clandestine Labs	Per hour per fire unit		N	\$0.00	\$485.00	\$ 25.00	\$0.00	<b>\$510.00</b>
Elevator Rescue (non-emergency)	Per hour per fire unit		N	\$0.00	\$0.00	\$ -	\$0.00	<b>\$0.00</b>
False Alarm (preventable cause)	Per unit/per incident		N	\$465.42	\$485.00	\$ 25.00	\$0.00	<b>\$510.00</b>
Hazardous Materials Response	First hour per fire unit/flat rate		N	\$485.00	\$485.00	\$ 25.00	\$0.00	<b>\$510.00</b>
Outdoor Burning - By-law 2009-64	Per unit/per incident		N	\$0.00	\$485.00	\$25.00	\$0.00	<b>\$510.00</b>
<b>Miscellaneous</b>								
Extrordinary Expenses	see notes							
Post Fire Investigations	Per hour per fire unit		N	\$0.00	\$485.00	\$ 25.00	\$0.00	<b>\$510.00</b>
Multi-purpose Smoke and Carbon Monoxide Alarm	per unit		y	\$0.00	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>



**TOWN OF NEWMARKET  
2020 USER FEES  
SCHEDULE G**

Department: **Fire Services**

Effective Date: **September 21, 2020**

SERVICE PROVIDED	UNIT OF MEASURE	TIMELINES	SUBJECT TO HST YES/NO	2020 FEE BEFORE TAX	2020 FEE BEFORE TAX	ADMIN FEE	HST AMOUNT	TOTAL FEE
Paid Duty Truck Stand-by	First hour per fire unit/flat rate		N	\$485.00	\$485.00	\$ 25.00	\$0.00	<b>\$510.00</b>

TYPE OF SERVICE Fire Prevention	Detailed Description for Fire and Emergency Services
Apartment/Office Inspections Base Building	# <b>When</b> Fire and Emergency services receives a request to conduct an inspection of a Apartment / Office Building or Base Building, the property owner will be charged the fees outlined in this schedule.
Request for Report	# <b>When</b> Fire and Emergency Services receives a request to fax, email or mail a report (i.e. standard incident report) the requestor will be charged the fees outlined in this schedule.
Property File Search	# <b>When</b> Fire and Emergency Services receives a request for a file search and response. (i.e. file search and response letter to determine if a property has any noted violations) the requestor will be charged the fees outlined in this schedule.
Retrofit Inspections (9.5, 9.6)	# <b>When</b> the Fire and Emergency services receives a request to conduct an inspection in accordance with Part 9 of the Ontario Fire Code, the property owner will be charged the fees outlined in this schedule.
Retrofit Inspections (9.8)	# <b>When</b> Fire and Emergency services receives a request to conduct an inspection in Newmarket in accordance with By-law 2013-13 for the registration of Accessory Dwelling Units (ADU's) OR in Aurora in accordance with By-law 5221-10 for registration of second suites, the property owner will be charged the fees outlined in this schedule.
Fireworks Permit Fee	# <b>When</b> Fire and Emergency services receives a request to review a Display Fireworks Permit application in Newmarket in accordance with By-law 2002-51 OR in Aurora in accordance with By-law 4736-05 the fireworks provider requesting the permit will be charged the fees outlined in this schedule.
Extinguisher Training Using Classroom and Burn Pan	# <b>When</b> Fire and Emergency Services provides fire extinguisher training to a requestor, the following fee will be charged according to this schedule.
Industrial & Commercial Inspection	# <b>When</b> Fire and Emergency services receives a request to conduct an inspection of a industrial or commercial unit, the property owner will be charged the fees outlined in this schedule.
<b>Fire Protection</b>	
Provincial Highway Accident Responses (Fire Protection Agreement)	Fees and charges will be referred to the Whitchurch/Stouffville and King Fire Protection Agreements.
Emergency Response to a Motor Vehicle Collision (Residents and Non-Residents)	Refer to By-law 2019-60 and 2019-61, fees and charges will be charged according to this schedule.
Natural Gas Leaks Response	# <b>When</b> Fire and Emergency Services attends an incident in response to a natural gas leak, and upon conducting an investigation, CYFS determines that due diligence was not exercised the property owner and/or party responsible shall be charged the fees stipulated in this schedule.
Hydro Incidents (down hydro lines)	# <b>When</b> Fire and Emergency Services responds to a hydro incident (down wires), and if stand-by is required for an extended period of time (at the discretion of the Fire Chief or designate) to keep the scene safe then the local utility will be charged according to this schedule.
Drug Labs/Grow Ops/Clandestine Labs	# <b>When</b> Fire and Emergency Services is requested to stand-by and provide fire protection services to ensure the scene remains safe, the property owner will be charged the fees outlined in this schedule.
Elevator Rescue (non-emergency)	# <b>When</b> Fire and Emergency Services attends a property in response to a stalled elevator and determine the confined individual(s) does not have an urgent medical need and is not in immediate danger as a result of the elevator being inoperative, the property owner shall be charged the fee as stipulated in this schedule.
False Alarm (preventable cause)	<p>For the purpose of this schedule, a false alarm means the activation of a fire alarm or emergency system which occurs without just cause, including where there is no fire, carbon monoxide or other emergency situations.</p> <p>Fire and Emergency services shall charge a property owner the false alarm fee stipulated in this schedule if upon attending a property in response to the activation of a fire alarm or emergency system and it is determined it is was a false alarm.</p> <p>Where a false alarm is triggered as a result of work being conducted on a fire alarm or emergency system and CYFS attends to the property in response to the false alarm, the property owner shall be charged the false alarm fee stipulated in this schedule.</p> <p>The false alarm fee will not be charged for the first and second occurrence of the false alarm at a property, but will be charged for subsequent false alarm occurrence within the same calendar year.</p>
Hazardous Materials Response	<p># <b>When</b> Fire and Emergency Services responds to an incident or an emergency, and a hazardous material response is provided, CYFS shall charge the fees stipulated in this schedule to anyone or more of the following: the property owner, the vehicle owner insurance or directly to the vehicle owner in order to recover payment.</p> <p>In the event an emergency involves hazardous materials and at the scene or property, the use of combustible material, other than water and medical supplies, are used to suppress or extinguish a fire, preserve property, prevent a fire from spreading or otherwise control or eliminate and emergency, the expenses incurred by CYFS for using consumable materials shall be recovered as a fee.</p> <p>In the event an emergency involves hazardous materials and at the scene or property, damages or contaminations of equipment occurs, the expenses incurred by CYFS for cleaning and decontamination or replacement of equipment, as applicable, and shall be recovered as a fee.</p>
Outdoor Burning - By-law 2009-64	<p># <b>When</b> Fire and Emergency services proceeds/responds to an incident within the calendar year, and upon investigation fire personnel determine that the By-law 2009-64 is in contravention, a fee will be charged according to this schedule.</p> <p>1st Response - Verbal warning by fire crew Warning and educational letter to be issued.</p> <p>2nd Response - Warning and educational letter to be sent to Property owner</p> <p>3rd Response and subsequent - Within calendar year the property owner shall pay the fee as per this schedule.</p>

<b>Miscellaneous</b>	
Extraordinary Expenses	If <b>When</b> Fire and Emergency Services responds to a fire or other emergency at a property (including gas leaks, cut mains and clandestine drug operations) and determines, or the Fire Chief or his/her Designate determines, that it is necessary to retain a private contractor, or rent special equipment, or use consumable materials other than water and medical supplies, in order to suppress or extinguish a fire, preserve property, carry out investigations or prevent a fire from spreading or otherwise control or eliminate an emergency or damage equipment owned by CYFS, the Owner or responsible person, shall be charged those expenses, plus applicable taxes.
Post Fire Investigations	<p>In accordance with the Fire Protection and Prevention Act, all fires need to be investigated to determine origin and cause.</p> <p>Upon conducting an investigation and/or scene preservation and CYFS determines that due diligence was not exercised, the property owner and/or party responsible shall be charged the fees stipulated in this schedule.</p> <p>The Fire Chief or designate will have the delegated authority to apply at their discretion the applicable fees as set in this schedule from the outcome of the investigation.</p> <p><del>In accordance with the Fire Protection and Prevention Act, all fires must be investigated to determine origin and cause. The property owner will be charged the fees outlined in this schedule.</del></p>
Multi-purpose Smoke and Carbon Monoxide Alarm	If <b>When</b> Fire and Emergency Services attend the property and upon investigation it is determined that there is a faulty alarm or there is no alarm, then the requestor will be charged as stipulated in this schedule.
Paid Duty Truck Stand-by	<p>For the provision of a stand-by crew and fire apparatus, other than an emergency response, for a private company, community group, developer, industry or provincial government. Stand-by location must be within CYFS jurisdiction.</p> <p>All fire apparatus stand-by requests are subject to availability as well as pre-approved by CYFS, the requestor will be charged the fee in this schedule.</p>

#### Addition to Tax Role

If a property owner/party responsible who is charged a fee, under this Bylaw (Schedule A) fails to pay the fee within 90 days of the invoice date, the corporation may add the fee, including interest and administration fees to the tax role for any real property in the Towns of Aurora and Newmarket, registered in the name of the owner and collect a fee, including interest, in like manner as municipal taxes.

#### Delegated Authority

The Fire Chief or his designate shall have the authority to waive any fees as deemed necessary within this schedule A.

**Corporation of the Town of Newmarket**

**By-law 2020-50**

A By-law to amend by-law 2019-63, as amended, being a by-law to regulate parking within the Town of Newmarket.  
(Schedule IV – No Parking and Schedule VI Parking for Restricted Periods).

Whereas it is deemed necessary to amend By-law 2019-63, as amended, being a By-law to Regulate Parking within the Town of Newmarket.

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

1. THAT Schedule VI (Parking for Restricted Periods) of the Parking By-law 2019-63, as amended, be further amended by deleting the following:

ROAD	SIDE	BETWEEN	Times or Days	Maximum Period Permitted
Main Street	West	From a point 26 metres north of Water Street to a point 52 metres north of Water Street	Mon – Sat. 6:00a.m. to 2:00 am	2 hours
Main Street	East	Water Street to Millard Avenue	Mon – Sat. 6:00a.m. to 2:00 am	2 hours

2. THAT Schedule VI (Parking for Restricted Periods) of the Parking By-law 2019-63, as amended, be further amended by adding the following:

ROAD	SIDE	BETWEEN	Times or Days	Maximum Period Permitted
Main Street	West	From a point 26 metres north of Water Street to a point 52 metres north of Water Street	Mon – Sat. 6:00a.m. to 2:00 am	30 minutes
Main Street	East	Water Street to Millard Avenue	Mon – Sat. 6:00a.m. to 2:00 am	30 minutes

Enacted this 21<sup>st</sup> day of September, 2020.

\_\_\_\_\_  
John Taylor, Mayor

\_\_\_\_\_  
Lisa Lyons, Town Clerk





# Corporation of the Town of Newmarket

## By-law 2020-51

A By-law to amend By-law 2019-62 being a By-law to implement an Administrative Monetary Penalty System in the Town of Newmarket.

Whereas the Municipal Act, 2001 and Ontario Regulation 333/07 authorizes a municipality to require a Person to pay an Administrative Penalty for a contravention of any By-law respecting the parking, standing or stopping of vehicles; and,

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 2019-62 to implement an Administrative Monetary Penalty System in the Town of Newmarket; and,

Whereas it is deemed necessary to amend the Schedule A of By-law 2019-62 as it relates to the Designated By-law Provisions.

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

1. That Schedule A to the By-law 2019-62 be amended to add the following items:

A1 By-law	A2 Item #	A3 Section	A4 Description	A5 Early Payment	A6 Set Penalty	A7 Late Payment
Fence By-law 2019-20						
Fence By-law 2019-20, as amended	1.	3.1	Erect fence using improper material	150.00	200.00	250.00
	2.	3.2	Failure to construct water gate	150.00	200.00	250.00
	3.	3.3	Obstruct water gate	150.00	200.00	250.00
	4.	3.4	Obstruct access to meter	150.00	200.00	250.00
	5.	3.5	Fence greater than 20cm in width	150.00	200.00	250.00
	6.	3.6	Failure to maintain fence in good repair	150.00	200.00	250.00
	7.	4.1(a)	Rear yard fence exceeding permitted height	150.00	200.00	250.00
	8.	4.1(b)	Interior side yard fence exceeding 1.8m in height	150.00	200.00	250.00
	9.	4.1(c)	Front yard fence exceeding 1m in height	150.00	200.00	250.00
	10.	4.1(d)	Exterior side yard fence exceeding 1.8m in height	150.00	200.00	250.00
Smoking By-law 2019-31						
Smoking By-law 2019-31, as amended	1.	3.1	Smoke in public place	150.00	200.00	250.00
	2.	3.2	Permit smoking on Town property	150.00	200.00	250.00
Parks By-law 2013-14						
Parks By-law 2013-14, as amended	1.	2.2.1(a)	Violent, threatening, or unlawful conduct	150.00	200.00	250.00
	2.	2.2.1(b)	Cast, throw, or propel object endangering person or property	150.00	200.00	250.00

<b>Parks By-law 2013-14, as amended</b>	3.	2.2.1(c)	Create nuisance causing a disturbance	150.00	200.00	250.00
	4.	2.2.1(e)	Remove, relocate, or damage equipment or signage	150.00	200.00	250.00
	5.	2.7	Consume, serve, or sell alcohol	150.00	200.00	250.00
	6.	2.9.1(a)	Remove, cut, or destroy tree on municipal property	150.00	200.00	250.00
	7.	3.1(a)	Access or occupy park for non-recreational use	150.00	200.00	250.00
	8.	3.1(b)	Enter or gather in park between 11:00pm and 5:00am	150.00	200.00	250.00
	9.	3.4	Operate loud speaks or amplified equipment in a park	150.00	200.00	250.00
	10.	3.5	Dwell, camp, or lodge in a park	150.00	200.00	250.00
	11.	3.6	Place, install, or erect a tent or structure in a park	150.00	200.00	250.00
	12.	4.8	Failure to comply with posted rules for tennis	150.00	200.00	250.00
	13.	5.1.1(a)	Obstruct or endanger others while riding a bicycle	150.00	200.00	250.00
	14.	5.2	Ride, drive, or park motorized recreational vehicle in a park	150.00	200.00	250.00
<b>Loitering By-law 1997-113</b>						
<b>Loitering By-law 1997-113, as amended</b>	1.	2	Loiter, disturb, or cause public nuisance on highway	150.00	200.00	250.00
	2.	3	Loiter, disturb, or cause public nuisance in public place	150.00	200.00	250.00

Enacted this 21<sup>st</sup> day of September, 2020.

\_\_\_\_\_  
John Taylor, Mayor

\_\_\_\_\_  
Lisa Lyons, Town Clerk



**Corporation of the Town of Newmarket**  
**By-law 2020-52**

A By-law to Amend Zoning By-law 2010-40, with respect to the lands located at 292-294 Court Street, being Lot 5 on Plan 25.

Whereas the Council of the Town of Newmarket has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 990, c.P.13, as amended, to pass this By-law; and

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

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. That the lands subject to this amendment are illustrated on Schedule 1 attached hereto.
2. That the lands subject to this amendment, as illustrated on Schedule 1, are rezoned from the Residential Semi-Detached/Duplex Dwelling 21.3 m (R2-K) Zone, to the Residential Single Detached Dwelling 9.7 m (R1-F) Zone.

By-law No.	Property Description	Permitted Uses Until Holding Provision is Removed	Conditions for Removal
2020-XX	292-294 Court Street, Lot 5, Plan 25	No person within the lands described as 292-294 Court Street, Lot 5, Plan 25, shall erect or alter any buildings or structures for any purpose.	<p>That sufficient servicing capacity has been allocated by the Town as confirmed by the Director of Planning and Building Services.</p> <p>That a consent application has been approved by the Committee of Adjustment for the severance of the subject lands.</p> <p>That a site plan agreement has been entered into between the Owner and the Town and the performance security contemplated therein has been posted.</p>

Enacted this 21st day of September, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk



TOWN OF NEWMARKET  
REGIONAL MUNICIPALITY OF YORK  
292 & 294 COURT ST  
PLAN 25 LOT 5

This is Schedule 'X'  
To Bylaw 2020-  
Passed this \_\_\_\_\_ Day  
of \_\_\_\_\_, 2020.

MAYOR \_\_\_\_\_

CLERK \_\_\_\_\_



SCHEDULE "X" TO BY-LAW 2020-  
TOWN OF NEWMARKET PLANNING DEPARTMENT

Designed & Produced by Information Technology – GIS Printed: August, 2020. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2020. Zoning - Town of Newmarket, 2020. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

G:\Projects 10\Development and Infrastructure Services\Planning\Map Documents\Zoning\Bylaw\_Amendments\ZBA\_292\_294\_CourtSt.mxd

# Corporation of the Town of Newmarket

## By-law 2020-53

A By-law to confirm the proceedings of a meeting of Council - Electronic –  
September 21, 2020

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 21<sup>st</sup> day of September, 2020.

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John Taylor, Mayor

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Lisa Lyons, Town Clerk