

A 15 minute recess is scheduled at 3:00 p.m. with the Committee of the Whole (Closed Session) agenda items being dealt with after the break at 3:15 p.m.

Committee of the Whole to reconvene at 7:00 p.m. to consider Item 13.

ADDITIONS TO THE AGENDA

Please note there may be further items added to this agenda – contact the Legislative Services Department at (905) 895-5193 for the most up-to-date listing.

DECLARATIONS OF INTEREST

DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION

CONSENT ITEMS

**1. COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
REQUEST FOR PROCLAMATION**

- a) Correspondence dated February 1, 2013 from Ms. Tracey Nesbitt, Manager, OASW Central Ontario Branch requesting that March 4 – 10, 2013 be proclaimed as “Social Work Week” in the Town of Newmarket.

Recommendations:

1. **THAT the Town of Newmarket proclaim March 4 – 10, 2013 as ‘Social Work Week’;**
 2. **AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca**
- b) Correspondence dated January 18, 2013 from Mr. Bill Fisch, Chairman and CEO, The Regional Municipality of York and Chief Eric Jolliffe, York Regional Police requesting that May 16, 2013 be proclaimed “Special Olympics Day” in the Town of Newmarket.

Recommendations:

1. **THAT the Town of Newmarket proclaim May 16, 2013 as ‘Special Olympics Day’;**

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

2. **COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
SITE PLAN REVIEW COMMITTEE MINUTES**

Site Plan Review Committee Minutes of January 21, 2013.

The Site Plan Review Committee recommends:

THAT the Site Plan Review Committee Minutes of January 21, 2013 be received.

3. **COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
ITEM 1 OF SITE PLAN REVIEW COMMITTEE MINUTES OF JANUARY 21, 2013
APPLICATION FOR SITE PLAN APPROVAL
50 EAGLE STREET WEST - WARD 7
(SW CORNER OF YONGE AND EAGLE STREETS)
HER MAJESTY THE QUEEN AS REPRESENTED
BY INFRASTRUCTURE ONTARIO (NEWMARKET COURTHOUSE)**

Reconsideration of application for Site Plan Approval to permit the development of a modular expansion having a gross floor area of 1,490 m² adjacent to the eastern façade of the existing Newmarket Courthouse building on the subject lands.

The Site Plan Review Committee recommends:

1. **THAT the application for Site Plan Approval to permit the development of a modular expansion having a gross floor area of 1,490 m² adjacent to the eastern façade of the existing Newmarket Courthouse building on the subject lands be approved in principle and referred to staff for processing, subject to the following:**
 - a. **THAT the preliminary review comments provided to the applicant be addressed to the satisfaction of Town Staff; and**
 - b. **THAT the application be referred to a Public Information Centre;**
2. **AND THAT John Lohmus, Senior Associate of IBI Group, 230 Richmond Street West, 5th Floor, TORONTO, ON M5V 1V6 be notified of this decision;**
3. **AND THAT Michael Cole, Infrastructure Ontario, 1 Dundas Street West, Suite 2000, TORONTO, ON M5G 2L5 be notified of this decision.**
4. **COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-05
ACCESSORY DWELLING UNIT BY-LAW**

Corporate Services Report – Legislative Services 2013-05 dated February 8, 2013 regarding Accessory Dwelling Unit By-law.

The Commissioner of Corporate Services, the Director of Legislative Services/Town Clerk, the Director of Financial Services/Treasurer and Supervisor of By-law Enforcement on behalf of the Accessory Dwelling Unit Working Group recommend:

THAT Corporate Services Report – Legislative Services 2013-05 dated February 8, 2013 regarding the Accessory Dwelling Unit By-law be received and the following recommendations be adopted:

1. THAT the draft Accessory Dwelling Unit By-law (Attached as Appendix “A”) be adopted;
2. AND THAT By-law 2003-106 be repealed;
3. AND THAT Schedule F of By-law 2012-81 with regard to Accessory Dwelling Unit fees be repealed and replaced with the following:

One-time Accessory Dwelling Unit Fee:	\$ 250.00 (HST excluded)
Replacement “N” Plate Fee:	\$ 10.00 (HST excluded)
Revocation Appeal Fee:	\$ 100.00 (HST excluded)
4. AND THAT By-law 2011-10, as amended, being a by-law to appoint a Property Standards/Fence Viewing/Appeals Committee be the appeals committee for the purposes of the Accessory Dwelling Unit By-law;
5. AND THAT Mr. John Dowson be notified of these recommendations and provided a copy of Corporate Services Report – Legislative Services 2013-05.

5. **COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES**

Heritage Newmarket Advisory Committee Minutes of February 5, 2013.

The Heritage Newmarket Advisory Committee recommends:

THAT the Heritage Newmarket Advisory Committee Minutes of February 5, 2013 be received.

6. **COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
ENVIRONMENTAL ADVISORY COMMITTEE MINUTES**

Environmental Advisory Committee Minutes of February 6, 2013.

The Environmental Advisory Committee recommends:

THAT the Environmental Advisory Committee Minutes of February 6, 2013 be received.

**7. COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES**

Newmarket Downtown Development Subcommittee Minutes of January 25, 2013.

The Newmarket Downtown Development Subcommittee recommends:

THAT the Newmarket Downtown Development Subcommittee Minutes of January 25, 2013 be received.

**8. COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
INCLUSIVITY ADVISORY COMMITTEE MINUTES**

Inclusivity Advisory Committee Minutes of January 9, 2013.

The Inclusivity Advisory Committee Minutes of January 9, 2013 be received.

**9. COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PUBLIC WORKS
SERVICES 2013-09
GRAFFITI REMOVAL SERVICES – UPDATE**

Development and Infrastructure Services Report – Public Works Services 2013-09 dated February 14, 2013 regarding Graffiti Removal Services Update.

The Director of Public Works Services and the Commissioner of Development and Infrastructure Services recommend:

THAT Development and Infrastructure Services Report – Public Works Services 2013-09 dated February 14, 2013 regarding Graffiti Removal Services – Update be received and the following recommendations be adopted:

- 1. THAT staff continue to contract Graffiti removal services, in the amount of \$15,000 for 2013;**
- 2. AND THAT staff continue to evaluate the program's impact for 2013 and report back to Council on the effectiveness of the program in one year.**

**10. COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – ES 2012-87
TRAFFIC OPERATIONS REVIEW – SAWMILL VALLEY DRIVE AND SAVAGE ROAD**

Development and Infrastructure Services Report – ES 2012-87 dated January 15, 2013 regarding Traffic Operations Review – Sawmill Valley Drive and Savage Road.

The Director of Engineering Services and the Commissioner of Development and Infrastructure Services recommend:

THAT Development and Infrastructure Services Report – ES2012-87, dated January 15, 2013 regarding Traffic Operations Review – Sawmill Valley Drive and Savage Road, be received and the following recommendations be adopted:

1. **THAT York Region be forwarded a copy of this report and requested to review the Yonge Street/Savage Road/Sawmill Valley Drive intersection for improved east/west signal timings;**
 2. **AND THAT VIVANext be forwarded a copy of this report to ensure that the planned signal timings for the rapid transit corridor take into account the east/west traffic operations at the above intersection;**
 3. **AND THAT York Region be requested to implement the recommendations noted in the IBI Group traffic safety report, dated November 2012.**
- 11. COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – ES 2013-08
ROGERS PARK SPRAY PAD**

Development and Infrastructure Services Report – ES 2013-08 dated January 22, 2013 regarding Rogers Park Spray Pad.

The Director of Engineering Services, the Commissioner of Development and Infrastructure Services and the Commissioner of Community Services recommend:

THAT Development and Infrastructure Services Report - ES 2013-08 dated January 22, 2013 regarding the rehabilitation of the Rogers Park wading pool into a modern Spray Pad be received and the following recommendations be adopted:

1. **THAT an amount of \$116,750 be allocated from the Parkland Reserve for this project for a total estimated project budget of \$350,000;**
 2. **AND THAT staff be directed to prepare a design, conduct public meetings and proceed with construction of the facility in the fall of 2013 with a projected opening in June of 2014.**
- 12. COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-03
SERVICING ALLOCATION CAPACITY MONITORING TABLE**

Development and Infrastructure Services/Planning and Building Services Report 2013-03 regarding Servicing Allocation Capacity Monitoring Table.

(Report to be distributed with Addendum Agenda)

**13. COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-08
HERITAGE RESOURCES EVALUATION CRITERIA**

Development and Infrastructure Services Report – Planning and Building Services 2013-08 dated January 24, 2013 regarding Heritage Resources Evaluation Criteria.

The Director of Planning and Building Services and the Commissioner of Development and Infrastructure Services recommend:

THAT Development and Infrastructure Services Report – Planning and Building Services 2013-08 dated January 24, 2013 regarding Heritage Resources Evaluation Criteria be received and the following recommendation be adopted:

THAT the attached heritage resources evaluation criteria form be endorsed by Council for the determination of the historic value or interest of properties in Newmarket.

**14. COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-11
APPLICATION FOR DRAFT PLAN OF CONDOMINIUM
1250 JOURNEY'S END CIRCLE**

Development and Infrastructure Services Report – Planning and Building Services 2013-11 dated February 14, 2013 regarding Application for Draft Plan of Condominium.

The Director of Planning and Building Services and the Commissioner of Development and Infrastructure Services recommend:

THAT Development and Infrastructure Services/Planning & Building Services Report 2013-11 dated February 14, 2013 regarding Application for Draft Plan of Condominium be received and the following recommendations be adopted:

- 1. THAT approval be given to the draft plan of condominium, prepared by E.R. Garden Limited dated December 3, 2012 subject to the Schedule of Conditions attached and forming part of Development and Infrastructure Services/Planning & Building Services Report 2013-11;**
- 2. AND THAT 1576679 Ontario Inc., c/o Kim Collard, 1260 Journey's End Circle, Newmarket, ON L3Y 8Z7 be notified of this action.**

**15. COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-12
115 MAIN STREET SOUTH – ROBERTSON HOUSE SHUTTERS**

Development and Infrastructure Services Report – Planning and Building Services 2013-12 dated January 24, 2013 regarding 115 Main Street South (Robertson House).

The Director of Planning and Building Services and the Commissioner of Development and Infrastructure Services recommend:

THAT Development and Infrastructure Services Report – Planning and Building Services 2013-12 dated January 24, 2013 regarding 115 Main Street South (Robertson House) be received and the following recommendations be adopted:

THAT Council request the Owner(s) of 115 Main Street South, known as the Robertson House, to replace the existing vinyl shutters with custom made wood shutters replicating the original shutters of the Robertson House;

AND THAT York Region Condo Corporation No. 828 be notified of this action.

**16. COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-13
APPLICATION FOR DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW
AMENDMENT – NATIONAL HOMES**

Development and Infrastructure Services Report – Planning and Building Services 2013-13 dated February 14, 2013 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision – National Homes.

The Director of Planning and Building Services and the Commissioner of Development and Infrastructure Services recommend:

THAT Development and Infrastructure Services/Planning and Building Services Report 2013-13 dated February 14, 2013 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

1. THAT the Application for Zoning By-law Amendment and Draft Plan of Subdivision, as submitted by National Homes Inc. for lands being composed of Blocks 1 and 2 Registered Plan 65M-2559 be referred to a public meeting;
2. AND THAT following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
3. AND THAT Mark Pavkovic, National Homes, 291 Edgeley Boulevard Suite # 1, Concord, ON L4K 3Z4.

**17. COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
LIST OF OUTSTANDING MATTERS**

List of outstanding matters.

Recommendation:

THAT the list of outstanding matters be received.

PRESENTATIONS

**18. COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
REGIONAL MUNICIPALITY OF YORK
HUMAN SERVICES COLLABORATION – FAIR ACCESS PROJECT**

Ms. Susan LaRosa, Past Director of Education, York Catholic District School Board, Co-Chair of Human Services Planning Board, Regional Municipality of York to address the Committee with a PowerPoint presentation regarding the Fair Access Project.

DEPUTATIONS

CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

ACTION ITEMS

REPORTS BY REGIONAL REPRESENTATIVES

NEW BUSINESS

RESOLUTION TO CONVENE INTO A CLOSED SESSION:

THAT Committee of the Whole resolve into a closed session for the purpose of discussing:

- a) The security of property of the municipality or local board;
- b) Personal matters about an identifiable individual, including municipal employees or local board employees;
- c) A proposed or pending acquisition or disposition of land by the municipality or local board;

- d) Labour relations or employee negotiations;
- e) Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;
- f) Advice that is subject to solicitor/client privilege including communications necessary for that purpose; and
- g) A matter in respect of a council, board committee or other body may hold a closed meeting under another Act.

CLOSED SESSION

The Closed Session Agenda and Reports will be circulated under separate cover (Goldenrod) on Thursday, February 21, 2013.

PUBLIC HEARING MATTERS - 7:00 P.M.

**19. COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
COMMUNITY SERVICES REPORT – PLANNING AND BUILDING SERVICES 2012-50
INTENSIFICATION IN STABLE RESIDENTIAL AREAS**

Public Meeting Notice, Community Services Report – Planning and Building Services 2012-50 dated October 18, 2012 regarding Intensification in Stable Residential Areas and related Council Extract regarding Proposed Amendments to the Comprehensive Town-Wide Zoning By-law.

ADJOURNMENT

1 a) 1.1

From: OASW Central Ontario Branch
Sent: February 1, 2013 12:42 PM
To: Mayor Van Bynen
Subject: Social Work Week 2013

Dear Mayor Van Bynen,

We are writing to request that you proclaim March 4-10, 2013 as **Social Work Week** in the Town of Newmarket. Social workers in Newmarket and across Canada will be celebrating the role and contribution of the profession by hosting a wide variety of events during the first week of March. The theme for Social Work Week 2013 is **Restoring Hope: The Power of Social Work**. This theme was adopted because of the pivotal role that social workers play in helping clients, communities and society restore (and in other instances, maintain and build) a sense of hope. Recognizing that people are experts about their own lives, and that hope and expectations take many forms, social workers help people find practical solutions that are tailored to meet their unique needs and concerns. Few professions match social work for the wide variety of settings in which they work and the range of services they provide. Social workers work as front-line practitioners, clinicians, managers, supervisors and administrators. They are also therapists, educators and researchers. They work at all levels of government and some hold political office.

Social Work Week provides an opportunity each year for social workers to promote and celebrate their profession and the life-changing work that they do in the Town of Newmarket and communities throughout the country.

Thank you very much for your continued support. Please do not hesitate to contact me if you require any further information.

Tracey Nesbitt

Tracey Nesbitt, Manager
OASW Central Ontario Branch
410 Jarvis St.
Toronto ON M4Y 2G6



YORK REGIONAL POLICE

Deputy Chief
Bruce Herridge

Chief of Police
Eric Jolliffe

Deputy Chief
Thomas Carrique

Vision-inspired Mission-focused Values-driven

January 18, 2013

Mayor Tony Van Bynen
Town of Newmarket
395 Mulock Drive, P.O. Box #328, Station Main
Newmarket, ON L3Y 4X7

MAYOR'S OFFICE		
INCOMING MAIL	REFERRED TO	COPIED TO
COUNCIL		
CAO		
FEB 12 2013		
COMMISSIONER		
DEPARTMENT		
CLERKS		
CONCERNS		

Dear Mayor Van Bynen:

Thank you very much for the opportunity for our staff to present to the Town of Newmarket Council regarding the 2013 Special Olympics Ontario Summer Games that York Regional Police is hosting July 11 – 14, 2013. We appreciate the support that we received that evening and look forward to working with the Town of Newmarket.

We would like to thank you for your generous sponsorship of the Opening & Closing Ceremonies and Athletes' Dance by waiving the cost of the facility rental of the Ray Twinney Complex through a Community Grant. We will recognize your donation as part of those Ceremonies.

We are hopeful you will continue to support us in the following ways:

- Attend as the Honoured Host of the Opening Ceremonies on Thursday July 11, 2013;
- Promote the "Adopt an Athlete" Program with your fellow Council members, area services clubs and community. Our goal is to have all 739 athletes sponsored prior to the Games;
- Join us in declaring May 16th, 2013 as Special Olympics Day in York Region. On this day, we want to "paint the Region red" by encouraging all police officers, fire fighters, paramedics, municipal staff and local politicians to participate in activities and wear the red laces;
- Assist us in raising awareness of the Special Olympics movement by offering red laces for sale at all Town locations for \$5 between February 15, 2013 and May 16, 2013;
- Continue to work with your community partners to raise awareness and support for the 2013 Special Olympics Ontario Summer Games.

Deeds Speak

17250 Yonge Street, Newmarket, ON L3Y 4W5
1-866-876-5423 TTY 1-800-668-5810 yrp.ca info@yrp.ca



1 b) 1.2

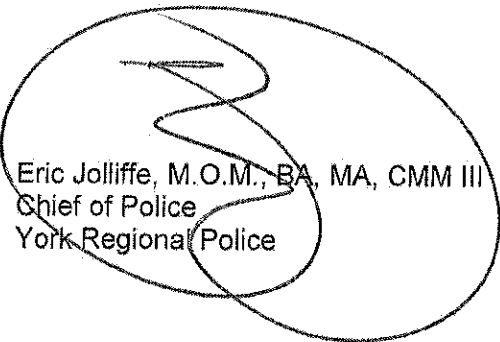
Thank you for your support for the 2013 Special Olympics Ontario Summer Games. The athletes truly demonstrate how there is a champion in all of us and exemplify the motto of York Regional Police – "Deeds Speak." I have enclosed both of our sponsorship packages to assist you in raising awareness and encouraging support for the 2013 Special Olympics Ontario Summer Games.

If you require more information related to the Games, please contact our Games Manager, Karen Richards at 1-866-876-5423 ext. 7774 or 5475@vrp.ca.

Sincerely,



Bill Fisch
Chairman and CEO
The Regional Municipality of York



Eric Jolliffe, M.O.M., BA, MA, CMM III
Chief of Police
York Regional Police

The meeting of Site Plan Review Committee was held on Monday, January 21, 2013 at 2:00 p.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

Members

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

Staff: R. Prentice, Commissioner of Community Services
D. Potter, Chief Building Official
L. Traviss, Senior Planner – Development
M. White, Planner
Sarah Niezen, Records Coordinator

**Accessibility
Advisory**

Committee: No members were present

The meeting was called to order at 2:00 p.m. No conflicts of interest were declared.

Councillor Sponga in the Chair.

1. **APPLICATION FOR SITE PLAN APPROVAL
50 EAGLE STREET WEST - WARD 7
(SOUTHWEST CORNER OF YONGE STREET AND EAGLE STREET)
OUR FILE NO.: D11-NP1227
HER MAJESTY THE QUEEN AS REPRESENTED
BY INFRASTRUCTURE ONTARIO (NEWMARKET COURTHOUSE)**
-

Reconsideration of application for Site Plan Approval to permit the development of a modular expansion having a gross floor area of 1,490 m² adjacent to the eastern façade of the existing Newmarket Courthouse building on the subject lands. This application was before Site Plan Review Committee on November 5, 2012.

John Lohmus, Senior Associate and Trevor McIntyre of IBI Group and Lorraine Huinink, Vice President Client Program Delivery and Michael Cole of Infrastructure Ontario were present to address Committee.

The Site Plan Review Committee recommends:

1. **THAT the application for Site Plan Approval to permit the development of a modular expansion having a gross floor area of 1,490 m² adjacent to the eastern façade of the existing Newmarket Courthouse building on the subject lands be approved in principle and referred to staff for processing, subject to the following:**
 - a. **THAT the preliminary review comments provided to the applicant be addressed to the satisfaction of Town Staff; and**
 - b. **THAT the application be referred to a Public Information Centre;**
2. **AND THAT John Lohmus, Senior Associate of IBI Group, 230 Richmond Street West, 5th Floor, TORONTO, ON M5V 1V6 be notified of this decision;**
3. **AND THAT Michael Cole, Infrastructure Ontario, 1 Dundas Street West, Suite 2000, TORONTO, ON M5G 2L5 be notified of this decision.**

The meeting adjourned at approximately 2:20 p.m. The next regular meeting of the Site Plan Review Committee is expected to be held on February 11, 2013.

Dated

Director of Planning

**COMMITTEE OF THE WHOLE – FEBRUARY 25, 2013 – ITEM
ITEM 1 OF SITE PLAN REVIEW COMMITTEE MINUTES OF JANUARY 21, 2013
APPLICATION FOR SITE PLAN APPROVAL
50 EAGLE STREET WEST - WARD 7
(SOUTHWEST CORNER OF YONGE STREET AND EAGLE STREET)
OUR FILE NO.: D11-NP1227 HER MAJESTY THE QUEEN AS REPRESENTED
BY INFRASTRUCTURE ONTARIO (NEWMARKET COURTHOUSE)**

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The Site Plan Review Committee recommends:

- 1. THAT the application for Site Plan Approval to permit the development of a modular expansion having a gross floor area of 1,490 m² adjacent to the eastern façade of the existing Newmarket Courthouse building on the subject lands be approved in principle and referred to staff for processing, subject to the following:**
 - a. THAT the preliminary review comments provided to the applicant be addressed to the satisfaction of Town Staff; and**
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- 2. AND THAT John Lohmus, Senior Associate of IBI Group, 230 Richmond Street West, 5th Floor, TORONTO, ON M5V 1V6 be notified of this decision;**
- 3. AND THAT Michael Cole, Infrastructure Ontario, 1 Dundas Street West, Suite 2000, TORONTO, ON M5G 2L5 be notified of this decision.**

February 8, 2013

**CORPORATE SERVICES REPORT –
LEGISLATIVE SERVICES 2013-05**

TO: Committee of the Whole

SUBJECT: Accessory Dwelling Unit By-law

ORIGIN: Accessory Dwelling Unit Working Group & Director, Financial
Services/Treasurer

RECOMMENDATIONS

THAT Corporate Services Report – Legislative Services 2013-05 dated February 8, 2013 regarding the “Accessory Dwelling Unit By-law” be received and the following be adopted:

1. THAT the draft Accessory Dwelling Unit By-law (Attached as Appendix “A”) be adopted;
2. AND THAT By-law 2003-106 be repealed;
3. AND THAT Schedule F of By-law 2012-81 with regard to Accessory Dwelling Unit fees be repealed and replaced with the following:

One-time Accessory Dwelling Unit Fee:	\$ 250.00 (HST excluded)
Replacement “N” Plate Fee:	\$ 10.00 (HST excluded)
Revocation Appeal Fee:	\$ 100.00 (HST excluded)
4. AND THAT By-law 2011-10, as amended, being a by-law to appoint a Property Standards/Fence Viewing/Appeals Committee be the appeals committee for the purposes of the Accessory Dwelling Unit By-law;
5. AND THAT Mr. John Dowson be notified of these recommendations and provided a copy of Corporate Services Report – Legislative Services 2013-05.

Corporate Services Commission

TOWN OF NEWMARKET
395 Mulock Drive
PO Box 328 STN Main
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca

COMMENTS

Purpose of Report

The report recommends a draft, consolidated Accessory Dwelling Unit (ADU) By-law and repeals the current ADU by-law (By-law 2003-16), based on a review by the ADU Working Group and input received through public consultation. The report also outlines a communications plan intended to enhance awareness and compliance with the ADU By-law. Finally, the report responds to a deputation made by Mr. John Dowson at the November 26, 2012 Council meeting regarding the taxation of ADUs.

By-law 2003-106

Passed in 2003, By-law 2003-106 requires the registration of ADUs throughout the Town. The intent of the ADU By-law is to ensure compliance with planning, building and fire statutes as well as other municipal by-law requirements supporting a safer living environment for ADU inhabitants. Fire and emergency services responders benefit from knowing a residence contains a second suite, and can quickly confirm this knowledge through the registry or the identification plate affixed to the residence (currently, affixing an identification plate to a dwelling with an ADU is not obligatory).

Prior to registration, applicants are required to satisfy the following, which is based on the timing of its existence. Timing is relevant because second suite requirements in the *Building Code Act* were different prior to and after 1995.

Requirements for newly-constructed ADUs:

- ✓ Constructed under the building permit process & applicable fees
- ✓ Registration fee of \$110.00, plus electrical inspection fee
- ✓ Sketch of parking with dimensions
- ✓ Compliance letter from Electrical Safety Authority (ESA)
- ✓ Re-registration every 10 years, or within 180 days of a change in the registered ownership of the property

Requirements for unregistered ADUs existing before 1995:

- ✓ Completed & signed application form
- ✓ Registration fee of \$110.00, plus fire & electrical inspection fees
- ✓ Letter from Central York Fire Service (CYFS) & ESA indicating Fire Code compliance & electrical compliance

Requirements for unregistered ADUs existing after 1995:

- ✓ Constructed under the building permit process & applicable fees
- ✓ Registration fee of \$110.00, plus electrical inspection fee
- ✓ Sketch of parking with dimensions
- ✓ Compliance letter from ESA

Requirements for re-registering ADUs:

- ✓ Units previously registered under by-laws 1998-109 & 2003-106
- ✓ Completed & signed application form
- ✓ Registration fee of \$110.00 plus Fire (if constructed prior to 1995) & electrical inspection fees
- ✓ Letter from CYFS & ESA indicating Fire Code & electrical compliance

As of December, 2012, there were 732 registered ADUs in Newmarket.

In January, 2012, Bill 140 amendments to the *Planning Act* came into effect which required all Ontario municipalities to establish official plan policies and zoning by-law provisions to permit accessory dwelling units in single, semi-detached and row houses, as well as in accessory structures (e.g., above laneway garages).

Staff formed an internal working group comprised of representatives from various departments to review the ADU By-law's compliance with Bill 140, to suggest amendments to improve compliance and administration of the ADU By-law and to seek public feedback input on proposed amendments and the ADU By-law's effectiveness generally. A public meeting was held February 29, 2012 which included attendance from owners and tenants of ADUs, realtors and persons who reside beside or close to residences with ADUs.

ADU Working Group

The chart in Appendix "B" summarizes the ADU Work Group's review of the ADU By-law and feedback provided by the public at the February 29, 2012 public meeting.

Enhanced Compliance

The following facts demonstrate the need to shift the approach to awareness of and compliance with the ADU By-law:

- The majority of new ADU registrations are as a result of a tenant complaints;
- Typically, only 8% of ADU owners (4 out of a required 50) re-register;
- Awareness of ADU requirements and enforcement responsibilities by various stakeholders (owners, tenants, real estate community, ratepayer groups) is often inconsistent and incorrect; and,
- Other or related issues affect the likelihood of ADU compliance (landlord-tenant relations, training of real estate community, and involvement of ratepayer groups).

In order to enhance awareness of and compliance with the ADU By-law, the ADU Working Group and Communications Department prepared a communications plan, with the following goals:

- ✓ Increase ADU registration in Newmarket by 30% by 2015;
- ✓ Change perceptions of unit registration among current unregistered ADU owners;

- ✓ Educate all current and prospective ADU owners, as well as the general Newmarket community, about the new ADU bylaw and give them a clearer understanding of the necessary ADU safety requirements
- ✓ Focused compliance/enforcement education and communication materials with real estate regulators/community, as well as relevant ratepayer groups
- ✓ Provide complementary information/resources and referral information to address specific issues (e.g., landlord/tenant issues, property standards issues, parking issues, garbage/waste collection, etc.)

The communications plan will outline how to target the different key audiences including: registered ADU owners, unregistered ADU owners, members of the Real Estate Board/real estate agents, builders, tenants of ADUs, and general Newmarket stakeholders (members of the community).

Some of the tactics used to target these audiences may include: direct mail, print material (i.e. brochure), social media, newspaper ads (Town Page, classifieds), Public Information Centre, media relations campaign (release, PSA, backgrounder, FAQ), and an increased website presence. The plan will be evaluated based on the total number of new ADU registrations in a one-year period and feedback from staff working with owners/tenants.

In addition to the communications plan, Legislative Services is in the process of reviewing its approach to by-law enforcement operations and service levels. One objective is to enhance enforcement coverage for key issues, such as ADU compliance, working with partner departments across the Town. The review will be supported in part with the hiring of a new by-law enforcement officer, approved as part of 2013 budget. The review will also include standard operating procedures for ADU enforcement on a proactive and complaint basis, working closely with relevant Town departments.

Staff will report to apprise of the Town's efforts to enhance ADU awareness and compliance.

Taxation of Accessory Dwelling Units

On November 26, 2012, Mr. John Dowson made a deputation before Council requesting that houses with accessory dwelling units be taxed an additional \$1,000.00 each. Mr. Dowson noted that this is not currently an allowable option and urged the Town to lobby the Provincial Government to have the appropriate legislation amended. It was argued that houses with ADUs are actually business enterprises and the cost of the additional services they require is unfairly shared with other taxpayers.

Currently, the average Newmarket residence pays \$1,462.00 annually in property tax to the Town. In staff's opinion, an additional \$1,000.00 does not appear reasonable for a residence with an ADU. Many of the additional Town services are either fully (water and sewer) or partially (recreational programs) paid for by user charges and have less of an impact on property taxes. The net cost of additional Town services is therefore significantly less than \$1,000.00.

Residences with an ADU already pay higher taxes. MPAC assesses a property as having an ADU when a building permit is issued or upon cyclical follow-up inspections. The property is assessed based on its current value assessment (CVA), which is an estimate of its resale value. The presence of an apartment increases the market value of the property and consequently results in higher property taxes.

It should be noted that in York Region, a premium in the tax rate is not charged for multi-residential properties. A premium is charged for commercial properties, but primary residences do not fit into this category.

Therefore, staff do not support Council lobbying the Provincial Government with respect to the taxation of ADUs.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report relates to the well-equipped and managed link of the Town's Community Vision – implementing policies and procedures that reflect sound and accountable government.

CONSULTATION

The ADU Working Group was composed of representatives from the Legislative Services, Legal Services, Building and Planning Services, Public Works Services and Communications departments, as well as Central York Fire Services.

A Public Information Meeting was held on February 29th 2012. Attendees at this meeting were provided with a copy of this report.

BUDGET IMPACT (CURRENT AND FUTURE)

Currently, a fee of \$110.00 is charged to register each new ADU, as well as to re-register each ADU every 10 years. From 2003 to 2012, an average of 29 new ADUs are registered each year, and an average of 45 ADUs are re-registered each year, a combined average annual revenue of \$8,140.00.

The Town's registration/re-registration fee has not been reviewed since 2007. Fees are intended to help recover costs of administering the application process as well as enforcement activities. A review of current administration and enforcement costs as well as benchmarks in other municipalities demonstrates that an increase in the ADU registration fee is reasonable and appropriate at this time.

It is recommended that a one-time registration fee of \$250.00 be established. A revocation appeal fee of \$100.00 is also recommended, which is in line with appeal fees established for other appeal bodies (e.g., Property Standards Committee).

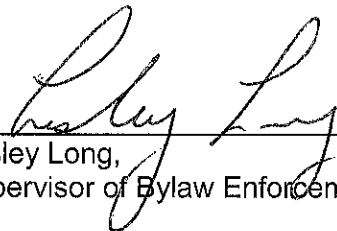
With a goal of increasing registrations by 30% by 2014, average annual ADU registrations should increase from 29 to 38, resulting in average annual revenue of \$9,500.00 should the new one-time registration fee of \$250.00 be approved by Council.


Enforcement enhancements, including the communications plan and enforcement service levels are accommodated within the existing Legislative Services budget (or other corporate budget, to be determined).

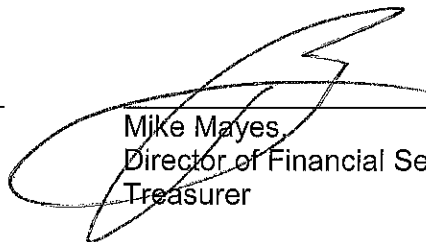
CONTACT


For more information on this report, please contact Lesley Long, Supervisor of Bylaw Enforcement at llong@newmarket.ca or at 905 953-5300, ext. 2222.


Craig Bickers, Chair
ADU Working Group


Lesley Long,
Supervisor of Bylaw Enforcement


Andrew Brouwer
Director of Legislative Services/
Town Clerk


Mike Mayes,
Director of Financial Services/
Treasurer


Anita Moore, Commissioner of Corporate Services



A BY-LAW FOR THE REGISTRATION OF ACCESSORY DWELLING UNITS.

WHEREAS section 8 and 11 of the Municipal Act, 2001, S.O. 2001 c. 25 as amended provides that municipalities may pass by-laws respecting matters including but not limited to, the health, safety and well-being of persons; the economic, social and environmental well-being of the municipality; and the protection of persons and property;

AND WHEREAS the Council of the Corporation of the Town of Newmarket deems it necessary to pass a by-law requiring the registration of accessory dwelling units;

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. DEFINITIONS:

- (a) "Appeals Committee" means a Committee comprised of no less than three persons that have been appointed from time to time by Council for the purpose of hearing appeals regarding revocations pursuant to this by-law.
- (b) "dwelling unit" means a room or a suite-group of rooms operated as a separate housekeeping unit that is used or intended to be used as a domicile by one or more persons and that contains cooking, eating, living, sleeping and sanitary facilities to be used by one family that functions as a single independent housekeeping unit in which cooking facilities, living quarters, sleeping facilities and sanitary facilities are provided for the exclusive use of those residing within the unit only, and with a private entrance from outside the building or from a common hallway or stairway inside.
- (c) "Inspector" means a Building Inspector, a By-law Enforcement Officer or a Fire Prevention Officer Inspector appointed by the Corporation.
- (d) "material change" means any change or alteration to the unit that would require a building permit under the Ontario Building Code.
- (e) "Owner" means the owner of the property as disclosed by title, the registered owner of the property or a person authorized, in writing, to act as agent for the registered owner.
- (f) "Registrar" means the Clerk of the Corporation of the Town of Newmarket.
- (g) "two unit house" means a detached house or a semi-detached house which contains two dwelling units.

2. PROHIBITION:

No person shall operate or permit the occupancy of more than one residential dwelling unit in a two-unit house unless the two-unit house is registered as required by this by-law.

3. REGISTRATION:

- (a) Every person who owns a two-unit house shall register the two-unit house with the Registrar as required by this by-law operates or permits the occupancy of more than one residential dwelling unit in a two-unit house shall register the two-unit house with the Registrar as required by this by-law. Once it has been registered, the two-unit house shall remain registered unless the registration is revoked.
- (b) Upon registration of a two-unit house, the Town shall provide the Owner with an "N" plate to indicate that the house is a two-unit house registered in accordance with this by-law, and the Owner shall display the "N" plate

on the exterior of the two-unit house in the same manner as the numerals forming the municipal address.

- (c) All two-unit houses lawfully constructed and registered under By-law 2003-127 as of the date of the enactment of this by-law shall be provided by the Town with an "N" plate to indicate that the house is a two-unit house registered in accordance with this by-law, and the Owner shall display the "N" plate on the exterior of the two-unit house in the same manner as the numerals forming the municipal address.
- (d) Upon registration of the two-unit house, the Town shall assign a municipal address to indicate that the house is a two-unit house registered in accordance with this by-law, and the owner shall display the municipal address provided by the Town on the exterior of the house in the same manner as the numerals forming the existing municipal address.
- (e) All two-unit houses lawfully constructed and registered under By-law 2003-127 as of the date of the enactment of this by-law shall be provided by the Town with a municipal address to indicate that the house is a two-unit house registered in accordance with this by-law, and the Owner shall display the municipal address on the exterior of the two-unit house in the same manner as the numerals forming the existing municipal address.
- (f) Prior to registration:
 - (i) Each dwelling unit in a two-unit house shall be inspected by an Inspector to ensure that it complies with all relevant standards set out in (a) the Ontario Building Code, (b) the Ontario Fire Code, (c) the Town's Zoning By-law 2010-40, as amended, (d) the Town's Property Standards By-law 1999-34, as amended and, (e) the Ontario Electrical Code. In the event a dwelling unit has previously been inspected, only material changes completed after the initial inspection will be inspected.
 - (ii) Notwithstanding 3(f)(i), inspections by an Inspector for purposes of compliance with the Ontario Fire Code shall only be required for dwelling units in a two-unit house constructed prior to November 16, 1995.
 - (iii) The Registrar must be satisfied that, in the 12 months prior to the application for registration, there have been no outstanding orders, notices or charges under any municipal or regulatory by-law against the registered owner of the two-unit house or against the property where the two-unit house is located. Notwithstanding this provision, the Registrar may register any two unit house upon the applicant demonstrating that any order, notice or charge under any municipal or regulatory by-law has been complied with and that the non-compliance is not likely to reoccur. In all such cases, the applicant must meet all other requirements for registration as set out in this by-law.
 - (iv) The Owner shall pay a non-refundable registration fee, as set out in Schedule "A" to this by-law, together with any applicable inspection fees as set out in the Town's Fees and Charges By-law, as amended.
 - (v) The Owner shall submit a completed application form provided by the Town.

4) REFUSAL AND REVOCATION:

- (a) The Registrar may refuse to register any two-unit house that does not meet the requirements set out in this by-law.
- (b) The Registrar may revoke the registration of any two-unit house which, at any time after registration, ceases to meet the requirements for registration of a two unit house as set out in this by-law. In the case of any orders, notices or charges under any municipal or regulatory by-law against the registered owner of the two unit house or against the property where the two unit house is located, no proceedings for revocation shall commence more than 12 months following the date of issuance of the order, notice or charge in question.

- (c) The onus of proving that each dwelling unit in a two-unit house meets the requirements set out in this by-law is on the Owner of the two-unit house.
- (d) Where the Registrar has revoked a registration, the Owner may re-apply for registration at any time in accordance with this by-law.
- (e) ~~The registration of a two-unit house is automatically revoked in accordance with the following:~~
 - ~~(i) 180 days following the date on which the ownership of the property changes; and/or~~
 - ~~(ii) 10 years from the date of the most recent registration~~

5) NOTICE OF INTENT TO REVOKE REGISTRATION DUE TO NON-COMPLIANCE

- (a) The registrar shall give notice of intent to revoke the registration of a two-unit house when the two-unit house is not in compliance with the requirements of registration as outlined in this by-law.
- (b) Such notice shall provide a brief written explanation of the reason for the intent to revoke registration.
- (c) Such notice shall be served personally on the Owner of the two-unit house or by registered mail to the Owner of the two-unit house at the address of the two-unit house and/or the address supplied on the application for registration, in which case it shall be deemed to have been given on the 5th day after it is mailed.
- (d) Upon receipt of the notice of intent to revoke registration the owner shall have a period of no more than sixty (60) days to comply with the requirements of the registration as outlined in this by-law.

~~6) NOTICE OF INTENT TO REVOKE REGISTRATION UNDER 4 (e) (ii) OF THIS BY-LAW~~

- ~~(a) The Registrar shall give notice of intent to revoke the registration of a two-unit house under Section 4 (e) (ii) of this by-law no later than sixty (60) days prior to the date of revocation.~~
- ~~(b) Such notice shall be sent by registered mail and by First Class prepaid mail to the Owner of the two-unit house at the address of the two-unit house and/or the address supplied on the application for registration.~~
- ~~(c) A copy of such notice shall be sent by First Class prepaid mail or hand delivered to the occupant of each dwelling unit within the two-unit house.~~

6) NOTIFICATION OF REVOCATION:

- (a) Where the Registrar revokes the registration of a residential two-unit house, he/she shall notify the Owner of the two-unit house of such revocation, and provide a brief written explanation of the reason for the revocation.
- (b) Such notice shall be served personally on the Owner of the two-unit house or by registered mail to the Owner of the two-unit house at the address of the two-unit house and/or the address supplied on the application for registration, in which case it shall be deemed to have been given on the 5th day after it is mailed.
- (c) The notice shall inform the Owner that he/she is entitled to a hearing before the Appeals Committee, if he/she delivers, within five (5) days after the date of service of the written notice, a written request for a hearing before the Clerk.
- (d) A copy of such notice shall be sent by registered mail to each occupant of the two-unit house at the address of the two-unit house.

7) HEARING:

- (a) On receipt of a written request for a hearing from an Owner, the Appeals Committee shall convene a meeting and shall give the Owner ten days written notice thereof.

- (b) The Owner shall have the right to make submissions in support of his/her registration or retention of his/her registration at such hearing and when the Owner who has been given written notice of the hearing, does not attend at the proper time and place, the Appeals Committee may proceed with the hearing in his/her absence and the Owner shall not be entitled to any further notice of the proceedings. Furthermore, the Owner shall not be entitled to a further hearing on the matter and the decision of the Appeals Committee shall be final.
- 8) REGISTRAR:
 - (a) The Clerk is appointed as Registrar for the purposes of this by-law and has the responsibility of maintaining a register of two-unit houses.
 - (b) The Registrar may designate such persons as are necessary to administer this by-law.
- 9) INSPECTIONS AND POWER OF ENTRY:
 - (a) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.
 - (b) An Inspector may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (i) this By-law;
 - (ii) a condition of a Site Alteration Permit issued under this By-law;
 - (iii) an order of the Town made under this By-law; or
 - (iv) an order made under s. 431 of the *Municipal Act, 2001*, as amended:
 - (c) For the purposes of conducting an inspection pursuant to s. 9 of this By-law, an Inspector may, in accordance with the provisions in s. 436 of the *Municipal Act, 2001*, as amended:
 - (i) require the production for inspection of documents or things relevant to the inspection;
 - (ii) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (iii) require information from any person concerning a matter related to the inspection; and
 - (iv) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
 - (d) An Inspector may undertake an inspection pursuant to an order issued under section 438 of the *Municipal Act, 2001*.
 - (v) The Town's power of entry may be exercised by: (a) an employee, officer or agent of the Town (b) a member of a police force having jurisdiction, or (c) any person acting under the direction of a member of a police force having jurisdiction.
- 10) ORDER TO DISCONTINUE:
 - (a) Where an Inspector is satisfied that a contravention of this By-law has occurred, the Inspector may make an order requiring the person who contravened this By-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.
 - (b) An order to discontinue shall set out:
 - (i) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and

- (ii) the date by which there must be compliance with the order.
 - (c) Any person who contravenes an order to discontinue is guilty of an offence.
 - (d) The order shall be served personally on the Owner of the two-unit house or by registered mail to the Owner of the two-unit house at the address of the two-unit house and/or the address supplied on the application for registration, in which case it shall be deemed to have been given on the 5th day after it is mailed.
- 11) OFFENCE:
- (a) Every person who contravenes a provision of this By-law, including an Order issued under this By-law, is guilty of an offence and, upon conviction, is liable to a fine as provided for in the *Provincial Offences Act*.
 - (b) If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be designated as a continuing offence for each day or part of a day that the contravention remains uncorrected.
 - (c) If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be designated as a continuing offence for each day or part of a day that the order is not complied with.
 - (d) For purposes of this By-law, if there is an offence respecting two or more acts or omissions, each of which separately constitutes an offence and is a contravention of the same provision of this By-law, then the offence is designated as a multiple offence.
 - (e) For purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered for the same offence at an earlier date.
- 12) PENALTY:
- (a) Every person who is guilty of an offence under this By-law on conviction is liable to the following penalties:
 - (i) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
 - (ii) Upon a second or any subsequent conviction, the minimum fine shall be \$500.00 and the maximum fine shall be \$100,000.00.
 - (iii) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues;
 - (iv) Upon conviction for a multiple offence, for each offence included in the multiple offences, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 13) EXCEPTION:
- (a) ~~The Owner of a two-unit house lawfully constructed and used prior to May 22, 1996 and registered under by-law 1998-109 and continuously used as a two-unit house shall not be required to register said two-unit house as required by this by-law until 10 years from the date of its~~

4.12

registration pursuant to by-law 1998-109 or until ownership of the two unit house changes, whichever occurs earlier.

- ~~(b) Eligibility for exemption shall be determined by the registrar~~
(a) All two-unit houses lawfully constructed and registered under Town of Newmarket By-law 2003-127 as of the date of the enactment of this by-law shall not be required to re-register said two-unit houses as required by this by-law.
- 14) AND THAT if any provision of this By-law is declared invalid, void or unenforceable by a Court of competent jurisdiction, the invalidity shall not affect other provisions or application of this By-law which can be given effect without the invalid provision and to this end, the provisions of this By-law are severable.
- 15) AND THAT By-laws 2003-127, 2003-106, 2004-5, 2007-37, and 2007-63 are hereby repealed.

ENACTED THIS DAY OF 2013.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

Corporate Services – Legislative Services Report 2013-05 “Appendix “B”

4.13

Issue	Discussion	Proposed Amendment(s) to ADU By-law, where applicable	Proposed Action(s)	Public Comment(s)
Official Plan & Zoning By-law compliance with Bill 140 amendments to <i>Planning Act</i> .	Currently, the Town's Official Plan and Zoning by-laws permit accessory dwelling units in single family dwellings and semi-detached dwellings, but not in row houses and accessory structures.	None.	Amendments to the Official Plan and Zoning by-laws will be initiated by the Town in the near future to allow for accessory dwelling units in row house and accessory structures to ensure compliance with Bill 140 amendments to the <i>Planning Act</i> .	None.
Enforcement of ADU re-registration.	ADU must be re-registered every 10 years or within 180 days of ownership change. Ability to gain legal internal access to ADU to undertake inspection as part of re-registration limited without a warrant (requires consent of owner or tenant). Note: CYFS may enter any dwelling at any time should there be reasonable evidence of a threat to life safety. Town may be exposed to liability where	Eliminate requirement from By-law 2003-106 to re-register ADU every 10 years or within 180 days of ownership change. Eliminating re-registration streamlines process and is a more practical form of regulating ADUs. Better use of enforcement resources, reduces exposure.	None.	Support for one-time registration at February 29, 2012 Public Information Meeting. Many compliant ADU owners view re-registration as a penalty and unnecessary fee.

Corporate Services – Legislative Services Report 2013-05 “Appendix “B”

4.14

Issue	Discussion	Proposed Amendment(s) to ADU By-law, where applicable	Proposed Action(s)	Public Comment(s)
	<p>inspection is required but re-registration is not completed.</p> <p>Typically, only 8% of ADU owners (4 out of 50) re-register.</p> <p>Newmarket only municipality in Ontario with ADU re-registration requirement.</p>			
Identification of ADUs.	<p>Other municipalities have <u>required</u> that all ADUs be identified by a small decal affixed to the residence.</p> <p>Assists waste collection providers (residences with a registered ADU are permitted to place up to 6 garbage bags) and CYFS/ emergency responders to identify residences with a registered ADU.</p>	Section 3 (b), page 2 requires that all ADUs be identified by a small decal affixed to the residence.	In addition to the decal, a suffix to the municipal address will be added to the ADU in the form of “B” (e.g., 10 Oakwood Court, 10B Oakwood Court).	None.

4.15

Issue	Discussion	Proposed Amendment(s) to ADU By-law, where applicable	Proposed Action(s)	Public Comment(s)
Location of waste receptacle storage area on property.	Untidy storage of garbage/recycling receptacles.	Difficult to create rules to govern placement of waste receptacles for ADU owners specifically, as such rules to not exist for other properties.	As part of application process, ADU owners will be educated on property standards. Continued enforcement through property standards by-law.	Request by resident to address untidy storage of garbage/recycling receptacles.
Landlord-tenant disputes.	Concerns about "absentee landlords" and landlord and tenant responsibilities.	None.	<p>The purpose of the by-law is to create a registry of legal and safe ADUs and not to regulate the conduct of landlords and tenants.</p> <p>Relations between residential landlords and tenants are governed by provincial legislation in the form of the <i>Residential Tenancies Act</i>.</p> <p>If there are concerns about the adverse impact of the behavior of a tenant in an ADU, the tenant has the option of either contacting the police or investigating their remedies in the civil court system.</p>	<p>Concerns raised at February 29, 2012 Public Information Meeting about "absentee landlords" and landlord and tenant responsibilities.</p>

Corporate Services – Legislative Services Report 2013-05 "Appendix B"

4.16

Issue	Discussion	Proposed Amendment(s) to ADU By-law, where applicable	Proposed Action(s)	Public Comment(s)
Number of required parking spaces.	Current Zoning By-law requires two (2) spaces for the primary unit and two (2) for the accessory dwelling unit which must be located on the property and external to any garage. Requirement difficult to achieve without minor variance.	None.	As well, the Town may refer parties to landlord/tenant support resource groups and the York Community Mediation Group. Amendments to the Official Plan and Zoning by-laws will be initiated by the Town in the near future to address parking standards for ADUs.	Requirement difficult to achieve without minor variance.
Reduce incidents of parking on front (and sometimes) rear yard.	Adoption of current Zoning By-law inadvertently removed language used to enforce restriction of parking on front or rear yard.	None.	Amendments to the Official Plan and Zoning by-laws will be initiated by the Town in the near future to restrict parking on front and rear yards. Currently, enforcement is on an agreement basis with vehicle owners, without legal recourse.	Request by resident to address incidents of parking on front (and sometimes) rear yard.

Corporate Services – Legislative Services Report 2013-05 "Appendix B"

4.17

Issue	Discussion	Proposed Amendment(s) to ADU By-law, where applicable	Proposed Action(s)	Public Comment(s)
Minor amendments to current ADU By-law.	Minor amendments intended to make references, powers consistent with current <i>Municipal Act, 2001</i> provisions.	<ol style="list-style-type: none"> 1. Section 1 a) page 1 provides for an Appeal Committee (no less than 3 persons appointed by Council) to allow owners right of appeal of Orders. Presently, appeals are heard by the Registrar (Clerk). By-law 2011-10, as amended provides for such an appeal body. 2. Section 11 and 12 page 5 relate to penalties and enforcement and the changes are just to reflect the changes in the <i>Municipal Act, 2001</i>, which is common in other municipalities. 3. Section 9 page 4 provides that staff may enter onto land (excludes interior) at any reasonable time 	None.	None.

Corporate Services -- Legislative Services Report 2013-05 "Appendix "B"

Issue	Discussion	Proposed Amendment(s) to ADU By-law, where applicable	Proposed Action(s)	Public Comment(s)
		for the purpose of carrying out an inspection to determine if a unit is in compliance with the ADU by-law. This Section mirrors current <i>Municipal Act</i> , 2001 language.		

4.18

Tuesday, February 5, 2013 at 7:00 p.m.
Mulock Room, 395 Mulock Drive

The regular meeting of the Heritage Newmarket Advisory Committee was held on Tuesday, February 5, 2013 at 7:00 p.m. in the Mulock Room at 395 Mulock Drive, Newmarket.

Members

Present: R. Caister
N. Friend
S. Fuller
A. Hart
M. Watts
B. Locke
Councillor Hempen

Staff: B. Mendonca, Administrative Assistant, Legislative Services
D. Ruggle, Senior Planner – Community Planning

The meeting was called to order at 6:55 p.m.

Athol Hart in the Chair.

ADDITIONS TO THE AGENDA

The Senior Planner, Community Planning discussed the evaluation criteria information that the Heritage Newmarket Advisory Committee presented to Council. To move away from percentages, the Senior Planner presented a template based on the City of Kitchener's evaluation criteria. Discussion ensued regarding the revised template. The Heritage Newmarket Advisory Committee requested that the streetscape be added to the evaluation criteria. The Senior Planner will report to the Committee of the Whole that the Heritage Newmarket Advisory Committee have endorsed the revised evaluation form consistent with the ministry guidelines.

APPROVAL OF PREVIOUS MINUTES

- HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – FEBRUARY 5, 2013**
ITEM 1 – HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES

Moved by Ross Caister
Seconded by Billie Locke

THAT the Heritage Newmarket Advisory Committee Minutes of January 8, 2013 be approved.

CARRIED

CORRESPONDENCE**2. HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – FEBRUARY 5, 2013
ITEM 2 – CORRESPONDENCE ITEMS**

- a) Public meeting – proposed amendments to the comprehensive town-wide zoning by-law – Discussion ensued regarding the PIC which will take place on February 25, 2013. The Heritage Newmarket Advisory Committee have indicated a representative will attend the PIC. The Senior Planner informed the Committee that the proposed changes to the by-law include but are not limited to reduced maximum building height and a decrease in lot coverage. The Senior Planner, Community Planning was asked to research lot consolidation with the intent to build one large structure.
- b) E-mail from Bert Duclos, Ministry of Tourism, Culture and Sport – This e-mail was received as information.

**Moved by Tom Hempen
Seconded by Norm Friend**

CARRIED

THAT the Administrative Assistant send the corrected link for the Ministry of Tourism, Culture and Sport document to the members of the Heritage Newmarket Advisory Committee.

**3. HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – FEBRUARY 5, 2013
ITEM 3– HOT LIST/FINANCIAL REPORT****a) Hot List**

The Hot List was reviewed by the members of the Committee. The Heritage Fund was discussed. The Committee will provide the Finance department with a mandate statement for disbursement of the Heritage Fund immediately. Malcolm Watts will arrange a date and time with the owner of 45 Charles Street to photograph the inside of the building.

b) Treasurer

Heritage Newmarket Advisory Committee has been granted a carryover of funds from 2012 that haven't been spent. However, the Committee was advised that the funds must be ear marked for items in 2013.

**Moved by Ross Caister
Seconded by Norm Friend**

CARRIED

THAT the Heritage Newmarket Advisory Committee hold over funds in the amount of \$2,500.00 for the three plaques that are currently being prepared.

4. **HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – FEBRUARY 5, 2013**
ITEM 4 – PLAQUES

a) Site Plaques

The Heritage Newmarket Advisory Committee has received the second set of artwork in draft form from the Town of Newmarket Graphic Designer. The Chair suggested that the Committee appoint their own graphic designer outside of the Town office to complete the design work for the plaques. Three plaques suggested are Ford on the Holland, Sarah Rogers House and the Army Camp.

b) Residence plaques

Sandra Fuller and Ross Caister reported there are three plaques that the sign painter is unable to complete at this time due to weather conditions.

The Committee will make up the wording for residence plaques and will present it at the next Heritage Newmarket Advisory Committee meeting.

5. **HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – FEBRUARY 5, 2013**
ITEM 5 – INVENTORY SUB-COMMITTEE

The evaluation criteria will be going to Council and will then be used by the Heritage Newmarket Advisory Committee.

6. **HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – FEBRUARY 5, 2013**
ITEM 6 – DESIGNATED MAINTENANCE PROPERTY AND CONCERNS

Sandra Fuller suggested that a two page communication letter explaining why the Heritage Newmarket Advisory Committee are approaching the owner be produced. Page two could list the benefits having the property designated under the *Heritage Act*. A letter should be sent to the Denne House and 618 Queen Street concerning designation. The Quaker Meeting House would like to replace the roof on their building. The representatives will be invited to attend the March Heritage Newmarket Advisory Committee meeting to discuss the repairs.

Moved by Sandra Fuller
Seconded by Billie Locke

CARRIED

THAT Ross Caister obtain a copy of the designation request letter from the City of Markham;

AND THAT Sandra Fuller and Ross Caister research the advantages/disadvantages for designation;

AND THAT the Heritage Newmarket Advisory Committee appoint a representative from the Inventory sub-committee to approach residents regarding designating their property.

7. **HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – FEBRUARY 5, 2013**
ITEM 7 – REPORTS OF COMMITTEE MEMBERS

a) Historical Society

The plaques have been replaced at Fairy Lake. The Heritage Newmarket Advisory Committee requests a walk through the Denne House before tenants move in. Tom Hempen will call the owner with an appropriate day and time for viewing. The Historical Society would like to make Main Street and Davis Drive an historical sight.

b) Museum

Report was received for information.

c) A.R.C.H.

A sub committee of A.R.C.H. will be forming to sit on the Committee of Doors Open for 2013. The Committee is hoping to have interpreters in costume at each location. Heritage Newmarket Advisory Committee will write the scripts for the interpreters.

d) Street Naming Committee

Nothing to report.

8. **HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – FEBRUARY 5, 2013**
ITEM 8 – NEW BUSINESS

Wes Playter, Co-chair of the Heritage Newmarket Advisory Committee, is stepping down as the Co-chair and will remain a regular member of the Committee.

Nominations were received for a Vice Chair.

Moved by Ross Caister
Seconded by Norm Friend

CARRIED

THAT a letter be prepared by the Administrative Assistant under the Chair's signature and forwarded to Wes Player accepting his resignation as Co-chair;

AND THAT Billie Locke be elected as Vice Chair.

The Senior Planner, Community Planning advised that the owner of 16680 Leslie Street (Bogarthouse) has applied for a demolition permit. Council has 90 days in which to make a decision after Council have all the materials it needs to make an informed decision. The Heritage Newmarket Advisory Committee indicated that a Heritage Impact

assessment as well as a structural engineers report would be required at a minimum. The house is currently designated under the *Heritage Act*.

Moved by Tom Hempen

THAT the meeting adjourn.

CARRIED

There being no further business the meeting adjourned at 9:35 p.m.

Date

Athol Hart – Chair



Town of Newmarket **MINUTES**

6.1

ENVIRONMENTAL ADVISORY COMMITTEE

Wednesday, February 6, 2013
at 6:30 p.m.
Mulock Room, 395 Mulock Drive

A meeting of the Newmarket Environmental Advisory Committee was held on Wednesday, February 6, 2013 at 6:30 p.m. in the Mulock Room at 395 Mulock Drive.

- Present: John Birchall
Wes Guldemon
Doug Jagger
Dayna Laxton
Geoff Shore
Brandon Simon
Councillor Twinney (6:38 to 8:30 p.m.)
- Absent: Philip Breault
Joanna Parsons
- Staff: F. DiPassio, Licensing Officer
D. Ruggle, Planner – Senior Planner – Community Planning
L. Moor, Council/Committee Coordinator
- Guest: Marc Mantha

The meeting was called to order at 6:31 p.m.

Doug Jagger in the Chair.

The Chair introduced the guest in attendance.

ADDITIONS TO THE AGENDA

None.

DECLARATIONS OF INTEREST

None.

1. NEWMARKET EAC MINUTES – FEBRUARY 6, 2013 – ITEM 1 **APPROVAL OF MINUTES**

Environmental Advisory Committee Minutes of January 9, 2013.

Moved by Brandon Simon
Seconded by Dayna Laxton

6.2

THAT the Environmental Advisory Committee Minutes of January 9, 2013 be approved.

CARRIED

2. **NEWMARKET EAC MINUTES – FEBRUARY 6, 2013 – ITEM 2**
CORRESPONDENCE

Items of correspondence previously distributed by e-mail.

Moved by Doug Jagger
Seconded by Wes Guldemond

THAT the correspondence items, previously distributed by e-mail, be received.

CARRIED

Councillor Twinney arrived at 6:38 p.m.

3. **NEWMARKET EAC MINUTES – FEBRUARY 6, 2013 – ITEM 3**
PRESENTATION – URBAN HENS

Mr. Marc Mantha, resident, addressed the Committee with a PowerPoint presentation regarding egg laying hens.

Committee members queried Mr. Mantha regarding logistics associated with urban hen operations, potential licensing and enforcement and various rationale aspects of urban hen agriculture within Town.

Moved by Doug Jagger
Seconded by Councillor Twinney

THAT the Newmarket Environmental Advisory Committee receives the PowerPoint presentation regarding egg laying hens as information.

CARRIED

4. **NEWMARKET EAC MINUTES – FEBRUARY 6, 2013 – ITEM 4**
FOLLOW-UP ITEMS

- a) John Birchall provided a verbal update regarding the spring garage sale and advised that the proposed date is May 25, 2013 and proposed location the Regional lot at the corner of Eagle Street and Yonge Street. Councillor Twinney advised she would request assistance from Regional Councillor Taylor in securing the site location. John Birchall advised he would contact Petra Vollmerhausen to see if she is still willing to commit her time to assist in organizing the event.

- b) Discussion ensued regarding the Earth Hour event scheduled for March 23, 2013 from 8:30 to 9:30 p.m. The Committee members agreed that the residential aspect of Earth Hour has shown a miniscule amount of energy savings; however the Industrial, Commercial and Institutional (ICI) organizations should be encouraged to share a larger role in an Earth Hour event. Further discussion ensued regarding the benefits of a specific and larger presence of environmental matters on the Town's website where such educational material such as Earth Hour participation could be delivered. John Birchall advised that he has had recent discussions with the Corporate Communications staff and a Town website overhaul is in the works and there may be opportunity for members to participate in a web content focus group. The Committee members agreed that they would like to participate in such a focus group.
- c) Discussion ensued regarding 2013 priorities and the Committee members agreed that the following three headlines form the vision of the Environmental Advisory Committee:
- Public Advocacy/Community Involvement
 - Policy
 - Education/Outreach

John Birchall advised that he will follow up with the Chief Administrative Officer regarding hosting an informal meeting of the Environmental Advisory Committee with Members of Council.

5. NEWMARKET EAC MINUTES – FEBRUARY 6, 2013 – ITEM 5
NEW BUSINESS

- a) John Birchall provided a verbal update regarding the expended funds of 2012 and the 2013 budget figures.
- b) Discussion ensued regarding the success of the trail map printing and investigation of responsibility for more reproduction. John Birchall advised that spring weather may be a more suitable time for reproduction and distribution of more trail maps.
- c) John Birchall advised that he is in receipt of the Ian Gray Environmental Award cheques for Alexander Muir Public School and Dr. John M. Denison High School. He further advised that representatives from Alexander Muir have informed him that due to the school labour situation, a scaled back presentation will take place at the school in the near future.
- d) Discussion ensued regarding a Twitter account for specific NEAC announcements and John Birchall advised that he would inform Communications staff that Wes Guldmond is the key person to research this matter.
- e) Dayna Laxton suggested that further and more detailed discussion regarding the proposed spring garage sale should take place at the March meeting.

6.4

5. **NEWMARKET EAC MINUTES – FEBRUARY 6, 2013 – ITEM 5F)**
NEW BUSINESS (CONTINUED) – URBAN HENS

f) Urban Hens.

Moved by Dayna Laxton
Seconded by Brandon Simon

THAT the matter of urban hens be deferred until more information is obtained from the Town's Licensing Officer with respect to implications associated with urban hen farming in Newmarket.

CARRIED

The next scheduled meeting date is March 6, 2013 beginning at 6:30 p.m. with Philip Breault as Meeting Chair.

Moved by Brandon Simon
Seconded by Geoff Shore

THAT the meeting adjourn.

CARRIED

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

Date

Doug Jagger, Meeting Chair

Friday, January 25, 2013 at 10:00 a.m.
415 Davis Drive

The regular meeting of the Newmarket Downtown Development Subcommittee was held on Friday, January 25, 2013 at 10:00 a.m. at 415 Davis Drive, Newmarket.

Members Present: Jackie Playter (10:03 – 11:05 a.m.)
Ian Peake
Councillor Sponga
Steve Whitfield

Absent: Barbara Leibel

Guest: Brent Fleming

Staff: C. Kallio, Economic Development Officer
J. Bondi Council/Committee Co-ordinator

The meeting was called to order at 10:03 a.m.

Jackie Playter in the Chair.

ADDITIONS

None.

DECLARATIONS OF INTEREST

None.

**1. NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
JANUARY 25, 2013 – ITEM 1
APPROVAL OF MINUTES**

Newmarket Downtown Development Subcommittee Minutes of November 30, 2012.

**Moved by Steve Whitfield
Seconded by Ian Peake**

**THAT the Newmarket Downtown Development Subcommittee Minutes of
November 30, 2012 be approved.**

CARRIED

2. **NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
JANUARY 25, 2013 – ITEM 2
PROJECT UPDATE AND FUTURE FINANCIAL INCENTIVES PROGRAM
APPLICATION 2011-16 – 487 QUEEN STREET**

Mr. Brent Fleming, owner of Brixton Commercial Realty addressed the Committee with respect to his redevelopment concept for 487 Queen Street and his inquiry with respect to possible future program assistance.

3. **NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
JANUARY 25, 2013 – ITEM 3
FINANCIAL INCENTIVES PROGRAM APPLICATION 2012-12
PLANNING AND BUILDING FEES REBATE/CREDIT PROGRAM, BUSINESS SIGN
PROGRAM AND PROJECT FEASIBILITY PROGRAM (ADDITIONAL) APPLICATION
2012-12, 185 MAIN STREET SOUTH**

The Economic Development Officer provided a verbal report regarding Financial Incentives Program Application 2012-12 with respect to the property known as 185 Main Street South.

**Moved by Councillor Sponga
Seconded by Ian Peake**

THAT the Project Feasibility Study Program Grant Application 2012-12 in the amount up to a maximum of \$8,531.00 be approved, subject to the confirmation of proof of payment.

CARRIED

**Moved by Ian Peake
Seconded by Councillor Sponga**

THAT the Planning and Building Fees Rebate/Credit Program Grant Application 2012-12 in the amount of \$8,027.54 be approved.

CARRIED

**Moved by Ian Peake
Seconded by Steve Whitfield**

THAT the Business Sign Program Grant Application 2012-12 in an amount of \$520.65 be approved.

CARRIED

Moved by Steve Whitfield
Seconded by Councillor Sponga

THAT with respect to the additional Business Sign Program Grant Application for the separate business located within the premises at 185 Main Street South, that an amount up to \$2,500.00 be approved, subject to program eligibility criteria and confirmation of payment;

AND THAT Janet Walker, 401 Gilpin Drive, Newmarket, Ontario, L3Y 3Y9, be notified of these actions.

CARRIED

FOR CLARIFICATION PURPOSES THE RECOMMENDATIONS ARE AS FOLLOWS:

THAT the Project Feasibility Study Program Grant Application 2012-12 in the amount up to a maximum of \$8,531.00 be approved, subject to the confirmation of proof of payment.

THAT the Planning and Building Fees Rebate/Credit Program Grant Application 2012-12 in the amount of \$8,027.54 be approved.

THAT the Business Sign Program Grant Application 2012-12 in an amount of \$520.65 be approved.

THAT with respect to the additional Business Sign Program Grant Application for the separate business located within the premises at 185 Main Street South, that an amount up to \$2,500.00 be approved, subject to program eligibility criteria and confirmation of payment;

AND THAT Janet Walker, 401 Gilpin Drive, Newmarket, Ontario, L3Y 3Y9, be notified of these actions

**4. NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
JANUARY 25, 2013 – ITEM 4
FINANCIAL INCENTIVES PROGRAM APPLICATION 2013-01
PROJECT FEASIBILITY APPLICATION, DEVELOPMENT OF 443 SIMCOE STREET
AND 15 MAIN STREET BLOCK**

The Economic Development Officer provided a verbal report regarding Financial Incentives Program Application 2013-01 with respect to the property known as 443 Simcoe Street and 15 Main Street Block

Moved by Councillor Sponga
Seconded by Ian Peake

1. THAT the Project Feasibility Study Program Grant Application 2013-01 in the amount of \$10,000.00 for the property known as 443 Simcoe Street and 15 Main Street Block be approved;

2. **AND THAT Norman Tao, 20 Penhurst Drive, Markham, Ontario, L3P 6Y7, be notified of this action.**

CARRIED

Jackie Playter left the meeting at 11:05 a.m. and vacated the Chair.

Councillor Sponga assumed the Chair.

**5. NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
JANUARY 25, 2013 – ITEM 5
FINANCIAL INCENTIVES PROGRAM APPLICATION 2013-02
BUSINESS SIGN PROGRAM APPLICATION – 154 MAIN STREET SOUTH**

The Economic Development Officer provided a verbal report regarding Financial Incentives Program Application 2013-02 with respect to the property known as 154 Main Street South.

**Moved by Ian Peake
Seconded by Steve Whitfield**

1. **THAT the Business Sign Program Grant Application in the amount of \$1,675.50 for the property known at 154 Main Street South be approved;**
2. **AND THAT Allivictus Canada Ltd., c/o Joel Brillert, 890 Arnold Crescent, Newmarket, Ontario, L3Y 5Z5, be notified of this action.**

CARRIED

**6. NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
JANUARY 25, 2013 – ITEM 6
COMMUNITY GRANT PROGRAM APPLICATION – RANJI SINGH FOUNDATION**

The Economic Development Officer provided a verbal report regarding the 2013 South Asian Showcase event to be held at Riverwalk Commons. He advised that the Ranji Singh Foundation is seeking support for this event.

**Moved by Steve Whitfield
Seconded by Ian Peake**

THAT Financial Incentives Program – Community Grant Application received from the Ranji Singh Foundation (Incorporation No. 1818923) in the amount of \$3,000.00 be deferred and that Mr. Ranji Singh be requested to make a deputation before the Newmarket Downtown Development Subcommittee in this regard.

CARRIED

**7. NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
JANUARY 25, 2013 – ITEM 7
COMMUNITY GRANT PROGRAM APPLICATION – NEWMARKET CAR CLUB**

The Economic Development Officer provided a verbal report regarding the Newmarket Car Club's car show on Main Street on June 15, 2013. The Club is seeking assistance with marketing and promotional costs.

**Moved by Ian Peake
Seconded by Steve Whitfield**

THAT the Community Grant Program Application by the Newmarket Car Club be approved for the amount of \$2,000.00;

AND THAT Rob Gardner, Newmarket Car Club, 771 Davis Drive, Unit 5, Newmarket, Ontario, L3Y 2R2 be notified of this action.

CARRIED

**8. NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
JANUARY 25, 2013 – ITEM 8
NEW BUSINESS**

- a) The Economic Development Officer provided a verbal update with respect to the Old Fire Hall building located at 140 Main Street. He advised that the Town will be selling the property and it is anticipated that a proposal will be going out by the end of February 2013.
- b) Councillor Sponga advised that the former iPlan building at 211 Main Street has been rented.

**Moved by Ian Peake
Seconded by Steve Whitfield**

THAT the meeting adjourn.

CARRIED

There being no further business, the meeting adjourned at 11:28 a.m.

Dated

Councillor Joe Sponga, Chair

The regular meeting of the Inclusivity Advisory Committee was held on Wednesday, January 9, 2013 at 7:00 p.m. in the Mulock Room, Municipal Offices, 395 Mulock Drive, Newmarket.

Members Present: Evert Akkerman
Denise Anderson
Farrah Bacchus (7:08-8:43 p.m.)
Avanthi Goddard (7:20-8:43 p.m.)
Nolie Johnston
Ranji Singh
Ken Sisler
Councillor Vegh

Absent: Councillor Di Muccio
Rob Hums
Mohammad Khan

Ricky Veerappan (non-voting member)

Staff: Janice Bondi, Council/Committee Coordinator

The meeting was called to order at 7:01 p.m.

Ranji Singh in the Chair.

ADDITIONS TO THE AGENDA

None.

DECLARATIONS OF INTEREST

None.

Farrah Bacchus joined the meeting.

Mission

We act as an ongoing source of guidance and information to Council and residents. We facilitate experiences that encourage awareness, promote sharing, understanding, and foster harmony.

Vision

We envision Newmarket to be an inclusive community where differences are welcome and celebrated, and where its mosaic of citizens are renowned for showing mutual courtesy, dignity, and respect.

**1. INCLUSIVITY ADVISORY COMMITTEE MINUTES– JANUARY 9, 2013 – ITEM 1
PRESENTATION – IMMIGRATION SETTLEMENT STRATEGY**

Ms. Cindy Wackett, the Town's Corporate Project Consultant, Strategic Initiatives, addressed the Committee with a PowerPoint presentation with respect to the status of the York Region Immigration Settlement Strategy.

Ms. Wackett advised that it was her responsibility to implement and integrate the Strategy into Newmarket's services and would welcome any insight the Committee might offer in this regard such as areas the IAC feels may be impacted or influenced, trends, etc. Ranji Singh indicated that it would be good if she could provide specifics for the IAC to provide feedback on. Ms. Wackett also advised that members could check the York Region website for reports put out by the Region related to this matter.

Avanthi Goddard joined the meeting.

The Chair thanked Ms. Wackett for the presentation.

Ms. Wackett provided the Council/Committee Coordinator with two new Regional documents entitled as follows:

- *Leading Change for a Stronger Community: Community Partnership Council Collective Action Plan 2012-2015;*
- *Turning the Curve Indicator Report: Measuring the Well-Being of Newcomers Living in York Region.*

**2. INCLUSIVITY ADVISORY COMMITTEE MINUTES– JANUARY 9, 2013 – ITEM 2
INCLUSIVITY ADVISORY COMMITTEE MINUTES**

Inclusivity Advisory Committee Minutes of September 12, 2012.

**Moved by Denise Anderson
Seconded by Ken Sisler**

THAT the Inclusivity Advisory Committee Minutes of October 10, 2012 be approved.

CARRIED

Ranji Singh relinquished the position of Chair in order to facilitate the election of a new Chair and Vice-Chair for the remaining term of Council in accordance with the Committee's Terms of Reference.

The Recording Secretary explained that the meeting would be turned over to the new Chair once the elections were complete.

**3. INCLUSIVITY ADVISORY COMMITTEE MINUTES – JANUARY 9, 2013 – ITEM 3
ELECTION OF CHAIR AND VICE-CHAIR**

Election for the positions of Chair and Vice-Chair for the remaining term of Council, in accordance with the IAC Terms of Reference.

**Moved by Ranji Singh
Seconded by Avanthi Goddard**

THAT Faarah Bacchus be elected Chair of the Inclusivity Advisory Committee for the remaining term of Council.

CARRIED

**Moved by Avanthi Goddard
Seconded by Denise Anderson**

THAT Evert Akkerman be elected Vice-Chair of the Inclusivity Advisory Committee for the remaining term of Council.

CARRIED

Farrah Bacchus assumed the Chair.

**4. INCLUSIVITY ADVISORY COMMITTEE MINUTES – JANUARY 9, 2013 – ITEM 4
WORK PLAN**

Items 3 and 6 Savouring Newmarket and Induction of New Residents –
Councillor Vegh updated the Committee with respect to the March 4, 2013 dinner event being held prior to the Council meeting on the same night and taking place in the staff lunchroom.

Councillor Vegh distributed the 'Newmarket Citizenship' document to members and indicated that, using the document as a template, Council members will be the first residents to be sworn in at the March 4, 2013 Council meeting by the Committee. The document will then be turned over to Council to use as they see fit. Councillor Vegh indicated that the document could be re-named 'Oath of Residency' and may be used to swear in residents at schools, service clubs, churches, etc. The Mayor or Ward Councillor will do the swearing in at any future ceremonies.

Councillor Vegh proposed that the start time of the March 4 event be moved from 5:30 p.m. to 5:00 p.m. to allow more time as the open session of Council starts at 6:45 p.m. The Committee was in agreement and invitees are to be advised of this time change.

Councillor Vegh also proposed that the name be changed from 'Savouring Newmarket' to 'Newmarket Citizenship Reception' to better reflect the nature of the event.

The Council/Committee Coordinator was asked to contact Communications with respect to advertising the event so that the public will know to watch the swearing in of Council on television.

Item 10

International Day for the Elimination of Racial Discrimination in 2013 – Discussion took place with respect to ensuring advertising this event takes place not only this year but also in future years. Avanthi and Denise offered to make a work plan of possible activities in celebration of this Day.

Moved by Avanthi Goddard

Seconded by Evert Akkerman

THAT the Inclusivity Advisory Committee develop a work plan in recognition of International Day for the Elimination of Racial Discrimination to be imbedded as part of the Committee's ongoing Work Plan.

CARRIED

Avanthi advised she will investigate with staff regarding having the Day advertised on the Town's electronic signs. Also discussed was the placement of an ad on the Town's website and Town Page in March. The Chair requested that this be brought forward to the Committee's February meeting for further discussion.

Items 4 & 5

Website info blurbs and Column on Town Page – The Chair to follow up with Rob Hums regarding this item and report back at the next meeting. Also to confirm with Councillor Di Muccio regarding the size/space available for 'blurbs' on Town Page and availability on Town's website.

Item 9

Have a work plan to move IAC beyond 2014 – This item is now complete.

Item 12

Creating Awareness to Public for Making Presentations/Deputations – It was noted that Evert has created the summary for inviting guest speakers and the Council/Committee Coordinator confirmed that an IAC mailbox is in place to receive e-mails. The address is IAC@newmarket.ca and is monitored by the Council/Committee Coordinator who will relay information to the Committee as required.

**5. INCLUSIVITY ADVISORY COMMITTEE MINUTES – JANUARY 9, 2013 – ITEM 5
2013 MEETING SCHEDULE**

Committee approval of the 2013 meeting schedule.

**Moved by Avanthi Goddard
Seconded by Denise Anderson**

THAT the proposed 2013 meeting schedule be adopted.

CARRIED

**6. INCLUSIVITY ADVISORY COMMITTEE MINUTES – JANUARY 9, 2013 – ITEM 6
NEW BUSINESS**

- a. The Chair advised that she had received correspondence from Ms. Jennifer James with respect to the Junior Achievers Program. She indicated that the program is running again this year and will be offered to Grade 6 students in late February. The Chair indicated that she will be participating again in the program and has the contact information if any other Committee members are interested in doing so.

**Moved by Nolie Johnston
Seconded by Denise Anderson**

THAT the Committee resolve into a Closed Session for the purpose of discussing personal matters about an identifiable individual, including municipal employees or local board employees.

CARRIED

The Committee resolved into a Closed Session at 8:25 p.m.

The Minutes of the Closed Session are recorded under separate cover.

The Committee resumed into public session at 8:35 p.m.

The Committee had a brief discussion with respect to attendance at meetings and the inability to make quorum in recent meetings.

**6. INCLUSIVITY ADVISORY COMMITTEE MINUTES – JANUARY 9, 2013 – ITEM 6
NEW BUSINESS (CONTINUED)**

- a. Denise Anderson proposed that 'sexual orientation' be a topic for discussion at the next meeting. The Chair requested that this topic be added to the Work Plan. Denise offered to contact PRIDE to obtain further information.

- b. Avanthi Goddard proposed that the Committee have an informal 'planning day'. The date of February 13, 2013 at 6:30 p.m. was put forward and the Council/Committee Coordinator offered to check for room availability at the Municipal Offices for that date.

It was noted that the Work Plan will be dealt with in the first half of the Committee's next meeting.

Moved by Avanthi Goddard
Seconded by Evert Akkerman

THAT the meeting adjourn.

CARRIED

There being no further business, the meeting adjourned at 8:43 p.m.

Date

Farrah Bacchus, Chair



COMMUNITY SERVICES – COMMISSIONER
TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7
www.newmarket.ca
info@newmarket.ca
905.895.5193

9.1

February 14, 2013

**DEVELOPMENT & INFRASTRUCTURE SERVICES
PUBLIC WORKS SERVICES REPORT – 2013-09**

TO: Committee of the Whole
SUBJECT: Graffiti Removal Services - Update
ORIGIN: Director, Public Works Services

RECOMMENDATIONS

THAT Development & Infrastructure Services Public Works Report – 2013-09 dated February 14, 2013, regarding Graffiti Removal Services – Update, be received and the following recommendation(s) be adopted:

- 1. THAT staff continue to contract Graffiti removal services, in the amount of \$15,000 for 2013;**
- 2. AND THAT staff continue to evaluate the program's impact for 2013 and report back to council on the effectiveness of the program in one year.**

COMMENTS

Background

Council approved the contracting out of \$15,000 of graffiti removal services, on a trial basis, for 2012.

In the fall of 2011 the Graffiti Abatement Task Force provided recommendations on a strategy to address challenges with graffiti within the Town (Community Services Report – Commissioner 2011-91). The task force worked in partnership with the York Regional Police, Town Staff, community groups, the business community and concerned residents to develop a Graffiti Abatement Program. Approval was given by council in November 2011 through CAO Report 2011-16 Budget 2012 – Council Requested Items to contract out graffiti removal services in the amount of \$15,000, on a one to two year trial basis, and that a follow up report be provided back to council.

Analysis of service impact

The contractor graffiti removal trial has provided improved response time, detailed documentation, safe removals in challenging areas and more graffiti being removed throughout the Town.

9.2

Graffiti removal services are now being delivered both under contract and through Town staff. Removal is completed on Town owned property only, and not on private property such as residents and utility companies. The services delivered under contract have provided the following enhancements to our service level:

Improved response time – majority of service requests are successfully fulfilled within 24hrs of notification to contractor, even during weekends.

Detailed documentation – all service requests are documented in detail with the date and time of request, followed by time of removal, photo documentation before and after removal, and detailed invoicing. All information is provided digitally and allows for improved record keeping. This documentation is valuable to both the Town and York Regional Police for investigative purposes as well as prosecution, and has been successfully used in investigations conducted by York Regional Police.

Service to challenging locations – removal can be done efficiently by the contractor in locations that present greater health and safety concerns (adjacent to or within bodies of water – e.g. bridge supports), as well as areas that are not highly visible (e.g. inside drainage culverts or within woodlots). Locations such as these are often challenging for Town staff due to the significant time requirements and/or limited resources available to address low priority graffiti.

Greater quantities of graffiti removed – Often low profile areas or more remote locations of graffiti have not been addressed due to prioritization of staff resources. The ability to retain a contractor to address these areas allows for more comprehensive eradication of graffiti, while allowing greater flexibility of Town staff resources to be allocated to higher priority tasks. Also, the improved response times led to multiple removals in a location over a given period of time, as opposed to fewer removals in the same location, over the same amount of time. The result was longer periods of that location being free of graffiti (e.g. Queen St. Bridge).

Town staff resources continue to provide graffiti removal on a smaller scale, where removal can be done quickly and efficiently, often as part of other duties (example: during playground inspections or washroom cleanings). In general, larger, complex and more geographically isolated graffiti is often removed by the contractor for improved efficiency and cost savings.

Financial Impact

The trial program for graffiti removal by a contractor in conjunction with Town staff provided enhanced services for approximately the same cost as in previous years.

In 2012, \$14,280.00 was spent on graffiti removal by contractors, and \$8,430.00 was spent on staff resources to address graffiti on Town property.

Graffiti removal costs for 2012 increased slightly over 2010 and 2011. These increased costs were attributed to two primary factors: 1) removal of graffiti in areas not normally addressed (e.g. remote locations, challenging locations, repeat removals), 2) the excessive tagging by single sources (tagger named "Volume" and intense graffiti at AOK Play park which required security surveillance), which created a spike in graffiti related costs. It is anticipated that Town staffing costs may diminish further in 2013.

9.3

Graffiti costs for 2012 are as follows:

Contractor Removal	\$14,280.00
Town resources	\$ 8,430.00
Total	\$ 22,710.00

Conclusion

The combined service delivery of graffiti removal by both contractor and Town staff, has allowed for an enhancement of the service for the same costs. Given the positive impacts associated with timely removals and more comprehensive eradication, it is suggested that the trial be extended for an additional year. This additional year will allow for further information to be collected and confirm the success of the balanced approach.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Living Well

Provide efficient, effective and environmentally sound maintenance services to an appropriate level that achieves Council and/or Provincially mandated services levels, which meet public health and safety requirements and enhances quality of life while ensuring that system capital assets retain their value and are managed and funded according to sustainable, lifecycle based principles and practices.

BUDGET IMPACT

Operating Budget

There will be no impact on the approved 2013 operating budget. Funding has been approved in the 2013 PWS operating budget in the amount of \$15,000 for graffiti removal by a contractor.

Capital Budget

This report has no impact on the Capital Budget.

CONTACT

For more information on this report, contact: Mark Agnoletto, Manager of Parks and Property Services at 905-895-5193 extension 2581.

9.4



for Mark Agnoletto,
Manager, Parks & Property Services
Public Works Services



Robert Prentice,
Commissioner
Development Infrastructure Services



Brian F. Jones, P. Eng,
Director
Public Works Services



ENGINEERING SERVICES
Town of Newmarket
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www.newmarket.ca
engineering@newmarket.ca
T: 905.895.5193
F: 905.953.5138

10.1

January 15, 2013

DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT ES2012-87

TO: Committee of the Whole

SUBJECT: Traffic Operations Review – Sawmill Valley Drive and Savage Road
File No.: T08 T.30 Savage, Sawmill Valley

ORIGIN: Director, Engineering Services

RECOMMENDATIONS

THAT Development and Infrastructure Services Report – ES2012-87, dated January 15, 2013 regarding Traffic Operations Review – Sawmill Valley Drive and Savage Road, be received and the following recommendation(s) be adopted:

1. **THAT York Region be forwarded a copy of this report and requested to review the Yonge Street/Savage Road/Sawmill Valley Drive intersection for improved east/west signal timings;**
2. **AND THAT VIVANext be forwarded a copy of this report to ensure that the planned signal timings for the rapid transit corridor take into account the east/west traffic operations at the above intersection;**
3. **AND THAT York Region be requested to implement the recommendations noted in the IBI Group traffic safety report, dated November 2012.**

BACKGROUND

At the regular meeting on Monday, May 28, 2012, Town Council adopted recommendations under New Business as follows:

THAT a traffic safety audit be conducted for the area of Savage Road and Sawmill Valley Drive and a report be brought back in September/October 2012.

The area requested is dominated by the Yonge Street/Savage Road/Sawmill Valley Drive intersection which is under the jurisdiction of York Region. Town Staff have requested that the Region's safety audit include the area immediately west of the intersection to include the driveways of the proposed Belinda's Place development. York Region submitted a final report in late November 2012. Engineering staff have reviewed and provided the following comments:

10.2**COMMENTS**

For the purposes of the review, the area will be divided up into two areas: Sawmill Valley Drive from Yonge Street to Joe Persechini Drive (York Region review), and Savage Road from immediately east of Yonge Street to Shanahan Boulevard.

Sawmill Valley Drive – Yonge Street to Joe Persechini Drive

As part of this review, the Yonge/Savage/Sawmill Valley intersection is the governing traffic signal for the area. As well, the development application for Belinda's Place indicates driveways on Sawmill Valley Drive that were in close proximity to Yonge Street. The Town has experienced similar traffic issues with the commercial property driveway on the south side of Savage Road, immediately east of Yonge Street, and wished a second opinion to ensure that the same problems will not be repeated. The Town requested York Region to provide a safety audit of intersection and road segment west of the intersection.

York Region contracted the IBI Group to undertake the safety audit of this road section, and recommend the following:

Immediately - 2013

- Increase the maximum split time of the EB left-turn protected phase;
- Increase northbound and southbound all-red phases;
- Assess long-distance detection and vehicle extensions;
- Convert NB and SB protected/permissive left-turn phases to fully-protected left-turns;
- Investigate shifting the proposed RO (right-out) driveway for Belinda's Place to the west, if it is determined that moving the driveway is not feasible, then the Region may have to grant an exception before it can be constructed.

When Yonge Street is Reconstructed - VIVANext

- Update signal timing plans and consider implementing the following:
 - Optimizing (reducing) the cycle length; and
 - Operating a two-stage crossing of Yonge Street.

Long-term

- Monitor collision activity at the reconstructed Yonge Street at Sawmill Valley Drive/Savage Road intersection, and, if right-angle collision issues persist, install red-light cameras; and
- Monitor operations and safety related to the driveways at Belinda's Place. If a related safety issue is identified, potential mitigation could include turning movement prohibitions and/or scheduling shift changes and deliveries at Belinda's Place to occur outside of peak periods to reduce potential for interactions with queues on Sawmill Valley Drive.

All of the recommendations in the report are directly related to York Region signal timing or monitoring of the road operations at the intersection.

10.3**Savage Road – Immediately East of Yonge Street to Shanahan Boulevard**

Savage Road is a minor residential collector road and has been assumed by the Town since the early 1990's. This short road section encompasses the intersection lane groups for the intersection at Yonge Street, and two commercial driveways – one opposite Shanahan Boulevard and one on the south side between Yonge Street and Shanahan Boulevard. Over the last 10 years, Savage Road has undergone many speed reviews (2003 to 2008 inclusive), a school operational review in 2003 (Armitage Public School), all-way stop review at Jelley Avenue (2002), Shanahan Boulevard (2002) and Kensit Avenue/Ballard Crescent (2004 and 2012). The most significant change to the road occurred in 2003 when durable pavement markings were added between Yonge Street to the east of Shanahan Boulevard (north) in an attempt to reduce collisions by providing better right of way control and direction.

Within the last three years, there were three (3) collisions at the Savage/Shanahan north intersection. Two (2) involved someone entering Savage Road from Shanahan Boulevard or the commercial driveway and failing to yield to vehicles on Savage Road, and the third was someone turning wide onto Shanahan and clipping a car. It should be noted that the three years prior to the re-stripping of the area in 2003, there were six (6) collisions, so the durable pavement marking mitigation measure reduced collisions by 50%.

The Savage/Shanahan north intersection has been part of the monitoring program since the installation of the new pavement marking in 2003. As noted above, the collisions have been reduced but it has been noted that the intersection, and road section to Yonge Street, have high volumes particularly accessing the commercial driveway on the north side. To further assist in monitoring, York Region staff used the camera trailer to film the road section from Shanahan Boulevard to Yonge Street. Upon review of the lengthy film sets, intersection operates reasonably well with noted surges during afternoon rush hour, weekends and school times, but there is very little congestion which usually clears upon the next green cycle at the Yonge/Savage intersection. There were some instance of 'right-of-way' confusion as who has the right-of-way, but these sorted themselves out quickly. As a side note, this usually occurred when vehicles failed to signal their intentions particularly from the commercial driveway and Shanahan Boulevard. Also, it was observed that a fair number of cars drive straight through the intersection that come from the Sawmill Valley community, and a number of cars that are turning left onto Savage Road from southbound Yonge Street to access the commercial driveway. Based on the configuration and access to the commercial plaza, anyone travelling from the west, north or east would need to access this driveway, and conversely, anyone going back south would also need to use this access point. This issue cannot be solved by restricting access since this would push the problem further east along Savage Road to the second access to the commercial plaza. During the 2003 review that lead to the pavement marking, Town staff and York Region staff examined several solutions including access restrictions, closure of Shanahan Boulevard, all-way stop control and even traffic lights. All solutions would solve some issues, but create others, and in some cases, reduce safe traffic conditions. Therefore, the existing solution (pavement markings) in 2003 is recommended to be maintained.

The key to this section of road is the operations of the Yonge/Savage/Sawmill Valley intersection. Based on the Region's assessment of the intersection, the eastbound and westbound movements are at a level of service (LOS) of D or E which is notably worse than the northbound and southbound movements on Yonge Street. The better the intersection clears the queuing vehicles, the better the road segment would operate. As well, in the future with the Yonge Street VIVANext construction, the stopping location will be moved at least 6 metres further east to accommodate the width of the busway, and thereby reducing the available storage lengths for vehicles.

10.4

Similar to the Region's timeframes, it is recommended that:

Immediately - 2013

- York Region review and increase the east/west signal timing to reduce the east/west queuing lengths

When Yonge Street is Reconstructed - VIVANext

- Update signal timing plans and consider optimizing (reducing) the cycle length to ensure that the east/west LOS are appropriate and that the queue lengths do not impact the traffic operations at Shanahan Boulevard.

Long-term

- Create a new full-moves roadway onto Yonge Street between Savage Road and Mulock Drive which is one of the proposed solutions through the Secondary Plan work. This would be created as a public road system to facilitate future re-development and increase densities.

PUBLIC CONSULTATION

No public consultation was undertaken for the preparation of this report. The Ward Councillor had indicated that residents from these streets had traffic safety related concerns.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Living Well

- Investigate and resolve bylaw complaints in a timely fashion, and promote voluntary compliance through regular dialogue with the public, thereby promoting health, education and a harmonious community.

IMPACT ON PUBLIC HEALTH AND SAFETY

The proposed roadway improvements and signal timing adjustments may improve the traffic flow in the community and promote safe and efficient operations on the street.

HUMAN RESOURCE CONSIDERATIONS

No impact to current staffing levels.

IMPACT ON BUDGET

Operating Budget (Current and Future)

There would be no costs associated with the Operating budget.

10.5


Capital Budget

There would be no costs associated with the Capital budget.

CONTACT

For more information on this report, please contact Mark Kryzanowski at 905-895-5193 extension 2508; mkryzanowski@newmarket.ca.

Prepared by:


M. Kryzanowski, M.C.I.P., R.P.P.
Senior Transportation Coordinator


J.G. Koutoubis, B.Eng., P. Eng.
Director, Engineering Services


R. Bingham, C.E.T.,
Manager, Engineering & Technical Services


R. Prentice, Commissioner,
Development and Infrastructure Services

10.6





COMMUNITY SERVICES – COMMISSIONER
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11.1

January 22, 2013

**DEVELOPMENT & INFRASTRUCTURE SERVICES –
ENGINEERING SERVICES REPORT 2013-08**

TO: Committee of the Whole
SUBJECT: Rogers Park Spray Pad
ORIGIN: Director, Engineering Services

RECOMMENDATIONS

THAT Engineering Services Report –2013-08 dated January 22, 2013, regarding the rehabilitation of the Rogers Park wading pool into a modern Spray Pad be received and the following recommendations be adopted:

- 1. THAT an amount of \$116,750 be allocated from the Parkland Reserve for this project for a total estimated project budget of \$350,000;**
- 2. AND THAT staff be directed to prepare a design, conduct public meetings and proceed with construction of the facility in the fall of 2013 with a projected opening in June of 2014.**

COMMENTS

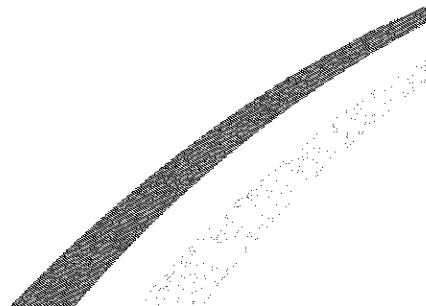
The Town approved a budget of \$350,000 in the 2013 budget for the replacement of the Rogers Park wading pool with a modern spray pad. In the budget a component of the funding was a grant application for \$116,750. We have now received notice that our grant application was not approved.

The matter has been reviewed with the Director of Finance and we have identified an alternate source of funding for this project being the cash in lieu of parkland fund. Should Council wish this project to continue it is necessary to approve this alternate funding.

The proposed timing of the project would involve design, public input and tendering prior to the summer of 2013 and construction after the wading pool closes. This should enable the facility to be available for the start of the 2014 season.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The rehabilitation of this facility supports the Living Well and Well Equipped and Managed goals of the Town of Newmarket



11.2

CONSULTATION

A public information center will be conducted to obtain input from the residents on the design.

BUDGET IMPACT

Operating Budget (Current and Future)

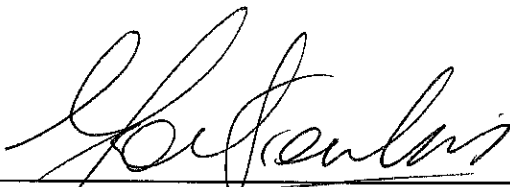
The rehabilitation of the wading pool into a spray pad has the potential to reduce the supervisory requirements of the facility and this will be determined upon final design and operation of the facility.

Capital Budget

The 2013 Capital Budget includes an amount of \$350,000 for this project.

CONTACT

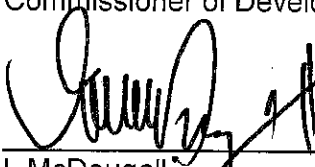
For more information on this report, contact: Mr. Jim Koutroubis, B.Eng., P. Eng., Director, Engineering Services



Jim Koutroubis, B.Eng., P.Eng.,
Director, Engineering Services



R. Prentice
Commissioner of Development and Infrastructure Services



I. McDougall,
Commissioner of Community Services



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13.1

January 24, 2013

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES - REPORT 2013-08

TO: Committee of the Whole

SUBJECT: Heritage Resources Evaluation Criteria

ORIGIN: Heritage Newmarket/Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2013-08 dated January 24, 2013 regarding Heritage Resources Evaluation Criteria be received and the following recommendation(s) be adopted:

THAT the attached heritage resources evaluation criteria form be endorsed by Council for the determination of the historic value or interest of properties in Newmarket.

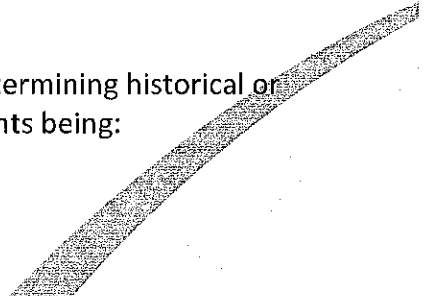
COMMENTS

The Ontario Heritage Act, an Act to provide for the Conservation, Protection and Preservation of the Heritage of Ontario has been in place since March 5, 1975. The principal statutory mechanism for achieving the purposes of the Act has been the power to identify and designate properties of cultural heritage value or interest in the municipality, either individually under Part IV, or as included within a heritage conservation district under Part V of the Act.

Under the Act, it is necessary, before any property is placed on the inventory or considered for designation, that a statement be prepared explaining the cultural heritage value or interest of the property and containing a description of the attributes of the property, buildings and structures that contribute to its cultural heritage value or interest.

On January 24, 2006, the Ontario Government released Ontario Heritage Act Regulation 9/06, Criteria for determining Cultural Heritage Value or Interest. This regulation prescribes criteria for determining a property's cultural heritage value or interest for the purposes of heritage designation under subsection 29(1) of the Ontario Heritage Act. The stated purpose of the regulation is to provide an objective base for the determination and evaluation of possible heritage resources. If a property has historical or associative value, design or physical value or contextual value then heritage listing or heritage designation is warranted.

Heritage Newmarket have prepared an evaluation criteria form to be used for determining historical or associative value for properties in Newmarket based on the Ministry's requirements being:



13.2

- (1) The property has design value or physical value based on such factors as architecture, construction method, artistic merit or technical or scientific achievement.
- (2) The property has either historical or associative value because of its direct association with a significant person or event, contributes to an understanding of a community or culture, or demonstrates the work or ideas of a significant architect or other artisan significant to the community.
- (3) The property has contextual value, in defining, maintaining or supporting the character of an area, and vitally linked to its surroundings, or as a landmark.

The Heritage Act requires that a property must meet one or more of the above noted criteria to be designated under the Act. It could be possible that a property scores low on the design and contextual criteria but has great historical or associative value because of its association with significant person in Newmarket's history.

The updated attached evaluation form has been reviewed by Heritage Newmarket and meets the criteria set out under the Ontario Heritage Act. The process would require, at a minimum, two individual evaluations from committee members and final evaluation requires consensus of the Heritage Committee. The options after evaluation include adding the property to the register as a property of interest, recommending Heritage Designation of the property to Council or simply keeping the evaluation on file.

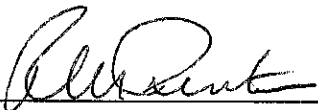
Council has the final decision on whether to proceed with protection under the Ontario Heritage Act.

BUDGET IMPACT (CURRENT AND FUTURE)

There are no budget impacts associated with the recommendations of this report.

CONTACT

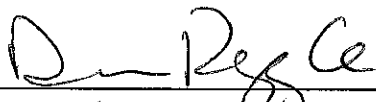
For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca



Commissioner, Development
and Infrastructure Services



Director of Planning & Building Services



Senior Planner - Community Planning

Town of Newmarket
Heritage Resource Evaluation Criteria Form

13.3

Address _____ Period _____ Recorder Name _____

Description _____

Photographs: Front ☐ Left ☐ Right ☐ Rear ☐ Details ☐ Setting ☐ Date of visit _____

Design or Physical Value	Recorder Evaluation	Heritage Newmarket Evaluation
Style Is this a notable, rare or unique example of a particular architectural style or type?	N/A Unknown No Yes	N/A Unknown No Yes
Construction Is this a notable, rare, unique or early example of a particular material or method of construction?	N/A Unknown No Yes	N/A Unknown No Yes
Design Is this a particularly attractive or unique structure because of the merits of its design, composition, craftsmanship or details? Does this structure demonstrate a high degree of technical or scientific achievement?	N/A Unknown No Yes N/A Unknown No Yes	N/A Unknown No Yes N/A Unknown No Yes
Interior Is the interior arrangement, finish, craftsmanship and/or detail noteworthy?	N/A Unknown No Yes	N/A Unknown No Yes

NOTES:

Contextual Value	Recorder Evaluation	Heritage Newmarket Evaluation
Continuity Does this structure contribute to the continuity or character of the street, neighbourhood or area?	N/A Unknown No Yes	N/A Unknown No Yes
Setting Is the setting or orientation of the structure or landscaping noteworthy?	N/A Unknown No Yes	N/A Unknown No Yes
Landmark IS this a particularly important visual landmark within the Region, Town or neighbourhood?	N/A Unknown No Yes R T N	N/A Unknown No Yes R T N
Completeness Does this structure have other original outbuildings, notable landscaping or external features that complete the site?	N/A Unknown No Yes	N/A Unknown No Yes

NOTES:

Town of Newmarket
Heritage Resource Evaluation Criteria Form

13.4

Integrity	Recorder Evaluation	Heritage Newmarket Evaluation
Site Does the structure occupy its original site?	N/A Unknown No Yes	N/A Unknown No Yes
Alterations Does this building contain most of its original materials and design features? Is this a notable structure due to sympathetic alterations that have taken place over time?	N/A Unknown No Yes N/A Unknown No Yes	N/A Unknown No Yes N/A Unknown No Yes
Condition Is this building in good condition?	N/A Unknown No Yes	N/A Unknown No Yes

NOTES:

Historical or Associative Value & Significance	Recorder Evaluation	Heritage Newmarket Evaluation
Does this property or structure have strong associations with and/or contribute to the understanding of a belief, person, activity, organization or institution that is significant or unique within the Town?	N/A Unknown No Yes	N/A Unknown No Yes
Is the original, previous or existing use significant?	N/A Unknown No Yes	N/A Unknown No Yes
Does this property meet the definition of a significant built heritage resource or cultural landscape, as identified in the Provincial Policy Statement under the Ontario Planning Act?	N/A Unknown No Yes	N/A Unknown No Yes

NOTES:

Further Action/Follow up/Recommendation

Recorder

- ☐ Add to Heritage Register
- ☐ Recommend for Designation
- ☐ Heritage District Potential
- ☐ Additional Research Required
- ☐ Additional Photographs Required
- ☐ Request Permission to Access Property
- ☐ Keep on File

Other: _____

Heritage Newmarket

- ☐ Add to Heritage Register
- ☐ Recommend for Designation
- ☐ Heritage District Potential
- ☐ Additional Research Required
- ☐ Additional Photographs Required
- ☐ Request Permission to Access Property
- ☐ Keep on File

Other: _____

Reviewed by Heritage Newmarket on: _____



PLANNING AND BUILDING SERVICES

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F: 905.953.5140

14.1

February 14, 2013

DEVELOPMENT AND INFRASTRUCTURE SERVICES PLANNING AND BUILDING SERVICES - PLANNING REPORT 2013-11

TO: Committee of the Whole

SUBJECT: Application for Draft Plan of Condominium
Part of Lot 33, CON 2 EYS
1250 Journey's End Circle
1576679 Ontario Inc.
File Number: D07-NP- 12 33

ORIGIN: Planning Department

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning & Building Services Report 2013-11 dated February 14, 2013 regarding application for Draft Plan of Condominium be received and the following recommendation(s) be adopted:

1. THAT approval be given to the draft plan of condominium, prepared by E.R. Garden Limited dated December 3, 2012 subject to the Schedule of Conditions attached and forming part of Development and Infrastructure Services/Planning & Building Services Report 2013-11.
2. AND THAT 1576679 Ontario Inc., c/o Kim Collard, 1260 Journey's End Circle, Newmarket, ON L3Y 8Z7 be notified of this action.

COMMENTS

The draft plan of condominium relates to an industrial development of 9 units. The subject land is located at the end of Journey's End Circle and is shown on the attached Key Map. A copy of the draft plan of condominium, as recommended for approval, is also attached.

Proposal

An application for draft plan of Condominium has been submitted by 1576679 Ontario Inc. The developer is intending to convert the building currently under construction into condominium units. The parking and landscaped areas surrounding the building would be common element and each of the units would be individually owned.

14.2

Planning Considerations

Draft Plan of Condominium

This application for draft plan of condominium is to create the common elements for the condo corporation which includes all areas outside of the building which are to be maintained by the condominium corporation. Future owners will own a stake in the condominium corporation and their own individual units.

Site Plan

The building has been through the Site Plan Approval process, which included detailed review and analysis of the technical requirements in terms of the grading, drainage, parking, and landscaping. As this is an industrial building, this development was dealt with as a delegated approval. The agreement was executed on October 30th, 2012 and a building permit was issued. A copy of the site plan is attached to this report.

Official Plan

The subject property is designated Business Park – Mixed Employment in the Official Plan. A multi-unit industrial building is permitted in this designation.

The proposed draft plan of condominium application conforms with the purpose and intent of the Official Plan.

Zoning By-law Consideration

The subject property is currently zoned Mixed Employment Exception 95 (EM-95) by By-law Number 2010-40, as amended which permits a multi-unit industrial building.

Provincial Policy Statement Considerations

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

The sections on *Managing and Directing Land Use to Achieve Efficient Development*, *Land Use Patterns*, *Settlement Areas*, and *Employment Areas* are relevant for the subject application. These sections require efficient development and land use patterns, they promote intensification and redevelopment opportunities while taking into account existing building stock, and they promote economic development and competitiveness.

The building is being constructed on a vacant piece of land in an industrial plan of subdivision. It fulfills the efficient development and land use pattern of the original subdivision. The proposed condominium will allow for economic competitiveness by providing for a range of business unit opportunities. Therefore this proposal is consistent with the PPS.

Conclusion

The proposed draft plan of condominium is recommended for approval subject to the conditions set out in the Schedule of Conditions attached to and forming part of this Report.

14.3**BUDGET IMPACT****Operating Budget (Current and Future)**

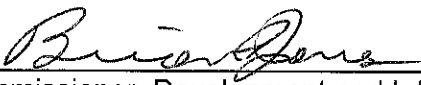
The appropriate planning fees have been received for this draft plan of condominium application. The Town has already received revenue from development charges and other permit and administration fees through the site plan process.

Capital Budget

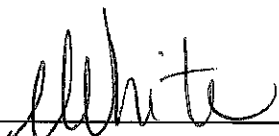
There is no direct capital budget impact as a result of this report.

CONTACT

For more information on this report, contact: Meghan White, Planner, at 905-953-5321, ext 2458; mwhite@newmarket.ca


for Commissioner, Development and Infrastructure
Services


Director, Planning & Building Services


Planner

Attachments

- 1 - Conditions of Draft Approval
- 2 - Location Map
- 3 - Approved Site Plan
- 4 - Proposed Draft Plan of Condominium

14.4

**SCHEDULE OF CONDITIONS
DRAFT PLAN OF CONDOMINIUM
1576679 ONTARIO INC.**

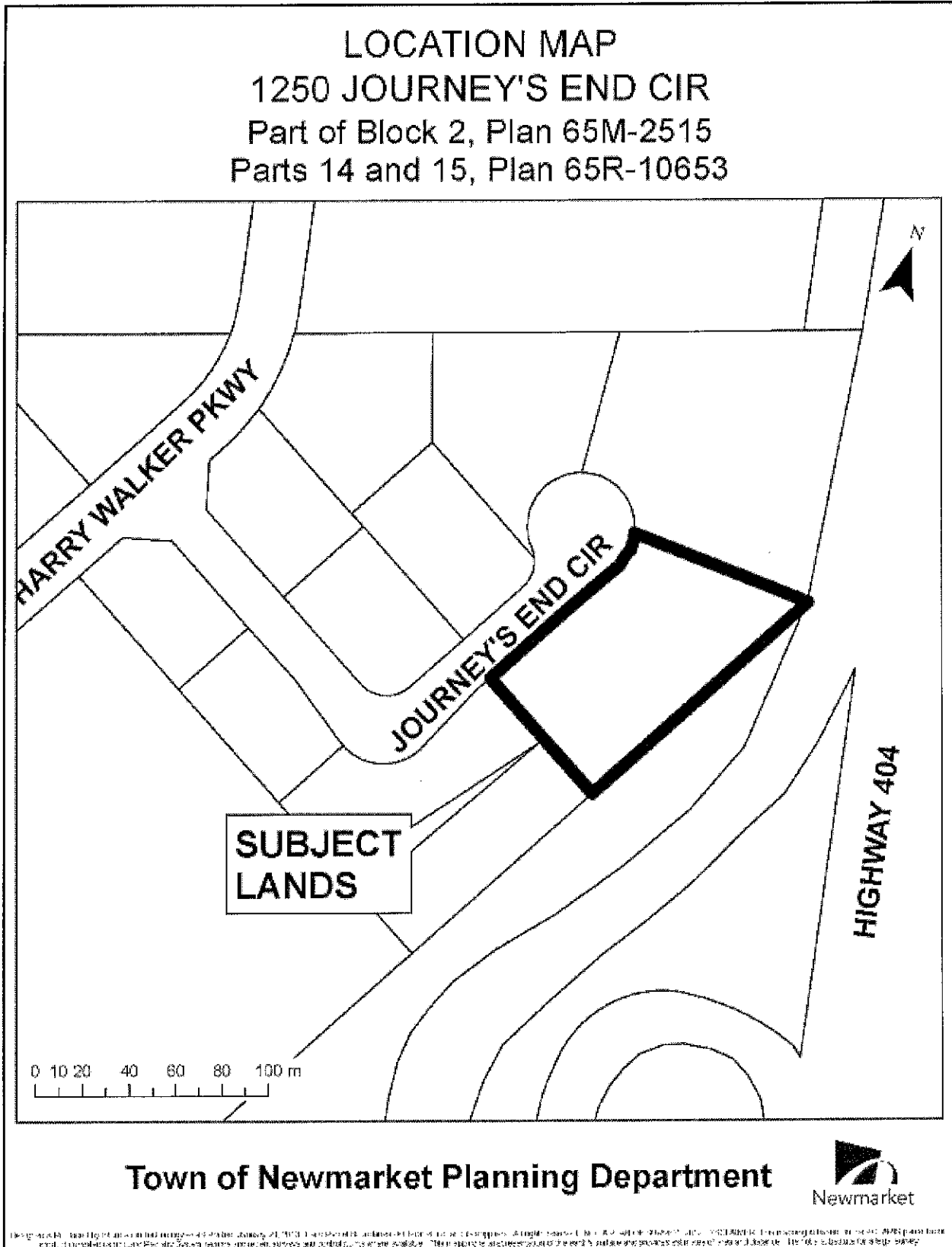
1. Approval shall relate to the draft plan of condominium prepared by E.R. Garden Limited, dated December 3, 2012.
2. The Owner shall provide confirmation from the Director of Engineering Services that the Owner has fulfilled all of its obligations under the Site Plan Agreement dated October 30, 2012, as amended from time to time, or in the alternative, that the Owner has provided sufficient financial security and appropriate completion schedules to ensure that the Site Plan Agreement will be complied with in a timely manner.
3. Prior to registration, the Owner shall obtain any required minor variances to recognize any zoning deficiencies, if required.
4. Prior to final approval, the Owner shall submit a survey substantially in conformity with the plan set out in Condition Number 1 and in conformity with the requirements of the Condominium Act.
5. That prior to final condominium approval, the following shall be prepared to the satisfaction of the Town and the Lake Simcoe Region Conservation Authority:
 - a. A detailed Stormwater Management Plan in conformity with the designated stormwater management policies of the Lake Simcoe Protection Plan (4.8 – 4.11 – DP);
 - b. A detailed Erosion/ Sedimentation Control Plan; and,
 - c. A detailed Grading Plan
6. That prior to final approval, the Owner shall satisfy the LSRCA in writing that they agree to carry out or cause to be carried out the recommendations, measures, and requirements contained within the plans, reports, and studies such as the Stormwater Management Report, as approved by the Lake Simcoe Region Conservation Authority.
7. That prior to any site alteration or grading, proper erosion and sedimentation control measures must be in place in accordance with the erosion and sediment control plan and grading plan.
8. That prior to final approval, the Owner shall satisfy the LSRCA in writing that they agree to retain a qualified professional to certify in writing that the works were constructed in accordance with the plans, reports, and studies as approved by the Lake Simcoe Region Conservation Authority.
9. That prior to final approval, the Owner agrees to pay all development fees to the Lake Simcoe Region Conservation Authority as required in accordance with the LSRCA's Planning and Development Fees Policy.
10. The owner/developer will consult with Canada Post to determine suitable location(s) for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
11. The owner/developer agrees to provide the following for each Community Mailbox site and include these requirements on appropriate servicing plans:
 - a. An appropriately sized sidewalk section (concrete pad), as per Canada Post specifications to place the Community Mailboxes.

14.5

b. Any required curb depressions for wheelchair access.

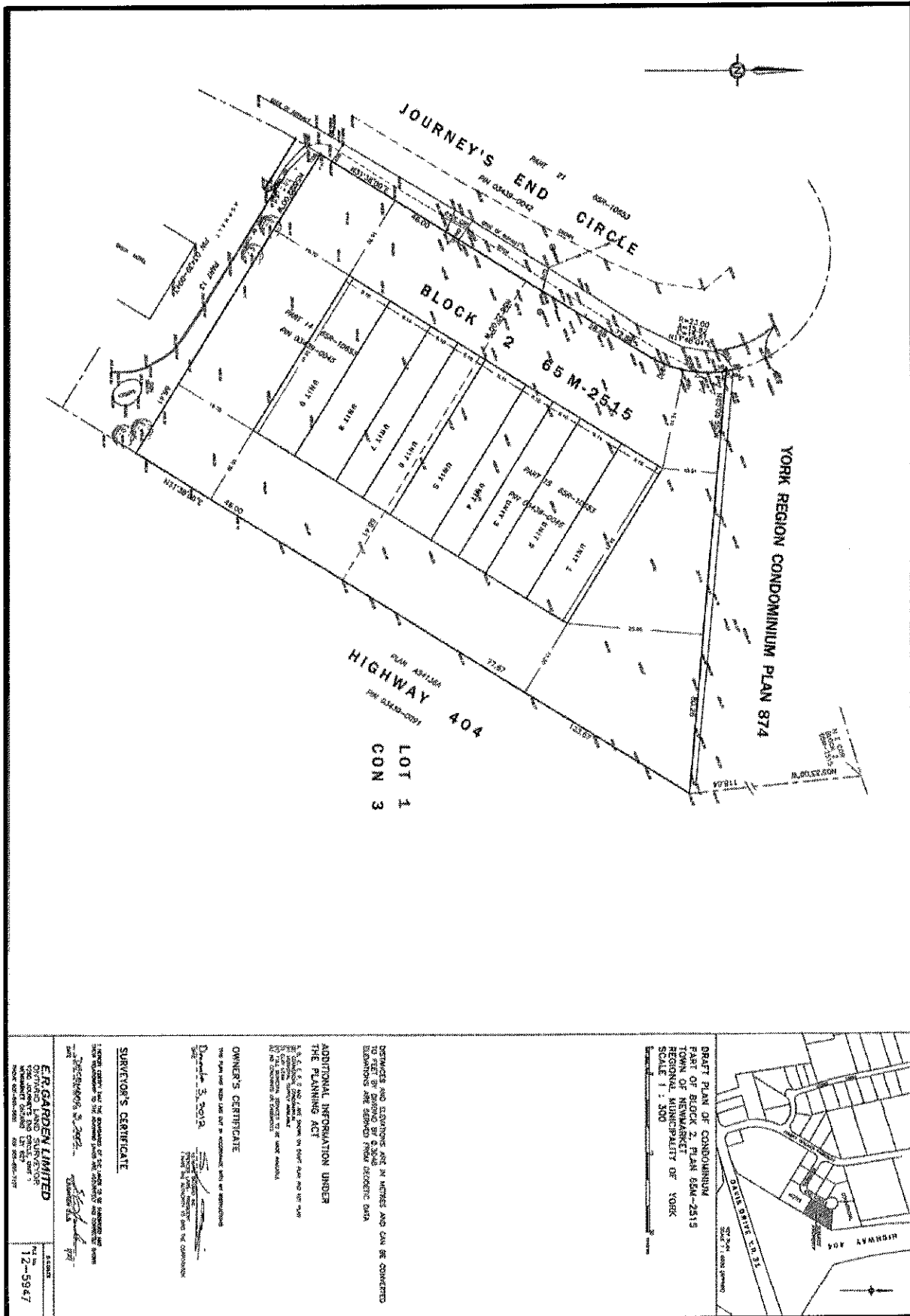
12. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval a Storm Water Management Report/Plan indicating the intended treatment of the calculated runoff. The SWMR shall be accompanied by Site Servicing and Grading Plans (3 copies of each)
13. That prior to final approval, the owner shall submit an illumination plan and calculations in lux. The calculation must be shown to the property line of Highway 404. (2 copies of each)

14.6



14.8

PROPOSED CONDOMINIUM DRAFT PLAN





COMMUNITY SERVICES/PLANNING & BUILDING SERVICES
TOWN OF NEWMARKET
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905.895.5193

15.1

January 24, 2013

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES - REPORT 2013-12

TO: Committee of the Whole

SUBJECT: 115 main Street South
Robertson House Shutters

ORIGIN: Heritage Newmarket/Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2013-12 dated January 24, 2013 regarding 115 Main Street South (Robertson house) be received and the following recommendation(s) be adopted:

1. THAT Council request the Owner(s) of 115 Main Street South, known as the Robertson House, to replace the existing vinyl shutters with custom made wood shutters replicating the original shutters of the Robertson House.
2. AND THAT York Region Condo Corporation No. 828 be notified of this action.

COMMENTS

115 Main Street South, known as the Robertson House, is designated under the Ontario Heritage Act by By-Law 1988-143 for the historical and architectural reasons outlines below:

The brick residence was built in 1873 by John W. Hughes and sold to John W. Marsden, a local businessman, the following year. The building is more closely associated with Thomas Jaffery Robertson, a lawyer and Mayor of Newmarket (1894-1896) who lived in the house prior to purchasing the site in 1896. The brick residence (currently painted) is an excellent example of the Italianate villa style of architecture. The style is evident in the two-storey cube-shaped plan, with two adjoining wings identical in height. The individual parts of the dwellings are covered by separate hip roofs with extended eaves. Two tall brick chimneys are found on the main body and the north wing. Most windows display segmental arch openings with louvered wooden shutters. On the façade (west), the main body forms a projecting frontispiece containing the principal entry and an adjacent French window. The doorway is sheltered by an open single-storey wooden porch with turned posts, decorative woodwork under the eaves, and crenelated rooftop. Similar porches are found on either side of the frontispiece where the wings join the main body.

Council will note that the "wooden shutters" are identified in the reasons for designation. Attachment 'A' shows before and after pictures of the shutters.

15.2

The condominium corporation have indicated that since 2007 they have expended over \$180,000 on major repairs and replacements for the Robertson House including the reproduction of the original wood windows with energy efficient wood materials, painting of the house and construction of the retaining wall and concrete deck. The shutters were replaced with vinyl faux shutters in 2009 at the cost of \$5,000, however, they were incorrectly installed (backwards).

Heritage Newmarket have requested the Owner to replace the vinyl shutters with wooden shutters and hardware replicating the original. The Condo Board have indicated that the installation of wooden replicated shutters would be approximately \$12,000 and the shutter hardware to replicate the original at a cost of approximately \$5,000. The Owner is requesting that they be permitted to keep the vinyl shutters however would reinstall them in the proper configuration.

This request has been considered by Heritage Newmarket and denied. The Committee at their November 13, 2012 meeting made the following recommendation.

“THAT to date the wooden shutters and replicated hardware have not been placed on the building;

AND THAT Council direct staff to have the work completed and recover the restoration costs from York Region Condominium Corporation No. 828 in accordance with Section 69 (5.1) of the Ontario Heritage Act. “

Section 33 of the Act sets out that no owner of a designated property is permitted to make any alteration that is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes unless they apply to Council and receive consent in writing to the alteration.

Where a property has been altered in contravention of the Act, Section 69 (5.1) of the Act allows Council to restore the property as nearly as possible to its previous condition, if it is practicable to do so, and may recover the cost of the restoration from the owner of the property. However, it is our understanding that to be able to pursue the permissions of this Section, a contravention of Section 33 must be established which can only be done through a judicial process.

Since the provisions of the Heritage Act do not specify a limitation period, i.e. the period of time in which a prosecution must be commenced after the act constituting the offence occurred, the limitation provisions of the Provincial Offences Act apply to determine when a prosecution under the Ontario Heritage Act must be commenced.

The relevant provision of the Provincial Offences Act is section 76 which reads as follows:

76. (1) A proceeding shall not be commenced after the expiration of any limitation period prescribed by or under any Act for the offence or, where no limitation period is prescribed, after six months after the date on which the offence was, or is alleged to have been, committed.

15.3

(2) A limitation period may be extended by a justice with the consent of the defendant. R.S.O. 1990, c. P.33, s. 76.

Therefore, the limitation period for the commencement of the prosecution of the offences set out in section 69 of the Ontario Heritage Act is six months after the date on which the offence was, or was alleged to have been, committed. Note that a limitation period may be extended but only with the consent of the defendant.

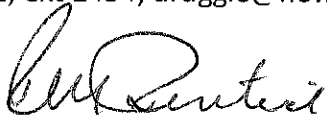
Staff recognizes the importance of preserving Newmarket's cultural heritage and the value in ensuring the reasons for designating a property are preserved over time. As the shutters are explicitly identified in the reasons for designation as being "wooden" it is recommended that Council request the owner replace the vinyl shutters with replicated wooden shutters. At the very least, the existing shutters should be rehung in the proper position.

BUDGET IMPACT (CURRENT AND FUTURE)

There are no budgetary considerations as a result of the recommendations of this report.

CONTACT

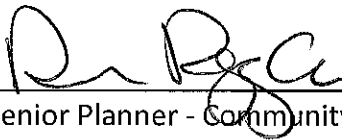
For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca



Commissioner,
Development and Infrastructure Services



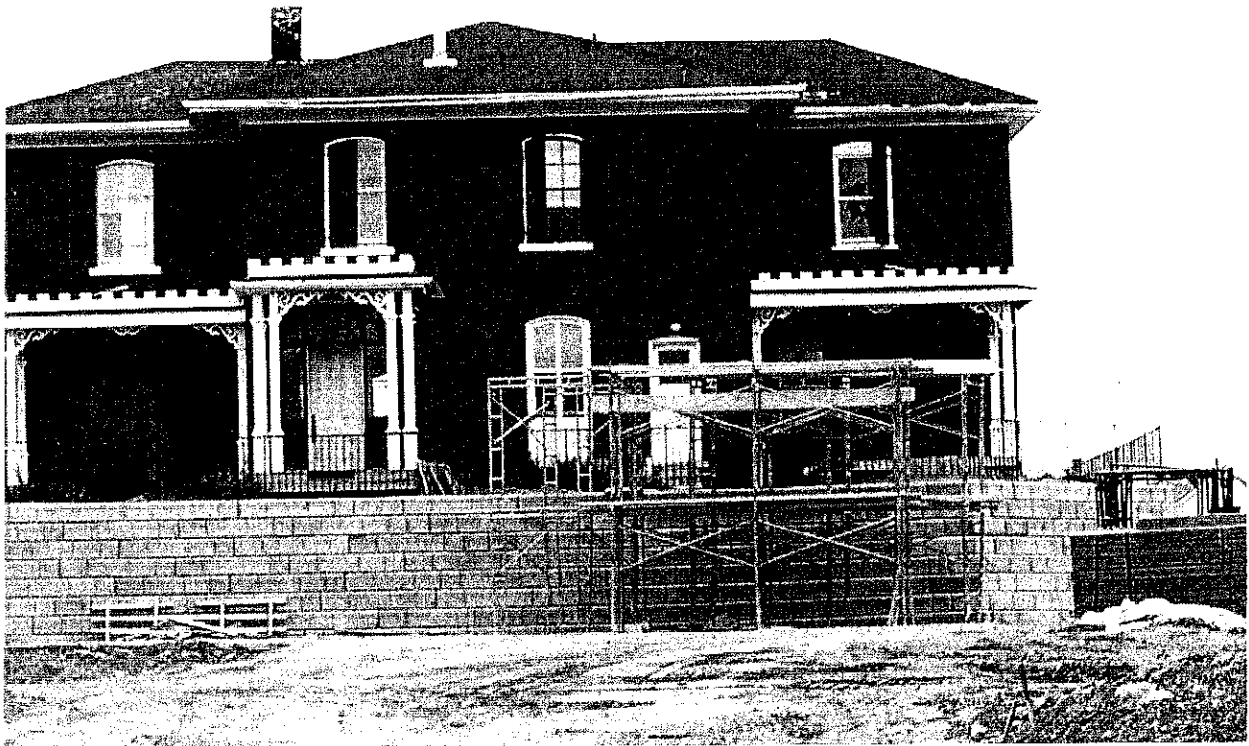
Director of Planning & Building Services



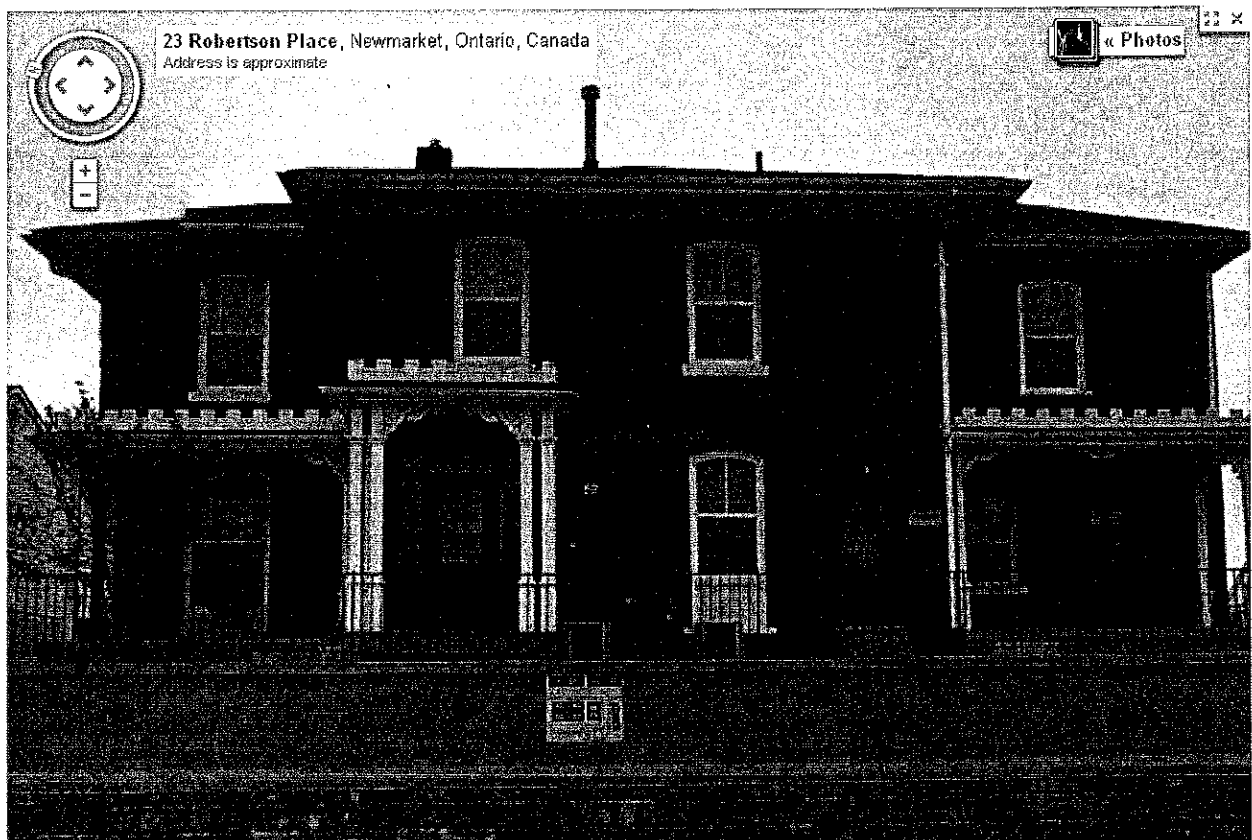
Senior Planner - Community Planning

15.4

Before



After





PLANNING AND BUILDING SERVICES

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

www.newmarket.ca
planning@newmarket.ca
T: 905.953.5321
F: 905.953.5140

16.1

February 14, 2013

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2013-13

TO: Committee of the Whole

SUBJECT: Application for Draft Plan of Subdivision and Zoning Bylaw Amendment
19TN 2005 004
Part of Lot 29, Concession 11, E.Y.S.,
Blocks 1 and 2 Registered Plan 65M-2559
National Homes Inc.
Files: D14-NP12 29/D12-NP12 29

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2013-13 dated February 14, 2013 regarding Application for zoning by-law amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:

1. THAT the Application for zoning by-law amendment and Draft Plan of Subdivision, as submitted by National Homes Inc. for lands being composed of Blocks 1 and 2 Registered Plan 65M-2559 be referred to a public meeting.
2. AND THAT following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.

AND THAT Mark Pavkovic, National Homes, 291 Edgeley Boulevard Suite # 1, Concord, ON, L4K 2Z4 be notified of this action.

Lawpark Boulevard. (See Location Map attached)

Rezone the subject property from the existing Transitional zoning to
from R1-C (18m zone), R1-D (15m zone), R1-E (12m zone), R1-F (9.7m zone) and

Open Space (OS-1) Zone to permit a draft plan of subdivision containing 143 single family units and two open space blocks for parkland dedication and open space associated with the watercourse.

Preliminary Review

Background

This application is a reopening of an existing application for zoning by-law amendment and Draft Plan of Subdivision submitted in 2005 from MI Developments (The Stronach Group) for 114 single family dwellings. Staff reported on the proposal and Council referred the application to a Statutory Public Meeting. Prior to scheduling the public meeting, MI Developments indicated they intended to revise the plan therefore no public meeting was scheduled. There had been no further movement on the file until recently when it became apparent that the Stronach Group were offering the property for sale. National Homes were successful in obtaining the property.

The revisions from the original proposal are an increase in density from the 114 detached unit proposal to 143 single family dwellings, the proposed access northerly to Quaker Trail has been removed and an extension to Robellino Court is being proposed.

Land Expropriation

The applicant is proposing an extension of Robellino Court into the subject lands to accommodate 11 single family dwelling lots. The existing lots at the terminus of Robellino Court abut each other so any extension of Robellino Court would require lands that are currently in private ownership. The applicant has expressed a desire for Council to expropriate the lands to facilitate the extension of the Road. A letter from the applicant's planning consultants indicate that, in their opinion, the proposed expropriation meets the requirements of the Expropriation Act and that the Town not holding a reserve or land block to facilitate an extension was an oversight at the time of plan registration. Staff are of the opinion that this was not an oversight and that the adjacent Draft Plan of Subdivision was deliberately designed in this way to ensure that access to the west would be restricted. At the time Robellino Court was developed, the subject lands were designated Major Open Space and Industrial and it would have been appropriate to restrict access to these lands from the designated residential developments to the east.

Property is expropriated either for government use who will devote it to public or civic use or, in some cases, economic development. The most common uses of property taken by expropriation are for public utilities, transportation corridors, and public facilities. Expropriation must be justified and in the Public Interest. The expropriation of privately owned property for the extension of Robellino Court to support 11 single family dwellings may not be in the Public Interest, as it does not appear to provide any community benefit. There is no municipal need to extend the existing road and the land owner has the ability to access these lands from within the site. However, to do so would require a bridge over the existing creek which carries its own set of issues such as costs and potential environmental impacts.

Council may, if they deem it appropriate, initiate an expropriation process; however the Town cannot be compelled to do so.

Access to the north

The original application submitted in 2005 by MI Developments contemplated a road connection from this proposed subdivision to the Quaker Hill trail to the north. This connection would have required a crossing of a watercourse. National Homes have removed this proposed road connection from the proposed draft plan. The appropriateness and needs assessment for the northerly road connection are continuing through the on-going review of the traffic work and other relevant issues.

Traffic and Roads

As noted above, the traffic review is on-going and additional analysis by the proponent is required. Once the additional information is received and reviewed, the adequacy of the proposed road network including the proposed public accesses to the site and the proposed access for emergency vehicles can be determined. The review has also identified an issue with the acute bend proposed at Street E/D which will have to be resolved as well as some comments relating to proper road widths and pedestrian movement.

Stormwater Management

The review of the Functional Servicing Report has indicated that there are a number of issues related to the retrofit of the existing stormwater management pond that will have to be addressed prior to final draft plan approval. Additional analysis in relation to the proposed storm sewer design is also required.

Noise analysis

The submitted Environmental Noise Assessment indicates that noise mitigation is required at the west side of the property to mitigate noise from the existing employment uses (Body Cote Plant). According to the report, the acoustic barrier (consisting of a combination of fencing and berming) of 5m to 9.5m (16 to 31 feet) is required to mitigate noise in the park and rear yards of the proposed lots on the west side of the plan. These heights are significant and every opportunity to reduce them is to be explored including discussions with the adjacent industrial user to mitigate the noise at the source. Furthermore, any areas associated with noise attenuation features within the block proposed for parkland purposes would not be considered part of the required parkland dedication under the Planning Act.

Parkland

A 0.89 hectare park is being proposed in the southwest corner of the proposed draft plan and a 0.22 hectare park is being proposed on the east side of the creek. Based on the population density forecasts in the Southeast quadrant the Town will require an additional 3 to 3.5 hectares of parkland. The parcels proposed by National Homes as parkland would be approximately one hectare which would help reduce the potential shortfall in the future. However, the proposed smaller parkland on east side (Block B) is not suitable for a park setting and not appropriate for parkland dedication based on the size, configuration and location. The proposed park on the west side (Block A) would suffice for a neighbourhood park as defined in the Parks Policy Development Manual. Under the Planning Act, the Town would be entitled to 5% of the subdivision land area for parkland dedication. The subdivision has a total area of 13.18 hectares therefore the required land area under the Act would be approximately 0.66 hectares.

Official Plan Considerations

The subject property is designated Emerging Residential in the 2006 Official Plan which permits both single and semi detached dwellings. Section 3.3.2(3) of the residential policies of the Official Plan discuss

compatibility requirements where new housing stock is proposed against existing residential stating that they should generally have a physical character similar to the existing neighbourhood in terms of density, lot sizes, maximum building heights and minimum setbacks. Where this proposal abuts existing residential lots, the lots being proposed are generally of a similar size or larger.

The proposed rezoning and draft plan of subdivision application appears to conform with the purpose and intent of the Official Plan.

Zoning Bylaw Consideration

The Subject Property is currently zoned Transitional by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Subject Property to the Residential Detached Dwelling 15m (R1-D) zone and the Residential Detached Dwelling 12m (R1-E) zone, Residential Detached Dwelling 9.7m (R1-F) zone and the Open Space (OS) zones to implement the plan. As this development proposal does not have servicing allocation, the Holding (H) provisions of the Planning Act will be required in the event the property is rezoned.

Servicing Allocation

Servicing allocation has not been granted for this proposed draft plan of subdivision.

Provincial Policy Statement

The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters "shall be consistent" with this policy statement. The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The proposed draft plan of subdivision is consistent with the PPS by providing an appropriate residential density in the settlement area of the Town of Newmarket that has been identified in the Official Plan for residential development.

This proposal appears to be consistent with the relevant provisions of the Provincial Policy Statement (2005).

Departmental and Agency Comments

Engineering Services have provided comments relating to roadways and traffic, storm water management and the proposed parks as discussed above.

Central York Fire Services have no objection to the proposed zoning by-law amendment and Draft Plan of Subdivision subject to the acceptance of specific conditions relating to firebreak lots, timing of services and the installation and maintenance of the proposed emergency access. CYFS have also indicated a concern with the road geometry and the ability of emergency vehicles to manoeuvre appropriately which will have to be addressed through the processing of the plan.

Agency Comments

The Town has also received comments from various agencies that will be addressed throughout the planning process.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The continued development of this parcel of land is in accordance with the Newmarket Official Plan and has linkages to the Community Strategic Plan as follows:

Living Well: protecting and enhancing environmentally sensitive features

Well Balanced: encouraging a sense of community through an appropriate mix of land uses and amenities.

Well-Planned & Connected: implementing the policies of the Official Plan

CONSULTATION

The application has been circulated for comment to internal departments and external agencies. This report recommends the applications be referred to a statutory public meeting.

BUDGET IMPACT

Operating Budget (Current and Future)

The appropriate planning application fees have been received for zoning bylaw amendment and draft plan of subdivision. The Town will also receive revenue from development charges and assessment revenue with the development of this subdivision.

Capital Budget

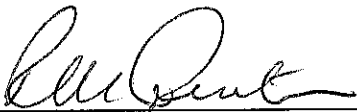
There is no direct capital budget impact as a result of this report.

CONTACT

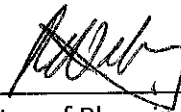
For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

Attachments

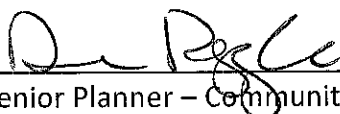
- 1 - Location Map
- 2 - Proposed Draft Plan of Subdivision



Commissioner Development and Infrastructure Services



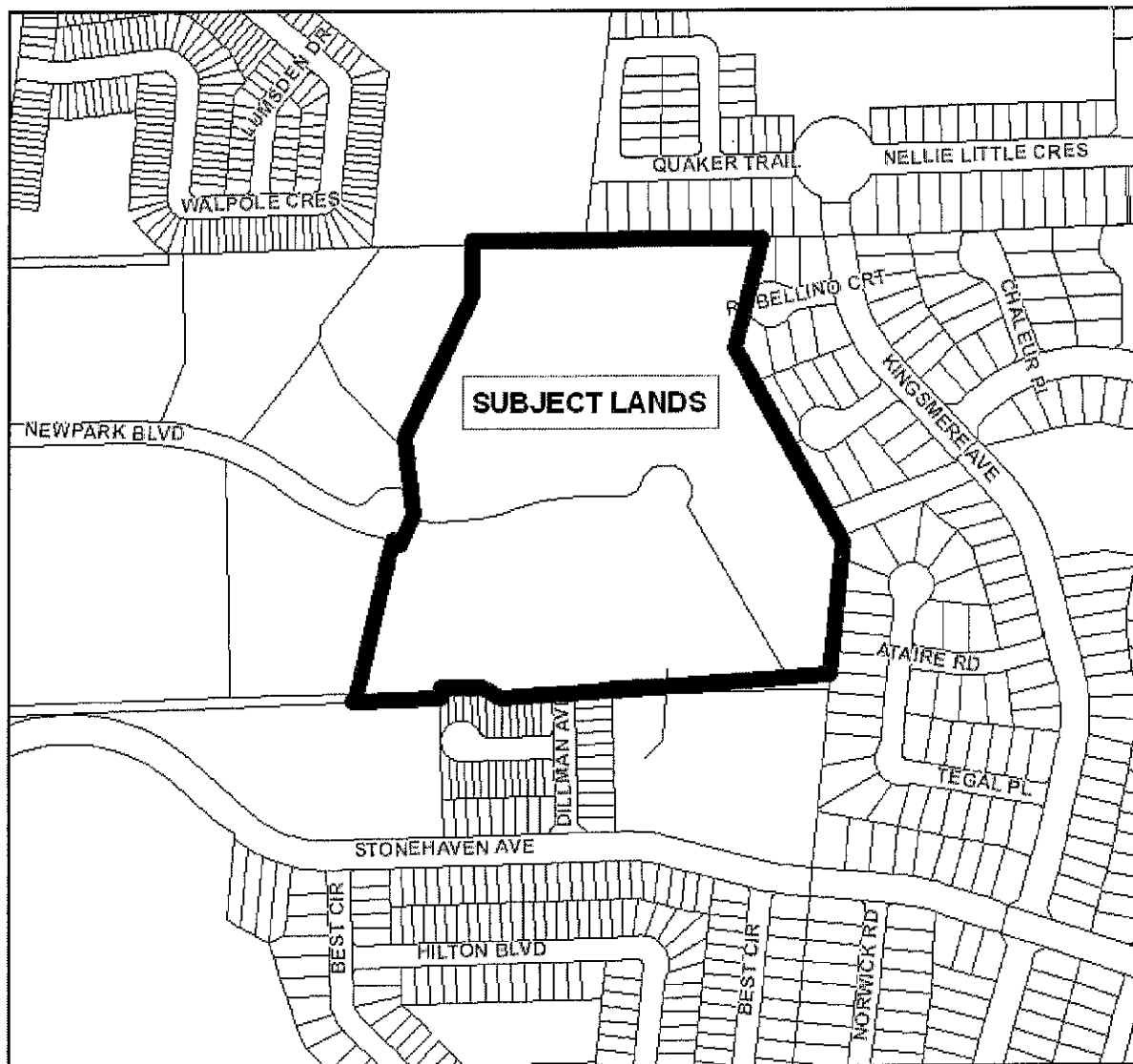
Director of Planning and Building Services



Senior Planner – Community Planning

LOCATION MAP

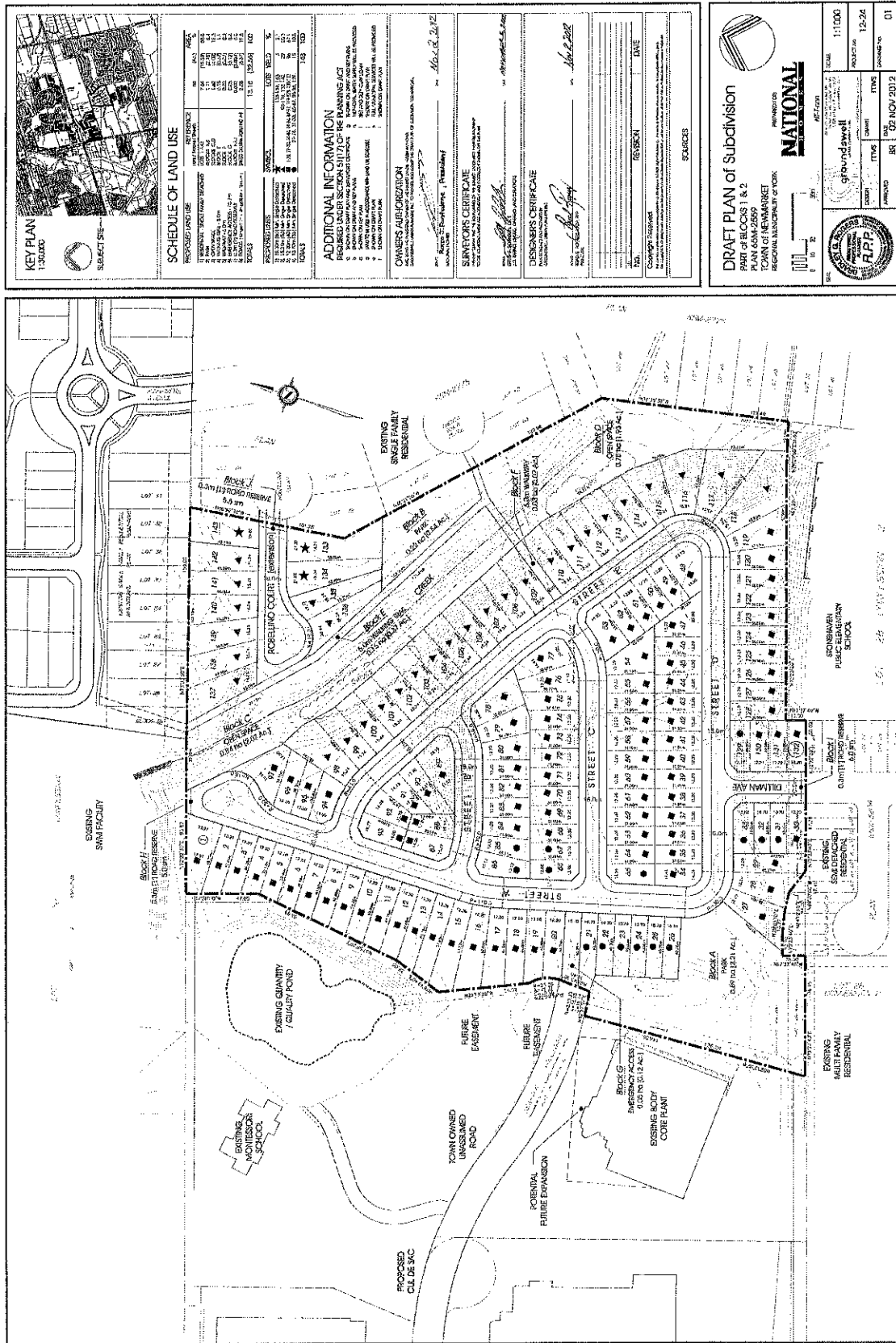
**Part of Lot 29, Concession 11, E.Y.S.,
Blocks 1 and 2 Registered Plan 65M-2559**



TOWN OF NEWMARKET PLANNING DEPARTMENT

Designed & Produced by: Information Technology - GIS Contact: 2007 Coburn Ortho Imagery - © J.D. Barnes Limited, 2007 Orthophotography; Land Parcel Boundaries - © Teanelec, and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2009; Municipal Boundary - Geomatics Division, Planning and Development Services Department; The Regional Municipality of York, 2009.
DISCLAIMER: This mapping is based on the POLARIS parcel table produced 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. It is not a substitute for a legal survey.

16.7



TOWN OF NEWMARKET

Outstanding Matters

Reviewed by OLT
February 12, 2013

1.	Committee of the Whole Minutes – June 9, 2008 – Item 25 Legal & Development Services Report – Building & By-laws 2008-09 Draft Noise By-law	<ul style="list-style-type: none"> THAT Legal and Development Services Report – Building and By-laws 2008-09 dated June 3, 2008 regarding the Draft Noise By-law be received and referred to a Strategic Directions Workshop. 	This matter to be discussed at an upcoming Council Workshop Deferred by Council on Nov 23/09 to next term of Council – will be placed on that O/S list May/June Get/Now 2012 Feb 2013 April 8, 2013	Information report forthcoming; then to Workshop for discussion in March/April May/June 2009 Workshop May/June 2011 Draft by-law developed, Report will address Infill development protocol This will follow Sign By-law and ADU Reports
2.	Committee of the Whole Minutes – August 30, 2010 – Item 41 Legal and Development Services Report – Joint Legal and Planning 2010-29; Ontario Municipal Board Appeals – Town of Newmarket Comprehensive Zoning By-Law 2010-40	<ul style="list-style-type: none"> THAT staff seek clarification regarding Ontario Municipal Board hearing timelines and report back. 	Date to be determined	Timelines to be determined Awaiting prehearing date from OMB

17.1

Strikethrough indicates that the item will be removed from the outstanding list prior to the next OLT meeting
Bold indicates that the item will be on the upcoming agenda

Last revisions made on February 14, 2013
(Updated and including Committee of the Whole Minutes of February 4, 2013)

3.	Committee of the Whole Minutes – September 13, 2010 – Item 9 Community Services Information Report ES 2010-76 Bogart Pond Siltation Presentation – Background Information	<ul style="list-style-type: none"> AND THAT staff be authorized to meet with the concerned residents, the Lake Simcoe Region Conservation Authority (LSRCA), the Region of York and the Councilors representing Ward 1 and Ward 2 to review these local siltation control concerns and report back to Council in January of 2011. AND THAT staff investigate an effective siltation practice and report back. 	Date to be determined	Jan/Feb 2011
4.	Committee of the Whole Minutes – February 27, 2012 – Item 18 Corporate Services Report – Legislative Services – By-Laws 2012-05 Sign By-Law	<ul style="list-style-type: none"> THAT Corporate Services Report – Legislative Services – By-laws 2012-05 dated February 9, 2012 regarding the Sign By-law be received and that staff bring the draft Sign By-law back to Committee of the Whole for approval upon completion of the community input process. 	April/May 2012 Sept/12 Feb/March 2013	Application submitted for funding for a Feasibility Study to the Lake Simcoe Region Conservation Authority Further Public Consultation and Outside Legal Advice required
5.	Special Committee of the Whole (Budget) Minutes – April 4, 2011 Item 2C) Community Services Report Public Works Services 2011-30 Update – Partners for Climate Protection	<ul style="list-style-type: none"> THAT the proposed strategies be referred back to the PCP Committee Working Group to provide a further report to a future Committee of the Whole meeting. 	Date to be determined Sept/Oct/Nov Dec 2014 April 2013	Report to follow after Working Group meeting PWS to provide updates Circulated to NEAC – Comments provided to Commissioner through Minutes of November 7, 2012
6.	Committee of the Whole Minutes – May 24, 2011 – Item 18 Community Services Report – PWS 2011-34 – Amendment to the Waste Collection By-law 2007-77	<ul style="list-style-type: none"> AND that staff be directed to enforce the use of certified compostable bags through education and encouragement only for a minimum period of twelve months with staff reporting back to consider options thereafter. 	May Sept/12 Nov/12	Awaiting update from Region, Information Report to be circulated

17.2

7.	Committee of the Whole Minutes – March 21, 2011 – Item 6 Community Services Report – ES 2011-15 Northwest Newmarket Quadrant – Traffic Monitoring Status Update	<ul style="list-style-type: none"> • THAT Engineering Services staff bring a report back to Town Council with the results of all studies including mitigation measures if required, and next steps. 	Jan/Feb 2012 Feb. 27, 2012 June, 2012 Dec 10/12 February March 2013	Waiting for report from NWQ developer's group
	Committee of the Whole Minutes – February 28, 2011 – Item 7 Community Services Report – ES 2011-07 Official Plan – Schedule D – Bicycle Lane Implementation Plan	<ul style="list-style-type: none"> • AND THAT the On-street Bicycle Lane Implementation Plan be brought back to Town Council for review and adoption including a phasing plan in consideration of budgetary requirements and implementation. 	June Oct/Nov12	Part of Active Transportation Plan coordinated by Planning Dept.
8.	Committee of the Whole Minutes – June 13, 2011 – Item 15 Replacement of Stickwood/Walker Barn	<ul style="list-style-type: none"> • THAT the construction of a heritage barn on this site be the subject of consultation with the area residents with staff reporting back to Council within 120 days. 	February March/April 2013	Met with proponent; report will follow when information requested is received
9.	Committee of the Whole Minutes – September 19, 2011 – Item 3 Community Services Report – Planning & Building Services 2011-35 – 425 and 431 Davis Drive – Union Hotel/VivaNext	THAT Council endorses the preservation of the historic buildings located at 425 and 431 Davis Drive, in principle, subject to cost analysis and a staff report with respect to options available; AND THAT this matter be referred to staff for further discussion with VivaNext and Heritage Newmarket Committee to investigate options and that the staff report come back to Committee of the Whole or Site Plan Review meeting, as appropriate.	Date to be determined	Report pending receipt of site plan application
10.	Committee of the Whole (Budget) Minutes – November 21, 2011 (1:30pm) – Item 8 – Chief Administrative Officer Report 2011-16 – Budget 2012 – Council Requested Items – Graffiti Removal	<ul style="list-style-type: none"> • THAT staff report back on the effectiveness of the program upon completion of the first trial year. 	February 25, 2013	
11.	Council Minutes – November 28, 2011 – Item 60 – Community Services Report – ES 2011-82 – Commissioner – Viva Streetscape Design Comments	<ul style="list-style-type: none"> • THAT staff be directed to report back with a recommended streetscape program with capital and operating cost estimates, including options as appropriate for consideration by Council. 	April 2012 May/June Nov-12 April 2013	Report to follow review by Viva Task Force

17.3

12.	Special Committee of the Whole Minutes – December 19, 2011 – Item 2 Corporate Services Report – Legislative Services – Clerk's 2011-21 – Committees and Task Forces	<ul style="list-style-type: none"> THAT Corporate Services Report - Legislative Services – Clerk's 2011-21 dated December 15, 2011 regarding Committees and Task Forces be received and that staff report back to Committee of the Whole in February 2012 on the various options discussed. 	April 2013	
13.	Committee of the Whole Minutes – April 30, 2012 – Item 16 Corporate Services Report – Legislative Services 2012-13 – Canadian Coalition Of Municipalities Against Racial Discrimination (CCMARD) Membership	<ul style="list-style-type: none"> AND THAT staff report to Committee of the Whole with a draft Action Plan in support of the Ten Common Commitments in 2013, following input from the Inclusivity Advisory Committee; 	April 2013	
14.	Special Committee of the Whole (Closed Session) Minutes – May 7, 2012 – Item 2 – Closed Session Office of the CAO and Community Services (Planning and Building Services) Report 2012-19 – Property Matter in Ward 4 (Denne House)	<ul style="list-style-type: none"> AND THAT staff report back to Council 	June 2012 Nov. 12	May be a special meeting of Council
15.	Committee of the Whole Minutes – April 30, 2012 – Item 17 Chief Administrative Officer Report 2012-06 Council Code of Conduct Process	<ul style="list-style-type: none"> AND THAT staff make the appropriate revisions to the Council Code of Conduct and the related by-law and report to Committee of the Whole with the revised Council Code of Conduct, the revised by-law and any applicable policy or policies. 	April/May 2013	Integrity Commissioner providing feedback on current policy, Report to follow thereafter
16.	Committee of the Whole Minutes – June 11, 2012 – Item 29 Community Services – Recreation and Culture, and Public Works Services; and Corporate Services – Legal Services; and By-Laws Joint Report 2012-38 – Parks By-Law	<ul style="list-style-type: none"> AND THAT staff provide a comprehensive report back to Committee of the Whole 	August 2012 February March/April 2013	Consultation ongoing
17.	Committee of the Whole Minutes – May 22, 2012 – Item 29 New Business (Traffic Safety Audit)	<ul style="list-style-type: none"> THAT a traffic safety audit be conducted for the area of Savage Road and Sawmill Valley Drive and a report be brought back in September/October 2012. 	Nov. 12 Feb. 25, 2013	
18.	Committee of the Whole Minutes – September 17, 2012 – Item 9 Motion – Taxi Licensing	<ul style="list-style-type: none"> THAT staff evaluate the opportunity to amend the fee for New Taxi Owner Plates to better reflect a market rate. 	February/ March 2013	Legal opinion received

17.4

19.	Committee of the Whole Minutes – October 9, 2012 – Item 14 Legislative Services Deputation – Egg Laying Hens	<ul style="list-style-type: none"> THAT the PowerPoint presentation and the additional information regarding egg laying hens be received and referred to staff and the Newmarket Environmental Advisory Committee for comments and report back within 120 days. 	March/April 2013	
20.	Committee of the Whole Minutes – November 19, 2012 – Item 29 Corporate Services Report – Financial Services 2012-47 Best Practices for Elected Officials Expenses	<ul style="list-style-type: none"> THAT Council in principle endorse a policy related to best practices for elected officials' expenses and staff prepare a report dealing with the following in January/February 2013: Delineating between discretionary spending Address options of eligible and ineligible expenses Provide examples of detailed expense policies Staff authorization of spending limits Consideration for a reporting process 	March 2013	Workshop scheduled for February 2013
21.	Committee of the Whole Minutes – December 10, 2012 – Item 15 Community Services Report – Engineering Services 2012-91 Huron Heights Drive Safety Review Berman Drive to Elgin Street Update	<ul style="list-style-type: none"> THAT the matter of safety review of Huron Heights Drive – Berman Drive to Elgin Street be referred to staff to address concerns raised and investigate the feasibility of another stop sign installation at the Huron Heights Drive/Wayne Drive intersection and permitting the one at the Waratah Avenue/Columbia Court intersection to remain as is; AND THAT the matter be revisited and reported back by April/May 2013. 	April/May 2013	
22.	Committee of the Whole Minutes – January 14, 2013 – Item 17h) New Business	<ul style="list-style-type: none"> Councillor Sporgia requested staff investigate the need for an accessible parking space on Main Street between Ontario Street and Davis Drive and report back by April 2013. 	April 2013	

17.5



TOWN OF NEWMARKET
Legislative Services Department
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7
www.newmarket.ca
clerks@newmarket.ca
905.895.5193

18.1

Request for Deputation

Request for deputation and/or any written submissions and background information for consideration by either Council or Committee of the Whole must be submitted to the Legislative Service's Department by the following deadline:

For Council – by 12 noon on the Wednesday immediately prior to the requested meeting.

For Committee of the Whole (for items not on the agenda) – by 12 noon on the Wednesday twelve days prior to the requested meeting.

PLEASE PRINT

COUNCIL/COMMITTEE DATE: February 25, 2013
AGENDA ITEM NO. _____ SUBJECT: Fair Access Project
NAME: Region of York - Human Services Collaboration Unit
ADDRESS: 17250 Yonge St.
Street Address
Newmarket, Ontario L3Y 6Z1
Town/City Postal Code
PHONE: HOME: _____ BUSINESS: 905 830-4444 x12056
FAX NO.: 905 895-6616 E-MAIL ADDRESS: Mary.Durante@york.ca
NAME OF GROUP OR PERSON(S) BEING REPRESENTED (if applicable)

Human Services Planning Board of York Region -

BRIEF STATEMENT OF ISSUE OR PURPOSE OF DEPUTATION

Presentation by Susan La Rosa, past Director of Education York Catholic District School Board Co-Chair of the Human Services Planning Board, Region of York, regarding the Fair Access Project

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

Human Services Planning Board of York Region

Town of Newmarket
Committee of the Whole
February 25, 2013

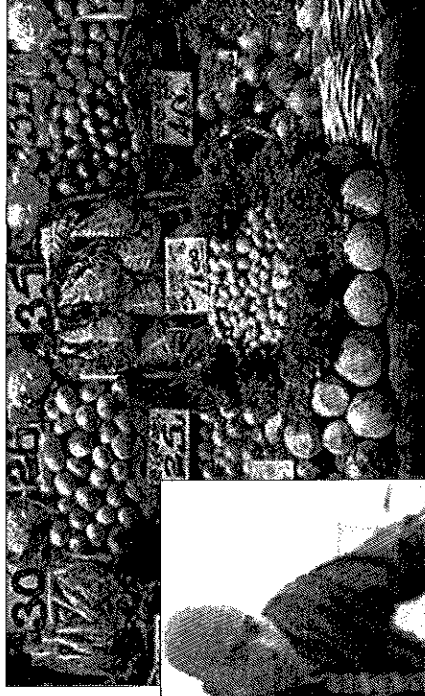


18.2

...collaboration...collective leadership...partnerships...

Presentation Overview

- Human Services Planning Board of York Region
- Making Ends Meet in York Region- Collective Action



18.3

Making Ends Meet in York Region

A Community Model for Change

TARGET POPULATION

Low and moderate income families and individuals in York Region who are struggling to make ends meet



COMMUNITY RESULTS

Affordable Housing

"A good mixture of safe and affordable housing options and programs throughout York Region for low and moderate income families and individuals to make ends meet"

Economic Self-Sufficiency

"A strong combination of employment and human services supports for low and moderate income families and individuals to make ends meet"

18.4

Board Member Organizations commit to 60 actions to turn the curve

Affordable Housing = 16

INDICATOR AREAS:

- Housing Options/Type
- Housing Affordability
- Housing programs and waitlists
- Housing Policy Decisions



Economic Self Sufficiency = 44

INDICATOR AREAS:

- Workforce Development
- Income Levels, Food Security, Financial Literacy
- Child and Elder Care



18.5

Making Ends Meet in York Region Collective Action Plan

****Host a Housing Affordability
Discussion Series**

Housing Hub Model

Host a Social Assistance Review
Commission Options Paper
Discussion

Mentoring Partnership Program
Convening Public Education and
Awareness – Meeting House
Series

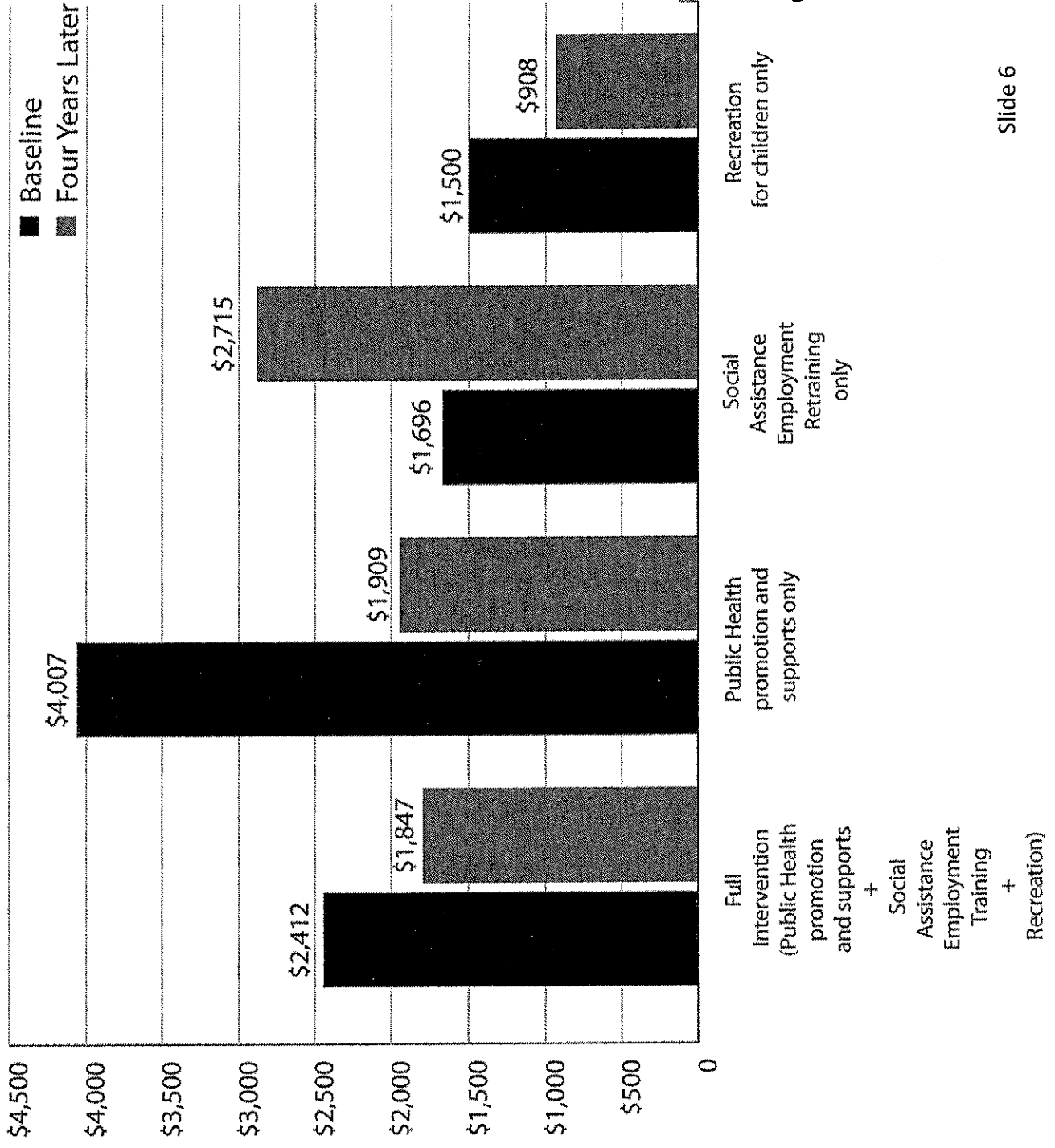
Funder Discussions
Financial Literacy Tools

****Fair Access**



18.6

Return on Investment



Per Child/Youth
Total Expenditures
for Direct Use
of Health and
Social Services

(Four Years Later)
4 to 16 Year Olds

*Adapted from "When the
Bough Breaks",
Dr. Gina Browne

18.7

Partners Working Together

- Re-examining fees & current policies
- Looking strategically at how partners can access programming space more efficiently
- Re-examine program funding focus ie. York Region Family Strengthening funding
- Sponsor research work to strategically analyze current practices

18.8

Making Ends Meet in York Region

How might we *support* low and moderate income families and individuals to make ends meet in York Region?



www.york.ca/hspb



PLANNING & BUILDING SERVICES

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

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planning@newmarket.ca
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F: 905.953.5140

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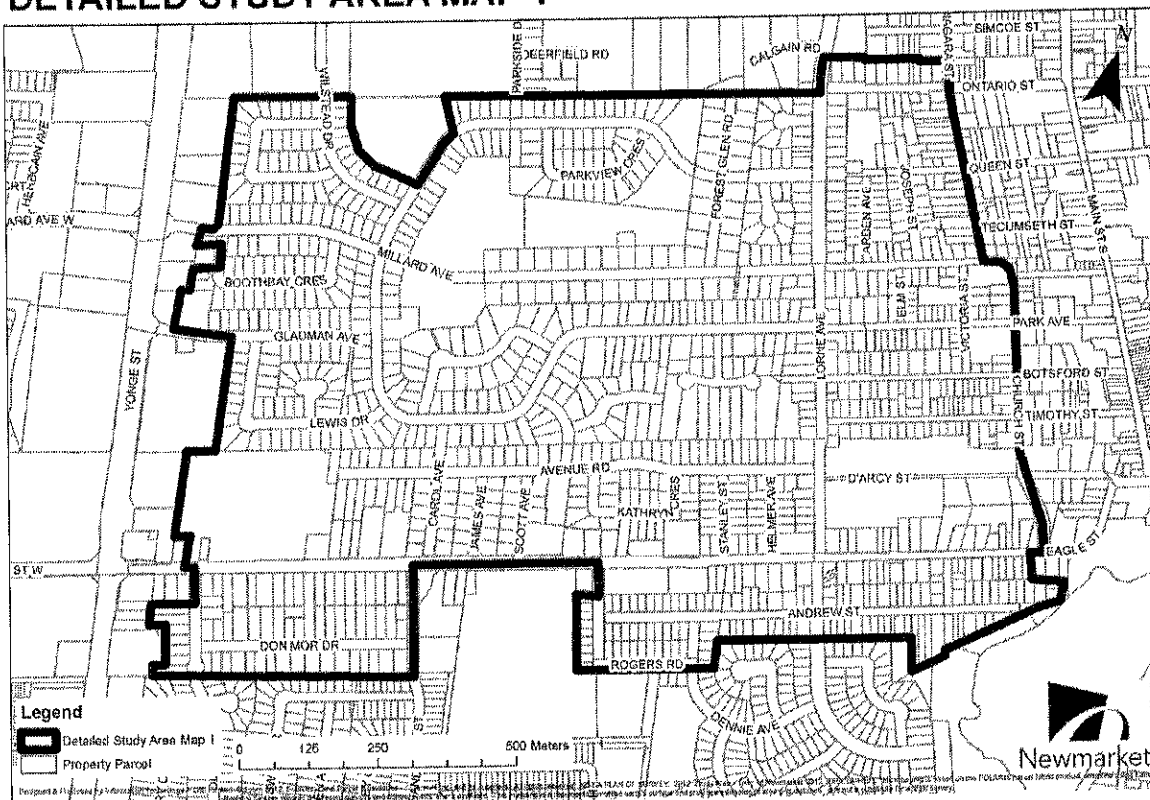
PUBLIC MEETING CONCERNING PROPOSED AMENDMENTS TO THE COMPREHENSIVE TOWN-WIDE ZONING BY-LAW

TAKE NOTICE that the Council for the Corporation of the Town of Newmarket will hold a **PUBLIC MEETING** on:
Monday February 25, 2013 at 7:00 PM

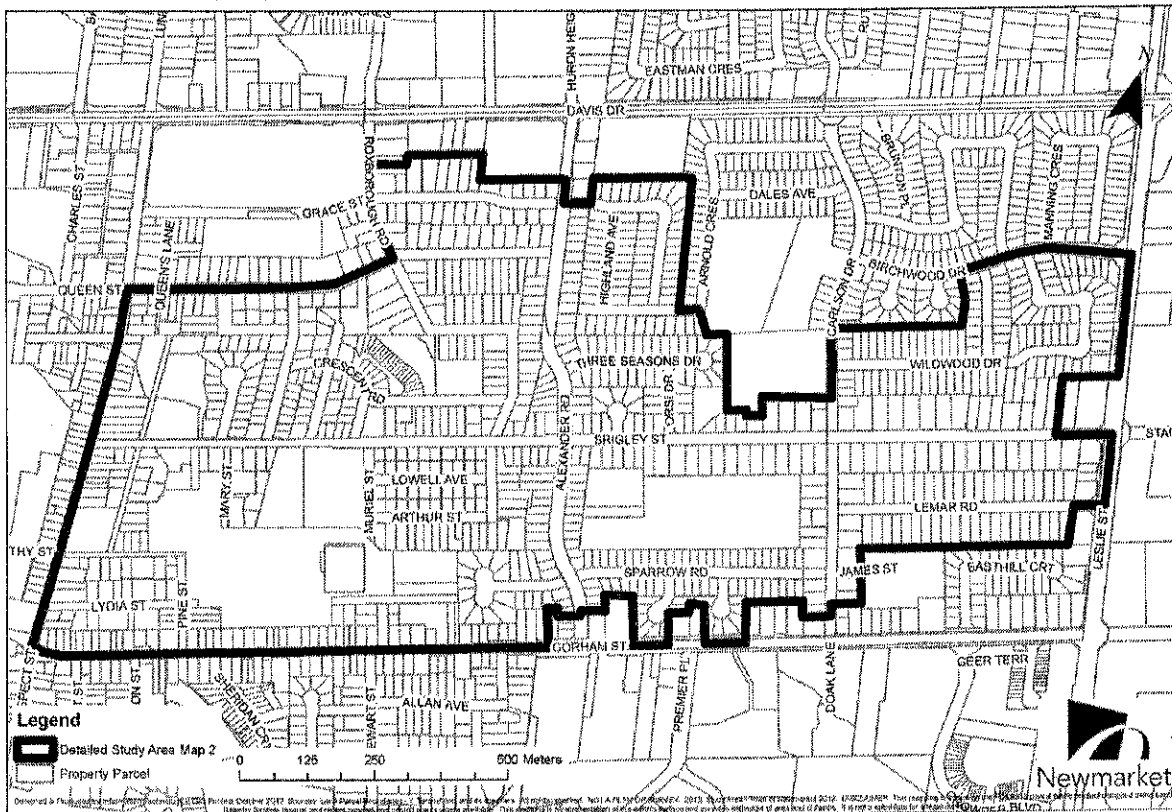
in the **Council Chambers at the Municipal Offices, 395 Mulock Drive**, to review proposed amendments to the comprehensive Town-wide Zoning By-Law under Section 34 of the *Planning Act*, R.S.O. 1990 c. P.13 as amended.

Intensification and redevelopment of residential neighbourhoods can occur over time. Compatibility of new infill homes or additions to existing homes is an objective of planning and zoning to ensure an appropriate relationship between properties and land uses. Compatibility is achieved, in part, by regulating land use and built form. In an effort to achieve compatibility in stable residential neighbourhoods, amendments to the residential zone standards are proposed. The principle behind establishing new standards is that the regulations would be reflective of the existing built form for an identified neighbourhood. Changes to the minimum lot area and frontage, maximum lot coverage and minimum building setbacks are being proposed for the R1-D and R1-C zones in Newmarket generally bounded by Yonge Street, Davis Drive, Leslie Street and Mulock drive with some exceptions. The detailed area is identified below.

DETAILED STUDY AREA MAP 1



DETAILED STUDY AREA MAP 2



The purpose of the Public Meeting is to provide information to the public and to receive comments from the public in a formal manner. Any person may attend the Public Meeting to make written or verbal representation relating to the proposed amendments. If you wish to use the Town's audio/visual system, please contact the Clerk's Office not later than noon on the day of the Public Meeting to make the appropriate arrangements. Should you be unable to attend the Public Meeting, your written submission will be received up to the time of the meeting.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a 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 Ontario Municipal Board.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a 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 Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

ANY PERSON WISHING FURTHER INFORMATION relating to the proposed Zoning By-Law amendments or on how to obtain a copy of this notice should contact the Planning Department (905-953-5321) between 8:30am and 4:30pm on weekdays at the Municipal Offices, 395 Mulock Drive, Newmarket.

Dated: January 25, 2013

TOWN OF NEWMARKET COUNCIL - EXTRACT - MONDAY, NOVEMBER 5, 2012

	REF'D TO	COPY TO		REF'D TO	COPY TO
Mayor Tony Van Bynen			Community Services, Commissioner of		
Reg. Councillor Taylor			Corporate Services, Commissioner of		
Councillor Di Muccio			Planning and Building, Dir. of		
Councillor Emanuel			Recreation and Culture, Dir. of		
Councillor Hempen			Human Resources, Dir. of		
Councillor Kerwin			Engineering Services, Dir. of		
Councillor Sponga			Public Works Services Dir. of		
Councillor Twinney			Financial Services, Dir. of		
Councillor Vegh			Legal Services, Dir. of		
			Legislative Services, Dir. of		
CAO			Corporate Communications, Dir. of		
			Chief Building Official		
			Economic Development Officer		
PENDING AGENDAS: COW			Information Technology, Dir. of		
COUNCIL			Fire Chief		
JCC			Purchasing Manager		
			OTHER:		
Letter: File:			ORIGINAL REPORT IN DEPARTMENT BINDER	√	

**44. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 29 , 2012 – ITEM 20
COMMUNITY SERVICES REPORT – PLANNING AND BUILDING SERVICES 2012-50
INTENSIFICATION IN STABLE RESIDENTIAL AREAS**

Community Services Report – Planning and Building Services 2012-50 dated October 18, 2012 regarding Intensification in Stable Residential Areas.

**Moved by Councillor Sponga
Seconded by Regional Councillor Taylor**

THAT Community Services Report – Planning and Building Services 2012-50 dated October 18, 2012 regarding Intensification in Stable Residential Areas be received and the following recommendations be adopted:

- 1. THAT the proposed amendments to Comprehensive Zoning By-law 2010-40 be referred to a public meeting;**
- 2. AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.**

CARRIED



COMMUNITY SERVICES/PLANNING & BUILDING SERVICES
TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

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info@newmarket.ca
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October 18, 2012

COMMUNITY SERVICES/PLANNING & BUILDING SERVICES REPORT 2012-50

TO: Committee of the Whole

SUBJECT: Intensification in Stable Residential Areas

ORIGIN: Planning Department

RECOMMENDATIONS

THAT Community Services/Planning and Building Services Report 2012-50 dated October 18, 2012 regarding intensification in stable residential areas be received and the following recommendation(s) be adopted:

1. THAT the proposed amendments to comprehensive zoning By-Law 2010-40 be referred to a public meeting;
2. AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;

BACKGROUND

Council directed staff to review the compatibility of residential infill developments in established residential neighbourhoods. Planning report 2012-09 provided a number of options for council's consideration and recommended further review of the R1-C and R1-D single family zone standards as they relate to existing dwellings in long established neighbourhoods.

COMMENTS

ISSUE

As noted in Planning Report 2012-09, residential trends in Newmarket are shifting from suburban growth to urban intensification and redevelopment. It appears that developers are now searching out oversized lots or remnant vacant lots in older established residential communities with the intent to sever these lots into smaller ones through applications to the Committee of Adjustment, and building new dwellings.

Concerns have been raised regarding the compatibility of new homes or additions to existing homes that comply with the current zoning by-law regulations but are considered to be out of character with the built form of the established neighbourhoods in which they are located.

One of the fundamental objectives of planning and zoning is to ensure compatibility between properties and land uses. Compatibility is achieved by regulating land use and built form.

Residential dwellings have evolved substantially over the past half-century; homes today have greater lot coverage and floor area and are much higher. This disproportion is most evident with intensification developments in low-density residential areas where a new or remodelled home is situated next to one that is approximately 40 to 50 years old.

Data Review

For the purpose of this exercise, Geographic Information Systems was used to determine lot coverage and frontage for the existing R1-C and R1-D single family residential zoned. As expected, the review of relatively newly developed areas (1970's and later) has identified that the housing stock has been built generally to the maximum allowable in terms of lot coverage and there are few opportunities for land severances as the majority of the lot patterns and sizes are uniform. There may continue to be the odd parcel of land that could support redevelopment however zoning policies should be reflective of the norm not the unique situation. The lot coverage in these areas generally range from 30% to 35% for the R1-D and R1-C zones where in the lot coverage maximum is 35%.

Based on the above, the more detailed review of the R1-D and R1-C zones focused on the older part of Newmarket generally bounded by Yonge Street, Davis Drive, Leslie Street and Mulock drive with some exceptions. The detailed study area is identified on Attachment A.

The R1-C and R1-D zones within the Historic Downtown Urban Centre are not included as the designation permits a variety of housing types and more redevelopment may be expected.

Proposed Changes to the R1-D and R1-C Residential Zone Standards

The application of the current by-law for new detached or semi-detached dwellings work best in newer neighbourhoods where all the homes are of the same vintage and character and as such, excessive variations in building mass, height, and coverage would not likely occur. However, if a new dwelling that complies with By-law 2010-40 is situated in an older established neighbourhood, the perception for incompatibility of built form increases substantially resulting in a new home that could be considered contextually inappropriate in its neighbourhood.

As intensification and redevelopment of existing properties become more common, Zoning By-law 2010-40 could be updated to recognize the built form of neighborhoods and dwellings that have existed and evolved over several decades. Such amendments may improve the implementation of the intensification and design policies of the Town's Official Plan, which require new residential development to be compatible with its surrounding area in terms of scale, height, setbacks and coverage.

The principle behind establishing new standards is that the regulations would be reflective of the existing built form for an identified neighbourhood. The minimum lot area and frontage, maximum lot coverage and minimum building setbacks would be similar to the existing dwellings. Discussion on these provisions continues below:

Height

It should first be noted that bungalows and 2-storey dwellings are compatible from a planning perspective and can be found co-existing harmoniously in many neighbourhoods in Newmarket. One of the keys to their successful interface is to manage their respective heights properly.

It is a trend in new housing is to provide a high roofline that can skew the mass and height of a dwelling. In most circumstances the grade of land in existing neighbourhoods is fixed and as ceiling heights of storeys are relatively inflexible, the roofline is the only area to significantly reduce the overall height of a dwelling. The intention behind a proposed height reduction is to establish a proportional relationship with the heights of the dwellings on adjacent properties. This proportional relationship, which is common in older neighbourhoods, can improve the integration of new or remodelled homes in older established areas.

Planning Report 2012-09 identified an approach where the maximum proposed building height may not exceed the height of the highest points of the rooflines of existing residential buildings on immediately adjoining properties sharing lot lines with the lands subject to new development. This approach is not recommended as it could increase processing times and costs for the homeowner as adjacent house heights would need to be surveyed at the owners expense, and, as noted above, a two story house adjacent to a bungalow can be compatible if the heights are managed properly. Maximum heights based on adjacent property conditions would inappropriately restrict property owners building rights.

A standardized maximum building height is recommended for the above reasons as well as it give more certainty to property owners as to what can be constructed on a property. Currently in the R1-D and R1-C zones, the maximum height of a dwelling is 10.7 metres with a note indicating 2 storeys is also the maximum. Dwelling height is measured from the average grade around the dwelling to the mid-point between the peak and eaves of the roof. To ensure a maximum total height, it is recommended that for the special study area, the way in which height is measured be revised so that the measurement is from front grade to the highest point of the roof and that the height maximum in these areas be reduced to a total height of 10 metres.

As noted above general, the first and second floor plates are standard at 11 feet and 9 feet respectively. There is also typically a 3-4 foot rise from the grade to the first floor to accommodate a higher interior garage ceiling. This will allow for a roof height maximum from the top of the second floor plate to the peak of the roof of 8-9 feet whereas under the existing zoning permissions, the roof could be 19 feet from the top of the second floor plate to the peak. The proposed reductions represent a total reduced building

height for a 2 storey building of approximately 25%. This will also assist in keeping the first floor plate close to grade.

Lot coverage

Lot coverage represents the lot area divided by the total ground floor area of buildings on a lot and through its regulation, can assist in preventing overbuilding in low density residential areas. As noted above under the "data Review" section, R1-C and R1-D zoned areas outside of the detailed study area, typically with lot coverage at or near the maximum allowable, are not being recommended for decreased maximum coverage. The lots within the detailed study area typically have a lot coverage under 25% with some streets having an average coverage well below that.

It is recommended that The R1-C and R1-D zone standards be amended in the detailed study area to provide for a lower maximum coverage. It is recommended that coverage for a 2 storey building be 25% and coverage for a bungalow at 35%. This would also assist in encouraging one storey buildings in established neighbourhoods.

Taking an example from a typical large lot in the detailed study area, under the current provisions, a typical lot size of 21 metres (70 feet) by 40 metres (135 feet) could support a two storey dwelling with a ground floor plate (including garage) of approximately 303m² (3285 square feet). With the proposed lot coverage reduction, a maximum ground floor plate of 217m² (2345 square feet) would be permitted, approximately a 30% reduction in ground floor area.

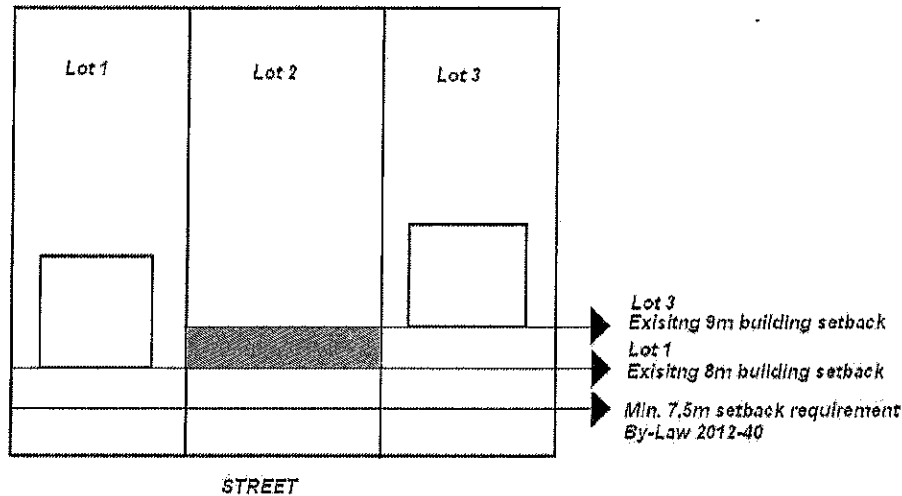
Setbacks

Setbacks are intended to be a function of building height in relation to a property line. In low-density residential neighbourhoods, the relationship between side yard setbacks and building height is important in establishing compatibility with adjacent properties. Generally, the established neighbourhoods in Newmarket are zoned R1-C and R1-D and have the following side yard setbacks:

- 1 Storey - 1.2 metres
- 1.5 storeys - 1.5
- 2 Storeys - 1.8 metres

An increase in these setbacks may reduce impressions of crowding of the streetscape and lessen the impacts on adjacent owners of newly developed properties. However, it is recommended that the existing side yard setbacks are appropriate and that the recommended changes to the building height and lot coverage, along with the front yard setback revisions identified below are sufficient to address overbuilding in the study area.

Front yard setbacks –The current front yard setback in the R1-C and R1-D zones is 7.5m. It is recommended that where a new dwelling is being erected on a lot that has existing dwellings on two sides, the front yard setback of the new dwelling will be required to be setback within the setbacks of the existing dwellings on either side (figure 2). This will ensure an appropriate streetscape.



A dwelling on Lot 2 would be required to be setback between 8 and 9 metres

Legal Non-Conforming Buildings

An outcome of the proposed changes to Zoning By-law 2010-40 is that there will be homes in the study area which comply with the current zoning by-law but will not conform to the recommended changes found in this report; essentially they will become legal non-conforming buildings. Legal non-conforming residential dwellings are often found in older neighbourhoods as they were built under a previous zoning by-law or at a time when a zoning-by-law did not exist.

An existing legal non-conforming building is permitted to continue indefinitely and is recognized by the Zoning By-law. However, an addition to an existing legal non-conforming dwelling must comply with the current Zoning By-law regulations or obtain approval for a minor variance.

It is impossible to capture every nuance and deviation from a zoning by-law with a proposed by-law amendment as described in this section of the report. Legal non-conforming uses, buildings, and structures are common and are the product of an evolving town.

Where a proposal could not meet the minimum requirements a minor variance would be required and the application would be subject to a public process, require Committee of Adjustment approval, and be reviewed on the merits of the specific situation.

CONCLUSIONS

In an effort to control over building in established residential neighbourhoods, changes to the R1-C and R1-D zone standards are proposed. It is appropriate to refer the proposed zoning changes to a statutory public meeting to get input from the public.

COMMUNITY CONSULTATION POLICY

A statutory public meeting will be required as part of the Planning Act requirements for any proposed changes to the zoning By-Law.

BUDGET IMPACT (CURRENT AND FUTURE)

There are no budget impacts as a result of the recommendations of this report.

CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

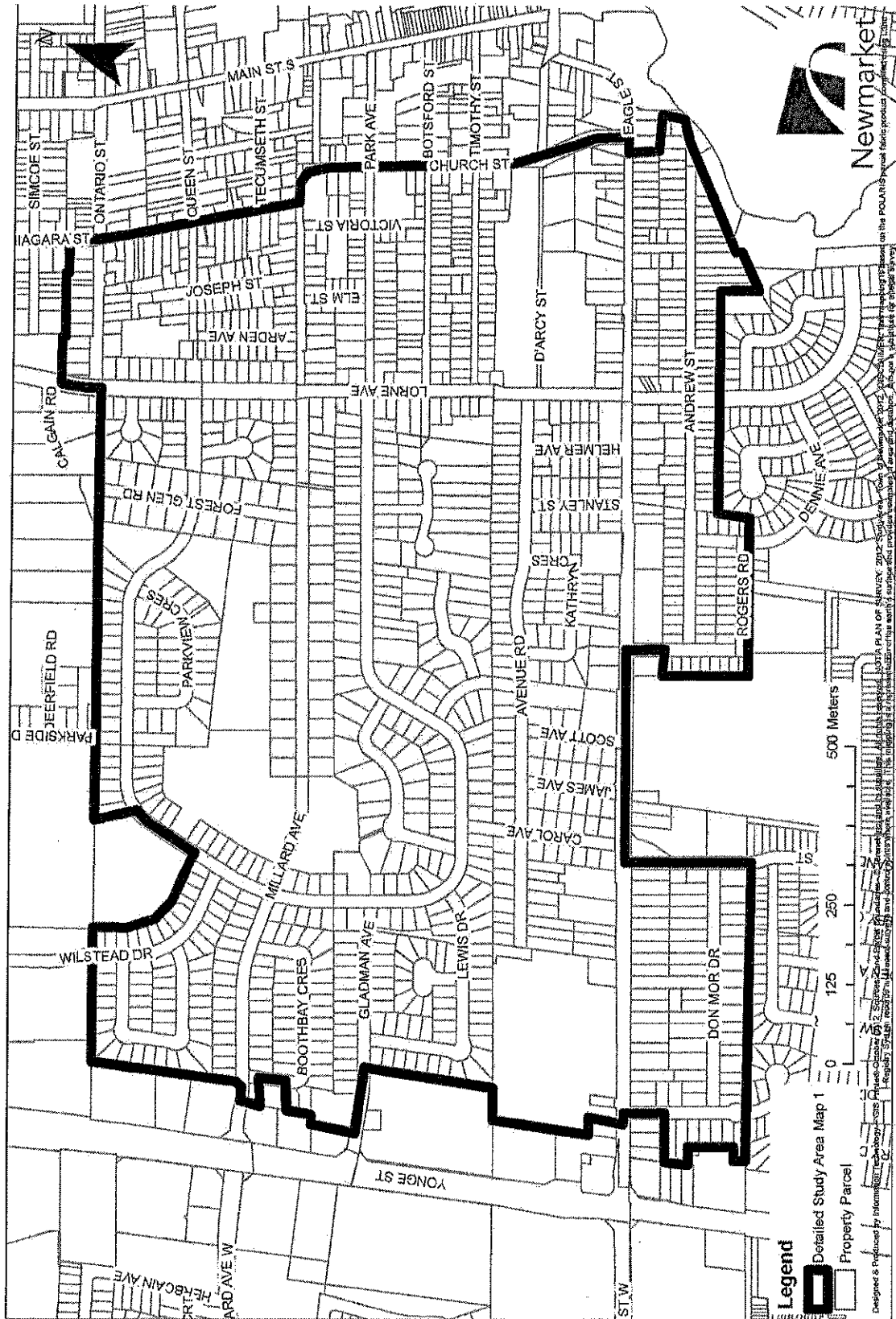
for  CAO
Commissioner, Community Services


Director of Planning & Building Services


Senior Planner - Community Planning

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ATTACHMENT 'A' DETAILED STUDY AREA MAP 1



ATTACHMENT 'A'
DETAILED STUDY AREA MAP 2

